

Sessional Papers

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 6 SEPTEMBER, 1898.

No. 1.

DENTISTS BILL:—

Short Title—Clause 1. This Act may be cited as the “Dentists Act.” (*Read.*)

Motion made (*Mr. O'Sullivan*),—That the Chairman leave the Chair, report progress, and ask leave to sit again To-morrow.

Question put.

Committee divided.

Ayes, 26.

Mr. Brunker,	Mr. Millard,
Mr. Thomas,	Mr. Ferris,
Dr. Graham,	Mr. Cruickshank,
Mr. Mackay,	Mr. Wood,
Mr. Young,	Mr. O'Connor,
Mr. Dacey,	Mr. Moore,
Mr. O'Sullivan,	Mr. Pyers,
Mr. Levien,	Mr. Dight.
Mr. Hawthorne,	<i>Tellers,</i>
Dr. Ross,	
Mr. Meagher,	Mr. Perry,
Mr. McLaughlin,	Mr. Spruson.
Mr. Cook,	
Mr. Haynes,	
Mr. Harris,	
Mr. Anderson,	

Noes, 29.

Mr. FitzGerald,	Mr. Nicholson,
Mr. Chanter,	Mr. James Thomson,
Mr. Suttor,	Mr. Wilks,
Mr. Lyne,	Mr. Macdonald,
Mr. Austin Chapman,	Mr. McLean,
Mr. J. C. L. Fitzpatrick,	Mr. Phillips,
Mr. Cohen,	Mr. Arthur Griffith,
Mr. Fegan,	Mr. Watson,
Mr. Lees,	Mr. Afleck,
Mr. McFarlane,	Mr. Brown,
Mr. Hurley,	Mr. Watkins.
Mr. Goodwin,	<i>Tellers,</i>
Mr. Carroll,	
Mr. Waddell,	Mr. Spence,
Mr. Edden,	Mr. Molesworth.
Mr. Cann,	

Negatived.

Clause, as read, agreed to.

And clauses 2 to 8 having been dealt with,—

On motion of Dr. Graham, the Chairman left the Chair to report progress and ask leave to sit again To-morrow.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 20 SEPTEMBER, 1898.

No. 1.

MIDWIFERY NURSES BILL:—

Clause 1. This Act may for all purposes be cited as the "Midwifery Nurses Act, 1898." (*Read.*) Short title.

Motion made (*Mr. Suttor*),—To add to the clause the words "and shall be limited in its operation to the county of Cumberland."

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

Committee divided.

Ayrs, 21.

Mr. Cook,	<i>Tellers,</i>
Mr. Wise,	
Mr. Lee,	Mr. Harris,
Dr. Graham,	Mr. Moore.
Mr. Reid,	
Mr. O'Connor,	
Mr. Parkes,	
Mr. Howarth,	
Mr. Lees,	
Mr. Austin Chapman,	
Mr. Thomas Clarke,	
Mr. Hurley,	
Mr. Suttor,	
Mr. Perry,	
Mr. Kidd,	
Mr. Meagher,	
Mr. Terry,	
Mr. McLaughlin,	
Mr. Watkins.	

Noes, 36.

Dr. Ross,	Mr. Cann,
Mr. Jessep,	Mr. Affleck,
Mr. Fegan,	Mr. Cotton,
Mr. Spruson,	Mr. Hughes,
Mr. Ferris,	Mr. Bennett,
Mr. McLean,	Mr. Mackay,
Mr. Dacey,	Mr. Ashton,
Mr. Sawers,	Mr. Archer,
Mr. Miller,	Mr. Nobbs,
Mr. Anderson,	Mr. Ross,
Mr. Watson,	Mr. Smith,
Mr. Wood,	Mr. Nicholson,
Mr. Henry Chapman,	Mr. Waddell,
Mr. Wilks,	Mr. Cohen,
Mr. Brunner,	Mr. Phillips.
Mr. McGowen,	<i>Tellers,</i>
Mr. Hawthorne,	Mr. O'Sullivan,
Mr. J. C. L. Fitzpatrick,	Mr. Garland.
Mr. Thomas,	

Addition of proposed words negatived.

Clause, as read, agreed to.

And clause 2 having been dealt with,—

No. 2.

SAME BILL.

Clause 3. (1) From and after the first day of January, one thousand eight hundred and ninety-^{Registration.}
~~six~~ **nine**, no woman shall be entitled to take or use the name or title of **licensed, certificated, or registered** midwifery nurse or midwife (either alone or in combination with any other word or words), or any name, title, or description implying that she is registered under this Act, or is specially qualified to act as a midwife, unless she is registered under this Act.

(2) If any person acts in contravention of this section, that person shall be liable, on summary conviction, to a fine not exceeding "five" pounds.

(3) Nothing in this section shall apply to legally qualified medical practitioners.

(*Read.*)

The clause having been amended as indicated,—

Motion made (*Mr. Willis*), to leave out from paragraph (2) the word "five" and insert the word "two" instead thereof.

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

Committee divided.

Ayes, 36.

Mr. Cook,	Mr. Nicholson,
Mr. Brunker,	Mr. Cotton,
Mr. Terry,	Mr. McGowen,
Dr. Graham,	Mr. J. C. L. Fitzpatrick,
Mr. Fegan,	Mr. Wilks,
Mr. Garland,	Mr. Caun,
Mr. Meagher,	Mr. Wood,
Mr. O'Connor,	Mr. Dacey,
Mr. Sawers,	Mr. Ross,
Mr. Cohen,	Mr. Hughes,
Sir Joseph Abbott,	Mr. Spence,
Mr. Anderson,	Mr. Smith,
Mr. Affleck,	Mr. Moore.
Mr. Jessep,	<i>Tellers,</i>
Mr. McLean,	
Mr. Rigg,	Mr. Nobbs,
Mr. Thomas,	Mr. Watson.
Mr. Arthur Griffith,	
Mr. Macdonald,	
Mr. David Davis,	
Mr. James Thomson,	

Noes, 19.

Mr. Suttor,
Dr. Ross,
Mr. Willis,
Mr. Spruson,
Mr. O'Sullivan,
Mr. Dight,
Mr. Austin Chapman,
Mr. Kidd,
Mr. McLaughlin,
Mr. Levien,
Mr. Waddell,
Mr. Carroll,
Mr. Hurley,
Mr. Byrne,
Mr. Pyers,
Mr. Reymond,
Mr. Barnes.
<i>Tellers,</i>
Mr. Hawthorne,
Mr. Perry.

Word stands.

Clause, as amended, agreed to.

And clause 4 having been dealt with,—

No. 8.

SAME BILL.

Provision to
existing
midwives.

Clause 5. Any woman who at the passing of this Act has been in actual practice in New South Wales as a midwife for a period of not less than one year, and

- (1) has obtained a certificate in midwifery from some hospital, dispensary, or obstetrical society approved of by the Board of Health of New South Wales, or
- (2) who can produce evidence from two legally qualified medical practitioners who has been in actual practice in New South Wales as a midwife for a period of not less than one year, and produces a certificate from one legally qualified medical "practitioner" approved of by the Board of Health registered in New South Wales that she is a person of good character and qualified to act as a midwife, shall be entered on the midwives' register at such a fee as the Board of Health may prescribe a fee of two shillings and sixpence. (*Read.*)

The clause having been amended as indicated,—

Motion made (*Dr. Graham*), after the word "practitioner" in sub-clause 2 to insert the following words "approved of by the Board of Health"

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

Committee divided.

Ayes, 49.

Mr. Cook,	Mr. Rigg,	Mr. Bennett,
Mr. Brunker,	Mr. Henry Clarke,	Mr. Cotton,
Dr. Graham,	Mr. Millard,	Mr. Fegan,
Mr. Dacey,	Mr. Meagher,	Mr. Reymond,
Mr. Garland,	Mr. Arthur Griffith,	Mr. Thomas,
Mr. Watson,	Mr. Haynes,	Mr. Smith,
Mr. Cohen,	Mr. Jessep,	Mr. James Thomson,
Mr. Suttor,	Mr. Lees,	Mr. Spence,
Mr. Spruson,	Mr. Thomas Clarke,	Mr. Hughes,
Mr. Moore,	Mr. Nobbs,	Mr. Willis,
Mr. Dight,	Mr. Harris,	Dr. Ross,
Mr. Hawthorne,	Mr. Nicholson,	Mr. Hurley,
Mr. Waddell,	Mr. David Davis,	Mr. Pyers.
Mr. Anderson,	Mr. Austin Chapman,	<i>Tellers,</i>
Mr. McLean,	Mr. Sawers,	
Mr. Affleck,	Mr. Perry,	Mr. Wood,
Mr. Hogue,	Mr. McLaughlin,	Mr. O'Connor.

Noes, 10.

Mr. W. W. Davis,
Mr. Watkins,
Mr. Caun,
Mr. O'Sullivan,
Mr. Terry,
Mr. Law,
Mr. Wilks,
Mr. Phillips.
<i>Tellers,</i>
Mr. Levien,
Mr. J. C. L. Fitzpatrick.

Words inserted.

And the clause having been further amended as indicated,—

Clause, as amended, agreed to.

And the remaining clauses of the Bill and two new clauses having been dealt with,—

On motion of Dr. Graham, the Chairman left the Chair to report the Bill with amendments to the House.

No. 4.

No. 4.

ATTACHMENT OF WAGES ABOLITION BILL.

Clause 1. No order for the attachment of wages or salary of any servant or employé whose wages or salary are at the rate of three pounds per week or under shall be made by any Court, Judge, or Magistrate; and where the wages or salary of any servant or employé are at a greater rate than "three pounds" per week, an order shall be made only for the attachment of amounts of the salary or wages in excess of that rate. **Provided that no debt contracted prior to the passing of this Act shall be affected by this section.** (*Read.*)

Wages or salary of £3 per week or under not to be attached.

Motion made (*Mr. Affleck*), to leave out from line 4 the words "three pounds" and insert the words "one pound" instead thereof.

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

Committee divided.

Ayes, 24.

Mr. Brunker,
Mr. Millard,
Mr. Watson,
Mr. Jessep,
Mr. McGowen,
Mr. Lee,
Mr. Ducey,
Mr. Ferguson,
Mr. Spence,

Mr. Cook,
Mr. Ashton,
Mr. McLaughlin,
Mr. Bennett,
Mr. Watkins,
Mr. Smith,
Mr. Edden,
Mr. James Thomson,
Mr. Thomas Brown,

Mr. Nicholson,
Mr. Cunn,
Mr. Cotton,
Mr. Stevenson.

Tellers,

Mr. Macdonald,
Mr. Anderson.

Noes, 3.

Mr. Wood.

Tellers,

Mr. Spruson,
Mr. Affleck.

Words stand.

And the clause having been amended as indicated,—

Clause, as amended, agreed to.

And the other clause of the Bill having been dealt with,—

On motion of Mr. Watson, the Chairman left the Chair to report the Bill with an amendment to the House.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 3.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 29 SEPTEMBER, 1898.

No. 1.

AUSTRALASIAN FEDERATION.

(Resolutions.)

Resolved.—That this House affirms,—

- (1.) Its desire that steps should be taken without delay in conjunction with the other Colonies to bring about the completion of federal union.
- (2.) Its desire that the other Colonies should agree to reconsider those provisions of the Bill most generally objected to in New South Wales, namely:—
 - (a) *Representation in the Senate*—concerning which this House desires to submit for the consideration of the other Colonies, that, if equal representation be insisted upon, the provision for a three-fifths majority at a joint sitting of both Houses should be removed, and that a simple majority should decide; or that the provision for a joint sitting be replaced by a provision for a National Referendum.
 - (b) *The 87th Clause, known as the Braddon Clause*—concerning which this House desires to submit for the consideration of the other Colonies, that this Clause should be removed from the Bill.
 - (c) *The Capital of the Commonwealth*—concerning which this House desires to submit for the consideration of the other Colonies, that Clause 124 should be amended, and provision made in the Bill for the establishment of the Federal Capital in such place within the boundaries of New South Wales as the Federal Parliament may determine.
 - (d) *The Boundaries of States*—concerning which this House desires to submit for the consideration of the other Colonies, that better provision should be made against the alteration of the boundaries of a State without its own consent—namely, by the protection afforded by clause 127, as to the representation of States.
 - (e) *Inland Rivers*—concerning which this House desires to submit for the consideration of the other Colonies, that the use of inland rivers for purposes of water conservation and irrigation should be more clearly safeguarded.
 - (f) *Money Bills*—concerning which this House desires to submit for the consideration of the other Colonies, that there should be a uniform practice in respect to such Bills, namely, that provided in the case of Taxation Bills and Bills for the ordinary annual services of the Commonwealth.
 - (g) *Judicial Appeals from States*—concerning which this House desires to submit for the consideration of the other Colonies, that the mode of appeal from the Supreme Courts of the States should be made uniform, namely, the appeal should either be to the Privy Council, or to the High Court, but not as at present, indiscriminately to either.

- (3.) Although prepared, for the sake of union—if it be placed in other respects upon a fair and just footing—to accept the financial system embodied in the Bill, with the one exception mentioned, this House earnestly invites further inquiry into, and a more thorough consideration of, the financial clauses, regarding as evils to be avoided, if possible, excessive burdens of taxation, a prolonged system of book-keeping, uncertainty as to the amount of the surplus to be divided, and uncertainty as to the method of distributing it among the States. (*Further considered.*)

The Committee having previously decided to consider the paragraphs *seriatim*,—

Motion made (*Mr. Reid*), that the Committee affirms,—

- (2.) Its desire that the other Colonies should agree to reconsider those provisions of the Bill framed by the Convention of 1897-98 most generally objected to in New South Wales, namely:—

(a) *Representation in the Senate*—

concerning which this House desires to submit for the consideration of the other Colonies, “that,” if equal representation be insisted upon, the provision for a three-fifths majority at a joint sitting of both Houses should be removed, and that a simple majority should “decide”; “or that the provision for a joint sitting be replaced by a provision for a National Referendum.”

Mr. Spruson moved, That paragraph (a) be amended by inserting after the word “that” the words “the proportional principle, modified by a provision for minimum representation, should be adopted.”

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

Committee divided.

Ayes, 11.		Noes, 61.	
Mr. Spruson,	Mr. Suttor,	Mr. Archibald Campbell,	Mr. Ferguson,
Mr. J. C. L. Fitzpatrick,	Mr. Carruthers,	Mr. Anderson,	Mr. Macdonald,
Mr. Holman,	Mr. Reid,	Mr. Garland,	Mr. David Davis,
Mr. Arthur Griffith,	Mr. Jessep,	Mr. Henry Chapman,	Mr. Hogue,
Mr. Fegan,	Mr. Dugald Thomson,	Mr. Cruickshank,	Mr. Harris,
Mr. James Thomson,	Mr. Mackay,	Mr. Molesworth,	Mr. Rigg,
Mr. McLaughlin,	Mr. Lyne,	Mr. Lees,	Mr. Barton,
Mr. Levien,	Mr. Gillies,	Mr. Thomas Brown,	Mr. Quinn,
Mr. Watkins.	Mr. Chanter,	Mr. Dick,	Mr. Sawers,
<i>Tellers,</i>	Mr. Hawthorne,	Mr. Archer,	Mr. Moore,
Mr. Nicholson,	Mr. Brunker,	Mr. Price,	Mr. Carroll,
Mr. Thomas.	Mr. Lee,	Mr. Watson,	Mr. Wood,
	Mr. Pyers,	Mr. Smith,	Mr. Ferris,
	Mr. O'Sullivan,	Mr. Sleath,	Mr. Ashton,
	Mr. Bennett,	Mr. Cook,	Mr. Millard.
	Mr. Hurley,	Mr. Barnes,	<i>Tellers,</i>
	Mr. Goodwin,	Mr. Phillips,	Mr. Nobbs,
	Mr. Ewing,	Mr. McLean,	Mr. Wilks.
	Mr. Dight,	Mr. Spence,	
	Mr. Byrne,	Mr. Cotton,	
	Mr. Morgan,	Mr. Whiddon,	
	Mr. Miller,	Mr. Law,	

Insertion of proposed words negatived.

No. 2.

SAME RESOLUTIONS.

Same paragraph.

Motion made (*Mr Watson*), after the word “decide” to insert the words “without first having recourse to a dissolution,” and Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 23.		Noes, 42.	
Mr. Ashton,	<i>Tellers,</i>	Mr. Wood,	Mr. Anderson,
Mr. Garland,	Mr. Ferguson,	Mr. Chanter,	Mr. Molesworth,
Mr. Fegan,	Mr. Macdonald.	Mr. Dugald Thomson,	Mr. Rigg,
Mr. James Thomson,		Mr. Barton,	Mr. Archer,
Mr. Smith,		Mr. McLean,	Mr. Lees,
Mr. Arthur Griffith,		Mr. Suttor,	Mr. Hawthorne,
Mr. Thomas,		Mr. Ferris,	Mr. Lee,
Mr. Holman,		Mr. Carroll,	Mr. Wilks,
Mr. Thomas Brown,		Mr. Quinn,	Mr. David Davis,
Mr. McLaughlin,		Mr. Brunker,	Mr. Cruickshank,
Mr. Nicholson,		Mr. Cook,	Mr. Carruthers,
Mr. Law,		Mr. Pyers,	Mr. Gillies,
Mr. Watkins,		Mr. Miller,	Mr. Whiddon,
Mr. Moore,		Mr. Goodwin,	Mr. Henry Chapman,
Mr. Spence,		Mr. Hurley,	Mr. Millard,
Mr. Cotton,		Mr. Dight,	Mr. Phillips,
Mr. Nobbs,		Mr. Byrne,	Mr. Hogue.
Mr. J. C. L. Fitzpatrick,		Mr. Mackay,	<i>Tellers,</i>
Mr. Sleath,		Mr. Morgan,	Mr. Price,
Mr. Watson,		Mr. Archibald Campbell,	Mr. Spruson.
Mr. Dick.		Mr. Sawers,	
		Mr. Reid,	
		Mr. Jessep,	

Insertion of proposed words negatived.

No. 3.

No. 3.

SAME RESOLUTIONS.

Same paragraph.

Motion made (*Mr. Barton*), to leave out the words "or that the provision for a joint sitting be replaced by a provision for a National Referendum."

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

Committee divided.

Ayes, 44.

Mr. Cook,	Mr. Holman,
Mr. Hogue,	Mr. Ferguson,
Mr. Brunker,	Mr. Carruthers,
Mr. Lee,	Mr. Rigg,
Mr. Reid,	Mr. Whiddon,
Mr. Thomas,	Mr. Henry Chapman,
Mr. Morgan,	Mr. McLaughlin,
Mr. Smith,	Mr. James Thomson,
Mr. Hawthorne,	Mr. Spence,
Mr. Archibald Campbell,	Mr. Phillips,
Mr. Cotton,	Mr. Archer,
Mr. Garland,	Mr. Arthur Griffith,
Mr. Anderson,	Mr. Macdonald,
Mr. Fegan,	Mr. Gillies,
Mr. Lees,	Mr. Wilks,
Mr. Molesworth,	Mr. Watson,
Mr. J. C. L. Fitzpatrick,	Mr. Sleath,
Mr. Moore,	Mr. Ashton,
Mr. Thomas Brown,	Mr. Millard.
Mr. Nicholson,	
Mr. Watkins,	<i>Tellers,</i>
Mr. Jessep,	Mr. Nobbs,
Mr. Law,	Mr. McLean.

Noes, 19.

Mr. Chanter,
Mr. Suttor,
Mr. Barton,
Mr. Spruson,
Mr. Price,
Mr. Ferris,
Mr. Carroll,
Mr. Pyers,
Mr. Miller,
Mr. Goodwin,
Mr. Mackay,
Mr. Dight,
Mr. Byrne,
Mr. Hurley,
Mr. David Davis,
Mr. Cruickshank,
Mr. Dugald Thomson.

Tellers,

Mr. Quinn,
Mr. Sawers.

*Words stand.**Resolution, as amended, agreed to.*

And paragraph (b) having been dealt with,—

On motion of Mr. Reid, the Chairman left the Chair to report progress and ask leave to sit again on Thursday next.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 12 OCTOBER, 1898.

No. 1.

AUSTRALASIAN FEDERATION.

(Resolutions.)

Resolved,—That this House affirms,—

- (1.) Its desire that steps should be taken without delay in conjunction with the other Colonies to bring about the completion of federal union.
- (2.) Its desire that the other Colonies should agree to reconsider those provisions of the Bill most generally objected to in New South Wales, namely:—
 - (a) *Representation in the Senate*—
concerning which this House desires to submit for the consideration of the other Colonies, that, if equal representation be insisted upon, the provision for a three-fifths majority at a joint sitting of both Houses should be removed, and that a simple majority should decide; or that the provision for a joint sitting be replaced by a provision for a National Referendum.
 - (b) *The 87th Clause, known as the Braddon Clause*—
concerning which this House desires to submit for the consideration of the other Colonies, that this Clause should be removed from the Bill.
 - (c) *The Capital of the Commonwealth*—
concerning which this House desires to submit for the consideration of the other Colonies, that Clause 124 should be amended, and provision made in the Bill for the establishment of the Federal Capital in such place within the boundaries of New South Wales as the Federal Parliament may determine.
 - (d) *The Boundaries of States*—
concerning which this House desires to submit for the consideration of the other Colonies, that better provision should be made against the alteration of the boundaries of a State without its own consent—namely, by the protection afforded by clause 127, as to the representation of States.
 - (e) *Inland Rivers*—
concerning which this House desires to submit for the consideration of the other Colonies, that the use of inland rivers for purposes of water conservation and irrigation should be more clearly safeguarded.
 - (f) *Money Bills*—
concerning which this House desires to submit for the consideration of the other Colonies, that there should be a uniform practice in respect to such Bills, namely, that provided in the case of Taxation Bills and Bills for the ordinary annual services of the Commonwealth.
 - (g) *Judicial Appeals from States*—
concerning which this House desires to submit for the consideration of the other Colonies, that the mode of appeal from the Supreme Courts of the States should be made uniform, namely, the appeal should either be to the Privy Council, or to the High Court, but not as at present, indiscriminately to either.
- (3.) Although prepared, for the sake of union—if it be placed in other respects upon a fair and just footing—to accept the financial system embodied in the Bill, with the one exception mentioned, this House earnestly invites further inquiry into, and a more thorough consideration of, the financial clauses, regarding as evils to be avoided, if possible, excessive burdens of taxation, a prolonged system of book-keeping, uncertainty as to the amount of the surplus to be divided, and uncertainty as to the method of distributing it among the States. (*Further considered.*)

The Committee having previously decided to consider the paragraphs *seriatim*,—

(c) *The Capital of the Commonwealth*—

concerning which this House desires to submit for the consideration of the other Colonies, that Clause 124 should be amended, and provision made in the Bill for the establishment of the Federal Capital "in" such place within the boundaries "of" New South "Wales" as the Federal Parliament may determine. (*Read.*)

Motion made (*Mr. Reid*), that the Committee agrees to paragraph (c) as read.

Mr. Hughes moved, That after the word "in" in line 4 the word "Sydney" be inserted.

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

Committee divided.

Ayes, 12.

Mr. Neild,
Mr. Dacey,
Mr. Holman,
Mr. Storey,
Mr. Hughes,
Mr. Meagher,
Mr. McGowan,
Mr. Law,
Mr. Henry Chapman,
Mr. Hawthorne.

Tellers,

Mr. Fegan,
Mr. Wilks.

Mr. Hassall,
Mr. Wright,
Mr. Piddington,
Mr. Brunker,
Mr. Rose,
Mr. Perry,
Mr. Levien,
Mr. Austin Chapman,
Mr. Quinn,
Mr. Price,
Mr. Dight,
Mr. McLean,
Mr. Jessop,
Mr. Henry Clarke,
Mr. Suttor,
Mr. Raymond,
Dr. Ross,
Mr. Hurley,
Mr. Nelson,
Mr. Carroll,
Mr. Pyers,
Mr. O'Connor,
Mr. Wood,
Mr. David Davis,
Mr. T. H. Griffith,
Mr. Byrne,
Mr. O'Sullivan,
Mr. Spruson,

Noes, 80.

Mr. Moore,
Mr. Smith,
Mr. Reid,
Mr. Molesworth,
Mr. Cruickshank,
Mr. Archibald Campbell,
Mr. Lee,
Mr. Nobbs,
Mr. Cotton,
Mr. Alexander Campbell,
Mr. Miller,
Mr. Wilson,
Mr. James Thomson,
Mr. Young,
Mr. Spence,
Mr. Ferguson,
Mr. Anderson,
Mr. Arthur Griffith,
Mr. Phillips,
Mr. Thomas Brown,
Mr. Hayes,
Mr. Harris,
Mr. Dugald Thomson,
Mr. Cann,
Mr. Millard,
Mr. Cohen,
Mr. Ashton,
Mr. Barton,

Mr. W.-W. Davis,
Mr. Cook,
Mr. Sawers,
Mr. Ferris,
Mr. Macdonald,
Mr. Edden,
Mr. Ewing,
Mr. Thomas Clarke,
Mr. Gormly,
Mr. Watkins,
Mr. Afleck,
Mr. Nicholson,
Mr. Kidd,
Mr. Lyne,
Mr. Archer,
Mr. Hogue,
Mr. Copeland,
Dr. Graham,
Mr. Dick,
Mr. McFarlane,
Mr. Watson,
Mr. Morgan.

Tellers,

Mr. J. C. L. Fitzpatrick,
Mr. Thomas.

Insertion of proposed word negatived.

And the Committee continuing to sit after Midnight,—

THURSDAY, 13 OCTOBER, 1898, A.M.

No. 2.

SAME RESOLUTIONS.

Same paragraph.

Motion made (*Mr. Neild*), to insert after the word "of" in the last line, the words "counties of Cumberland or Northumberland"

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

Committee divided.

Ayes, 15.

Mr. Neild,
Mr. Holman,
Mr. Storey,
Mr. Hughes,
Mr. Meagher,
Mr. McGowan,
Mr. Wilks,
Mr. Fegan,
Mr. Morgan,
Mr. Ferris,
Mr. Henry Chapman,
Mr. Nobbs,
Mr. Dacey.

Tellers,

Mr. Law,
Mr. O'Connor.

Mr. Henry Clarke,
Mr. Chanter,
Mr. Wright,
Mr. Brunker,
Mr. Rose,
Mr. Perry,
Mr. Levien,
Mr. Austin Chapman,
Mr. Quinn,
Mr. Price,
Mr. Dight,
Mr. McLean,
Mr. J. C. L. Fitzpatrick,
Mr. Suttor,
Mr. Raymond,
Dr. Ross,
Mr. Hurley,
Mr. Nelson,
Mr. Carroll,
Mr. Pyers,
Mr. Wood,
Mr. David Davis,
Mr. T. H. Griffith,
Mr. Byrne,
Mr. O'Sullivan,
Mr. Spruson,
Mr. Moore,

Noes, 78.

Mr. Smith,
Mr. Reid,
Mr. Molesworth,
Mr. Cruickshank,
Mr. Archibald Campbell,
Mr. Lee,
Mr. Copeland,
Mr. Cotton,
Mr. Lyne,
Mr. Alexander Campbell,
Mr. Miller,
Mr. Wilson,
Mr. James Thomson,
Mr. Young,
Mr. Spence,
Mr. Ferguson,
Mr. Anderson,
Mr. Arthur Griffith,
Mr. Phillips,
Mr. Thomas Brown,
Mr. Hayes,
Mr. Harris,
Mr. Dugald Thomson,
Mr. Cann,
Mr. Millard,
Mr. Cohen,
Mr. Ashton,

Mr. Barton,
Mr. W. W. Davis,
Mr. Sawers,
Mr. Kidd,
Mr. Cook,
Mr. Macdonald,
Mr. Edden,
Mr. Ewing,
Mr. Thomas Clarke,
Mr. Gormly,
Mr. Watkins,
Mr. Afleck,
Mr. Nicholson,
Mr. Jessop,
Dr. Graham,
Mr. Hawthorne,
Mr. McFarlane,
Mr. Dick,
Mr. Watson,
Mr. Thomas,
Mr. Hogue,
Mr. Archer.

Tellers,

Mr. Piddington,
Mr. Hassall.

Insertion of proposed words negatived.

No. 3.

No. 3.

SAME RESOLUTIONS.

Same paragraph.

Motion made (*Mr. Copeland*), to insert after the word "Wales" in the last line the words "or on the border of New South Wales and Victoria"

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

Committee divided.

Ayes, 7.

Mr. Copeland,
Mr. Lerien,
Mr. Miller,
Mr. Edden,
Mr. Ferris.

Tellers,

Mr. T. H. Griffith,
Mr. Fegan.

Mr. Lyne,
Mr. Kidd,
Mr. Barton,
Mr. Spruson,
Mr. Byrne,
Mr. Perry,
Mr. Quinn,
Mr. Austin Chapman,
Mr. Dacey,
Mr. Holman,
Mr. Dight,
Mr. Price,
Mr. J. C. L. Fitzpatrick,
Mr. Chanter,
Mr. Hassall,
Mr. Nelson,
Mr. O'Sullivan,
Dr. Ross,
Mr. Hurley,
Mr. Carroll,
Mr. Pyers,
Mr. Wood,
Mr. David Davis,
Mr. Meagher,
Mr. James Thomson,
Mr. Arthur Griffith,
Mr. Wright,

Noes, 77.

Mr. Brunker,
Mr. Watkins,
Mr. Reid,
Mr. Archibald Campbell,
Mr. Lee,
Mr. Cotton,
Mr. McGowen,
Mr. Anderson,
Mr. Thomas Brown,
Mr. Wilks,
Mr. Wilson,
Mr. Spence,
Mr. Smith,
Mr. Law,
Mr. Ferguson,
Mr. Young,
Mr. Hayes,
Mr. Phillips,
Mr. W. W. Davis,
Mr. Nicholson,
Mr. Hawthorne,
Mr. Afleck,
Mr. Molesworth,
Mr. Nobbs,
Mr. Millard,
Mr. Thomas Clarke,
Mr. Hughes,

Mr. Cann,
Mr. Henry Chapman,
Mr. Neild,
Mr. Archer,
Mr. Sawers,
Mr. Ashton,
Mr. Dick,
Mr. Rose,
Mr. Gormly,
Mr. Piddington,
Mr. Hogue,
Mr. Cruickshank,
Mr. O'Conor,
Mr. Suttor,
Mr. Ewing,
Mr. McLean,
Mr. Jessep,
Mr. Cook,
Mr. Watson,
Mr. Thomas,
Mr. Storey.

Tellers,

Mr. Moore,
Mr. Cohen.

Insertion of proposed words, negatived.

No. 4.

SAME RESOLUTIONS.

Same paragraph.

Question put,—That the Committee agrees to paragraph (c) as read.

Committee divided.

Ayes, 63.

Mr. Brunker,
Mr. Wright,
Mr. Lyne,
Mr. Young,
Mr. Barton,
Mr. Reid,
Mr. Lee,
Mr. Meagher,
Mr. Price,
Mr. Leven,
Mr. Storey,
Mr. Chanter,
Mr. Kidd,
Mr. Suttor,
Mr. Hawthorne,
Dr. Ross,
Mr. W. W. Davis,
Mr. Archibald Campbell,
Mr. Hayes,
Mr. O'Sullivan,
Mr. Spruson,
Mr. Cohen,
Mr. Hurley,

Mr. Quinn,
Mr. Wilks,
Mr. Dight,
Mr. Hassall,
Mr. David Davis,
Mr. Watkins,
Mr. Anderson,
Mr. McGowen,
Mr. Byrne,
Mr. Wilson,
Mr. Nobbs,
Mr. Nelson,
Mr. Wood,
Mr. Pyers,
Mr. Carroll,
Mr. Thomas Clarke,
Mr. O'Conor,
Mr. Cotton,
Mr. Rose,
Mr. Law,
Mr. Smith,
Mr. Nicholson,
Mr. Morgan,

Mr. Piddington,
Mr. Austin Chapman,
Mr. Millard,
Mr. Molesworth,
Mr. McLean,
Mr. Phillips,
Mr. Ferris,
Mr. Neild,
Mr. Cruickshank,
Mr. Gormly,
Mr. Jessep,
Mr. Edden,
Mr. Archer,
Mr. Hogue,
Mr. Cook.

Tellers,

Mr. Sawers,
Mr. Perry.

Noes, 21.

Mr. Copeland,
Mr. Dacey,
Mr. Holman,
Mr. Hughes,
Mr. Miller,
Mr. James Thomson,
Mr. Arthur Griffith,
Mr. Moore,
Mr. Thomas,
Mr. J. C. L. Fitzpatrick,
Mr. Fegan,
Mr. Cann,
Mr. Thomas Brown,
Mr. Spence,
Mr. Ferguson,
Mr. Watson,
Mr. Ashton,
Mr. Henry Chapman,
Mr. Ewing.

Tellers,

Mr. Afleck,
Mr. Dick.

Paragraph, as read, agreed to.

On motion of Mr. Reid, the Chairman left the Chair to report progress and ask leave to sit again To-morrow.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 19 OCTOBER, 1898.

No. 1.

AUSTRALASIAN FEDERATION.

Resolved,—That this House affirms,—

- (1.) Its desire that steps should be taken without delay in conjunction with the other Colonies to bring about the completion of federal union.
- (2.) Its desire that the other Colonies should agree to reconsider those provisions of the Bill most generally objected to in New South Wales, namely:—
 - (a) *Representation in the Senate*—concerning which this House desires to submit for the consideration of the other Colonies, that, if equal representation be insisted upon, the provision for a three-fifths majority at a joint sitting of both Houses should be removed, and that a simple majority should decide; or that the provision for a joint sitting be replaced by a provision for a National Referendum.
 - (b) *The 87th Clause, known as the Braddon Clause*—concerning which this House desires to submit for the consideration of the other Colonies, that this Clause should be removed from the Bill.
 - (c) *The Capital of the Commonwealth*—concerning which this House desires to submit for the consideration of the other Colonies, that Clause 124 should be amended, and provision made in the Bill for the establishment of the Federal Capital in such place within the boundaries of New South Wales as the Federal Parliament may determine.
 - (d) *The Boundaries of States*—concerning which this House desires to submit for the consideration of the other Colonies, that better provision should be made against the alteration of the boundaries of a State without its own consent—namely, by the protection afforded by clause 127, as to the representation of States.
 - (e) *Inland Rivers*—concerning which this House desires to submit for the consideration of the other Colonies, that the use of inland rivers for purposes of water conservation and irrigation should be more clearly safeguarded.
 - (f) *Money Bills*—concerning which this House desires to submit for the consideration of the other Colonies, that there should be a uniform practice in respect to such Bills, namely, that provided in the case of Taxation Bills and Bills for the ordinary annual services of the Commonwealth.
 - (g) *Judicial Appeals from States*—concerning which this House desires to submit for the consideration of the other Colonies, that the mode of appeal from the Supreme Courts of the States should be made uniform, namely, the appeal should either be to the Privy Council, or to the High Court, but not as at present, indiscriminately to either.
- (3.) Although prepared, for the sake of union—if it be placed in other respects upon a fair and just footing—to accept the financial system embodied in the Bill, with the one exception mentioned, this House earnestly invites further inquiry into, and a more thorough consideration of, the financial clauses, regarding as evils to be avoided, if possible, excessive burdens of taxation, a prolonged system of book-keeping, uncertainty as to the amount of the surplus to be divided, and uncertainty as to the method of distributing it among the States. (*Further considered.*)

The Committee having previously decided to consider the paragraphs *seriatim*,—

(e) *Inland Rivers*—

concerning which this House desires to submit for the consideration of the other Colonies, that the use of inland rivers for purposes of water conservation and irrigation should be more clearly safeguarded. (*Further considered.*)

Question put,—That the Committee agrees to paragraph (e) as read.

Committee divided.

Ayes, 58.

Mr. Brunker,	Dr. Graham,	Mr. Thomas Clarke,
Mr. Hogue,	Mr. Thomas Brown,	Mr. Harris,
Mr. Byrne,	Mr. Smith,	Mr. Watkins,
Mr. Carruthers,	Mr. Reid,	Mr. Holman,
Mr. Spruson,	Mr. Spence,	Mr. Willis,
Mr. J. C. L. Fitzpatrick,	Mr. O'Connor,	Mr. Lees,
Mr. Wilson,	Mr. McGowen,	Mr. Ferguson,
Mr. Meagher,	Mr. David Davis,	Mr. Cann,
Mr. Levien,	Mr. Raymond,	Mr. James Thomson,
Mr. Lyne,	Mr. Macdonald,	Mr. Ross,
Mr. Gillies,	Mr. Henry Chapman,	Mr. Millard,
Mr. Hawthorne,	Mr. Archer,	Mr. Arthur Griffith,
Mr. Mahony,	Mr. Hurley,	Mr. Thomas,
Mr. Molesworth,	Mr. Law,	Mr. Watson,
Mr. Cook,	Mr. Nicholson,	Mr. Neild,
Mr. Nobbs,	Mr. Hayes,	Mr. Archibald Campbell.
Mr. Anderson,	Mr. Bennett,	<i>Tellers,</i>
Mr. Dacey,	Mr. Fegan,	Mr. Phillips,
Mr. Alcock,	Mr. Edden,	Mr. Wilks.
Mr. E. M. Clark,	Mr. Terry,	

Noes, 15.

Mr. Barton,
Mr. Suttor,
Mr. Wise,
Dr. Ross,
Mr. Cohen,
Mr. W. W. Davis,
Mr. Sawers,
Mr. Copeland,
Mr. T. H. Griffith,
Mr. Pyers,
Mr. Ewing,
Mr. FitzGerald,
Mr. Cruickshank.
<i>Tellers,</i>
Mr. Barnes,
Mr. Carroll.

Paragraph, as read, agreed to.

On motion of Mr. Reid, the Chairman left the Chair to report progress and ask leave to sit again To-morrow.

THURSDAY, 20 OCTOBER, 1898.

No. 2.

SAME RESOLUTIONS.

Paragraph (f) having been agreed to.

(g) *Judicial Appeals from States*—

concerning which this House desires to submit for the consideration of the other Colonies, that the mode of appeal from the Supreme Courts of the States should "be" made uniform, namely, the appeal should either be to the Privy Council, or to the High Court, but not as at present, indiscriminately to either. (*Read.*)

Motion made (*Mr. Reid*), that the Committee agrees to the paragraph as read.

Mr. Rose moved,—That after the word "be" in line 4, there be inserted the words "left as it is at present in the various States."

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

Committee divided.

Ayes, 8.

Mr. Willis,
Mr. Meagher,
Mr. James Thomson,
Mr. Macdonald,
Mr. Rose,
Mr. Dugald Thomson.
<i>Tellers,</i>
Mr. Thomas,
Mr. Fegan.

Noes, 75.

Mr. Byrne,	Mr. Hughes,	Mr. Gillies,
Mr. Sawers,	Mr. Watkins,	Mr. Cann,
Mr. O'Sullivan,	Mr. Nobbs,	Mr. Moore,
Mr. Bartou,	Mr. Alcock,	Mr. Lyne,
Mr. Reid,	Mr. Holman,	Mr. See,
Mr. Suttor,	Mr. McGowen,	Mr. Perry,
Mr. Kidd,	Mr. Cohen,	Mr. E. M. Clark,
Mr. Anderson,	Mr. Morgan,	Mr. Ferguson,
Mr. Dight,	Mr. Harris,	Mr. O'Connor,
Mr. Brunker,	Mr. Howarth,	Mr. Henry Chapman,
Mr. Henry Clarke,	Mr. Parkes,	Mr. McFarlane,
Mr. Carroll,	Mr. Archer,	Mr. Mahony,
Mr. Wise,	Mr. Law,	Mr. Archibald Campbell,
Mr. Raymond,	Mr. Wilks,	Mr. Millard,
Mr. Hassall,	Mr. Donaldson,	Mr. Piddington,
Mr. Pyers,	Mr. Storey,	Mr. Terry,
Mr. Hurley,	Mr. Barnes,	Mr. Hogue,
Mr. T. H. Griffith,	Mr. Spence,	Mr. Wilson,
Mr. Hayes,	Mr. Nicholson,	Mr. Cook,
Mr. Lee,	Mr. Bennett,	Mr. Neild,
Mr. Spruson,	Mr. Thomas Brown,	Mr. Hawthorne.
Mr. W. W. Davis,	Mr. Ross,	<i>Tellers,</i>
Mr. Lees,	Mr. Cotton,	Mr. Wood,
Mr. Edden,	Mr. Thomas Clarke,	Mr. Ashton.
Mr. J. C. L. Fitzpatrick,	Mr. Wright,	
Mr. Watson,	Mr. David Davis,	

Insertion of proposed words negatived.

Paragraph (g) as read, agreed to.

On motion of Mr. Reid, Mr. Dick, Temporary Chairman, left the Chair to report progress and ask leave to sit again on Wednesday next.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 6.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 1 NOVEMBER, 1898.

No. 1.

DENTISTS BILL.

Clause 9. The Board may refuse to register as a dentist or may remove from the register any person who has been convicted either in Her Majesty's dominions or elsewhere of an offence which if committed in this Colony would amount to a felony or misdemeanour, or has been guilty of any infamous or disgraceful conduct in his professional capacity, but the Board shall cause inquiry to be made into the case of any person applying to be registered, or who is alleged to be liable to have his name removed under this section, and on proof of such conviction or of such infamous or disgraceful conduct may refuse to register, or direct the Registrar to remove the name of such person from the register.

Refusal to placenames on and removal from register.

- (a) has been convicted of any felony or misdemeanour, or of any offence which if committed within this Colony would be a felony or misdemeanour, or
(b) has been guilty of infamous conduct in any professional respect:

Provided that in the case of charge of infamous conduct as aforesaid the Board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence, either in person or by counsel, and shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing:

Provided farther that any such person shall not be refused registration nor have his name removed from the register on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person for practising dentistry, nor until he has been called on to explain any objection raised against him. (Read.)

Motion made (Mr. Cohen) to leave out all the words from the word "has," in line 2, to the word "register," in line 8, both inclusive, and insert the words—

- "(a) has been convicted of any felony or misdemeanour, or of any offence which if committed within this Colony would be a felony or misdemeanour, or
"(b) has been guilty of infamous conduct in any professional respect:

"Provided that in the case of charge of infamous conduct as aforesaid the Board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence, either in person or by counsel, and shall have the right of appeal to the Supreme Court and such appeal shall be in the nature of a rehearing"—instead thereof.

And the words having been left out,—

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

Committee divided.

Ayes, 48.			Noes, 13.
Mr. Cook,	Mr. Nobbs,	Mr. Goodwin,	Mr. Hassall,
Mr. Lee,	Mr. Molesworth,	Mr. Hayes,	Mr. Waddell,
Mr. Young,	Mr. Macdonald,	Mr. Dugald Thomson,	Mr. Fegan,
Mr. Hogue,	Mr. O'Connor,	Mr. Nicholson,	Mr. Edden,
Mr. Cohen,	Mr. Sawers,	Mr. Henry Chapman,	Mr. Watkins,
Mr. Bruncker,	Mr. Haynes,	Mr. Terry,	Mr. Moore,
Dr. Graham,	Mr. Law,	Mr. Millard,	Mr. Cotton,
Mr. Dight,	Mr. Perry,	Mr. Pyers,	Mr. Dick,
Mr. Richards,	Mr. Wilks,	Mr. Neild,	Mr. Hughes,
Mr. Hawthorne,	Mr. Copeland,	Mr. Hurley,	Mr. Sleath,
Mr. Rose,	Mr. Kidd,	Mr. Lyne,	Mr. McGowen.
Dr. Ross,	Mr. Raymond,	Mr. Morgan,	
Mr. McLean,	Mr. Lees,		<i>Tellers,</i>
Mr. Anderson,	Mr. Rigg,		Mr. Dacey,
Mr. Mahony,	Mr. Henry Clarke,	Mr. Meagher,	Mr. Watson.
Mr. Affleck,	Mr. Alexander Campbell,	Mr. Spruson,	
Mr. Jessep,	Mr. Archer,		

Words inserted.

And the clause having been further amended as indicated,—

No. 2.

SAME BILL.

Same clause.

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

Committee divided.

Ayes, 50.			Noes, 10.
Dr. Ross,	Mr. Cook,	Mr. Hurley,	Mr. Sleath,
Mr. Young,	Mr. Richards,	Mr. Dugald Thomson,	Mr. Dacey,
Mr. Morgan,	Mr. McFarlane,	Mr. Waddell,	Mr. Moore,
Dr. Graham,	Mr. Smith,	Mr. Miller,	Mr. Dick,
Mr. Meagher,	Mr. Haynes,	Mr. Rigg,	Mr. Watson,
Mr. Spruson,	Mr. Perry,	Mr. Pyers,	Mr. Edden,
Mr. Hughes,	Mr. Storey,	Mr. Raymond,	Mr. Fegan,
Mr. Cohen,	Mr. Copeland,	Mr. Lyne,	Mr. McGowen.
Mr. Dight,	Mr. Kidd,	Mr. O'Connor,	
Mr. Bruncker,	Mr. Neild,	Mr. Hogue,	<i>Tellers,</i>
Mr. Sawers,	Mr. Macdonald,	Mr. Jessep,	Mr. Cotton,
Mr. Hawthorne,	Mr. Molesworth,	Mr. Hassall,	Mr. Watkins.
Mr. Lee,	Mr. Nobbs,		
Mr. Anderson,	Mr. Archer,	<i>Tellers,</i>	
Mr. Rose,	Mr. McLean,	Mr. Law,	
Mr. Affleck,	Mr. Lees,	Mr. Wilks.	
Mr. Henry Clarke,	Mr. Millard,		
Mr. Alexander Campbell,	Mr. Goodwin,		

Clause, as amended, agreed to.

Clause 10 having been dealt with, and clause 11 partly considered,—

On motion of Dr. Graham the Temporary Chairman, Mr. Cann, left the Chair to report progress and ask leave to sit again To-morrow.

THURSDAY, 3 NOVEMBER, 1898.

No. 3.

AUSTRALASIAN FEDERATION.

(Resolutions).

Resolved,—That this House affirms,—

(1.) Its desire that steps should be taken without delay in conjunction with the other Colonies to bring about the completion of federal union.

(2.) Its desire that the other Colonies should agree to reconsider those provisions of the Bill framed by the Convention of 1897-98 most generally objected to in New South Wales, namely:—

(a) *Representation in the Senate—*

concerning which this House desires to submit for the consideration of the other Colonies, that, if equal representation be insisted upon, the provision for a three-fifths majority at a joint sitting of both Houses should be removed, and that a simple majority should decide; or that the provision for a joint sitting be replaced by a provision for a National Referendum.

(b) *The 87th Clause, known as the Braddon Clause—*

concerning which this House desires to submit for the consideration of the other Colonies, that this clause should be removed from the Bill. (c)

(c) The Capital of the Commonwealth—

concerning which this House desires to submit for the consideration of the other Colonies, that clause 124 should be amended, and provision made in the Bill for the establishment of the Federal Capital in such place within the boundaries of New South Wales as the Federal Parliament may determine.

(d) The Boundaries of States—

concerning which this House desires to submit for the consideration of the other Colonies, that better provision should be made against the alteration of the boundaries of a State without its own consent—namely, by the protection afforded by clause 127, as to the representation of States.

(e) Inland Rivers—

concerning which this House desires to submit for the consideration of the other Colonies, that the use of inland rivers for purposes of water conservation and irrigation should be more clearly safeguarded.

(f) Money Bills—

concerning which this House desires to submit for the consideration of the other Colonies, that there should be a uniform practice in respect to such Bills, namely, that provided in the case of Taxation Bills and Bills for the ordinary annual services of the Commonwealth.

(g) Judicial Appeals from States—

concerning which this House desires to submit for the consideration of the other Colonies, that the mode of appeal from the Supreme Courts of the States should be made uniform, namely, the appeal should either be to the Privy Council, or to the High Court, but not as at present, indiscriminately to either.

(h) The Alteration of the Constitution—

concerning which this House desires to submit for the consideration of the other Colonies, that clause 127 should be altered to provide:

- (1) That any proposed alteration of the Constitution, approved by both Houses and a National Referendum, should be submitted to the Governor-General for the Queen's assent.
- (2) That, where a proposed alteration has been affirmed in two succeeding sessions by an absolute majority in one House, but rejected by the other, such proposed alteration should be submitted to the National Referendum.
- (3) Provided that, respecting proposed alterations transferring to the Commonwealth any of the powers retained by the several States at the date of their acceptance of the Constitution, such alteration should not take effect in any State unless approved by a majority of electors in such State voting.

(i) Number of Senators—

concerning which this House desires to submit for the consideration of the other Colonies, that the number of Senators for each State should be increased from six to not less than eight. Twenty Senators, including the President or Chairman of Committees, to constitute a quorum.

- (3.) Although prepared, for the sake of union—if it be placed in other respects upon a fair and just footing—to accept the financial system embodied in the Bill, with the one exception mentioned, this House earnestly invites further inquiry into, and a more thorough consideration of, the financial clauses, regarding as evils to be avoided, if possible, excessive burdens of taxation, a prolonged system of book-keeping, uncertainty as to the amount of the surplus to be divided, and uncertainty as to the method of distributing it among the States. (*Further considered.*)

Question again proposed, on motion of Mr. McGowen,—That the following words be inserted after paragraph (g), to stand paragraph (h) of the Resolutions:—

(h) The Alteration of the Constitution—

concerning which this House desires to submit for the consideration of the other Colonies, that clause 127 should be altered to provide:

- (1) That any proposed alteration of the Constitution, approved by both Houses and a National Referendum, should be submitted to the Governor-General for the Queen's assent.
- (2) That, where a proposed alteration has been affirmed in two succeeding sessions by an absolute majority in one House, but rejected by the other, such proposed alteration should be submitted to the National Referendum.

- (3) Provided that, respecting proposed alterations transferring to the Commonwealth any of the powers retained by the several States at the date of their acceptance of the Constitution, such alteration should not take effect in any State unless approved by a majority of electors in such State voting.

And Mr. Lyne requiring that the paragraphs of the amendment be put *seriatim*.

The prefatory paragraph put and agreed to,—

Question put,—That the Committee agree to paragraph (1) of the amendment.

Committee divided.

Ayes, 58.

Mr. Brunker,	Mr. Thomas,	Mr. Dick,
Mr. Carruthers,	Mr. Parkes,	Mr. Levien,
Mr. Young,	Mr. Phillips,	Mr. Edden,
Mr. Dacey,	Mr. Spence,	Mr. Archer,
Mr. Smith,	Mr. Howarth,	Mr. Morgan,
Mr. Affleck,	Dr. Ross,	Mr. Henry Chapman,
Mr. Wilks,	Mr. James Thomson,	Mr. Carroll,
Mr. Hughes,	Mr. Nicholson,	Mr. Austin Chapman.
Mr. Meagher,	Mr. Law,	<i>Tellers,</i>
Mr. Jessep,	Mr. Nobbs,	Mr. Newman,
Mr. Neild,	Mr. Perry,	Mr. McGowen.
Mr. Anderson,	Mr. Cotton,	
Mr. Cook,	Mr. Goodwin,	
Mr. Hurley,	Mr. Garland,	
Mr. Arthur Griffith,	Mr. E. M. Clark,	
Mr. Holman,	Mr. Millard,	
Mr. J. C. L. Fitzpatrick,	Mr. Moore,	
Mr. Sleath,	Mr. Molesworth,	
Mr. Lyne,	Mr. Wilson,	
Mr. Storey,	Mr. Barnes,	
Mr. Haynes,	Mr. O'Sullivan,	
Mr. Macdonald,	Mr. Ashton,	
Mr. Watson,	Mr. Egan,	
Mr. Thomas Brown,	Mr. Cann,	

Noes, 22.

Mr. Spruson,
Mr. Quinn,
Mr. See,
Mr. Lee,
Mr. Copeland,
Mr. Wright,
Mr. Hogue,
Mr. Waddell,
Mr. Reid,
Mr. Henry Clarke,
Mr. Pyers,
Mr. Nelson,
Mr. David Davis,
Mr. Piddington,
Mr. McLean,
Mr. Dugald Thomson,
Mr. Mahony,
Mr. Hayes,
Mr. O'Conor,
Mr. Terry.
<i>Tellers,</i>
Mr. Sawers,
Mr. Cohen.

Paragraph of amendment agreed to.

No. 4.

SAME RESOLUTIONS.

Same amendment.

Question put,—That the Committee agree to paragraph (2) of the amendment.

Committee divided.

Ayes, 53.

Mr. Brunker,	Mr. Law,
Mr. Carruthers,	Mr. Nobbs,
Mr. Dacey,	Mr. Perry,
Mr. Smith,	Mr. Cotton,
Mr. Affleck,	Mr. Goodwin,
Mr. Meagher,	Mr. Garland,
Mr. Neild,	Mr. E. M. Clark,
Mr. Anderson,	Mr. Ashton,
Mr. Cook,	Mr. O'Sullivan,
Mr. Hurley,	Mr. Morgan,
Mr. Arthur Griffith,	Mr. Molesworth,
Mr. Holman,	Mr. Moore,
Mr. J. C. L. Fitzpatrick,	Mr. Millard,
Mr. McGowen,	Mr. Egan,
Mr. Sleath,	Mr. Cann,
Mr. Lee,	Mr. Dick,
Mr. Haynes,	Mr. Levien,
Mr. Macdonald,	Mr. Edden,
Mr. Watson,	Mr. Archer,
Mr. Thomas Brown,	Mr. Henry Chapman,
Mr. Thomas,	Mr. Carroll,
Mr. Parkes,	Mr. Austin Chapman.
Mr. Newman,	<i>Tellers,</i>
Mr. Phillips,	Mr. Hughes,
Mr. Howarth,	Mr. Wilks.
Mr. Spence,	
Mr. Ross,	
Mr. James Thomson,	
Mr. Nicholson,	

Noes, 27.

Mr. Lyne,
Mr. Spruson,
Mr. Quinn,
Mr. See,
Mr. Copeland,
Mr. Wright,
Mr. Hogue,
Mr. Cohen,
Mr. David Davis,
Mr. Barnes,
Mr. Pyers,
Mr. Henry Clarke,
Mr. Waddell,
Mr. Nelson,
Mr. Reid,
Mr. Sawers,
Mr. Wilson,
Mr. Storey,
Mr. Jessep,
Mr. Young,
Mr. Mahony,
Mr. Dugald Thomson,
Mr. McLean,
Mr. Piddington,
Mr. Terry.
<i>Tellers,</i>
Mr. O'Conor,
Mr. Hayes.

Paragraph of amendment agreed to.

No. 5.

SAME RESOLUTIONS.

Same amendment.

Paragraph (3) having been amended as indicated,—

Question put,—That the Committee agree to paragraph (3) of the amendment.

Committee

Committee divided.

	Ayes, 63.		Noes, 12.
Mr. Reid,	Mr. Haynes,	Mr. Dugald Thomson,	Mr. Lyne,
Mr. Brunker,	Mr. Archer,	Mr. Millard,	Mr. Spruson,
Mr. Hogue,	Mr. Sleath,	Mr. Moore,	Mr. Quinn,
Mr. Carruthers,	Mr. Jessep,	Mr. Edden,	Mr. Cohen,
Mr. Dacey,	Mr. Lee,	Mr. Mahony,	Mr. Hayes,
Mr. Austin Chapman,	Mr. Wright,	Mr. Barnes,	Mr. Terry,
Mr. Smith,	Mr. Cann,	Mr. O'Sullivan,	Mr. Carroll,
Mr. Affleck,	Mr. Storey,	Mr. Perry,	Mr. Pyers,
Mr. Wilks,	Mr. Watson,	Mr. Henry Chapman,	Mr. Waddell,
Mr. Hughes,	Mr. Newman,	Mr. E. M. Clark,	Mr. Nelson.
Mr. Meagher,	Mr. J. C. L. Fitzpatrick,	Mr. Howarth,	<i>Tellers,</i>
Mr. Morgan,	Mr. Phillips,	Mr. Wilson,	Mr. Piddington,
Mr. Neild,	Mr. James Thomson,	Mr. Sawers,	Mr. David Davis.
Mr. Garland,	Mr. Copeland,	Mr. Dick,	
Mr. Anderson,	Mr. Spence,	Mr. Ashton,	
Mr. Cook,	Mr. Ross,	Mr. Young,	
Mr. Hurley,	Mr. Nicholson,	Mr. Molesworth.	
Mr. Arthur Griffith,	Mr. Law,	<i>Tellers,</i>	
Mr. McGowen,	Mr. Nobbs,	Mr. Thomas,	
Mr. Holman,	Mr. Cotton,	Mr. Thomas Brown.	
Mr. Fegan,	Mr. Goodwin,		
Mr. Macdonald,	Mr. McLean,		

Paragraph of amendment agreed to.

And the resolutions having been further amended by the insertion of paragraph (2),—

Resolution (3) agreed to.

On motion of Mr. Reid the Temporary Chairman, Mr. Lees, left the Chair to report that the Committee had come to certain resolutions.

RICHD. A. ARNOLD,
Clerk Assistant.

1893.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 7.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 24 NOVEMBER, 1898.

No. 1.

WAYS AND MEANS.

(Resolution—Duty on Tea, Rice, and Dried Fruits.)

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

- (3.) *Resolved*,—That towards raising the Supply to be granted to Her Majesty there shall be levied and collected, from and after the third day of November, 1898, upon all goods enumerated hereunder, on their importation, and upon all such goods in bond, the duties of customs specified against each respectively:—

		s.	d.
Tea	per lb.	0	3 1
Rice	per ton	60	0
Fruits—dried, candied, and prunes (exclusive of dates), in lieu of the duty of one penny per pound, now chargeable	per lb.	0	2

(Further considered.)

Mr. McGowen moved,—That the Resolution be amended by leaving out from line 5 the figure "3" with a view to insert the figure "1" instead thereof.

Question put,—That the figure proposed to be left out stand part of the Resolution.
Committee divided.

Ayes, 5.

Dr. Ross,
Mr. Ferris,
Mr. Dugald Thomson.

Tellers,

Mr. Crick,
Mr. Spruson.

Noes, 85.

Mr. FitzGerald,	Mr. Lees,	Mr. Slenth,
Mr. Price,	Mr. Howarth,	Mr. Haynes,
Mr. Miller,	Mr. Macdonald,	Mr. Watson,
Mr. Perry,	Mr. Cotton,	Mr. Rose,
Mr. Wright,	Mr. Ewing,	Mr. Chanter,
Mr. Lyne,	Mr. Mahony,	Mr. Cruickshank,
Mr. See,	Mr. Nobbs,	Dr. Graham,
Mr. Hurley,	Mr. Lee,	Mr. Cook,
Mr. Copeland,	Mr. Fegan,	Mr. Nicholson,
Mr. Suttor,	Mr. McLean,	Mr. Archer,
Mr. Austin Chapman,	Mr. Rigg,	Mr. Morgan,
Mr. O'Sullivan,	Mr. Sawers,	Mr. Moore,
Mr. Anderson,	Mr. Quinn,	Mr. Ross,
Mr. Carroll,	Mr. Jessep,	Mr. Affleck,
Mr. Alexander Campbell,	Mr. Brunker,	Mr. Edden,
Mr. Kidd,	Mr. Archibald Campbell,	Mr. Willis,
Mr. Nelson,	Mr. Smith,	Mr. Terry,
Mr. Barnes,	Mr. Holman,	Mr. David Davis,
Mr. Molesworth,	Mr. Cann,	Mr. Wood,
Mr. Hughes,	Mr. Thomas,	Mr. Mackay,
Mr. Young,	Mr. J. C. L. Fitzpatrick,	Mr. Thomas Fitzpatrick,
Mr. Pyers,	Mr. Arthur Griffith,	Mr. Piddington,
Mr. Reid,	Mr. Spence,	Mr. O'Connor,
Mr. Hogue,	Mr. Stevenson,	Mr. Bennett,
Mr. Hawthorne,	Mr. Millard,	Mr. Gillies.
Mr. Wilks,	Mr. Whiddon,	Tellers,
Mr. James Thomson,	Mr. Thomas Brown,	Mr. Law.
Mr. McGowen,	Mr. Garland,	Mr. Watkins.
Mr. Meagher,	Mr. Phillips,	

Figure left out.

199—A

No. 2.

No. 2.

SAME COMMITTEE.

Same Resolution.

Question put,—That the figure “1” proposed to be inserted be so inserted.

Committee divided.

Ayes, 52.

Mr. Brunker,	Mr. Haynes,
Mr. Cook,	Mr. Garland,
Mr. Ducey,	Mr. McLean,
Mr. Lee,	Mr. Howarth,
Mr. Reid,	Mr. Ferguson,
Mr. Young,	Dr. Graham,
Mr. Anderson,	Mr. Macdonald,
Mr. Hogue,	Mr. Rigg,
Mr. Hawthorne,	Mr. Thomas Brown,
Dr. Ross,	Mr. Ewing,
Mr. Archibald Campbell,	Mr. Cotton,
Mr. Thomas,	Mr. Spence.
Mr. Mahony,	Mr. Millard,
Mr. Lees,	Mr. Fegan,
Mr. Molesworth,	Mr. Whiddon,
Mr. James Thomson,	Mr. Phillips,
Mr. McGowen,	Mr. J. C. L. Fitzpatrick,
Mr. Watkins,	Mr. Stevenson,
Mr. Arthur Griffith,	Mr. Edden,
Mr. Law,	Mr. Ross,
Mr. Cam,	Mr. Archer,
Mr. Holman,	Mr. Terry.
Mr. Smith,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Meagher,
Mr. Jessep,	Mr. Wilks.
Mr. Watson,	
Mr. Sleath,	
Mr. Hughes,	

Noes, 40.

Mr. FitzGerald,	Mr. Bennett,
Mr. Price,	Mr. Nicholson,
Mr. Miller,	Mr. David Davis,
Mr. Perry,	Mr. Afleck,
Mr. Wright,	Mr. Morgan,
Mr. Lyne,	Mr. O'Connor,
Mr. See,	Mr. Piddington,
Mr. Hurley,	Mr. Thomas Fitzpatrick,
Mr. Copeland,	Mr. Mackay,
Mr. Suttor,	Mr. Wood.
Mr. O'Sullivan,	<i>Tellers,</i>
Mr. Kidd,	Mr. Austin Chapman,
Mr. Carroll,	Mr. Rose.
Mr. Pyers,	
Mr. Nelson,	
Mr. Barnes,	
Mr. Spruson,	
Mr. Ferris,	
Mr. Chanter,	
Mr. Quinn,	
Mr. Sawers,	
Mr. Crick,	
Mr. Willis,	
Mr. Alexander Campbell,	
Mr. Gillies,	
Mr. Dugald Thomson,	
Mr. Moore,	
Mr. Cruickshank,	

Figure inserted.

And the Committee continuing to sit after Midnight,—

FRIDAY, 25 NOVEMBER, 1898, A.M.

No. 3.

SAME COMMITTEE.

Same Resolution.

Mr. McGowen moved,—That the Resolution be further amended by leaving out line 6, viz., “Rice—per ton, 60s. Od.”

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

Committee divided.

Ayes, 23.

Mr. Brunker,
Mr. Cook,
Mr. Lee,
Mr. Reid,
Mr. Young,
Mr. Hogue,
Dr. Graham,
Mr. Hawthorne,
Mr. Archibald Campbell,
Mr. Mahony,
Mr. Lees,
Mr. Molesworth,
Mr. Meagher,
Mr. Garland,
Mr. Rigg,
Mr. Ewing,
Mr. Cotton,
Mr. Millard,
Mr. Phillips,
Mr. Terry,
Mr. Archer.
<i>Tellers,</i>
Mr. Willis,
Mr. McLean.

Noes, 69.

Mr. FitzGerald,	Mr. David Davis,	Mr. Moore,
Mr. Miller,	Mr. Thomas Fitzpatrick,	Mr. Watson,
Mr. Wright,	Mr. Wilks,	Mr. Smith,
Mr. Lyne,	Mr. Spence,	Mr. Dugald Thomson,
Mr. See,	Mr. Howarth,	Mr. Ross,
Mr. Hurley,	Mr. Law,	Mr. Whiddon,
Mr. Copeland,	Mr. Ferguson,	Mr. James Thomson,
Mr. Suttor,	Mr. Holman,	Mr. Jessep,
Dr. Ross,	Mr. Nobbs,	Mr. Thomas,
Mr. Austin Chapman,	Mr. Macdonald,	Mr. Price,
Mr. O'Sullivan,	Mr. Hughes,	Mr. Morgan,
Mr. Kidd,	Mr. Fegan,	Mr. Bennett,
Mr. Carroll,	Mr. Chanter,	Mr. Stevenson,
Mr. Pyers,	Mr. Quinn,	Mr. Anderson,
Mr. Nelson,	Mr. Watkins,	Mr. Thomas Brown,
Mr. Barnes,	Mr. Sawers,	Mr. Sleath,
Mr. Perry,	Mr. Cam,	Mr. Ducey.
Mr. Wood,	Mr. McGowen,	<i>Tellers,</i>
Mr. Mackay,	Mr. Afleck,	Mr. Arthur Griffith,
Mr. O'Connor,	Mr. Alexander Campbell,	Mr. J. C. L. Fitzpatrick.
Mr. Piddington,	Mr. Gillies,	
Mr. Spruson,	Mr. Haynes,	
Mr. Crick,	Mr. Nicholson,	
Mr. Rose,	Mr. Edden,	
Mr. Ferris,	Mr. Cruickshank,	

Words left out.

No. 4.

No. 4.

SAME COMMITTEE.

Same Resolution.

Mr. Rose moved,—That the Resolution be further amended by leaving out lines 7 and 8, viz.,
 “Fruits—dried, candied, and prunes (exclusive of dates), in lieu of the duty of one penny
 per pound now chargeable, per lb., Os. 2d.”

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

Committee divided.

Ayes, 61.

Mr. Brunker,	Mr. Alexander Campbell,
Mr. Cook,	Mr. Cann,
Mr. Lee,	Mr. Sec,
Mr. Reid,	Mr. Cruickshank,
Mr. Sleath,	Mr. Spence,
Mr. Macdonald,	Mr. Arthur Griffith,
Mr. Young,	Mr. Dacey,
Mr. Hogue,	Mr. Ferguson,
Mr. Anderson,	Mr. Dugald Thomson,
Mr. Hawthorne,	Mr. Ewing,
Mr. Austin Chapman,	Mr. O'Conor,
Mr. Lyne,	Mr. Howarth,
Mr. Archibald Campbell,	Mr. Watson,
Mr. Wright,	Mr. Phillips,
Mr. Nelson,	Mr. Law,
Mr. Mahony,	Mr. Pyers,
Mr. Lees,	Mr. Terry,
Mr. Molesworth,	Mr. Archer,
Mr. Willis,	Mr. Whiddon,
Mr. Miller,	Mr. James Thomson,
Dr. Graham,	Mr. Barnes,
Mr. McLean,	Mr. Kidd,
Mr. Hughes,	Mr. Stevenson,
Mr. Watkins,	Mr. Smith,
Mr. Price,	Mr. McFarlane,
Mr. McGowen,	Mr. Ross.
Mr. Nobbs,	<i>Tellers,</i>
Mr. Haynes,	Mr. Thomas Brown,
Mr. Thomas,	Mr. Bennett.
Mr. Meagher,	
Mr. Garland,	
Mr. Rigg,	
Mr. Holman,	

Noes, 31.

Mr. FitzGerald,
Mr. Hurley,
Mr. Copeland,
Mr. Suttor,
Dr. Ross,
Mr. Carroll,
Mr. Perry,
Mr. Wood,
Mr. Mackay,
Mr. Piddington,
Mr. Spruson,
Mr. Rose,
Mr. Ferris,
Mr. David Davis,
Mr. Thomas Fitzpatrick,
Mr. Wilks,
Mr. Fegan,
Mr. Gillies,
Mr. J. C. L. Fitzpatrick,
Mr. Sawers,
Mr. Quinn,
Mr. Chanter,
Mr. Nicholson,
Mr. Edden,
Mr. Moore,
Mr. Millard,
Mr. Cotton,
Mr. Jessep,
Mr. Morgan.
<i>Tellers,</i>
Mr. Crick,
Mr. Affleck.

Words stand.

No. 5.

SAME COMMITTEE.

Same Resolution.

Question put,—That the Committee agree to the Resolution as amended.

Committee divided.

Ayes, 52.

Mr. Brunker,	Mr. Wilks,
Mr. Cook,	Mr. Cruickshank,
Mr. Lee,	Mr. Spence,
Mr. Reid,	Mr. Arthur Griffith,
Mr. Sleath,	Mr. Ferguson,
Mr. Macdonald,	Mr. Watson,
Mr. Young,	Mr. Law,
Mr. Hogue,	Mr. Millard,
Mr. Molesworth,	Mr. Howarth,
Mr. Hawthorne,	Mr. Phillips,
Dr. Ross,	Mr. Ewing,
Mr. Archibald Campbell,	Mr. Dugald Thomson,
Mr. Mahony,	Mr. Terry,
Mr. Lees,	Mr. Archer,
Mr. Garland,	Mr. Whiddon,
Mr. Anderson,	Mr. James Thomson,
Dr. Graham,	Mr. Cotton,
Mr. Hughes,	Mr. Edden,
Mr. Watkins,	Mr. Stevenson,
Mr. McGowen,	Mr. Ross,
Mr. Thomas Brown,	Mr. Thomas,
Mr. Nobbs,	Mr. Smith,
Mr. Haynes,	Mr. Dacey.
Mr. Jessep,	<i>Tellers,</i>
Mr. Meagher,	Mr. Holman,
Mr. Rigg,	Mr. McLean.
Mr. Cann,	

Noes, 33.

Mr. Lyne,	Mr. Alexander Campbell,
Mr. FitzGerald,	Mr. Moore,
Mr. Wright,	Mr. Nicholson,
Mr. Miller,	Mr. Morgan.
Mr. Hurley,	<i>Tellers,</i>
Mr. Copeland,	Mr. O'Conor,
Mr. Austin Chapman,	Mr. J. C. L. Fitzpatrick.
Mr. Perry,	
Mr. Rose,	
Mr. Suttor,	
Mr. Nelson,	
Mr. Carroll,	
Mr. Barnes,	
Mr. Wood,	
Mr. Pyers,	
Mr. Mackay,	
Mr. Piddington,	
Mr. Spruson,	
Mr. Chanter,	
Mr. Quinn,	
Mr. Sawers,	
Mr. Affleck,	
Mr. Gillies,	
Mr. Ferris,	
Mr. David Davis,	
Mr. Thomas Fitzpatrick,	
Mr. Fegan,	

Resolution, as amended, agreed to.

No. 6.

No. 6.

SAME COMMITTEE.

(Resolution—Duty on Sugar.)

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

- (4.) *Resolved*,—That towards raising the Supply to be granted to Her Majesty the existing duties on refined sugar, namely, four shilling per cwt.; on raw sugar and glucose (solid), namely, three shillings per cwt.; and on molasses and treacle, glucose (liquid and syrup), namely, two shillings per cwt.,—shall cease to be diminishing duties, and shall become permanent duties. (*Read.*)

And Question put,—That the Committee agree to the Resolution as read.

Committee divided.

Ayes, 77.			Noes, 12.
Mr. Lee,	Mr. FitzGerald,	Mr. Watkins,	Mr. Chanter,
Mr. Brunker,	Mr. Pyers,	Mr. Dacey,	Mr. Piddington,
Mr. Meagher,	Mr. Sleath,	Mr. Archer,	Mr. Wilks,
Mr. Anderson,	Mr. Price,	Mr. Reid,	Mr. David Davis,
Mr. Barton,	Mr. Arthur Griffith,	Mr. Wright,	Mr. Rose,
Mr. Perry,	Mr. Kidd,	Mr. Edden,	Mr. Nicholson,
Mr. Young,	Mr. O'Sullivan,	Mr. Mahony,	Mr. Nobbs,
Mr. See,	Mr. Ross,	Mr. Ewing,	Mr. Cotton,
Mr. Quinn,	Mr. Miller,	Mr. Carroll,	Mr. Morgan,
Mr. Jessep,	Mr. Hughes,	Mr. Willis,	Mr. Millard.
Mr. Ferris,	Mr. Ferguson,	Mr. Moore,	<i>Tellers,</i>
Mr. Hawthorne,	Mr. Alexander Campbell,	Mr. Sawers,	Mr. Afleck,
Mr. Ashton,	Mr. Holman,	Mr. Mackay,	Mr. J. C. L. Fitzpatrick.
Dr. Ross,	Mr. Whiddon,	Mr. Phillips,	
Mr. Cook,	Mr. Cruickshank,	Mr. Wood,	
Mr. Archibald Campbell,	Mr. Spence,	Mr. Watson,	
Mr. Nelson,	Mr. Smith,	Mr. McGowen,	
Mr. Hurley,	Mr. Law,	Mr. Cann,	
Mr. Molesworth,	Mr. O'Conor,	Mr. Hogue,	
Mr. Spruson,	Mr. Lyne,	Mr. Torry,	
Mr. Thomas,	Mr. Haynes,	Mr. Stevenson,	
Mr. Austin-Chapman,	Mr. Macdonald,	<i>Tellers,</i>	
Mr. Howarth,	Mr. James Thomson,	Mr. Lees,	
Mr. McFarlane,	Mr. Bennett,	Mr. McLean.	
Mr. Rigg,	Mr. Copeland,		
Mr. Suttor,	Mr. Barnes,		
Mr. Gillies,	Mr. Thomas Fitzpatrick,		

Resolution, as read, agreed to.

No. 7.

SAME COMMITTEE.

(Resolution—Duty on Biscuits, Confectionery, &c.)

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

- (5.) *Resolved*,—That towards raising the Supply to be granted to Her Majesty the existing duties of Customs upon biscuits, namely, of one halfpenny per pound; upon confectionery (including cakes, comfits, liquorice, liquorice paste, lozenges of all kinds, cocoonut in sugar, sugar-candy, succades, and sweetmeats), namely, of one penny per pound; upon jams and jellies, namely, of one halfpenny per pound; upon preserves and canned fruits, fruits boiled, peel (drained or dry), namely, of one halfpenny per pound,—shall cease to be diminishing duties, and shall become permanent duties of Customs. (*Read.*)

Question put,—That the Committee agree to the Resolution as read.

Committee divided.

Ayes, 71.			Noes, 12.
Mr. Lee,	Mr. Arthur Griffith,	Mr. Haynes,	Mr. Chanter,
Mr. Brunker,	Mr. Gillies,	Mr. O'Conor,	Mr. Sawers,
Mr. Meagher,	Mr. Nobbs,	Mr. Barnes,	Mr. Piddington,
Mr. Reid,	Mr. Perry,	Mr. Lyne,	Mr. David Davis,
Mr. Young,	Mr. Watson,	Mr. Ferris,	Mr. Afleck,
Mr. Sleath,	Mr. McFarlane,	Mr. Dacey,	Mr. Rose,
Mr. Smith,	Mr. Fegan,	Mr. Millard,	Mr. Ashton,
Mr. Jessep,	Mr. Wright,	Mr. McLean,	Mr. Spruson,
Mr. Cruickshank,	Mr. Ross,	Mr. Suttor,	Mr. Nicholson,
Mr. Hogue,	Mr. Cann,	Mr. Willis,	Mr. Morgan.
Mr. Lees,	Mr. Miller,	Mr. Ewing,	<i>Tellers,</i>
Mr. Hawthorne,	Mr. Kidd,	Mr. McGowen,	Mr. Mackay,
Mr. Anderson,	Mr. Alexander Campbell,	Mr. Stevenson,	Mr. Wilks.
Mr. Garland,	Mr. Ferguson,	Mr. Phillips,	
Dr. Ross,	Mr. Archibald Campbell,	Mr. O'Sullivan,	
Mr. Cook,	Mr. Price,	Mr. Carroll,	
Mr. Nelson,	Mr. Pyers,	Mr. See,	
Mr. Austin-Chapman,	Mr. Spence,	Mr. Terry,	
Mr. Molesworth,	Mr. Law,	Mr. Thomas Fitzpatrick.	
Mr. Mahony,	Mr. Moore,	<i>Tellers,</i>	
Mr. Howarth,	Mr. Holman,	Mr. Watkins,	
Mr. Whiddon,	Mr. Macdonald,	Mr. Thomas.	
Mr. Hughes,	Mr. James Thomson,		
Mr. Rigg,	Mr. Bennett,		
Mr. Archer,	Mr. Hurley,		

Resolution, as read, agreed to.

No. 8.

No. 8.

SAME COMMITTEE.

(Resolution—Probate and Succession Duties.)

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

(6.) *Resolved*,—That towards raising the Supply to be granted to Her Majesty—

1. Where under Part III of the Stamp Duties Act, 1898, duty is payable or chargeable in respect of the estate of any person dying after the first day of December, 1898, or is payable or chargeable on or after the death of any person so dying in respect of any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, such duty shall be levied, collected, paid, and charged and chargeable under that Act according to the duties hereinafter "mentioned."

Where the total value of the estate, after deducting all debts, exceeds £500, but does not exceed £1,000	1 per cent.
Where the value exceeds £1,000 and does not exceed £5,000...	2 "
" " £5,000 " " £6,000...	3 "
" " £6,000 " " £7,000...	3 $\frac{1}{2}$ "
" " £7,000 " " £8,000...	3 $\frac{2}{5}$ "
" " £8,000 " " £9,000...	3 $\frac{3}{5}$ "
" " £9,000 " " £10,000...	3 $\frac{4}{5}$ "
" " £10,000 " " £12,000...	4 "
" " £12,000 " " £14,000...	4 $\frac{1}{5}$ "
" " £14,000 " " £16,000...	4 $\frac{2}{5}$ "
" " £16,000 " " £18,000...	4 $\frac{3}{5}$ "
" " £18,000 " " £20,000...	4 $\frac{4}{5}$ "
" " £20,000 " " £22,000...	5 "
" " £22,000 " " £24,000...	5 $\frac{1}{5}$ "
" " £24,000 " " £26,000...	5 $\frac{2}{5}$ "
" " £26,000 " " £28,000...	5 $\frac{3}{5}$ "
" " £28,000 " " £30,000...	5 $\frac{4}{5}$ "
" " £30,000 " " £32,000...	6 "
" " £32,000 " " £34,000...	6 $\frac{1}{5}$ "
" " £34,000 " " £36,000...	6 $\frac{2}{5}$ "
" " £36,000 " " £38,000...	6 $\frac{3}{5}$ "
" " £38,000 " " £40,000...	6 $\frac{4}{5}$ "
" " £40,000 " " £44,000...	7 "
" " £44,000 " " £48,000...	7 $\frac{1}{5}$ "
" " £48,000 " " £52,000...	7 $\frac{2}{5}$ "
" " £52,000 " " £56,000...	7 $\frac{3}{5}$ "
" " £56,000 " " £60,000...	7 $\frac{4}{5}$ "
" " £60,000 " " £64,000...	8 "
" " £64,000 " " £68,000...	8 $\frac{1}{5}$ "
" " £68,000 " " £72,000...	8 $\frac{2}{5}$ "
" " £72,000 " " £76,000...	8 $\frac{3}{5}$ "
" " £76,000 " " £80,000...	8 $\frac{4}{5}$ "
" " £80,000 " " £84,000...	9 "
" " £84,000 " " £88,000...	9 $\frac{1}{5}$ "
" " £88,000 " " £92,000...	9 $\frac{2}{5}$ "
" " £92,000 " " £96,000...	9 $\frac{3}{5}$ "
" " £96,000 " " £100,000...	9 $\frac{4}{5}$ "
And over the value of £100,000	10 "

2. Where under Part III of the Stamp Duties Act, 1898, duty is payable or chargeable in respect of the estate of any person dying after the first day of December, 1898, or is payable or chargeable on or after the death of any person so dying in respect of any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, there shall be levied, charged, and paid for the use of Her Majesty and to form part of the Consolidated Revenue Fund, according to the rates hereinafter mentioned, a duty upon any property or any interest in the same which any person, on or after the death of the person so dying, takes under or by virtue of any probate of the will, or letters of administration of the estate or order to collect the estate of the person so dying, or any such settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift.

Lineal issue or lineal ancestors of the deceased, or the husbands or wives of any such persons	1 per cent.
Brothers and sisters of the deceased and their descendants, or the husbands or wives of any such persons	3 "
Brothers and sisters of the father or mother of the deceased and their descendants, or the husbands or wives of any such persons	5 "
Brothers and sisters of a grandfather or grandmother of the deceased and their descendants, or the husbands or wives of any such persons	6 "
Persons of more remote consanguinity, or strangers in blood to the deceased	10 "

(Read.)

Mr. Rose moved, after the word "mentioned" in line 8, to insert the words "provided that in all cases the sum of £500 shall be exempted."

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

Ayes, 24.

Mr. Biddington,	<i>Tellers,</i>
Mr. Lyne,	
Mr. Chanter,	Mr. Perry,
Mr. Davis,	Mr. J. C. L. Fitzpatrick.
Mr. Austin Chapman,	
Mr. Watson,	
Mr. Mackay,	
Mr. Rose,	
Mr. Pyers,	
Mr. Nelson,	
Mr. Moore,	
Mr. Ross,	
Mr. Fegau,	
Mr. Carroll,	
Mr. Alexander Campbell,	
Mr. Gillies,	
Mr. Hurley,	
Mr. Kidd,	
Mr. Rigg,	
Mr. Watkins,	
Mr. Ferguson,	
Mr. Dacey,	

Noes, 45.

Mr. Willis,	Mr. Thomas Brown,
Mr. Cruickshank,	Mr. Nicholson,
Mr. Reid,	Mr. Spence,
Mr. Brunker,	Mr. Law,
Mr. O'Connor,	Mr. Cann,
Mr. Thomas,	Mr. Holman,
Mr. Nobbs,	Mr. Howarth,
Mr. Lee,	Mr. Garland,
Mr. Haynes,	Mr. Edden,
Mr. Miller,	Mr. James Thomson,
Mr. Archibald Campbell,	Mr. Hughes,
Mr. Anderson,	Mr. McLean,
Mr. Sleath,	Mr. Whiddon,
Mr. Archer,	Mr. Jessep,
Mr. Cotton,	Mr. Phillips,
Mr. Hogue,	Mr. Millard,
Mr. Smith,	Mr. Stevenson,
Mr. Macdonald,	Mr. Meagher,
Mr. Hawthorne,	Mr. Cook.
Mr. Afleck,	<i>Tellers,</i>
Mr. Morgan,	
Mr. Molesworth,	Mr. Wilks,
Mr. McGowen,	Mr. Mahony.
Mr. Young,	

Insertion of proposed words negatived.

Resolution, as read, agreed to.

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

RICHD. A. ARNOLD,
Clerk Assistant.

[*Col.*]

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 8.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 30 NOVEMBER, 1898.

No. 1.

DISTRESS FOR RENT RESTRICTION BILL.

Clause 1. After the commencement of this Act it shall not be lawful to distrain any sewing-machine, type-writing machine, piano, or mangle, or household furniture (including bedding) up to the value of twenty pounds the property of or under hire to any female person for any rent claimed in respect of the premises or place in which such sewing-machine, type-writing machine, or mangle may be: Provided that any one such person shall not be entitled to have more than one sewing-machine, one type-writing machine, or one mangle protected from distress under the provisions of this Act. (*Read.*)

Sewing-machines, type writing machines, pianos, and mangles exempt from distress in certain cases.

Motion made (*Mr. McGowen*), after the word "machine," in line 2, to insert the word "piano," And the Committee continuing to sit after Midnight,—

THURSDAY, 1 DECEMBER, 1898, A.M.

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

Committee divided.

Ayes, 25.

Mr. Morgan,	Mr. Donaldson,
Mr. Meagher,	Mr. Hurley,
Mr. Hughes,	Mr. Pyers,
Mr. Ferguson,	Mr. Byrne,
Mr. Thomas Brown,	Mr. Fegan,
Mr. Gillies,	Mr. Smith,
Mr. Hawthorne,	Mr. Law,
Mr. J. O. L. Fitzpatrick,	Mr. Cotton,
Mr. Anderson,	Mr. Carroll.
Mr. Miller,	<i>Tellers,</i>
Mr. Watson,	
Mr. McGowen,	Mr. Edden,
Mr. Holman,	Mr. McLaughlin.
Mr. James Thomson,	

Noes, 12.

Mr. Suttor,
Mr. Ferris,
Mr. Kidd,
Mr. Macdonald,
Mr. Bruaker,
Mr. Cohen,
Mr. McLean,
Mr. Hogue,
Mr. Mackay,
Mr. Millard.
<i>Tellers,</i>
Mr. Thomas Clarke,
Mr. Haynes.

Word inserted.

And the clause having been further amended as indicated,—

Clause, as amended, agreed to.

And the other clause and the Preamble of the Bill having been dealt with,—

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

THURSDAY, 1 DECEMBER, 1898.

No. 2.

CUSTOMS DUTIES BILL.

Imposition of
import duties of
customs.

Clause 1. The import duties of customs mentioned in the Schedule to this Act shall be levied and collected upon all goods therein mentioned on their importation, and upon all such goods in bond: Provided that all goods imported for the supply of Her Majesty's service shall be exempt from such import duties. (*Read.*)

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

Committee divided.

Ayes, 41.

Mr. Reid,	Mr. Holman,
Mr. Brunker,	Mr. McFarlane,
Mr. Garland,	Mr. Henry Clarke,
Mr. Hogue,	Mr. Cotton,
Mr. Parkes,	Mr. Nobbs,
Mr. Young,	Mr. Alexander Campbell,
Mr. Archer,	Mr. Price,
Mr. Meagher,	Mr. Spruson,
Mr. Willis,	Mr. Sec,
Mr. Anderson,	Mr. Smith,
Mr. Neild,	Mr. Macdonald,
Mr. Carruthers,	Mr. Gillies,
Mr. Archibald Campbell,	Mr. Stevenson,
Mr. Waddell,	Mr. Thomas Fitzpatrick,
Mr. Hawthorne,	Mr. James Thomson,
Mr. Molesworth,	Mr. Terry,
Mr. McLean,	Mr. Thomas Brown.
Mr. Phillips,	<i>Tellers,</i>
Mr. Wright,	Mr. Hayes,
Mr. Cruickshank,	Mr. T. H. Griffith,
Mr. Cohen,	
Mr. Watkins,	

Noes, 15.

Mr. Copeland,
Mr. Chanter,
Mr. Suttor,
Mr. Rose,
Mr. Quinn,
Mr. Moore,
Mr. Fegan,
Mr. Affleck,
Mr. Kidd,
Mr. Nicholson,
Mr. Sawers,
Mr. Wilson,
Mr. Nelson.
<i>Tellers,</i>
Mr. David Davis,
Mr. Perry.

Clause, as read, agreed to.

And clause 2 having been dealt with,—

No. 3.

SAME BILL.

Sugar, and other
diminishing
duties to become
permanent.

Clause 3. The duties of Customs imposed by the Customs Duties Act of 1895 (59 Vic. No. 18) on sugar, raw and refined, and glucose, solid—upon molasses and treacle, glucose, liquid and syrup—“upon biscuits, confectionery (including cakes, comfits, liquorice, liquorice paste, lozenges of all kinds, cocoanut in sugar, sugar-candy, succades, and sweetmeats), jams, and jellies, preserves and canned fruits—fruits boiled, peel, drained or dry,” shall cease to be diminishing duties, and shall be collected, levied, and paid as part of the permanent customs tariff, at the rates in force at the commencement of this Act. (*Read.*)

Motion made (*Mr. Sawers*), to leave out from lines 3 to 5 the words “upon biscuits, confectionery (including cakes, comfits, liquorice, liquorice paste, lozenges of all kinds, cocoanut in sugar, sugar-candy, succades, and sweetmeats), jams and jellies, preserves and canned fruits—fruits boiled, peel, drained, or dry,”

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

Committee divided.

Ayes, 51.

Mr. Brunker,	Mr. Cotton,	Mr. Cohen,
Mr. Hogue,	Mr. Neild,	Mr. Law,
Mr. Reid,	Mr. Lyne,	Mr. Kidd,
Mr. Wright,	Mr. Moore,	Mr. Wilks,
Mr. Young,	Mr. McFarlane,	Mr. Fegan,
Mr. Parkes,	Mr. Gillies,	Mr. Morgan,
Mr. Perry,	Mr. Carruthers,	Mr. Pyers,
Mr. Meagher,	Mr. Rigg,	Mr. Millard,
Mr. Willis,	Mr. McLean,	Mr. Molesworth,
Mr. Thomas Fitzpatrick,	Mr. Thomas Clarke,	Mr. Waddell,
Mr. Watson,	Mr. Dacey,	Mr. Macdonald,
Mr. Hughes,	Mr. Smith,	Mr. Carroll,
Mr. Anderson,	Mr. Spence,	Mr. Howarth.
Mr. Archibald Campbell,	Mr. Watkins,	<i>Tellers,</i>
Mr. Nelson,	Mr. James Thomson,	Mr. Bennett,
Mr. Hayes,	Mr. Copeland,	Mr. Wood.
Mr. Mahony,	Mr. Sec,	
Mr. Henry Clarke,	Mr. Stephenson,	

Noes, 5.

Mr. Chanter,
Mr. Sawers,
Mr. Rose.
<i>Tellers,</i>
Mr. Ferris,
Mr. Spruson.

Words stand.

Clause, as read, agreed to.

And clause 4 having been dealt with,—

No. 4.

No. 4.

SAME BILL.

Clause 5. This Act shall be taken to have come into operation on the third day of November, one thousand eight hundred and "ninety-eight," and all duties levied and collected between the said day and the date of the passing of this Act upon any goods mentioned in the Schedule to this Act on their importation, or upon any such goods in bond, shall be deemed to have been levied and collected under the authority of this Act, and no action shall lie against any person for or in respect of any thing done or omitted or refused to be done by such person which he might after the passing of this Act lawfully do, omit, or refuse to do. (Read.)

Motion made (*Mr. Affleck*), after the word "ninety-eight," in line 2, to insert the words, "and shall remain in force for the term of two years as far as the Schedule is concerned,"

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

Committee divided.

Ayes, 13.

Mr. Rose,
Mr. Wise,
Mr. Piddington,
Mr. Chanter,
Mr. Copeland,
Mr. E. M. Clark,
Mr. Nicholson,
Mr. Wilks,
Mr. Law,
Mr. Cotton,
Mr. Fegan.

Tellers,

Mr. David Davis,
Mr. Affleck.

Mr. Henry Clarke,
Mr. Ferris,
Mr. See,
Mr. Brunker,
Mr. Austin Chapman,
Mr. Lyne,
Mr. Perry,
Mr. Young,
Mr. Reid,
Mr. Gillics,
Dr. Graham,
Mr. Carroll,
Mr. Wright,
Mr. Nelson,
Mr. Levien,
Mr. Pyers,
Mr. Hurley,
Mr. Barnes,
Mr. Watson,
Mr. Sawers,

Noes, 56.

Mr. Storey,
Mr. Waddell,
Mr. Dacey,
Mr. O'Connor,
Mr. Carruthers,
Mr. Hawthorne,
Mr. Kidd,
Mr. Haynes,
Mr. Ross,
Mr. Macdonald,
Mr. Hogue,
Mr. Moore,
Mr. Sleath,
Mr. Neild,
Mr. Garland,
Mr. Stevenson,
Mr. Spence,
Mr. James Thomson,
Mr. Millard,
Mr. Mahony,

Mr. Howarth,
Mr. Watkins,
Mr. Parkes,
Mr. Edden,
Mr. McFarlane,
Mr. Hayes,
Mr. Meagher,
Mr. Thomas Fitzpatrick,
Mr. Rigg,
Mr. Thomas Clarke,
Mr. Wood,
Mr. Archibald Campbell,
Mr. Smith,
Mr. Anderson.

Tellers,

Mr. Molesworth,
Mr. Cohen.

Insertion of proposed words negatived.

Clause, as read, agreed to.

And clause 6 having been dealt with,—

No. 5.

SAME BILL.

SCHEDULE.

"Tea per lb. one penny."
"Fruits—Dried, candied, or prunes, exclusive of dates (in lieu of
the duty of one penny per pound now chargeable) ... per lb. two pence."
(Read.)

Motion made (*Mr. Rose*), to leave out line 1, viz., "Tea, per lb., one penny."

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

Committee divided.

Ayes, 47.

Mr. Brunker,
Mr. Reid,
Mr. Hogue,
Dr. Graham,
Mr. Young,
Mr. Macdonald,
Mr. Garland,
Mr. Sleath,
Mr. Meagher,
Mr. Jessep,
Mr. Carruthers,
Mr. Whiddon,
Mr. J. C. L. Fitzpatrick,
Mr. Mahony,
Mr. Molesworth,
Mr. Parkes,
Mr. Anderson,
Mr. Archibald Campbell,
Mr. Neild,
Mr. Hawthorne,
Mr. E. M. Clark,
Mr. Haynes,
Mr. Cotton,
Mr. McLean,
Mr. Dacey,

Mr. McLaughlin,
Mr. Fegan,
Mr. Watson,
Mr. Thomas Brown,
Mr. Ross,
Mr. Wilks,
Mr. Edden,
Mr. Spence,
Mr. James Thomson,
Mr. Howarth,
Mr. Thomas Clark,
Mr. Rigg,
Mr. Thomas,
Mr. Millard,
Mr. McGowen,
Mr. Hayes,
Mr. Cohen,
Mr. Law,
Mr. Stevenson,
Mr. Henry Chapman.

Tellers,

Mr. Watkins,
Mr. Smith.

Noes, 28.

Mr. Wright,
Mr. See,
Mr. Suttor,
Mr. Levien,
Mr. Austin Chapman,
Mr. Perry,
Mr. Copeland,
Mr. Rose,
Mr. Gillics,
Mr. Spruson,
Mr. Carroll,
Mr. Kidd,
Mr. Lyne,
Mr. Miller,
Mr. Pyers,
Mr. Hurley,
Mr. Barnes,
Mr. David Davis,
Mr. Waddell,
Mr. Sawers,
Mr. Dugald Thomson,
Mr. Piddington,
Mr. Thomas Fitzpatrick,
Mr. Moore,
Mr. Chanter,

Mr. Quinn.

Tellers,

Mr. Mackay,
Mr. O'Connor.

Words stand.

No. 6.

No. 6.

SAME BILL.

Same Schedule.

Motion made (*Mr. Spruson*), to omit lines 2 and 3, viz., "Fruits—Dried, candied, or prunes, exclusive of dates (in lieu of the duty of one penny per pound now chargeable), per lb., two pence."

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

Committee divided.

Ayes, 60.			Noes, 18.
Mr. Hawthorne,	Mr. E. M. Clark,	Mr. Rigg,	Mr. Chanter,
Mr. Neild,	Mr. Haynes,	Mr. Barnes,	Mr. Jessep,
Mr. Nelson,	Mr. Cotton,	Mr. Pyers,	Mr. Rose,
Mr. Archibald Campbell,	Mr. McLean,	Mr. Alexander Campbell,	Mr. Perry,
Mr. Anderson,	Mr. Smith,	Mr. McFarlane,	Mr. Spruson,
Mr. Parkes,	Mr. McLaughlin,	Mr. Cohen,	Mr. David Davis,
Mr. Molesworth,	Mr. Watkins,	Mr. Law,	Mr. J. C. L. Fitzpatrick,
Mr. Mahony,	Mr. Waddell,	Mr. Carroll,	Mr. Wilks,
Mr. Thomas Fitzpatrick,	Mr. Wright,	Mr. Levien,	Mr. Moore,
Mr. Whiddon,	Mr. Austin Chapman,	Mr. O'Conor,	Mr. Fegan,
Mr. McGowen,	Mr. Thomas Clarke,	Mr. Henry Chapman,	Mr. Afleck,
Mr. Brunker,	Mr. Howarth,	Mr. Lyne,	Mr. Piddington,
Mr. Reid,	Mr. Hurley,	Mr. Willis,	Mr. Quinn,
Mr. Hogue,	Mr. Spence,	Mr. Watson,	Mr. Nicholson,
Dr. Graham,	Mr. James Thomson,	Mr. Thomas Brown,	Mr. Edden,
Mr. Young,	Mr. Kidd,	Mr. Stevenson,	Mr. Millard.
Mr. Macdonald,	Mr. Ross,		
Mr. Garland,	Mr. See,	<i>Tellers,</i>	<i>Tellers,</i>
Mr. Sleath,	Mr. Hayes,	Mr. Miller,	Mr. Sawers,
Mr. Mcagher,	Mr. Dugald Thomson,	Mr. Thomas.	Mr. Ferris.
Mr. Dacey,	Mr. Gillies,		

Words stand.

Schedule, as read, agreed to.

On motion of Mr. Reid, the Temporary Chairman, Mr. O'Sullivan, left the Chair to report the Bill without amendment to the House.

No. 7.

PROBATE AND SUCCESSION DUTIES BILL.

Clauses 1 to 3 having been dealt with,—

Clause 4. Where under Part III of the Stamp Duties Act, 1898, duty is payable or chargeable in respect of the estate of any person dying after the commencement of this Act, or is payable or chargeable on or after the death of any person so dying in respect of any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, there shall be levied, charged, and paid for the use of Her Majesty and to form part of the Consolidated Revenue Fund, according to the rates mentioned in Schedule Two hereto, a duty (in this Act called a succession duty) upon any property or any interest in the same which any person, on or after the death of the person so dying, takes under or by virtue of any probate of the will, or letters of administration of the estate or order to collect the estate of the person so dying, or any such settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift. (*Read.*)

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

Committee divided.

Ayes, 34.		Noes, 20.
Mr. Brunker,	Mr. Smith,	Mr. Carroll,
Mr. Mahony,	Mr. Sleath,	Mr. Sawers,
Mr. Reid,	Mr. McGowen,	Mr. Spruson,
Mr. Garland,	Mr. Fegan,	Mr. Wilson,
Mr. Hughes,	Mr. Watkins,	Mr. Lyne,
Mr. Dacey,	Mr. Howarth,	Mr. Perry,
Mr. Hogue,	Mr. Spence,	Mr. Suttor,
Mr. Young,	Mr. Dick,	Mr. O'Conor,
Mr. Ferguson,	Mr. Edden,	Mr. Rigg,
Mr. Hawthorne,	Mr. J. C. L. Fitzpatrick,	Mr. Thomas Clarke,
Mr. Archibald Campbell,	Mr. Law,	Mr. Kidd,
Mr. Anderson,	Mr. Millard,	Mr. Donaldson,
Mr. Nobbs,	Mr. Afleck,	Mr. Ferris,
Mr. Neild,	Mr. Cohen.	Mr. Hurley,
Mr. Jessep,		Mr. Alexander Campbell,
Mr. Holman,	<i>Tellers,</i>	Mr. Gillies,
Mr. Thomas Brown,	Mr. Wilks,	Mr. Bennett,
Mr. Haynes,	Mr. Nicholson.	Mr. Dugald Thomson.

Clause, as read, agreed to.

And the Committee continuing to sit after Midnight,—

FRIDAY, 2 DECEMBER, 1898, A.M.

Clauses 5 to 7 and Schedule One having been dealt with,—

No. 8.

SAME BILL.

SCHEDULE TWO.

Lineal issue or lineal ancestors of the deceased, or the husbands or wives of any such persons	1 per cent.
Brothers and sisters of the deceased and their descendants, or the husbands or wives of any such persons	3 2 „
Brothers and sisters of the father or mother of the deceased and their descendants, or the husbands or wives of any such persons	5 3 „
Brothers and sisters of a grandfather or grandmother of the deceased and their descendants, or the husbands or wives of any such persons	6 4 „
Persons of more remote consanguinity, or strangers in blood to the deceased	10 5 „

Provided that no duty under this Schedule shall be chargeable on any property under or of the value of five hundred pounds acquired in any of the modes mentioned in Section four. (*Read.*)

The Schedule having been amended as indicated,—

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

Committee divided.

Ayes, 37.

Mr. Brunker,	Mr. Law,
Mr. Dacey,	Mr. Wilks,
Mr. Garland,	Mr. Ashton,
Mr. Hawthorne,	Mr. Nicholson,
Mr. Mahony,	Mr. Cohen,
Mr. Young,	Mr. Haynes,
Mr. Neild,	Mr. Meagher,
Mr. Reid,	Mr. Jessep,
Mr. McGowen,	Mr. Thomas Brown,
Mr. Thomas Clark,	Mr. J. C. L. Fitzpatrick,
Mr. Howarth,	Mr. Afleck,
Mr. Anderson,	Mr. Watkins,
Mr. Archibald Campbell,	Mr. Hogue,
Mr. Fegan,	Mr. Millard,
Mr. Hughes,	Mr. Nobbs.
Mr. Holman,	<i>Tellers,</i>
Mr. Spence,	
Mr. Dick,	Mr. Smith,
Mr. Edden,	Mr. Ferguson.
Mr. Watson,	

Noes, 14.

Mr. Sawers,
Mr. Spruson,
Mr. Wilson,
Mr. Quinn,
Mr. Wood,
Mr. Perry,
Mr. Suttor,
Mr. Dugald Thomson,
Mr. Gillies,
Mr. Alexander Campbell,
Mr. Ferris,
Mr. Kidd.

Tellers,

Mr. Hurley,
Mr. Carroll.

Schedule, as amended, agreed to.

On motion of Mr. Reid, the Temporary Chairman, Mr. O'Sullivan, left the Chair to report the Bill, with amendments, to the House.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 7 DECEMBER, 1898.

No 1.

PORT KEMBLA HARBOUR BILL.

Resolution.

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

Resolved,—That it is expedient to bring in a Bill to sanction the construction of a deep-water Harbour at Port Kembla, and to provide for levying wharfage rates on goods, merchandise, packages, and articles landed at or laden from any wharf or jetty within the said harbour,—and

Question put.

Committee divided.

Ayes, 54.

Mr. Hawthorne,	Mr. J. C. L. Fitzpatrick,	Mr. Nobbs,
Mr. Brunker,	Mr. Newman,	Mr. Millard,
Mr. Hogue,	Mr. Smith,	Mr. Harris,
Mr. Hurley,	Mr. Reid,	Mr. McGowen,
Mr. Young,	Mr. Pyers,	Mr. Stevenson,
Mr. Lyne,	Mr. Byrne,	Mr. McFarlane,
Mr. Cann,	Mr. Thomas Brown,	Mr. Sleath,
Mr. Leas,	Mr. See,	Mr. Terry,
Mr. Dight,	Mr. Macdonald,	Mr. David Davis,
Mr. Meagher,	Mr. Rigg,	Mr. Cook,
Mr. Morgan,	Mr. Henry Chapman,	Mr. Carroll,
Mr. Garland,	Dr. Graham,	Mr. Barnes,
Mr. Sawers,	Mr. Watson,	Mr. Ferguson,
Mr. Spruson,	Mr. Dacey,	Mr. Ferris.
Mr. Archer,	Mr. Spence,	<i>Tellers,</i>
Mr. Anderson,	Mr. Nicholson,	
Mr. Henry Clarke,	Mr. Thomas Clarke,	Mr. Miller,
Mr. Archibald Campbell,	Mr. Alexander Campbell,	Mr. Cohen.
Mr. Jessep,	Mr. Cotton,	

Noes, 12.

Mr. Perry,
Mr. Molesworth,
Mr. Cruickshank,
Mr. Ashton,
Mr. Dick,
Mr. James Thomson,
Mr. Thomas Fitzpatrick,
Mr. Affleck,
Mr. Gillies,
Mr. Price.

Tellers,

Mr. Watkins,
Mr. Edden.

Agreed to.

On motion of Mr. Young, the Temporary Chairman, Mr. Fegan, left the Chair to report to the House that the Committee had come to a resolution.

WEDNESDAY, 7 DECEMBER, 1898.

No. 2.

NAMBUCCA RIVER HARBOUR WORKS BILL.

Clauses 1 and 2 having been dealt with,—

Costs, how to be defrayed.

Clause 3. The cost of carrying out the said work, estimated at forty-eight thousand five hundred pounds, may be defrayed from such Loan Votes as are now or may hereafter be applicable to that purpose, and shall not under any circumstances exceed the estimated cost by more than ten per centum. (*Read.*)

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

Committee divided.

Ayes, 46.

Mr. Brunker,	Mr. James Thomson,	Mr. Ross,
Mr. Reid,	Mr. Byrne,	Mr. Donaldson,
Mr. Macdonald,	Mr. Ewing,	Mr. Sleath,
Mr. Young,	Mr. Pycers,	Mr. Thomas Clarke,
Mr. Hoguc,	Mr. Mcagher,	Mr. Garland,
Mr. McLaughlin,	Mr. Spence,	Mr. Hawthorne,
Mr. See,	Mr. Thomas Brown,	Mr. Afleck,
Mr. W. W. Davis,	Mr. Phillips,	Mr. Stevenson,
Mr. Carroll,	Mr. Archibald Campbell,	Mr. Cook,
Dr. Ross,	Mr. Nicholson,	Mr. Edden,
Mr. Alexander Campbell,	Mr. Ferris,	Mr. McGowen,
Mr. Anderson,	Mr. Cohen,	Mr. Millard.
Mr. Dacey,	Mr. Dick,	<i>Tellers,</i>
Mr. Sawers,	Mr. Smith,	
Mr. Dight,	Mr. Moore,	Mr. Spruson,
Mr. Jessep,	Mr. Cotton,	Mr. Perry.

Noes, 8.

Mr. Watkins,
Mr. FitzGerald,
Mr. Wood,
Mr. Miller,
Mr. J. C. L. Fitzpatrick,
Mr. David Davis.

Tellers,

Mr. Gillies,
Mr. Watson,

Clause, as read, agreed to.

And the remaining clause, Schedule, and Preamble of the Bill having been dealt with,—

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

THURSDAY, 8 DECEMBER, 1898, A.M.

No. 3.

PORT KEMBLA HARBOUR BILL.

Work sanctioned

Clause 1. The carrying out of the said work (more particularly described in the Schedule to this Act) is hereby sanctioned; and the Secretary for Public Works, or the Member of the Executive Council for the time being performing the duties of the said Secretary, is hereby authorised to undertake and carry out the said work subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of, a Constructing Authority within the meaning of the Public Works Act of 1888.

Provided that the carrying out of the said work shall not be commenced until all private lands, jetties, and other works required in connection with the said work have been acquired under a satisfactory arrangement with the owners of such lands, jetties, and works. (*Read.*)

Motion made (*Mr. Young*), to add to the clause the words "Provided that the carrying out of the said work shall not be commenced until all private lands, jetties, and other works required in connection with the said work have been acquired under a satisfactory 'arrangement' with the owners of such lands, jetties, and works."

Mr. Mcagher moved to amend the words proposed to be added by inserting in line 4 after the word 'arrangement' the words "subject to the approval of Parliament."

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

Committee divided.

Ayes, 9.

Mr. Mcagher,
Mr. Watkins,
Mr. Arthur Griffith,
Mr. Gillies,
Mr. Afleck,
Mr. Carroll,
Mr. James Thomson.

Tellers,

Mr. Spruson,
Mr. Perry.

Noes, 25.

Mr. Hawthorne,	Mr. Ewing,
Mr. Brunker,	Mr. Spence,
Mr. Young,	Mr. Pycers,
Mr. Jessep,	Mr. Smith,
Mr. Reid,	Mr. Ferris,
Mr. Willis,	Mr. Watson,
Mr. Cook,	Mr. Millard,
Mr. Anderson,	Mr. Stevenson,
Mr. Phillips,	Mr. McGowen.
Mr. J. C. L. Fitzpatrick,	<i>Tellers,</i>
Mr. Thomas Clarke,	
Mr. Cotton,	Mr. Nicholson,
Mr. Alexander Campbell,	Mr. Cohen.
Mr. Archibald Campbell,	

Insertion in amendment of proposed words negatived.

And the clause having been amended by the addition of the words proposed,—

Clause, as amended, agreed to.

And the remaining clauses, the Schedule, and Preamble of the Bill having been dealt with,—

On motion of Mr. Young, the Temporary Chairman, Mr. Cann, left the Chair to report the Bill with an amendment to the House.

THURSDAY,

THURSDAY, 8 DECEMBER, 1898.

No. 4.

SUPPLY—ESTIMATES, 1898-9.

The Estimates for Supplement to Schedule B, Executive and Legislative, and Chief Secretary having been dealt with,—

Auditor-General.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £15,440 for Auditor-General.

Motion made (*Mr. Affleck*),—That the item "Assistant Auditor-General and Chief Inspector of Public Accounts, £750," be reduced by £50,—and Question put.

Committee divided.

Ayes, 62.

Mr. Willis,	Mr. O'Sullivan,	Mr. Terry,
Dr. Ross,	Mr. Copeland,	Mr. Watson,
Mr. Lyne,	Mr. Arthur Griffith,	Mr. Levien,
Mr. Fegan,	Mr. E. M. Clark,	Mr. Harris,
Mr. J. C. L. Fitzpatrick,	Mr. Newman,	Mr. Barnes,
Mr. Austin Chapman,	Mr. Dight,	Mr. David Davis,
Mr. Affleck,	Mr. Archibald Campbell,	Mr. Stevenson,
Mr. Hughes,	Mr. Archer,	Mr. Henry Clarke,
Mr. Miller,	Mr. Cann,	Mr. Moore,
Mr. Jessep,	Mr. Edden,	Mr. Dacey,
Mr. Ferris,	Mr. Alexander Campbell,	Mr. Chanter,
Mr. McLaughlin,	Mr. Rose,	Mr. Carroll.
Mr. Nelson,	Mr. Perry,	<i>Tellers,</i>
Mr. Mahony,	Mr. Pyers,	Mr. Wilks,
Mr. Nobbs,	Mr. Holman,	Mr. Watkins.
Mr. McLean,	Mr. Law,	
Mr. Phillips,	Mr. McGowen,	
Mr. Whiddon,	Mr. Hurley,	
Mr. Gillies,	Mr. Millard,	
Mr. Piddington,	Mr. Ferguson,	
Mr. Haynes,	Mr. Thomas Brown,	
Mr. Wright,	Mr. Smith,	
Mr. O'Connor,	Mr. Byrne,	
Mr. Cotton,	Mr. Nicholson,	

Noes, 22.

Mr. Sea,
Mr. Cook,
Mr. Neild,
Mr. Hogue,
Mr. Brunker,
Mr. Reid,
Mr. Carruthers,
Mr. Hawthorne,
Mr. Parkes,
Mr. Kidd,
Mr. Sawers,
Mr. Mackay,
Mr. Spruson,
Mr. Dugald Thomson,
Mr. Rigg,
Mr. Cohen,
Mr. Dick,
Mr. Ashton,
Mr. Molesworth,
Mr. Thomas Fitzpatrick.
<i>Tellers,</i>
Dr. Graham,
Mr. Storey.

Item reduced.

No. 5.

SAME ESTIMATE.

Motion made (*Mr. Austin Chapman*),—That the item, "Inspectors of Public Accounts—1 at £470, 1 at £450, 2 at £425—£1,770," be reduced by £25,—and Question put.

Committee divided.

Ayes, 51.

Mr. Hurley,	Mr. Dight,
Dr. Ross,	Mr. Alexander Campbell,
Mr. Levien,	Mr. Jessep,
Mr. Lyne,	Mr. Cann,
Mr. Wilks,	Mr. Archibald Campbell,
Mr. Austin Chapman,	Mr. Ferguson,
Mr. Affleck,	Mr. David Davis,
Mr. McGowen,	Mr. Nicholson,
Mr. Watson,	Mr. Thomas Brown,
Mr. Hughes,	Mr. Law,
Mr. Miller,	Mr. Smith,
Mr. Macdonald,	Mr. Pyers,
Mr. Holman,	Mr. Barnes,
Mr. Moore,	Mr. O'Connor,
Mr. Nobbs,	Mr. Byrne,
Mr. McLean,	Mr. Rose,
Mr. Phillips,	Mr. O'Sullivan,
Mr. Gillies,	Mr. Terry,
Mr. Piddington,	Mr. Harris,
Mr. Haynes,	Mr. Edden,
Mr. Perry,	Mr. Stevenson,
Mr. Arthur Griffith,	Mr. Carroll.
Mr. Wright,	<i>Tellers,</i>
Mr. Watkins,	Mr. E. M. Clark,
Mr. Copeland,	Mr. Whiddon.
Mr. Chanter,	
Mr. Newman,	

Noes, 24.

Mr. Hawthorne,
Mr. Cook,
Mr. Hogue,
Mr. Sea,
Mr. Brunker,
Mr. Carruthers,
Mr. Reid,
Mr. Ashton,
Mr. Ferris,
Mr. Nelson,
Mr. Kidd,
Mr. Sawers,
Mr. Storey,
Mr. Waddell,
Mr. Molesworth,
Mr. Dugald Thomson,
Mr. Rigg,
Mr. Archer,
Mr. Spruson,
Mr. Fegan,
Mr. Thomas Fitzpatrick,
Mr. J. C. L. Fitzpatrick.
<i>Tellers,</i>
Mr. Neild,
Mr. Cohen.

Item reduced.

Reduced Estimate (Auditor-General £15,365) agreed to.

And the Estimates for Vice-President of the Executive Council and Representative of the Government in the Legislative Council, and for Aborigines Protection Board, having been dealt with,—

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

RICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)
LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

No. 10

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 13 DECEMBER, 1898.

No. 1.

EARLY CLOSING BILL.

Clause 1 having been dealt with,—

Clause 2. (1) Except as hereinafter provided, no person shall work in or in connection with any "shop" after six o'clock p.m. on more than one day in each week, nor for a longer time than fifty-two hours in any one week, or for a longer time than nine hours in any one day, except on one day in each week, when eleven and a half hours work may be done. Limitation of hours of work in certain cases.

(2) The provisions contained in the foregoing subsection shall not apply to the occupier of a shop or any member of the occupier's family employed in such shop.

(3) Every shop not included within the exemption contained in subsection (2) shall close at one o'clock on one working day in each week.

(4) No person shall be employed during any day in any shop, or at any work in connection with a shop, if he or she has been previously employed the same day in a factory for eight hours, or for a longer time than will when added to the time worked by him or her in any factory exceed eight hours in the whole.

(5) The occupier of a shop in which or in connection with which any contravention of this section occurs shall on conviction be liable to a penalty for the first offence of not more than two pounds, and for every subsequent offence of not less than five pounds or more than ten pounds. (Read.)

Motion made (Mr. Hughes), to insert in line 2 after the word "shop" the words "after six o'clock p.m. on more than one day in each week nor" and Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 72.

Mr. Brunker,	Mr. Wilks,	Mr. Thomas Fitzpatrick,
Mr. Mackay,	Mr. James Thomson,	Mr. Barnes,
Mr. Hogue,	Mr. McGowen,	Mr. Stevenson,
Mr. Young,	Mr. Willis,	Mr. Arthur Griffith,
Mr. Garland,	Mr. Byrne,	Mr. Terry,
Mr. Reid,	Mr. Watson,	Mr. Dugald Thomson,
Mr. Smith,	Mr. Thomas Brown,	Mr. Henry Chapman,
Mr. Meagher,	Mr. Dight,	Mr. Thomas Clarke,
Mr. Hughes,	Mr. Hurley,	Mr. Asbeck,
Mr. Hawthorne,	Mr. Harris,	Mr. J. C. L. Fitzpatrick,
Mr. Quinn,	Mr. O'Connor,	Mr. Edden,
Mr. Parkes,	Mr. Nobbs,	Mr. Dick,
Dr. Ross,	Mr. Molesworth,	Mr. Macdonald,
Mr. Phillips,	Mr. Copeland,	Mr. Piddington,
Dr. Graham,	Mr. Archer,	Mr. Bennett,
Mr. Leas,	Mr. Law,	Mr. Carroll,
Mr. Archibald Campbell,	Mr. Sleath,	Mr. Thomas,
Mr. Mahony,	Mr. Lyne,	Mr. Savers,
Mr. Anderson,	Mr. Cohen,	Mr. Fegan,
Mr. McLean,	Mr. Gillies,	Mr. Nicholson.
Mr. Donaldson,	Mr. Alexander Campbell,	Tellers,
Mr. Newman,	Mr. Jessep,	
Mr. Cann,	Mr. Whiddon,	Mr. Spence,
Mr. Watkins,	Mr. Ferguson,	Mr. Miller.
Mr. Stovey,	Mr. Holman,	

Noes, 8.

Mr. Waddell,
Mr. Moore,
Mr. Spruson,
Mr. Riggs,
Mr. Millard,
Mr. Hassall,
Tellers,
Mr. Pyers,
Mr. Wood.

Words inserted.

Clause as amended agreed to.

And clauses 3, 4, and 5 having been dealt with,—

252—A

No. 2.

No. 2.

SAME BILL.

To apply only to
districts pro-
claimed.

Mr. Piddington moved the following new clause, to follow clause 4, viz. :—

"This Act shall apply only "to" such locality or localities as shall be declared by the Governor, by proclamation in the *Gazette*, to be a district or districts for the purposes of this Act." Mr. Dick moved to insert in line 1, after the word "to" the words "Sydney, the police district of Newcastle, the Municipality of Broken Hill" and to

Motion made (*Mr. Gillies*), to amend the words proposed to be inserted by inserting after the word "Hill" the words "and Maitland"

And Question put.
Committee divided.

Ayes, 12.

Mr. Phillips,
Mr. Thomas Brown,
Mr. Price,
Mr. Watson,
Mr. Dick,
Mr. Edden,
Mr. Watkins,
Mr. Dacey,
Mr. Millard,
Mr. Waddell.

Tellers,

Mr. Gillies,
Mr. Fegan.

Mr. Brunker,
Mr. Copeland,
Mr. Suttor,
Mr. Thomas,
Mr. Hogue,
Mr. Mcagher,
Mr. Ferguson,
Mr. Cann,
Mr. Wilks,
Mr. Miller,
Mr. Carroll,
Mr. Hurley,
Mr. Pyers,
Mr. Lees,
Mr. Alexander Campbell,
Mr. Archibald Campbell,
Mr. Hassall,
Mr. Anderson,
Mr. Affleck,
Mr. Reid,

Noes, 57.

Mr. Cook,
Mr. Molesworth,
Mr. Byrne,
Mr. Piddington,
Mr. Young,
Mr. Morgan,
Mr. Law,
Mr. Hawthorne,
Mr. Archer,
Mr. Nobbs,
Mr. Macdonald,
Mr. Spence,
Mr. Sawers,
Mr. Spruson,
Mr. Rigg,
Mr. Newman,
Mr. O'Connor,
Mr. Quinn,
Mr. Cohen,
Mr. Jessep,

Mr. Henry Chapman,
Mr. Bennett,
Mr. Hughes,
Mr. Holman,
Mr. Slcath,
Mr. Smith,
Mr. Thomas Clarke,
Mr. Stevenson,
Mr. Mahony,
Mr. McGowen,
Mr. Parkes,
Mr. Whiddon,
Mr. Wood,
Mr. Ashton,
Mr. J. C. L. Fitzpatrick.

Tellers,

Mr. Garland,
Mr. Willis.

Insertion of proposed words in amendment negatived.

No. 3.

SAME BILL.

Question put.—That the words proposed to be inserted in the new clause, viz., "Sydney, the Police District of Newcastle, the Municipality of Broken Hill," be so inserted.

Committee divided.

Ayes, 11.

Mr. Watson,
Mr. Price,
Mr. Fegan,
Mr. Edden,
Mr. Dick,
Mr. Watkins,
Mr. Gillies,
Mr. Dacey,
Mr. Slcath.

Tellers,

Mr. Thomas Brown,
Mr. Phillips.

Mr. Brunker,
Mr. Copeland,
Mr. Suttor,
Mr. Thomas,
Mr. Hogue,
Mr. Garland,
Mr. Cann,
Mr. Wilks,
Mr. Willis,
Mr. Miller,
Mr. Carroll,
Mr. Hurley,
Mr. Pyers,
Mr. Lees,
Mr. Archibald Campbell,
Mr. Alexander Campbell,
Mr. Hassall,
Mr. Anderson,
Mr. Jessep,
Mr. Cohen,
Mr. Quinn,

Noes, 59.

Mr. O'Connor,
Mr. Newman,
Mr. Rigg,
Mr. Spruson,
Mr. Sawers,
Mr. Spence,
Mr. Macdonald,
Mr. Nobbs,
Mr. Archer,
Mr. Hawthorne,
Mr. Law,
Mr. Morgan,
Mr. Young,
Mr. Piddington,
Mr. Byrne,
Mr. Molesworth,
Mr. Cook,
Mr. Reid,
Mr. Affleck,
Mr. Thomas Clarke,
Mr. Arthur Griffith,

Mr. Smith,
Mr. Holman,
Mr. Hughes,
Mr. Bennett,
Mr. Henry Chapman,
Mr. Stevenson,
Mr. Mahony,
Mr. McGowen,
Mr. Parkes,
Mr. Whiddon,
Mr. Wood,
Mr. Millard,
Mr. Ashton,
Mr. J. C. L. Fitzpatrick,
Mr. Waddell.

Tellers,

Mr. Meagher,
Mr. Ferguson.

Insertion of proposed words negatived.

No. 4.

SAME BILL.

Question put.—That the new clause, as proposed to follow clause 4, stand part of the Bill.
Committee divided.

Ayes, 42.

Mr. Brunker,
Mr. Young,
Mr. Willis,
Mr. Cook,
Mr. Sawers,
Mr. Newman,
Mr. Garland,
Mr. Meagher,
Mr. Watson,
Mr. Reid,
Mr. Piddington,
Mr. Miller,
Mr. Spruson,
Mr. Lees,
Mr. Hawthorne,
Mr. Law,
Mr. Smith,
Mr. Macdonald,
Mr. Carroll,
Mr. Jessep,
Mr. Hughes,
Mr. Parkes,
Mr. Mahony,

Mr. Archibald Campbell,
Mr. Anderson,
Mr. Molesworth,
Mr. O'Connor,
Mr. Quinn,
Mr. Alexander Campbell,
Mr. Hurley,
Mr. Archer,
Mr. Nobbs,
Mr. Pyers,
Mr. J. C. L. Fitzpatrick,
Mr. Henry Chapman,
Mr. Millard,
Mr. Stevenson,
Mr. Wood,
Mr. Cohen,
Mr. Hogue.

Tellers,

Mr. Morgan,
Mr. Byrne.

Noes, 21.

Mr. Copeland,
Mr. Suttor,
Mr. Gillies,
Mr. Affleck,
Mr. Cann,
Mr. Ferguson,
Mr. James Thomson,
Mr. Phillips,
Mr. Wilks,
Mr. Thomas Brown,
Mr. Holman,
Mr. Price,
Mr. Spence,
Mr. McGowen,
Mr. Edden,
Mr. Watkins,
Mr. Waddell,
Mr. Hassall,
Mr. Arthur Griffith.

Tellers,

Mr. Bennett,
Mr. Fegan.

Clause, as read, agreed to.

And other new clauses having been dealt with,—

No. 5.

No. 5.

SAME BILL.

SCHEDULE.

- Chemists' shops.
- Coffee-houses.
- Confectioners.
- Eating-houses.
- Fish and oyster shops.
- Fruit and vegetable shops.
- Restaurants.
- "Booksellers' and" news-agents' shops.
- "Tobacconists' shops."
- Hotels. (*Read.*)

Motion made (*Mr. Henry Chapman*), to leave out from line 8 the words "Booksellers' and".
 Question put,—That the words proposed to be left out stand part of the Schedule.
 Committee divided.

Ayes, 47.

Noes, 14.

- Mr. Brunker,
- Mr. Reid,
- Mr. Morgan,
- Mr. Hogue,
- Mr. Cook,
- Mr. Meagher,
- Mr. Suttor,
- Mr. Waddell,
- Mr. Hawthorne,
- Mr. Alexander Campbell,
- Mr. Phillips,
- Mr. Lees,
- Mr. Jessep,
- Mr. Ashton,
- Mr. Parkes,
- Mr. Whiddon,
- Mr. Mahony,

- Mr. Archibald Campbell,
- Mr. Anderson,
- Mr. Watson,
- Mr. Spruson,
- Mr. Law,
- Mr. Newman,
- Mr. Bennett,
- Mr. Rigg,
- Mr. Molesworth,
- Mr. Nobbs,
- Mr. Hurley,
- Mr. Byrne,
- Mr. Archer,
- Mr. Spence,
- Mr. McGowen,
- Mr. Edden,
- Mr. Miller,

- Mr. Sleath,
- Mr. Thomas Clarke,
- Mr. Holman,
- Mr. Pyers,
- Mr. Carroll,
- Mr. Stevenson,
- Mr. Piddington,
- Mr. Watkins,
- Mr. Millard,
- Mr. Cohen,
- Mr. Dacey.
- Tellers,*
- Mr. Dick,
- Mr. Hughes.

- Mr. Copeland,
- Mr. Sawers,
- Mr. Price,
- Mr. Gillies,
- Mr. Fegan,
- Mr. Thomas,
- Mr. Smith,
- Mr. Thomas Brown,
- Mr. Ferguson,
- Mr. Cann,
- Mr. Quinn,
- Mr. Arthur Griffith.
- Tellers,*
- Mr. Wilks,
- Mr. Henry Chapman.

Words stand.

No. 6.

SAME BILL.

Same Schedule.

Motion made (*Mr. Wilks*), to leave out from line 9 the words "Tobacconists' shops."
 Question put,—That the words proposed to be left out stand part of the Schedule.
 Committee divided.

Ayes, 41.

Noes, 22.

- Mr. Brunker,
- Mr. Reid,
- Mr. Morgan,
- Mr. Hogue,
- Mr. Young,
- Mr. Meagher,
- Mr. Suttor,
- Mr. Anderson,
- Mr. Hawthorne,
- Mr. Archibald Campbell,
- Mr. Phillips,
- Mr. Lees,
- Mr. Jessep,
- Mr. Ashton,
- Mr. Parkes,
- Mr. Whiddon,
- Mr. Mahony,
- Mr. Alexander Campbell,
- Mr. Waddell,
- Mr. Hurley,
- Mr. Byrne,
- Mr. Archer,

- Mr. Holman,
- Mr. Edden,
- Mr. Miller,
- Mr. Quinn,
- Mr. Cook,
- Mr. Sawers,
- Mr. Piddington,
- Mr. Dick,
- Mr. Law,
- Mr. Archibald Campbell,
- Mr. Newman,
- Mr. Spruson,
- Mr. Pyers,
- Mr. Millard,
- Mr. Cohen,
- Mr. Watkins,
- Mr. Dacey,
- Mr. Thomas Clarke.
- Tellers,*
- Mr. Stevenson,
- Mr. Carroll.

- Mr. Copeland,
- Mr. Price,
- Mr. Gillies,
- Mr. Wilks,
- Mr. Henry Chapman,
- Mr. Willis,
- Mr. Cann,
- Mr. Sleath,
- Mr. Hughes,
- Mr. Thomas,
- Mr. Thomas Brown,
- Mr. Ferguson,
- Mr. Smith,
- Mr. Watson,
- Mr. Fegan,
- Mr. Spence,
- Mr. Rigg,
- Mr. Millard,
- Mr. McGowen,
- Mr. Arthur Griffith.

- Tellers,*
- Mr. Nobbs,
- Mr. Molesworth.

Words stand.

And the Schedule having been amended as indicated,—
Schedule, as amended, agreed to.

On motion of Mr. Hogue, the Temporary Chairman, Mr. O'Sullivan, left the Chair to report the Bill with amendments to the House.

WEDNESDAY, 14 DECEMBER, 1898.

No. 7.

CONCILIATION AND ARBITRATION BILL.

Clauses 1 and 2 having been dealt with,—

Clause 3. Where a difference exists or is apprehended between an employer or any class of employers and his or their employecs, or between different classes of employees, the Minister "may," if he think fit, exercise all or any of the following powers, namely:—

(a) Direct inquiry into the causes and circumstances of the difference.

(b)

Powers of Minister as to trade disputes.

- (b) Take such steps as to him may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon, or nominated by the Minister or by some other person or body, with a view to the amicable settlement of the difference, and failing such amicable settlement shall direct a public inquiry into the causes and circumstances of the difference.
- (c) On the application of either the employers, the employees, or both, and after taking into consideration the existence and adequacy of the means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation.
- (d) On the application of both parties to the difference appoint an arbitrator. (*Read.*)

Motion made (*Mr. James Thomson*), to leave out from line 3 the word "may" and insert the word "shall" instead thereof.

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

Ayes, 40.

Mr. Lyne,
Mr. Young,
Mr. Cook,
Mr. Brunker,
Mr. Garland,
Mr. Smith,
Mr. Spruson,
Mr. Reid,
Mr. Spence,
Mr. Morgan,
Mr. Barnes,
Mr. Hogue,
Mr. Goodwin,
Mr. Mackay,

Mr. Hurley,
Mr. Macdonald,
Mr. Suttor,
Mr. Thomas Brown,
Mr. Arthur Griffith,
Mr. Lees,
Mr. Dight,
Mr. Wilks,
Mr. Hawthorne,
Mr. Ferguson,
Mr. Dacey,
Mr. Wise,
Mr. Ashton,
Mr. Anderson,

Mr. Byrne,
Mr. Nobb,
Mr. Perry,
Mr. Cotton,
Mr. Gornly,
Mr. Law,
Mr. Cann,
Mr. Carroll,
Mr. Millard,
Mr. Hughes.
Tellers,
Mr. McGowen,
Mr. Watson.

Noes, 11.

Mr. Gillies,
Mr. Thomas,
Mr. James Thomson,
Mr. Edden,
Mr. E. M. Clark,
Mr. Nicholson,
Mr. Watkins,
Mr. Dick,
Mr. Cohen.

Tellers,

Mr. Sleath,
Mr. Holman.

Word stands.

And the clause having been amended as indicated,—

Clause, as amended, agreed to.

And the remaining clauses of the Bill having been dealt with,—

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

THURSDAY, 15 DECEMBER, 1898.

No. 8.

SUPPLY—ESTIMATES, 1898-9.

Police.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £346,987 under the head of "Police."

Motion made (*Mr. Dacey*),—That the item, "Inspector-General, £920," be reduced by the sum of £312.

And the Chairman having ruled the Honorable Member for Camden, Mr. Kidd, out of order in referring to the granting of holidays to the Police on the ground that such matter could be more properly discussed on a subsequent item included in the Estimate,—

Mr. Austin Chapman moved,—That the Chairman leave the Chair to report a Point of Order, and ask leave to sit again as soon as the Point of Order has been decided by the House,—

and Question put.

Committee divided.

Ayes, 19.

Mr. Ashton,
Mr. Wright,
Mr. E. M. Clark,
Mr. James Thomson,
Mr. Smith,
Mr. Edden,
Mr. Perry,
Mr. Nobbs,
Mr. Hughes,
Mr. McLean,
Mr. Archer,
Mr. Arthur Griffith,
Mr. Piddington,
Mr. Willis,
Mr. Moore,
Mr. Cruickshank,
Mr. Kidd.

Tellers,

Mr. Miller,
Mr. Austin Chapman.

Mr. O'Connor,
Mr. Spruson,
Mr. Carruthers,
Mr. Quinn,
Mr. Sec,
Mr. Brunker,
Mr. Hogue,
Mr. Suttor,
Mr. Copeland,
Mr. Levien,
Mr. Jessop,
Mr. Dight,
Mr. Donaldson,
Mr. Goodwin,
Mr. Nelson,
Mr. Raymond,
Mr. Howarth,
Mr. Wilson,
Mr. Chanter,
Mr. Anderson,
Mr. Waddell,
Mr. Lee,

Noes, 62.

Mr. Wood,
Mr. Barnes,
Mr. Byrne,
Mr. J. C. L. Fitzpatrick,
Mr. Meagher,
Mr. Asteck,
Mr. Phillips,
Mr. Macdonald,
Mr. Thomas Fitzpatrick,
Mr. Henry Chapman,
Mr. Hawthorne,
Mr. Carroll,
Mr. Alexander Campbell,
Mr. Holman,
Mr. Nicholson,
Mr. Wilks,
Mr. Young,
Mr. Lees,
Mr. Harris,
Mr. Parkes,
Mr. Watson,
Mr. Hurley,

Mr. Hayes,
Mr. Newman,
Mr. Dugald Thomson,
Mr. Gornly,
Mr. Cook,
Mr. Whiddon,
Mr. Mahony,
Mr. Millard,
Mr. Stevenson,
Mr. Terry,
Mr. Dacey,
Mr. Fegan,
Mr. Cotton,
Mr. Gillies,
Mr. Sleath,
Mr. Mackay.

Tellers,

Mr. Law,
Mr. Thomas Brown.

Negatived.

No. 9.

SUPPLY.

Same Estimate.

Question put,—That the item, "Inspector-General, £920," be reduced by the sum of £312.

Committee

Committee divided.

Ayes, 6.

Mr. Edden,
Mr. Miller,
Mr. Sleath,
Mr. James Thomson.*Tellers,*Mr. Thomas Brown,
Mr. Dacey.Mr. Hogue,
Mr. Quinn,
Mr. Wright,
Mr. Spruson,
Mr. Gormly,
Mr. See,
Mr. Kidd,
Mr. Gillies,
Mr. O'Conor,
Mr. Copeland,
Mr. Levien,
Mr. Dight,
Mr. Goodwin,
Mr. Nelson,
Mr. Reymond,
Mr. Chanter,
Mr. Howarth,
Mr. Wilson,
Mr. Perry,
Mr. Lee,
Mr. Wood,
Mr. Barnes,
Mr. Byrne,
Mr. Brunker,
Mr. Affleck,

Noes, 72.

Mr. Hughes,
Mr. Phillips,
Mr. Moore,
Mr. Cruickshank,
Mr. Henry Chapman,
Mr. Carruthers,
Mr. Thomas Fitzpatrick,
Mr. Cook,
Mr. Haynes,
Mr. Hawthorne,
Mr. Molesworth,
Mr. Anderson,
Mr. Carroll,
Mr. Alexander Campbell,
Mr. Nicholson,
Mr. Lees,
Mr. Harris,
Mr. Archer,
Mr. Parkes,
Mr. Watson,
Mr. Newman,
Mr. McLean,
Mr. Dugald Thomson,
Mr. Jessep,
Mr. Stevenson,
Mr. Mahony,
Mr. Whiddo.,
Mr. Willis,
Mr. Smith,
Mr. Hurley,
Mr. Nobbs,
Mr. Hayes,
Mr. Wilks,
Mr. Millard,
Mr. Holman,
Mr. Arthur Griffith,
Mr. Macdonald,
Mr. Ashton,
Mr. Cotton,
Mr. Fogar,
Mr. Mackay,
Mr. Piddington,
Mr. Law,
Mr. Waddell,
Mr. E. M. Clark.*Tellers,*Mr. Meagher,
Mr. J. C. L. Fitzpatrick.*Reduction negatived.*

No. 10.

SUPPLY.

*Same Estimate.*Motion made (*Mr. Affleck*),—That the item, "3 Superintendents at £500—£1,500," be reduced by the sum of £90,—and Question put.

Committee divided.

Ayes, 30.

Mr. Affleck,
Mr. Hughes,
Mr. Miller,
Mr. Jessep,
Mr. Nobbs,
Mr. E. M. Clark,
Mr. Piddington,
Mr. Moore,
Mr. J. C. L. Fitzpatrick,
Mr. Edden,
Mr. Dight,
Mr. Thomas,
Mr. Copeland,
Mr. Perry,
Mr. Hurley,
Mr. Macdonald,
Mr. Spence,
Mr. Cotton,
Mr. David Davis,
Mr. Millard,
Mr. Pyers,
Mr. Rose,
Mr. Alexander Campbell,Mr. Law,
Mr. Watson,
Mr. Harris,
Mr. Arthur Griffith,
Mr. Terry.*Tellers,*Mr. Holman,
Mr. Gillies.

Noes, 43.

Mr. Spruson,
Mr. Quinn,
Mr. Nelson,
Mr. O'Conor,
Mr. Wilson,
Mr. Brunker,
Mr. Sawers,
Mr. Lee,
Mr. Hawthorne,
Mr. Garland,
Mr. Henry Chapman,
Mr. Suttor,
Mr. Wright,
Mr. Young,
Mr. Carroll,
Mr. Goodwin,
Mr. Cook,
Mr. Barnes,
Mr. Ferris,
Mr. Willis,
Mr. Wise,
Mr. Carruthers,
Mr. Waddell,
Mr. Dacey,
Mr. Molesworth,
Mr. Thomas Fitzpatrick,
Mr. Anderson,
Mr. Lees,
Mr. Newman,
Mr. Cohen,
Mr. Mackay,
Mr. Nicholson,
Mr. Hassall,
Mr. Bennett,
Mr. Levien,
Mr. Chanter,
Mr. Archer,
Mr. Dugald Thomson,
Mr. Rigg,
Mr. Hogue,
Mr. Stevenson.*Tellers,*Mr. Wilks,
Mr. Phillips.*Reduction negatived.*

No. 11.

SUPPLY.

*Same Estimate.*Motion made (*Mr. Miller*),—That the item, "3 Superintendents at £450—£1,350," be reduced by the sum of £75,—and Question put.

Committee divided.

Ayes, 15.

Mr. Hughes,
Mr. Moore,
Mr. Holman,
Mr. Gillies,
Mr. Perry,
Mr. Copeland,
Mr. David Davis,
Mr. Rose,
Mr. Edden,
Mr. Alexander Campbell,
Mr. Law,
Mr. Millard,
Mr. Terry.*Tellers,*Mr. Affleck,
Mr. Miller.Mr. Wright,
Mr. Nelson,
Mr. Suttor,
Mr. Wilson,
Mr. Sawers,
Mr. Lee,
Mr. Hawthorne,
Mr. Willis,
Mr. Morgan,
Mr. Henry Clarke,
Mr. Hurley,
Mr. Carroll,
Mr. Mackay,
Mr. Wise,
Mr. Ferris,
Mr. Young,
Mr. Pyers,
Mr. Carruthers,
Mr. Brunker,
Mr. E. M. Clark,

Noes, 57.

Mr. Molesworth,
Mr. Thomas Fitzpatrick,
Mr. Anderson,
Mr. Phillips,
Mr. Arthur Griffith,
Mr. O'Conor,
Dr. Graham,
Mr. Newman,
Mr. Cohen,
Mr. Nicholson,
Mr. Barnes,
Mr. Henry Chapman,
Mr. Dacey,
Mr. Hassall,
Mr. Lees,
Mr. Nobbs,
Mr. Macdonald,
Mr. Archer,
Mr. Dugald Thomson,
Mr. Rigg,
Mr. Hogue,
Mr. Spence,
Mr. Smith,
Mr. Jessep,
Mr. Wilks,
Mr. Garland,
Mr. Stevenson,
Mr. J. C. L. Fitzpatrick,
Mr. Bennett,
Mr. Levien,
Mr. Chanter,
Mr. Cook,
Mr. Waddell,
Mr. Piddington,
Mr. Watson.*Tellers,*Mr. Quinn,
Mr. Spruson.*Reduction negatived.**Estimate (Police, £346,987) agreed to.*

And the Estimates for Lunacy, Master-in-Lunacy, and Medical Board having been dealt with,—

No. 12.

No. 12.

SUPPLY.

Medical Adviser to the Government.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £41,419, under the head of "The Medical Adviser to the Government."

Motion made (*Mr. Miller*),—That the item, "Medical Superintendent, Coast Hospital, £600," be reduced by the sum of £50,—and Question put.

Committee divided.

Ayes, 39.

Mr. Lyne,	Mr. Watson,
Mr. Levien,	Mr. Millard,
Mr. Affleck,	Mr. Chanter,
Mr. McGowen,	Mr. David Davis,
Mr. Gillies,	Mr. Spence,
Mr. Hughes,	Mr. Rose,
Mr. Miller,	Mr. Howarth,
Mr. Watkins,	Mr. Kidd,
Mr. Eddon,	Mr. Stevenson,
Mr. Dacey,	Mr. Suttor,
Mr. Nelson,	Mr. Pyers,
Mr. Jessep,	Mr. Carroll,
Mr. Piddington,	Mr. Hurley.
Mr. Perry,	
Mr. Spruson,	<i>Tellers,</i>
Mr. Quinn,	Mr. Smith,
Mr. J. C. L. Fitzpatrick,	Mr. Moore.
Mr. Nobbs,	
Mr. E. M. Clark,	
Mr. Holman,	
Mr. Law,	
Mr. Meagher,	
Mr. Arthur Griffith,	
Mr. O'Conor,	

Noes, 22.

Mr. Hogue,
Mr. Sawers,
Mr. Copeland,
Mr. Carruthers,
Mr. Brunter,
Mr. Ferris,
Mr. Lee,
Mr. Ashton,
Mr. Cook,
Mr. Thomas Fitzpatrick,
Mr. Garland,
Mr. Young,
Mr. Rigg,
Mr. Hawthorne,
Mr. Phillips,
Mr. Dugald Thomson,
Mr. Willis,
Mr. Archer,
Mr. Archibald Campbell,
Mr. Wright.
<i>Tellers,</i>
Mr. Morgan,
Mr. Anderson.

Item reduced.

No. 13.

SUPPLY.

Same Estimate.

Motion made (*Mr. Miller*),—That the item "Government Analyst, £600," be reduced by the sum of £40,—and Question put.

Committee divided.

Ayes, 37.

Mr. Nelson,	Mr. Law,
Mr. Gillies,	Mr. Quinn,
Mr. Lyne,	Mr. Smith,
Mr. Moore,	Mr. Spence,
Mr. Affleck,	Mr. David Davis,
Mr. McGowen,	Mr. Millard,
Mr. E. M. Clark,	Mr. Watson,
Mr. Watkins,	Mr. Arthur Griffith,
Mr. Levien,	Mr. O'Conor,
Mr. J. C. L. Fitzpatrick,	Mr. Stevenson,
Mr. Edden,	Mr. Rose,
Mr. Willis,	Mr. Hurley,
Mr. Jessep,	Mr. Carroll,
Mr. Dacey,	Mr. Pyers,
Mr. Perry,	Mr. Piddington.
Mr. Spruson,	
Mr. Wright,	<i>Tellers,</i>
Mr. Chanter,	Mr. Hughes,
Mr. Nobbs,	Mr. Miller.
Mr. Holman,	

Noes, 24.

Mr. Hogue,	Mr. Young,
Mr. Kidd,	Mr. Ashton.
Mr. Copeland,	<i>Tellers,</i>
Mr. Sawers,	Mr. Meagher,
Mr. Cruickshank,	Mr. Garland.
Mr. Brunter,	
Mr. Ferris,	
Mr. Hawthorne,	
Mr. Morgan,	
Mr. Lee,	
Mr. Archibald Campbell,	
Mr. Carruthers,	
Mr. Anderson,	
Mr. Cook,	
Mr. Thomas Fitzpatrick,	
Mr. Rigg,	
Mr. Howarth,	
Mr. Dugald Thomson,	
Mr. Phillips,	
Mr. Archer,	

Item reduced.

Reduced Estimate (The Medical Adviser to the Government, £41,329) agreed to.

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

FRIDAY, 16 DECEMBER, 1898.

No. 14.

SUPPLY—ESTIMATES FOR 1898-9.

Government Statistician.

Question again proposed,—That there be granted to Her Majesty a sum not exceeding £4,186, under the head of "Government Statistician."

Motion made (*Mr. Affleck*),—That the item, "Assistant Statistician, £475," be reduced by the sum of £50,—and Question put.

Committee

Committee divided.

Ayes, 36.

Mr. Stevenson,	Mr. Wright,
Mr. Willis,	Mr. Watson,
Mr. Thomas Brown,	Mr. Ross,
Mr. Afleck,	Mr. Harris,
Mr. Sleath,	Mr. Law,
Mr. Hassall,	Mr. Alexander Campbell,
Mr. Jessop,	Mr. Cohen,
Mr. Hurley,	Mr. Morgan,
Mr. Edden,	Mr. Pycers,
Mr. Nicholson,	Mr. Carroll,
Mr. E. M. Clark,	Mr. Cruickshank,
Mr. Perry,	Mr. Terry,
Mr. Quinn,	Mr. Rose,
Mr. Davis,	Mr. Chanter,
Mr. Fegan,	Mr. Piddington.
Mr. Moore,	<i>Tellers.</i>
Mr. Cotton,	Mr. Holman,
Mr. Bennett,	Mr. Dacey.
Mr. Ferguson,	

Noes, 33.

Mr. McLaughlin,	Mr. Carruthers,
Mr. Wilson,	Mr. Henry Chapman,
Mr. Barton,	Dr. Graham,
Mr. Hogue,	Mr. Lees,
Mr. Reid,	Mr. Anderson,
Mr. Cook,	Mr. Thomas Fitzpatrick,
Mr. Young,	Mr. Byrne,
Mr. Brunker,	Mr. Newman,
Mr. Copeland,	Mr. Waddell,
Mr. Lee,	Mr. Thomas Clarke,
Mr. Mackay,	Mr. Wood,
Mr. Archibald Campbell,	Mr. McFarlane.
Mr. Raymond,	<i>Tellers.</i>
Mr. Ferris,	Mr. Ashton,
Mr. Henry Clarke,	Mr. McLean.
Mr. Gormly,	
Mr. Hayes,	
Mr. W. W. Davis,	
Mr. Barnes,	

Item reduced.

Reduced Estimate (Government Statistician, £4,136) agreed to.

And the Estimate for Registrar of Friendly Societies and Trades Unions having been dealt with,—

No. 15.

SUPPLY.

Agent-General for the Colony.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £8,440 under the head of "Agent-General for the Colony."

Motion made (*Mr. Gormly*),—That the item, "Agent-General for the Colony resident in London, £1,820," be reduced by the sum of £910,—and Question put.

Committee divided.

Ayes, 26.

Mr. Hassall,	Mr. Stevenson,
Mr. Carroll,	Mr. Terry.
Mr. Ferris,	<i>Tellers.</i>
Mr. Alexander Campbell,	Mr. Miller,
Mr. Hurley,	Mr. Gillies.
Mr. Austin Chapman,	
Mr. Lyne,	
Mr. Wright,	
Mr. Edden,	
Mr. Nelson,	
Mr. Gormly,	
Mr. Byrne,	
Mr. Rose,	
Mr. Barnes,	
Mr. Pycers,	
Mr. Nobbs,	
Mr. Thomas Fitzpatrick,	
Mr. Quinn,	
Mr. Perry,	
Mr. Chanter,	
Mr. O'Sullivan,	
Mr. Bennett,	

Noes, 41.

Mr. Lee,	Mr. Millard,
Mr. Kidd,	Mr. Jessop,
Mr. Hogue,	Mr. Hawthorne,
Mr. Meagher,	Mr. Wilks,
Mr. Anderson,	Mr. Law,
Mr. Carruthers,	Mr. Archibald Campbell,
Mr. Brunker,	Mr. Mahony,
Mr. Cook,	Mr. Archer,
Mr. Reid,	Mr. Rigg,
Mr. Watkins,	Mr. Cohen,
Mr. Copeland,	Mr. Lees,
Mr. Parkes,	Mr. Arthur Griffith,
Mr. Young,	Mr. Thomas Clarke,
Mr. Cotton,	Mr. Dick,
Mr. Raymond,	Mr. Fegan,
Mr. Suttor,	Mr. Watson,
Mr. Piddington,	Mr. Smith.
Mr. J. C. L. Fitzpatrick,	<i>Tellers.</i>
Mr. McGowen,	Mr. Moore,
Mr. Hughes,	Mr. Waddell.
Mr. Thomas,	
Mr. Afleck.	

Reduction negatived.

And certain items of the Estimate having been reduced,—

No. 16.

SUPPLY.

Same Estimate.

Motion made (*Mr. Miller*),—That the item, "Gratuity to Sir Saul Samuel, one month's pay for each year of service, £2,865," be omitted,—and Question put.

Committee divided.

Ayes, 23.

Mr. Quinn,
Mr. Holman,
Mr. McGowen,
Mr. Thomas Brown,
Mr. Perry,
Mr. Wood,
Mr. Smith,
Mr. Hughes,
Mr. Dick,
Mr. Fegan,
Mr. Thomas Fitzpatrick,
Mr. Price,
Mr. Chanter,
Mr. Bennett,
Mr. Byrne,
Mr. Spence,
Mr. Ferguson,
Mr. Edden,
Mr. Thomas,
Mr. Rose,
Mr. David Davis.
<i>Tellers.</i>
Mr. Watkins,
Mr. Austin Chapman.

Noes, 59.

Mr. Ferris,	Mr. Cotton,	Mr. Gormly,
Mr. Suttor,	Mr. Afleck,	Mr. Cook,
Mr. Wright,	Mr. Phillips,	Mr. Arthur Griffith,
Mr. Kidd,	Mr. Carruthers,	Mr. Moore,
Mr. Meagher,	Mr. Henry Chapman,	Mr. Willis,
Mr. Copeland,	Mr. J. C. L. Fitzpatrick,	Mr. Stevenson,
Mr. O'Sullivan,	Dr. Graham,	Mr. Jessop.
Mr. Young,	Mr. Wise,	<i>Tellers.</i>
Mr. Reid,	Mr. Nobbs,	Mr. E. M. Clark,
Mr. Ashton,	Mr. Watson,	Mr. Garland.
Mr. Spruson,	Mr. Hayes,	
Mr. Barton,	Mr. Anderson,	
Mr. Brunker,	Mr. Law,	
Mr. Raymond,	Mr. Parkes,	
Mr. Morgan,	Mr. Dugald Thomson,	
Mr. Alexander Campbell,	Mr. Mahony,	
Mr. Nelson,	Mr. Rigg,	
Mr. Hurley,	Mr. Archer,	
Mr. Carroll,	Mr. Cohen,	
Mr. Pycers,	Mr. Lees,	
Mr. Henry Clarke,	Mr. Thomas Clarke,	
Mr. Hassall,	Mr. McFarlane,	
Mr. Lee,	Mr. Mackay,	
Mr. Piddington,	Mr. Millard,	
Mr. Sawers,	Mr. Terry,	

Omission of item negatived.

Reduced

Reduced Estimate (Agent-General for the Colony, £3,100) agreed to.

And the Estimates for Charitable Institutions, Fisheries Commission, and Fire Brigades, having been dealt with,—

No. 17.

SUPPLY.

Reorganization of the Public Service.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £4,000 under the head of "Reorganization of the Public Service."

Motion made (*Mr. Affleck*),—That the Estimate be reduced by £150,—and Question put. Committee divided.

Ayes, 34.

Mr. Hayes,	Mr. Pyers,
Mr. Barton,	Mr. Smith,
Mr. Nelson,	Mr. Arthur Griffith,
Mr. Rose,	Mr. Stevenson,
Mr. Hurley,	Mr. Watkins,
Mr. Scath,	Mr. Edden,
Mr. Hassall,	Mr. Terry,
Mr. Kidd,	Mr. Carroll.
Mr. Bennett,	<i>Tellers,</i>
Mr. Perry,	Mr. Miller,
Mr. Sattor,	Mr. E. M. Clark.
Mr. Willis,	
Mr. Affleck,	
Mr. Gillies,	
Mr. Fegan,	
Mr. Lyne,	
Mr. Chanter,	
Mr. Quinn,	
Mr. Copeland,	
Mr. Spruson,	
Mr. Piddington,	
Mr. O'Sullivan,	
Mr. Thomas Clarke,	
Mr. David Davis,	

Noes, 46.

Mr. Hogue,	Mr. Parkes,
Mr. Lee,	Mr. Archer,
Mr. Ferris,	Mr. Cruickshank,
Mr. Brunker,	Mr. Dacey,
Mr. Henry Chapman,	Mr. Cook,
Mr. McLean,	Mr. Rigg,
Mr. Thomas Fitzpatrick,	Mr. Millard,
Mr. Carruthers,	Mr. Spence,
Mr. Hawthorne,	Mr. Cotton,
Mr. Young,	Mr. Holman,
Mr. Gormly,	Mr. McGowen,
Mr. Meagher,	Mr. Ferguson,
Mr. Anderson,	Mr. Lees,
Mr. Howarth,	Mr. Thomas Brown,
Mr. Haynes,	Mr. Moore,
Mr. Morgan,	Mr. Hughes,
Mr. Garland,	Mr. Cohen,
Mr. Reid,	Mr. O'Conor,
Mr. Jessep,	Mr. Mackay,
Mr. Watson,	Mr. Wood.
Mr. Law,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Wilks,
Mr. Ashton,	Mr. J. C. L. Fitzpatrick.
Mr. Dick,	

Reduction negatived.

No. 18.

SUPPLY.

Same Estimate.

Motion made (*Mr. O'Sullivan*),—That the Estimate be reduced by £100,—and Question put. Committee divided.

Ayes, 30.

Mr. Barton,	Mr. Carroll,
Mr. Chanter,	Mr. Lyne,
Mr. Sattor,	Mr. Perry.
Mr. Gillies,	<i>Tellers,</i>
Mr. Affleck,	
Mr. E. M. Clark,	Mr. Scath,
Mr. Miller,	Mr. Hassall.
Mr. Fegan,	
Mr. Nelson,	
Mr. Hurley,	
Mr. Rose,	
Mr. Willis,	
Mr. David Davis,	
Mr. Bennett,	
Mr. Pyers,	
Mr. Arthur Griffith,	
Mr. Dacey,	
Mr. O'Sullivan,	
Mr. Piddington,	
Mr. Spruson,	
Mr. Quinn,	
Mr. Kidd,	
Mr. Terry,	
Mr. Stevenson,	
Mr. Wise,	

Noes, 48.

Mr. Henry Chapman,	Mr. Dick,
Mr. Hogue,	Mr. Parkes,
Mr. Brunker,	Mr. Watson,
Mr. Reid,	Mr. Archer,
Mr. Cook,	Mr. Edden,
Mr. Young,	Mr. Cruickshank,
Mr. Lee,	Mr. Lees,
Mr. Thomas Fitzpatrick,	Mr. Holman,
Mr. Carruthers,	Mr. Thomas Brown,
Mr. Hawthorne,	Mr. McGowen,
Mr. Gormly,	Mr. Cotton,
Mr. Thomas Clarke,	Mr. Spence,
Mr. Ferris,	Mr. Watkins,
Mr. Meagher,	Mr. Millard,
Mr. J. C. L. Fitzpatrick,	Mr. Ferguson,
Mr. Howarth,	Mr. Jessep,
Mr. Anderson,	Mr. Hughes,
Mr. Haynes,	Mr. Smith,
Mr. Morgan,	Mr. Rigg,
Mr. McLean,	Mr. Mackay,
Mr. Garland,	Mr. O'Conor.
Mr. Cohen,	<i>Tellers,</i>
Mr. Moore,	Mr. Wilks,
Mr. Nobbs,	Mr. Law.
Mr. Ashton,	

Reduction negatived.

Estimate (Reorganization of the Public Service, £4,000) agreed to.

And the Estimates for Botanic Gardens, Nursery Garden Campbelltown, Government Domains, Garden Palace Grounds, Centennial Park, and Electoral Office, having been dealt with,—

No. 19.

SUPPLY.

Charitable Allowances.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £67,250, under the head of "Charitable Allowances."

Motion made (*Mr. Haynes*),—That the item, "Sydney Rescue Work Society—aid, on condition of an equal amount being raised by private contributions, £300," be reduced by £300,—and Question put. Committee

Committee divided.

Ayes, 49.

Mr. Ferguson,	Mr. Bennett,
Mr. Brunker,	Mr. Quinn,
Mr. Morgan,	Mr. Hayes,
Mr. Lee,	Mr. Hassall,
Mr. Carruthers,	Mr. Harris,
Mr. Reid,	Mr. Thomas Clarke,
Mr. Cook,	Mr. Howarth,
Mr. Wright,	Mr. Parkes,
Mr. Meagher,	Mr. Law,
Mr. Scath,	Mr. Spence,
Mr. Garland,	Mr. McGowen,
Mr. Jessep,	Mr. Wilks,
Mr. Nelson,	Mr. Willis,
Mr. Archer,	Mr. Stevenson,
Dr. Graham,	Mr. Phillips,
Mr. Dacey,	Mr. Cotton,
Mr. Archibald Campbell,	Mr. Hogue,
Mr. Young,	Mr. Wood,
Mr. Anderson,	Mr. Piddington,
Mr. Macdonald,	Mr. J. C. L. Fitzpatrick,
Mr. Spruson,	Mr. Hawthorne.
Mr. Holman,	
Mr. Smith,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Arthur Griffith,
Mr. Thomas Fitzpatrick,	Mr. Haynes.
Mr. Watson,	

Noes, 27.

Mr. Lyne,	<i>Tellers,</i>
Mr. David Davis,	Mr. Moore,
Mr. Copeland,	Mr. O'Connor.
Mr. Kidd,	
Mr. Perry,	
Mr. McLaughlin,	
Mr. Gillies,	
Mr. O'Sullivan,	
Mr. Austin Chapman,	
Mr. Carroll,	
Mr. Chanter,	
Mr. Raymond,	
Mr. Pyers,	
Mr. Hurley,	
Mr. Alexander Campbell,	
Mr. Miller,	
Mr. Rose,	
Mr. McLean,	
Mr. Ferris,	
Mr. Atleek,	
Mr. Rigg,	
Mr. McFarlane,	
Mr. Cohen,	
Mr. Thomas Brown,	
Mr. Waddell,	

*Item reduced.**Reduced Estimate (Charitable Allowances, £66,950) agreed to.*

And the Estimates for Miscellaneous Services (Chief Secretary), Treasury, Stamp Duties, Land and Income Tax, Customs, Gold Receivers, Gold and Escort, Government Printer's Department, Stores and Stationery, Mercantile Explosives Department, Board of Health, Shipping Masters, Marine Board of New South Wales, Life-boats, and Public Wharfs having been dealt with,—

No. 20.

SUPPLY.

Miscellaneous Services (Treasurer).

Question proposed,—That there be granted to Her Majesty a sum not exceeding £248,441, under the head of "Miscellaneous Services."

And the item, "Amount payable to Railway Department for conveyance, without charge, of Members of Parliament, Distinguished Visitors, School Children, and others, £20,000," having been reduced by £2,000,—

Motion made (*Mr. Rose*),—That the item, "Allowance to the Premier, £500," be omitted,—and

Question put.

Committee divided.

Ayes, 12.

Mr. Suttor,
Mr. Austin Chapman,
Mr. Chanter,
Mr. Copeland,
Mr. Prier,
Mr. Henry Clarke,
Mr. Pyers,
Mr. Hurley,
Mr. Stevenson,
Mr. McLaughlin.
<i>Tellers,</i>
Mr. Miller,
Mr. Rose.

Noes, 51.

Mr. See,	Mr. Jessep,	Mr. Fegan,
Mr. Carroll,	Mr. Cook,	Mr. Dick,
Mr. Young,	Mr. Hawthorne,	Mr. Byrne,
Mr. Carruthers,	Mr. Willis,	Mr. Cotton,
Mr. Hogue,	Mr. Arthur Griffith,	Mr. Ashton,
Mr. Anderson,	Mr. Smith,	Mr. Thomas Brown,
Mr. Spruson,	Mr. Cruickshank,	Mr. Parkes,
Mr. David Davis,	Mr. Wilks,	Mr. Holman,
Mr. Savers,	Mr. Law,	Mr. Thomas Clarke,
Mr. Brunker,	Mr. E. M. Clark,	Mr. Millard,
Mr. Lee,	Mr. Newman,	Mr. Watson,
Mr. Haynes,	Mr. Cohen,	Mr. Dacey,
Mr. Phillips,	Mr. Rigg,	Dr. Graham.
Mr. McLean,	Mr. Garland,	<i>Tellers,</i>
Mr. Howarth,	Mr. Nobbs,	Mr. Hughes,
Mr. Henry Chapman,	Mr. Archer,	Mr. Moore.
Mr. Meagher,	Mr. Thomas Fitzpatrick,	
Mr. Morgan,	Mr. Archibald Campbell,	

Reduction negatived.

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

BICHD. A. ARNOLD,
Clerk Assistant.

1898.
(SECOND SESSION.)
—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
No. 11.
—

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

—
MONDAY, 19 DECEMBER, 1898.

No. 1.

SUPPLY—ESTIMATES FOR 1898-9.

Treasurer and Secretary for Finance and Trade—Miscellaneous Services.

Question again proposed,—That there be granted to Her Majesty a sum (reduced) not exceeding £246,441 under the head of "Miscellaneous Services (Treasurer and Secretary for Finance and Trade)."

Question, on motion of Mr. Chanter, again proposed,—That the Item, "To defray expenses in connection with the Greater Britain Exhibition to be held in 1899, £5,000" be omitted, and Question put,—

Committee divided.

Ayes, 29.

Mr. Sleath,	Mr. McGowen,
Dr. Ross,	Mr. Cann,
Mr. O'Connor,	Mr. Holman,
Mr. Lyne,	Mr. Hurley,
Mr. Copeland,	Mr. David Davis,
Mr. Gillies,	Mr. Howarth,
Mr. Affleck,	Mr. Watson,
Mr. Wright,	Mr. Wood,
Mr. Miller,	Mr. Terry,
Mr. Bennett,	Mr. Gormly,
Mr. Henry Clarke,	Mr. Carroll.
Mr. Chanter,	<i>Tellers,</i>
Mr. Ferris,	Mr. Thomas,
Mr. Ferguson,	Mr. Quinn.
Mr. Watkins,	
Mr. Hughes,	

Noes, 29.

Mr. Carruthers,	Mr. Cohen,
Mr. Brunker,	Mr. Waddell,
Mr. J. C. L. Fitzpatrick,	Mr. Ross,
Mr. Austin Chapman,	Mr. Parkes,
Mr. Garland,	Mr. Cotton,
Mr. Hawthorne,	Mr. Hayes,
Mr. Nelson,	Mr. Lee,
Mr. Reid,	Mr. Ashton,
Mr. Cook,	Mr. Dick,
Mr. Nobbs,	Mr. Smith,
Mr. Meagher,	Mr. Piddington.
Mr. Archer,	<i>Tellers,</i>
Mr. Haynes,	Mr. Fegan,
Mr. Wilks,	Mr. Jessep.
Mr. Newman,	
Mr. Rigg,	

The numbers being equal, the Temporary Chairman, Mr. O'Sullivan, gave his casting vote with the *Noes*, and declared the question to have passed in the *negative*.

Omission of item negatived.

No. 2.

SUPPLY.

Same Estimate.

Motion made (*Mr. David Davis*),—That the item, "To defray expenses in connection with the Greater Britain Exhibition, to be held in 1899—£5,000," be reduced by the sum of £4,000,—and Question put.

Committee divided.

Ayes, 39.

Mr. Perry,	Mr. Quinn,
Mr. Ferris,	Mr. Cann,
Mr. Suttor,	Mr. Kidd,
Mr. Wright,	Mr. Watkins,
Mr. Copeland,	Mr. Smith,
Mr. Afleck,	Mr. David Davis,
Mr. Gillies,	Mr. Wood,
Mr. Lyne,	Mr. Watson,
Mr. Miller,	Mr. Howarth,
Mr. Reymond,	Mr. Hurley,
Dr. Ross,	Mr. McGowen,
Mr. Wise,	Mr. Sawers,
Mr. O'Connor,	Mr. Hassall,
Mr. Sleath,	Mr. Henry Clarke,
Mr. Stevenson,	Mr. Terry,
Mr. Dacey,	Mr. Carroll.
Mr. Chanter,	
Mr. Thomas,	<i>Tellers,</i>
Mr. Edden,	Mr. Bennett,
Mr. Hughes,	Mr. James Thomson.
Mr. Ferguson,	

Noes, 40.

Mr. Hogue,	Mr. Haynes,
Mr. Reid,	Mr. Moore,
Mr. Fegan,	Mr. E. M. Clark,
Mr. Carruthers,	Mr. W. W. Davis,
Mr. J. C. L. Fitzpatrick,	Mr. Cohen,
Mr. Bruncker,	Mr. Hawthorne,
Mr. Young,	Mr. Piddington,
Mr. Storey,	Mr. Nobbs,
Mr. Lee,	Mr. Byrnc,
Mr. Nelson,	Mr. Thomas Clarke,
Mr. Austin Chapman,	Mr. Archer,
Mr. Hayes,	Mr. Dick,
Mr. Parkes,	Mr. Cotton,
Mr. Garland,	Mr. Newman,
Mr. Muckay,	Mr. Ashton,
Mr. Molesworth,	Mr. Rigg,
Mr. Cook,	Mr. Millard.
Mr. Waddell,	
Mr. Law,	<i>Tellers,</i>
Mr. Wilks,	Mr. Meagher,
Mr. Arthur Griffith,	Mr. Jessep.

Reduction of item negatived.

No. 3.

SUPPLY.

Same Estimate.

Motion made (*Mr. Sleath*),—That the item, "To defray expenses in connection with the Greater Britain Exhibition, to be held in 1899—£5,000," be reduced by the sum of £1,000,—and Question put.

Committee divided.

Ayes, 45.

Mr. Perry,	Mr. Kidd,
Mr. Dacey,	Mr. Watkins,
Mr. Lyne,	Mr. Wood,
Mr. Spruson,	Mr. Bennett,
Mr. O'Connor,	Mr. Cann,
Mr. Suttor,	Mr. Afleck,
Mr. Barton,	Mr. James Thomson,
Mr. Copeland,	Mr. Sleath,
Mr. Gillies,	Mr. Hassall,
Mr. Thomas Fitzpatrick,	Mr. Edden,
Mr. Wright,	Mr. Whiddon,
Mr. Miller,	Mr. Thomas,
Mr. Ferris,	Mr. Howarth,
Mr. Wise,	Mr. Stevenson,
Mr. Reymond,	Mr. Ferguson,
Dr. Ross,	Mr. Carroll,
Mr. David Davis,	Mr. Pyers,
Mr. Hurley,	Mr. Terry,
Mr. Chanter,	Mr. Gornly.
Mr. Henry Clarke,	
Mr. McLaughlin,	<i>Tellers,</i>
Mr. Watson,	Mr. Hughes,
Mr. McGowen,	Mr. Smith.
Mr. Sawers,	

Noes, 41.

Mr. Hogue,	Mr. Ashton,
Mr. Cook,	Mr. Parkes,
Mr. Reid,	Mr. Ross,
Mr. Bruncker,	Mr. Nobbs,
Mr. Young,	Mr. Archer,
Mr. Anderson,	Mr. Thomas Clarke,
Mr. Fegan,	Mr. Cotton,
Mr. J. C. L. Fitzpatrick,	Mr. Dick,
Mr. Carruthers,	Mr. McLean,
Mr. Garland,	Mr. Cohen,
Mr. Nelson,	Mr. Millard,
Mr. Austin Chapman,	Mr. Hayes,
Mr. Jessep,	Mr. Thomas Brown,
Mr. Lees,	Mr. Rigg,
Mr. Molesworth,	Mr. Hawthorne.
Mr. Law,	
Mr. Meagher,	<i>Tellers,</i>
Mr. Wilks,	Mr. W. W. Davis,
Mr. Haynes,	Mr. Waddell.
Mr. E. M. Clark,	
Mr. Arthur Griffith,	
Mr. Newman,	
Mr. Moore,	
Mr. Dugald Thomson,	

Item reduced.

Reduced Estimate (Miscellaneous Services, £245,441) agreed to.

And the Estimate for Advance to Treasurer, having been dealt with,—

On motion of Mr. Reid, the Temporary Chairman, Mr. O'Sullivan, left the Chair to report progress, and ask leave to sit again at a later hour of the day.

MONDAY, 19 DECEMBER, 1898.

No. 4.

SUPPLY—ESTIMATES, 1898-9.

Military and Naval Forces.

The Estimate for Military Secretary having been postponed,—

Question proposed,—That there be granted to Her Majesty a sum not exceeding £184,710, under the head of "Permanent and Volunteer Military Forces."

Motion made (*Mr. Austin Chapman*),—That the Estimate be reduced by the sum of £25,000.

Debate ensued.

Mr.

Mr. Reid moved,—“That the Question be now put,”—and Question put.
Committee divided.

Ayes, 44.

Mr. Brunner,	Mr. Cann,
Mr. Young,	Mr. Afleck,
Mr. Lee,	Mr. McGowen,
Mr. Hogue,	Mr. Hawthorne,
Mr. Cook,	Mr. Wood,
Mr. Anderson,	Mr. Parkes,
Mr. Reid,	Mr. Howarth,
Mr. Thomas Fitzpatrick,	Mr. Nobbs,
Mr. Wright,	Mr. Cotton,
Mr. O'Connor,	Mr. Law,
Mr. Suttor,	Mr. Thomas Clarke,
Mr. Hassall,	Mr. Dugald Thomson,
Mr. Whiddon,	Mr. Lees,
Mr. Archibald Campbell,	Mr. J. C. L. Fitzpatrick,
Mr. Mahony,	Mr. Mackay,
Mr. Carruthers,	Mr. Millard,
Mr. Alexander Campbell,	Mr. Cohen,
Mr. Copeland,	Mr. Watson,
Mr. Ferris,	Mr. Stevenson.
Mr. Cruickshank,	<i>Tellers,</i>
Mr. Sawers,	Mr. Phillips,
Mr. Garland,	Mr. Ashton.
Mr. Perry,	

Noes, 18.

Mr. Hurley,
Mr. Carroll,
Mr. Austin Chapman,
Mr. Watkins,
Mr. Quinn,
Mr. Dick,
Mr. Price,
Mr. Nelson,
Mr. Levien,
Mr. E. M. Clark,
Mr. Kidd,
Mr. Lyne,
Mr. Smith,
Mr. Ferguson,
Mr. Jessep,
Mr. Gillies.

Tellers,

Mr. David Davis,
Mr. Arthur Griffith.

Agreed to.

No. 5.

SUPPLY.

Same Estimate.

Question put,—That the Estimate, £184,710, be reduced by the sum of £25,000.

Committee divided.

Ayes, 14.

Mr. Garland,
Mr. Sleath,
Mr. J. C. L. Fitzpatrick,
Mr. Arthur Griffith,
Mr. Ferguson,
Mr. Cann,
Mr. Afleck,
Mr. McGowen,
Mr. Watson,
Mr. Smith,
Mr. Law,
Mr. Carroll.

Tellers,

Mr. Edden,
Mr. Austin Chapman.

Mr. Suttor,
Mr. Barton,
Mr. Hurley,
Mr. Chanter,
Mr. Hogue,
Mr. Brunner,
Mr. Wright,
Mr. Quinn,
Mr. Sawers,
Mr. Gillies,
Mr. Anderson,
Mr. Price,
Mr. Wood,
Mr. Thomas Fitzpatrick,
Mr. Reid,
Mr. Copeland,
Mr. Ferris,
Mr. Perry,
Mr. Hawthorne,

Noes, 56.

Mr. Spruson,
Mr. Levien,
Mr. Hassall,
Mr. David Davis,
Mr. Alexander Campbell,
Mr. Whiddon,
Mr. Nelson,
Mr. Jessep,
Mr. Archibald Campbell,
Mr. Wilks,
Mr. Lee,
Mr. Henry Chapman,
Mr. Cook,
Mr. E. M. Clark,
Mr. Nobbs,
Mr. Mahony,
Mr. Cruickshank,
Mr. Phillips,
Mr. Howarth,

Mr. Thomas Clarke,
Mr. Lees,
Mr. Dugald Thomson,
Mr. Carruthers,
Mr. Kidd,
Mr. Lyne,
Mr. Cohen,
Mr. Ashton,
Mr. Gormly,
Mr. Stevenson,
Mr. Young,
Mr. Cotton,
Mr. Millard,
Mr. Dacey,
Mr. Parkes.

Tellers,

Mr. Mackay,
Mr. O'Connor.

Reduction of Estimate negatived.

No. 6.

SUPPLY.

Same Estimate.

Motion made (*Mr. Dick*),—That the Estimate, £184,710, be reduced by the sum of £11,254—
and Question put.

Committee divided.

Ayes, 19.

Mr. Smith,
Mr. Arthur Griffith,
Mr. Holman,
Mr. McGowen,
Mr. Austin Chapman,
Mr. Law,
Mr. Edden,
Mr. Cann,
Mr. Quinn,
Mr. Afleck,
Mr. Watson,
Mr. Howarth,
Mr. Dick,
Mr. Ashton,
Mr. David Davis,
Mr. Carroll,
Mr. Dacey.

Tellers,

Mr. J. C. L. Fitzpatrick,
Mr. Ferguson.

Noes, 44.

Mr. Hurley,	Mr. Young,
Mr. Suttor,	Mr. Hawthorne,
Mr. Gormly,	Mr. Wilks,
Mr. Copeland,	Mr. Cook,
Mr. Sawers,	Mr. Hogue,
Mr. Brunner,	Mr. Cohen,
Mr. O'Connor,	Mr. Archibald Campbell,
Mr. Lee,	Mr. Nobbs,
Mr. Wright,	Mr. Cruickshank,
Mr. Anderson,	Mr. Thomas Clarke,
Mr. Gillies,	Mr. Mahony,
Mr. Kidd,	Mr. Dugald Thomson,
Mr. Levien,	Mr. Millard,
Mr. Alexander Campbell,	Mr. E. M. Clark,
Mr. Ferris,	Mr. Cotton,
Mr. Barton,	Mr. Stevenson,
Mr. Whiddon,	Mr. Reid,
Mr. Mackay,	Mr. Spruson,
Mr. Wood,	Mr. Parkes.
Mr. Jessep,	<i>Tellers,</i>
Mr. Price,	Mr. Henry Chapman,
Mr. Phillips,	Mr. Thomas Fitzpatrick,
Mr. Thomas Fitzpatrick,	Mr. Hassall.

Reduction of Estimate negatived.

No. 7.

No. 7.

SUPPLY.

Same Estimate.

Motion made (*Mr. Dick*),—That the Estimate, £184,710, be reduced by the sum of £10,000,—and Question put.
Committee divided.

Ayes, 14.

Mr. Ferguson,
Mr. J. C. L. Fitzpatrick,
Mr. Austin Chapman,
Mr. Law,
Mr. Affleck,
Mr. Quinn,
Mr. McGowen,
Mr. Smith,
Mr. Sleath,
Mr. Dacey,
Mr. David Davis,
Mr. Carroll.

Tellers,

Mr. Arthur Griffith,
Mr. Cann.

Mr. Ferris,
Mr. Suttor,
Mr. Gormly,
Mr. Hurley,
Mr. Brunker,
Mr. Lee,
Mr. Copeland,
Mr. O'Connor,
Mr. Phillips,
Mr. Anderson,
Mr. Kidd,
Mr. Levien,
Mr. Hassall,
Mr. Alexander Campbell,
Mr. Wright,
Mr. Barton,

Noes, 43.

Mr. Mackay,
Mr. Wood,
Mr. Archibald Campbell,
Mr. Hogue,
Mr. Price,
Mr. Young,
Mr. Thomas Fitzpatrick,
Mr. Reid,
Mr. Hawthorne,
Mr. Wilks,
Mr. Cook,
Mr. Cohen,
Mr. Henry Chapman,
Mr. Nobbs,
Mr. Thomas Clarke,
Mr. Howarth,

Mr. Mahony,
Mr. Dugald Thomson,
Mr. Millard,
Mr. Stevenson,
Mr. E. M. Clark,
Mr. Cotton,
Mr. Jessep,
Mr. Spruson,
Mr. Parkes.

Tellers,

Mr. Sawers,
Mr. Gillies.

Reduction of Estimate negatived.

Estimate (Permanent and Volunteer Military Forces), £184,710, agreed to.

And the Estimates for Naval Brigade, Volunteer Naval Artillery, Torpedo Defence, and Warlike Stores and Ammunition for Naval Forces having been dealt with,—

No. 8.

SUPPLY.

Railways.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,926,754 under the head of "Railways."

Motion made (*Mr. Affleck*),—That the item, "Secretary, £900," be reduced by the sum of £100,—and Question put.

Committee divided.

Ayes, 18.

Mr. Cann,
Mr. Hughes,
Mr. McGowen,
Mr. Stevenson,
Mr. Holman,
Mr. Smith,
Mr. Watkins,
Mr. J. C. L. Fitzpatrick,
Mr. Jessep,
Mr. Henry Chapman,
Mr. Sleath,
Mr. Arthur Griffith,
Mr. Ferguson,
Mr. Dacey,
Mr. E. M. Clark,
Mr. Edden.

Tellers,

Mr. Thomas Brown,
Mr. Affleck.

Noes, 33.

Mr. Lyne,
Mr. Wright,
Mr. Ashton,
Mr. Perry,
Mr. Ferris,
Mr. Barton,
Mr. Brunker,
Mr. Kidd,
Mr. Levien,
Mr. Hogue,
Mr. Hurley,
Mr. Gormly,
Mr. Archibald Campbell,
Mr. Alexander Campbell,
Mr. Leo,
Mr. Copeland,
Mr. Carroll,
Mr. Price,

Mr. Cook,
Mr. Anderson,
Mr. Young,
Mr. Reid,
Mr. Cohen,
Mr. Nobbs,
Mr. Watson,
Mr. Howarth,
Mr. Thomas Clarke,
Mr. Hawthorne,
Mr. Millard,
Mr. Parkes,
Mr. Spruson.

Tellers,

Mr. Gillies,
Mr. Garland.

Reduction of item negatived.

No. 9.

SUPPLY.

Same Estimate.

Motion made (*Mr. Edden*),—That the item, "Secretary, £900," be reduced by the sum of £80,—and Question put.
Committee divided.

Ayes, 17.

Mr. Affleck,
Mr. Thomas Brown,
Mr. Cann,
Mr. Hughes,
Mr. McGowen,
Mr. Henry Chapman,
Mr. Sleath,
Mr. Nobbs,
Mr. Arthur Griffith,
Mr. Dacey,
Mr. Ferguson,
Mr. Edden,
Mr. Stevenson,
Mr. Watkins,
Mr. J. C. L. Fitzpatrick.

Tellers,

Mr. Holman,
Mr. Smith.

Noes, 36.

Mr. Lyne,
Mr. Wright,
Mr. Perry,
Mr. Kidd,
Mr. Gillies,
Mr. Barton,
Mr. Garland,
Mr. Brunker,
Mr. Spruson,
Mr. Levien,
Mr. Hurley,
Mr. Gormly,
Mr. Archibald Campbell,
Mr. Alexander Campbell,
Mr. Lee,
Mr. Copeland,
Mr. Carroll,
Mr. Cohen,
Mr. Anderson,

Mr. Reid,
Mr. Young,
Mr. Carruthers,
Mr. Cook,
Mr. Price,
Mr. Watson,
Mr. Howarth,
Mr. Cotton,
Mr. Thomas Clarke,
Mr. Hawthorne,
Mr. E. M. Clark,
Mr. Millard,
Mr. Jessep,
Mr. Hogue,
Mr. Parkes.

Tellers,

Mr. Ferris,
Mr. Ashton.

Reduction of item negatived.

Estimate (Railways, £1,926,754) agreed to.

And the Estimate for the Attorney-General, and all the Departments under Secretary for Lands having been dealt with,—

No. 10.

SUPPLY.

Secretary for Public Works—Establishment.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £88,932 under the head of "Establishment—Secretary for Public Works."

Motion made (*Mr. Reid*),—That the Temporary Chairman, Mr. Cann, do now leave the Chair, report progress, and ask leave to sit again at a later hour of the day.

The Honorable Member for Braidwood, Mr. Austin Chapman, rising to address the Committee,—Mr. Reid moved,—That the Honorable Member for Braidwood, Mr. Austin Chapman, be not further heard,—and Question put.
Committee divided.

Ayes, 32.

Mr. Cook,	Mr. J. C. L. Fitzpatrick,
Mr. Hogue,	Mr. Hughes,
Mr. Lee,	Mr. Nicholson,
Mr. Young,	Mr. Dick,
Mr. Reid,	Mr. E. M. Clark,
Mr. Dacey,	Mr. Thomas Clarke,
Mr. Carruthers,	Mr. Hawthorne,
Mr. Garland,	Mr. Howarth,
Mr. Archibald Campbell,	Mr. McGowen,
Mr. Anderson,	Mr. Spence,
Mr. Archer,	Mr. Stevenson,
Mr. Rigg,	Mr. Terry,
Mr. Brunker,	Mr. Cotton.
Mr. Watkins,	
Mr. Affleck,	<i>Tellers,</i>
Mr. James Thomson,	Mr. Thomas Brown,
Mr. Parkes,	Mr. McLean.

Noes, 24.

Mr. Reymond,	Mr. T. H. Griffith,
Dr. Ross,	Mr. Lyne,
Mr. O'Sullivan,	Mr. Thomas Fitzpatrick,
Mr. Gormly,	Mr. Kidd,
Mr. Wright,	Mr. David Davis.
Mr. Donaldson,	<i>Tellers,</i>
Mr. Hurley,	Mr. Austin Chapman,
Mr. Bennett,	Mr. Perry.
Mr. Dight,	
Mr. Wilson,	
Mr. Pyers,	
Mr. Alexander Campbell,	
Mr. Barnes,	
Mr. Wise,	
Mr. Carroll,	
Mr. Chanter,	
Mr. Barton,	

Agreed to.

Question,—That the Temporary Chairman, Mr. Cann, do now leave the Chair to report progress and ask leave to sit again at a later hour of the day,—put and passed.

Temporary Chairman left the Chair.

TUESDAY, 20 DECEMBER, 1898, A.M.

No. 11.

SUPPLY.

Secretary for Public Works—Establishment.

Question again proposed,—That there be granted to Her Majesty a sum not exceeding £88,932 under the head of "Establishment—Secretary for Public Works."

Motion made (*Mr. Affleck*),—That the item, "Assistant Engineer for Tramways, £600," be reduced by the sum of £50,—and Question put.

Committee divided.

Ayes, 18.

Mr. J. C. L. Fitzpatrick,
Mr. Edden,
Mr. Affleck,
Mr. Austin Chapman,
Mr. Price,
Mr. James Thomson,
Mr. E. M. Clark,
Mr. Law,
Mr. Spence,
Mr. Watkins,
Mr. Smith,
Mr. Cotton,
Mr. Nicholson,
Mr. Nobbs,
Mr. Stevenson,
Mr. McGowen.

Tellers,

Mr. Moore,
Mr. Thomas Brown.

Noes, 43.

Mr. Wright,	Mr. Hayes,
Dr. Ross,	Mr. T. H. Griffith,
Mr. Henry Chapman,	Mr. Cook,
Mr. See,	Mr. Piddington,
Mr. Spruson,	Mr. Dugald Thomson,
Mr. Reid,	Mr. Anderson,
Mr. Hogue,	Mr. Molesworth,
Mr. Carruthers,	Mr. Mackay,
Mr. Lee,	Mr. Ashton,
Mr. Young,	Mr. Wood,
Mr. Brunker,	Mr. Thomas Clarke,
Mr. Lyne,	Mr. Rigg,
Mr. Gormly,	Mr. Quinn,
Mr. Barton,	Mr. Whiddon,
Mr. Barnes,	Mr. Willis,
Mr. Nelson,	Mr. Fegan,
Mr. Hurley,	Mr. Terry,
Mr. Pyers,	Mr. Hawthorne.
Mr. David Davis,	<i>Tellers,</i>
Mr. Wise,	Mr. Garland,
Mr. Bennett,	Mr. Byrne.
Mr. Dight,	
Mr. Cohen,	

Reduction of item negatived.

And the salary of Engineer of Sewerage Construction having been reduced by £100,—

Reduced Estimate (Establishment—Secretary for Public Works, £88,832) agreed to.

And the Estimate for Public Works and Services having been dealt with,—

No. 12.

SUPPLY.

Metropolitan Board of Water Supply and Sewerage.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £75,819, under the head of "Metropolitan Board of Water Supply and Sewerage."

Motion made (*Mr. Edden*),—That the item, "Members of the Board—Fees £1,500," be reduced by the sum of £750,—and Question put.
Committee

Committee divided.

Ayes, 28.

Mr. Jessep,	Mr. Smith,
Mr. Affleck,	Mr. Law,
Mr. Rigg,	Mr. Anderson,
Mr. Nobbs,	Mr. Stevenson,
Mr. Morgan,	Mr. Ashton.
Mr. Phillips,	
Mr. E. M. Clark,	<i>Tellers,</i>
Mr. McGowen,	Mr. James Thomson,
Mr. Molesworth,	Mr. J. C. L. Fitzpatrick.
Mr. Thomas Brown,	
Mr. Moore,	
Mr. Thomas,	
Mr. Cotton,	
Mr. Spence,	
Mr. Dugald Thomson,	
Mr. Millard,	
Mr. Dick,	
Mr. Nicholson,	
Mr. Pricc,	
Mr. Edden,	
Mr. Watkins,	

Noes, 40.

Dr. Ross,	Mr. T. H. Griffith,
Mr. Spruson,	Mr. Garland,
Mr. Donaldson,	Mr. Hawthorne,
Mr. Copeland,	Mr. Young,
Mr. Suttor,	Mr. Archibald Campbell,
Mr. Storey,	Mr. Alexander Campbell,
Mr. Lyne,	Mr. Parkes,
Mr. Dight,	Mr. Cook,
Mr. Bennett,	Mr. Gormly,
Mr. Carroll,	Mr. O'Conor,
Mr. Hassall,	Mr. Henry Clarke,
Mr. Wise,	Mr. Thomas Clarke,
Mr. Hurley,	Mr. Lees,
Mr. Byrne,	Mr. Thomas Fitzpatrick,
Mr. Carruthers,	Mr. Barnes,
Mr. Lee,	Mr. McFarlane,
Mr. Brunker,	Mr. Terry.
Dr. Graham,	
Mr. Haynes,	<i>Tellers,</i>
Mr. Reid,	Mr. Piddington,
Mr. Hogue,	Mr. McLean.

Reduction of item negatived.

No. 13.

SUPPLY.

Same Estimate.

Motion made (*Mr. Affleck*),—That the item, "Secretary and Chief Clerk, £500," be reduced by the sum of £50,—and Question put.

Committee divided.

Ayes, 21.

Mr. Affleck,
Mr. James Thomson,
Mr. Austin Chapman,
Mr. Watkins,
Mr. Moore,
Mr. Watson,
Mr. Harris,
Mr. Edden,
Mr. Nicholson,
Mr. Stevenson,
Mr. Millard,
Mr. Wilks,
Mr. Hughes,
Mr. Thomas,
Mr. Smith,
Mr. Wilson,
Mr. McGowen,
Mr. Gillies,
Mr. Dacey.

Tellers,

Mr. E. M. Clark,
Mr. Law.

Mr. Morgan,
Mr. Hassall,
Dr. Ross,
Mr. Hurley,
Mr. Nelson,
Mr. Alexander Campbell,
Mr. Archibald Campbell,
Mr. Bennett,
Mr. Cook,
Mr. Gormly,
Mr. Lee,
Mr. Brunker,
Mr. Suttor,
Mr. Pyers,
Mr. Carroll,
Mr. Wright,
Mr. Kidd,
Mr. Henry Clarke,
Mr. Dight,
Mr. David Davis,
Mr. Young,
Mr. O'Conor,
Mr. Reid,

Noes, 52.

Mr. Cohen,
Mr. Molesworth,
Mr. Perry,
Mr. T. H. Griffith,
Mr. Thomas Clarke,
Mr. Fegan,
Mr. Hayes,
Mr. Ashton,
Mr. Newman,
Mr. Hogue,
Mr. Hawthorne,
Mr. Lyne,
Mr. J. C. L. Fitzpatrick,
Mr. Jessep,
Mr. McLean,
Mr. McFarlane,
Mr. Parkes,
Mr. Thomas Fitzpatrick,
Mr. Mahony,
Mr. Nobbs,
Mr. Donaldson,
Mr. Anderson,
Mr. Copeland,

Mr. Chanter,
Mr. Dugald Thomson,
Mr. Terry,
Mr. Piddington.

Tellers,

Mr. Quinn,
Mr. Spruson.

Reduction of item negatived.

And the item, "Auditor and Examiner of Accounts, £450," having been reduced by the sum of £50,—

No. 14.

SUPPLY.

Same Estimate.

Motion made (*Mr. Affleck*),—That the item, "Assessor, £450," be reduced by £50,—and Question put.

Committee divided.

Ayes, 56.

Mr. Hogue,	Mr. Moore,
Mr. Lee,	Mr. Smith,
Mr. Brunker,	Mr. Haynes,
Mr. Young,	Mr. McGowen,
Mr. Parkes,	Mr. E. M. Clark,
Mr. McLean,	Mr. Law,
Mr. Carruthers,	Mr. Newman,
Mr. Hawthorne,	Mr. Kidd,
Mr. Archibald Campbell,	Mr. Alexander Campbell,
Mr. Anderson,	Mr. Harris,
Mr. Raymond,	Mr. Henry Clarke,
Mr. Jessep,	Mr. Dacey,
Mr. Affleck,	Mr. Hassall,
Mr. Archer,	Mr. Thomas Clarke,
Mr. O'Conor,	Mr. James Thomson,
Mr. Mahony,	Mr. Edden,
Mr. Whiddon,	Mr. Pyers,
Mr. Phillips,	Mr. Nicholson,
Mr. Watkins,	Mr. Wilks,
Mr. Nobbs,	Mr. David Davis,

Mr. Spence,
Mr. Cotton,
Mr. Sleath,
Mr. Hughes,
Mr. Lyne,
Mr. Stevenson,
Mr. Spruson,
Mr. Carroll,
Mr. Terry,
Mr. Wilson,
Mr. Garland,
Mr. Quinn,
Mr. Fegan,
Mr. Thomas.
<i>Tellers,</i>
Mr. Watson,
Mr. J. C. L. Fitzpatrick.

Noes, 15.

Mr. Morgan,
Mr. Copeland,
Mr. Perry,
Mr. Donaldson,
Mr. Rose,
Mr. Molesworth,
Mr. Storey,
Mr. T. H. Griffith,
Mr. Arthur Griffith,
Mr. Ashton,
Mr. Thomas Fitzpatrick,
Mr. Wood,
Mr. Dugald Thomson.

Tellers,

Mr. Cohen,
Mr. Piddington.

Item reduced.

Reduced Estimate (Metropolitan Board of Water Supply and Sewerage, £75,818) agreed to.

And the Estimate for Hunter River Water Supply and Sewerage Board, and all Departments under the Minister of Justice, the Estimate for Public Instruction, Industrial Schools, Observatory, Museum, Public Library of New South Wales, and National Art Gallery, having been dealt with,—

No. 15.

No. 15.

SUPPLY.

Grants in aid of Public Institutions.

Question proposed, That there be granted to Her Majesty a sum not exceeding £17,250 under the head of "Grants in aid of Public Institutions."

Motion made (*Mr. Hassall*), That the item, "Towards the maintenance of the Art Society of New South Wales, £400," be omitted—

And the Committee continuing to sit after Midnight,—

WEDNESDAY, 21 DECEMBER, 1898, A.M.

Question put.

Committee divided.

Ayes, 15.

Mr. Spruson,
Mr. Moore,
Mr. Miller,
Mr. David Davis,
Mr. Ferguson,
Mr. Morgan,
Mr. Austin Chapman,
Mr. McGowen,
Mr. Alexander Campbell,
Mr. Hassall,
Mr. Gornly,
Mr. J. C. L. Fitzpatrick,
Mr. Ashton.

Tellers,

Mr. Willis,
Mr. Sleath.

Mr. Chanter,
Mr. Copeland,
Mr. Suttor,
Mr. Nelson,
Mr. Dacey,
Mr. Gillies,
Mr. Jessep,
Mr. Lee,
Mr. Crick,
Dr. Graham,
Mr. Arthur Griffith,
Mr. Hurley,
Mr. Archibald Campbell,
Mr. Phillips,
Mr. Garland,
Mr. T. H. Griffith,
Mr. Donaldson,

Noes, 43.

Mr. Brunker,
Mr. Anderson,
Mr. Young,
Mr. Howarth,
Mr. Nobbs,
Mr. Archer,
Mr. Thomas Brown,
Mr. Millard,
Mr. Parkes,
Mr. Spence,
Mr. Hogue,
Mr. Kidd,
Mr. Wood,
Mr. Lyne,
Mr. Barnes,
Mr. E. M. Clark,
Mr. Bennett,

Mr. Rigg,
Mr. Hawthorne,
Mr. Thomas Fitzpatrick,
Mr. Terry,
Mr. Cook,
Mr. Newman,
Mr. Smith.

Tellers,

Mr. Holman,
Mr. Wilks.

Omission of item negatived.

No. 16.

SUPPLY.

Same Estimate.

Motion made (*Mr. Arthur Griffith*), That the Item "Towards the maintenance of the Society of Artists, £400" be omitted,—and Question put.

Committee divided.

Ayes, 19.

Mr. Chanter,
Mr. Spruson,
Mr. Garland,
Mr. Suttor,
Mr. Copeland,
Mr. Arthur Griffith,
Mr. Jessep,
Mr. Dacey,
Dr. Graham,
Mr. Smith,
Mr. Gornly,
Mr. J. C. L. Fitzpatrick,
Mr. Kidd,
Mr. Lyne,
Mr. Crick,
Mr. Wilks,
Mr. Moore.

Tellers,

Mr. Bennett,
Mr. Wood.

Noes, 38.

Mr. Nelson,
Mr. Willis,
Mr. Gillies,
Mr. Alexander Campbell,
Mr. Hassall,
Mr. Brunker,
Mr. Miller,
Mr. Hurley,
Mr. Archibald Campbell,
Mr. Phillips,
Mr. T. H. Griffith,
Mr. Donaldson,
Mr. Sleath,
Mr. Terry,
Mr. Ferguson,
Mr. Lee,
Mr. Holman,
Mr. Austin Chapman,
Mr. McGowen,
Mr. Barnes,

Mr. Rigg,
Mr. Hawthorne,
Mr. Anderson,
Mr. Young,
Mr. Howarth,
Mr. Nobbs,
Mr. Archer,
Mr. Parkes,
Mr. Thomas Fitzpatrick,
Mr. Spence,
Mr. Hogue,
Mr. Morgan,
Mr. Cook,
Mr. Newman,
Mr. Ashton,
Mr. Thomas Brown.

Tellers,

Mr. E. M. Clark,
Mr. David Davis.

Omission of item negatived.

No. 17.

SUPPLY.

Same Estimate.

Motion made (*Mr. Moore*), That the Item "Towards the maintenance of the Society of Artists, £400" be reduced by £200,—and Question put.

Committee divided.

Ayes, 26.

Mr. Chanter,
Mr. Spruson,
Mr. Garland,
Mr. Bennett,
Mr. Suttor,
Mr. Copeland,
Mr. Arthur Griffith,
Mr. Jessep,
Mr. Dacey,
Mr. Miller,
Mr. Wood,
Mr. Crick,
Mr. Wilks,
Mr. Gillies,
Mr. Kidd,
Mr. Smith,
Mr. Alexander Campbell,

Dr. Graham,
Mr. Terry,
Mr. Gornly,
Mr. Lyne,
Mr. Rigg,
Mr. Morgan,
Mr. Ashton.

Tellers,

Mr. Moore,
Mr. J. C. L. Fitzpatrick.

Noes, 31.

Mr. David Davis,
Mr. Nelson,
Mr. Willis,
Mr. Hassall,
Mr. Hurley,
Mr. Archibald Campbell,
Mr. Phillips,
Mr. Donaldson,
Mr. T. H. Griffith,
Mr. Brunker,
Mr. Hawthorne,
Mr. Ferguson,
Mr. Lee,
Mr. Parkes,
Mr. Holman,
Mr. E. M. Clark,
Mr. Barnes,

Mr. Anderson,
Mr. Young,
Mr. Howarth,
Mr. Nobbs,
Mr. Archer,
Mr. Thomas Fitzpatrick,
Mr. Spence,
Mr. Hogue,
Mr. Newman,
Mr. Cook,
Mr. McGowen,
Mr. Thomas Brown.

Tellers,

Mr. Austin Chapman,
Mr. Sleath.

Reduction of item negatived.

No. 18.

No. 18.

SUPPLY.

Same Estimate.

Motion made (*Mr. J. C. L. Fitzpatrick*), That the item "Towards the maintenance of the Society of Artists," be reduced by the sum of £100,—and

Question put.

Committee divided.

Ayes, 32.

Mr. Lee,	Mr. Kidd,
Mr. Hogue,	Mr. Terry,
Mr. Spruson,	Mr. Bennett,
Mr. Cook,	Mr. Gormly,
Mr. Brunker,	Mr. Millard,
Mr. Moore,	Mr. Archer,
Mr. Wilks,	Mr. Arthur Griffith,
Mr. Copeland,	Mr. Newman,
Mr. Young,	Mr. Rigg,
Mr. Hawthorne,	Mr. Chanter,
Mr. Dacey,	Mr. Smith.
Mr. Anderson,	<i>Tellers,</i>
Mr. Suttor,	
Mr. Parkes,	Mr. Wood,
Mr. Miller,	Mr. O'Connor.
Mr. Jessep,	
Mr. J. C. L. Fitzpatrick,	
Mr. Lyne,	
Mr. Thomas Fitzpatrick,	

Noes, 17.

Mr. David Davis,
Mr. Sleath,
Mr. Wilson,
Mr. Hassall,
Mr. Donaldson,
Mr. Hurley,
Mr. Phillips,
Mr. Barnes,
Mr. Austin Chapman,
Mr. E. M. Clark,
Mr. Holman,
Mr. Nobbs,
Mr. Spence,
Mr. McGowen,
Mr. Thomas Brown.
<i>Tellers,</i>
Mr. Howarth,
Mr. Gillies.

*Item reduced.**Reduced Estimate (Grants in aid of Public Institution, £17,150), agreed to.*

And the Estimates for Miscellaneous Services (Department of Mines), Prevention of Scab in Sheep, Imported and Introduced Stock, Registration of Brands, Management of Pounds and Commons, and Public Watering Places and Artesian Boring, having been dealt with,—

No. 19.

SUPPLY.

Agriculture.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £30,046, under the head of "Agriculture."

Motion made (*Mr. Miller*), That the item "Chemist, £600," be reduced by £100,—and

Question put.

Committee divided.

Ayes, 16.

Mr. Moore,	Mr. Millard,
Mr. Alexander Campbell,	Mr. J. C. L. Fitzpatrick,
Mr. Hassall,	Mr. Smith.
Mr. Wood,	<i>Tellers,</i>
Mr. Sleath,	
Mr. Nelson,	Mr. Austin Chapman,
Mr. Hurley,	Mr. Miller.
Mr. Bennett,	
Mr. Lyne,	
Mr. David Davis,	
Mr. Gormly,	

Noes, 19.

Mr. Young,	Mr. Jessep,
Mr. Hogue,	Mr. Newman,
Mr. Parkes,	Mr. Rigg,
Mr. Brunker,	Mr. McGowen,
Mr. Hawthorne,	Mr. Thomas Brown,
Mr. Ferguson,	Mr. Dacey.
Mr. Archibald Campbell,	<i>Tellers,</i>
Mr. Cook,	
Mr. Archer,	Mr. Anderson,
Mr. Nobbs,	Mr. Howarth.
Mr. Holman,	

*Reduction of item negatived.**Estimate (Agriculture, £30,066) agreed to.*

And the Estimates for School of Mines and Assay Works, Board of Exports, Miscellaneous Services (Mines and Agriculture), for Postal and Electric Telegraph Department, for postponed Estimate of Military Secretary, for Statement of Payments on account of Services of the year 1897-8, and for the Loan Estimates, having been dealt with,—

On motion of Mr. Reid, the Temporary Chairman, Mr. Dick, left the Chair to report progress, and ask leave to sit again, and also to report that the Committee has come to certain resolutions.

WEDNESDAY,

WEDNESDAY, 21 DECEMBER, 1898, A.M.

No. 20.

LAND AND INCOME TAX (DECLARATORY) BILL.

Clauses 1, 2, and 3 having been dealt with,—

Clause 4. "Where" before the commencement of this Act money has been paid to the Commission- Validation of
 ers for the use of Her Majesty as land or income tax, such payment shall be as payments.
 valid as if this Act had been passed immediately after the passing of the Land and Income
 Tax Assessment Act of 1895. (*Read.*)

Motion made (*Mr. See*), to leave out the first word of the clause "Where"

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

Committee divided.

Ayes 42.

Mr. Brunker,	Mr. Law,
Mr. Lee,	Mr. Miller,
Mr. Cann,	Mr. James Thomson,
Mr. Hogue,	Mr. Edden,
Mr. Cook,	Mr. McGowen,
Mr. Wilson,	Mr. Thomas Clarke,
Mr. Fegan,	Mr. Nobbs,
Mr. Reid,	Mr. Cotton,
Mr. Sleath,	Mr. Howarth,
Mr. Hawthorne,	Mr. Nicholson,
Mr. Garland,	Mr. Millard,
Mr. Affleck,	Mr. E. M. Clark,
Mr. Archer,	Mr. Ferris,
Mr. McLean,	Mr. Thomas Brown,
Mr. Smith,	Mr. Dick,
Mr. Newman,	Mr. Ashton,
Mr. Ross,	Mr. Watson,
Mr. Hughes,	Mr. Terry.
Mr. Moore,	
Mr. Haynes,	<i>Tellers,</i>
Mr. Byrne,	Mr. Thomas,
Mr. Phillipps,	Mr. Wilks.

Noes 35.

Mr. Hassall,	Mr. Carroll,
Dr. Ross,	Mr. Henry Clarke,
Mr. Copeland,	Mr. Wise,
Mr. Wright,	Mr. T. H. Griffith,
Mr. Crick,	Mr. Thomas Fitzpatrick,
Mr. FitzGerald,	Mr. Nelson,
Mr. Perry,	Mr. Mackay,
Mr. See,	Mr. O'Connor,
Mr. Price,	Mr. Harris,
Mr. Pyers,	Mr. Stevenson,
Mr. McLaughlin,	Mr. Piddington.
Mr. Rose,	
Mr. Sawers,	<i>Tellers,</i>
Mr. Barnes,	Mr. McFarlane,
Mr. Alexander Campbell,	Mr. Quinn.
Mr. Molesworth,	
Mr. Dugald Thomson,	
Mr. Spruson,	
Mr. Gillies,	
Mr. Dight,	
Mr. Kidd,	
Mr. Cohen,	

Word stands.

No. 21.

SAME BILL.

Same Clause.

Motion made (*Mr. Reid*),—That the following words be added to the clause, "Provided that nothing in this Act shall "affect" the decision of the Privy Council in the case of the Commissioners of Taxation against Richard Teece."

Mr. Cohen moved to leave out all the words of the proposed amendment after the word "affect" and insert the words "any judgments already recovered." instead thereof.

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

Committee divided.

Ayes 46.

Mr. Brunker,	Mr. Thomas Clarke,
Mr. Hawthorne,	Mr. Rigg,
Mr. Lee,	Mr. Cotton,
Mr. Hogue,	Mr. Watkins,
Mr. Nobbs,	Mr. Nicholson,
Mr. Reid,	Mr. Thomas,
Mr. Hughes,	Mr. Garland,
Mr. Cook,	Mr. Miller,
Mr. Henry Chapman,	Mr. Wilson,
Mr. Fegan,	Mr. Terry,
Mr. Affleck,	Mr. Ashton,
Mr. Archer,	Mr. Thomas Brown,
Mr. Smith,	Mr. Dick,
Mr. Sleath,	Mr. Edden,
Mr. Newman,	Mr. Watson,
Mr. Ross,	Mr. Spence,
Mr. Morgan,	Mr. T. H. Griffith,
Mr. Haynes,	Mr. Millard,
Mr. Byrne,	Mr. Howarth,
Mr. Phillipps,	Mr. Kidd.
Mr. Law,	
Mr. E. M. Clark,	<i>Tellers,</i>
Mr. Wilks,	Mr. Cann,
Mr. James Thomson,	Mr. McGowen.

Noes 37.

Mr. FitzGerald,	Mr. O'Connor,
Dr. Ross,	Mr. Henry Clarke,
Mr. Copeland,	Mr. McFarlane,
Mr. Wright,	Mr. Thomas Fitzpatrick,
Mr. Wise,	Mr. Nelson,
Mr. Crick,	Mr. Mackay,
Mr. See,	Mr. Harris,
Mr. McLaughlin,	Mr. Perry,
Mr. Price,	Mr. Moore,
Mr. Ferris,	Mr. Stevenson,
Mr. Carroll,	Mr. Piddington.
Mr. Pyers,	
Mr. Wood,	<i>Tellers,</i>
Mr. Quinn,	Mr. Molesworth,
Mr. Rose,	Mr. Hassall.
Mr. Sawers,	
Mr. Barnes,	
Mr. Alexander Campbell,	
Mr. Dugald Thomson,	
Mr. Spruson,	
Mr. Gillies,	
Mr. Dight,	
Mr. McLean,	
Mr. Cohen,	

Words stand part of the proposed amendment.

No 22.

SAME BILL.

Same Clause.

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

254—B

Committee

Committee divided.

Ayes, 25.

Mr. Brunker,
Mr. Lee,
Mr. Hogue,
Mr. Nobbs,
Mr. Reid,
Mr. Garland,
Mr. Jessep,
Mr. Cook,
Mr. Henry Chapman,
Mr. Hawthorne,
Mr. Fegan,
Mr. Archer,
Mr. Newman,
Mr. Molesworth,
Mr. Phillips,
Mr. E. M. Clark,
Mr. Gillies,
Mr. T. H. Griffith,
Mr. Moore,
Mr. Rigg,
Mr. Dick,
Mr. Ashton,
Mr. Millard.

Tellers;

Mr. McLean,
Mr. Cohen.

Noes, 53.

Mr. Ferris,
Dr. Ross,
Mr. Wright,
Mr. Wise,
Mr. Crick,
Mr. Perry,
Mr. McLaughlin,
Mr. Price,
Mr. Carroll,
Mr. Pyers,
Mr. Hassall,
Mr. Wood,
Mr. Quinn,
Mr. Rose,
Mr. Sawers,
Mr. Barnes,
Mr. Alexander Campbell,
Mr. Thomas,
Mr. Wilson,
Mr. Haynes,
Mr. Dugald Thomson,
Mr. Spruson,
Mr. Byrnes,
Mr. McGowen,
Mr. Dight,
Mr. Morgan,
Mr. Wilks,
Mr. O'Conor,

Mr. Henry Clarke,
Mr. McFarlane,
Mr. Afleck,
Mr. Thomas Fitzpatrick,
Mr. Nelson,
Mr. Mackay,
Mr. Nicholson,
Mr. Harris,
Mr. Miller,
Mr. James Thomson,
Mr. Howarth,
Mr. Watkins,
Mr. Cotton,
Mr. Thomas Clarke,
Mr. Stevenson,
Mr. Hughes,
Mr. Spence,
Dr. Ross,
Mr. Edden,
Mr. Thomas Brown,
Mr. Piddington,
Mr. Law,
Mr. Smith.

Tellers,

Mr. Cann,
Mr. Watson.

Addition of proposed words negatived.

No. 23.

SAME BILL.

Same Clause.

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

Committee divided.

Ayes, 46.

Mr. Brunker,
Mr. Lee,
Mr. Hogue,
Mr. Nobbs,
Mr. Reid,
Mr. Garland,
Mr. Jessep,
Mr. Cook,
Mr. Cann,
Mr. Hawthorne,
Mr. Fegan,
Mr. Afleck,
Mr. Archer,
Mr. Sleath,
Mr. Meagher,
Mr. Newman,
Mr. McLean,
Mr. McGowen,
Mr. Haynes,
Mr. Byrnes,
Mr. Morgan,
Mr. Phillips,
Mr. Wilks,
Mr. E. M. Clark,

Mr. Miller,
Mr. James Thomson,
Mr. Hughes,
Mr. Thomas Clarke,
Mr. Watkins,
Mr. Howarth,
Mr. Nicholson,
Mr. Thomas,
Mr. Smith,
Mr. Ashton,
Mr. Cotton,
Mr. Dick,
Mr. Rigg,
Mr. Millard,
Mr. Thomas Brown,
Mr. Law,
Mr. Spence,
Mr. Ross,
Mr. Edden,
Mr. Watson.

Tellers,

Mr. Wilson,
Mr. Henry Chapman.

Noes, 38.

Mr. Ferris,
Dr. Ross,
Mr. Reymond,
Mr. Wright,
Mr. Wise,
Mr. Crick,
Mr. See,
Mr. McLaughlin,
Mr. Donaldson,
Mr. Carroll,
Mr. Pyers,
Mr. Hassall,
Mr. Wood,
Mr. Quinn,
Mr. Rose,
Mr. Sawers,
Mr. Barnes,
Mr. Alexander Campbell,
Mr. Perry,
Mr. Copeland,
Mr. Molesworth,
Mr. Dugald Thomson,
Mr. Spruson,
Mr. Dight,

Mr. Gillies,
Mr. Henry Clarke,
Mr. McFarlane,
Mr. FitzGerald,
Mr. Nelson,
Mr. McKay,
Mr. Harris,
Mr. T. H. Griffith,
Mr. Moore,
Mr. Austin Chapman,
Mr. Stevenson,
Mr. Piddington.

Tellers,

Mr. Price,
Mr. O'Conor.

Clause, as read, agreed to.

And clause 5, a new clause, and the Preamble of the Bill having been dealt with,—

On motion of Mr. Reid, the Temporary Chairman, Mr. Lees, left the Chair to report on the Bill with amendments to the House.

RICHD. A. ARNOLD,
Clerk Assistant.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SECOND SESSION OF 1898.

Short Titles.	By whom initiated.	Originated in Committee of the Whole.	Message from Governor, recommending provision.	Ordered.	Presented and read 1 st .	Negotiated on motion for 1 st .	Read 2 ^d and Committed.	Reported.	Report adopted.	Read 3 ^d passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendments.	Council's Amendments agreed to.	Order of the Day discharged and Bill withdrawn.	Bill dropped or laid aside.	Assent.	Number of Act.	Remarks.
Accused Persons Evidence	Mr. Meacher	.....	.....	24 Aug. a.m.	24 Aug. a.m.	.....	20 Sept. a.m.	20 Sept. a.m.	20 Sept. a.m.	4 Oct. a.m.	.....	27 Oct. a.m.	1 Nov. a.m.	.....	.....	10 Nov. a.m.	.....	Bill not brought in. Standing Orders suspended. Founded on Resolutions of Ways and Means. Not returned by Legislative Council.
Agricultural Holdings Appropriation	Mr. Price Mr. Reid	.....	.....	21 Dec. a.m.	21 Dec. a.m.	.....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	23 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....
Attachment of Wages Abolition	Mr. Arthur Griffith	.....	.....	30 Aug. a.m.	30 Aug. a.m.	.....	20 Sept. a.m.	20 Sept. a.m.	20 Sept. a.m.	4 Oct. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Bank Holidays Act Amendment	Mr. Arthur Griffith	.....	.....	30 Aug. a.m.	30 Aug. a.m.	13 Oct. a.m.	.....	.....	.....	.....	.....	.....	.....	18 Oct. a.m.	.....	.....	.....	.....
Bellinger River Harbour Works	Mr. Young	.....	.....	7 Dec. a.m.	7 Dec. a.m.	.....	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Broken Hill Trades Hall Site	Mr. Chann	.....	.....	23 Aug. a.m.	24 Aug. a.m.	.....	20 Sept. a.m.	20 Sept. a.m.	20 Sept. a.m.	21 Sept. a.m.	.....	.....	30 Nov. a.m.	.....	.....	6 Dec. a.m.	.....	.....
Bybrook to Brewarrina Railway	Mr. Young	.....	.....	8 Dec. a.m.	8 Dec. a.m.	.....	8 Dec. a.m.	8 Dec. a.m.	8 Dec. a.m.	8 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Capital Punishment Abolition	Mr. Haynes	.....	.....	30 Aug. a.m.	31 Aug. a.m.	.....	14 Dec. a.m.	15 Dec. a.m.	15 Dec. a.m.	15 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Conciliation and Arbitration	Mr. Reid	.....	.....	8 Dec. a.m.	8 Dec. a.m.	.....	14 Dec. a.m.	15 Dec. a.m.	15 Dec. a.m.	15 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Consolidated Revenue Fund	Mr. Reid	.....	.....	23 Nov. a.m.	23 Nov. a.m.	.....	23 Oct. a.m.	23 Oct. a.m.	23 Oct. a.m.	23 Oct. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Crown Lands	Mr. Reid	.....	.....	28 Oct. a.m.	28 Oct. a.m.	.....	28 Oct. a.m.	28 Oct. a.m.	28 Oct. a.m.	28 Oct. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Crown Lands (No. 2)	Mr. Carruthers	.....	.....	30 Sept. a.m.	30 Sept. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Customs (Commissioners)	Mr. Carruthers	.....	.....	6 Dec. a.m.	6 Dec. a.m.	.....	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Customs Duties	Mr. Reid	.....	.....	25 Nov. a.m.	25 Nov. a.m.	.....	1 Dec. a.m.	1 Dec. a.m.	1 Dec. a.m.	1 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Customs (Sugar Drawbacks)	Mr. Reid	.....	.....	6 Sept. a.m.	6 Sept. a.m.	.....	6 Sept. a.m.	6 Sept. a.m.	6 Sept. a.m.	6 Sept. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Dentists	Dr. Graham	.....	.....	18 Aug. a.m.	18 Aug. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Diseased Animals and Meat	Mr. Leven	.....	.....	30 Aug. a.m.	30 Aug. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Distresses for Rent and Reprieves Amendment	Mr. Haynes	.....	.....	8 Dec. a.m.	8 Dec. a.m.	.....	13 Dec. a.m.	14 Dec. a.m.	14 Dec. a.m.	14 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Early Closing	Mr. Hogue	.....	.....	8 Dec. a.m.	8 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Friendly Societies	Mr. Brunner	.....	.....	8 Dec. a.m.	8 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Garnish (Wages Protection)	Mr. Edden	.....	.....	31 Aug. a.m.	31 Aug. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Government Advances to Settlers	Mr. Carruthers	.....	.....	2 Nov. a.m.	2 Nov. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Government Railways Act Amendment	Mr. Affleck	.....	.....	25 Nov. a.m.	25 Nov. a.m.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hastings River Harbour Works	Mr. Young	.....	.....	7 Dec. a.m.	7 Dec. a.m.	.....	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	7 Dec. a.m.	.....	.....	.....	.....	.....	.....	.....	.....

* Assent not reported.

No. 1.—REGISTER OF PUBLIC BILLS—continued.

Short Titles.	By whom initiated.	Originated in Committee of the Whole.	Message from Governor recommending provision for.	Ordered.	Presented and read 1 st .	Negated on motion for 2 ^d .	Read 2 ^d and Committed.	Reported.	Report adopted.	Head 3 ^d passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendments.	Council's Amendments agreed to.	Order of the Day discharged and Bill withdrawn.	Bill dropped or laid aside.	Assent.	Number of Acts.	Remarks.
Inclosed Lands Protection Act Amendment	Mr. Dieht	.....	.....	4 Oct.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Stopped by prorogation.
Inducement Advertisements	Dr. Graham	.....	.....	21 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Joint Stock Companies Arrangement (Continuation)	Mr. Lee	.....	.....	30 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Koorwatha to Grenfell Railway	Mr. Young	8 Dec.	23 Nov.	8 Dec.	8 Dec.	.....	8 Dec.	8 Dec.	8 Dec.	8 Dec.	.....	21 Dec.	23 Dec.	22 Dec.	.....	.....	.....	Standing Orders suspended, 7 December.
Land and Income Tax (Declaratory)	Mr. Reid	19 Dec.	17 Dec.	19 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	23 Dec.	23 Dec.	.....	.....	.....	.....	Declared to be a matter of urgent and pressing necessity, and Standing Orders suspended, 19 Dec.
Do do (No. 2)	Mr. Reid	.....	.....	21 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Brought in on leave of former Bill and passed through all its stages under suspension of Standing Orders for that Bill, 21 Dec., a.m.
Land Boards Election	Mr. Haynes	21 Dec.	.....	30 Aug.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Bill not brought in.
Land Tax (Contribution)	Mr. Reid	a.m.	.....	21 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Declared to be a matter of urgent and pressing necessity, and Standing Orders suspended, 21 Dec., a.m.
Lands for Closer Settlement	Mr. Carruthers	.....	21 Sept.	21 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Loan	Mr. Reid	.....	.....	21 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Bill not brought in.
Macleay River Harbour Works	Mr. Young	6 Dec.	23 Nov.	6 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Manning River Harbour Works	Mr. Young	6 Dec.	23 Nov.	7 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Margarine	Mr. Reid	8 Dec.	23 Nov.	8 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Metropolitan Water (Camden)	Mr. Young	1 Dec.	24 Nov.	1 Dec.	.....	.....	6 Dec.	6 Dec.	6 Dec.	6 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Midwifery Nurses	Dr. Graham	.....	30 Nov.	23 Aug.	.....	.....	20 Sept.	20 Sept.	20 Sept.	20 Sept.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Mining in River Beds	Mr. Cook	.....	.....	31 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Mining Laws Amendment	Mr. Moore	.....	.....	30 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Mining Laws further Amendment	Mr. Cook	.....	.....	30 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Municipalities Act Amendment	Mr. David Davis	.....	.....	30 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Municipalities Act of 1867 Amending	Mr. J. C. L. Fitzpatrick	.....	.....	30 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Municipalities Act of 1867 Amending	Mr. J. C. L. Fitzpatrick	.....	.....	26 Oct.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Municipalities (Election)	Mr. Thomas	6 Dec.	23 Nov.	7 Dec.	.....	.....	7 Dec.	7 Dec.	7 Dec.	7 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Nambucca River Harbour Works	Mr. Young	.....	.....	7 Dec.	.....	.....	15 Dec.	15 Dec.	15 Dec.	15 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Navigation (Amendment)	Mr. Reid	8 Dec.	22 Nov.	8 Dec.	.....	.....	15 Dec.	15 Dec.	15 Dec.	15 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Ordnance Lands Transfer	Mr. Reid	.....	.....	30 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Parliamentary Electorates and Elections Act Amendment	Mr. Meagher	.....	.....	30 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Parliamentary Electorates and Elections Act Amendment (No. 2)	Mr. Haynes	.....	.....	30 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Port Kembla Harbour	Mr. Young	6 Dec.	17 Nov.	8 Dec.	.....	.....	8 Dec.	8 Dec.	8 Dec.	8 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Prevention of Cruelty to Animals Act Amendment.	Mr. Young	.....	.....	3 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Probate and Succession Duties	Mr. Cohen	25 Nov.	23 Nov.	25 Nov.	.....	.....	1 Dec.	2 Dec.	2 Dec.	2 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Seamen's Agreements	Mr. Reid	a.m.	.....	25 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Strathfield Railway Crossing	Mr. Reid	2 Dec.	6 Sept.	9 Dec.	.....	.....	21 Dec.	21 Dec.	21 Dec.	21 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Supreme Court Procedure	Mr. Reid	.....	.....	22 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
The Rock to Green's Gully Railway	Mr. Price	6 Dec.	23 Nov.	8 Dec.	.....	.....	8 Dec.	8 Dec.	8 Dec.	8 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Trade Option	Mr. Young	20 Sept.	.....	20 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Tweed River Harbour Works	Mr. Young	6 Dec.	23 Nov.	6 Dec.	.....	.....	8 Dec.	8 Dec.	8 Dec.	8 Dec.	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Wharfage Rates Amendment	Mr. Reid	.....	.....	11 Oct.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.
Women's Franchise	Mr. Fegan	.....	.....	11 Oct.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Not returned by Legislative Council.

* Assent not reported.

No. 2.—REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SECOND SESSION OF 1898.

Short Titles.	By whom and when Petition presented.	Ordered.	Presented and read 1 st .	Referred to Select Committee.	Report adopted.	Read 2 nd and committed.	Reported.	Report adopted.	Read 3 rd passed and sent to Council for concurrence.	Assent.	Remarks.
Borough of Lithgow Validating	Mr. E. M. Clark	20 Nov. ...	29 Nov. ...	1 Dec. ...	8 Dec. ...	15 Dec. ...	15 Dec. ...	15 Dec. ...	15 Dec. ...	21 Dec. ...	Stopped by prorogation.
City and North Sydney Connection	Mr. Parkes	24 Aug. ...	24 Aug. ...	30 Sept. ...	7 Oct. ...	14 Dec. ...	14 Dec. ...	14 Dec. ...	14 Dec. ...	21 Dec. ...	do
Mort's Dock and Engineering Company (Limited)	Mr. Wilks	4 Oct. ...	5 Oct. ...	17 Nov. ...	6 Dec. ...	14 Dec. ...	14 Dec. ...	14 Dec. ...	14 Dec. ...	21 Dec. ...	do
North Shore Bridge	Mr. Neld	23 Sept. ...	4 Oct. ...	28 Oct. ...	30 Nov. ...	...	...	...	...	...	do
Saywell's Tramway and Electric Lighting	Mr. Cohen	31 Aug. ...	6 Sept. ...	20 Sept. ...	7 Oct. ...	...	...	...	...	...	do
Sydney and North Sydney Bridge and Tramway	Mr. E. M. Clark	12 Oct. ...	18 Oct. ...	25 Oct. ...	30 Nov. ...	...	...	...	...	...	do

* Assent not reported.

No. 3.—REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL DURING THE SECOND SESSION OF 1898.

Short Titles of—	Public Bills.												Remarks.	
	Brought up and read 1 st .	Referred to Select Committee.	Reported by Select Committee.	Read 2 nd and committed.	Reported.	Report adopted.	Read 3 rd , passed without Amendment, and returned to Council.	Read 3 rd , passed with Amendment, and sent to Council for concurrence.	Amendments disagreed to by Council.	Amendments not insisted on by Assembly.	Bill dropped or laid aside.	Assent reported.		Number of Act.
Companies' Acts Amendment	21 Dec. a.m.	...	...	...	...	...	...	...	...	...	...	...	...	Stopped by prorogation.
Defamation	21 Dec. a.m.	...	...	...	...	...	...	...	...	...	...	...	...	do
Distress for Rent Restriction	20 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	do
Dog and Goat	21 Sept. ...	...	...	...	...	...	...	...	...	...	...	...	...	Standing Orders suspended 30th November a.m.
Evidence of Parties	13 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	do
Foreign Seamen	13 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	do
Great Cobar Copper Mine Railway	7 Dec. ...	...	...	...	...	...	...	...	...	...	...	...	...	Stopped by prorogation.
Hawarra Harbour and Land Corporation Act Further Amendment.	2 Nov. ...	2 Dec. a.m.	6 Dec.† a.m.	14 Dec. a.m.	...	...	...	...	...	...	...	...	...	† Special Report. Stopped by prorogation.
Inebriates	25 Nov. a.m.	...	...	...	...	...	...	...	...	...	...	...	...	Stopped by prorogation.
Lunacy	13 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	Standing Orders suspended 30th November a.m.
Medical Practitioners Amendment	27 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	Stopped by prorogation.
Metropolitan Sale Yards (Fees)	2 Nov. ...	...	...	...	...	...	...	...	...	...	...	...	...	do
Seamen	13 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	Standing Orders suspended 30th November a.m.
Small Debts Recovery	13 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	do
Sydney Corporation Act Amendment	20 Oct. ...	...	...	...	...	...	...	...	...	...	...	...	...	Stopped by prorogation.

* Assent not reported.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SECOND SESSION OF 1898.

NO. OF ADDRESS OR ORDER.	WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
	VOTES.			By Address.	By Order.			Date of Order.	When given to Clerk of Printing Branch.
	No.	Date.								Entry.
3	46	1898. 6 December...	Mr. Sleath	Administration of the Government of Norfolk Island.		14 December 1898.	98/664	15 December	15 December
14	16	21 September	Mr. Gornly		Andrew Clark's Conditional Purchase, Kockitberoo, Bourke	29 November a.m.	98/600		
2	4	23 August	Mr. E. M. Clark		Application of Edward Elias Smith for an Oyster Lease, Clarence River.	22 "	98/545		
23	21	4 October	Mr. Meagher		Applications for Oyster Leases, Manning River, by Messrs. Ongley and Marshall.	22 November	98/546		
36	40	22 November	Mr. Neild		Assistant Customs Searchers	14 December	98/674		
38	41	23 "	Mr. Chanter		Awards for Shark-killing	22 "	98/723		
5	7	30 August	Mr. Meagher		Charge against Quarter-master Sergeant Troy				
33	34	2 November	Mr. McLaughlin		Claim of John McCabe—Road from Longreach to Clybucca	16 December	98/693		
1	4	23 August	Mr. Wright		Classified Roads in the Glen Innes, Tentersfield, Inverell, and Warialda Districts.	30 August	98/339		
11	15	20 September	Mr. Smith		Coal-bden Sailing Vessels from Newcastle lost at Sea	18 October	98/450	20 October	20 October
28	31	26 October	Mr. E. M. Clark		Contracts for Water Supply and Sewerage Works	22 November	98/556		
17	16	21 September	Dr. Ross		Convictions under Public Health and Adulteration Acts				
4	7	30 August	Mr. Dacey		Divorce Jurisdiction				
34	39	17 November	Mr. Harley		Election for Macquarie	14 December	98/673		
19	21	4 October	Mr. Sutor		Embankment at Kelso	5 October	98/414		
21	21	4 "	Mr. McGowen		Employees in Public Works Department not on Public Service List.	3 November	98/503		
32	34	2 November	Mr. Cann		George-street and Harris-street Electric Tramway	10 "	98/516	24 November	24 November
30	31	26 October	Mr. Wright		Grafton-Glen Innes Road	1 December	98/622	8 December	8 December
26	29	"	Mr. Charter		Licensing Public Gates, Dealiquin District	10 November	98/518		
3	6	25 August	Mr. Miller		Management of the Cooma Hospital	6 December	98/634		
7	8	31 "	Mr. Perry		Men employed on Relief Works on Centennial Park	27 September	98/392	29 September	29 September
8	8	31 "	Mr. Perry		Men employed on Work at Shear's Creek, Muddy, and the Sewage Farm.	17 November	98/533*	24 November	24 November
9	8	31 "	Mr. Perry		Men employed Scrub-cutting	17 "	98/533*	24 "	24 "
6	8	31 "	Mr. Perry		Men sent to Railway Deviation Work	17 "	98/533*	24 "	24 "
16	16	21 September	Mr. Smith		Monthly Returns of Accidents	23 "	98/565	1 December	1 December
						16 "	98/624	8 "	8 "
22	21	4 October	Mr. Anderson		Oyster Leases	22 November	98/547		

* Laid on as one Return.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SECOND SESSION OF 1898—continued.

No. of ADDRESS OR ORDER.	WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
	VOTES.			By Address.	By Order.			Date of Order.	When given to Clerk of Printing Branch.
	No.	Date.							
31	26	October	Mr. McGowen		Parliamentary Printing	30 November 1898.	98/604	1	December
37	22	November	Mr. Barnes		Penny Postage System	22 December	98/720		
12	20	September	Dr. Ross		Public Park at Molong	2 November	98/493		
18	21	"	Mr. Suttor		Purchase and Importation of Stock by the Government	23 "	98/567		24 November
15	20	"	Dr. Ross		Racecourse or Recreation Ground at Molong.	2 "	98/464		
20	20	October	Mr. Lyno		Refusal of Water and Sewerage Board <i>in re</i> Hospital for Female Insane at Ryde.	22 "	98/557		8 December
40	30	November	Mr. O'Connor		Retirement of Mr. James Powell from the Public Service.	5 October	98/413		
13	20	September	Mr. Waddell		Retirement of W. Moore, Maintenance Man, near Carcoar	(<i>In part</i>) 5 October	98/415		
20	4	October	Mr. Perry		Roads Superintendent and Roads Office, Tumburumba.	(<i>In completion</i>) 5 October.	98/416		
15	21	September	Mr. E. M. Clark		Rossville—Kenmore Asylum	22 November	98/558		
41	22	December	Mr. O'Sullivan		Special Purchase Application at Bega by J. T. Ritchie and W. J. Lane.				
39	30	November	Dr. Graham		State Children	1 November	98/487		3 November
29	31	20 October	Mr. Holman		Stuns paid to Discoverers of Gold-fields	7 December	98/647		
24	22	5 "	Mr. Watson		Sydney—Hurstville, Sydney—Holmore, and Hurstville—Nowra Sections of Railway Lines.	11 October	98/429		13 October
25	11	"	Mr. Perry		Tarrangee Railway Line at Broken Hill	1 December	98/625		8 December
35	22	November	Mr. Chanter		Trawling Expedition				

REGISTER OF SEPARATE AND JOINT ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SECOND SESSION OF 1898.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			WHEN AND HOW ANSWERED.			REMARKS.
	VOTES.			VOTES.			VOTES.			VOTES.			
	No.	Date.	On whose Motion.	No.	Date.	By whom.	No.	Date.	By whom.	No.	Date.	By whom and how.	
1. The Governor's Opening Speech	2	17 August 1898.	Mr. Garland	5	24 August 1898.	Mr. Speaker, accompanied by the House.	6	25 August 1898.	1	His Excellency the Governor.			
2. Royalties charged on Timber Licenses	18	27 Sept.	Mr. Price	18	27 Sept.	Mr. Speaker							

Legislative Assembly Offices,
Sydney, 23rd December, 1898.

F. W. WEBB,
Clerk of the Legislative Assembly.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1898.

No. of COMMITTEE	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NO. OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
1	The Governor's Opening Speech.	17 August, 1898. Votes No. 2. Entry 8 (On motion of Mr. Garland.)	{ Mr. Ashton, Mr. Archer, Mr. E. M. Clark, Mr. Thomas Clarke, Mr. Dick, Mr. Camm, ^d Mr. Crick, Mr. Mahony, ^d Mr. Neild, ^e Mr. O'Sullivan, Mr. Moore, ^f Mr. Haynes, ^g Mr. McLean, ^h Mr. Savers, ^k	Mr. Garland.....	1	1	.....	1898. 17 August.
2	Elections and Qualifications	17 August, 1898. Votes No. 2. Entry 5 (By Mr. Speaker's Warrant, taking effect 25th August, 1898.)	{ Mr. Parkes, ^a Dr. Ross, ^d Mr. Suttor, ^d Mr. Whiddon, ^e Mr. Chandler, ^g Mr. Macdonald, ^h Mr. Phillips, ^g Mr. Aslton, ^{hd}	Mr. Suttor ^b } Mr. O'Sullivan ^c }	32	29	70	13 October, a. m.; 18 Oct.; 17 Nov.; 14 Dec. }
3	Standing Orders'	25 August, 1898. Votes No. 6. Entry 8 (On motion of Mr. Reid.)	{ Mr. Speaker, Mr. Reid, Mr. McCourt, Mr. Lyne, Mr. Lee,	.....	1	1	.....	.....
4	Library ²	25 August, 1898. Votes No. 6. Entry 9 (On motion of Mr. Reid.)	{ Mr. Speaker, Mr. Reid, Mr. Neild, Mr. Hague, ^k Mr. O'Sullivan,	The President	1	1	.....	.....

¹ Confers on subjects of mutual concernment with a similar Committee of the Legislative Council.
² This Committee acts in conjunction with a similar Committee appointed by the Legislative Council.
^a Resigned, 26th October, 1897. ^b Resigned, 19th October, 1898. ^c By Mr. Speaker's Warrant, taking effect 1st November, 1898. ^d By Mr. Speaker's Warrant, taking effect 5th September, 1898. ^e Resigned, 25th October, 1897. ^f From 15th November, 1898. ^g To 25th October, 1898; resigned. ^h Seat declared vacant, 30th August, 1898. ⁱ Seat declared vacant, 30th August, 1898. ^j Seat declared vacant, 30th August, 1898. ^k Seat declared vacant, 30th August, 1898.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1898—continued.

No. of COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NO. OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
5	Refreshment ¹	25 August, 1898. Votes No. 6. Entry 10 (On motion of Mr. Reid.)	{ Mr. Speaker, Mr. Reid, Mr. Anderson, Mr. Austin Chapman, Mr. Hogue, ^a Mr. Piddington, Mr. Conn. Mr. Reid, Mr. Kidd, Mr. Price, Mr. Gormly, Mr. Watson, Mr. Dick, Mr. Archibald Campbell, Mr. Dugald Thomson, Mr. Nobbs, Mr. E. M. Clark, Mr. Young, Mr. O'Sullivan, Mr. Chantler, Mr. Hayes, Mr. Holman, Mr. McGowen, Mr. Price, Mr. E. M. Clark, Mr. Young, Mr. Wright, Mr. Rigg, Mr. Carroll, Mr. Edden, Mr. Dick, Mr. Nobbs, Mr. Nicholson, Mr. Perry, Mr. Gormly, Mr. Edden, Mr. Hurtle, Mr. Ross. Mr. Kidd, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. Hayes	1	1	.....	1898.
6	Printing ²	25 August, 1898. Votes No. 6. Entry 11 (On motion of Mr. Reid.)	{ Mr. Reid, Mr. Kidd, Mr. Price, Mr. Gormly, Mr. Watson, Mr. Dick, Mr. Archibald Campbell, Mr. Dugald Thomson, Mr. Nobbs, Mr. E. M. Clark, Mr. Young, Mr. O'Sullivan, Mr. Chantler, Mr. Hayes, Mr. Holman, Mr. McGowen, Mr. Price, Mr. E. M. Clark, Mr. Young, Mr. Wright, Mr. Rigg, Mr. Carroll, Mr. Edden, Mr. Dick, Mr. Nobbs, Mr. Nicholson, Mr. Perry, Mr. Gormly, Mr. Edden, Mr. Hurtle, Mr. Ross. Mr. Kidd, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. Gormly	20	18	.....	6, 15, 27, 29 Sept.; 6, 13, 18, 20, 27 Oct.; 3, 10, 17, 24 Nov.; 1, 8, 14, 15, 22 Dec.
7	Case of Thomas Buckley, Public Works Department. ³	30 August, 1898. Votes No. 7. Entry 8 (On motion of Mr. E. M. Clark.)	{ Mr. E. M. Clark, Mr. Young, Mr. O'Sullivan, Mr. Chantler, Mr. Hayes, Mr. Holman, Mr. McGowen, Mr. Price, Mr. E. M. Clark, Mr. Young, Mr. Wright, Mr. Rigg, Mr. Carroll, Mr. Edden, Mr. Dick, Mr. Nobbs, Mr. Nicholson, Mr. Perry, Mr. Gormly, Mr. Edden, Mr. Hurtle, Mr. Ross. Mr. Kidd, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. E. M. Clark	14	5	2	.....
8	Claim of John Sullivan, Harbours and Rivers Department.	30 August, 1898. Votes No. 7. Entry 9 (On motion of Mr. McLean.)	{ Mr. McLean, Mr. Young, Mr. Lyne, Mr. O'Sullivan, Mr. Fegan, Mr. Caruthers, Mr. O'Sullivan, Mr. Perry, Mr. Sleath, Dr. Ross, Mr. Young, Mr. Hawthorne, Mr. Aitcock, Mr. E. M. Clark, Mr. McLean, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. McLean	6	1	.....	.....
9	Land fronting Throby and Cottage Creek sold by A. A. Dangar, Esq.	30 August, 1898. Votes No. 7. Entry 11 (On motion of Mr. Fegan.)	{ Mr. Fegan, Mr. Caruthers, Mr. O'Sullivan, Mr. Perry, Mr. Sleath, Dr. Ross, Mr. Young, Mr. Hawthorne, Mr. Aitcock, Mr. E. M. Clark, Mr. McLean, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. Fegan	4	4	1	26 October.
10	Claim of Samuel and Mary Lemon ..	30 August, 1898. Votes No. 7. Entry 24 (On motion of Dr. Ross.)	{ Dr. Ross, Mr. Young, Mr. Hawthorne, Mr. Aitcock, Mr. E. M. Clark, Mr. McLean, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Dr. Ross	4	4	5	4 October.
11	City and North Sydney Connection Bill.	20 September, 1898. Votes No. 15. Entry 4 (On motion of Mr. McLean.)	{ Mr. McLean, Mr. Austin Chapman, Mr. E. M. Clark, Mr. O'Conor, Mr. Young, Mr. Watson, Mr. Dick, Mr. Howarth,	Mr. McLean	5	4	4	7 October, a.m.

¹ This Committee acts in conjunction with a similar Committee appointed by the Legislative Council.
² Leave given to sit during the sitting of the House, 13th October, 1898. Leave given to sit during the sitting of the House for the remainder of the present Session, 13th December, 1898.
³ Leave given to visit and take evidence of witness at his residence, 6th December, 1898. Seat declared vacant, 30th August, 1898.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1898—continued.

No. of COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. of MEETINGS.		No. of WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
12	Saywell's Tramway and Electric Lighting Bill.	20 September, 1898. Votes No. 15. Entry 9 (On motion of Mr. Cohen.)	{ Mr. Cohen, Mr. Young, Mr. McLean, Mr. Rigg, Mr. Cunn, } { Mr. Fegan, Mr. Cook, Mr. Copeland, Mr. Hurley, Mr. Price, Mr. Edden, Mr. Ferguson, Mr. Seath, } { Mr. Pyers, Mr. Young, Mr. Lyne, Mr. Hassall, Mr. Harris, } { Mr. Neild, Mr. Young, Mr. Dugald Thomson, Mr. Seath, Mr. J. C. L. Fitzpatrick, Mr. Hayes, } { Mr. E. M. Clark, Mr. Young, Mr. Henry Clarke, Mr. Raymond, Mr. Watson, } { Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Cohen	4	4	5	1898. 7 October, a.m.
13	Accidents in Mines	11 October, 1898. Votes No. 24. Entry 5 (On motion of Mr. Fegan.)	{ Mr. Fegan, Mr. Cook, Mr. Copeland, Mr. Hurley, Mr. Price, Mr. Edden, Mr. Ferguson, Mr. Seath, } { Mr. Pyers, Mr. Young, Mr. Lyne, Mr. Hassall, Mr. Harris, } { Mr. Neild, Mr. Young, Mr. Dugald Thomson, Mr. Seath, Mr. J. C. L. Fitzpatrick, Mr. Hayes, } { Mr. E. M. Clark, Mr. Young, Mr. Henry Clarke, Mr. Raymond, Mr. Watson, } { Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Fegan	6	5	5	
14	Claim of John Brennan against Roads Department.	11 October, 1898. Votes No. 24. Entry 7 (On motion of Mr. Pyers.)	{ Mr. Pyers, Mr. Young, Mr. Lyne, Mr. Hassall, Mr. Harris, } { Mr. Neild, Mr. Young, Mr. Dugald Thomson, Mr. Seath, Mr. J. C. L. Fitzpatrick, Mr. Hayes, } { Mr. E. M. Clark, Mr. Young, Mr. Henry Clarke, Mr. Raymond, Mr. Watson, } { Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Pyers	7	6	1	16 December.
15	North Shore Bridge Bill	26 October, 1898. Votes No. 31. Entry 20 (On motion of Mr. Neild.)	{ Mr. Neild, Mr. Young, Mr. Dugald Thomson, Mr. Seath, Mr. J. C. L. Fitzpatrick, Mr. Hayes, } { Mr. E. M. Clark, Mr. Young, Mr. Henry Clarke, Mr. Raymond, Mr. Watson, } { Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Neild	8	6	11	30 November.
16	Sydney and North Sydney Bridge and Tramway Bill.	26 October, 1898. Votes No. 31. Entry 21 (On motion of Mr. E. M. Clark.)	{ Mr. E. M. Clark, Mr. Young, Mr. Henry Clarke, Mr. Raymond, Mr. Watson, } { Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. E. M. Clark	7	6	5	30 November.
17	Case of Sydney Cooper as to Mining under a Road, parish of Cliva, county of Gough.	27 October, 1898. Votes No. 32. Entry 12 (On motion of Mr. Moore.)	{ Mr. Moore, Mr. Cook, Mr. Austin Chapman, Mr. Cann, } { Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Cruickshank	1	1	.....	22 November.
18	Mort's Dock and Engineering Company (Limited) Enabling Bill.	17 November, 1898. Votes No. 39. Entry 8 (On motion of Mr. Wilks.)	{ Mr. Wilks, Mr. Dick, Mr. Gormly, Mr. Nicholson, Mr. McGowen, }	Mr. Wilks	3	3	17	6 December.

1 Discharged; 2 Added, 20th October, 1898.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1898—continued.

No. OF COMMITTEE	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. OF MEETINGS.		No. OF WITNESSES EXAMINED	WHEN REPORTED.
					Called.	Held.		
19	Claims of Mr. W. Birthrey, Road Contractor, Gloucester.	22 November, 1898. Votes No. 40. Entry 17. (On motion of Mr. Price.)	{ Mr. Young, Mr. Egan, Mr. Gillies, Mr. McLean, Mr. Watkins, Mr. Steath, Mr. O'Sullivan, Mr. Wood, Mr. Mackay, Mr. Waddell, Mr. E. M. Clark, Mr. Brunker, Mr. Rigg, Mr. Thomas Clarke, Mr. Hughes, Mr. Ferguson, Mr. Neild, Mr. Steath, Mr. Carrall, Mr. Lync, Mr. Wise, Mr. Haynes, Mr. Hughes, Mr. Brunker, Mr. McLean, Mr. O'Sullivan,	{ Mr. Edden, Mr. O'Sullivan, Mr. James Thomson, Mr. Price, Mr. Moore, Mr. Dick, Mr. Nicholson, Mr. Haynes, Mr. Watson, Mr. Richards, Mr. Ferris, Mr. Sproun, Mr. Ashton, Mr. Perry, Mr. Nicholson, Mr. Arch. Campbell, Mr. Carr, Mr. Cohen, Mr. Ashton, Mr. Waddell, Mr. McFarlane, Mr. Thomas, Mr. McGowen.	Mr. Price	1	1	.....
20	Case of Rachel Dawson	22 November, 1898. Votes No. 40. Entry 18. (On motion of Mr. Steath)	{ Mr. Steath, Mr. O'Sullivan, Mr. Wood, Mr. Mackay, Mr. Waddell, Mr. E. M. Clark, Mr. Brunker, Mr. Rigg, Mr. Thomas Clarke, Mr. Hughes, Mr. Ferguson, Mr. Neild, Mr. Steath, Mr. Carrall, Mr. Lync, Mr. Wise, Mr. Haynes, Mr. Hughes, Mr. Brunker, Mr. McLean, Mr. O'Sullivan,	{ Mr. Moore, Mr. Dick, Mr. Nicholson, Mr. Haynes, Mr. Watson, Mr. Richards, Mr. Ferris, Mr. Sproun, Mr. Ashton, Mr. Perry, Mr. Nicholson, Mr. Arch. Campbell, Mr. Carr, Mr. Cohen, Mr. Ashton, Mr. Waddell, Mr. McFarlane, Mr. Thomas, Mr. McGowen.	Mr. Steath	11	8	.....
21	Borough of Lithgow Validating Bill.	1 December, 1898. Votes No. 45. Entry 6. (On motion of Mr. E. M. Clark.)	{ Mr. E. M. Clark, Mr. Brunker, Mr. Rigg, Mr. Thomas Clarke, Mr. Hughes, Mr. Ferguson, Mr. Neild, Mr. Steath, Mr. Carrall, Mr. Lync, Mr. Wise, Mr. Haynes, Mr. Hughes, Mr. Brunker, Mr. McLean, Mr. O'Sullivan,	{ Mr. Richards, Mr. Ferris, Mr. Sproun, Mr. Ashton, Mr. Perry, Mr. E. M. Clark	Mr. E. M. Clark	2	2	8 December.
22	Hawarra Harbour and Land Corporation Act Further Amendment Bill.	2 December, 1898 A.M. Votes No. 45. Entry 25. (On motion of Mr. Ferguson.)	{ Mr. Ferguson, Mr. Neild, Mr. Steath, Mr. Carrall, Mr. Lync, Mr. Wise, Mr. Haynes, Mr. Hughes, Mr. Brunker, Mr. McLean, Mr. O'Sullivan,	{ Mr. Nicholson, Mr. Arch. Campbell, Mr. Carr, Mr. Cohen, Mr. Ashton, Mr. Waddell, Mr. McFarlane, Mr. Thomas, Mr. McGowen.	Mr. Ferguson	6	6	6 " (Special) 13 " "
23	Estate of the late S. M. Swift of Petersham.	13 December, 1898. Votes No. 49. Entry 18. (On motion of Mr. Hughes.)	{ Mr. Hughes, Mr. Brunker, Mr. McLean, Mr. O'Sullivan,	{ Mr. McFarlane, Mr. Thomas, Mr. McGowen.	Mr. Hughes	4	2	22 " (Progress.)

¹ Discharged; ² Added, 6 December, 1898. ³ Leave given to make a Special Report, 6th December, 1898.

F. W. WEBB,
Clerk of the Legislative Assembly.

Legislative Assembly Office,
Sydney, 23rd December, 1898.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Minute	Copy of, of His Excellency the Governor and the Executive Council, authorising the transfer of an amount from "Petty Sessions Salaries Vote" to supplement the Vote "Reorganisation of the Public Service."	.....	Mr. Speaker	1898. 18 August.....	Not to be printed.	
By-laws	under the Metropolitan Water and Sewerage Act Extension Act of 1894—Eastern Park Stormwater Drain.	.....	Mr. Young	23	" "	
Regulations	under the Industrial Schools Act of 1895, for Industrial School for Girls, Parramatta.	.....	" .....	24	" "	
Report	of Trustees of the Australian Museum for the year 1897 .....	.....	" .....	24	To be printed	Already in print.
"	of the completion of the Double Bay Low-level Pipe Savers .....	.....	Mr. Cook	24	Not to be printed.	Postponed to further consideration.
"	of the Postmaster General for the year 1897, together with appendices .....	.....	" .....	24 .....	.....
Statement	of payments from Treasurer's Advance Account during June, 1898....	.....	Mr. Reid	24	To be printed.	
"	of payments from Treasurer's Advance Account during July, 1898....	.....	" .....	24	" "	
Report.....	of the Railway Commissioners on Railways and Tramways for the year ended 30th June, 1898.	.....	" .....	24	" "	
Notification	of resumption, under the Public Works Act of 1888, of land for maintaining the traffic on the Great Northern Railway by extending the facilities for loading stock at Glon Innes.	.....	" .....	24	Not to be printed.	
"	of resumption, under the Public Works Act of 1886, of land for improving the Grades on the South Western Railway near Marrar.	.....	" .....	24	" "	
"	of resumption, under the Public Works Act of 1888, of land for maintaining the traffic between Werris Creek and Moree by making better provision for the loading of timber and goods at Curlewis.	.....	" .....	24	" "	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations	under the Public Service Act of 1895, respecting the Public Service Tender Board.	.....	Mr. Reid	1898. 24 August.....	Not to be printed.	
"	respecting the Classification and Scale of Increments of Salary of Officers of the Clerical Division under the Public Service Act of 1895.	.....	" .....	24 "	" "	
Amended Regulations	under the Public Health Act of 1896 (Part III)	.....	" .....	24 "	" "	
Supplementary Regulations.....	under the Noxious Trades and Cattle Slaughtering Act of 1894 .....	.....	" .....	24 "	" "	
General Abstracts	of Bank Liabilities and Assets for Quarter ended 30th June, 1898 .....	.....	" .....	24 "	" "	
Report.....	of the Railway Commissioners on Railways and Tramways for Quarter ended 30th June, 1898.	.....	" .....	24 "	To be printed.	
By-law	of the Borough of Murrumburrah .....	.....	Mr. Brunker	24 "	Not to be printed.	
"	of the Municipal District of Port Macquarie .....	.....	" .....	24 "	" "	
Regulations	under the Parliamentary Electorates and Elections Act of 1893 and Amending Acts.	.....	" .....	24 "	" "	
Amended Regulations	under the Parliamentary Electorates and Elections Act Amendment Act 1896.	.....	" .....	24 "	" "	
Notice.....	of intention to declare that additional conditional purchase 96-17, 331 acres 3 roads 20 perches, portions Nos. 28, 89, and 141, parish of Bull Plain, county of Denison, Land District of Cowra, applied for by Michael O'Brien, shall cease to be voidable.	.....	" .....	25 "	" "	
Notification	of withdrawal, under the Crown Lands Act of 1895, of certain lands from the pastoral lease of the Gonn leasehold area for providing for settlement by other holdings.	.....	" .....	25 "	" "	
"	of withdrawal, under the Crown Lands Act of 1895, of certain lands from the pastoral lease of the Fallal leasehold area for providing for settlement by other holdings.	.....	" .....	25 "	" "	
"	of resumption under the Public Works Act of 1888 of land for a Public Park, North Rocks.	.....	" .....	25 "	" "	
Gazette Notice	Copy of, setting forth the mode in which it is proposed to deal with the street and lane through Knox Park, Murrumbidgee, in accordance with the provisions of the 7th section of the Act 48 Vic. No. 22.	.....	" .....	25 "	" "	
Abstract	of Crown Lands authorised to be dedicated to Public Purposes, in accordance with the 104th section of the Act 48 Vic. No. 18.	.....	" .....	25 "	" "	
"	of Alterations of designs of Cities, Towns, and Villages, under the 107th section of the Act 48 Vic. No. 18.	.....	" .....	25 "	" "	
"	of Sites for Cities, Towns, and Villages, declared under the 4th and 101st sections of the Act 48 Vic. No. 18.	.....	" .....	25 "	" "	
"	of Crown Lands reserved from sale for the preservation of water supply or other Public Purposes, in accordance with the 101st, 109th, and 112th sections of the Act 48 Vic. No. 18.	.....	" .....	25 "	" "	
Gazette Notices	Copies of, setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, in accordance with the provisions of the 105th section of the Act 48 Vic. No. 18, and the 41st section of the Act 53 Vic. No. 21.	.....	" .....	25 "	" "	
Notification	of Withdrawal, under the Crown Lands Act of 1895, of certain Lands from the Pastoral Lease of the Boonoke Leasehold Area, for providing for settlement by other holdings.	.....	" .....	25 "	" "	
Return	Showing amounts paid to each Member of the Public Works Committee during last Parliament.	.....	Mr. Reid	25 "	To be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Accounts	of the South Head Roads Trust for half-year ended 30th June, 1898.	.....	Mr. Young	1898. 30 August.....	Not to be printed.	
Notification	of resumption, under the Public Works Act of 1898, of land for Drainage Works for the western suburbs of Sydney.	.....	"	30 "	"	
Return to Order	"Classified Roads in the Glen Innes, Tentersfield, Inverell, and Warialda Districts."	Mr. Wright	"	30 "	"	
By-laws	of the Borough of Armidale under the County Towns Water and Sewerage Act of 1880.	.....	"	30 "	"	
Police Report.....	on case of Ellen Baker, <i>alias</i> Pensley.....	.....	Mr. Drunker.....	30 "	"	Postponed for further consideration.
Papers.....	respecting Rifle Shooting under Active Service Conditions.....	.....	"	30 "	"	Already in print.
Report.....	of Board for International Exchanges .....	.....	Mr. Young	30 "	To be printed	
Notifications	of resumptions, under Public Works Act of 1888, of land for Public School purposes at Combo, Lakelands, Lintondale, Wellington Vale, and Yarrahappini.	.....	"	31 "	Not to be printed.	
Amended Regulations and Rates	Telephone and Telegraphic .....	.....	Mr. Cook	31 "	"	
Additional Regulation	Gaol No. 80A .....	.....	Mr. Reid	31 "	"	
General Abstracts	of Banking, Land, Building and Investment Companies Liabilities and Assets for quarter ended 30th June, 1898.	.....	"	31 "	"	
Telegrams	Copies of, that passed between the Premier of New South Wales and the Premiers of the other Colonies in regard to a conference after the Federal Referendum had been declared.	.....	"	31 "	To be printed	Already in print.

No. 3 Committee Room,
Legislative Assembly, 6th September, 1898.

3

JAMES GORMLY,
Chairman.

Sydney: William Applegate Gullick, Government Printer. — 1898.

[3d.]

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 1, dated 6th September, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	of the Postmaster General for 1897, together with Appendices .....	.....	Mr. Cook	1898. 24 August	To be printed	Appendices "A" and "I" not to be printed.
Papers	respecting Rifle Shooting under Active Service Conditions .....	.....	Mr. Brunker	30 "	Not to be printed.	
Report	of the Government Labour Bureau for the year ended 30th June 1898 .....	.....	Mr. Young	7 September	To be printed.	
"	of the Government Labour Bureau for July, 1898 .....	.....	" .....	7 "	Not to be printed.	
Amended Regulations	respecting telegrams on Her Majesty's Service .....	.....	" .....	7 "	"	
Additional Telegrams	Copies of, from the Premier of New South Wales to Premiers of other colonies in regard to a conference after the Federal Referendum had been declared.	.....	" .....	7 "	To be printed.	
Abstract	of Crown lands reserved from sale for the preservation of water supply or other public purposes, in accordance with the 101st, 109th, and 112th sections of the Act 43 Vic. No. 18.	.....	Mr. Brunker	14 "	Not to be printed.	
"	of Crown lands authorised to be dedicated to public purposes, in accordance with the 104th section of the Act 48 Vic. No. 18.	.....	" .....	14 "	"	
Amended Form	No. 83, under Crown Lands Acts .....	.....	" .....	14 "	"	

No. 1 Committee Room,
Legislative Assembly, 15th September, 1898.
JAMES GORMLY,
Chairman.

1898.

(SECOND SESSION).

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 3.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 2, dated 15th September, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Thirteenth General Report	Supplementary of the Parliamentary Standing Committee on Public Works, together with Returns giving a record of the Committee's Inquiries, and Minutes of Proceedings.	.....	Mr. Brunker.....	1898. 20 September	To be printed.	
Regulations	for the Army Nursing Service Reserve, under the Volunteer Force Regulation Act of 1897.	.....	" .....	20 "	Not to be printed.	
Amended By-law	under the Sydney Hospital Act of 1881 .....	.....	" .....	20 "	"	
By-law	of the Municipal District of North Illawarra .....	.....	" .....	20 "	"	
Notifications	Public School purposes, under the Public Works Act of 1888, of land for Public School purposes at Alexandria and Brookonga.	.....	Mr. Hogue	21 "	"	
Gazette Notice	Copy of, setting forth the mode in which it is proposed to deal with the dedication of certain lands, in accordance with provisions of the 105th section of the Act 48 Vic. No. 18 and the 7th section of the Act No. 8 of 1897.	.....	Mr. Carruthers	21 "	"	
Abstract	of Crown Lands reserved from sale for the preservation of Water Supply or other public purposes, in accordance with the 101st, 109th, and 112th sections of the Act 48 Vic. No. 18.	.....	" .....	21 "	"	

No. 1 Committee Room,
Legislative Assembly, 22nd September, 1898.

J. HAYES,
Chairman, *pro. tem.*

Sydney: William Applegate Gullick, Government Printer.—1898.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 3, dated 22nd September, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	of the Court of Investigation on the Dudley Colliery explosion .....	.....	Mr. Cook	1898. 27 September	To be printed	
Return to Order	" Management of the Cooma Hospital "	Mr. Miller	Mr. Brunker	27 "	"	

No. 1 Committee Room,
Legislative Assembly, 29th September, 1898.

JAMES GORMLY,
Chairman.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 5.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 4, dated 29th September, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations	respecting the Public Service Tender Board, under the Public Service Act of 1895.	.....	Mr. Reid	1898. 29 September	Not to be printed.	
Amended Regulations	respecting the subjects of examination for teachers and pupil-teachers, under the Public Service Act of 1895.	.....	" .....	29 "	"	
Statement	of payments from Treasurer's Advance Account during August, 1898.	.....	" .....	29 "	To be printed.	
By-laws	at the Municipal District of Broken Hill, under the Public Health Act, 1896.	.....	" .....	29 "	Not to be printed.	
Notifications	of resumption, under the Public Works Act of 1898, of land, at Duri, Great Northern Railway, for improving the siding accommodation.	.....	" .....	29 "	"	
Report from Select Committee	on Claim of Samuel and Mary Lennon, together with the Proceedings of the Committee and Minutes of Evidence.	.....	Dr. Ross	4 October	To be printed.	
Return to Order	Retirement of W. Moore, maintenance man near Carcoor.	.....	Mr. Young	5 "	Not to be printed.	
Do	Embankment at Kelso	Mr. Waddell	"	5 " .....	.....	Postponed for further consideration.
Return (in part) to Order	Roads Superintendent and Road Office, Tambarumba	Mr. Perry	"	5 " .....	.....	" .....
Return (in completion) to Order	do	Mr. Perry	"	5 " .....	.....	" .....
Letter	from the Crown Solicitor, dated 6th May, 1898, in re McSharry v. The Railway Commissioners.	.....	" .....	5 " .....	.....	" .....
List	of Appropriations from March to 27th July, 1898 .....	.....	" .....	5 "	To be printed.	
Summary	do .....	.....	" .....	5 "	"	

No. 1 Committee Room,
Legislative Assembly, 6th October, 1898.

JAMES GORMLY,
Chairman.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 5, dated 6th October, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Embankment at Kelse"	Mr. Suttor	Mr. Young	5 October	.....	.....
Return (in part) to Order	"Roads Superintendent and Road Office, Tumburumba"	Mr. Perry	"	5 "	Not to be printed.	.....
Return (in completion) to Order	do	"	"	5 "	"	.....
Letter	from the Crown Solicitor, dated 6th May, 1898, in re McSharry v. The Railway Commissioners.	"	"	5 "	To be printed.	.....
Rates	The Railway Commissioners for Telephone Messages between Mount Victoria, Hartley, and Little Hartley.	Mr. Parkes	Mr. Parkes	6 "	Not to be printed.	.....
Statement	of the various steps in the case of McSharry v. The Railway Commissioners (Cootamundra-Gundagai Contract) respecting the appointment of arbitrators.	"	Mr. Young	6 "	To be printed.	.....
Papers and documents	respecting the Drainage Works, Macleay River	"	"	6 "	.....	.....
Return	respecting Clubs in the Metropolitan District	"	Mr. Brunker	6 "	Not to be printed.	.....
Notification	of withdrawal, under the Crown Lands Act of 1895, of certain lands from the Pastoral Lease of the Tebratong Leasehold Area for providing for settlement by other Holdings.	"	"	6 "	To be printed.	.....
Return to Order	"Tarrangingee Railway Line at Broken Hill"	Mr. Perry	Mr. Young	11 "	.....	.....
Abstract	of Sites for Cities, Towns, and Villages, declared under the 4th and 101st sections of the Act 48 Vic. No. 18.	"	Mr. Carruthers	12 "	Not to be printed.	.....
"	of Crown lands authorised to be dedicated to Public Purposes, in accordance with the 104th section of the Act 48 Vic. No. 18.	"	"	12 "	"	.....
"	of Crown lands reserved from sale for the Preservation of Water Supply or other Public Purposes, in accordance with the 101st, 109th, and 112th sections of the Act 48 Vic. No. 18.	"	"	12 "	"	.....
Amended By-laws	of the University of Sydney	"	Mr. Hogue	12 "	"	.....
Return	respecting Receipts and Expenditures in connection with the administration of the Patents and Trade Marks Acts.	"	Mr. Lec.	12 "	To be printed.	.....
Additional Regulations	under the Public Service Act of 1895	"	"	12 "	"	.....
Report	from the Committee of Elections and Qualifications (Election Petition—Jones v. Richards—Mudgee—together with Proceedings of the Committee and Minutes of Evidence).	"	Mr. Reid	12 "	Not to be printed.	.....
		"	Mr. Suttor	12 "	To be printed.	.....

No. 1 Committee Room,
Legislative Assembly, 13th October, 1898.

JAMES GORMLY,
Chairman.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 7.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 6, of the same date, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Tarrangingee Railway Line at Broken Hill"	Mr. Perry	Mr. Young	1898. 11 October	To be printed.	

Back Library,
Legislative Assembly, 13th October, 1898.

JAMES GORMLY,
Chairman.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

No. 8.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 7, dated 13th October, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	" Embankment at Kelso"	Mr. Suttor	Mr. Young	1898.	Not to be printed. To be printed.	
Do	" Coal-hulch sailing vessels from Newcastle lost at Sea"	Mr. Smith	Mr. Reid	5 October		
Statement	of Payments from Treasurers Advance Account during September, 1898.	.....	" .....	18 "		
Report	from the Committee of Elections and Qualifications (Election Petition O'Reilly v. Ferris, Parramatta), together with Proceedings of the Committee, and Minutes of Evidence.	.....	Mr. Suttor	18 "	"	"

No. 1 Committee Room,
Legislative Assembly, 20th October, 1898.

JAMES GORMILY,
Chairman.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 9.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 8, dated 20th October, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return	showing Details of Receipts and Expenditure under the Diseases in Sheep Act, for the years 1894 to 1897 inclusive.	.....	Mr. Cook	1898. 20 October	To be printed.	
By-laws	of the Municipal District of Condoulin, under the Country Towns Water and Sewerage Act of 1880.	.....	Mr. Young	25 "	Not to be printed.	
Amended Regulations and Rules.....	under the Electric Telegraph Act .....	.....	Mr. Parkes	25 "	"	
Information	respecting the Registrar-General's Department .....	.....	Mr. Lee.....	25 "	To be printed.	
Report	of the President of the Board of Health on the manufacture and sale of Margarine.	.....	Mr. Reid	25 "	"	
Report from Select Committee	on Lead fronting Throsby and Cottage Creeks, sold by A. A. Dangar, Esq.	.....	Mr. Fegan	25 "	"	
Notification.....	of withdrawal, under the Crown Lands Act of 1895, of certain lands from the Pastoral Lease of the Moomboodool Leasehold Area, for providing for settlement by other holdings.	.....	Mr. Brunker.....	26 "	Not to be printed.	
Abstract	of Crown lands reserved from sale for the Preservation of Water Supply or other Public Purposes, in accordance with the 101st, 109th, and 112th sections of the Act 48 Vic. No. 18.	.....	" .....	26 "	"	
"	of Alterations of Designs of Cities, Towns, and Villages, under the 107th section of the Act 48 Vic. No. 18.	.....	" .....	26 "	"	
Gazette Notices	copies of, setting forth the mode in which it is proposed to deal with the dedication of certain lands in accordance with the provisions of the 105th section of Act 48 Vic. No. 18 and the 41st section of the Act 53 Vic. No. 21, &c.	.....	" .....	26 "	"	
Return	respecting Evening Public Schools.....	.....	Mr. Lee.....	26 "	To be printed.	
Information	respecting Cemeteries at the Necropolis, Rockwood .....	.....	Mr. Lee.....	26 "	"	
Return	showing the gross output of round or large Coal at the several large Collieries since the passing of the Coal Mines Regulation Act.	.....	Mr. Cook	26 "	"	Postponed for further consideration.

JAMES GORMLY,
Chairman.

No. 1 Committee Room,
Legislative Assembly, 27th October, 1898.

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1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 9, dated 27th October, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom aid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return	showing the gross output of round or large Coal at the several large Collieries since the passing of the Coal Mines Regulation Act. of the Railway Commissioners on Railways and Tramways for quarter ended 30th September, 1898.	.....	Mr. Cook	1898. 25 October	To be printed.	Already in print.
Report	"Sums paid to discoverers of Gold-fields" under the Hunter District Water Supply and Sewerage Acts, 1892-97 of withdrawal, under the Crown Lands Act of 1895, of certain lands from the Pastoral Lease of the Canonbar Leasehold Area, for providing for settlement by other holdings.	Mr. Holman	Mr. Reid	27 "	"	"
Return to Order	"Public Park at Molong"	Dr. Ross	Mr. Cook	1 November	Not to be printed.	"
Water By-laws	"Racecourse or Recreation Ground at Molong" respecting rifle shooting under active service conditions.	"	Mr. Young	1 "	"	"
Notification.....	"Wharfago Rates and Tonnage Dues Act"	Mr. Haynes	Mr. Brunker.....	2 "	"	"
Return to Order .....	.....	.....	" .....	2 "	"	Postponed for further consideration.
Papers .....	.....	.....	" .....	2 "	"	"
Return to Order .....	.....	.....	" .....	2 "	Not to be printed	Reported on by Committee of previous Session, 6th July, 1898; referred to this Committee, 2nd Nov., 1898. Postponed for further consideration.

No. 1 Committee Room,
Legislative Assembly, 3rd November, 1898.

JAMES GORMLY,
Chairman.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 11.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 10, dated 3rd November, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Public Park at Molong"	Dr. Ross	Mr. Brunker	1898. 2 November	Not to be printed.	Reported on by Committee of previous Session, 6th July, 1898; referred to this Committee 2nd November, 1898. Postponed for further consideration.
Do	"Raccourse or Recreation Ground at Molong"	"	"	"	"	
Do	"Wharfage Rates and Tonnage Dues Act"	"	"	"	"	
Do	"Employees in Public Work, Department not on Public Service List"	Mr. McGowen	Mr. Young	3 November	"	Postponed for further consideration.
Memorandum	respecting the Increment Regulations under the Public Service Act, showing what the expenditure from the Consolidated Revenue Fund would have been for the year 1897-8 if payments had been made at the rates per head of the population during the years 1886, 1891, 1894, and as paid in the year 1897-8.	"	Mr. Reil	3 "	To be printed.	Reported on by Committee of Session, 1897. 7th October, 1897; referred to this Committee, 3rd November, 1898. Postponed for further consideration.
Do	respecting the Trust Funds in the Treasury.	"	"	3 "	"	
Do	of Loans raised during the period from 23rd October, 1891, to 30th September, 1898, under the Parke, Dibbs, and Reid Administrations.	"	"	3 "	"	
Return	showing proportion per head of population of direct and indirect taxation.	"	"	3 "	"	
Do	showing the difference between the results of the recent had seasons and the probable result if those seasons had been average fair seasons	"	"	3 "	"	
Return to Order	"Stockton Colliery Disaster"	"	"	3 "	"	

No. 1 Committee Room,
Legislative Assembly, 10th November, 1898.

JAMES GORMLY,
Chairman.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 11, dated 10th November, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Wharfage Rates and Tonnage Dues Act" .....	.....	.....	1898.	Not to be printed.	Reported on by Committee of previous Session, 6th July, 1898; referred to this Committee, 2nd Nov., 1898.
"	"Employees in Public Works Department not on Public Service List," .....	.....	.....	.....	"	.....
"	"Stockton Colliery Disaster" .....	.....	Mr. Young	3 November .....	"	.....
Report	of Public Service Board in reference to the appointment of Registrar-General, Examiner of Patents and Registrar of Trade Marks.	.....	.....	.....	To be printed.	Reported on by Committee of Session, 1897, 7th October, 1897; referred to this Committee, 3rd Nov., 1898. Postponed for further consideration.
Return to Order	"George-street and Harris-street Electric Tramway"	Mr. Cann	Mr. Lee	10 November .....	.....	.....
Notification	of resumption, under the Lands for Public Purposes Acquisition Act, of land for the supply of water to the town of Picton.	.....	" .....	10 .....	.....	.....
Return to Order	"Grafton—Glen Innes Road"	Mr. Wright	"	10	Not to be printed.	Postponed for further consideration.

No. 1. Committee Room,
Legislative Assembly, 17th November, 1898.

JAMES GORMLY,
Chairman.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 13.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 12, dated 17th November, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Stockton Colliery Disaster"	.....	.....	1898.	To be printed*	Reported on by Committee of Session, 1897, 7th Oct., 1897; referred to this Committee, Nov., 1898. Already in print.
Do Supplement	"George-street and Harris-street Electric Tramway" to the Auditor-General's Report upon the Treasurer's Statements of Receipts and Expenditure for the financial year ended 30th June, 1897.	Mr. Cann	Mr. Young Mr. Deputy-Speaker	10 November 17 "	To be printed.	
Notification	of resumption, under the Public Works Act of 1888, of land, for the purpose of erecting a Station-master's Residence at Wingen.	.....	Mr. Reid	17 "	Not to be printed.	
Do	of resumption, under the Public Works Act of 1888, of land, for duplicating the Great Western Railway between Blackheath and Mount Victoria.	.....	"	17 "	"	
Do	of resumption, under the Public Works Act of 1888, of land, for maintaining the traffic on the Great Northern Railway by improving the grades between Wyce and Motisset.	.....	"	17 "	"	
Regulations	under the Gunpowder and Explosives Consolidation Act of 1876.....	.....	"	17 "	To be printed.	
Returns	respecting the number of hours of overtime worked and paid for, also the number of hours worked and not paid for, in the Clerical and General Divisions of the Government Printing Office, from 1st July to 18th October, 1898.	.....	"	17 "	"	
Proceedings	of a deputation representing the employees in the Government Printing Office, respecting leave of absence, sick leave, and overtime.	.....	"	17 "	"	
Additional Regulations	under the Gunpowder and Explosives Consolidation Act of 1876.....	.....	Mr. Brunker	17 "	Not to be printed.	
Return	respecting the New South Wales Zoological Society	.....	Mr. Hogue	17 "	To be printed.	
Returns to Orders	"Men sent to Railway Deviation Work"; "Men employed on Relief Work on Centennial Park"; "Men employed on Work at Shea's Creek, Muddy Creek, and the Sewage Farm"; "Men employed Scrub-cutting."	.....	.....	17 "	Not to be printed.	
Notification	of resumption, under the Public Works Act of 1888, of land for the erection of a Post and Telegraph Office at Gloucester, county of Gloucester.	.....	Mr. Young	17 "	Not to be printed.	
Do	of resumption, under the Public Works Act of 1888, of land for a Bridge over the Paterson River at Hinton.	.....	"	17 "	"	

* Portion relating to the Coroner's Inquest only.

Description of Paper.	Subject of Paper.	By whom Moved for.	When laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report.....	of the Hunter District Water Supply and Sewerage Board for year ended 30th June, 1898.	.....	17 November 1898.	17 November	To be printed.	Already in print.
By-laws	of the Borough of Orange, under the "Country Towns Water and Sewerage Act of 1880."	.....	17	17	Not to be printed.	
Do	of the Borough of Tamworth, under the "Country Towns Water and Sewerage Act of 1880."	.....	17	17	"	
Despatch.....	respecting the Extradition of Fugitive Criminals.....	.....	17	17	"	
Report.....	from the Committee of Elections and Qualifications on "Election Petition"—Bavister v. Wise—Ashfield.	.....	17	17	To be printed.	
Return to Order	" Rifle Shooting under Active Service Conditions "	.....	.....	.....	"	Reported on on 6th Sept., 1898; referred back to Committee for reconsideration, 17th Nov., 1898.
Do	" Applications for Oyster Leases, Manning River, by Messrs. Ongley and Marshall."	Mr. Meagher	22 November	22 November	Not to be printed.	Postponed for further consideration.
Do	" Oyster Leases "	Mr. Anderson	22	22	"	"
Do	" Application of Edward Elias Smith for an Oyster Lease, Clarence River."	Mr. E. M. Clark	22	22	"	"
By-laws	of the Municipal District of Coonamble.....	.....	22	22	Not to be printed.	
Rule	of the Destitute Children's Asylum, Randwick	.....	22	22	"	
Report.....	of Comptroller-General of Prisons respecting the operations of the new system of Restricted Association in Gaols.	.....	22	22	To be printed.	
Papers.....	referring to strictures passed on the Registrar-General's Department by the late Mr. Justice Windeyer, in February, 1895.	.....	22	22	"	
List	of the Public Service, for 1898	.....	22	22	To be printed.	Postponed for further consideration.
Report.....	of the Public Service Board respecting the appointment of an officer, to conduct experiments in connection with the growth of wheat.	.....	22	22	Not to be printed.	Already in print.
Statement	of payments from Treasurer's Advance Account during October, 1898	.....	22	22	To be printed.	
Return to Order	" Contracts for Water Supply and Sewerage Works "	Mr. E. M. Clark	22	22	"	
Do	" Refusal of Water and Sewerage Board in re Hospital for Female Insane at Hyde."	Mr. Lyno	22	22	"	
Do	" Rossville-Kennore Asylum "	Mr. E. M. Clark	22	22	"	
Report from Select Committee	Case of Sydney Cooper, as to Mining under a road, Parish of Clive, County of Gough, together with Proceedings of the Committee."	Mr. Cruickshank	22	22	To be printed.	
Return to Order	" Monthly return of accidents "	Mr. Smith	23	23	"	
Regulations	" Amended Gaol, Nos. 25 and 80 "	Mr. Young	23	23	Not to be printed.	
Return to Order	" Purchase and Importation of Stock by the Government "	Mr. Lee	23	23	To be printed.	
Return	respecting the Government Metallurgical Works at Clyde.	Mr. Cook	23	23	"	
Abstract	of Crown Lands reserved for sale for the preservation of Water Supply or other public purposes, in accordance with the 101st, 109th, and 112th sections of Act, 48 Vic. No. 18.	Mr. Brunter	23	23	Not to be printed.	
Gazette Notices	Copies of, setting forth the mode in which it is proposed to deal with the dedication of certain lands, in accordance with the provisions of the 103rd section of the Act, 48 Vic. No. 18.	.....	23	23	"	
Abstract	of alterations of designs of Cities, Towns, and Villages, under the 107th section of the Act, 48 Vic. No. 18.	.....	23	23	"	
Do	of Sites for Cities, Towns, and Villages, declared under the 4th and 101st sections of the Act, 48 Vic. No. 18.	.....	23	23	"	
Do	of Crown Lands authorised to be dedicated to public purposes, in accordance with the 104th section of the Act, 48 Vic. No. 18.	.....	23	23	"	

JAMES GORMLY,
Chairman.

No. 1 Committee Room,
Legislative Assembly, 24th November, 1898.

[3d.]

Sydney: William Applegate Gullick, Government Printer.—1898.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 14.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 13, dated 24th November, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Oyster Lenses"	Mr. Anderson	Mr. Brunker	1898, 22 November	Not to be printed.	
Do	"Application of Edward Elias Smith for an Oyster Lease, Clarence River,"	Mr. E. M. Clark	"	22	"	
Papers	"Referring to strictures passed on the Registrar-General's Department by the late Mr. Justice Windeyer, in February, 1895,"	"	Mr. Lee	22	"	
Return to Order	"Contracts for Water Supply and Sewerage Works"	Mr. E. M. Clark	Mr. Young	22	"	Postponed for further consideration.
Do	"Refusal of Water and Sewerage Board <i>in re</i> Hospital for Female Insane at Ryde."	Mr. Lyne	"	22	"	"
Do	"Rossville-Kemmore Asylum"	Mr. E. M. Clark	"	22	Not to be printed.	
Do	"Monthly Return of Accidents"	Mr. Smith	"	22	To be printed.	
Regulations	under the Wentworth Irrigation Act	"	"	24	Not to be printed.	
Return	respecting the Board of Exports	"	Mr. Cook	29	To be printed.	
Return to Order	"Andrew Clark's Conditional Purchase, Kockibertoo, Bourke"	Mr. Gormly	Mr. Carruthers	29	"	Postponed for further consideration.
Statement	of Receipts and Expenditure of the Sydney Cricket Ground for the year ended 30th September, 1898.	"	"	29	Not to be printed.	
Notification	or Rates for transmission of Telephone Messages between Moree and Moree Railway Station.	"	Mr. Parkes	30	"	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Parliamentary Printing"	Mr. McGowen	Mr. Reid	1898. 30 November	To be printed.	
Statement	showing the average Liabilities and Assets of Banks within the Colony, for quarter ended 30th September, 1898.	.....	" .....	30	Not to be printed.	
Notification	of resumption, under the Public Works Act of 1888, of land for the purpose of improving the grades on the South-western Railway, near Marrar.	.....	" .....	30	"	
Regulations	under the Public Service Tender Board, under the Public Service Act of 1895 (<i>in lieu of those published 7th October, 1898</i>).	.....	" .....	30	"	
By-laws	of the Municipal District of Tumut, under the Public Health Act of 1896.	.....	" .....	30	"	
Do	of the Municipal District of Dungog, under the Nuisances Prevention Act, 1897.	.....	" .....	30	"	
Papers.....	in connection with the proposed concessions to the British New Guinea Land Syndicate.	.....	" .....	30	To be printed.	
Schedule.....	to the Estimates for 1898-9, showing the total remuneration estimated to be received by all Public Officers who hold more than one office, or who receive any fees, special allowance, quarters, fuel, or light, in addition to their fixed annual salaries, also deductions of amounts chargeable for quarters, provisions, fuel, and light, during the year ending 30th June, 1899.	.....	" .....	30	"	Already in print.
Do	to Military Allowances proposed for the year 1898-9 .....	.....	" .....	30	"	"

No. 1 Committee Room,
Legislative Assembly, 1st December, 1898.

JOHN NOBBS,
Chairman, *pro tem.*

[9d.]
Sydney: William Applegate Gullick, Government Printer.—1898.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 15.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 14, dated 1st December, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Contracts for Water Supply and Sewerage Works"	Mr. E. M. Clark	Mr. Brunker	1898, 22 November	.....	Postponed for further consideration.
Do	"Refusal of Water and Sewerage Board in re Hospital for Female Insane at Ryde."	Mr. Lyne	Mr. Young	22 "	To be printed.	
Do	"Andrew Clark's Conditional Purchase, Koekibetoo, Bourke"	Mr. Gornly	Mr. Carruthers	22 "	.....	"
Return (in completion) to Order	"George-street and Harris-street Electric Tramway"	Mr. Cann	Mr. Young	1 December	To be printed.	
Return	respecting the cause and effect of drought	.....	Mr. Hogue	1 "	.....	"
Return (in part) to Order	"Monthly Returns of Accidents"	Mr. Smith	Mr. Brunker	1 "	To be printed.	
Return to Order	"Trawling Expedition"	Mr. Chanter	"	1 "	"	
Additional By-laws	of the Borough of Drummoyno	.....	"	1 "	Not to be printed.	
Information	respecting the New South Wales Zoological Society	.....	"	1 "	"	
Return	respecting charges against the management of the New South Wales Zoological Society.	.....	"	1 "	"	
Return to Order	"Licensing Public Gates, Demiliquin District"	Mr. Chanter	"	6 "	"	
Return	respecting classes taught at the Technical College by teachers who receive no remuneration except Student's fees.	.....	Mr. Hogue	6 "	"	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Special Report from Select Committee on "Illawarra Harbour and Land Corporation Act Further Amendment Bill."		.....	Mr. Ferguson	1898. 6 December	To be printed.	
Notification	of resumption, under the Public Works Act of 1898, of land for the erection of a bridge over Jones' Creek, Gundagai.	.....	Mr. Young	7	Not to be printed.	
Second Report	of the Royal Commission on Public Charities, together with Minutes of Evidence and Appendix, Part I, Benevolent Society of New South Wales.	.....	Mr. Brunker.....	7	To be printed.	Already in print.
Statement	showing the average Liabilities and Assets of Public Companies accepting deposits in New South Wales for quarter ended 30th June, 1898.	.....	Mr. Reid	7	Not to be printed.	
Return to Order	"Sydney-Hurstville, Sydney-Belmore, and Hurstville-Nowra sections of Railway Lines."	.....	" .....	7	"	
Report.....	on the Military Forces of the Colony for the year ended 30th June, 1898.	.....	" .....	7	To be printed.	Already in print.

No. 1 Committee Room,
Legislative Assembly, 8th December, 1898.

JOHN NOBBS,
Chairman, *pro tem.*

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 16.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 15, dated 8th December, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report from Select Committee	on "Illawarra Harbour and Land Corporation Act Further Amendment Bill" together with Proceedings of the Committee and Minutes of Evidence.	.....	Mr. Ferguson	1898. 13 December	To be printed.	

JOHN NOBBS,
Chairman, *pro tem.*

Legislative Assembly, 14th December, 1898., a.m.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 17.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 16, dated 14th December, 1898, a.m., as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Contracts for Water Supply and Sewerage Works"	Mr. E. M. Clark	Mr. Brunker	1898. 22 November .....	.....	.....
Do	"Andrew Clark's Conditional Purchase, Kookibertoo, Bourke"	Mr. Gormly	Mr. Carruthers	22	Not to be printed.	.....
Return	respecting the cause and effect of drought.....	.....	Mr. Hogue	1 December	To be printed.	.....
Return to Order	"Rossville-Kennore Asylum"	Mr. E. M. Clark .....	.....	.....	Not to be printed....	.....
Return (<i>in part</i>) to Address	"Administration of the Government of Norfolk Island"	Mr. Slath	Mr. Brunker	13 December	To be printed.	.....
Minute	by Mr. Speaker, and information on the subject of franking letters and telegrams for Members of Parliament.	.....	Mr. Deputy-Speaker	14 .....	"	.....
Report.....	from the Committee of Elections and Qualifications—Election Petition, Ball v. T. H. Griffith, Albury; together with Proceedings of the Committee and Minutes of Evidence.	.....	Mr. O'Sullivan.....	14 .....	"	.....
Amended Regulations	respecting Telegraph Money Orders .....	.....	Mr. Parkes	14	Not to be printed.	.....
Schedules	A to D. Estimates, 1898-9, Public Works Department .....	.....	Mr. Young	14	To be printed .....	.....
Report.....	of the Inspector-General of the Insane for the year 1897 .....	.....	Mr. Brunker.....	14 .....	"	.....
By-laws	of the Borough of Cootamundra .....	.....	" .....	14	Not to be printed.	.....

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	of the Royal Commission to inquire into certain allegations concerning the conduct of the Honorable J. H. Young, Secretary for Public Works, during the recent Election for The Hastings and The Macleay Electorate, and into the circumstances and proceedings of such Election generally, together with Minutes of Proceedings and Appendix.	.....	Mr. Brunker.....	1898. 14 December	To be printed.	Already in print.
Return to Order	" Election for Macquarie"	Mr. Hurley	"	14 .....	.....	Postponed for further consideration.
Do	" Assistant Customs Searchers"	Mr. Neild	"	14	Not to be printed.	
Statement	of payments from Treasurer's Advance Account during November, 1898.	.....	" .....	14	To be printed.	
By-laws	of the Borough of Parramatta under the Public Health Act of 1896...	.....	" .....	14	Not to be printed.	
Notification	of resumption, under Public Works Act of 1888, of land for improving the traffic on the Great Western Railway at Mullion Creek.	.....	" .....	14	"	
Amended Orders and Regulations ...	under the Act 14 Vic. No. 36 for the control of the Public Abattoir and its appurtenances, Glebe Island.	.....	" .....	14	"	

No. 3 Committee Room,
Legislative Assembly, 15th December, 1898.

JAMES GORMLY,
Chairman.

[3d.]

Sydney : William Applegate Gullick, Government Printer.—1898.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 18.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 25th August, 1898, Votes No. 6, Entry 11, have agreed to report to your Honorable House, in relation to the Papers referred to them since their Report No. 17, dated 15th December, 1898, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to Order	"Contracts for Water Supply and Sewerage Works"	Mr. E. M. Clark	Mr. Young	1898. 22 November	Not to be printed.	
Do	"Election for Macquarie"	Mr. Hurley	Mr. Brunker	14 December	"	
Return	respecting the sales and disposal of Farm Produce at Darling Harbour .....	.....	Mr. Reid	15	"	
Abstract	of Crown Lands, authorised to be dedicated to Public Purposes, in accordance with the 104th section of the Act 43 Vic. No. 18. .....	.....	Mr. Carruthers	15	"	
Do	of alterations of Designs of Cities, Towns, and Villages, under the 107th section of the Act 43 Vic. No. 18. .....	.....	" .....	15	"	
Do	of Sites for Cities, Towns, and Villages, declared under the 4th and 101st sections of the Act 43 Vic. No. 18. .....	.....	" .....	15	"	
Do	of Crown Lands reserved from sale for the preservation of Water Supply or other public purposes, in accordance with the 101st, 109th, and 112th sections of the Act 43 Vic. No. 18. .....	.....	" .....	15	"	
Rule	of the Supreme Court in Divorce Jurisdiction .....	.....	Mr. Lee	15	"	
Regulations	Amended Gaol, Nos. 9, 35, and 80A .....	.....	" .....	15	"	
Return	respecting effect of ringbarking and deforestation upon the climates of the Colony. .....	.....	Mr. Hogue	16	To be printed.	
Return to Order	"Monthly Returns of Accidents"	Mr. Smith	Mr. Young	16	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report.....	of the completion of the Stormwater Drain at O'Neill-street, Leichhardt.	.....	Mr. Young	1898. 16 December	Not to be printed.	
Return to Order	"Claim of John McCabe—Road from Long Reach to Clybucca"	Mr. McLaughlin	Mr. Carruthers	16 "	"	
Report from Select Committee.....	on "Claim of John Brennan against Roads Department, together with the Proceedings of the Committee and Minutes of Evidence, of the Department of Public Works for the year ended 30th June, 1898."	.....	Mr. Pyers	16 "	To be printed.	Already in print.
Report	of resumption, under the Public Works Act of 1888, of land, parish of Bengering, county of Stapylton, for the drainage of the Gwydir District.	.....	Mr. Young	19 "	"	
Notification	from the Board of Management of the New South Wales Institution for the Deaf and Dumb and the Blind to the Report and recommendations of the Royal Commission on Public Charities respecting the abovesaid Institution.	.....	Mr. Brunker.....	19 "	To be printed.	
Reply	of the Metropolitan Board of Water Supply and Sewerage for the year ended 30th June, 1898.	.....	Mr. Young	19 "	"	Already in print.
Tenth Report.....	Estate of the late S. M. Swift, of Petersham, together with the Proceedings of the Committee, Minutes of Evidence, and Appendix.	.....	Mr. Hughes	22 "	"	
Progress Report from Select Committee.....	St. Andrew's College, University of Sydney .....	.....	Mr. Hogue	22 "	Not to be printed.	
Amended By-laws.....	"Penny Postage System"	Mr. Barnes	Mr. Puckes	22 "	"	
Return to Order	of resumption, under the Public Works Act of 1888, of land for improving the traffic on the railway from Milson's Point to Hornsby Junction.	.....	Mr. Reid	22 "	"	
Amended Regulation.....	No 324 under the Crown Lands Acts .....	.....	Mr. Brunker.....	22 "	"	
Return to Order	"Awards for Shark killing"	Mr. Chanter.....	"	22 "	"	
By-law	of the Borough of Richmond .....	.....	" .....	22 "	"	

J. HAYES,
Chairman, *pro tem.*

No. 1 Committee Room,
Legislative Assembly, 22nd December, 1898.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION.—JONES *v.* RICHARDS—MUDGE.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Printed under No. 6 Report from Printing Committee, 13 October, 1898.

SYDNEY: WILLIAM APPLIGATE GULLICK, GOVERNMENT PRINTER.

1898.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	6
List of Witnesses	12
Minutes of Evidence	13

1898.
(SECOND SESSION).

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—JONES *v.* RICHARDS—MUDGE. E.

VOTES No. 2. WEDNESDAY, 17 AUGUST, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“By the Honorable the Speaker of the Legislative Assembly
of New South Wales.

“PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

“John Henry Cann, Esquire,
“William Patrick Crick, Esquire,
“William Henry Mahony, Esquire,
“John Cash Neild, Esquire,
“Edward William O’Sullivan, Esquire,

“Varney Parke, Esquire,
“Andrew Ross, Esquire, M.D.,
“The Hon. Francis Bathurst Suttor, Esquire,
“Samuel Thomas Whiddon, Esquire,

“being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“this seventeenth day of August, in the year of our Lord one thousand eight hundred
“and ninety-eight.

“J. P. ABBOTT,
“Speaker.”

VOTES No. 6. THURSDAY, 25 AUGUST, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 17th August, 1898, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Members sworn*:—John Henry Cann, Esquire, William Henry Mahony, Esquire, John Cash Neild, Esquire, Edward William O’Sullivan, Esquire, Andrew Ross, Esquire, M.D., The Honorable Francis Bathurst Suttor, Esquire, and Samuel Thomas Whiddon, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

VOTES No. 7. TUESDAY, 30 AUGUST, 1898.

4. ELECTION PETITION (*Mudgee*):—Mr. Brunner, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from Robert Jones, of Mudgee, alleging that, at the last General Election, Edwin Richards and the Petitioner were severally candidates to be elected as Members for the Electoral District of Mudgee; that before the said election the Petitioner was duly nominated for election, in accordance with the provisions of the Parliamentary Electorates and Elections Act of 1893 (56 Vic. No. 38) and the Parliamentary Electorates and Elections Act Further Amendment Act of 1894 (57 Vic. No. 24); that before and at the time of the said nomination the Petitioner was duly qualified to be elected; that the Returning Officer, on the day of the declaration of the poll, declared the number of votes polled to be as follows, namely:—For Edwin Richards, one thousand and sixty-five,—and for the Petitioner, one thousand and fifty-nine,—and thereupon declared Edwin Richards to be duly elected, and afterwards endorsed on the writ the name of Edwin Richards as the person so elected, and he has since taken his seat in the Legislative Assembly; that the said Edwin Richards did directly himself, and indirectly by other persons, give money to certain persons, electors of the said Electoral District, in order to induce them to vote for him, and promised employment to and to procure employment for certain persons, electors of the Electorate, in order to induce such persons to vote for him; that he corruptly, directly and indirectly, gave and provided drink and entertainment and provisions to many electors, also carriage hire or conveyance; that he threatened injury, damage, harm, and loss to, and did in other manner practise intimidation upon and against electors, in order to induce and compel such persons to vote for him, and to cause such persons to refrain from voting on behalf of the Petitioner; that he was guilty of bribery and

and other unlawful conduct; that many mistakes were made in counting the ballot-papers at the several polling-places during the election, many of the polling-papers being declared formal which were in reality informal, and many persons not entitled to vote being allowed to vote; that many of the polling-papers were not initialled by the Deputy Returning Officers, and were, therefore, informal: Petitioner, therefore, humbly prays that his Petition may be dealt with according to law, and that the return of the said Edwin Richards may be declared null and void for the reasons aforesaid; that a scrutiny of all ballot-papers should be made by the Committee of Elections and Qualifications; that it may be declared and determined that the said Edwin Richards has, at the said election, been guilty of the offence of treating and bribery and other unlawful conduct; that, for the reasons aforesaid, it may be declared that the said Edwin Richards was not lawfully elected, and is not such Member for Mudjee; that it may be declared and determined that the Petitioner was duly elected at the said election, and is entitled to take his seat accordingly; and that such further or other order and determination may be made in the premises as may be just. Ordered, on motion of Mr. Bruncker, that the Petition be referred to the Committee of Elections and Qualifications.

25. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing James Ashton, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session,—of which the following is a copy:—

“By the Honorable the Speaker of the Legislative Assembly
of New South Wales.

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

James Ashton, Esquire,

“being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, “in the room of Varney Parkes, Esquire, whose seat in the said Assembly hath been declared “vacant by reason of his acceptance of the office of Postmaster-General.

“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“this 30th day of August, in the year of our Lord one thousand eight hundred and
“ninety-eight.”

“J. P. ABBOTT,
“Speaker.”

VOTES NO. 10. WEDNESDAY, 7 SEPTEMBER, 1898.

1. * * * * *
COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—William Patrick Crick, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.
7. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—*Appointment of First Meeting of Committee*:—Pursuant to the requirement of the 125th section of the Parliamentary Electorates and Elections Act of 1893, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at 11 o'clock a.m., on Tuesday next, in No. 1 Committee Room.

VOTES NO. 11. THURSDAY, 8 SEPTEMBER, 1898.

1. * * * * *
COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th August, 1893, appointing James Ashton, Esquire, to be a member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Ashton to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
(2.) *Member Sworn*:—James Ashton, Esquire, came to the Table, and was sworn by the Clerk as a member of the Committee of Elections and Qualifications.

VOTES NO. 25. WEDNESDAY, 12 OCTOBER, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS (*Election Petition—Jones v. Richards—Mudjee*):—Mr. Suttor, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Committee of Elections and Qualifications, to whom was referred, on 30th August, 1893, the Petition of Robert Jones, against the return of Edwin Richards, Esquire, as Member for the Electoral District of Mudjee. And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—
“The Committee of Elections and Qualifications, duly appointed on 17th August, 1898, to “whom was referred, on 30th August, 1893, a Petition from Robert Jones, against the return of “Edwin Richards, Esquire, as Member for the Electoral District of Mudjee, have determined and “do hereby declare:—
“ (1.) That the Committee having decided that the recount shows the sitting Member to “have a majority of four votes, the Committee declare the sitting Member to have been duly “elected.
“ (2.) That the Petition of Robert Jones is not frivolous or vexatious.
“ (3.) That the Committee make no award as to costs.
“No. 3 Committee Room,
“Legislative Assembly, 12th October, 1898.”

“F. B. SUTTOR,
“Chairman.

Referred by Sessional Order to the Printing Committee.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—JONES *v.* RICHARDS—MUDGE. E.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 17th August, 1898, to whom was referred, on 30th August, 1898, a Petition from Robert Jones, against the return of Edwin Richards, Esquire, as Member for the Electoral District of Mudgee,—have determined and do hereby declare:—

1. That the Committee having decided, that the recount shows the sitting Member to have a majority of four votes, the Committee declare the sitting Member to have been duly elected.
2. That the Petition of Robert Jones is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

*No. 3 Committee Room,
Legislative Assembly,
12th October, 1898.*

F. B. SUTTON,
Chairman.

1898.
(SECOND SESSION.)

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS.

In the matter of the Election Petition which had been addressed to His Excellency the Governor from Robert Jones, of Mudgee, alleging that, at the last General Election, Edwin Richards and the Petitioner were severally candidates to be elected as Members for the Electoral District of Mudgee; that before the said election the Petitioner was duly nominated for election, in accordance with the provisions of the Parliamentary Electorates and Elections Act of 1893 (56 Vic. No. 38) and the Parliamentary Electorates and Elections Act Further Amendment Act of 1894 (57 Vic. No. 24); that before and at the time of the said nomination the Petitioner was duly qualified to be elected; that the Returning Officer, on the day of the declaration of the poll, declared the number of votes polled to be as follows, namely:— For Edwin Richards, one thousand and sixty-five,—and for the Petitioner, one thousand and fifty-nine,—and thereupon declared Edwin Richards to be duly elected, and afterwards endorsed on the writ the name of Edwin Richards as the person so elected, and he has since taken his seat in the Legislative Assembly; that the said Edwin Richards did directly himself, and indirectly by other persons, give money to certain persons, electors of the said Electoral District, in order to induce them to vote for him, and promised employment to and to procure employment for certain persons, electors of the Electorate, in order to induce such persons to vote for him; that he corruptly, directly and indirectly, gave and provided drink and entertainment and provisions to many electors, also carriage-hire or conveyance; that he threatened injury, damage, harm, and loss to, and did in other manner practise intimidation upon and against electors, in order to induce and compel such persons to vote for him, and to cause such persons to refrain from voting on behalf of the Petitioner; that he was guilty of bribery and other unlawful conduct; that many mistakes were made in counting the ballot-papers at the several polling-places during the election, many of the polling-papers being declared formal which were in reality informal, and many persons not entitled to vote being allowed to vote; that many of the polling-papers were not initialled by the Deputy Returning Officers, and were, therefore, informal: Petitioner, therefore, humbly prays that his Petition may be dealt with according to law, and that the return of the said Edwin Richards may be declared null and void for the reasons aforesaid; that a scrutiny of all ballot-papers should be made by the Committee of Elections and Qualifications; that it may be declared and determined that the said Edwin Richards has, at the said election, been guilty of the offence of treating and bribery and other unlawful conduct; that, for the reasons aforesaid, it may be declared that the said Edwin Richards was not lawfully elected, and is not such Member for Mudgee; that it may be declared and determined that the Petitioner was duly elected at the said election, and is entitled to take his seat accordingly; and that such further or other order and determination may be made in the premises as may be just.

TUESDAY, 13 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Crick,		Mr. Neild,
Mr. O'Sullivan,		Dr. Ross,
Mr. Mahony,		Mr. Ashton,
Mr. Whiddon,		Mr. Cann,
	Mr. Suttor.	

In attendance,—

The Second Clerk Assistant.

1. On motion of Mr. Neild, Mr. Suttor called to the Chair.
2. The Clerk, by direction of the Chairman, read the extracts from the Votes and Proceedings referring to the appointment of the Committee. [*Vide* Extracts, pages 3 and 4.]
3. The Clerk, by direction of the Chairman, read the extract from the Votes and Proceedings by which the Petition of Robert Jones, Esquire, was referred to the Committee. [*Vide* Extract, page 3.]
4. The Clerk, by direction of the Chairman, read the Petition of Robert Jones, to which the Bank deposit-receipt was attached, as follows:—

To His Excellency The Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of New South Wales and its Dependencies.

The humble Petition of Robert Jones, of Mudgee, in the Colony of New South Wales, Esquire,—

SHOWETH:—

1. That at the last General Election of Members to serve in the Legislative Assembly of the said Colony of New South Wales, Edwin Richards and your Petitioner were severally candidates to be elected as Members of the said Assembly for the Electoral District of Mudgee.
2. That before the said Election your Petitioner was duly nominated for election as a Member of the said Legislative Assembly for the said Electoral District of Mudgee, in accordance with the provisions of the Parliamentary Electorates and Elections Act of 1893 (56 Vic. No. 38) and the Parliamentary Electorates and Elections Act Further Amendment Act of 1894 (57 Vic. No. 24).

3. That before and at the time of the said nomination, and from thence, your Petitioner was and is a person duly qualified by law to be elected a Member of the said Legislative Assembly.

4. That there were sixteen polling-places duly appointed, at which a poll was to be taken at the said election, and a poll was accordingly held at the several places so appointed on the 27th day of July last past.

5. That one Henry Crossing was the Returning Officer appointed for the said Electoral District of Mudgee for the purpose of taking such poll.

6. That the said Returning Officer, on the 28th day of July last past, the day of the declaration of the poll for the said Electoral District of Mudgee, declared the number of votes polled to be as follows, namely:—For the said Edwin Richards, one thousand and sixty-five; and for your Petitioner, one thousand and fifty-nine; and thereupon declared the said Edwin Richards to be duly elected as a Member of the said Assembly for the said Electoral District; and the said Returning Officer afterwards endorsed on the writ for the said election the name of the said Edwin Richards as the person so elected and returned the said writ.

7. That the said Edwin Richards has since taken his seat in the Legislative Assembly as Member for the said district.

8. That the said Edwin Richards did directly himself, and indirectly by other persons, give money to certain persons, electors of the said Electoral District, in order to induce them to vote for him, the said Edwin Richards, at such election.

9. That the said Edwin Richards, directly and indirectly, by himself and other persons on his behalf, did promise employment to certain persons, electors of the said Electorate of Mudgee, in order to induce such persons to vote for him.

10. That the said Edwin Richards, directly and indirectly, by himself and other persons, did promise to procure employment for certain electors in order to induce such electors to vote for him at the said election.

11. That the said Edwin Richards at the said election did corruptly, by himself and with other persons in the said Electoral District, directly and indirectly give and provide (and cause to be given and provided) drink and entertainment and provisions to many persons, being electors of the said Electoral District, and others, whilst at such election, and whilst engaged in coming to and returning from such election, in order to ensure and forward his election, and for the purpose of corruptly influencing such persons and other persons to give their votes at such election for him, and on account of such persons having voted or being about to vote at such election for him.

12. That the said Edwin Richards at the said election did corruptly, by himself, by and with other persons, and by and with other ways and means on his behalf during the said election, at and during the time of the said election, directly and indirectly provide and cause to be provided, and was accessory to the giving and providing, meat, drink, entertainment, or provisions to various persons, being electors of the said Electoral District, and others, whilst at such election, and whilst engaged in coming to and returning from such election, in order to ensure and forward his election, and for the purpose of corruptly influencing such persons and other persons to give their votes at such election for him, and on account of such persons having voted or being about to vote at such election for him.

13. That the said Edwin Richards at the said election did corruptly, by himself and other persons during the said election, directly and indirectly provide, and was accessory in providing, carriage-hire or conveyance for voters whilst engaged in coming to and returning from such election, in order to ensure and forward his election, and for the purpose of corruptly influencing such persons to give their votes at such election.

14. That the said Edwin Richards did directly by himself threaten injury, damage, harm, and loss to, and did in other manner practise intimidation upon and against certain persons, electors of the said Electoral District, in order to induce and compel such persons to vote for him at the said election, and to cause such persons to refrain from voting on behalf of your Petitioner at such election.

15. That the said Edwin Richards was guilty of bribery within the meaning of the Parliamentary Electorates and Elections Act of 1893, and other unlawful conduct, for the purpose of ensuring his election for the Electoral District of Mudgee at the said election.

16. That your Petitioner has heard and verily believes that many mistakes were made in counting the ballot-papers at the several polling-places in the said Electorate of Mudgee during the said election.

17. That your Petitioner has heard and verily believes that many of the polling-papers were declared formal which were in reality informal, and that many persons not entitled to vote in and for the said Electoral District did vote as if entitled so to do, and that, therefore, such votes should not have been counted or allowed in favour of the said Edwin Richards; and, therefore, as your Petitioner verily believes, there was a majority in favour of your Petitioner.

18. That your Petitioner has heard and verily believes that many of the said polling-papers were not initialled by the Deputy Returning Officers according to the provisions of the Parliamentary Electorates and Elections Act of 1893, and was therefore informal.

19. That your Petitioner, pursuant to the Parliamentary Electorates and Elections Act of 1893, has caused the sum of fifty pounds to be paid into the Australian Joint Stock Bank (Limited), to the credit of the Speaker of the Legislative Assembly, in relation to this Petition, and the Bank deposit-receipt for such payment is hereto annexed.

Your Petitioner therefore humbly prays that this Petition may be dealt with according to law, and that the return of the said Edwin Richards may be declared null and void for the reasons aforesaid. That a scrutiny of all ballot-papers should be made by the Committee of Elections and Qualifications. That it may be declared and determined that the said Edwin Richards has, at the said election, been guilty of the offence of treating and bribery and other unlawful conduct. That for the reasons aforesaid it may be declared that the said Edwin Richards was not lawfully elected, and is not such Member of the said Legislative Assembly for the said Electoral District of Mudgee. That it may be declared and determined that your Petitioner was duly elected at the said election to serve as and be a Member of the said Legislative Assembly for the said Electoral District of Mudgee, and is entitled to take his seat accordingly in the said Assembly. And that such further or other order and determination may be made in the premises as may be just.

And your Petitioner will ever pray, &c.

Sydney, 30th August, 1898.

(Sgd.) ROBERT JONES.

Duplicate.
J. R. HEWAT,
Accountant.

29th August, 1898.

PAID into the Australian Joint Stock Bank (Limited), the sum of fifty pounds, to be placed to the credit of The Hon. Sir Joseph P. Abbott, K.C.M.G., Speaker of the Legislative Assembly, by Robert Jones.

5. Committee deliberated, and Ordered, on motion of Mr. Crick, that the Committee proceed with the case of Jones v. Richards, Mudgee, and that the Petitioner be requested to bring evidence in support of the allegations contained in his Petition.

6. Parties called in.

Present:—Robert Jones, Esquire (*the Petitioner*).

Edwin Richards, Esquire (*the Sitting Member*).

7. Ordered, that James Burns, John T. Smith, Samuel Horsley, Charles E. Hilton, Dennis B. Acton, John Quinlan, C. F. J. Farran, W. B. G. Leigh, A. S. Tuckerman, and Frank Vincent be summoned to give evidence at next meeting.

8. Committee adjourned till To-morrow at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY,

WEDNESDAY, 14 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Crick,	Mr. Mahony,
Mr. Cann,	Mr. Whiddon,
Mr. Ashton,	Dr. Ross,
Mr. O'Sullivan,	Mr. Neild.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Clerk submitted a letter from the Honorable the Speaker, enclosing certified copy of a letter which had been received from Edwin Richards, the Sitting Member for Mudgee, giving notice of his intention to defend his Seat, which he read as follows:—

“The Speaker's Room, Legislative Assembly,
“Sydney, 31 August, 1898.

“To the Committee of Elections and Qualifications.

“Gentlemen,—

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from Edwin Richards, Esquire, the Sitting Member for Mudgee, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

“I have, &c.,

“J. P. ABBOTT,
“Speaker.”

[Enclosure.]

Sir,

Sydney, 30 August, 1898.

In accordance with the 133rd section of the Parliamentary Electorates and Elections Act of 1893, I have the honor to inform you that it is my intention to defend my Seat as Member for the Electoral District of Mudgee before the Committee of Elections and Qualifications, to whom was referred a Petition from Robert Jones touching the validity of my Election and return, as Member for the said Electoral District.

I have, &c.,

EDWIN RICHARDS.

The Honorable the Speaker, Legislative Assembly.
A true copy.—J. P. A., Speaker.

3. Committee deliberated.
4. Mr. Crick moved,—“That in determining what is and what is not a formal vote, attention shall be paid to surnames only.”
Question put and passed.
5. Mr. Crick moved,—“That where a Petition asks for a recount of votes it shall not be granted unless *prima facie* evidence is given in support of the application.”
Question put.
Committee divided.

Ayes.	Noes.
Mr. Crick,	Mr. Cann,
Mr. O'Sullivan,	Mr. Mahony.
Mr. Whiddon,	
Mr. Ashton,	
Mr. Suttor,	
Dr. Ross.	

And so it was resolved in the affirmative.

6. Parties called in.
Present:—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
P. K. White, Esquire (*Counsel for Sitting Member*).
7. Frederick William Webb, C.M.G. (*Clerk of the Legislative Assembly*) called in, sworn, and examined.
Witness produced writ of election certifying to the return of Edwin Richards as Member for Mudgee.
Witness also produced two parcels containing the ballot-papers, &c. received from the Returning Officer for Mudgee.
Witness withdrew.
8. James Burnes (*Labourer, Mudgee*) called in, sworn, and examined.
Affidavit, sworn by witness, handed in by Mr. Rolin.
Witness withdrew.
9. John Quinlan (*Labourer, Mudgee*) called in, sworn, and examined.
Witness withdrew.
10. Robert Jones (*the Petitioner*) sworn and examined.
Mr. Rolin handed in affidavit sworn by John Quinlan.
Witness withdrew.
11. Chaigneau F. J. Farran (*Signwriter, Mudgee*) called in, sworn, and examined.
Mr. White objected to certain evidence on the ground that it was inadmissible.
Mr. Rolin replied to the objection.
12. Room cleared and Committee deliberated and decided to admit the evidence. Mr. Crick dissenting.
13. Parties called in and informed.
14. Chaigneau F. J. Farran called in and examination continued.
Witness withdrew.
15. Walter Lee (*Painter, Mudgee*) called in, sworn, and examined.
Witness withdrew.

16. John Thomas Smith called in, sworn, and examined.
Witness withdrew.
17. Samuel Horsley (*Miner, Mudgee*) called in, sworn, and examined.
Mr. Crick objected to certain evidence.
18. Room cleared, Committee deliberated.
19. The Committee adjourned till To-morrow at a quarter till 8 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 15 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,	Mr. Ashton,
Mr. O'Sullivan,	Mr. Mahony,
Mr. Crick,	Dr. Ross,
Mr. Whiddon.	

In attendance,—

The Second Class Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Committee deliberated.
3. Parties called in.
Present:—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
P. K. White, Esquire (*Counsel for Sitting Member*).
4. Samuel Horsley called in and further examined.
Witness withdrew.
5. Frank Vincent (*Labourer, Mudgee*) called in, sworn, and examined.
Mr. Rolin handed in the *Government Gazette* of 26 July, 1898, prescribing the puncturing instruments to be used at the General Elections.
Witness withdrew.
6. Alfred Stephen Tuckerman, J.P., called in, sworn, and examined.
Witness withdrew.
7. Committee deliberated, and decided that the evidence offered by Mr. Tuckerman should not be admitted.
8. The Committee adjourned till Tuesday next at half-past 10 o'clock, a.m.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 20 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,	Dr. Ross,
Mr. Neild,	Mr. Whiddon,
Mr. Ashton,	Mr. O'Sullivan.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Chairman read letter from A. P. Sparke, stating that Mr. Mahony, a member of the Committee, was too unwell to attend this meeting.
3. Parties called in.
Present:—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
P. K. White, Esquire (*Counsel for Sitting Member*).
4. Joseph M. Cox (*Deputy Returning Officer at Apple-tree Flat*) called in, sworn, and examined.
Witness withdrew.
5. Myles Lyons (*Deputy Returning Officer, Cullenbone*) called in, sworn, and examined.
Witness marked two envelopes, showing certain alterations made by him at his booth and at the office of the Returning Officer in the envelopes containing the used and unused ballot-papers.
Witness withdrew.
6. Donald Ranken Macdonald (*Acting Returning Officer, Mudgee*) called in, sworn, and examined.
Witness withdrew.
7. Mr. Rolin having stated that the case for the Petitioner was closed, Mr. White asked the Committee if a case had been made out to be answered.
8. Room cleared.
9. Committee deliberated and decided to hear further evidence.
10. Ordered that the Chairman be authorised to issue any summonses for witnesses required by the defence.
11. The Committee adjourned till To-morrow at half-past 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 21 SEPTEMBER, 1898.

MEMBERS PRESENT :—
Mr. Suttor in the Chair.

Mr. Cann,	Mr. Neild,
Dr. Ross,	Mr. Ashton,
Mr. O'Sullivan.	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Chairman read letter from Mr. Richards, the Sitting Member, stating that he was too unwell to attend the meeting of the Committee.
3. Parties called in.
Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
P. K. White, Esquire (*Counsel for Sitting Member*).
4. Mr. Rolin requested to be allowed to tender additional evidence in support of a recount of the ballot-papers.
Mr. White having objected, the Committee decided to hear the further evidence.
5. Robert Jones, Esq., further examined.
6. The Clerk, by direction of the Chairman, opened the parcel containing the electoral rolls, from which the check rolls for the polling-booths at the Court-house, Mudgee, the Town Hall, Mudgee, Gulgong, Two-mile Flat, and Hargraves were produced.
7. The further hearing of this case adjourned to Tuesday, 4th October.
8. The Committee adjourned till Tuesday next at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 4 OCTOBER, 1898.

MEMBERS PRESENT :—
Mr. Suttor in the Chair.

Mr. Cann,	Dr. Ross,
Mr. Ashton,	Mr. Mahony.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present :—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
A. James, Esquire (*for Mr. White, Counsel for Sitting Member*).
C. J. Ellis, Esquire (*Solicitor for Sitting Member*).
Mr. James applied for an adjournment on the ground that in the absence of Mr. White he had only received his instructions this morning, and was unprepared to go on with the case.
3. The Committee decided to proceed, and Mr. James withdrew.
4. Robert Jones, Esquire, further examined.
5. Edwin Richards, Esquire (*the Sitting Member*), sworn and examined.
6. Room cleared, Committee deliberated.
7. The Committee adjourned till To-morrow at half-past 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 5 OCTOBER, 1898.

MEMBERS PRESENT :—
Mr. Suttor in the Chair.

Mr. Cann,	Mr. O'Sullivan,
Mr. Ashton,	Mr. Neild,
Dr. Ross,	Mr. Crick.
Mr. Whiddon,	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Motion made (*Mr. Crick*) that the hour for the meeting of the Committee shall be 2 o'clock p.m. on each day appointed for a meeting.
Question put and passed.
3. Parties called in.
Present :—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
C. J. Ellis, Esquire (*Solicitor for Sitting Member*).
4. Edwin Richards further examined.
Witness withdrew.
5. Henry E. A. Wells called in, sworn, and examined.
Witness withdrew.
6. Room cleared, Committee deliberated.
7. The Committee adjourned till To-morrow at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY,

THURSDAY, 6 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,		Mr. Ashton,
Mr. O'Sullivan,		Dr. Ross,
Mr. Neild,		Mr. Whiddon,
	Mr. Mahony.	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present:—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
Edwin Richards, Esquire (*the Sitting Member*).
C. J. Ellis, Esquire (*Solicitor for Sitting Member*).
3. Joseph Godfrey called in, sworn, and examined.
Witness withdrew.
4. Lawrence Cohen called in, sworn, and examined.
Witness withdrew.
5. Robert Jones further examined.
6. Room cleared, Committee deliberated.
7. The Committee adjourned till To-morrow at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 7 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor, in the Chair.

Mr. O'Sullivan,		Mr. Ashton,
Dr. Ross,		Mr. Mahony,
	Mr. Neild.	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present:—Robert Jones, Esquire (*the Petitioner*).
Tom Rolin, Esquire (*Counsel for Petitioner*).
C. J. Ellis, Esquire (*Solicitor for Sitting Member*).
3. Mr. Rolin addressed the Committee.
4. Mr. Ellis addressed the Committee.
5. Room cleared, Committee deliberated, and adjourned the further hearing of this case until Tuesday next, at 2 o'clock.
6. The Committee adjourned till Tuesday next at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 11 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,		Dr. Ross,
Mr. Whiddon,		Mr. Neild,
Mr. Ashton,		Mr. O'Sullivan,
	Mr. Crick.	

In attendance,—

The Acting Second Clerk Assistant.

1. Committee deliberated.
2. Mr. Neild moved,—“That a recount of the ballot-papers be allowed.”
Question put.
Committee divided.

Ayes.

No

Mr. O'Sullivan,		Dr. Ross.
Mr. Suttor,		
Mr. Neild,		
Mr. Ashton,		
Mr. Whiddon,		
Mr. Cann.		

And so it was resolved in the affirmative.

3. The Committee then proceeded to a scrutiny of the ballot-papers.
4. The Committee adjourned till To-morrow at 2 o'clock.

C. B. BOYDELL,
Acting Second Clerk Assistant.

WEDNESDAY,

WEDNESDAY, 12 OCTOBER, 1898.

MEMBERS PRESENT :—

Mr. Suttor in the Chair.

Mr. O'Sullivan,	Mr. Cann,
Mr. Whiddon,	Dr. Ross,
Mr. Ashton,	Mr. Mahony,
Mr. Neild,	Mr. Crick.

In attendance,—

The Acting Second Clerk Assistant.

1. Committee deliberated.

2. Mr. O'Sullivan moved,—“That, considering the honest and *bonâ fide* surroundings in connection with the non-puncturing of the ballot-papers at Apple-tree Flat, the Committee is of opinion the votes should be allowed as valid.”

Question put.

Committee divided.

Ayes.	Nocs.
Mr. Crick,	Mr. Mahony,
Mr. O'Sullivan,	Mr. Asbton,
Mr. Suttor,	Mr. Whiddon,
Mr. Cann,	Mr. Neild.
Dr. Ross.	

And so it was resolved in the affirmative.

3. Mr. Crick moved,—“That the recount of the ballot-papers shows the result to be,—

For Mr. Jones	1,058
For Mr Richards... ..	1,062
Informal	24.”

Question put and passed.

4. Mr. Crick moved,—“That the Committee having decided that the recount shows the Sitting Member to have a majority of four votes, the Committee declare the Sitting Member to have been duly elected.”

Question put and passed.

5. Mr. Cann moved,—“That the Petition of Robert Jones is not frivolous nor vexatious.”

Question put and passed.

6. Dr. Ross moved,—“That the Committee make no award as to costs.”

Question put and passed.

7. Resolved,—“That the conclusions at which the Committee have arrived be embodied in a Report and presented to the House.”

C. B. BOYDELL,

Acting Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Burnes, James	13
Cohen, Lawrence	60
Cox, Joseph M.	40
Farran, Chaigneau F. J.	31
Godfrey, Joseph	56
Horsley, Samuel.....	35
Jones, Robert	26, 45, 48, 65
Lee, Walter.....	33
Lyons, Myles	42
Macdonald, Donald Ranken.....	44
Quinlan, John.....	18
Richards, Edwin, M.P.	49, 52
Smith, John Thomas.....	34
Vincent, Frank	38
Webb, Frederick William, C.M.G.	13
Wells, Henry Edward Alexander	53

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—JONES *v.* RICHARDS—MUDGE. E.

WEDNESDAY, 14 SEPTEMBER, 1898.

Present:—

Mr. Suttor, Mr. Crick, Dr. Ross, Mr. Whiddon,	|	Mr. Ashton, Mr. Cann, Mr. Mahony, Mr. O'Sullivan.
Mr. Neild.		

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones in support of the Petition.
Mr. White, instructed by Messrs. Ellis and Button, appeared on behalf of Mr. Richards.

Frederick William Webb, Esq., C.M.G., Clerk of the Legislative Assembly, sworn and examined:—

1. *Chairman.*] Do you produce the writ for the electoral district of Mudgee for the last general election? I produce the writ issued by His Excellency the Governor on the 9th July, 1898, which was returned by the Returning Officer with this certificate: "I hereby certify that Edwin Richards was duly chosen the Member for the electoral district of Mudgee to serve in the Legislative Assembly of New South Wales.—H. CROSSING, Returning Officer." I also produce the ballot-papers, used and unused, and the rolls and other documents as they were transmitted to me by the Returning Officer for the electoral district of Mudgee.

F. W. Webb,
C.M.G.
14 Sept., 1898.

James Burnes sworn and examined:—

2. *Mr. Rolin.*] What are you? A labourer, living near Mudgee.
3. I think you have an elector's right for the electoral district of Mudgee? Yes.
4. You remember the polling-day at the last general elections? Yes.
5. Do you remember being in Mudgee then? Yes.
6. Did you see Richards, who was a candidate then, and who is now the Member for the district? Yes.
7. I want you to tell me what took place between him and you? I was working up at the water-works, 2½ miles from Mudgee, and I came down to Mudgee to vote. I was standing in front of a public-house with some more men, and I saw Mr. Richards over in the street, and I went over to him. I asked him for half-a-crown. He said to me, "What for?" I told him that there were some more men, and that they had no money, but that if I had half-a-crown to get drinks for them they would vote the way I would vote.
8. Did you say what way they would vote? I said they would vote for Richards.
9. *Mr. Crick.*] These men said that they would vote for Richards? They were going to vote for Jones; but if I got the drinks for them they would vote for Richards.
10. That is what you told him? Yes.
11. *Mr. Rolin.*] Upon that, what did Richards do? He said, "All right," and he went to Laurence Cohen, who was in a buggy there, and told Cohen to give me half-a-crown. He was in a buggy a few yards away.
12. Then what did Cohen do? Cohen gave me half-a-crown.
13. Then, I suppose, you went and had a drink? We had a drink.
14. *Mr. Ashton.*] How many men were there with you? There were five of us.
15. *Mr. Crick.*] Five altogether? Yes.
16. What are the names of the other men? John Quinlan —
17. Where is he now? I think he is down here.
18. Who were the others? John Williams—
19. Where is he? I cannot tell you where he is.
20. Who else? John Garrett —
21. Who else? Myself, and Joseph Godfrey.
22. *Mr. Ashton.*] When you asked Richards for half-a-crown, telling him that the men would vote for him if they got a drink, did he say anything else but "All right?" He just said, "All right," and told Cohen to give it to me.
23. *Mr. Whiddon.*] Did Cohen say anything when he gave you the half-a-crown? Nothing.
24. *Mr. O'Sullivan.*] How did you know that these men were going to vote for Jones? A couple of them were diggers, and we were talking together.
25. *Mr. Crick.*] Is John Quinlan a respectable man? So far as I know.

J. Burnes.
14 Sept., 1898.

- J. Burnes. 26. And are John Williams, John Garrett, and Joseph Godfrey respectable? So far as I know.
- 14 Sept., 1893. 27. They are not gaol-birds? No.
28. And yet they told you that, although they intended to vote for Jones, if they got a 6d. drink they would vote for Richards? Yes.
29. For whom were you going to vote? For Richards.
30. So that the drink did not buy you over? No.
31. How long were you talking to these men? For an hour or more.
32. Were they drunk? No.
33. Sober? Well, not drunk.
34. They knew what they were doing? Yes.
35. Each of these four men told you that a drink would turn him? They said they would vote with me if they got a drink.
36. *Mr. Rolin.*] I believe, from something you say, that you were going to vote for Richards; but had you not been into Jones' committee-rooms the night before? Yes.
37. Did you not say that you were going to vote for Jones? I do not remember that.
38. Do you remember being in Jones' committee-rooms? I remember being in the rooms.
39. Did you not say then, that it was your intention to vote for Jones? I do not remember mentioning anything about voting for Jones then.
40. Did you see Richards again later that day? No.
41. Did you get money from any one else that day? Yes.
42. From whom? From Cohen.
43. What Cohen is that? George Cohen.
44. Is that the man who gave you the half-crown? That was Laurence Cohen.
45. Who is Mr. George Cohen;—what had he to do with Mr. Richards? I think he is some relation by marriage.
46. *Mr. Crick.*] Have you your elector's right? No.
47. *Mr. Rolin.*] You mean that you have not got it here? Yes.
48. Did you, in point of fact, vote? I voted.
49. At the last election? Yes.
50. Did you see these other men vote? No.
51. What took place between you and Mr. George Cohen? I was going up past the Court-house, and I was on the other side of the road, when George Cohen sang out to me. He called me over. I went over and he asked me had I voted. I said, "No."
52. *Mr. Crick.*] At what time of the day was this? About half-past 10 or 11 o'clock in the morning.
53. *Mr. Rolin.*] Well? He said, "Here, go and get a drink with this—you and your mates."
54. What was "this"? A shilling he gave me then.
55. Was that after the interview with Laurence Cohen and Richards? Yes.
56. *Mr. Crick.*] Who was your mate? A young fellow named Mark Saddington, but he did not come over with me. He was on the other side of the road, he and another man named Riley. He was with me until I went over to Cohen.
57. Did either of them go with you to have that drink? He would not give me enough money for the three of us. He said Riley had not a vote, and would be no good to him.
58. What did you do with the shilling? Me and Mark Saddington went and had a drink.
59. Do you know Mr. Wells? Yes.
60. What did he have to say to you? I was going into the Town Hall to vote, and Mr. Wells told me that I could not vote there, and that I had to vote down at the Court-house. I was going out, and he said, "Here is sixpence; get a drink for yourself down at the 'Belmore.'" I was going out and he told Mr. Dean, the coachbuilder, to walk down with me to the police court.
61. Did he say anything about voting? Yes.
62. What did he say? He said, "Go down and vote now for us before you get too drunk."
63. *Mr. Crick.*] Are you a drunkard? No.
64. *Mr. Rolin.*] When you were talking to George Cohen, did he say anything about voting? Yes.
65. What did he say? He told me to go and vote. I told him I was in no hurry, and he said that I would lose my elector's right. I had it in my hand, and he asked me for it, if I was not going to vote, and he would mind it.
66. Was that the time he gave you the money? No.
67. Afterwards, did you see him when you went to vote? Yes; I saw him before I went in to vote.
68. Had he nothing to say to you then? Yes.
69. What did he say? He asked me if I was going in to vote. I said, "Yes."
70. What else did he say? He said, "Do it right."
71. Did you say anything about anybody's name? Yes.
72. What did you say? I said, "If I do not do it right, come in with me." He said, "Tell the man inside that you cannot read or write, and scratch out Jones' name."
73. Did you do that, or how did you vote? No one saw me vote; I voted in a place partitioned off.
74. For whom did you vote? I voted for Richards.
75. As you were going in to vote did Cohen give you anything? Yes.
76. What was that? He gave me a shilling.
77. *Mr. Mahony.*] Was that the shilling he gave you and Saddington? No; he gave me another shilling as I was going in to vote.
78. *Mr. White.*] In addition to George Cohen, you also know a man named Gamege? I know the man.
79. When did you first know that you were to give evidence before this Committee? I think it was Monday.
80. Last Monday? Yes.
81. Did you volunteer your evidence to Jones, or is it the result of inquiries made from you;—did you tell Jones' people of your own free will, without any inquiries from them, what evidence you could give? Yes.
82. *Mr. Crick.*] When you say "last Monday," do you mean the day before yesterday? Yes.
83. *Mr. Ashton.*] That was the day when you were told that you had to be present to-day? Yes.

84. *Mr. White.*] When was the first time that you spoke to Jones or any of his people;—to whom did you give the information that you have given here to-day—to Mr. Jones himself? Mr. Belcher was there. J. Burnes.
14 Sept., 1898.
85. A friend of Mr. Jones? I could not tell you.
86. A supporter of Mr. Jones during the last election? I could not tell you.
87. Was he the first person in Mudgee to whom you gave this information? There was Mr. Belcher and another man there.
88. *Mr. Crick.*] Who was the other man? He was a stonemason, Mr. Acton.
89. *Mr. White.*] When did you speak to Mr. Belcher and to Mr. Acton? That would be about a fortnight ago.
90. Possibly three weeks? I do not think it was three weeks.
91. Are they the first people you spoke to about the information you have given here to-day? They are not the first.
92. Then who were the first? There was another man who asked me did I know anything about it.
93. Who was he? Mr. Carpenter.
94. When? That would be about four weeks ago.
95. Did Mr. Carpenter shout for you? No.
96. Did he offer you anything? No.
97. Did Mr. Acton? No.
98. Did anyone? No.
99. Did anybody promise you anything? No.
100. Did you have drinks with them? I shouted once when I was with Mr. Carpenter talking.
101. I suppose you had a few rounds of drinks with him? I had one drink.
102. You shouted yourself? Yes.
103. Did you have a conversation with Mr. George Cohen and Mr. Gamgee during the last fortnight? No.
104. Are you sure? I am certain.
105. Did you talk to Mr. George Cohen during the last fortnight? I was talking to him the other day.
106. How long ago? Last Saturday night.
107. Have you had any conversation with Mr. Gamgee during the last fortnight? No.
108. When did you speak to Mr. Gamgee last? Never.
109. Was Mr. Gamgee present when you spoke to Mr. Cohen? No.
110. Was your conversation with Mr. George Cohen about the information you have given in respect to this election? Yes.
111. What did you say to him? He came and asked me was it true I was going down below.
112. *Mr. Crick.*] Of course, he did not say where "below" was? No.
113. *Mr. White.*] What did you say to that? I said "Yes."
114. What else? I said, "I am going down." He said, "I do not think you would put us away like that; we found you some work one time."
115. Did you not also say, in the course of conversation, that what you had told Jones was a pack of lies, and that you had only been pulling their legs for beer? No; I did not say that.
116. You like a drop of beer? Well, I can have glass, and keep off it.
117. Do you not drink to excess? No.
118. Have you ever been under the influence of liquor? Yes.
119. How often? Well, a good few times since I have been able to work.
120. I suppose that, while under the influence of liquor, you talk a bit freely? Sometimes.
121. Have you ever been locked up for drunkenness? I have.
122. How often? Twice.
123. Where? In Mudgee.
124. How long ago? I was locked-up for drunkenness—I think it must be five months or more ago.
125. When was the second occasion? Not so long ago.
126. How long ago? Three or four weeks.
127. About the time that you first gave this information? Yes.
128. Have you been before the Court for any other charge? No.
129. How old are you? Twenty-seven.
130. You are a married man? Yes.
131. Have you not been before the Court for beating your wife? No.
132. *Mr. Crick.*] Who sat on the Bench the last time you were up? I do not know the magistrate's name; I think Mr. Wilton was one of them.
133. *Mr. White.*] Have you not been drunk during the last two or three days? No.
134. Have you not been following Richards about during the last two or three days for money? No.
135. Did you not ask him within the past two days for a few shillings? No.
136. Well, for the loan of a few shillings? The only time I asked Richards for money was during the election.
137. Have you not during the last two or three days asked Richards for a loan of money? No.
138. During the last week? No.
139. Since you have been in Sydney? No.
140. *Mr. Crick.*] Have you spoken to Richards since you have been in Sydney? Yes.
141. *Mr. Ashton.*] Where? At Parliament House.
142. How did you see him? I asked to see him.
143. *Mr. Crick.*] What did you want to see him for? The mate who was with me wanted to see him.
144. What is his name? Quinlan.
145. And you sent in for the man against whom you were down to give evidence? Yes.
146. What did Quinlan want to see Richards for? He said in front of me that it was to get a loan on a horse and cart.
147. *Mr. Ashton.*] Where were the horse and cart? In Mudgee.
148. You did not say anything? No; but I heard Quinlan say that.
149. *Mr. White.*] Have you been promised any money for coming down here in addition to your fare? Only the wages I am losing. 150.

- J. Burnes. 150. By Jones? Yes.
 151. Anything else? No.
 14 Sept., 1898. 152. Any work? No.
 153. Have you not been promised work at Hargraves? No.
 154. Were you trying to get work there? No; I have got work.
 155. Where? At the water-works.
 156. Have you been trying to get work at Hargraves since the election? No.
 157. Have you received money from Jones? No.
 158. Have you received money from anyone except those whom you have named? No.
 159. Have you had your meals paid for, or your board paid for, by anyone since the elections? I had one meal paid for.
 160. Where? Down here, where I went for my breakfast.
 161. By whom? I could not tell you. I got up and had my breakfast, and came straight out.
 162. Do you know a man named Carpenter? Yes.
 163. He is a butcher? Yes.
 164. Where does he live? I could not say; either in George-street or in Market-street—in the main street of Mudgee.
 165. Did he not promise you a billet and 6 lb. of sausages? No.
 166. Do you remember the constable's name when you were locked up? Yes.
 167. What was his name? Daley.
 168. Did you not tell him that when you were locked up? No, I did not.
 169. *Mr. Rolin.*] Where have you been employed during the last few months? At the Mudgee water-works.
 170. Have you had constant employment? Yes.
 171. From whom? From Mr. Fleming.
 172. What is he? The head engineer of the works.
 173. The Government officer in charge? Yes.
 174. You have been employed by him continuously for how long? Since Christmas.
 175. The statement made to Belcher and to Acton that you spoke about is contained in an affidavit, is it not? Yes.
 176. You say that you spoke to a man named Carpenter, and that you made this affidavit before Belcher? Yes.
 177. Will you look at this [*handing a document to witness*];—is that the affidavit you made? Yes. [*Affidavit put in.*]
 178. How many men are there on the works? I think between thirty and forty.
 179. What sort of a position do you occupy;—are you getting higher wages than most of them? Yes.
 180. How much are you getting? Seven shillings a day.
 181. How many of you are getting those wages? Six of us, so far as I know.
 182. What do the rest get? Six shillings and sixpence and 6s.
 183. *Mr. White.*] Was your wife in the hospital in Mudgee during last week? Not that I know of.
 184. Is Quinlan a married man? So far as I know.
 185. Do you know if his wife was a patient in the Mudgee hospital during last week? Yes, she was.
 186. *Mr. Ashton.*] You say that you were going to vote for Richards, and that you found yourself in company with four men who were going to vote for Jones unless they got a drink;—were you canvassing for Richards? Those are the only words I used.
 187. You had not been sent out as a canvasser for Richards—you simply did that on your own accord? Yes.
 188. Will you tell the Committee what decided you to come and give evidence against Richards? I only say that Jones, so far as I could see, did not have a fair stand in Mudgee for that election.
 189. *Mr. Crick.*] You took this man Quinlan to see Richards to get some money from him; why did you not go to Jones;—you were down here as Jones' witness? I did not take Quinlan in. Quinlan wanted to see Richards.
 190. Then why did he not send in to him himself;—has he not as much brains as you have? I suppose so.
 191. Why did you send in? I was the first at the door.
 192. Why did you go with Quinlan; you were both down here to give evidence against Richards;—who put you up to going to him? No one.
 193. Who suggested that you should try to get money out of Richards? I never tried to get money out of Richards.
 194. Well, the other man? I could not tell you.
 195. Who paid you to come down to Sydney? I got no pay.
 196. Did you pay your fare out of your own pocket? No; I do not know who paid. I saw Jones got my ticket.
 197. Who gave you your ticket? I never received a ticket.
 198. *Mr. Ashton.*] With whom did you come down? With Jones and Quinlan.
 199. You all travelled in the same carriage, and Jones showed your ticket? Yes.
 200. *Mr. Crick.*] Who is paying your expenses in Sydney? Jones. He said he would see my expenses paid.
 201. Where are you living? At my sister's.
 202. Then you have no expenses? No, except that I am losing my work.
 203. Who is paying you for that? Jones said that he would see to that.
 204. If you and Quinlan wanted money, why did you go to the man against whom you came down to give evidence? I did not want money. I had money in my pocket.
 205. Does Quinlan work with you? No.
 206. You send for the man against whom you are down to give evidence, and who knows that you are down for that purpose;—what sort of conduct is that? I never asked Richards for money.
 207. You were there with Quinlan? Yes.
 208. Are you the sort of man to be bought for sixpence;—would you sell your vote for sixpence? No.
 209.

209. But, according to you, Quinlan would sell his vote for sixpence. There is another thing I would like you to explain;—how did you know how to get to see a Member of the House? Through a policeman. J. Burnes.
14 Sept., 1898.
210. You met him walking about the street? No; he was standing at the corner.
211. Did you tell anyone that you were at Jones' committee-rooms the night before the election, and that you had said that you were going to vote for Jones? No.
212. The gentleman who is appearing on behalf of Mr. Jones asked you if you had not been at Mr. Jones' committee-rooms the night before the election? Yes.
213. Were you there? I was at the committee-rooms.
214. He also asked you if you had not said that you were going to vote for Jones? Yes.
215. Did you tell anybody that you said that you were going to vote for Jones? No.
216. You never intended to vote for Jones? No.
217. Then why did you go to his committee-rooms the night before the election;—did Richards send you there as a spy? I just went in.
218. Did you have a drink there? I had some drinks.
219. Although you were supporting Richards, you went to Jones' committee-rooms to a private meeting of his friends?—
220. *Mr. O'Sullivan.*] Do I understand you to say that you had drinks at Jones' committee-rooms? No; I had drink before I went in.
221. *Mr. Crick.*] Were you drunk? No.
222. *Mr. White.*] Did you boast on the night of the election, or the day after, that you got 25s. for drinks from the other side—that is, from Jones' side—before you voted? No, I did not.
223. Did you ever say anything like that? No.
224. Did you get a drink from the other side before you voted? No.
225. Did you get anything at all from Jones' side? No.
226. Is the only money that you got that day the money about which you have given evidence? That is the only money I got.
227. You have not got the return part of your ticket? No.
228. Did you not come up here yesterday, and say to Richards, "I am full of Jones; give me my fare back; I want to get out of Sydney; he has not played fair with me"? I did not say, "Give me my fare back." I came in with Quinlan, and I heard him say, "Lend me some money on a horse and cart; we want our fare to go back again."
229. Did he say that Jones had not treated him fairly? No; he did not say anything like that.
230. He wanted to go back before this inquiry to-day? That is what he said.
231. Did not you want to go back too? No.
232. Did not Richards say, "Go back to Jones and let him attend to you"? No.
233. Did he show you a letter yesterday? No.
234. Did he read a letter to you? No.
235. Look at this for a moment [*handing letter to witness*];—did you hear the contents of that letter read to you by Richards, yesterday? No.
236. *Mr. Crick.*] Did you ever see it before? No.
237. *Mr. White.*] Is it a fact that the day before yesterday Jones picked you and Quinlan up in his sulky, and drove you to the waterworks, and that you were both as tight as owls? No.
238. Were you both as tight as you could be? No.
239. Were you in company with Jones, in Mudgee, the day before yesterday? I was talking with him in Mudgee.
240. Were you driving in a sulky? Yes; he drove me up to the waterworks.
241. Were not you and Quinlan a little bit tight then? We had had a few drinks, but were not drunk.
242. You were able to sit in the buggy? Yes.
243. And that is about all? We were not drunk.
244. *Mr. Crick.*] How many drinks had you? About four.
245. *Mr. White.*] What kind? Beers.
246. Big ones? Yes; I drink a long beer.
247. I suppose four long beers only quench your thirst? Well, that is all I remember having.
248. *Mr. Mahony.*] Can you tell us why Quinlan wanted to go back? No.
249. Did he not tell you why he wanted to go back? No.
250. Do you know if his wife is in the hospital? She is out of the hospital.
251. Do you know when she was in the hospital? Yes.
252. You told us a little while ago that you got half-a-crown from Mr. Laurence Cohen;—did you spend that all on the four other men? Yes.
253. Did you not have a drink yourself? Yes; but I had to spend 6d. out of my own pocket.
254. You paid for your own drink? Yes.
255. And the half-crown was lavished on the other four? Yes.
256. *Mr. Crick.*] How did you spend half-a-crown on four men? A friend came in with me.
257. *Mr. Mahony.*] What is his name? Simpson.
258. Was he a voter? No.
259. Where did he come from? He told me that he came from Apple-tree Flat.
260. You spent the half-crown on those five men? Yes.
261. Did they tell you who they were going to vote for? They said they would vote for Richards.
262. Why? Well, that is what they said.
263. You say that you had been having a conversation with them when Cohen came up;—what had you been talking about? We were talking there about the election—how it was going to go; and they asked me whom I was voting for. I told them I was going to vote for Richards, and they said that they were going to vote for Jones.
264. Did you tell Cohen that? I told Richards that.
265. When did you go to Richards? When I asked him for the half-crown.
266. He then referred you to Cohen? Yes.
267. Did the men immediately go and vote when you had shouted for them? I could not tell you that.

- J. Burnes. 268. What happened then;—did you lose sight of them? Yes.
 269. You do not know whether they voted at all? No.
 14 Sept., 1898. 270. *Mr. Ashton.*] Where is Quinlan staying? He slept at my sister's place last night.
 271. Did he yesterday ask you to go and see Richards, or did you ask him? He said, "We will go round and see Richards."
 272. He did not say why? No. We came up to the door, and I was the first one in. I said to a gentleman there, "Is Richards in?" He came out and took us down into a room, and Quinlan was talking to him.
 273. *Mr. Whiddon.*] You said that some one—I think, George Cohen—told you to tell the presiding officer that you could not read or write; do you know his object in doing that? No.
 274. Did you tell him that you would not do it? No. The words he said were, "Tell him that you cannot read or write, and just scratch out Jones' name."
 275. You made no reply to that? No.
 276. Does he know that you can read and write? Yes.
 277. *Dr. Ross.*] Have you left the waterworks at Mudgee? I was working there until I came down to Sydney.
 278. Have you made any arrangement for your work to be done while you are down here? No.
 279. How long have you been in Sydney? Since Tuesday morning.
 280. *Mr. Mahony.*] Did the other four men see Cohen give you the half-crown? Quinlan was behind me.
 281. Did he walk up to the buggy with you? Yes.
 282. Did the other three men and the fifth man see the half-crown given? I could not answer that question. They were standing over at the side of the street.
 283. *Dr. Ross.*] Is Quinlan any relation of yours? No.
 284. *Mr. Crick.*] Who had you put on to these works? I got the position myself.
 285. How? By asking for work. Fleming sent down for me.
 286. Jones did not give it to you? No.
 287. He did not speak for you? No.
 288. *Mr. Cann.*] Have you ever taken part in an election before? No; except that I voted when I got my elector's right.
 289. Who for? There were a lot of them putting up.
 290. How long have you had your elector's right? Since the federal elections.
 291. You never had an elector's right before? No.
 292. You had never been on an election committee? No.
 293. I suppose you lay yourself out to see how many drinks you can get on election day? No.
 294. *Mr. Mahony.*] Did you have a drink offered to you that day and refuse it? Yes.
 295. Who offered it to you? Some mates.
 296. Did you not feel equal to taking that drink? I was bad friends with them.
 297. *Mr. White.*] Were you in the employment of Laurence Cohen at any time? Yes.
 298. When did you leave his employment? I have not worked for him for three years.
 299. Has Cohen from time to time lent you money? No.
 300. Did he ever go security for a £5 debt of yours? No.
 301. For groceries? No.
 302. Did he ever go security for any amount? No; he only bailed me out of gaol once.
 303. Are you sure that you have never borrowed from Mr. Cohen—I do not say often, but perhaps once or twice—at other times than those you have mentioned? No.
 304. You know Mr. Wells? Yes.
 305. Did he ever lend you money? No.
 306. Did he ever go security for you? He paid a fine of £1 for me once.
 307. When? About five months ago.
 308. Has he not from time to time lent you a shilling or a half-crown? No.
 309. He has security at the present time over your goods? Yes.
 310. *Mr. Ashton.*] How much were you fined last time you were drunk, three or four weeks ago? £1.
 311. Did you pay the fine yourself? Yes.
 312. *Mr. Rolin.*] Did Mr. Wells take security for the £1 he paid? I wanted a tank, and he sold me an old tank without a bottom for a half-crown. That is the tank he has security for.
 313. *Mr. O'Sullivan.*] How many drinks did you have on election day? I could not answer that question.
 314. Have you any idea? No; I went home at half-past 7 that night.
 315. *Mr. Crick.*] Did you have 100? No; I had a good few.
 316. *Mr. O'Sullivan.*] Of those you had, did any come from Jones' friends? No; I had 2 miles to walk home, and I was home at half-past 7.
 317. *Mr. Mahony.*] Did you drink tea when you got home? Yes.
 318. *Mr. O'Sullivan.*] Have you any recollection of drinking with other people besides those you have mentioned? Yes.
 319. Who were they? A man named Long.
 320. Who else? A man named Robinson—James Howe and Teddy Robinson,
 321. Who were they supporting? I could see that Robinson was for Richards. I do not think Long had a vote. He told me that he did not have an elector's right.
 322. *Chairman.*] How long have you been living in Mudgee? Four or four and a half years, on and off.

John Quinlan sworn and examined:—

- J. Quinlan. 323. *Mr. Rolin.*] You are a labouring man, living at Mudgee? Yes.
 14 Sept., 1898. 324. Are you an elector for Mudgee? Yes.
 325. Did you vote at the last election? I did.
 326. You know Burnes, who was a witness here this morning? Yes.
 327. Do you remember being in his company on the day of the election? Yes.
 328. Do you remember seeing him talking to Richards? Yes.

329. I want you to tell us what you saw, and what took place? I cannot tell you what was said. J. Quinlan.
330. What did you see? I saw Richards call Cohen over. Whatever he said to Cohen I do not know, but Cohen handed Burnes a half-crown. 14 Sept., 1898.
331. What did Burnes do with it? He took us away and shouted for us.
332. Was anything said about voting? Yes.
333. What was said? I just came up at the time, and what I could make out of the words said was that he got the money to shout for us because we were voters.
334. Did Burnes have anything to say to you about voting when he was shouting for you? Yes; he told us to vote for Richards.
335. Did any one give you money during the day of the election? Yes.
336. Who? George Cohen.
337. Did he say anything to you about voting? He took me into the electoral booth at the Court-house. He had given me money before this time, early in the day. This was a little after 2 o'clock.
338. When he gave you money, did he say anything about your vote? Yes; that I had to do the best I could for Richards.
339. What did he give you? A shilling.
340. What time in the morning was that—before or after breakfast? After breakfast.
341. About 10 o'clock? A little after 10 o'clock.
342. *Mr. Rolin.*] And he said, "Vote for Richards"? Yes, and do all I could with my mates. It was before dinner that he gave me the shilling.
343. Was that before or after Laurence Cohen had given the half-crown to Burnes? Before Cohen gave the half-crown to Burnes.
344. What happened after dinner? He gave me 2s. about half-past 3 or 4 o'clock, and he took me into the booth to vote, saying that he had not voted yet. We went inside, but I could not vote at the Court-house as my name was not among the letters there.
345. Did you have to go somewhere else to vote? Yes. He did not vote at that time, and took me down in a cab to the Town Hall.
346. *Mr. Ashton.*] Who did this? Mr. George Cohen.
347. *Mr. Rolin.*] Had he nothing to say to you about voting on the way? Yes; and he gave me a shilling, jumping out of the carriage when I was going to the Town Hall.
348. What did he say about voting? He told me to vote for Richards.
349. *Mr. Ashton.*] Did he pay for the cab? I do not know.
350. You did not? No.
351. *Mr. Crick.*] Had you intended to vote for Richards? Not until that day. Being a stranger, I was just in the balance who I should vote for.
352. Was it this shilling that made you vote for Richards? It was the money I received. I received different sums from his committee right through the contest.
353. What do you mean by "right through the contest"? Well, before the election.
354. How much did you receive altogether? I suppose that altogether I must have got a couple of pounds.
355. *Mr. Ashton.*] When did these payments commence? Seven or eight days before the election.
356. *Mr. Crick.*] You had better tell us the names of all who gave you money? It was on the day of the sessions.
357. Tell us who gave you money? I met Mr. Hilton.
358. How much did he give you? We had numerous drinks together.
359. I did not ask you about drinks; tell us what money you got? I got 2s. from him, and he asked me to bring as many as I could down to —
360. Never mind about that; I want the £2 made up; from whom did you get the money? From Monty Shepherd.
361. How much? He gave me a couple of shillings, and Cohen —
362. Which Cohen? George Cohen—at various times gave me —
363. How much? I would not say how much; I suppose I got 12s. or 14s. from Cohen altogether.
364. From whom else? I got money from Teddy Robinson.
365. How much did Teddy Robinson give you? I must have received 4s. or 5s. off him altogether.
366. From whom else? I got money off Wells.
367. How much did he give you? It was the day after the election that I got money off him.
368. How much did you get from Wells? I got 2s. or 3s. off Wells up at the markets, and I got a shilling off Mr. L. Cohen.
369. You are sure that you got money from these six gentlemen? Yes; I had witnesses with me when I got the money.
370. *Mr. Rolin.*] Who is the man whom you call Hilton? He is the boss of the soap-works.
371. That is Wilton; you meant Wilton when you said Hilton? Yes, I meant Wilton.
372. *Mr. Crick.*] Were you a stranger to all these men? Yes.
373. And they went up to you and gave you this money? I was promised a job from Shepherd to work in a mine. I was going to get £2 10s. a week.
374. *Mr. White.*] You know a man called Gamgee? Yes.
375. A man called George Cohen? Yes.
376. Constable Daley? Yes.
377. And a man named Waterford? Yes.
378. Do you remember any occasion upon which Gamgee, George Cohen, and Constable Daley were together, and you were with them? No.
379. Did Jones at any time offer you employment, or offer you money? No.
380. You are sure of that? Quite sure.
381. How long have you been in the district? I came to Mudgee about the beginning of April.
382. This year? Yes; or at the latter end of March.
383. You are a married man? Yes.
384. Your wife has been in the hospital during the past week? Yes, for eighteen weeks.
385. Have you ever told your wife that Jones promised you work? No.

- J. Quinlan. 386. If your wife told anybody that Jones had promised you work, it was not through you that she got the information? No.
- 14 Sept., 1893. 387. Do you ever remember Jones offering you work of any kind? No; Jones did not.
388. Will you swear that, in the presence of Gamgee, George Cohen, and Constable Daley, you did not say that Jones had offered you twelve months work and £10 down if you could persuade any of the waterworks men to give evidence in his favour? I swear it is a lie.
389. Will you swear you did not say it? Yes.
390. *Mr. Crick.*] Nothing like it? Nothing like it.
391. *Mr. White.*] You know Waterford? Yes.
392. Did you ever say anything like that to him? No.
393. Did you ever tell him that Jones had promised you work? To the best of my belief, I did not.
394. Will you swear that you did not? Yes.
395. How did you first come to let Jones' people know about the drinks you had on election day? Of my own accord.
396. What did you do—did you go and give them the information? Yes.
397. When? Very nearly three weeks ago.
398. Did not you at that time ask Jones for work, and did he not promise to get it for you? He did not.
399. Did anybody? I was promised work by different men.
400. By whom? By Bedford, by Monty Shepherd, and by a contractor who lives out near Gulgong.
401. *Mr. Cann.*] What is his name? I do not know his name.
402. *Mr. White.*] Who is Bedford? A contractor.
403. *Mr. Crick.*] Whom did he support? I do not know.
404. *Mr. White.*] Do you not know that he was one of Jones' committee? No, I do not.
405. Did you not see him at Jones' committee-rooms? No.
406. Did you not see him in company with Jones during the election? No.
407. Do you know any of Jones' supporters by sight? I was in the committee-room once.
408. In Jones' committee-room? Yes.
409. Did you not see Bedford there? No.
410. You saw several people there? Yes.
411. Had you not seen Bedford in their company? No.
412. How did Bedford come to promise you work? I asked for it.
413. Did you not say you would swear something in connection with Richards if he promised you work? No.
414. *Mr. Crick.*] Were you talking about this election? No; I was out of work, and I asked him for work.
415. *Mr. White.*] How long have you been out of work? About eleven weeks.
416. Had you any money when you got out of work? Yes.
417. How much? £4.
418. You kept yourself on that? Not only that, but I raffled a horse for £4 odd.
419. Where did you raffle the horse? At the waterworks.
420. When? Five weeks ago.
421. Is that the only horse you owned? I have another horse now.
422. How long has your wife been in the hospital? Seventeen or eighteen weeks.
423. How much a week do you pay to the hospital authorities for her keep? Nothing.
424. Do you not know that £1 a week has been paid regularly for her keep? I swear it is a lie.
425. Have you not once or twice yourself asked Richards to shout for you, and has he not refused? I deny it. I never asked Richards to shout for me. I did once at election time.
426. *Mr. Crick.*] Did he do it? Yes.
427. *Mr. White.*] Where? At Mr. Millett's.
428. Who was in your company? There were nine or ten of us.
429. Are any of them here to-day? No.
430. Give us their names? The two Morrises.
431. *Mr. Ashton.*] Was this after the election? Yes.
432. *Mr. Crick.*] Who else? The two Rileys. There were nine or ten in the bar altogether. He told us to go and have our drinks. It was about half-past 4 when he sent me and big Jim Riley into Waterford's to have two drinks.
433. Was that before or after you voted? After I voted.
434. *Mr. White.*] You know that Burnes has given evidence here? I know that he has been called.
435. Did Burnes speak to you about the evidence—I do not mean to-day—or did you speak to him;—when did you know that Burnes had any facts about this case in his knowledge? It must be very nearly five weeks ago.
436. How did you come to know that Burnes had that knowledge;—did you ask him about? No.
437. He told you about five weeks ago that he knew something about this case? No.
438. Well, how did you know it five weeks ago? It was the talk of the camp; that is how I came to hear it.
439. What camp—at the waterworks? Yes.
440. *Mr. Crick.*] What was the talk of the camp? About Burnes going to come here.
441. About him going to give evidence for Jones? Yes.
442. Did he tell you how he came to give evidence for Jones? No.
443. *Mr. White.*] Did you ever ask him? No.
444. You and he are chums? No.
445. Are you not staying at his sister's now? No.
446. *Mr. Crick.*] Where did you sleep last night? I slept there last night.
447. *Mr. Ashton.*] How many nights have you been in the city? One night.
448. Then you are staying there? I slept there last night.
449. *Mr. Crick.*] Who took you there? I went there myself.
450. Who asked you to go there;—do you walk into any place in Sydney, and stop there without being asked? When I pay for it.

451. Is this a boarding-house? It is a public house—the “Star Hotel.” I do not know what street it is in. J. Quinlan.
14 Sept., 1898.
452. Who asked you to go there? I went there myself.
453. Are you a native of Sydney? No.
454. Have you ever been in Sydney before? Yes.
455. Did you know this hotel before you came to Sydney yesterday? Yes.
456. Have you stayed there before? I was there once.
457. Who kept it? I do not know. I only stopped there a night, and had my dinner there.
458. Did Burns speak to you about this hotel of his sister's? No; but I knew his sister before.
459. How long ago? Very nearly ten or twelve years.
460. Then you are a pretty old pal of his? No old pal of his.
461. You only knew his sister? I knew his father.
462. You did not know him? I never saw him until I went to Mudgee.
463. You know the father, the mother, and the sister? Yes.
464. Are there any brothers? One, I know of.
465. How many sisters are there? Three or four.
466. You know them? Yes.
467. Yet you do not know this fellow? I never knew Burns until I went to Mudgee.
468. *Mr. White.*] Were you with Burns yesterday? Yes.
469. Did you come to Parliament House yesterday? Yes.
470. Did you come with Burns? Yes.
471. About what time did you come? I daresay it would be about 10 o'clock.
472. What made you come up? I came up on business.
473. Burns came with you? Yes.
474. Did you tell Burns what your business was? No.
475. *Mr. Crick.*] Why did Burns come with you? We had been together through the morning and had had a few drinks together.
476. Why did he come with you? I do not know why he came.
477. *Mr. White.*] Have you the return half of your ticket from Mudgee? No.
478. Where is it? I do not know.
479. You came down with Mr. Jones? In the train.
480. What was the business upon which you came to Parliament House? I was going to go back.
481. When? Last night.
482. *Mr. Crick.*] Going to go back on whom? I was going back to Mudgee in the train.
483. *Mr. White.*] You saw Richards here? Yes.
484. Did you want money to go back? I asked him to give me a mortgage on my horse and cart.
485. Why did you not go to Jones and ask him for a mortgage on your horse and cart—you are his witness? I do not know.
486. *Mr. Crick.*] Why did you not ask him for the other half of your ticket? I did not know he had it.
487. Who paid for you to come down? I do not know.
488. Who told you to get into the train? I was told by Mr. Jones to get into the train.
489. Did he come down in the same carriage as you? Yes.
490. Who handed up the tickets? I do not know.
491. You did not notice that? No.
492. *Mr. White.*] Where did you have your breakfast yesterday? Down at Mrs. Simpson's.
493. At what time? Early in the morning.
494. You asked Richards would he give you a mortgage on your horse and dray;—did you tell him why? I told him I was going back to Mudgee.
495. Where was Burns? He was in the room.
496. Next to you? Yes.
497. He could have heard you? Yes.
498. Did he not take part in the conversation? Yes; he said he was going back too.
499. Did he give any reason? No.
500. Did you? No.
501. Did you not say that Jones had not acted squarely with you, that he had not given you what he promised to give you? No.
502. Did you say anything like that? No.
503. Did you give any reasons for wanting to get back to Mudgee? I came in and I said, “I am full up of this business.”
504. Did you give the reason why? I did not want to have anything to do with it.
505. *Mr. Crick.*] You had just come down at Jones' expense;—why did you want to go back? I did not think I should be wanted for two or three days. I brought the wife out of the hospital on Friday. She had been operated on.
506. Who told you that you would not be wanted for two or three days? I did not think that I should.
507. Why did you want to go back? On account of the wife's side being bad.
508. Is it not a fact that some one put you and the other man up to going to Richards to try and get money out of him? No.
509. Of what nationality are you;—are you an Irishman? No, I am a native; I am a Roman Catholic.
510. *Mr. White.*] Did you not ask Richards for money for a feed? No. He gave me a half-a-crown to have a drink and for “tucker.”
511. Did you not ask for money for food? No.
512. Did you not ask for two half-crowns, and did not he say: “That is enough for two of you to get a feed with”? No. He gave us a half-a-crown to enable us to get drinks and dinner.
513. Burns was there? Yes.
514. Did he see that? He was in the room.
515. And saw the half-a-crown given? I will not swear that he saw it.
516. *Mr. Crick.*] Did he shut his eyes? We drank it, and I paid for my dinner.
517. *Mr. White.*] Did you tell Burns where you got the half-crown? No, I did not. I had other half-crowns in my pocket besides that.

- J. Quinlan.
14 Sept., 1898.
518. Yet you asked Richards for a half-crown? No, I did not. I told him that I wanted to go back to Mudgee, and that I would give him a mortgage on my horse and cart.
519. How many half-crowns had you in your pocket? Two, besides that which Richards gave me.
520. Will you swear that you did not say, "We have not had any money to get a feed," and that Richards then gave you a half-crown? No. Richards asked us did we have any "tucker" that morning, and I said, "No"; and did we have any money to buy tucker, and I said, "No."
521. *Mr. Crick.*] You told us just now that you had two half-crowns, so that that was a falsehood? Yes, when I said that. He told me to come back in the afternoon, after dinner.
522. *Mr. O'Sullivan.*] What made you say just now that you were full up of this thing, and wanted to get back to Mudgee? The way I was dressed.
523. Are you so scrumptious as that;—would a matter of dress drive you back to Mudgee? I was told that I should not be wanted until Wednesday, and I could have gone back.
524. What is the meaning of "full up"? I was full of the state I was going about the town in.
525. Were you disappointed or annoyed about anything;—what do you really mean by the expression "full up"? I did not know that I had to come down from Mudgee until about two hours before I started, and I had not time to get any clothes or anything. I came down just in what I stood up in. I never had my boots cleaned; I never had a clean shirt; and I had on my old working hat. I was told by one of the chaps that he did not think I should be wanted for two or three days.
526. *Mr. Crick.*] Where is your hat? Outside.
527. Is it your old working hat? Yes. I was threatened before I came to Sydney, and I was threatened before I left Mudgee.
528. *Mr. O'Sullivan.*] Will you tell us at what time of day you were with Burns and Cohen and four others, and Cohen gave you a half-crown? About 2 o'clock.
529. Then if Burns has sworn that it was half past 10 he has sworn a falsehood? I had been with Burns in the morning.
530. At any rate, you say that it was about 2 o'clock? About 2 o'clock.
531. If Burns has said that it was about half-past 10 in the morning that he, with you and four others, got a half-crown from Cohen for drinks, his statement is incorrect? Which Cohen?
532. When you were with Burns and four others, and Burns got a half-crown for a drink, you say it was about 2 o'clock? About that; it might have been a little later.
533. Before you met with Burns, what candidate had you made up your mind to vote for? I had not made up my mind to vote for any candidate.
534. Had you a vote? Yes.
535. How long had you been in the district? I came there in the latter end of March.
536. Did you get a transfer of your elector's right to Mudgee? No. Cohen and Gamgee got my elector's right and locked it up in the office.
537. Where were you living before this? I came from Tamworth.
538. Did you bring an elector's right from Tamworth? No, I did not.
539. How did you get an elector's right for Mudgee? They got it for me. I had no elector's right when I came to Mudgee.
540. *Mr. Ashton.*] Had you an elector's right at Tamworth? No.
541. *Mr. O'Sullivan.*] Had you an elector's right for Mudgee? Yes.
542. How did you so quickly get on the roll for Mudgee? Cohen and Gamgee got me an elector's right.
543. *Mr. Ashton.*] When? I think about the latter end of June.
544. *Mr. O'Sullivan.*] Did they get a transfer from Tamworth? I had no elector's right at Tamworth. They put me on the roll.
545. You were a new arrival in the district, and they put you on the roll? Yes. I had been over a month in the district then. I got a notification from Sydney, after Cohen and Gamgee had written out something for me.
546. *Mr. Crick.*] Were you always a supporter of Richards? No.
547. They got the right for you? I met them in the markets, and they asked me and four or five others did I have an elector's right, and I said "No." He gave us a half-crown that day to go and get drinks. I and Charlie Carson, Charlie Johnston, a chap called Hegarty, and, I believe, a chap called Jack Dillman.
548. *Mr. O'Sullivan.*] You said that you got about £2 from Richards and his friends, and you have just now sworn that on the day of election you did not know who you were going to vote for;—are we to understand that you got nearly £2 from certain persons without telling them you were going to vote for them? When I got that money they asked me to do all I could for Richards; but when I got a vote I said that I could please myself. I did not know either of the men, and I had no idea of voting until Cohen met me at the Town Hall, and took me into the office, in front of Constable Daley and three or four others.
549. *Mr. Crick.*] You did not know any of the men before that, and yet you swear that Cohen gave you 12s. or 14s. before the day of the election? He gave me some of it afterwards.
550. *Mr. O'Sullivan.*] Were you taking that money from them and misleading them as to which side you were on? No; I never promised to vote for anyone.
551. Then what were you doing in return for this money? I did the best I could for them.
552. For whom? For Richards' side.
553. What were you doing for them? I went to men who had electors' rights, and I told them the best thing they could do was to vote for Richards. Up to the very minute that I met Cohen I said that I would not vote for anybody.
554. Why were you telling people to vote for Richards when you had not made up your mind for whom you would vote? I had my mind made up until the very last day to vote for Richards, and that day when I was coming down I changed my mind, and said, "I will not vote at all, because I knew neither of the men's abilities." I said that I would not vote for any one until I met Cohen, and he took me into the Town Hall.
555. Are we to understand that a sixpenny drink convinced you that you ought to vote for Richards? Oh, but I had numerous drinks.
556. From whom? When I was in the town the Sunday before another committeeman said that there was a barrel of beer for those who voted for Richards. I was in the town about an hour. There was I, and Godfrey, Burns, Teddy Hunt, and Jack Hunt.
- 557.

557. *Mr. Cann.*] What was the name of the man who said he had a barrel of beer? Daley, the publican. *J. Quinlan.* He told us there was a barrel of beer, and he would know every one of Richards' men.
558. *Mr. O'Sullivan.*] In spite of the barrel of beer, and the fact that you got all this money from different parties, you had not made up your mind on the day of polling to vote for anyone? I was going to vote for Richards until that day, and then I altered my mind altogether, and I was not going to vote for anyone until the afternoon, when I met Mr. George Cohen, and he took me into the booth. There was Hilton or Wilton, himself, and a chap named McHearn, who told me to vote for Teddy Richards. There were four or five together, and one of them gave me a shove on the back. 14 Sept., 1898.
559. In the end whom did you vote for? I voted for Richards.
560. So that what really turned the scale with you was this glass of beer and the shove on the back? No; there were numerous drinks.
561. In the morning you were staggered as to the merits of the two candidates, and at 3 o'clock in the afternoon you voted for one of them;—what turned the scale? The influence that was used with me.
562. *Mr. Crick.*] Was it the drink you got? The drink and how they treated me.
563. *Mr. Whiddon.*] Were you sober when you voted for Richards? Pretty well.
564. *Mr. Ashton.*] You say that Gangee and George Cohen got your elector's right for you? I had a notification from Sydney to say that there was an elector's right—one of those blue papers. I called at the post office for the right, but I could not get it. It might have been a mistake of the postmaster's, but it was not given to me. I went and showed this to Gangee, and he said, "I will very soon get your right for you," and he took me over and got it.
565. *Mr. Crick.*] Well? He took it over to the *Guardian* office and locked it in the safe.
566. When did he give it to you? About a fortnight afterwards.
567. How long before the election? I daresay it was eight or nine days before the election.
568. You kept it until the election day, and have it now? I have not got it with me; it is at home. I forgot all about it when I was coming way.
569. You have mentioned the names of six people who have given you money. Wilton was one of them. When Wilton gave you 2s., what did he say to you? He asked me to bring all the men from the camp down to Harper's and we would have a jolly good time of it.
570. How long was this before the election? It was the day of the Sessions.
571. How long before the election? About a week.
572. Was Wilton the first man who spoke to you? No.
573. Who was? Monty Shepherd was the first man that I can remember. He did not give me the 2s. when he spoke to me first.
574. What did he say? I was standing at the corner in Mudgee, and he spoke to me and told me that Richards was a good fellow and that I ought to use all the influence I possibly could for him, and that I would never regret it, and he said, "I am one of his committeemen." He asked me what I was. I told him I was a Victorian native. "Well," he says, "come up here with me," and we went up to the photographer at the corner from Tomkinson's, and he wanted me to back him up in what he was saying about Victoria. I told him I was not a very good speaker, and did not say anything.
575. It was after that that he gave you the 2s.? Yes.
576. George Cohen gave you 12s. or 14s. in different amounts? Yes.
577. And every time that he gave you an amount he suggested that you should go on working for Richards? Yes, and use all my influence with the men at the water-works.
578. Who is Teddy Robinson? The saddler.
579. Is he a supporter of Richards? Yes.
580. What did he say? When he was giving me the money he told me to do the same. He said, "You are a man of the world, you do all you can for Richards: he is a very good fellow."
581. You say that you worked for Richards? Yes, up till the very last day.
582. And did everything you possibly could to advance his interests? Yes.
583. What was the reason that after the election you turned round and gave information to Jones' committee or to Jones about having received money from Richards and his friends? Well, a man has various reasons sometimes.
584. What were yours? The report I heard about Richards in Mudgee, and one thing and another—reading the papers about the man and what he had been before.
585. You came to the conclusion that you had not supported the proper man? Yes.
586. Having come to that conclusion, you took steps that you thought might lead to the unseating of Richards by giving this information? Yes.
587. Then you came down to Sydney? Yes.
588. Then did you regret having done what you had done? No.
589. Why did you go to Richards yesterday at the House for the purpose of getting money on the horse and cart? I have told you my reason before—that I wanted to go back.
590. You said you were full up? I was going back to get my clothes. I was full up of the way I was knocking about. I was a little under the influence of liquor when I came away, because of the operation that had been performed on my wife.
591. You were not sorry that you had had anything to do with this matter, and went to Richards to see if he would make it worth your while to go back to Mudgee? In a manner of speaking, I was. I was threatened in Sydney, and before I left Mudgee, that if I had anything to do with the *Guardian* push I would be sorry for it.
592. Was that why you went to Richards? They even came to me to give me a punching last Saturday night week.
593. Why was it that you went to Richards? As I told you before, I was a little under the influence of liquor when I came away. I knew what I was doing to a certain extent; but I forgot that I ought to bring my clothes with me.
594. This is the point: Is it possible that you wanted to get back to Mudgee; but you came down here in the interests of Mr. Jones, and against those of Mr. Richards;—why, then, did you go to Mr. Richards above all men in the world? Because he was the only man in the town that I knew, bar Mr. Jones.
595. Why did you not go to Jones? I do not know. I do not expect I would have got anything from him if I had gone to him.

- J. Quinlan. 596. *Mr. Cann.*] Had you spoken to Burns about going to raise a loan on your horse and cart to get back to Mudgee? Not until I came into the Parliamentary buildings.
- 14 Sept., 1898. 597. You did not ask him where you could best raise the loan? No; I went on business of my own.
598. Did anyone else speak to you about raising money on your horse and cart? No.
599. Nobody suggested that you should go to Richards? No; I went of my own free will.
600. Do you not think it strange that you should pick upon Richards as a man to ask money from? Well, I thought that, on account of his coming from Mudgee, he could get the money for me, so long as I gave him a mortgage for what I got. If I had gone to a stranger, perhaps, he would not have given it to me. He could have sent to Mudgee to know if the things were there. I could get money from him, but I could not get it from a stranger.
601. *Mr. Crick.*] Did you not know that Jones had your return ticket;—why did you not ask him for it if you wanted to get home? I could not see him for two or three hours. I did not see him until after dinner.
602. The train goes at 8 o'clock at night? Yes; but when a man has a few drinks —
603. Were you drinking yesterday? Not drinking—I knew what I was doing to a certain extent.
604. *Mr. Cann.*] You had had a few? Yes.
605. *Mr. Ashton.*] Did you not go to Richards because you thought it would be worth his while to get you away from Sydney? No.
606. And that, therefore, you had more reason to expect that you would get a loan from him than from anyone else? I did not put it in that light at all.
607. But is not that the reason why you went to him? No; I never gave that a thought.
608. *Mr. Mahony.*] Did you really think or expect that if you applied to Jones he would give you anything;—did you not make the remark just now that you did not expect that if you had applied to Jones he would have given you anything? Yes.
609. That is the reason why you did not apply to Jones? Yes; the state I was in was a reason.
610. Did you think that you were drunk? I was a little under the influence.
611. Did you think that you would be more acceptable in that condition to Richards than to Jones? No. If I had thought over the thing as I have done since, I should not have gone near either of them.
612. You said just now that even if you had applied to Jones you do not expect you would have got anything? No.
613. Jones, as a matter of fact, has not lavished money on you since you have been going to give evidence for him? No.
614. Perhaps you have felt a little sore about that? Not in the slightest.
615. When these six gentlemen gave you the money, and asked you to do all you could for Richards, what did you say in reply? I did not say anything.
616. Did you simply put the money into your pocket, and say nothing? I never made a promise at all.
617. *Mr. Cann.*] Did you ask them for money? No.
618. *Mr. Mahony.*] It was offered to you? Yes; to do all I could for Richards. I never promised whether I would do it or not; but I did it all the same.
619. Your doubts at the end as to whether you should vote for him yourself were got over in the way you have told us? No.
620. Jones has not spent any money upon you at all, except for your ticket, so far as you know? I do not know whether he paid for the ticket.
621. You have received no money from him yourself? No.
622. *Mr. Crick.*] What time does the train you came by leave Mudgee? About ten minutes to 7 in the evening.
623. Had you been at work the day you came down? No.
624. You were drinking? I had a few drinks.
625. You and Burns together? No.
626. Who drove you to the station? Jones.
627. Were you so drunk that you did not know what you were doing when you went away? No.
628. Then why did you not go home and get your Sunday clothes;—how far is it from Mudgee to where you work? From Mudgee Post Office, I expect it is very nearly 3 miles.
629. Is it not 2 miles? It is more than that.
630. Jones had a sulky;—why did you not tell him that you wanted your Sunday clothes, and ask him to drive you out to get them? I never knew anything at all about this case until after 4 o'clock.
631. That was the first time that Jones got hold of you? About 4 o'clock, or a little later.
632. Where were you then—in what hotel? I was not in a hotel at all.
633. Where were you? In the street.
634. He simply hauled you up and told you he wanted to take you to Sydney straight away? I met him.
635. Did you tell him you wanted to go to Sydney? He said, "I have to go down below to-night."
636. Was Burns with you then? No.
637. When did he pick Burns up;—had he Burns with him when he picked you up? No; I met Burns afterwards, and we were going down the street.
638. At 4 o'clock you knew you had to come down to Sydney? Yes.
639. The train left at 7 o'clock—that was three hours —
640. Were you so drunk that you did not know that you had to go back for your clothes? Well, when a man is in company, and having a little drop of drink —
641. Were you so drunk that you did not know what you were doing? No.
642. Then why did you not ask Jones to drive you out in this sulky of his to get your Sunday clothes? I never thought of such a thing.
643. And yet when you are down here you want to go back for them? I did not want to go back for them.
644. Is not that the reason why you tried to get money out of Richards yesterday? I came away, knowing that an operation had been performed on my wife.
645. Was it the wife or the clothes that you wanted to get back for? I wanted to see her.
646. Were you very upset about her condition? Yes.
647. And yet, during all the time she has been in the hospital, you have not given a penny towards what little luxuries she wanted there? Yes; I have bought what luxuries she wanted.
648. How much have you spent on her during the last eleven weeks? I expect about £3 odd. 649.

649. You had £4 when you lost your work? £4 odd.
650. How have you lived for eleven weeks on £1? I raffled a horse, as I have just mentioned.
651. How much did you get for that? £5 odd.
652. You have had nothing else coming in? No.
653. Were you at work on the day of the election? No; I was out of employment then.
654. What brought you into the town, if you did not want to vote? I just came in to see how things were going.
655. Did you walk in? Yes.
656. Did you put your elector's right into your pocket before you went down? Yes.
657. Why? It was in my pocket all the time.
658. Did you have your Sunday clothes on at the time? No; the coat I have on now was pretty good then.
659. You took your elector's right, but you had no intention of voting? No.
660. And it was this glass of beer that made you vote for Richards? Oh, it was numerous drinks.
661. How many did you have? Nine or ten.
662. Did Richards pay for all these? No, not that I know of. I paid for some of them myself.
663. Do you mean to tell us that a few drinks would get you to vote for a man you did not want to vote for? No; it was all the influence.
664. What influence? All of them coming to me.
665. The drinks had nothing to do with it;—it was simply the arguments they used? Yes.
666. You say that you have been threatened since you came to Sydney;—who threatened you in Sydney? I do not know the man.
667. How did he know you had come from Mudjee? I did not know him.
668. Where did he meet you? He met me in George-street. There were three of them together.
669. Were you walking along George-street by yourself? Yes.
670. And these three men stopped you? Yes.
671. They were utter strangers to you? Yes.
672. You never saw them before? Not that I know of.
673. What did they threaten—to give you "Bondi" if you went against Richards; or was it the "Rocks" that they threatened you with;—what time in the day was this—the middle of the day, I suppose? No, it was not.
674. What time was it? Half-past 10. I was right on the top of the hill at George-street, where they are doing the blocking.
675. What did they say to you? They called me an informer.
676. You did not know them? No.
677. Did they threaten to do anything to you? Yes.
678. To punch you? Yes.
679. Did you see a policeman about? No.
680. Did you look for one? No; when I can get away quietly I never look for a policeman.
681. How long have you been out of Sydney? I have only been in Sydney at periodical times, when I have been going from one job to another.
682. What do you do for your living? I am a labourer, a quarryman, and a miner.
683. Have you ever been in gaol? No.
684. Never in charge? No.
685. You have never been a "monte" man? No.
686. Yet you tell us this tale of these strange men stopping you in George-street and saying that to you? I think I must have been pointed out.
687. What, do you suggest that Richards was about to point you out? I do not suggest that he would do it.
688. Do you think he would do it? I do not think so.
689. It is strange that you should go to borrow money from a man who would do such a thing? I was going to give him security for what money I wanted to get off him.
690. *Mr. Rolin.*] Is Mr. Gangee in town? Yes.
691. Is any other of the supporters of Richards in town, do you know? I do not know.
692. Do you know Richards' paper? Yes.
693. Have you been called an informer in it during the last two or three weeks? Not in the paper, but I have been called it by some of his committee-men.
694. *Mr. Ashton.*] Where—in Mudjee? Yes.
695. *Mr. Rolin.*] Is that "the *Guardian* push" that you talk of? Yes. I was promised a belting from "the *Guardian* push."
696. *Mr. Whiddon.*] Is it known in Mudjee as "the *Guardian* push?" That is what I was told, that if I said anything about "the *Guardian* push" I would be hunted out of Mudjee.
697. *Mr. Ashton.*] The men who spoke to you in Mudjee called you an informer? A bloody informer.
698. And the men who met you in Sydney called you the same? Yes.
699. Were they Sydney men, or did they come from Mudjee? Well, if they came from Mudjee I never saw them in my life before.
700. *Chairman.*] You said it was about half-past 10 when these men met you in the street? Half-past 10.
701. It was after you left the House that you saw these men in the street? Yes.
702. I think you told Richards that you were full of this, because you had had this threat made to you in the morning? No; I said I was full up of the way I was going about.
703. *Mr. Rolin.*] You said that you were full up, and you said something about clothes;—did Mr. Jones refuse to get you a suit of clothes? Yes.
704. I suppose, as he had brought you down, you could hardly expect him to give you money to go back to Mudjee? No.
705. *Mr. White.*] Do you remember saying this recently, "You cannot blame me for pulling their legs, and getting a few pounds out of them, by saying I will give evidence against Richards"? No.
706. To anybody at all? Yes.
707. During the last three or four weeks? Yes.
708. Do you know a man named Wells? Yes, in Mudjee.

- J. Quinlan. 709. Will you swear that you never said that to him? Yes.
 14 Sept., 1898. 710. Will you swear that you never said this:—"I will give evidence to whichever side pays me best"? No; I deny that.
 711. You never said that to anybody? No.
 712. *Mr. Mahony.*] You told us some time ago that you went to Richards at the House to ask for a loan yesterday morning, and in answer to a question put to you by Mr. Rolin you also said that you asked Jones for a suit of clothes;—did you ask Jones for the clothes before or after seeing Richards? It was after I had seen Richards.
 713. Was it during yesterday? Yes.
 714. Of course you did not get them? No.
 715. *Dr. Ross.*] You are on friendly terms with Richards—you have no ill feeling against him? Not the slightest.
 716. *Mr. Crick.*] You left the hotel where you were staying with Burns' sister some time about 10 o'clock? I left the public-house at different times, and went backwards and forwards.
 717. When you left the hotel with Burns to come to Parliament House, what time was it; Burns has sworn that the two of you left together;—is that true? Yes.
 718. At what time did you leave? I should not like to swear to a quarter or to half an hour.
 719. Well, give us the hour? I believe it was about 10 o'clock—not 10 o'clock.
 720. Did Burns come along with you to Parliament House? Yes; we had a drink round the corner here.
 721. When you came to this House who sent for Mr. Richards? I believe that I did.
 722. Are you sure that Burns did not? I believe that the two of us did.
 723. How did you send in? I asked could I see Richards.
 724. Whom did you ask? One of the gentlemen at the door.
 725. You did not ask a policeman? Not out in the front.
 726. Burns' account of it is that you asked a policeman?—
 727. *Mr. Cann.*] Did you see him ask a policeman? Yes; he was speaking to a policeman at the gate.
 728. *Mr. Crick.*] How long did you stop at the House before you left Richards? He left us in the room for two, or three, or five minutes.
 729. How long did you and Burns stop at the House? I do not suppose more than seven or eight minutes altogether.
 730. When you got the half-crown from Richards, where did you go? Up the town.
 731. And you knocked about together? Yes.
 732. Did you stop together until lunch-time? No; we parted for a bit.
 733. Did you go home to lunch together? We had our dinner in George-street after one.
 734. In the meantime, where had you been knocking about? I had gone up the street. I left him down near Mrs. Gillham's.
 735. How long after you left the House? A few minutes.
 736. Where did you arrange to meet him? We made no arrangement at all. I came back to the public-house.
 737. That is, to his sister's? He and his father were there.
 738. What did you do with the half-crown you got from Richards? Drank some of it.
 739. Did you give Burns any of it? Not twopence.
 740. Did you give him a drink out of it? Yes.
 741. Of course you told him that the drink was out of the money you got from Richards? Not that I know of.
 742. Were you too drunk to remember? I would not like to say whether I did or not; I had a few in.
 743. How many had you in? Well, a good few small beers.
 744. Twenty? Not that many.
 745. *Mr. White.*] Did you come up to the House this morning to see Richards? Out in the front there.
 746. Did you come to see Richards this morning? No. Burns asked for Richards this morning. We had come up to see Mr. Jones, and to find out where the Committee rooms were. I did not know where the Committee rooms were.
 747. Did you not go away immediately you asked and found that Mr. Richards was not in? Yes; I went down and had a drink.
 748. Did not Mr. Richards say that he would not see you? No; we never saw Mr. Richards.
 749. Did not the messenger say that Mr. Richards would not see you? He said, "Mr. Richards is busy." He said that to Burns when I was standing at the door.

Robert Jones sworn and examined:—

- R. Jones. 750. *Mr. Rolin.*] You are a resident of Mudgee? Yes.
 14 Sept., 1898. 751. Were you a candidate for Parliament at the last general election? Yes.
 752. I want you to tell me, in reference to that election, who was acting as Mr. Richards' secretary? Mr. Laurence Cohen, with Mr. William Marsh. During the latter part of the time Mr. Marsh connected himself, or was connected by advertisement in the paper, with Mr. Laurence Cohen as joint secretary. Up to within the last few days Mr. Laurence Cohen acted as secretary by himself.
 753. Do you know Mr. George Cohen? I do.
 754. What had he to do with Mr. Richards and the election? He took a very active part all through the canvass.
 755. Did you frequently see him with Mr. Richards? Repeatedly.
 756. Apparently acting on his behalf? Yes. He canvassed very frequently for him; I heard him myself.
 757. There was another gentleman's name mentioned—Mr. Wells;—what can you say of him? Wells is a brother-in-law of Richards. He married Richards' sister. He also was very active. He went with Richards through the electorate. I saw him going out with him on several occasions. On polling-day he was very active and conspicuous by haranguing in very loud language at times on behalf of Richards, asking them to vote for him. He was placed in the door of the Town Hall pretty well the whole of the day. Cohen was principally at the Court-house, doing the same work.
 758. That is Mr. George Cohen? Yes.

759. Who is Mr. Gamgee? He was an employee of Messrs. Cohen and Richards, on the *Guardian* staff. R. Jones.
760. What connection have Richards and Cohen with the *Guardian* newspaper? Well, I look upon them as the owners of that newspaper, although they are running it in another name, on account of the fact that they are both uncertificated insolvents. 14 Sept., 1898.
761. You have special means of knowing this;—you have been brought into connection with them in a business way? Yes, for some eight or nine years.
762. Mr. Gamgee, you say, was an employee of theirs? Recently, I understand that he was. He was working on the paper.
763. Do you remember the names the witness Burns mentioned—
764. He was asked whether he had drinks with other people? There was one man, Saddington, whom I know—the others are strangers to me. They are men who have recently come to the district and who are employed on the waterworks. Saddington is a Mudgee man, and has been so for some years.
765. Did you yourself see Burns or Quinlan with Richards or Cohen? I saw both Burns and Quinlan with Cohen during the polling day. I saw Burns escorted to the door of the Town Hall by Mr. George Cohen, and on going in he gave him some money.
766. You saw that yourself? I saw that myself. Cohen gave Burns some money.
767. Do you personally know anything respecting these other charges—providing drink and entertainment, for instance? I heard that it was done, but I have no personal knowledge of it.
768. *Mr. White.*] In your petition you charge Richards with supplying drink to the electors? Yes.
769. Of course you, yourself, have never found drink for an elector? I have, many a time.
770. During the recent election did you find drink for electors? No.
771. I mean in an hotel? No.
772. You knew that that would be in contravention of the Act? To some extent it would be.
773. You know that to supply electors with drink for the purpose of inducing them to vote for you would be a contravention of the Act? Most undoubtedly.
774. Before the election, or during the election, did you get in a good stock of whisky? Some time before the election I purchased 2 gallons of whisky. I have got a portion of it now.
775. Did you get any in the interval between that time and the election? No; I have purchased none since.
776. Did you get any at any hotel? I got a bottle of whisky at a hotel.
777. Where? At Imber's hotel.
778. Where is that? Outside of Mudgee a bit.
779. When? I could not say when—during the election.
780. Did you get three bottles? No.
781. Is one bottle of whisky all you got besides the two gallons? Yes.
782. You were at Spring Flat during your candidature? Yes, twice.
783. Did you take whisky there? I took a bottle of whisky there.
784. Each time? One time.
785. Are you sure that you did not take three bottles to Spring Flat? Yes.
786. Are you sure that you did not take more than one bottle? I took the bottle that I purchased at Imbers, on the road to Spring Flat.
787. When you drove through the different outside portions of the electorate used you not to take whisky in your buggy? Invariably I did.
788. In what quantities? A portion of a bottle or a bottle full.
789. Surely you never had only a quarter of a bottle? Yes, on some occasions, a flask.
790. How many electors did you expect to meet then? It was not for the electors.
791. For your own private use? And if I met a friend.
792. *Mr. Crick.*] You take whisky yourself? I do.
793. *Mr. White.*] Have you not taken whisky at outside places, and shouted whisky for all hands? No.
794. Never? No.
795. Do you know a place called Budgee Budgee? I do.
796. Do you remember what time it was when you finished your meeting at Budgee Budgee? It was very late.
797. Twelve o'clock? Between 11 and 12; it might have been 12.
798. It was after 11? Yes.
799. After closing hours? Yes.
800. How many people were there there? There was a very fair meeting.
801. Would you say thirty people? Yes.
802. Sixpenny drinks? No, none.
803. If a stranger went there would not sixpence be the price he would have to pay for a drink? It is sixpence for all drinks there.
804. You say that there was no price for those drinks? I say that I paid for no drinks there. I asked for no drinks.
805. Were there not at least three or four rounds of drinks drunk that night? Not while I was there.
806. When did you leave? Immediately after the meeting.
807. How much was drunk while you were there? I could not say.
808. Was not there a round? Possibly; I could not say.
809. Who shouted? I could not say.
810. Will you swear that you did not supply the money to pay for these drinks? I swear I did not pay a sixpence.
811. Are you at present under an obligation to any one for these drinks? No. The reason why I came late to Budgee Budgee was that I had broken the pole of my buggy.
812. I do not look upon this as a crime, but, judging from your petition, you do? No. I always made it a practice in my election canvass to give a man a drink, and to have one with him.
813. *Mr. Crick.*] Any one whom you thought was a supporter? Whether he was or was not.
814. *Mr. White.*] Do you know the man Burns? I do.
815. Did you hear the evidence he gave here to-day? I did.
816. When did you first know that he would give that evidence? The first man that told me he could give that evidence was, I think, Quinlan.

- R. Jones. 817. When? It might have been a fortnight or three weeks ago.
- 14 Sept., 1898. 818. Did not Carpenter also tell you? No, Carpenter was not the first.
819. Carpenter did inform you? No.
820. Do you know a man named Bedford? I do.
821. Was he a supporter of yours? I believe that he was.
822. Outwardly he was a supporter of yours? I believe that he was.
823. Have you any interest in any works at Hargraves? None.
824. Do you know whether any works are going on there at which employment might be obtained? There is the mining there.
825. Have you any interest in mining there? No. I have no interest in any mine in New South Wales to-day.
826. Did you ever promise Burns or Quinlan that you would get them work at Hargraves? I never promised Burns I would get him an hour's work in my life. I sent Quinlan to several people looking for work that I thought he would get work from.
827. When did you first send Quinlan to look for this work? It might be six weeks ago. I sent him to two farmers I thought might want work done. He came to me and asked me if I had any work I could give him. He told me that his wife was in the hospital, and that he did not wish to go any distance from the town of Mudgee, as he wanted to be able to visit her two or three times a week. He asked me if I had any work, and I told him that I had not. He said, "I will chop you a few loads of wood"; and I said "I have a supply of wood, and I have no other work I can give any man." But I named men from whom I thought he could get work. I sent him to the Mudgee Council Clerk, and told him that he was getting some work done at the butter factory, and possibly might give him a day or two's work there. He did not get any work at any place that I sent him to.
828. Have you sent him for work since? I have not.
829. You recommended him on that occasion, six weeks ago? I recommended him on three different occasions; one was to Mr. Alfred Tuckerman, who was a farmer.
830. Is he a witness outside? Yes.
831. When was this? It might have been five or six weeks ago. Then on two occasions I sent him to Mr. Lovejoy, who was Council Clerk and Secretary to the butter factory. He was getting a new floor put down.
832. Were you a Member of Parliament when you first recommended Quinlan for work? I was. He came to me and told me that he was in very bad circumstances. It was late in the day—so far as my memory serves me, about 11 o'clock—and he had had nothing to eat. I called my daughter and asked her to bring out a shilling, and I gave it to him.
833. Do you know that Quinlan was engaged on the waterworks? I have heard that he was.
834. Did you get him there? No; that was the first time I ever saw Quinlan in my life, to know him.
835. When did he tell you about his circumstances? Five or six weeks ago.
836. When did you see Burns first? In what way.
837. How long have you known Burns? I have known Burns, just to see him a few times, I suppose two or three years. He was then doing some navy work in cutting out tan pits for Laurence Cohen, he and some others. I may say that when I saw him again I did not know that he was the same man. I do not think that I ever spoke to him in my life until a few weeks ago.
838. Did you ever get Burns employed? No, I never tried to get him employed.
839. Did you ever promise Quinlan or Burns that you would get them twelve months' work and give them £10 down if they gave evidence in this case? Never. I distinctly told them, when they came to me for information, not to expect payment of one fraction from me for it.
840. Did they ask you for payment? Never. I have witnesses to prove that that was the statement that I made to them when they came to me.
841. What witnesses were present then? I have them here.
842. Who are they? Denis Acton is one, the gentleman who signed the affidavit is the other—Mr. Belcher. He is not here, but I believe I can get him.
843. *Mr. O'Sullivan.*] Is it a fact that you paid the expenses of these witnesses down to Sydney? I did.
844. Why do you retain the return halves of Quinlan's and Burns' tickets? Before I entered the station that night the bell had gone for the train to start. The men were waiting for me, with the exception of Burns and Quinlan, and I had them with me. I might say, in reference to the statement I have heard to-day that I drove these men, that I was going home from the *Liberal* newspaper office in Mudgee to get ready to go away ———
845. *Mr. Crick.*] Is that the newspaper which runs you in opposition to the *Guardian*? That is my newspaper, run by myself, and not under the name of a dummy. I had Tuckerman in the sulky with me, and I saw these two men whom I wanted to go with me at night. I had seen them two or three hours previously, and they said they would be ready. I knew they had about 3 miles to walk home, and 2 miles to come back to the railway station, and I arrived at the conclusion that they would not have time to do it. I asked Tuckerman to get out of the trap, and I asked them to get in with me, and I would drive them up, as, if I did not do that they would not get up in time for the train. They did it and came away with me. I drove them up to their place, and they hurriedly got a cup of tea.
846. Then that man could have got his Sunday clothes if he had wanted them? He was there only two or three minutes, and I got them back to the station only barely in time to catch the train. I told them to go straight to the carriage, and I would see to the tickets. I got the tickets, and the whole of them—eight—have been in my possession ever since.
847. *Mr. O'Sullivan.*] Why do you retain these tickets? Because I got them, and no one asked me for them. As I paid for them there is no harm in retaining them.
848. Is it not extraordinary for you to hold these tickets—these men might want to go back at any time? I would not give any of them his ticket to go back. They have come down to give evidence for me.
849. *Mr. Crick.*] Did you get affidavits from all these men? No. I got affidavits from six of them.
850. *Mr. O'Sullivan.*] Have you any recollection of seeing Burns at your committee meeting the night before the election? I have.
851. Did you understand that he was going to vote for you? I did.
852. Did he say that he would vote for you? Yes.
853. You heard him to-day deny that? I have heard that he says that that is a mistake. 854.

854. Did you hear him to-day swear that he was going to vote for Richards, and told Richards so? I did not hear him say that he told Richards so. At my committee meeting he stated that through his knowledge of me, and the reputation I bore in the district among working-men, and because of some things that my wife had done in assisting his wife when in want, he was warranted, and he reckoned that all working-men were warranted, in voting for me. He made that statement before about fifty men. R. Jones.
14 Sept., 1898.
855. *Mr. Crick.*] You heard him say that? Yes.
856. *Mr. O'Sullivan.*] You heard him swear to-day that he just called in there, and that next day he saw Richards and Cohen, and said that he would vote for them, and that if they gave him a half-crown he would get four other men to vote? Yes.
857. Was Burns on your committee, or identified with it in any way? Not that I am aware of. That is the only committee meeting that I was at. You could not call it a committee meeting. We adjourned to a bottom room at the Town Hall the night prior to the polling, after I had held my last meeting, and there were a few little things to fix up for next day.
858. *Mr. Crick.*] Was Burns invited to go down? No. Mr. James Honegan was in the chair, and there were a few little matters, such as the appointment of scrutineers, to be dealt with.
859. *Mr. Cann.*] Was there any whisky there? None.
860. *Mr. Crick.*] Having heard Burns' evidence to-day, would you seriously ask us to believe it? I do not think that is a fair question.
861. You are a man of the world; you have been a Member of Parliament, and might have been on this Committee; would you seriously ask us to believe that man's evidence? I think that is a very unfair question.
862. *Mr. Cann.*] Did you travel down with these men? Yes.
863. At what time did you arrive in Sydney? At 6 o'clock yesterday morning.
864. Did you make arrangements to know where to find them? We came away together. We are staying at the same place.
865. At the same hotel? At a private boarding-house.
866. *Mr. Crick.*] They said they were at the "Star Hotel"? The "Star Hotel" is kept, I understand, by a brother-in-law of Burns. He told us that he had a sister married to a hotel-keeper in Castlereagh-street, and it is not more than 150 yards from where we are staying. They are sleeping there, I understand, and having their meals at the boarding-house.
867. *Mr. Cann.*] Did you see them yesterday morning after breakfast? Yes.
868. About what time? About 9 o'clock.
869. Did you know anything about Burns and Quinlan coming to the House to interview Richards? I did not know anything at all about it. I have heard since that they did so.
870. Did you know that Quinlan wanted to go back to Mudgee again? No.
871. You do not know anything about his wanting to mortgage his horse and cart to get back? Nothing whatever; I was very little in their company yesterday, because I had to see Mr. Thompson, the solicitor, and I had a good deal of business to get through. I saw Mr. Rolin and Mr. Thompson, and I was very little in the company of any of the witnesses.
872. You have no knowledge whatever of the mortgage on the horse and cart? None whatever; the first I heard of it was here to-day.
873. *Mr. Mahony.*] Did he ask you for a suit of clothes? They said they did not like to be about town in the state they were in, and that they were very badly dressed. "As you know," they said, "you did not give us any time to prepare ourselves to come down here. We have relatives in the town, and we do not like to be seen going about in this state." "Well," I said, "I cannot help that; I will not give you clothes, or money to purchase clothes with, or do anything that the Committee can construe as being done to influence your evidence."
874. *Mr. Crick.*] Did either of them tell you that he wanted to go back to Mudgee? They said that before they would be seen in the state they were in they would go back to Mudgee.
875. Did they ask you for their tickets? No.
876. If they told you that they wanted to go back to Mudgee, why did you not say, "Here are your tickets"? I certainly should not have given them their tickets if they had asked me. If you were a witness for me and asked me for your return ticket, I would refuse to give it to you.
877. *Mr. Rolin.*] Had the subpoenas been served at that time? No; I could not get the subpoenas until the Committee sat yesterday.
878. *Mr. Crick.*] They came down without subpoenas? Yes.
879. *Mr. Cann.*] At your invitation? At my invitation. I got an affidavit from them when they told me the evidence that they could give.
880. *Mr. Crick.*] Have you Quinlan's affidavit with you? I have.
881. *Mr. O'Sullivan.*] Have you, either directly or indirectly, offered any reward or incentive to these men to attend to give evidence here? None at any time or place.
882. Neither in the shape of money or employment? None in any shape or form.
883. *Mr. Crick.*] You know more about these two men than we do? I know very little about them.
884. I cannot say that I have formed a very favourable opinion of them. Do you yourself ask the Committee to believe those two men? I think that is a very improper question to ask. I know very little of them.
885. Are they two loafing drunkards about the streets? I put the question to my solicitor as to whether they were credible witnesses. He said they were.
886. Will you answer my question? Do not bully me; I will not put up with it. I am not one of them.
887. There is no question of bullying. You answer the question? I will answer it when you put it plainly.
888. You bring these men down as your witnesses, and they have been in your confidence, giving you affidavits, and I ask you now do you ask the Committee to believe them? I certainly expect the Committee to believe the evidence given here on oath.
889. You ask us to believe those two men? I ask you to believe the evidence given here on oath.
890. The evidence of those men is that about £2 was spent on drink during the election day;—will you swear that you did not spend more? I swear I did not spend a shilling on election day.
891. Nor throughout the election on drink? Most undoubtedly I did.

- R. Jones.
14 Sept., 1898.
892. Yet you charge Richards with misdemeanour because he did what you had done? I spent less during this election by half than ever before.
893. You charge Richards with misdemeanour for having spent money on drink, and yet you admit that you did the same thing yourself? I do not. I charge Richards with giving money.
894. Yet you will not ask us to believe these two beauties you have brought down? I ask you to believe what is told you on oath.
895. *Mr. Rolin.*] Is there any reason why these men should not be believed? None that I know of. They are working men.
896. So far as you know, is there any reason why the Committee should not believe these people? None whatever. They have made statements to me before which I have found to be positively true.
897. *Mr. Crick.*] How long ago? During the last two or three weeks.
898. Will you tell me one statement they made that you found to be true? One of them made statements to me in reference to the position of his wife in the hospital which I found to be true. [*Quinlan's affidavit put in.*]
899. *Mr. Rolin.*] Mr. Crick asked whether these men were not drunken loafers about the place;—what is Burns, so far as you know? Burns is one of the finest working-men I ever saw take a tool in his hands. I have seen him working at the waterworks.
900. *Mr. Crick.*] How long? I have seen him a couple of times working there. I have had very considerable experience of that class of work. If I had only seen him at work three minutes I could tell whether he was a workman or not.
901. *Mr. Rolin.*] Do you know anything about Quinlan? I know nothing about him.
902. *Mr. Crick.*] You said—and it seemed to me a gratuitous insult—that the *Guardian* newspaper was being run in the interests of two men in another person's name, because those two were both insolvent. Is it necessary for an insolvent to have another person to run a paper for him? I do not know whether it is or not.
903. Then why did you say that? I know that they are insolvent, and I know from conversations and business transactions I have had with them that it is so. Quite recently, when one of them wanted to sell his share of the paper—I was a guarantor for the paper at the bank at the time—he came to me about it. That was George Cohen. He wanted to sell his share of the paper for £750, and had sold it. I know that Richards was the other shareholder. On that occasion I may state Richards owned half and Cohen half.
904. *Mr. O'Sullivan.*] Were you not at one time a surety for the paper? Yes.
905. At the very time that these two men were supposed to be insolvent? Yes.
906. It did not seem to be a crime in your eyes then? Richards and Cohen came to me and asked me to do that.
907. Is it only recently that you have discovered that they are insolvent? I did not know that they were insolvent at the time he asked me.
908. For many years you worked hand in hand with them? He came to me and told me that he was very badly off, and that his children were without bread.
909. You admit that for some years you ran hand in with Richards and Cohen in the *Guardian* newspaper, but that now you are at variance with them? No.
910. Has there been ill-feeling between you? I am answering the first part of your question. I do not admit anything of the sort. I did not run hand in hand with them in regard to the newspaper.
911. You were a guarantor? I was a guarantor, with three others, for an overdraft of about £400.
912. They always cracked you up in their paper? Very fulsomely at times.
913. You did not seem to object to it? On several occasions I asked them not to do it. I am very well known in the district, and I did not require any fulsome remarks from any one.
914. *Mr. White.*] Before you accepted the affidavits of the witnesses, Burns and Quinlan, did you know their drinking capacity? I knew nothing whatever about it. They never had a drink with me in their lives.
915. If you had known that, would you have believed their affidavits? It has nothing to do with it, if a man takes a glass of grog.
916. If you had known what you know to-day, would you have accepted their affidavits? Most undoubtedly. I know very reputable men, not very far away, whom I have seen the worse of drink repeatedly, but I do not say that that would make them tell a lie.
917. Have you tried to get other evidence and failed? I have other evidence.
918. How many witnesses? Ten.
919. Have you tried to get four or five witnesses who told you point blank that they had nothing to say? No.
920. *Mr. Crick.*] The point is this: What has transpired here to-day is that these two men, on their own admissions, appear to be known about bush-towns as what are called "beer-chewers"—men who will do anything for a drink. You know the class of men who fasten themselves on to a candidate at an election time. He cannot keep them away, because they have a vote and a little influence. What Mr. White wants to know is whether, if you had known that they were the class of men they have admitted themselves to be, men who while they were down here as your witnesses would go to Mr. Richards, your opponent, and tell a lie to squeeze a half-crown out of him on the ground that they were starving, you would have accepted them as reliable men? I knew nothing whatever of these men when Burns came forward and made his statement.
921. Do not get away from the question. You have heard to-day from their own mouths what class of men they are—men who will do anything for a drink. If you had known that before, would you have thought it worth while to lodge a petition based on their evidence? I do not know what to understand by the "class of men."
922. You heard that they were a pair of loafers? I positively repudiate that. I say that they are not. I say that Burns is one of the best working-men, and as a proof that it is so, I may state that he has been on the waterworks since they started. I went to the engineer on the waterworks last Monday and I told him that I wished Burns to be allowed to go to Sydney with me. I asked him whether it would prevent him getting his billet back again; but he said, "Certainly not; that Burns was a very good man, one of the best men on the work, and that he was very pleased to free him if he had any evidence to give."

923. Did you hear the evidence given to-day that after you had paid their fares down and, I suppose, their expenses—as you are entitled to do—they went to Richards and said that they had not had their breakfast and were starving, and on that plea they got a half-crown out of him, one of them having already two half-crowns in his pocket? I heard him say that. R. Jones.
14 Sept., 1898.
924. What do you think of men like that? I cannot make out their reasons for doing that.
925. You still regard them as reliable? I do not think that because a man takes a glass or two of drink that should be a reason why he should not be believed.
926. He said he was starving? I did not hear him say that.
927. He said that he had not had breakfast; that he had not been treated properly by you, and that he was full up of the game? He said that he was full up.
928. And that he wanted money to get his breakfast, while at the same time he had two half-crowns in his pocket;—you heard that evidence? Yes.
929. And you seriously ask us to believe him? I was not aware what evidence he could give more than the affidavit he gave me. He has given the evidence, and it is for the Committee to deal with it.
930. *Mr. Cann.*] Do you know of your own knowledge anything about the ballot-papers? Only what I have been told by others.
931. You could not tender any evidence yourself in reference to these ballot-papers? I only saw one ballot-paper—the one that I voted with myself.
932. You propose to call evidence in reference to that matter? Yes.
933. *Mr. Whiddon.*] In paragraph 14 of your petition, you make reference to intimidation;—do you intend to call evidence to prove your charge? Yes.
934. Also as to informal ballot-papers;—do you intend to call evidence to substantiate that charge? Yes.
935. Do you purpose calling scrutineers? Yes.
936. Had you scrutineers representing you in various places? Yes.
937. *Mr. Crick.*] Are you calling a scrutineer in reference to the ballot-papers from the place where he was scrutineer? Yes.
938. Did he make any protest at the time? I do not know.
939. Did he tell you that he had made a protest? No; it is only to-day that I heard a portion of what he had to say. He was not in Mudgee, and I had to leave word that if the evidence is as I heard he should come to Sydney. He only arrived in Sydney this morning.
940. *Mr. Cann.*] Do you know of your own knowledge of this intimidation? Only from what I have been told by the witnesses.
941. You propose to tender their evidence to us? Yes.

Chaigneau F. J. Farran sworn and examined:—

942. *Mr. Rolin.*] You are a signwriter? Yes.
943. Do you live in Mudgee? Yes.
944. You are an elector for the district of Mudgee? Yes.
945. Did you vote at the late election? I did.
946. Do you know Mr. Gamgee? Yes.
947. Mr. John Cohen? Yes. [*Questions objected to by Mr. White. Objection overruled.*]
948. Did they have some conversation with you in reference to the election? Yes. I saw Mr. Gamgee in the street. He spoke to me, and told me that he wanted to see me over at the *Guardian* office in about five minutes time; so I walked round towards the *Guardian* office, and then he beckoned me to come in.
949. Whom did you see there? I saw Mr. Cohen.
950. Which Mr. Cohen? Mr. George Cohen and Mr. Harry Wells.
951. What had they to say to you? They started questioning me. They wanted to know who I was going to vote for. "Oh," I said, "I suppose for Richards"—that way. They said it would be the best day's work I ever did if I voted for Richards; that they had work, not at the show-ground, but up at the cricket-ground.
952. *Mr. Crick.*] You say "they"—which of them was speaking? It was Cohen who had more to say than Mr. Harry Wells.
953. *Mr. Rolin.*] Mr. George Cohen? Yes. Mr. Cohen told me that up at the racecourse there was a grand-stand requiring painting, and of course they would put in a word for me. Further, that they were dissatisfied with the caretaker, and it would be a job that would just suit me, and of course they would do their best to try and get me that.
954. What did you say to that;—did you say anything about Jones? I told them that I was on Jones' committee, and that I had not heard Jones speak when I made the promise to vote for Richards. I was a total stranger in the town, and I did not know their abilities.
955. And you went on Jones' committee? I was on Jones' committee.
956. I think you said that when you first went in they said, "Who are you going to vote for?" Yes.
957. What did you say in answer to that? I told them that I was going to vote for Richards.
958. *Mr. Crick.*] The first question they put was, "Who are you going to vote for?" and you said that you were going to vote for Richards, and that conversation came afterwards? Yes.
959. *Mr. Rolin.*] Although you were on Jones' committee? Well, they bothered me into it.
960. *Mr. Crick.*] How did they bother you if that was the first question they put to you? Yes.
961. *Mr. O'Sullivan.*] Whom did you vote for? I voted for Jones.
962. *Mr. Rolin.*] You said that when you first entered you told them that you were going to vote for Richards;—did you not make an affidavit that you said, "For Jones"? Yes.
963. *Mr. Crick.*] Did you ever swear the opposite of what you have sworn to-night? No, not to my knowledge.
964. Can you read and write? I can.
965. *Mr. Rolin.*] Did you not say in your affidavit that you were going to vote for Jones? Yes, I believe I did.
966. *Mr. Crick.*] Which is the truth—what you have sworn to-night, or what you swore in the affidavit? What I swore in the affidavit is true.
967. Then why do you swear a lie here to-night? I did not swear a deliberate lie. I said to the best of my ability. I did not say positively. 968.

C. F. J.
Farran.
14 Sept., 1898.

C. F. J.
Farran.
14 Sept., 1898.

968. *Mr. Rolin.*] When you first went in whom did you say you were going to vote for? Mr. Jones.
969. You said just now Mr. Richards? Well, it was a mistake. It was unintentional on my part. I did not intend to tell a lie.
970. *Mr. Crick.*] Has anybody been speaking to you about the evidence you are to give since you have been down? No.
971. Who brought you down? I came down with the other witnesses in the train.
972. Jones paid for your ticket;—he brought you down? Jones had the tickets.
973. Has anybody seen you since you made the affidavit that Mr. Rolin has there—Mr. Richards or anyone on his behalf—to get you to alter the affidavit? No, none of them.
974. Anybody on behalf of Richards? No.
975. Anybody at all? No.
976. Have you been to Richards for any money? No. I have not been near him since.
977. Has anybody on Richards' behalf supplied you with drink? No.
978. Then you have no reason for stating to-night the direct opposite of what you state in the affidavit? No.
979. Then why did you do it? Well, I was a bit confused at the time. No man is infallible.
980. I do not want to go into those abstract matters. You stated three times to-night that when you went to the *Guardian* office you told these two gentlemen that you were going to vote for Richards. Is that true;—did you tell them that you were going to vote for Richards? No, I did not.
981. Then it is not true? No.
982. So that three times over you have stated what is not true? I have.
983. Why did you do it? I must have forgotten myself, that is all.
984. Then you have a very bad memory? Well, I cannot always remember everything.
985. Have you a bad memory? Yes.
986. A very bad memory? Not very bad.
987. Do you remember making that affidavit? Certainly.
988. Was it read over to you before you signed it? It was.
989. Did you remember to-night what you had sworn in that affidavit? I remembered the main part of it; but, of course, as regards the other, about my telling them about voting for Jones, I had forgotten it, or I would not have made the statement.
990. Have you been to a solicitor's office since you came to Sydney? No; I have not been near a solicitor.
991. So you were wrong to-night when you swore three times that you told these gentlemen you were going to vote for Richards? Yes, I was wrong.
992. You want to correct your evidence;—what you told them was that you were going to vote for Jones? Yes.
993. Then they went on to say, according to your evidence, that that was the best day's work that you would ever do, as they had something for you? If I voted for Richards.
994. You did not say that;—your evidence was that that would be the best day's work you ever did, as they could put in a word for you for the painting of something? That was when I stated that I would vote for Richards.
995. *Mr. Cann.*] Are you out of work now? No. I have work to go on with directly I go back.
996. What are you? A signwriter and painter by trade.
997. Working for someone else? No; I am my own master.
998. You carry on business for yourself? Yes.
999. Would it affect your business if you declared very strongly which way you were going to vote? It might interfere with it in one way, and it might not. It all lies with the parties themselves.
1000. Were you in any way diffident in giving your political opinion? Not at all.
1001. You did not care? Not at all. I have made a living in other towns I have gone into, and I can make a living in Mudgee. I am not depending upon one particular class. I get work from all classes, and I am game to ask those classes for work if I want it.
1002. You did not care whether they blackmailed you or not? Not at all.
1003. *Mr. O'Sullivan.*] You say you are working now? Yes.
1004. Whom are you working for? I have got the advertising of the "Signet" and "Our Chief" tobaccos, and I will have some work of Jack Norton's out at Gulgong.
1005. Who got you this work? I got it by speaking to the parties myself about it. I told them what I was.
1006. Did you tell them that you were on both sides during the contest? No; I never told them what I was. Of course, if they liked to give me the work, well and good. If they did not, they could let it alone.
1007. Did you attend any of Jones' committee meetings? I did.
1008. Did you meet Burns, Quinlan, and others there? I might have seen them there. I did not take particular notice whether they were there or not.
1009. *Mr. Crick.*] Did you attend any of Richards' meetings? No; I was never at any of their meetings.
1010. *Mr. O'Sullivan.*] When you were called into the *Guardian* office, and they asked you whom you were going to vote for, do you recollect, after this review of your conduct, whom you really said you would vote for? For Mr. Jones.
1011. That contradicts what you at first said;—you desire to say that that was a slip of the mind? Yes, it was a slip.
1012. Is it not an extraordinary thing that they should say to you, after you had told them that you were going to vote for Jones, that that would be the best day's work you ever did;—how did you account for the fact that they said that to you? You see they asked me whom I was going to vote for, and I told them Mr. Jones. They went on further to remind me of the pledge I made when I first came to the town to vote for Richards.
1013. Did you consent to vote for Richards then? I told them "Yes" at the time. I did not know Richards at all; I had only just seen him. I heard him speak at Gratti when I was out there. Of course, I had never heard Jones speak at all.
1014. But fix your mind upon this interview in the office. You first tell us that you said that you were going to vote for Jones; then they reminded you of a promise that you had made some time before when you first came to the district that you would vote for Richards;—is it the impression you left upon their minds that you would vote for Richards? No.

1015. Then how could you account for their statement that it would be the best day's work you ever did? Of course they had the impression from my telling them when I had first seen them that I was going to vote for Richards. They had the impression, of course, that I was Richards' man.

C. F. J.
Farran.

14 Sept., 1898.

1016. *Mr. Crick.*] They believed that when they called you into the office? They believed that, and when I told them about Jones they told me that I ought to stick to my pledge as regards Richards, and that it would be the best day's work if I stuck to my pledge.

1017. *Mr. O'Sullivan.*] Did you promise then to vote for Richards? Yes, I did promise them. I told them I would vote afterwards. Of course they were talking to me afterwards in the *Guardian* office, and they worried me into saying it. They must have been at me fully a couple of hours talking there. I was going out, and they said, "Hold on, we are not done with you yet; come back." Of course, they told me that I had better vote for Richards, and I turned round and said, "Oh, yes; I will vote"—like that.

1018. *Mr. Whiddon.*] This was on polling-day? No; before the election. They worked on my feelings that way that I was in a fog, and did not know exactly how to vote. I suddenly thought to myself, when they were trying to get my vote that way, "No, I will stick to my colours."

1019. What colours? To Mr. Jones.

1020. But you did not know him? I had heard him speak. I promised Mr. Jones, and I was on his committee. They wanted me to go back.

1021. Had you heard Jones speak before you were in the *Guardian* office that day? Yes.

1022. Where? Before they called me into the *Guardian* office I was on Jones' committee.

1023. Where did you hear him speak? At the Town Hall. Cook came up. They would not give Cook a good hearing; I remember that.

1024. *Mr. O'Sullivan.*] It seems to me that you had rather a fluctuating career throughout the election. First, you promised to vote for Richards, then you got on to Jones' committee, then you went into the *Guardian* office and promised to vote for Richards, and finally you voted for Jones? Yes.

1025. *Mr. Crick.*] Are you sure you did not vote for both? No; I know who I crossed out.

1026. Whom did you cross out? Richards.

1027. *Mr. White.*] What time was it when you went into the *Guardian* office? It was in the afternoon some time—I could not say what time.

1028. Do you remember what the day was? It was prior to the election.

1029. Do you remember what day it was? I could not tell you the day. I did not think it was necessary to make a note of it at the time.

1030. You have got work since the election? Yes.

1031. Did Jones recommend any of that work to you, or recommend you to any of the people who employed you? No.

1032. Has not Jones recommended you to some people since then? Not that I am aware of.

1033. Has he not given you notes, or told you to go to certain people and get work from them, mentioning his name? No.

1034. How did you get the "Signet" painting;—who got you that? I had the writing of the "Signet" tobacco before ever I knew Mr. Jones.

1035. You are still painting up the "Signet" tobacco in Mudgee? Yes.

1036. *Mr. Rolin.*] How long before the election was it that you went to the *Guardian* office? A few days before the election. The election was pretty close then. There was a committee meeting that very night.

1037. *Mr. Crick.*] Whose committee meeting? Jones'.

1038. Did you attend it? No.

1039. When did you tell Jones about this conversation with the two men? I told him down at Acton's, down in the main street.

1040. How long after the election? It must have been a week or so. I could not say to the day.

1041. Did he come to you, or did you go to him? I was in there, and I had been telling about my being offered this work to various people. I suppose it got to their ears, and they asked me if I would witness for them and tell what I knew. I told them, yes I was agreeable, I would be agreeable to give the truth for either one side or the other.

1042. What these men said to you did not influence your vote in any shape or form? No, it did not. I voted according to my conscience for what I thought to be the best man.

1043. *Mr. Mahony.*] Did you ever get the painting or the care-taking job? No. I suppose they are to come.

1044. Did you ever go and look them up? No, I was to get a lift out in a buggy to have a look at the work, but the buggy has not come along yet.

1045. *Chairman.*] How long have you been living in Mudgee? I have been in Mudgee ever since the latter end of February.

Walter Lee sworn and examined:—

1046. *Mr. Rolin.*] What are you? A painter.

1047. Residing at Mudgee? Yes.

1048. Do you remember seeing Mr. George Cohen and Mr. Wells, when they had some talk with you about the election? Yes.

1049. What was it? I met them at the corner of Market and Lewis Streets. Cohen met Wells and came to me and asked me whom I was going to vote for. I told him I did not know. He then asked me who Farran was going to vote for, and I told him that I did not know, that I was not on speaking terms with him. Then he told me that he and Wells were trustees of the racecourse, and that if we voted for Richards he could get us the painting of the grand stand.

1050. Whom do you mean by us? Farran and myself.

1051. Had you been in partnership with Farran? Yes.

1052. *Mr. Cann.*] Which Cohen was that? Mr. George Cohen, the one in the *Guardian* office.

1053. Did you see him after that at all? Yes, on the Monday following. He then said to me, "George Smith tells me that you have not transferred your right." I replied to him, "George Smith does not know my business." He said, "It is all right, I will get you the job. See me after the election."

W. Lee.

14 Sept., 1898.

- W. Lee.
14 Sept., 1898.
1054. As a matter of fact, had you transferred your right? No. I had no vote for Mudgee.
1055. You had an elector's right, but you had no vote for Mudgee? No.
1056. Did you not vote for Mudgee? No.
1057. *Mr. O'Sullivan.*] Are you on speaking terms with Farran? No.
1058. Had you any influence with him at all? No.
1059. *Mr. White.*] You told Cohen that you had no influence over Farran at all? Yes.
1060. Have you any men working for you? No.
1061. *Mr. Rolin.*] You have been in partnership with Farran? We have worked together. It was not a partnership.
1062. *Mr. Whiddon.*] Did you speak to anybody with a view to obtaining votes for Richards after this conversation? No.

John Thomas Smith sworn and examined:—

- J. T. Smith.
14 Sept., 1898.
1063. *Mr. Rolin.*] What are you? A butcher.
1064. Are you an elector for the electorate of Mudgee? Yes.
1065. Did you vote? Yes.
1066. Do you know Mr. George Cohen? Yes.
1067. Did he have any talk with you about the election? Yes.
1068. What did he say to you? He asked me was I working for Richards or for Jones. I said, "No, I was taking no part." He said, "Well, if I voted for Richards and did what I could for him, Richards would get me a Government billet."
1069. He did not say what billet? A Government billet.
1070. *Mr. White.*] Did he not tell you what kind of a billet he would get you? No, only a Government billet.
1071. Do you use fishing-nets? Yes.
1072. So does Cohen? Yes.
1073. You like a bit of fun sometimes? Yes.
1074. You often joke among yourselves? Yes.
1075. Did Cohen ever accuse you of going through his nets and taking the fish out when he was not there? Not through his nets.
1076. Through anyone else's? Yes.
1077. Whose? I could not tell you.
1078. After this, did not Cohen say that he would make you an inspector of inland fisheries? No.
1079. Did he not say something like that? Never to my knowledge.
1080. Was anyone present when Cohen accused you of going through someone else's nets;—do you know Mr. Gamgee? No.
1081. Was he there when Cohen had a lark with you, and said that you went through somebody else's nets? I could not say.
1082. You were offered a billet of some kind? By Cohen?
1083. Yes? Yes.
1084. You said something about not being sure about getting your salary? No; there was no salary mentioned.
1085. Did Gamgee say this to you, "I will get you a billet in the Mint, and then you will be sure of your salary"? No.
1086. Was not all it a joke? I could not say.
1087. You often have jokes among yourselves—Cohen, Gamgee, and yourself? I did not think that a joke.
1088. Have you told any one since that you thought the offer was a joke? No.
1089. Not about the Mint? No.
1090. *Mr. Rolin.*] Did you see Cohen again? Yes.
1091. Where was that? In Herbert-street, Gulgong.
1092. Do you remember what day it was the first time Cohen asked you? On or about the 12th.
1093. Of what? Of July.
1094. You saw him again in Herbert-street, Gulgong;—how long after the first time? On or about the 16th.
1095. Did he say anything to you then? Yes.
1096. What? He asked me to have a drink. I did, and Cohen paid for it.
1097. Then what did he say? He said what he told me in Mudgee—that if I worked and voted for Richards he would get me a Government billet.
1098. *Mr. Crick.*] For whom did you vote? For Jones.
1099. Did you ever tell him that you would vote for Richards? I might have done so in a lark.
1100. Is it a fact that you stole some of these fish? No.
1101. What do you call taking fish out of other people's nets? I took no fish; my mates did. I lost two nets a little before that.
1102. Did you know your mates were going through these nets? Yes.
1103. You approved of it? No; I could not stop them.
1104. Where were you when your mates were going through these nets? I was along with them.
1105. Have they since then often had jokes with you about this matter? Never, since a short time back. They never knew I was on the spot.
1106. Are you not the sort of fellow that they would joke with? Very seldom. I never give them a chance.
1107. Did you ever attend one of Mr. Richards' committee meetings? Yes.
1108. Did you have a drink with him? I did not have a drink there.
1109. Used you to go to Jones' committee meetings, and tell them what was going on? I have never been on a committee in my life.
1110. You were not on Jones' committee? No; I put my name on nobody's committee. I heard both men speak. The meetings were public to everybody.
1111. *Mr. Rolin.*] How long ago did this fishing occurrence take place? Four or five years back.

Samuel

Samuel Horsley sworn and examined:—

1112. *Mr. Rolin.*] What are you? A miner.
 1113. Where do you live? In Hargraves, at the present time.
 1114. Are you an elector for Mudgee? Yes; I am a native of Parramatta.
 1115. Did you vote at the last election? Yes.
 1116. For whom did you vote? I thought the ballot-box was to prevent that being known.
 1117. Do you know Mr. Wells? Yes.
 1118. Did he have any talk with you about the election? Yes.
 1119. When was that? [*Questions objected to by Mr. Crick.*]

S. Horsley.
 14 Sept., 1898.

THURSDAY, 15 SEPTEMBER, 1898.

Present:—

Mr. Cann,		Mr. Whiddon,
Dr. Ross,		Mr. Mahony,
Mr. O'Sullivan,		Mr. Crick,
	Mr. Ashton.	

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones, the Petitioner.
 Mr. White, instructed by Messrs. Ellis and Button, appeared for Mr. Richards.

Samuel Horsley recalled:—

1120. *Mr. Rolin.*] Last night I was asking you if you had had some conversation with a Mr. Wells? Yes, I had.
 1121. Did you know Mr. Wells in connection with Mr. Richards' campaign at all? The first time I met Mr. Wells was in Mudgee, when Mr. Richards' meetings were on, about whether he should be the chosen candidate.
 1122. What did he have to say to you, so far as Mr. Richards' election was concerned? Before there was any mention of Mr. Richards' election I went to Mr. Wells to borrow some money from him on a watch. Then at the Police Court in Mudgee, when I went to get my elector's right, Mr. Wells was standing outside in the street, and he said he would go in with me. He did so, and when I got my right he came out with me and said, "Be sure and vote the right way." He said, "You will find Ted a good fellow."
 1123. What did you say to that? I do not remember exactly what I said. I said, "You may depend I will vote the right way."
 1124. Did he not go further than that? No; I think there was no more said.
 1125. Later on did he say something? Yes. The next time I saw him was in Hargraves, at Richards' first meeting there. I do not remember the date, but it was about a week before Easter. I then said to him, "Concerning my watch, I have not the money yet to send to you for it," and he said, "Oh, that is all right; you give us your vote and the watch will be all right, money or no money."
 1126. You say that Richards was having a meeting in Hargraves then? Yes.
 1127. Was Wells going about with Richards? Yes; he was in Hargraves with Richards that night.
 1128. *Mr. White.*] What did you say your name was? Horsley.
 1129. What is your Christian name? Samuel.
 1130. Is that the only name you have gone by? Well, I am generally called Jack.
 1131. Jack what? Jack Horsley.
 1132. Do you not bear any other surname? No.
 1133. Where are you working now? At Hargraves.
 1134. Where were you working when the first conversation with Wells took place? Not at all.
 1135. Where were you working when the second conversation with Wells took place? In Hargraves.
 1136. What is your occupation? I am a miner.
 1137. You are working under a Mr. Spratt, at Hargraves? Yes.
 1138. He is a son-in-law of Jones, is he not? Not that I am aware of.
 1139. Is he a relation of Jones? I believe that he is.
 1140. Do you not know that he is? I know if hearsay is anything.
 1141. He is a brother-in-law of Jones, is he not? I believe so.
 1142. Did not Jones get you employment with Spratt? No, certainly not; not that I am aware of.
 1143. Did not Spratt offer you employment if you would vote for Jones? Certainly not.
 1144. To whom did you first give the information that you have given here to-night? I believe it was to Spratt that I first spoke about it.
 1145. When? At the time I sent for my watch.
 1146. Did you not give it to Spratt about the time you first got employment from him? Well, it was shortly after that.
 1147. Will you swear that it was not at the same time? I will positively swear that it was not at the same time.
 1148. Will you swear that that was not the reason why you got your employment with Spratt? I will solemnly swear that there was no mention or understanding of the kind.
 1149. You gave the information to Spratt shortly afterwards? Yes; as soon as I had earned sufficient money to send in for my watch.
 1150. Was anybody with Wells when you had your first conversation with him? No.
 1151. Was anybody with Wells when you had your second conversation with him? No.
 1152. Where was he when you had the first conversation with him? Standing outside the Police Court in Mudgee.
 1153. Who paid your fare down here? I believe Jones did.
 1154. Do you not know that Jones did? I believe he did.
 1155. Do you not know that he did? So far as I am aware. I could not positively swear that he did, but to the best of my belief he paid my fare.
 1156.

S. Horsley.
 15 Sept., 1898.

- S. Horsley.
15 Sept., 1898.
1156. Did you not see him get the ticket? No.
1157. Did you not see him show your ticket? I saw him show the ticket in the train.
1158. What was your employment or occupation before you got work with Spratt? I was mining.
1159. Were you employed at the time you borrowed money on your watch? I was out of employment then.
1160. How long before that were you out of employment? I could not say positively.
1161. How long before that had you employment? I was out of employment for some two or three months at the least.
1162. And at the most how much;—had you not been out of employment for six months prior to that? No; I had been mining at Cullengorall.
1163. You are not a married man? No.
1164. You only have yourself to keep? That is all.
1165. Have you the return half of your ticket from Mudjee? No; Jones has it.
1166. Where are you staying in town? At Gillham's.
1167. Since you came to Sydney, have you gone through the evidence you were to give here to-night? No, certainly not.
1168. Think? There is no occasion to think; I am certain of it.
1169. Have you spoken to nobody since you came to Sydney about the evidence you were to give here to-night? No.
1170. Spratt was the first person to whom you gave the information you have given here to-night? Yes.
1171. What did he say to you when you gave that information? I do not remember exactly what he said.
1172. It was not written down for you to remember? No; if it was written down I would not remember it.
1173. What you have said to-night has been written down for you? At my dictation, when I made the declaration.
1174. Since then have you not looked at it several times so as to get it off by rote? No.
1175. Do you know Richards personally? I met him for the first time in Mudjee at the time I speak of. I do not know the date.
1176. Richards or Wells? Richards and Wells too, somewhere about the same time.
1177. Were they together at the time? At the time I met Richards?
1178. Yes? I think not. At that time I knew neither of them.
1179. *Mr. Mahony.*] What is Mr. Wells? I do not know. He has a shop; I think it is in Lewis-street.
1180. What sort of shop? He keeps all sorts of things, so far as I could see—saddles, toys—
1181. A fancy shop? I think you could call it a fancy shop.
1182. How long have you known Mr. Wells before you went to him for an advance on your watch? I did not know him at all.
1183. Then how is it you came to go to him? I asked a young fellow in Mudjee, whose name is Charlie Cameron, if he knew anywhere that I could pawn my watch, as I was hard up, and he told me, yes, he thought Mr. Wells would do it. He went round to Wells' with me, showed me where he lived, and introduced me to Wells; that was the first time I ever met him to my knowledge.
1184. How much did you get on your watch? Fifteen shillings.
1185. What do you reckon the watch is worth? It is invaluable to me, because I have had it since I was a child.
1186. When did you redeem it? At the time I speak of, when I gave the information to Spratt.
1187. Did you give that information to Spratt immediately following the redemption of your watch? I am not positive about that. It came up in this way: When I asked him to get the watch he said would he be able to get it, and I said, "Yes, certainly"; then I told him all that.
1188. Would who be able to get it? Mr. Spratt. I was working for him at the time, and as soon as I had sufficient money earned to send for the watch and redeem it that was the first thing I did.
1189. How much did Spratt owe you for wages when the watch was redeemed—that is, besides the 15s.? It might have been a few shillings; I do not think it was much.
1190. What is Hargraves—a store or a public-house? It is a small mining town.
1191. Where was the meeting held there—in the hotel? No; in Hickey's Hall. He kept a hotel, and on the opposite side of the street he had this hall, and the meetings were held there.
1192. Do you know what Wells was doing at the Police Court the day you met him? I do not.
1193. Was the Court sitting? I could not say.
1194. Where did you go for your right? Into the Registrar's office.
1195. Where was Wells—inside or outside? When I met him?
1196. Yes? He was outside, and he went in with me.
1197. Did he make any reference to the watch transaction? I told him that I was going for my right, and he said that he would go with me. He said, "I will go in with you." He went in, and after we came out he referred to the watch, saying that it would be all right. He said, "Be sure and vote the right way."
1198. Did he mention Richards' name at that time? Yes.
1199. What did he say? He said, "You will find 'Ted is a good fellow." I took him to mean Mr. Richards.
1200. Had Richards up to that time been addressing any meetings? I think not at that time.
1201. How did you know that Wells meant Richards when he said, "Ted is a good fellow"? Because I had been previously introduced to Richards, and I knew that he was called Ted Richards about Mudjee.
1202. But surely there are more Teds than Ted Richards in Mudjee? I took him to mean Richards, because he was advocating Richards at the time, and Richards was his brother-in-law.
1203. Where did you hear him advocate Richards. He asked me to vote for him. I certainly think that he meant Ted Richards.
1204. Did you think so then, or do you think so now? I thought so then. I was positive in my own mind.
1205. Why? Because Richards was his brother-in-law.
1206. And you conjectured from that that he meant Richards when he said Ted? Yes.
1207. When you met him at this meeting that you say Richards was at, where was that? At Hargraves.
1208. At Hickey's place? Hickey was renting the hall.
1209. Did Richards address a meeting there? Yes.
1210. Did you see Wells with him? Yes.

1211. Where? In a buggy. I did not see him come, but I saw him go away.
1212. When did you see Wells and Richards together—during the time the meeting was on? I did not see them together during the meeting. Richards was addressing the meeting from the top of the hall.
1213. That is, when you came up? I was in the hall, and Wells was in the hall at the other end.
1214. When did you come across Wells—after the meeting was over? No; I spoke to him during the meeting.
1215. Did you go up to him, or did he come to you? I went up to him, and asked him about my watch. I said, "Concerning that watch, I have not the money to send for it"; and I hoped he would keep it. He said, "You give us your vote and the watch will be all right, money or no money."
1216. Do you mind telling us for whom you voted? I object to tell you that.
1217. Did you work on Jones' committee? No.
1218. Did you work on Richards' committee? No.
1219. What did you do during the election for anybody—nothing? Yes; I voted for one of the candidates.
1220. Did you work or canvass for either of them? No.
1221. Are you sure you voted? Yes.
1222. Did you see Wells after you voted? I saw him the night I left Mudgee to come down here. He was on the platform.
1223. Did you tell Spratt this story about the watch just before you asked him to redeem it or afterwards? It was when I was speaking to him about redeeming the watch.
1224. Did you tell anybody else about it before then? No.
1225. Are you sure of that? At the time. No; I have spoken of it since, perhaps.
1226. But you did not tell anybody else at the time you told Spratt? No.
1227. Did Spratt bring you the watch at once? He was going into Mudgee that day, and he remained in Mudgee either one or two nights. I think it was the next day that he came back and brought the watch.
1228. Did you speak to Wells on polling-day? I did not see him.
1229. Did you speak to Richards on polling-day? I did not see him.
1230. *Mr. O'Sullivan.*] Did the receipt of money from Wells induce you to change your vote? No; that was a long time before the election.
1231. Did it cause you to change your opinion and vote differently? No.
1232. Then it had no effect at all upon you? There was no mention of voting at the time I got the money. I went to Wells simply as a business transaction, and I pawned my watch with him for a certain amount.
1233. But later on you say that at a meeting held at Hargraves something was said? I spoke to Wells then about keeping the watch for me.
1234. Did the remark made by Wells cause you to change your opinion and vote the other way? No.
1235. It had no influence upon you at all? I do not think it had any influence upon me.
1236. *Mr. Whiddon.*] Is Mr. Wells a pawnbroker? I do not know. I borrowed money from him on my watch in the ordinary way.
1237. Did he give you a docket or a ticket? No.
1238. *Mr. Cann.*] Do you know Wells very well? No; what I have mentioned is the only acquaintance I have with him.
1239. You did not see him during the election campaign? Yes; I saw him at Hargraves, and spoke to him about my watch. He was then at Richards' meeting.
1240. Was he a member of Richards' committee? I do not know.
1241. You could not say what relationship there is between Wells and Richards? No.
1242. You could not say whether there was any at all? I could not say. I saw him at Richards' meeting in Hargraves; they drove away in a vehicle together.
1243. Did he address the hall that night in favour of Richards;—did he speak to anybody in the hall as to who to vote for? I do not know. He may have done so, and he may not.
1244. You did not hear of overtures being made to any other voter similar to that which he made to you about the watch? No.
1245. You are not aware if Richards knew anything about the watch? I do not know whether he did or not.
1246. Richards was not present at the time when anything was said about it? No.
1247. *Dr. Ross.*] How long before the election was it that you borrowed money on the watch? I do not know the date.
1248. Had you any idea that the election was coming on? Yes; it was only a few days after that that a league meeting was held in Mudgee, and Richards was chosen as the Protectionist candidate.
1249. Had you any conversation with Cameron about the election at the time you went to Wells about the watch? I do not know that I had.
1250. You cannot fix any date? No; I kept no date. Working as I do, I very seldom keep dates.
1251. But you heard about the approaching election? Yes.
1252. And you heard too that Jones was going to be a candidate again;—did you hear that Richards was going to be a candidate? I heard that he was likely to come out.
1253. *Mr. Mahony.*] Did you know that Wells was canvassing for Richards when you took your watch to him and got a loan upon it? No; I knew nothing at all about Wells at that time; I did not know him.
1254. So far as you knew at that time there was no connection between Wells and Richards? So far as I knew at that time there was no such person as Wells. I asked Charlie Cameron if he knew where I could borrow money on my watch—"Where I could pawn it," were the words I used. He told me he would take me and show me a place, and he took me up and introduced me to Wells. That was the first time in my life that I had met Wells, to my knowledge.
1255. Did you know that he was a Richards' man when you met him outside the Police Court? Yes.
1256. *Chairman.*] What did you pay to redeem your watch? Seventeen shillings and sixpence.
1257. Wells charged you 2s. 6d. interest? Yes; he told me at the time that I borrowed the money that he would charge me 2s. interest, but when I sent in for it he charged about 17s. 6d.
1258. Are you an old resident of Mudgee? I have been in the Mudgee district about eight years—that is, about Gulgong and round that way.

- S. Horsley.** 1259. And how came you to go to the Registrar to get your elector's right? Because I had not got it previously.
- 15 Sept., 1898.** 1260. Did you go there at your own instance;—was it suggested to you that you should get your right? I think it was, but I would not swear that it was. There was a talk about it, and I said I had no right, that I would have to get one.
1261. You say that Wells said to you, "Vote the right way, and you will find Ted a very good fellow"? Yes.
1262. Later on you were asked about an interview you had with Wells, at Hargraves, when you said that reference was made to the watch;—was reference made to the watch both in Mudgee and in Hargraves? The allusion to the watch was made both in Mudgee and in Hargraves. In Mudgee I made no mention of redeeming it because I had not long pawned it at the time, but in Hargraves I made reference to it because the matter had been some time standing.
1263. You cannot fix the date of the Mudgee conversation? Not to swear to it.
1264. You say that the conversation at Hargraves took place about Easter time? It was about a week before Easter.
1265. Easter Sunday was the 10th April, so that that conversation must have been about the first week in April? Yes; I think it was on the Saturday night before Easter.
1266. Richards must have been canvassing the electorate a long time before the election? He held a meeting in Hargraves that night, about a week before Easter.
1267. The watch transaction did not induce you to vote one way or another, and did not alter your opinions? No.
1268. *Dr. Ross.*] You say that Wells is brother-in-law to Richards? I have heard that he is. I cannot swear that he is, because, comparatively speaking, he is a stranger to me.
1269. Would you not think it very natural for a brother-in-law to assist a candidate in a campaign? Yes, he might do so, though I have known cases where brothers have been at enmity with each other.

Frank Vincent sworn and examined:—

- F. Vincent.** 1270. *Mr. Rolin.*] What are you? A labourer.
- 16 Sept., 1898.** 1271. Living where? At Mudgee.
1272. Do you remember the last election? Yes.
1273. I believe you were a scrutineer somewhere? Yes.
1274. Where? At Apple-tree Flat.
1275. That was one of the polling-booths for the Mudgee electorate? Yes.
1276. Are you an elector for Mudgee? Yes.
1277. Did you vote at the election? Yes.
1278. I want you to tell me about the ballot-papers at the Apple-tree Flat booth;—was there something done in reference to them by the Deputy Returning Officer? After the ballot had been taken and the papers had been taken from the box and counted it was found that they had not been punctured, and the Deputy Returning Officer, Mr. Joseph Cox, said, "I see I have not punctured the ballot-papers, but it does not matter, I suppose, if I do it now." I remarked that if it was not done before the ballot was taken it was illegal to do it then"; with that, he put them together and said, "I will puncture them." I said, "I will protest, as Mr. Jones' scrutineer."
1279. Well, what did he do? After they were punctured.—
1280. You did not tell us whether he punctured them? He punctured them by placing six or seven together and puncturing through the lot; then he folded them in a square parcel.
1281. Then it was a fact that they had not been punctured? They had not been punctured before they were given to the voters. [*Government Gazette of 26th July, 1898, containing notification as to the puncture mark to be used in the Mudgee electorate put in by Mr. Rolin.*]
1282. The Deputy Returning Officer did not, before handing the ballot-papers to the electors, puncture them in the lower corner with a mark? No, he did not.
1283. How many votes were polled at Apple-tree Flat? Forty-four; and there was one informal vote.
1284. None of the ballot-papers were punctured? No, not one.
1285. *Mr. White.*] I suppose you were in the booth from the opening of the poll until the finish? Yes.
1286. The electors, I suppose, came one at a time, seeing that only forty-five voted in one day? Yes.
1287. I suppose you saw every individual elector get his paper, go away, and return and put it into the box? I did.
1288. You knew that the puncturing was necessary? I did not.
1289. I think you said, in the course of your evidence, that there was some six or seven papers unpunctured? No.
1290. Do you say that the whole lot were unpunctured? They were unpunctured before they were given to the electors. After the ballot was taken and the poll closed they were punctured.
1291. *Chairman.*] Six or seven at a time? Yes.
1292. *Mr. White.*] You are perfectly satisfied from what you saw—and you had a good opportunity of observing—that every elector voted on the paper which was signed by the Returning Officer and put the same back into the box? Yes.
1293. When the poll was over, did you sign any paper? Yes.
1294. Certifying that the election had been carried out correctly? I cannot say whether it certified that; as scrutineer I signed the papers.
1295. What were the contents? The result of the poll.
1296. What else? I cannot say exactly what the others were. The papers, no doubt, are there to be seen.
1297. You signed the paper;—did you enter your protest on that paper when you signed it? Before I signed it.
1298. Did you make your protest in writing? No.
1299. Who else was present when you made your protest besides Mr. Joseph Cox? Mr. Fred. Cox.
1300. Was he the only other person present? Yes. I do not know whether he was there as poll-clerk or as scrutineer for Mr. Richards, but I think that he was there as poll-clerk.

1301. *Mr. O'Sullivan.*] Have you any reason to believe that, although these ballot-papers were not punctured, anything unfair was done at the polling-booth? No; I have no reason to believe that anything was unfair. F. Vincent.
15 Sept., 1898.
1302. And you were not aware that they should have been punctured when you went there? No.
1303. How did you discover that they should have been punctured? By the remark of the Returning Officer.
1304. Had it not been for that remark you would have no protest to make? Certainly not. I am not conversant with the balloting Act.
1305. You were acting for Mr. Jones? Yes.
1306. Were you a paid or an unpaid scrutineer? I got nothing.
1307. Either before or since? Nothing at all from then to now, and I was promised nothing.
1308. *Mr. Whiddon.*] Who was the first to discover that the papers were not punctured? Mr. Cox.
1309. *Mr. Cann.*] Did you see the box empty in the morning when you went in? I did.
1310. Did you count the number of ballot-papers that were in the polling-booth? I did not. Mr. Cox counted them in my presence. Do you mean the votes recorded?
1311. No—the number of papers supplied to the polling-place? I did not handle the papers. Cox counted them on the table in the presence of the other person and myself.
1312. Before the voting commenced? Yes.
1313. Then the voting commenced? The voting commenced at 8 o'clock.
1314. Did you count the number of papers that were unused? Cox counted them in our presence. I touched no ballot-paper except that I voted on.
1315. You counted the number of votes? Yes.
1316. Did you keep any check while the voting was going on of the number of people who voted? Yes.
1317. There was no mistake? No mistake whatever.
1318. There were no ballot-papers used that were not accounted for by the voters? No.
1319. *Mr. Mahony.*] What was your total number of ballot-papers? 200.
1320. Forty-five of them were used;—of those that were left—the 155—were any punctured? No, none of them.
1321. Then none of the papers, either used or unused, were punctured up to the time the mistake was disclosed? Yes.
1322. When the Returning Officer punctured the used ones—not the unused ones—in the way you have described? Yes.
1323. And they were tied up in separate parcels, as directed by the Act? Yes.
1324. Did you set your seal on the parcel when it was tied up? I had no seal.
1325. Did you see them sealed up? Yes.
1326. Would you know if the parcel had been opened, supposing you saw it? I would.
1327. *Dr. Ross.*] Had Mr. Richards a scrutineer there? Not unless Mr. Fred. Cox was his scrutineer.
1328. You never acted at any previous election as a scrutineer, poll-clerk, or a deputy? Not in Mudgee; years ago I did.
1329. Before the present law came into existence? I do not know when the present law came into existence. It was ten years ago. This was the first time I had acted since the puncturing came into use.
1330. How was the parcel sealed? With wax.
1331. Any stamp? No; just the wax made hot and put on the string where the knot was tied.
1332. There was no particular mark? No.
1333. *Chairman.*] If the parcel had been opened and was put up again in pretty well the same form as you saw it last, could you swear that it had been opened? When the papers were put up the larger papers were rolled.
1334. *Mr. Cann.*] If the parcel of ballot-papers were shown to you, could you say whether it had been opened since you saw it done up in the polling-booth? ———
1335. *Mr. Rolin.*] You have some information as to what was done with these papers? Yes.
1336. If that information is correct, do you think you could say, on looking at the parcel, whether they have been opened? I think so.
1337. *Chairman.*] Can you give us a general description of the parcel as you saw it when the papers were sealed up? I can. The ballot-papers were folded in a square parcel; the other papers and documents were rolled in a round parcel.
1338. *Dr. Ross.*] Those that were punctured? And those that were not punctured.
1339. *Chairman.*] Describe how they were sealed? They were folded in a square parcel inside brown paper, the cord tied round them lengthways and crossways, and sealed on the knot and where the cords crossed each other on the back.
1340. *Mr. Whiddon.*] Cord or tape? Cord.
1341. *Chairman.*] Where was the cord tied? On the edge.
1342. *Mr. Rolin.*] What was done with the parcel—was it done up with any other parcels? They were done up in three parcels—the used papers, the unused papers, and the rolls and check-rolls, and put into a large envelope.
1343. What you have been talking about is the parcel containing the used ballot-papers? The used ballot-papers and the unused ballot-papers were tied up separately.
1344. In the way you have described? Yes.
1345. *Mr. Whiddon.*] Were they put into the ballot-box? They were taken out of the ballot-box, and the ballot-box locked.
1346. But after the counting is done these parcels are generally put into the ballot-box, and the ballot-box sealed;—was that done? No; the ballot-box was put into another box, and left in the polling-booth.
1347. *Mr. Cann.*] What did you do with them after they were tied up in the parcel? Nothing.
1348. The Returning Officer took them away? Yes.
1349. *Mr. Rolin.*] What size were they done up—the full size of the ballot-paper unfolded? The full size of the ballot-paper unfolded.
1350. *Mr. Mahony.*] Was there any writing as to their contents outside? I cannot say.
1351. Was there any writing outside? I cannot say.

TUESDAY, 20 SEPTEMBER, 1898.

Present:—

Mr. Cann,
Dr. Ross,
Mr. Whiddon,Mr. O'Sullivan,
Mr. Neild,
Mr. Ashton.

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones in support of the Petition.

Mr. White, instructed by Messrs. Ellis and Button, appeared on behalf of Mr. Richards.

Joseph Milton Cox sworn and examined:—

J. M. Cox.
20 Sept., 1898.1352. *Mr. Rolin.*] You are an elector of the electorate of Mudgee? I am.

1353. You are an auctioneer residing at Mudgee? I am.

1354. I think you were Deputy Returning Officer at the Apple-tree Flat booth during the last general election? Yes.

1355. I want you to tell us what took place in reference to the puncturing of the used ballot-papers at that booth? Well, about half an hour before the closing of the poll, I thought I would not leave everything till the last moment, but would get ready the papers, which had not been used in any way during the day—the Electoral Act, the book of instructions to Deputy Returning Officers and poll-clerks, declaration forms, and other papers—so that no time would be wasted at the last, the polling-booth being 11 miles from Mudgee. In looking through these documents I came upon a little white pamphlet called “A Synopsis of Instructions to Deputy Returning Officers and Poll Clerks.” I thought I would look it over, and I came across a regulation with reference to the puncturing of the ballot-papers. That regulation says that when you are satisfied that a voter's name is on the roll, and that he is entitled to vote, he is to be handed a ballot-paper duly initialled by the Deputy Returning Officer, and punctured with an instrument furnished for that purpose. It then flashed across my mind that I had omitted to puncture the papers, though I had initialled them. I thought it over for a few minutes, and then I came to the conclusion that I would make it known to Mr. Jones' scrutineer, and to the poll-clerk. I said, “What am I to do?” Mr. F. C. Vincent was the scrutineer, and he said, “There will be no harm in puncturing them when you take them out of the ballot-box.” I said that it was merely a slip of memory on my part, and that I did not think I should be doing an illegal act, or an injustice to either of the candidates or to any of the voters, if I punctured the papers. These papers had not been interfered with since they had been put into the box. “Oh,” said Vincent, “we have seen them all put into the box, and we have checked the names on the rolls, and I do not see that any harm can come of it.” I said, “Very well; when we have taken them out and counted them in accordance with the votes recorded, I will puncture them.” Then, when 6 o'clock came, I closed the front door. Vincent sat on my left, not 3 feet from me. I took each ballot-paper singly out of the box, showing it to the scrutineer and to the poll-clerk, so that they could see plainly for whom each vote was recorded. I stacked on one side those which had been cast in favour of Mr. Jones, and on the other those that had been cast for Mr. Richards. There were two sheets of paper supplied to the Deputy Returning Officers to make a statement of the poll on, and they were numbered right down 5, 10, 15, 20, and so on. I called the papers over, and I said, “How many do you make them?” and the result was 24 for Mr. Richards, 20 for Mr. Jones, and 1 informal vote. Our rolls had previously been called over, and each heap of ballot-papers tallied with the number of names ticked off. I said, “That is quite correct; now I will puncture them”; and I put three or four together at a time and punctured them. Vincent and my poll-clerk stood by and saw me do it. I then folded the papers up, put them into the envelope provided for that purpose, and sealed the envelope. I made the remark, “There is no one but our three selves here. What I have done cannot do any harm; but I hope I shall not hear either of you mention it.” Vincent assured me that he would not mention it, and my poll-clerk said likewise. Then I made out the declaration of the poll on the form supplied by the Returning Officer, one to be sealed up with the other papers, and the other to be left with the Returning Officer in Mudgee. I signed it, and so did my poll-clerk and the scrutineer, Vincent, after the ballots had been counted and punctured.

1356. How did you do these parcels up, and what happened to them afterwards? The Returning Officer supplies you with instructions to Deputy Returning Officers. He gives one copy of these to each Deputy Returning Officer. I said, “Now I must sort these, so as to parcel them in accordance with instructions. No. 1 parcel contains the used ballot-papers, and I will put them into an envelope and seal it.” I did the same with No. 2 parcel, which contained the unused ballot-papers. Then, on the outside, I wrote in each case the number of ballots used, or the number unused. Then there were the rules, the book of instructions, the Electoral Act, and some other documents—I forget now exactly what they were; however, I kept to the instructions given to me by the Returning Officer. I made two parcels, and I found that I had not sufficient brown paper to parcel them all up after making them into separate parcels, so I made two parcels of them, and the second one I rolled, because the paper would not fit over it when flat. I tied it, and sealed it up, and the two parcels I took in with me and left with the Returning Officer.

1357. A day or two afterwards you were sent for by the Returning Officer, or by his deputy? Yes; I was sent for by Mr. MacDonald on the Friday or the Saturday after the election.

1358. What was that for? He said that I had parcelled up a book which I should not have parcelled up—that is, the book of instructions, which he said should have been left with the Returning Officer. He said that it should not have been parcelled up and sealed with the other papers.

1359. What did you do then? He handed me the parcel, told me to open it, and take the book out, and refold it. He gave me the paper to do this with. I took the book out, and then parcelled up the documents in a flat form, and tied the parcel with string, and sealed it, re-addressing it to the Returning Officer.

1360. What parcel was it that you untied in this way? The parcel containing the puncture, the piece of cork, the pencils, the Electoral Act, and other things. It was No. 4 parcel; not the parcel containing the ballot-papers.

1361. There are only three parcels provided for in the Act? Then they all have to be folded into one parcel—that makes four.

1362. I suppose you followed out the Act in the folding-up of the used and unused ballot-papers, and of the other documents? Yes, I followed the instructions given to me by the Returning Officer. The parcel that Mr. MacDonald, the sub-Returning Officer, directed me to open was the parcel containing the blue-book of instructions, the puncture, and other things. J. M. Cox.
20 Sept., 1898.

1363. It would also contain the rolls? Yes, and the signature-book.

1364. Under section 99 of the Act you had to make up three parcels—one of the used ballot-papers, the next of the unused ballot-papers, and the third containing copies of books, rolls, and papers used by you during the poll;—it was that third parcel that you broke the seal of? Yes.

1365. *Mr. White.*] You punctured the electors' rights? Yes, and I saw that their numbers were correct as compared with the check rolls.

1366. Did Vincent enter a protest about your manner of puncturing the ballot-papers? No. He was the man who advised me to do it, when I told him when the poll closed what I had omitted. The poll-clerk was only a junior, and Vincent, I am sure, had never acted before, so that I feel certain that they knew nothing about it.

1367. Vincent advised you how to act? Yes. I said, "What am I to do?" He said, "Puncture them when you take them out of the box." He never made the slightest objection, and he signed the declaration of the poll.

1368. So far as you can see, had you punctured the papers you gave to the electors at the proper time everything would have been perfectly in order? Yes; I initialled first of all twenty ballot-papers, then I initialled ten.

1369. The parcel containing the used ballot-papers which you sent to the Returning Officer has never been opened by you? No.

1370. You would recognise the seal on it, and you could say if the parcel had been tampered with or not between that time and the present moment? Yes; I believe so.

1371. That parcel was not opened at the time you have been speaking of? No.

1372. That is the No. 3 parcel containing the pencils? Yes; and the puncture, the piece of cork, and other things. He said, "You have wrapped up some things there which you ought not to have wrapped up. You must take them out, and refold the parcel."

1373. *Mr. Whiddon.*] Did I understand you to say that you first of all ascertained how many ballot-papers belonged to each candidate and then punctured them? Yes.

1374. What suggested to you that you should ascertain what the voting was first? Well, I did not know whether I should puncture them before or after I know what the voting was.

1375. You had no suspicion that a large number were informal? None whatever. I did not think that there would be one informal vote.

1376. Do you not think it would not have been the better course to puncture the papers first and to count them afterwards? Perhaps it would.

1377. If you had to do it over again, do you think that you would do that? I think I should. Had Mr. Vincent protested I should not have punctured them at all; I should have left the matter in the hands of the Returning Officer, reporting it to him.

1378. Did the used and unused ballot-papers tally with the total number issued to you? Yes; I had 200 given to me. I had to count them in Mr. MacDonald's office. They were in two parcels of 100 each, and he said, "Be sure you have them right." When I got to my booth, I counted them again, and I put one parcel containing 100 ballots before me. I counted out twenty, and initialled them "J.M.C." I put them crosswise. When I had used the twenty, I said, "Go over your rolls, and compare them, and see if we are all right." The number ticked off on the rolls was the same as the number of ballot-papers issued. Then I issued ten more, and towards the close of the poll I only issued them as they were required, so that I should not have any papers over upon which I had placed my initials.

1379. After a poll is closed there are always a certain number of unused ballot-papers;—did the number of the used and unused ballot-papers correspond with the number of papers issued to you? Yes. There were 155 unused and forty-five used, making a total of 200, which was the number issued to me.

1380. You checked them? Yes; and they were all parcelled up.

1381. *Chairman.*] Did any elector record his vote after you discovered that you had not punctured the ballot-papers? No.

1382. The election was practically over then? Yes.

1383. Did you take any part in the election? No; I was asked to sign one of the nomination-papers, but for the last twenty-seven or twenty-eight years I have never taken any part in an election.

1384. You have never taken any part as a partisan? No, and I never will.

1385. *Mr. O'Sullivan.*] Have you any suspicion that anything was wrong, or that anything unfair was attempted at the polling? Nothing wrong was done. I was most particular about the elector's rights when they came in; and when a substituted right came, Vincent, the scrutineer, always asked me for the number of such right, and if the number agreed with the number on my check roll.

1386. Vincent in his evidence said:—

"I see I have not punctured the ballot-papers, but it does not matter, I suppose, if I do it now." I remarked that if it was not done before the ballot was taken, it was illegal to do it then. With that he put them together and said, "I will puncture them." I said, "I will protest as Mr. Jones' scrutineer."

Did he make that remark? No; I told him, about half an hour prior to the closing of the poll, about it, and he said, "You are the person who should puncture them. Puncture them when you take them out of the ballot-box." I can appeal to my clerk.

1387. *Mr. Ashton.*] That was before the poll had closed, and you punctured them after the poll closed? Yes.

1388. *Mr. O'Sullivan.*] Vincent did not say, "I will protest as Mr. Jones' scrutineer"? No.

1389. *Mr. Whiddon.*] I think I understood you to say that Mr. Vincent had had no previous experience of elections, and that consequently you believed that he was not up in the rules and practices prescribed for the presiding officer? That is so. When I gave him his own ballot, he did not notice that it was not punctured.

1390. He had had no previous experience? I feel sure of that.

1391. You had? I have been twenty-seven or twenty-eight years in the Mudgee electorate, with a billet as poll-clerk or presiding officer at each election.

1392. Both under the old and under the new Act? Yes.

1393.

- J. M. Cox.
20 Sept., 1898.
1393. *Chairman.*] Had you previously acted as presiding officer under the present Act? Yes, as Deputy Returning Officer, and I acted rightly then.
1394. *Mr. White.*] Had Richards a scrutineer at your booth? No.
1395. Mr. Jones was the only candidate represented by a scrutineer? Yes.
1396. *Dr. Ross.*] When you found out the mistake which had arisen, it was agreed amongst you all that you should puncture the papers after they had been taken out of the ballot-box? Yes.
1397. There was no protest or objection offered to that? No; and it was agreed between the three of us that no one should mention it, because it would do no good, and it might do some harm.
1398. *Mr. Ashton.*] Did it occur to you that if you did not puncture the papers they would be regarded as informal? Yes. I thought if they were not punctured, and there was such a thing as a re-count, they would be looked upon as informal.
1399. Did it not also occur to you that the puncturing of them afterwards would not, if they were informal, make them formal—if a paper is informal because it is not punctured prior to being handed to the elector, did it not occur to you that the puncturing of it afterwards would not make it formal? No; I considered that as in that polling-booth was the proper place, and as I was the proper person to do it—
1400. You understand the object of the puncturing;—a paper is to be punctured in one corner, and before it is deposited in the ballot-box the puncture is to be exhibited to the Returning Officer in order that he may identify it as the paper given out by him? Yes.
1401. Then you recognise that the puncturing of the papers afterwards is of no avail for the purpose of carrying out the spirit of the Act? Well, I think that if the scrutineer had made any protest or objection to my doing it—
1402. That is not the point;—you recognise that your action was of no avail in the direction of making the ballot-papers formal, under section 84 of the Act? I was perfectly confident in my own mind that no other ballot-papers but those I had given out could get into the box.
1403. That is not the point;—do you recognise that, inasmuch as the efficacy of the puncturing depends upon whether it is done before or after the ballot-paper is given to the elector—to puncture the papers after the poll was closed was a mere idle formality, carried out for the purpose of covering up a defect? Yes; I thought that it should have been done before, but I was the person to do it.
1404. Yet, assuming that no one outside had heard anything of what was done, the effect of your puncturing would have been to render a number of votes formal which otherwise would have been informal? Yes.
1405. *Dr. Ross.*] Is it your opinion that the papers which were deposited in the ballot-box prior to its being discovered that you had forgotten to puncture were of a *bonâ fide* character? Yes, unless the puncturing was required to make them *bonâ fide*.
1406. Were they all initialled by you? Yes, I am certain of that. Why I omitted to puncture them I do not know.
1407. If you had not discovered your omission to puncture them, would they have all been passed? Yes; because I am certain that neither the scrutineer nor the poll-clerk knew that it was necessary to puncture them. I could have punctured the papers without them knowing. I could have said, "Get the horses ready, and I will fold up these papers."
1408. *Chairman.*] In other words, what you did you did openly? Yes; I did not think it was a grave or illegal act. I am sure that the papers I punctured were those given out by me.
1409. When you punctured them, did you puncture them in the proper position? Yes; on the left-hand corner.

Myles Lyons sworn and examined:—

- M. Lyons.
20 Sept., 1898.
1410. *Mr. Rolin.*] What are you? A clerk.
1411. Residing in Mudgee? Yes.
1412. I think you were acting as Deputy Returning Officer at one of the polling-booths in the Mudgee electorate during the recent election? Yes.
1413. At what booth? At the Cullenbone booth.
1414. How many votes were cast there? I am not sure whether the number was sixty-one or sixty-three.
1415. Who had the majority? Richards had a majority of twenty, and there was one informal vote.
1416. After the polling was over, did you do up and seal the parcels in the manner prescribed by the Act? Yes, according to the instructions given to me.
1417. Were you afterwards sent for to the Returning Officer's office, and did you there see something done to one of the parcels? Yes.
1418. What was done? Well, there were two envelopes issued by the Returning Officer—one for the used and the other for the unused ballot-papers, and they were so endorsed. I handed the unused ballot-papers to the poll-clerk who placed them in the "used" envelope—that is, the envelope in which the used ballot-papers should have been placed, and he sealed up the envelope. After I was satisfied that the count was correct, I, without looking at the envelope, placed the used ballot-papers in the "unused" envelope, and there was not too much light. Afterwards I found that the papers had been placed in the wrong envelopes, and I, unthinkingly, converted the word "used" on the one envelope to "unused," and the word "unused" on the other envelope into "used"; but I did not alter the figures.
1419. Were the words "used" and "unused" written or printed? Written. One envelope was endorsed "Unused ballot-papers, so many," and the other "used, so many; for Mr. Richards, so many; for Mr. Jones, so many; and informal, so many." I was sent for to attend at Mr. Crossing's office. He is the Returning Officer. I was there handed the two envelopes, and I properly fixed them up.
1420. How? Well, having the used ballot-papers in the "unused," envelope, I put on that envelope the names of the candidates, with the number of votes polled for each opposite. Then, on the "used" envelope, which contained the unused ballot-papers, I wrote "Unused ballot-papers, so many."
1421. Did you break the seals at all? Certainly not. There was no occasion to do that.
1422. It was only a question of endorsement? Yes; merely a matter of exchanging one address for the other.
1423. One envelope originally had printed on it "Unused ballot-papers"? Those words were written.

M. Lyons.
20 Sept., 1898.

1424. Were they written on the envelope when it was supplied to you? Yes.
 1425. What was put into that envelope? The used ballot-papers.
 1426. What did you write on the outside? I scratched it all out.
 1427. It had on it, "Unused ballot-papers," and you scratched all that out? Yes.
 1428. Where? In Mr. Crossing's office.
 1429. I thought you told us that you had discovered the mistake at your own polling-booth? Only in regard to the words "used" and "unused." I converted the word "unused" into "used," and the word "used" into "unused." I did not alter the figures.
 1430. What you did was this: you, or your poll-clerk, put the used ballot-papers into an envelope upon which was written "Unused ballot-papers," Then at the polling booth, you scratched out the letters "un"? The prefix "un."
 1431. Did you also endorse upon the envelope at the polling-booth the number of votes recorded? No.
 1432. So far as that envelope was concerned, all you did at your polling-booth was to scratch out the letters "un"? Yes, that is all.
 1433. Were there any other scrutineers there? Yes, two.
 1434. Did you, and the scrutineers, and the poll-clerk, sign that envelope? Yes.
 1435. So that when it left your polling-booth, it had on it the words "Unused ballot-papers," with the letters "un" scratched out, and your signatures? Yes.
 1436. In Mudgee, at the Returning Officer's office, what did you add to the writing on the envelope? I placed on the envelope the number of votes polled by Mr. Richards, the number of votes polled by Mr. Jones, and the number of informal votes.
 1437. Did you sign afresh? No, I initialled it.
 1438. Of course the poll-clerk and the scrutineers were not there? No.
 1439. What had the other envelope on the outside? "Used ballot-papers."
 1440. Did it further have the candidates' names? No.
 1441. What was done to that envelope at the polling-booth; the unused ballot-papers were put into it to begin with, and then, I suppose, it was sealed up? Yes.
 1442. Then did you make any alteration or write anything on it at the polling-booth;—did you not place the letters "un" before the word "used"? Yes.
 1443. Then did you write the numbers on the outside of either envelope? No.
 1444. So that that envelope left your polling-booth with the unused ballot-papers in it, and the letters "un" added to the word "used," and it was further signed by you, by the scrutineers, and by the poll-clerk? Yes.
 1445. At the Returning Officer's office in Mudgee did you add anything to the writing on that envelope? Yes.
 1446. What did you put on it? "Unused ballot-papers."
 1447. You had already put the letters "un" before the word "used" at the polling-booth; will you write out for us two envelopes, showing in lead pencil [*large capitals*] the words that appeared on the envelopes as you originally received them, and marking in black ink [*small capitals*] the alterations you made at the polling-booth, and in red ink [*lower case*] the alterations you made later on at the Returning Officer's? Yes. [*Witness illustrated the manner in which the alterations had been made as below.*]

No. 1.

ELECTORAL DISTRICT OF MUDGEES.

POLLING BOOTH—CULLENBONE.

~~UN~~USED BALLOT PAPERS.

Used ballot papers, 137.

R. JONES.

E. RICHARDS.

INFORMAL.

M. LYONS,
Deputy Returning Officer.

WM. THOMPSON, Poll Clerk.

GEO. W. KENNIWELL, }
JAS. BUCHOLTY, } Scrutineers.[*The words ruled through were so ruled in the original in red ink.*]

No. 2.

ELECTORAL DISTRICT OF MUDGEES.

POLLING BOOTH—CULLENBONE.

~~UN~~USED BALLOT PAPERS, 137.

R. Jones, 21.

E. Richards, 41.

Informal, 1.

[*"Un" scored out in the original in black ink.*]

1448. No. 1 is the "used ballot-papers" envelope? Yes.
 1449. Were the seals of this envelope, or of the unused ballot-papers envelope, or of the third parcel, broken at the Returning Officer's office? I did not see any third parcel. The used ballot-papers stood as No. 1 parcel, and the unused ballot-papers as No. 2 parcel. These were all I saw.
 1450. According to the Act, and according to your instructions, there should have been a third parcel? I made a third parcel.
 1451. You mean that the only parcels you saw at the Returning Officer's office were parcels 1 and 2? Yes.

- M. Lyons. 1452. *Mr. O'Sullivan.*] Have you any reason to believe that anything unfair was done in regard to these papers? None at all.
- 20 Sept., 1898. 1453. Does the mere fact that you made a mistake in putting them in the wrong envelopes imply that anything unfair was done? I fail to see it. It was merely a question of taking up one envelope for another. I merely handed the envelopes to the clerk, and I suppose he did not stop to read them. I did not notice the mistake until I had sealed the envelopes.
1454. Have you any suspicion that in any way whatever anything improper was done? None whatever.
1455. *Mr. Whiddon.*] Was anybody present beside the Returning Officer when you were making the alterations? No.
1456. What time of the day was it? I fancy it was on Friday, between 11 and 12.
1457. *Mr. Rolin.*] Have you ever told anyone that you interfered with the seals of any of the parcels you sent in? No.
1458. Did you tell Mr. Cox, the last witness, so? No.
1459. Do you say it is not a fact that the seals were broken? Yes.
1460. And you say that you did not say to anybody that they were broken? No.
1461. How did you come to go into Mudjee to the Returning Officer's office? I was sent for.
1462. *Mr. Whiddon.*] That was two days afterwards? I think it was on the Friday.
1463. You are sure that it was not on the following day? I do not think that it was. I fancy that it was on the Friday, between 11 and 12.
1464. *Mr. Cann.*] How long does it take to complete the returns in the Mudjee electorate? I cannot answer that question.
1465. I suppose you could not fix up the parcels until they were sealed? I only had to do with the parcels for the booth in which I was acting as deputy.
1466. The Returning Officer would not discover that there had been any irregularity until he was making up his complete returns? No.
1467. *Chairman.*] Did he send for you because of these alterations on the envelopes? I presume so.
1468. You altered both envelopes in the Returning Officer's office? Yes.
1469. *Dr. Ross.*] Did not the scrutineers sign the envelopes? Yes.
1470. Did they not see that the papers were correct before they were put into the envelopes? Yes. I handed the ballot-papers to both scrutineers, and they were satisfied.
1471. *Mr. White.*] Had you put the papers into their proper envelopes every formality would have been satisfied and everything would have been perfectly in order? Yes.

Donald Rankin MacDonald sworn and examined:—

- D. R. MacDonald. 1472. *Mr. Rolin.*] What are you? A clerk.
- 20 Sept., 1898. 1473. Living at Mudjee? Yes.
1474. Are you clerk to Mr. Crossing, the Returning Officer there? Yes.
1475. I think you acted for him in receiving the ballot-papers and in matters of that kind? Yes.
1476. I want you to look at the parcels of documents [*produced*] forwarded to the Clerk of the Legislative Assembly by Mr. Crossing;—can you say whether those parcels are in the same condition now as when they left Mr. Crossing's office? Yes; those I believe are the parcels as they left the Returning Officer's office.
1477. They have not been interfered with? No.
1478. Did you do the parcels up yourself? Yes.
1479. *Mr. O'Sullivan.*] You are satisfied that they are to-day just as you put them up and addressed them? Yes, I am perfectly satisfied of that. Except for a few signs of wear, the parcels are just as they were when I addressed them.
1480. From external signs, you are of opinion that they have not been tampered with? I am of opinion that they have not been tampered with.
1481. *Chairman.*] Did you act generally for the Returning Officer in the booth? Yes.
1482. You took the votes and acted on behalf of the Returning Officer throughout the poll? Yes; I took the votes in one booth, and acted throughout for the Returning Officer.
1483. Did you send for Mr. Lyons, or did the Returning Officer send for him, to alter some papers he had forwarded from Cullenbone? I sent for him.
1484. *Mr. Rolin.*] Why did you send for Mr. Lyons? To remedy a slight omission that he had made in the endorsement of his parcels.
1485. There was nothing done to the Cullenbone papers except an alteration of the endorsement? No.
1486. One of the Apple-tree Flat parcels was broken open, was it not? Yes.
1487. Which parcel was that? The parcel that is described as No. 3 parcel.
1488. *Chairman.*] Describe what it contains, and what was done when you opened it? It contained everything used in the booth, with the exception of the used ballot-papers and the unused ballot-papers. Those papers make up what are described as parcels No. 1 and No. 2. The No. 3 parcel from Apple-tree Flat contained, I think, everything except the ballot-papers used and unused.
1489. Was it opened at your instance? Yes.
1490. You sent for the Deputy Returning Officer? Yes—Mr. J. M. Cox.
1491. What was your object in having that parcel opened? No. 3 parcel was not, in the first instance, properly endorsed. It should have had on it the name of the electoral district, the date of the polling, and an endorsement indicating the contents, with the signature of the Deputy Returning Officer, the poll-clerk, and the scrutineers, if they wished to sign.
1492. Was that your only reason for sending for Mr. Cox? No. The parcel was only endorsed, so far as I can remember, "Rolls, etc.," and was not signed by the Deputy Returning Officer. So far as I could judge, the book of duties, the puncturing instrument, and the cork were enclosed in the No. 3 parcel; and it was to get them out, and to have the endorsement made correct, that I sent for Mr. Cox.
1493. And this was done under your instructions by Mr. Cox? Yes.
1494. I understand that during the election you acted entirely for the Returning Officer, who did not take any prominent part in the performance of his duties? Yes; I was appointed as his substitute, and acted in that capacity. Of course, Mr. Crossing attended whenever he could to the business of the election generally.

1495. Was that on the polling-day? Before.

1496. On the polling-day, and after, you acted entirely for him, and did all the work? Yes.

1497. *Mr. White.*] As a matter of fact, in private life you are the confidential clerk of the Returning Officer; and in public life, in connection with the elections, you take an active part in carrying out the duties of the office as his substitute? Yes.

1498. Not one envelope, paper, or parcel, containing ballot-papers was interfered with? No.

1499. *Mr. Cann.*] Except for the alteration of the endorsement on the outside? Lyons, in making up his No. 1 and No. 2 parcels had, by some mistake, put the No. 1 papers into the No. 2 envelope. He explained to me afterwards that he did not notice the mistake until the parcels were sealed up. Then he thought that the simplest way out of the matter was to strike out the letters "un" of the word "unused" on one parcel, and to write in the letters "un" before the word "used" on the other parcel.

1500. You did not break the seals of any of the envelopes? No. An omission he made in trying to rectify his mistake was not to mark on one of the parcels the number of the votes recorded.

1501. Do the envelopes marked No. 1 and No. 2 show the alterations made before you sent for Mr. Lyons? Yes. I think the number of unused ballot-papers was not shown on the envelopes at that time. On the envelope containing the unused ballot-papers should be written the number of papers unused, and on the envelope containing the used ballot-papers should be written particulars as to the voting.

1502. *Mr. Ashton.*] The envelopes which have been exhibited to us are each endorsed 137 as the number of the unused ballot-papers? Yes.

1503. *Mr. Whiddon.*] You have had considerable experience in the conduct of elections? Yes, for some years.

1504. And in the administration of the present Act. Yes.

1505. You remember what happened at Apple-tree Flat in connection with the non-puncturing of ballot-papers? I heard about that.

1506. If you had discovered that a certain number of ballot-papers were unpunctured when the poll closed, would you have allotted them to the different candidates before puncturing them, or would you have punctured them before counting them;—which do you think the proper course? The proper course, as I read the Act, is to reject them entirely.

1507. But if you punctured them at all, would you puncture them before counting them, or after counting them? I think undoubtedly before.

1508. *Mr. O'Sullivan.*] Have you heard, directly or indirectly, anything that would lead you to believe that at Apple-tree Flat, or at Cullenbone, anything unfair or dishonorable took place? No; I have heard that at Apple-tree Flat the ballot-papers were not punctured until the poll was virtually closed.

1509. *Mr. Neild.*] "Until the poll was virtually closed";—do you imply that the puncturing took place during the hours that the booth was open? I do not wish to imply that, because I do not know anything about it. I only wish to say that I understand that the mistake, if there was a mistake, was not discovered until close upon closing time.

1510. *Chairman.*] Did the officer who presided over the booth at Apple-tree Flat report to you that he had omitted to puncture the ballot-papers as they were handed to the voters? No; it was never officially reported.

1511. *Mr. Oann.*] That was no part of the inquiry you made when Mr. Cox called at the Returning Officer's office? No; and there was no mention of the matter upon that occasion. I did not hear of the omission to puncture until some time afterwards.

1512. *Chairman.*] And then you heard of it only as a matter of common rumour? Yes.

WEDNESDAY, 21 SEPTEMBER, 1898.

Present:—

Mr. Cann,
Dr. Ross,

Mr. Neild,
Mr. Ashton,

Mr. O'Sullivan.

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones in support of the Petition.

Mr. White, instructed by Messrs. Ellis and Button, appeared on behalf of Mr. Richards.

Robert Jones recalled and further examined:—

1513. *Mr. Rolin.*] I believe that it is within your knowledge that certain men who had been absent from the Mudgee electorate for some time voted there during the last general election;—will you tell us about the circumstances, and give us the names of the men? Martin McNamara, junior, had been absent from the electorate for over three years. He had been working for Mr. Arthur Rouse, at Corangoroo, for so much a week and his board, for three years; but he came into the Mudgee electorate from the Wellington electorate at the last general election, and voted there.

1513½. You say that from your own knowledge? Yes; and Mr. Rouse has informed me that McNamara should not have been allowed to vote, as he had been working for him for three years. Then Samuel Elliott of my own knowledge left Mudgee about two years ago—I believe it was over two years ago. He was living with his wife and family close to where I was living, and he moved to a place called Goolma, which is in the Wellington electorate. He kept a small store there; but at the last general election he came to the Two-mile Flat booth, in the Mudgee electorate, and voted there.

1514. *Chairman.*] How do you know of your own knowledge that this man voted? I am informed by my scrutineers that it is so.

1515. *Mr. Rolin.*] There are other names? Albert John Brennan left Maitland Bar over two years ago, and proceeded to Western Australia, whence I had a communication from him. I had a conversation with him on the Saturday before the election, and he told me that he had returned to the Colony on the previous Monday, after having been over two years in Western Australia. I have been informed by several people that he voted at Hargraves, which would have been his proper polling-place if he had still been residing in the electorate.

D. R.
MacDonald.
20 Sept., 1898.

R. Jones.
21 Sept., 1898.

- B. Jones. 21 Sept., 1898.
1516. The fact that he voted at Hargraves, if he did so vote, would appear evident from an inspection of the electoral roll used at the Hargraves booth? Yes. James Alexander Miller, who is down on the roll as a compositor or printer, of Market-street, Mudgee, to my own knowledge left the district fully two years ago, and has been residing in the Wellington electorate. I am informed by my scrutineer that he voted at the Two-mile Flat booth. John Moran, who is down on the roll as residing at Perry-street, Mudgee, and who is described as a labourer—
1517. *Chairman.*] There is a John Martin Moran down on the roll, and he is described as a carpenter? I believe that he is the man. He works as a carpenter, but I would class him as a labourer.
1518. Then there is John Moran, of Wilbertree? That is a different man altogether. John Martin Moran was in Wyalong for something like two years, and only returned to the Mudgee electorate during the week in which the election took place or the week previous. I have been informed that he voted in Mudgee. I know that he was at the polling-booth, because I saw him there myself. Then Alfred Woods of Gulgong—
1519. *Mr. Cann.*] What is he? I think he is down on the roll as a miner. He travels about dealing.
1520. Is he a shearer? He travels about dealing, and he also goes shearing and mining.
1521. *Mr. O'Sullivan.*] Where has he been? He has been in the Wellington electorate.
1522. *Chairman.*] Do you know that of your own knowledge? I do.
1523. For how long? For something like twelve months. I heard that he voted at Gulgong.
1524. *Mr. Cann.*] Do you know whether these men are married or single? Woods is a married man, Brennan is single, Elliott is married, and McNamara is single.
1525. Have they had their families living in the district? Elliott had his family with him when he left, and he has since been keeping a small store at Goolma. They were living at Mortimer-street at the time when they left Mudgee. There are other men who, I have been informed, took out their rights and left the district prior to the day of polling, but the rights were voted upon.
1526. *Mr. Rolin.*] Can you give us the names of persons who to your knowledge left the district in this way? James Hegarty was one.
1527. *Mr. White.*] Who told you about him? One of the men with whom he was working. I know of my own knowledge that James Fenton, junior, had left the Mudgee district.
1528. *Mr. Rolin.*] What was he? He was a groom.
1529. Residing at Linburn? That is his father's residence; he was living in Mudgee.
1530. Your information is that his vote was polled? Yes.
1531. If that is so, it would appear by the marking of his name on the roll? Yes.
1532. Have you any other evidence of a similar character? I have the names of three other men who left the district.
1533. *Mr. Neild.*] And who voted? My information is that they left the rights behind them, and that the rights were voted with.
1534. *Mr. Rolin.*] Do you know that they left the district? Only from what I have been told.
1535. *Mr. Neild.*] And other persons voted with the rights issued to them? Yes, so I am informed.
1536. *Mr. Rolin.*] Can you give us their names;—it will appear from the rolls whether they voted or not? Yes; James Hegarty, John Williams, and Garrett.
1537. Where has Woods been living? Out of the electorate.
1538. Has his home being out of the electorate? Yes.
1539. Has he been living with his family out of the electorate? Yes, at the diggings at Yambo, in the Wellington electorate.
1540. To how many of the men whose names you have mentioned does the same statement apply? Elliott removed his wife and family out of the Mudgee electorate; I saw him do it. He went to live in the Wellington electorate, at Goolma.
1541. *Mr. Ashton.*] How long is it since he moved? Fully two years.
1542. *Mr. Rolin.*] Now for the others? Woods, the other married man, has been a year or more away.
1543. Had he his home out of the electorate? Yes. Miller has been to my knowledge two years away.
1544. Were the other men you mentioned married men? Miller is a single man. He has been living at a place called Cudgebegong Creek with his sister, and at times at Ryan's hotel, Goolma—both places being in the Wellington electorate.
1545. *Mr. O'Sullivan.*] But were those places his homes? Yes; Miller is a single man, and has no other home. He goes away at shearing time, and when he comes back he makes his home at his sister's place. His father was residing at Mudgee for years, and was senior-constable of police there. The home was broken up, however, and his sister married a constable, and while his sister lived in Mudgee he remained with her. They have been away from the Mudgee electorate more than two years, and he has not resided there since.
1546. *Mr. Rolin.*] Then as to the others? Brennan left the Colony and went to Western Australia.
1547. *Mr. Cann.*] Is he married or single? Single, so far as I know. I had a communication from him from Western Australia, and I had a conversation with him at his father's place on the Saturday or Saturday week before the elections. He is a man of about 30 years of age, and he told me that he had been back then only four or five days. His name was on the roll, and I presume that he was in possession of his elector's right.
1548. *Mr. Rolin.*] Did you speak to some one named Woods—Alfred Woods? There are two brothers—Thomas Woods and Alfred Woods.
1549. Which was it you mentioned? Well, I do not know that I should be able to part them if they were together. I know them both, but they have been a long time away from my immediate supervision. The one I refer to is a dealer and a shearer.
1550. *Mr. Cann.*] He is a married man? Both Alfred and Thomas Woods are married.
1551. The name on the roll is Alfred William Woods? I believe that that is the man.
1552. *Mr. Rolin.*] Where does he live? At some diggings in the Gulgong gold-fields.
1553. Where was Thomas Woods? He was at Yambo as well.
1554. Do you know a place called Combandry? I think he was living there some considerable time ago.
1555. *Mr. Cann.*] Did Woods remove his family from the Mudgee electorate? Yes.
1556. *Chairman.*] Does your statement apply to both Woods? I believe that they both left the district.
1557. *Mr. O'Sullivan.*] Will you say that you cannot identify the two men named Woods? I know them, but I could not say which is Alfred and which is Thomas.

1558. Are they twins? No, nor yet very much alike; one is dark, and the other is sandy.
1559. *Chairman.*] Do you see, on looking at the electoral roll [*produced*] used at the Two-mile Flat polling-booth, that Samuel Elliott's name is ticked off as though he had voted there? Yes; he is the Samuel Elliott to whom I have referred in my evidence, and from the description of his residence and occupation, I believe him to be the same man. I also see from my inspection of the roll that the name of James Alexander Miller, of Market-street, Mudgee, printer, is ticked off as though he had voted at Two-mile Flat. He would be the person to whom I referred in my evidence.
1560. *Mr. Neild.*] Are there any more such names on the list? Yes; Andrew Moore is one.
1561. He voted at Two-mile Flat? Yes.
1562. But you say that previous to the election he was residing out of the district? Yes, for over a year, working on the Yambo diggings.
1563. Do you know that of your own personal knowledge? Yes; he is a single man and a miner.
1564. Have you seen him working there? Yes.
1565. Do you know of your own knowledge that he has his residence there? Yes; I have known him for the last twenty-five years. He is put down on the roll as residing at Goree.
1566. Do you see any other name of the kind on the list? There is Alexander Brown.
1567. *Mr. Cann.*] You did not say whether Moore voted or not? His name is ticked off on the roll as having voted.
1568. *Chairman.*] What do you know about Moore? I know that he has been residing at Yambo diggings for fully a year or more. I see by looking at the roll that his name is ticked off as though he had voted at Two-mile Flat.
1562. Will you look at the electoral roll [*produced*] which was used at the Hargraves booth? Yes. I see there the name of Alfred John Brennan, Maitland Bar, miner. The name is ticked off as though he had voted. He is the person referred to in my evidence as having been out of the Colony for two years, and having returned only a few days prior to the polling.
1570. How many days before? Ten is the information I got from him.
1571. When he made that statement to you did he say that he had been absent in the interim? He told me that he had been away for two years.
1572. Will you look at the electoral roll [*produced*] which was used at the Gulgong booth;—the name of McNamara, junior, is not marked on that roll as if he had voted? The name of McNamara, junior, is not marked off on the Gulgong roll.
1573. Is he the McNamara to whom you have referred? Yes. He does not appear to have voted at Gulgong, but he may have voted elsewhere. My information was that he might have voted at Gulgong.
1574. Will you look at the electoral roll [*produced*] which was used at the Town Hall, Mudgee? Yes; I see that the name of John Martin Moran, of Perry-street, Mudgee, carpenter, is ticked off as though he had voted at that booth. He is the person to whom I have already referred.
1575. Will you look again at the roll [*produced*] used at Gulgong;—you see there the names of Thomas Woods and of Alfred Woods? I have examined that roll, and I cannot identify any name there as that of the man Woods whom I have mentioned. I cannot say positively whether the name is Wood or Woods.
1576. As a matter of fact, no person named Wood voted, and the name of Alfred William Woods is not ticked off as if he had voted?—
1577. *Mr. Cann.*] Have you anything to say in reference to the brother? Neither name is ticked off on the roll used at Gulgong as though the holder had voted.
1578. *Mr. Rolin.*] Is that all? There are other men. The rolls used in Mudgee should show whether they voted.
1579. *Mr. Cann.*] There is a James Hegarty and a James Heggarty on the additional roll for the Mudgee electorate; one is described as a labourer and the other as a bread carter? It is the labourer to whom I have referred.
1580. You are now referring to the case of a man who got a right, and left the district leaving the right behind him? Yes.
1581. *Chairman.*] As a matter of fact, the James Hegarty you have referred to is not marked on the roll as having voted? The names do not correspond, though the qualification is the same. There is a sort of double mark opposite No. 2948 on the roll which looks as if it might belong to that number and to the number immediately following. However, I cannot identify the name on the roll with the person to whom I have referred as having voted.
1582. *Mr. Cann.*] Then there is Fenton? I do not know what booth he voted at, nor do I know positively the booth at which Hegarty voted. My opinion is that their rights were used.
1583. You have no information as to where they were used? No.
1584. *Mr. Neild.*] How many polling-places were there in the Mudgee electorate? Sixteen. My information as to the other names is not positive, so far as the places at which they voted are concerned; but I have been told that their rights were used.
1585. *Mr. Ashton.*] Do you not know from your sources of information the booths at which it is probable they voted? I do not. My information is that these men had only resided in the district a few days. They got their rights and left them behind with certain people.
1586. *Chairman.*] How long after getting their rights did they leave the electorate? Immediately.
1587. Was that a short time before the election? Yes. My information is that they were in Mudgee only ten days altogether.
1588. *Mr. Rolin.*] Do you say that they voted? My information is that their rights were voted upon.
1589. You mean that someone voted for them? Yes.
1590. *Mr. Cann.*] Can you say where Fenton lives, or what he was by occupation? A groom.
1591. Did he live at Linburn? Yes.
1592. Is that a polling-place? Yes.
1593. *Mr. Rolin.*] Can you produce other evidence as to the absence of these men? I can prove that they were not in the district at the time of the election—that is, Fenton, Hegarty, Wilkins, and Garrett.
1594. *Mr. Neild.*] But you cannot say positively whether they voted or not? No. My information is that their rights were used.

TUESDAY, 4 OCTOBER, 1898.

Present:—

Dr. Ross,
Mr. Ashton,

Mr. Cann,
Mr. Mahony.

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones, in support of the Petition.

Mr. James, for Mr. White, instructed by Messrs. Ellis and Buttou, appeared on behalf of Mr. Richards.

Robert Jones recalled and further examined:—

R. Jones.
4 Oct., 1898.

1595. *Mr. Ellis.*] There are certain persons whom you have mentioned in your evidence as having voted at the election, and who, I think, you stated were not entitled to vote, as they had left the district? That is so.

1596. Do you know that of your own knowledge? I do.

1597. In what way? Take the first name—McNamara;—how do you know about him? I know that he has been working for Mr. Arthur Rouse at his station, which is in the Wellington electorate, for some years.

1598. Are you in a position to say that he did not return to the Mudgee electorate at any time preceding the date of the election? He was there on the day of the election. He came from Mr. Rouse's station with Mr. Rouse in his trap.

1599. As a matter of fact, his father lives in Mudgee, or close to Mudgee? No.

1600. In the electorate? Just inside the electorate, 24 miles from Mudgee.

1601. Are you in a position to say of your own knowledge that this man—McNamara—had not resided with his father in the Mudgee electorate at any time preceding the date of the election? I am in a position to say that he resided with his father for years; but for years previous to the date of the last election he has not resided with his father.

1602. How far did his father live from Rouse's place? Five or 6 miles.

1603. Are you in a position to say of your own knowledge that he did not reside somewhere within the Mudgee electorate for some months preceding the date of the election? Yes; he has been working for Mr. Rouse for years continuously, at so much a week and his board.

1604. How do you know this? I have seen him there. Mr. Rouse has informed me that it is so.

1605. You have not Mr. Rouse as a witness? No.

1606. Suppose Mr. Rouse says that he did not inform you so? He has worked with Rouse for years. He is not put down on the electoral rolls as residing at his father's house; he is there put down as a boundary-rider, and his residence as at a place where Rouse lived before moving to where he is now.

1607. If Mr. Rouse says that he did not tell you this, is your evidence of any force? Mr. Rouse told it to several in whose company I was.

1608. Your evidence is only hearsay;—have you been watching the man all this time? No, certainly not.

1609. Which Mr. Rouse do you refer to? To Mr. Arthur Rouse.

1610. Would you be surprised to know that Mr. Arthur Rouse had said something different? It would surprise me. The evidence I gave was that I had information that this man had voted at Gulgong; but upon looking at the Gulgong roll I found that his name was not marked on it as having voted there.

1611. Will you swear that McNamara did not reside in the Mudgee electorate at any time preceding the date of the election—for three or six months preceding the date of the election? Yes.

1612. Of your own knowledge? Yes.

1613. As a matter of fact, you do not know that he voted at all? No, I do not.

1614. With regard to Mr. A. J. Brennan, where does he live? He is living at Maitland Bar at present.

1615. With his parents? Yes.

1616. Do you know whether he voted? The roll says that he did.

1617. You do not know of your own knowledge that he voted? No, I do not.

1618. Only from what you see by the roll? I was informed that he voted, and the roll shows it. It would be impossible for me to know otherwise.

1619. What do you know about J. A. Miller;—where does he live? He lives with a sister at a place called Lambing Hill, and he lives at times at "Ryan's Hotel."

1620. Is it not a fact that he never had a fixed place of abode—that he was travelling to and fro always? No.

1621. He is a shearer? Not so far as I am aware. He goes to the shearing-sheds; but I think he is a knockabout man.

1622. You have said that you do not know of your own knowledge whether he voted or not? I was informed that he voted, and the roll bore out the information I received. He lived with a sister in Mudgee up to her leaving Mudgee some years ago. He then went to live with another sister at Lambing Hill, in the Wellington electorate. I have had several conversations with him, and that is the information he has always given me. I have seen him in the Wellington electorate myself.

1623. I suppose the same answer would apply to the other names you have given;—you do not know of your own knowledge that the holders of them voted? Only by the roll. I know of my own knowledge that Elliott lived out of the electorate, and when he left Mudgee.

1624. Do you know Thomas Belcher? Yes.

1625. Where does he live? At Mudgee.

1626. Did he take a prominent part in the last election? Less prominent than I have seen him take for the last twenty years.

1627. Do you remember being with Belcher, near the "Royal Hotel" corner, and meeting two of the witnesses you called in the early part of this case—Burns and Quinlan? I do not.

1628. Will you swear that you did not meet Burns and Quinlan in company with Belcher at the corner of the "Royal Hotel"? I will positively swear that I never met them in company with Belcher until the night that they gave me the affidavit, and that was not within a quarter of a mile of the hotel.

1629.

1629. Perhaps I am wrong in the place of meeting;—did you meet them anywhere else? I was in company with Burns and Quinlan the night they gave me the affidavit, when Belcher came as a justice of the peace to have it sworn before him. R. Jones.
4 Oct., 1898.
1630. Do you remember this statement being made then: That it was too much like pauper business taking all this for goods, and that money would be of more use? I swear positively that such a conversation never took place in my hearing. I never met Burns and Quinlan at the place mentioned in my life.
1631. Can you give us any date prior to that which you have mentioned, when you had a conversation with Quinlan, or with Burns, or with both of them together? The date was on the affidavit.
1632. The affidavits of these men were written by you, I think? Yes.
1633. They are dated the 22nd August;—that was the day when you met Quinlan and Burns, and got the affidavits? Yes.
1634. How many days after the election would that be? Nearly a month. Quinlan came to my house that morning, and gave me an outline of the information they could give me. I asked them if they were prepared to make statements on affidavit, and I told them that they would be of no use unless they did. They told me that they would, and they agreed to meet me that night at 8 o'clock with the gentleman who acted as secretary for me during the election. I did not get there until a little after 8, and then they made the affidavit for me.
1635. Do you know a Mr. Abel Wolfe? No, I do not.
1636. A man who works for Carpenter? I believe that he has a man of that name working for him. I may have spoken to him once. I just know him.
1637. If Wolfe says that he heard the conversation between you and Quinlan and Burns with Mr. Belcher will that be correct? It would be a falsehood.
1638. You had no conversation, then, with Burns and Quinlan, in company with Belcher, either before or after the election, except when you took these affidavits? I have no recollection of ever meeting Burns and Quinlan in company until they gave me the affidavits, except on the night prior to the election, when they came into the room, where my committee were arranging affairs for the next day, and remained, perhaps, three or four minutes.
1639. Is it possible that you may have forgotten the fact? I have not forgotten it.
1640. Then you are positive? I am positive that I did not meet them where you say.
1641. Or at any other place? Or at any other place.
1642. I suppose you did not meet Quinlan alone? I met Quinlan several times.
1643. Did you ever have a conversation with him in which he said that it looked too much like pauperism taking orders for goods, and that he would sooner have the money? He never made such a statement.
1644. Do you know the present whereabouts of Burns? I heard that he left Mudgee last Sunday morning week. The overseer on the waterworks told me so, and that they were making for Picton to do some quarrying there.
1645. Then he has left the Mudgee electorate? So far as I have heard.
1646. Do you know the whereabouts of Quinlan? I know nothing further than I have told you. I heard that they left in company. I made inquiries, because of a notice I saw in the *Mudgee Guardian*, stating that Mr. Richards would like to know the whereabouts of these men. I met this gentleman, who was engaged in laying pipes in the streets of Mudgee, and I asked him was it true that Burns had left his work. He said, Yes; that he had come to draw his time last Saturday evening, and had cleared out. I made further inquiries, and I heard that he and Quinlan had left together.
1647. Did they understand that so far as your case was concerned they would not be required again? I have not heard from or seen them since I saw them in Sydney, when they gave evidence here, so that I do not know what they understood.
1648. I suppose, as a matter of fact, the result of the election was rather a surprise to you? I must confess that it was to some extent.
1649. You expected it to be the other way, of course? I did. I had a better opinion of the Mudgee people.
1650. I suppose meetings of your committee took place at various hotels? No.
1651. None at all? No.
1652. Not at any hotel? Not that I am aware of. I do not think they did, and, in fact, I am pretty confident that they did not. I was only at one meeting myself.
1653. Do you know of any betting that took place amongst the members of your committee? I do not. The committee-room was in the Town Hall, and they paid for every meeting they had—I think 5s. a meeting. My secretary took the room, and they had it all through. There were no meetings held at any hotel in connection with my election in any shape or form.
1654. Who accompanied you to Donald Creek when you were addressing the electors there? I think Mr. Belcher. I think that is the only place to which he accompanied me during the election. Mr. Acton usually accompanied me, but upon that occasion he had something particular to do. He is a stonemason.
1655. Was any drink consumed at that place on the night your meeting was held there? I think your information had better supply that evidence. Where I held the meeting there is not a licensed house, and I decline to be an informer in any shape or form. I will answer the question in this way: I neither ordered nor paid for drinks there then or since.
1656. Do you know whether Belcher did? Not to my knowledge.
1657. Will you swear that he did not—Belcher is a justice of the peace, is he not? Yes.

Edwin Richards sworn and examined:—

1658. *Mr. Ellis.*] You are respondent in this matter? Yes.
1659. You knew James Burns? Not until I saw him here on the morning of this inquiry. I did not know him even by sight before then.
1660. You heard him say in evidence here that he went to you just before the election, and asked you for some money? Yes; I heard him say that.
1661. And that you told him to go to Mr. Cohen? Yes; I heard him say that. 1662.

E. Richards.
4 Oct., 1898.

- E. Richards. 1662. Is that true? It is not true.
1663. Did you give him any money? No.
- 4 Oct., 1898. 1664. Did you authorise any person to give him money? I never authorised any one to give Burns or any other man money or drink.
1665. You did not give him drink, or goods, or anything at all? No.
1666. As a matter of fact, did you have any conversation with Burns? I do not remember ever seeing the man until he came here. I may say that there were many men of his type working on the water-works whom one would not be likely to observe or to take particular notice of, unless they came and asked for something.
1667. Did he ever ask you for anything? Possibly he, with many others, asked me for drink on polling-day. He may have asked me for drink on polling-day, but I would not take notice of him.
1668. You are certain, however, that you did not give either money, drink, or goods of any kind, or authorise any other person to give them on your behalf to any one? Quite so.
1669. Did you know that any other person was distributing money or goods, or giving orders for drink on your behalf to Burns? No; I had no knowledge of it. Very early in the business I warned my friends neither to give nor to promise anything. A lot of people want favours done as the result of what they do at the election; but I made a distinct order that they were not to promise anything, because I might not be able to carry out the promises.
1670. Wells is mentioned in the course of Burns' evidence? Yes; he is my brother-in-law.
1671. In the evidence it is mentioned that Wells did something;—if he did so, was it with your knowledge and consent? Without my knowledge.
1672. Do you know Quinlan? I knew Quinlan.
1673. Did you see him on the day of the election, or prior to it? Possibly I would see him, but, as I have said, there were so many of them that I did not take particular notice of him.
1674. Did you give any money to Quinlan? Never at any time.
1675. Did you "shout" for him, as it is commonly put? No. I heard him say here that on the evening of the polling-day, after the poll, I shouted for him. He possibly was about. I suppose he was. I remember giving the hotelkeeper a pound note.
1676. That was after the poll had been declared? Yes.
1677. You are prepared to swear positively that you did not "shout" for him, or give him money or goods at any time prior to the closing of the poll? No, not any time.
1678. Did you make him any promise? No, none whatever.
1679. Did he speak to you at all with a view to try and get a promise from you? Possibly he did. A lot of these men annoyed me for a long time by asking; but, of course, I know too well what they are.
1680. You are quite clear on the point that you did not give him money? Yes.
1681. Did Cohen attend your meetings? Which Cohen?
1682. George Cohen? He never attended any meetings of mine. I may say that on two occasions in the capacity of a reporter for a newspaper he and another man met me at Windeyer and Gulgong. Those were the only two meetings where I encountered him during the election.
1683. Did Mr. Laurence Cohen take an active part in the election? Not an active part; but he was interested in it. I may explain that my position with regard to Cohen is this: When I was selected to stand for Mudgee, Cohen was secretary to an organisation which afterwards was hardly known in connection with the contest, in consequence of the establishment of the Federal League. I was selected by the Federal Association, and then Cohen virtually fell away from me, he being an anti-federalist.
1684. *Mr. Ashton.*] An anti-federalist, or one who was opposed to the Bill? Against it at any price. He was the secretary of the first organisation. I think evidence will be brought forward to show how his name was connected later on with the secretaryship of the Federal League.
1685. *Mr. Ellis.*] You remember Quinlan coming to you during the time of this inquiry? Yes, he came to me here.
1686. Will you explain the circumstances to the Committee? One of the messengers called me from the rear of Parliament House, and said that two men wished to see me. When I went into the lobby I recognised Quinlan. He said, "This is Burns," pointing to the man with him, whom I did not remember having seen previously. I said to Burns, "Oh, you are Burns, are you?" because I had been under the impression until then that a much shorter man, and one of two other men at the waterworks, was Burns, having heard of him. Quinlan said, "Can we see you privately?" Naturally I was taken aback, but I said, "Very well; what do you want?" He said, "We want the money to get back to Mudgee." He said that Mr. Jones had not acted squarely with him, and that they had not a bite to eat since landing; and they suggested that they should wire to Mudgee, to a friend of mine, for enough money to take them back. I said, "Oh, no; don't you do that, because you will get no money from that quarter." They said, "Well, we have had nothing to eat," and I put my hand into my pocket and gave Quinlan 2s. 6d. or a half-crown. Burns stretched out his hand, I suppose for a like donation; but I said, "Oh, no, that will do; that will get you a feed and a couple of drinks." They left. Next morning the same messenger came to me and said, "The two men who were here yesterday morning are asking for you again." I said, "Tell them I am busy," and I did not go to them.
1687. *Chairman.*] Was anything said about mortgaging a cart, or about borrowing money upon a cart? Yes. Quinlan said that he would give his horse and cart as security for money advanced.
1688. *Mr. Ashton.*] Did you not say in the early part of your examination that the first time you saw Burns was at this inquiry? In the lobby here, I should have said.
1689. That is to say, you saw him two days before the inquiry? No; the morning before the inquiry. The morning of the inquiry was the second occasion, when they came to me.
1690. If, in the early stage of your examination, you said that the first time you saw him was at the inquiry, you made a mistake? I meant to say that it was on the morning of the inquiry that they first came to see me, but I now recollect that it was on the morning before the inquiry. I did not remember having seen Burns, because I made the remark, "Oh, you are Burns." I was under the impression that he was one of two other very short men who are now in Mudgee working on the waterworks, and whom I have seen since coming back. Since then I have endeavoured to find these men. Quinlan, I have it on good authority, was seen 75 miles from Mudgee on Sunday week last, at a place called Coolah.

1691. *Mr. Mahony.*] Who told you that? George Cohen was out in that direction on business, and he was surprised to see Quinlan there with a horse and dray making north. I deny any connection with Mr. George Cohen. With regard to Burns, I may state that I applied for a subpoena, with the intention of serving it on him to bring him here, and I heard last night from the police at Rylstone that he was last seen there ten days ago getting his harness mended at the local saddler's. I have, however, communicated with the Inspector-General of Police, so that in the event of Burns not being available I can produce certain evidence from that quarter if the Committee will permit it. E. Richards.
4 Oct., 1898.
1692. *Mr. Rolin.*] You say that the men from the waterworks bothered you continually for drinks? If you had had any experience of electioneering as we have, you would know what it is. These men would continually come to me throughout the day; but on polling-day, at half-past 10, a friend suggested a loan, and that put me on my guard.
1693. Some one suggested a loan—who was he? No one mentioned in connection with this inquiry.
1694. A friend of yours suggested a loan to somebody—to whom? To himself. He was short of money. He had come into town without money, and he asked me if I had any. He was a wealthy man, and he did not want me to give it to him. I made the remark, "It is very fortunate that you have asked me. I am in a position to say that I have no money on me."
1695. You do not mean that this friend suggested the loan to give money to some of these men? No; he simply required the money for his own use, I believe.
1696. These men were bothering you for drinks, and for loans as well? I do not think they wanted money—drinks. They possibly suggested, "Is it good enough for a drink?"
1697. Men not known to you? Not known to me. I do not know that I knew even Quinlan's name until after the election. I know that he was amongst them, and that he was first.
1698. I suppose that you were at the polling-booths in Mudgee? Not much; very little. I suppose I was the quietest man in the town on the day, and took very little interest in it.
1699. Were you there with Laurence Cohen at all? I saw Laurence Cohen once about midday, in the street fronting one of the polling-booths. I saw him again in the afternoon, and spoke to him once only in regard to some difficulty about an elector's right, or about an elector whose name was on the roll, but whom, because he was described as a carpenter when he was a grocer, they would not allow to vote. They came to me and asked whether a declaration would make it safe for him to vote.
1700. Who was Laurence Cohen? He was secretary of the Protectionist League in Mudgee.
1701. Was he not, in point of fact, your secretary? No; as I tell you, we had no committee. No men were enrolled as my committee, except in connection with the Federal League.
1702. Had you no committee? No; that was distinctly a body controlled by the Federal Association for their own purposes.
1703. Their purposes at that time were your election? I suppose so. That league was in existence before I became a candidate.
1704. Who was your secretary? Mr. Marsh would be the secretary.
1705. Was not his name advertised with that of Mr. Laurence Cohen as those of your joint secretaries? Yes; I think that—
1706. Will you not admit that that was so? I have seen it in the newspaper. I will tell you why I remember it—
1707. Will you not admit that they were your joint secretaries? I should not admit it, and I would not remember it had I not heard it referred to here in evidence. Since then I have spoken about it, and I have asked how it came about that these two men were made my secretaries. An explanation can be given, but, I suppose, as I can only give hearsay evidence on the point, you had better get it direct from the quarter from which I heard it.
1708. Did you not, after the election, have to go through the business of settling up with your secretaries for little expenses in connection with one thing and another? No, unfortunately my expenses were my own. I had nothing to do with secretaries in the way of money matters. Any expenses I incurred were my own, and any expenses they incurred were their own. I have not seen any account in connection with any committee, neither have they been referred to.
1709. You run a paper yourself? I do not run a paper now.
1710. You did at the election? Yes.
1711. Your printing was done in that office? I had very little printing. It was done between the two offices in the town.
1712. Did George Cohen take an interest in your election? No.
1713. George Cohen is your partner? We have been together for twenty years, but at the present time we are not partners. When I went into this business it was against Cohen's wish.
1714. *Chairman.*] You mean the election business? Yes. He and the recognised proprietor of the paper took the trouble, unknown to me, to go to Jones' house, as I only heard yesterday, to induce him to bring something about to cause me to withdraw from the contest.
1715. *Mr. Rolin.*] And do you mean to say that, when you would not withdraw, your partner did not assist you, and was not on the committee? George Cohen took no part in connection with my committee, and attended no meetings of the Federal League, or of any other body.
1716. Was he active on your behalf—speaking for you on polling-day? You heard Mr. Jones say just now that Belcher was not active on his behalf, and I do not think Mr. Cohen was any more active, if as active. As a citizen of the town, and with a friendly regard for me, you can understand that he would not go about the town saying anything against me.
1717. Did he not go about the town on polling-day doing all he could for you? I do not think so. Upon the occasion of previous elections I have seen him quite the opposite of what he was then. He was then certainly not active.
1718. You say that when he was at the meeting where you were he was there simply as a reporter? Yes, just as he met the man Quinlan at Coolah in that capacity.
1719. Had you any recognised active workers in your cause? Yes.
1720. Who were they? I had a large circle of personal friends who did not want to go on to the committee. They were out and about in all parts of the electorate.
1721. What about Mr. Gamgee? He took the position of editor of the *Mudgee Guardian* when I relinquished it.

- E. Richards. 1722. He was on the staff of the *Guardian*? He held a subordinate position until I relinquished the position of editor.
- 4 Oct., 1898. 1723. Wells was your brother-in-law, and pretty active on your behalf? He was my secretary, if I had one.
1724. *Mr. Ashton.*] Is George Cohen your brother-in-law? No.
1725. Is Laurence Cohen any relation? No relation.
1726. *Mr. Rolin.*] He was your partner? Do not say that Mr. Cohen was my partner. I say upon oath that he is not my partner.
1727. I am not talking about that now;—was he not your partner up to the time of the election? No.
1728. Were you not connected in business? We were connected on the staff of the *Mudgee Guardian*. There was no deed of partnership, and I have not gone back on to the staff of the *Guardian*.
1729. I thought it was admitted that he was your partner? Well, I tell you to-day that I have no control over the *Guardian*.
1730. I am not talking about to-day, but of what took place at election time? We were years before. We have been.
1731. And at the election time you were together on the staff of the *Guardian*? No. I relinquished my position, and I was much, if not more, of my time in the office of the other newspaper.
1732. Well, up to the time of the election, were you? I was editor of the *Mudgee Guardian*, and he was business manager. That is the position.
1733. You were editor, and he was business manager? He is the business manager.
1734. *Mr. Ashton.*] Neither of you exercised direct control over the paper? He does.
1735. But he is subordinate to the proprietor? Quite so. Mr. Charles Knight is the proprietor.
1736. *Chairman.*] When did you retire from the position of editor? I suppose two or three months before the election. When I found that the position I had taken up was not altogether palatable to others, I resigned my editorship.

WEDNESDAY, 5 OCTOBER, 1898.

Present:—

Mr. Crick,		Mr. Ashton,
Dr. Ross,		Mr. Cann,
Mr. Whiddon,		Mr. O'Sullivan,
	Mr. Neild.	

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones, in support of the Petition.

Mr. Ellis (Ellis and Button) appeared on behalf of Mr. Richards.

Edwin Richards, Esq., M.L.A., recalled and further examined:—

- E. Richards, Esq., M.P. 1737. *Mr. Rolin.*] You said yesterday that the man Burns was unknown to you? Yes.
- 5 Oct., 1898. 1738. Has he not been working for your brother-in-law, or for your secretary, Mr. Laurence Cohen? I do know that now.
1739. Has he not been for a couple of years in the Mudgee district? I understand so.
1740. Don't you know that he has been working in the town of Mudgee? Yes; many men work there whom I do not know. Hundreds of men in the Mudgee district know me, and I don't know them.
1741. You said yesterday that you are not a partner with Mr. George Cohen in this paper? Certainly.
1742. You say that this paper belongs to a Mr. Knight;—is he not a working mechanist on the paper? I think they are all working people on the paper.
1743. You are the editor? I was.
1744. Mr. Cohen was the business manager? Yes.
1745. And Mr. Knight was what? He is the general manager of the printing department.
1746. He is the brother-in-law of Mr. Cohen? Yes.
1747. As a matter of fact, was it not always you and Mr. Cohen who interviewed Mr. Jones here on monetary questions in connection with the paper? I never interviewed Mr. Jones in regard to monetary matters in connection with the *Mudgee Guardian*.
1748. You never did? No.
1749. Is not this the case—that you were running a paper in Mudgee previously—the *Mudgee Independent*? Yes. I have already stated that I am not a part proprietor of the *Mudgee Guardian*, and if I must go into private matters I can assure you that within the last fortnight or three weeks arrangements to that effect might have been brought about had it not been for certain things. It is for sale to-morrow to anyone who likes to find the money.
1750. By whom? By Mr. Knight—not by me.
1751. You sold a paper called the *Mudgee Independent* to somebody, didn't you? Yes, we did.
1752. Giving a guarantee that you would not run an opposition paper against it. [*Question objected to.*]
1753. Have you ever had any electors' rights in your possession? I never had any right—in fact, not my own until I wanted it.
1754. Where has that been kept? It has been in my wife's possession.
1755. In a safe in the *Guardian* office? In my wife's possession.
1756. Did you ever know of electors' rights being kept in the *Guardian* office? I understand that they do keep them.
1757. What rights do you understand are kept there? I do not know whose, but I understand that men in the country who have no way of keeping their rights ask that they be kept in the office safe.
1758. How many are kept in that way? I cannot say. I have never seen the inside of the safe to see the contents of it.
1759. You understand that there are rights there? I admit that, but only for the convenience of people who might otherwise lose them. I know another place where hundreds of them are kept. In a safe at Windeyer there are about seventy-five rights kept. 1760.

1760. Did you not give evidence before a commission on the management of the Hospital at Mudgee? Yes. E. Richards,
 1761. Did you not before that Commission swear that a certain statement was made to you by Mr. Hazeltine? Yes. Esq., M.P.
 1762. And did he not, thereupon, go into the box, and expressly contradict that statement? I think this is a very wrong question to ask, as he is a brother-in-law of mine. 5 Oct., 1898.
 1763. Did he do so? I admit that he did; but public opinion in Mudgee believed me.
 1764. He went into the box, and expressly contradicted your statement, that you had heard something from him? I answer yes; but it is a very cruel thing to ask the question.
 1765. That inquiry came to nothing, did it not? Yes.
 1766. You were active in promoting the inquiry? Yes.
 1767. You said, yesterday, that Mr. George Cohen was only incidentally with you at one or two meetings? Two meetings.
 1768. Was he not with you at Gulgong, and at Windeyer? I mentioned those places.
 1769. And at Merindie? No.
 1770. At the meetings at which he was with you, did he not speak on your behalf? He did not speak for me. As regards Windeyer, there was no meeting on the occasion of his visit there; I think there were only a few boys there. A meeting was held at Long Creek, 2 or 3 miles from Windeyer, and that destroyed the meeting lower down.
 1771. *Mr. Cann.*] Did Mr. Laurence Cohen drive you round in your electioneering campaign? On one occasion he did. My horse took bad, and either I could not drive his mare myself, or she would not stand, and I got him to go with me to a place called Apple-tree Flat, I think.
 1772. *Mr. Ashton.*] You have sworn that you did not see Burns on the morning of the election? Not to know him.
 1773. As far as you know, he did not come to you, and was sent on by you to Mr. Laurence Cohen? No, most certainly not.
 1774. Did you see Quinlan on the morning of the election? I may have seen him; but I do not remember that I did. There were several men of that type who asked me for drink, but not for money.
 1775. Did you refer any of the men who asked you for drink to Mr. Laurence Cohen? No, on no occasion whatever. I think Mr. Cohen after he voted at the ballot-box went home, so that I could not have seen him after he voted.
 1776. The fact is, that you did not refer anyone who asked you for either drink or money on the morning of the election to Mr. Laurence Cohen? No, I did not.
 1777. And the statement made in regard to that by both Burns and Quinlan is absolutely false? It is absolutely false.
 1778. *Mr. O'Sullivan.*] You do not recollect being in front of the Town Hall at any time that day? I would be backwards and forwards between the Town Hall and my home, and the Post and Telegraph Office.
 1779. Did Burns or Quinlan, or anyone else, come to you in front of the Town Hall, and ask you for money? I cannot remember whether it was in front of the Town Hall, but it would be in that street, if I was asked at all.
 1780. Did you give them any money? No.
 1781. *Mr. Ashton.*] Do you think it probable that one of them did ask you? It would be in that street if I was asked at all.
 1782. You state that if you had been asked for money or drink, it must have been in that street;—why do you put it in that way? These men would be in that street, because that is where the people were gathered on that day.
 1783. If you were asked for money or drink on election day, it must have been in that street? Quite so.
 1784. Are we to take it that your memory is not quite clear on the point as to whether you were asked for anything? No, my memory is not clear as to any part of the town; but I would be in that street.
 1785. Is your memory clear on the subject as to whether you were asked for either one or the other? I am quite clear that I was not asked for money. I was asked for drink. I was asked for money, as I said yesterday, by one man—a friend.
 1786. You are equally clear that you did not refer them to Laurence Cohen, or anyone else when you were asked? I am positive on that point.
 1787. *Mr. Cann.*] If any money was given for this purpose, it was given without your knowledge? Without my knowledge or authority.
 1788. If any money was passed for this purpose, it was not your agents who passed the money for that purpose? Not with my knowledge or authority.
 1789. They were not your agents if they did it? Laurence Cohen was not my agent.

Henry Edward Alexander Wells sworn and examined :—

1790. *Mr. Ellis.*] Do you live at Mudgee? Yes.
 1791. Do you know a man named James Burns who gave evidence here a few days ago? Yes.
 1792. Did you see him during the late election at Mudgee? Yes.
 1793. On the day of the poll? Yes.
 1794. Do you know where he voted? He voted at the Court-house.
 1795. Why do you conclude that he voted there? The letters from A to K were voted at the Court-house, and the letters from L to Z at the Town Hall. There were two booths in Mudgee, and you could only vote in the booth according to the initial of your surname.
 1796. Did you give Burns any money on that day? No.
 1797. Did you give anything else—did you give any drink or goods? No.
 1798. Nothing at all? Nothing whatever.
 1799. In answer to a question, Mr. Burns said this: "I was going into the Town Hall to vote, and Mr. Wells told me that I could not vote there, and that I had to vote down at the Court-house." I was going out, and he said: "Here is 6d.; get a drink for yourself at the 'Belmore.'" I was going out and he told Mr. Dean, the coachbuilder, to walk down with me to the Police Court;—is that correct? It is untrue.
 1800. Did he say anything to you about voting? I did see him at the Town Hall. I believe I was the first

H. E. A.
Wells.

5 Oct., 1898.

H. E. A.
Wells.
6 Oct., 1898.

- first person who voted on that day, and I stopped there until just before the close of the poll, and I went in then as a scrutineer.
- 1800½. You saw Burns there? Yes.
1801. Was that early in the day? I could not say exactly what time it was. He came and asked me to lend him 2s.
1802. What did you say? I said I had not got it to lend him. I declined to lend it to him.
1803. You did not lend it to him? I did not.
1804. You are quite clear that you did not give him 6d. for a drink? I am positive I did not.
1805. Do you know a man named Quinlan, who gave evidence here? I did.
1806. Did you see Quinlan on the day of the election? I do not remember seeing him on that day.
1807. Have you had a conversation with Quinlan since that day? Yes.
1808. Did Quinlan come to you? I met him in the street.
1809. When was this? It was just after the election; but I cannot say how long after it was.
1810. What did he say? I asked him was it true that he had been making some declaration. He said, "No, but if I can knock £3 out of Jones' crowd you will give me credit, won't you?"
1811. *Mr. Ashton.*] Credit for what? For knocking £3 out of him.
1812. *Mr. Ellis.*] Did he say anything about signing? He said he had not signed, but he would want his money before he did sign it. There was a person present at the time he spoke to me.
1813. Who was it? It was George H. Burrows.
1814. Where is he—in Mudgee? He is not in Mudgee now. He is up shearing at—I think it is Bereda. Burrows asked me to lend him a horse to go to Bereda Station.
1815. Was Burrows with him, or was he with you? He was with him, standing at the corner of Mr. Davidson's office.
1816. That is where the conversation took place? Yes, in front of the awning.
1817. You know Mr. Laurence Cohen? Yes.
1818. Did he take any prominent part in Mr. Richards' candidature? Not a very prominent part—he was a supporter of Mr. Richards, I know.
1819. Did he do any more than an ordinary elector? No, he did not.
1820. Did he take any great interest in it? No.
1821. Was he less prominent on this occasion than he was at the last general election? Yes.
1822. Who was secretary to Mr. Richards? Well, I went round for him. I do not think he had a secretary. When Mr. Richards first went round he was selected by the Protection League against the city solicitor, Mr. Waldron.
1823. *Mr. Crick.*] Did he, or did he not, have a secretary? No; I went with him, and I did all the secretarial work, if any.
1824. *Mr. Ellis.*] Did Mr. Garling, of the *Western Post*, act for him in any way? He was acting as a sort of secretary.
1825. Between you and Mr. Garling was the bulk of the secretary's work done? I think I did the bulk of it—of course there was not much done. There would only be the fixing of the meeting-places, which I did.
1826. What was Mr. Laurence Cohen's position? He is secretary to the Protection League. After the federal vote on the 3rd June, things took a change. Before that event, the election was not likely to be fought out on freetrade or protection. The fiscal issue was then sunk, and it was a question whether we should have true federation or a sham.
1827. What you want to convey is that Mr. Cohen dropped out of it? He dropped out of it. There was a federal party which was singing Australia all round the town.
1828. *Mr. Crick.*] Do you know whether Laurence Cohen acted as secretary or not for Mr. Richards? He did not. Mr. Marsh was secretary to the Federal League.
1829. *Mr. Ellis.*] You say that Mr. Cohen was not secretary to Mr. Richards? I do. I say he had no secretary. I did all the secretarial work.
1830. *Mr. Ashton.*] If Mr. Laurence Cohen was advertised as one of Mr. Richards' secretaries, it was a mistake? I put his name to the advertisement without his authority.
1831. You say that he was not authorised, and that you attached his name to the advertisement? There was a meeting of the electors. I fancy Mr. Marsh put his own name to the advertisement, but I put Mr. Cohen's to it. I drew the advertisement out.
1832. You had no authority to put Mr. Cohen's name to it? I had no authority at the time.
1833. *Mr. Ellis.*] Do I understand you to say that Mr. Cohen stood off when it became a federal matter? We had to sink the fiscal issue.
1834. *Chairman.*] Did Mr. Cohen stand off after the 3rd June when it became a federal question? Yes, he stood off.
1835. *Mr. Whiddon.*] It was after that you put his name in as secretary? Yes.
1836. *Mr. Ashton.*] He was not willing to sink the fiscal issue, and because you knew he was not, you put his name to the advertisement without him knowing it? No; I put it as a sort of electioneering dodge. There was a little bit of difference in certain places in the electorate, and I wanted to make the thing as nice as I could.
1837. *Mr. Whiddon.*] Did Mr. Cohen object to your putting his name to the advertisement? He did not know of it till he saw it in print.
1838. When he did know of it, did he? I was going round the electorate, and I had not an opportunity to see him.
1839. *Mr. O'Sullivan.*] Between the day of nomination and the declaration of the poll by the Returning Officer, did Mr. Laurence Cohen act as secretary? He did not.
1840. *Mr. Rolin.*] Did he ever act as secretary for Mr. Richards—according to you he never did? I say no. I say he acted as secretary for the Protection League.
1841. If Mr. Richards said that Mr. Cohen was his secretary, that is a mistake, is it? I say it is a mistake. I say that after the 3rd June, things took a change. Mr. Cohen is the elected secretary of the Protection League.
1842. *Mr. Ellis.*] What about Mr. Marsh? A gentleman here delivered an address, and they started a Federal League, and Mr. Marsh was secretary.
1843. You continued the two names as secretaries? In one advertisement, or possibly two. I think the advertisement stated "Mr. Cohen, secretary to the Protection League, Mr. Marsh, secretary to the Federal League."

1844. *Mr. Rolin.*] Where do you say this conversation with Quinlan took place? In Market-street.
1845. How long after the election? Not very long. I remember the conversation.
1846. How long after the election was it? I do not remember.
1847. You know Quinlan, do you not? I know him by sight.
1848. How did you come to talk to him? He used to always stop me, wanting shillings, and one thing and another. He is a man who seems to live on begging shillings from people.
1849. I suppose he knew who you were? Of course he did. He raffled a horse. I think Mr. Jones took a throw in the raffle, or had his name on the list.
1850. Never mind about him raffling a horse; he knew who you were; he knew that you were related to Mr. Richards. I not think he knew that I was related to Mr. Richards.
1851. He knew that you were active in securing his election? He would know.
1852. I suppose you took an active part in it? I did.
1853. And Quinlan being about the town, he would have every opportunity to know that you were taking an active part in the election? Yes.
1854. According to you, he came up and volunteered to you that he was ready to take a couple of pounds for the evidence he was going to give for Mr. Jones? He told other people as well.
1855. He made no secret of it? None whatever.
1856. He told you that he was selling his information for money to Mr. Jones, and asked you would you give him credit? No; he said if he could knock £3 out of Mr. Jones, I ought to give him credit for it.
1857. What sort of credit? I suppose for his cleverness.
1858. He volunteered that to you? Yes.
1859. I suppose you said, "What a scoundrelly thing it was"? I did not say anything about it at all.
1860. You did not remonstrate with him on the idea of giving false evidence for Mr. Jones? I thought very little of him.
1861. You said nothing about it? I did not waste my time.
1862. You let him go away to give false evidence for Mr. Jones? I did not know what evidence he was to give. He was waiting about the office of Mr. Jones' solicitor. He was just at the corner.
1863. What solicitor do you mean? Mr. Davidson.
1864. Who is this person who has gone shearing? George H. Burrows.
1865. Did you know who he was? Yes.
1866. How long have you known him about the town? Since his infancy.
1867. Was he a friend of Quinlan? I do not know whether he is a friend of Quinlan, but he is a native of Mudgee.
1868. Was Quinlan sober when he said this to you? He appeared sober.
1869. When did you tell Mr. Richards of this? I told some of them at the time. It was common talk about Mudgee.
1870. It was common talk that Quinlan was giving information to Mr. Jones? Yes; Mr. Jones, I believe, had a meeting and explained to a lot of people there what he could prove, and what he could not prove.
1871. It was common talk that Quinlan had given information to Mr. Jones? It was.
1872. Not common talk that Quinlan had sold his information to Mr. Jones? I do not know. People seemed to know about it.
1873. That he had given information? He used to be one minute at one place, and at another time he would go down the street with Jones, or be at Jones' office.
1874. *Mr. Crick.*] Does he do any work? No; he has not done work for a long time.
1875. *Mr. Rolin.*] How long has he been in Mudgee? I think since about just after the waterworks started—several months. I think he did no work.
1876. Is he a sort of pub. loafer? Yes; he is a beer-chewer.
1877. *Mr. O'Sullivan.*] Do you know an elector named Samuel Horsley, of Hargreaves? Yes.
1878. Did he ever come to you to pawn a watch? He came to see me. He did not pawn—he sold me a watch; but that occurred six months prior to the election. It was before the election was thought of.
1879. *Mr. Whiddon.*] Do you know Mr. Dean, the coachbuilder? Yes.
1880. Did you have any conversation with him on polling-day? I do not remember seeing him. I may have seen him. I did not speak to him.
1881. You did not tell him to go down with Burns to the Court-house? No.
1882. *Mr. Cann.*] You were actually Mr. Richards' secretary? You may call me the secretary.
1883. You were the actual secretary? I went round with him during the election.
1884. Although other names appeared in the advertisement, you were the secretary? I was.
1885. Did you meet Quinlan the day after the election? Yes; I saw Quinlan. I used to see him after the election nearly every day.
1886. Did you settle up for Mr. Richards;—did you pay any expenses in connection with the election-eering, having acted as his secretary? I have a list of the expenses, but I paid them myself. I never charged anything to anybody.
1887. He did not pay through you? I paid out of my own pocket.
1888. Mr. Richards did not know anything about it? He did not know anything about it.
1889. What did you give Quinlan 3s. or 4s. for the day after the election? I never gave him 3s. or 4s. After the election, he said he had my name and Mr. Jones' name down for a raffle for a horse. He had a little black book with him. I said, "I never went in for a raffle for your horse." He said, "When I spoke to you, you said you would go in for it." I said, "I did not." He raffled the horse, and he won the horse himself. Mr. Burns has the horse. Rather than have any humbug about it, I gave him 2s.
1890. *Chairman.*] For a ticket? No; he had my name, Mr. Jones' name, and a lot of other people's names down in a book for a raffle.
1891. *Mr. Cann.*] If he got 2s. from you it had nothing whatever to do with the election? No; it was for the raffle, and it was only 2s.
1892. If he said that you gave him 2s. for beer or anything like that in reference to the election, that was false? That was false; but I do not think he said that. I think he said that it was after the election that I gave him the money.
1893. *Mr. Ellis.*] Do you know John Williams, John Garrett, and Joseph Godfrey? There is a man named Godfrey on the roll. I cannot find the other two names on the roll. 1894.

- H. E. A. Welle.
5 Oct., 1898.
1894. Did you search the roll? I did.
1895. And having searched the roll, do you say that you cannot find the names of John Williams or John Garrett mentioned there? Yes.
1896. In regard to the statement, which you say Quinlan made, did you repeat that publicly in Mudgee? Yes.
1897. You told it to different people? I did.
1898. *Mr. Rolin.*] Do you say that there is no John Williams on the roll? Not the party who is mentioned. There is a John Williams, living at Canadian.
1899. How do you know that that is not the John Williams on the roll? Because the John Williams whose name is on the roll was not allowed to vote.
1900. *Mr. Ellis.*] You know the John Williams whom Burns referred to? I do not know such a man.
1901. Do you know John Garrett? I did not notice his name on the roll; I do not know such a person.
1902. How do you know what John Garrett Burns referred to? He said a voter on the roll, but there is no such man on the roll. There is Patrick Garrety on the roll.

THURSDAY, 6 OCTOBER, 1898.

Present:—

Mr. Whiddon,
Dr. Ross,
Mr. Ashton,

Mr. Cann,
Mr. Mahony,
Mr. O'Sullivan,

Mr. Neild.

F. B. Suttor, Esq., in the Chair.

Mr. Rolin appeared on behalf of Mr. Jones, in support of the Petition.
Mr. Ellis (Ellis and Button) appeared on behalf of Mr. Richards.

Joseph Godfrey sworn and examined:—

- J. Godfrey.
6 Oct., 1898.
1903. *Mr. Ellis.*] Where do you live? I lived in Mudgee until Saturday.
1904. Where were you working? On the waterworks.
1905. How long have you been working there? I started working there on the 17th June, and left last Saturday morning.
1906. Do you know a man named John Williams, or a man named John Garrett, in Mudgee? No.
1907. You have never heard of them? No.
1908. Do you know a man named James Burns? Yes; well.
1909. You lived with him? I boarded with him.
1910. When did you leave his place? I left it when he left. I went back to another boarding-house when he left there.
1911. You boarded with Burns until very recently? Yes, until he left on Saturday week.
1912. If Burns swears that you were in his company, with John Quinlan, John Williams, and John Garrett, on polling-day, and that you had a drink together, is that true or false? It is false.
1913. You say it is not true? No, it is not. I never had a drink with any of them on that day—not at their expense.
1914. I think you said that you know no such man as John Williams or John Garrett? Not to my knowledge. I know pretty well all there, because I had the pleasure of seeing them for three months.
1915. Did you ever hear Burns mention John Williams or John Garrett? No; I never heard him mention the names at all.
1916. Did Burns shout a drink for you on the day of the election? No; on the contrary, I shouted for him.
1917. Anyone else? Yes; I shouted for him and Quinlan. I would not be positive, but I think that Riley was with us. I did not know that my name was mentioned till I was told about it, and saw it stated in the paper.
1918. You say that your name was mentioned in connection with this inquiry as being one of those who participated in drink from the half-crown which Burns said he received? Yes; I never got it.
1919. You read the evidence to that effect in the paper? Yes.
1920. Was it in consequence of that you came here? Yes; I came here on account of that. I was down in Sydney. I left the situation on Saturday, and I thought I might as well call in and clear it.
1921. Were you taxed with it at Mudgee? Yes; I was told about it on the works.
1922. What were they taxing you with? They asked me what sort of a man I was if I would vote for a drink, and I contradicted it. I said I did not.
1923. You were taxed with having sold your vote for a drink, and you contradicted it? I did.
1924. As a matter of fact, did you ever hear of these men, John Williams and John Garrett, in Mudgee before? No; and I was up there for upwards of three years.
1925. Would it be possible for you to be in company with Burns, Quinlan, and two other men whom you did not know? No; I would have known their names, because there would be bound to have been an introduction.
1926. You are certain that you were not in company with two men whose names you did not know? Yes.
1927. So that there is really no truth in the statement that you were in the company of John Williams and John Garrett and had a drink with them? No.
1928. I suppose you were knocking about on the day of the election? Yes.
1929. Did you see Mr. Cohen or any other person give money to Quinlan or Burns? I did not. I saw no money change hands.
1930. Did Quinlan or Burns ever tell you that they received money from Mr. Cohen or anyone else? No.
1931. Did they ever mention anything about receiving half-a-crown? No; I was with Burns until he went home. I went home with him, and he never mentioned it. 1932.

J. Godfrey.
6 Oct., 1888.

1932. You were with him pretty well all day? Yes; I came down just after breakfast and went back to the camp just before tea.

1933. Did you see Burns spend half-a-crown that day in drinks? No; because I shouted myself for him several times that day. I shouted for him, and then he got a shilling off me to shout for me and himself; and while we were going down to Daly's, he met somebody else, and got in with him, and made this other fellow shout for the three, and saved the shilling.

1934. *Mr. Ashton.*] Did he give you the shilling back? No; I would have been glad of it.

1935. *Mr. Ellis.*] Since the day of the election, and prior to this inquiry, did you see Mr. Jones driving anyone in a sulky? Yes.

1936. Who was it? Quinlan and Burns. It was on the evening before they came down here to this inquiry.

1937. Where were you? I was at Burns' house. I was washing myself when Mr. Jones drove up to the place.

1938. Did Burns say anything to you in reference to his coming down here? Yes.

1939. Was Mr. Jones present? He was not exactly present, but he was about as far from me as I am now from the corner of this room.

1940. Could he have heard, do you think, what Burns said? He could have heard had he wished to hear it.

1941. Will you tell us what Burns said to you? When he came in, Burns asked me did I think he was doing right in coming down here? I said, "You are old enough to know yourself." Another thing he said to his wife —

1942. Did Mrs. Burns say anything? Yes; she got on to him about coming down here. She wanted him to have nothing to do with an inquiry, and she was crying. The remark he made to her was that he was going to get £10 out of it and a suit of clothes when he landed in Sydney.

1943. *Mr. Ashton.*] This was said on the occasion when Mr. Jones drove up with him? Yes; Mr. Jones was in the sulky 10 or 15 yards off.

1944. *Mr. Ellis.*] Do you know where Mr. Burns is? Yes; he is on his road, I think, to Picton.

1945. Has he left Mudgee? Yes; and he is somewhere about the Mountains now.

1946. Has Quinlan left Mudgee? Yes; he has gone to Moree.

1947. I want you to make it clear to the Committee why you came here;—you were not subpoenaed? No.

1948. You are quite clear that you offered to give this evidence solely on account of reading in the paper a statement that you sold your vote? That is the only reason.

1949. You have got nothing for coming here? No, nor yet a promise of anything, because I am going away.

1950. You are on your road to another job? Yes; I am on the road to the waterworks at Picton.

1951. *Mr. Neild.*] You have stopped on your way to Picton to give this evidence? That is all. I was going to Newcastle and then back up to Picton again. I have altered my mind, and I shall go straight back to Picton.

1952. *Mr. Rolin.*] When did you first give any information about what you know to Mr. Richards? I was told about my name being dragged up.

1953. Never mind about that—how long ago is it? It is a little over a week.

1954. Where was it—on the waterworks? It was on the job, but a few hundred yards on the Mudgee side of the works.

1955. Was Burns on the job at that time? No; he was in Sydney on this inquiry.

1956. Who was it that you gave the information to—was it Mr. Richards? No.

1957. Who was it? It was Mr. Wells.

1958. Did he come out to get the information? No; he came out there on business.

1959. You went up and volunteered this information to him? No; he inquired of me where Burns was, and that is how it came out about my name being mentioned in the paper.

1960. Did you know Mr. Wells before this? I knew him by sight.

1961. Did you see him on the day of the election at all? Yes; he was at the Court-house.

1962. Did you know which side he was on? The outside.

1963. Do you know on whose side he was in the election? It is very hard to know that.

1964. Which side were you on? I decline to say whom I voted for.

1965. I am not asking whom you voted for; I am asking whose side you were on? I was outside, and for a while I was inside; I went inside to vote.

1966. You will not tell us which side you were supporting;—were you supporting anybody? Yes.

1967. You will not say who it was? No.

1968. I suppose it must have been Mr. Jones? Very likely.

1969. At what time did you leave Mudgee with Burns on polling-day? I could not swear as to that; it was early when we got home, at any rate—about a little after 7 o'clock.

1970. How long did you take to get home? Perhaps an hour.

1971. Did you have any drinks on that day? No doubt.

1972. You had a few, I suppose? Yes.

1973. Will you undertake to say that Burns never shouted for you on that day? No, he did not.

1974. Can you say whom you had drink with besides Burns? I had a drink with a lot.

1975. With anybody called Williams or Garrett? No.

1976. You are quite sure about that? Quite certain.

1977. Do you remember every drink you had in the day? Not all, I think. I might have one or two that I would not recollect.

1978. You know Mr. Richards, I suppose, by sight? Yes.

1979. Do you know him to talk to? No, not very well.

1980. Are you a protectionist? I am. You have got it now.

1981. A federalist too, I suppose? —

1982. I suppose you voted according to your colours, then? I voted for my principles; I did not vote for beer.

1983. You are a protectionist;—have you seen Burns lately? I have not seen him since he went away.

1984. Had he come back from Sydney before you came away? Yes; he was employed for two days. They were there on a Sunday, but I do not know what date.

1985.

- J. Godfrey.
6 Oct., 1898.
1985. Who was there on a Sunday? Mr. Richards and Mr. Wells—they drove up to see the works.
1986. Is that since the evidence was given in Sydney? I think it is.
1987. Was Burns at that time on the works? No.
1988. Where was he? In Sydney.
1989. How long ago is that—last Sunday week? I will not be positive, but I think it was Sunday week.
1990. Was there any difficulty in your telling Mr. Richards where Burns had gone to? I told him where he went to.
1991. You told him that he had gone to Picton waterworks, or that he was on his way there? Yes.
1992. Do you say that Mr. Jones could hear Burns telling his wife that he was going to get £10 and a suit of clothes when he landed in Sydney? He said that in my presence.
1993. There is no doubt about that? No.
1994. When did you tell that to Mr. Richards, or any of his party? I only told him that to-day.
1995. Where was Burns when he said this to his wife? He was in the doorway of his tent.
1996. How far off was Mr. Jones? About 10 or 15 yards.
1997. How far off were you? I was with them.
1998. How close to them? As close to them as I am to the gentleman sitting next to me here.
1999. Do you think he said it so loudly that Mr. Jones could hear it? Of course he did; he was speaking quite loudly.
2000. He made no concealment of it at all? No; he did not try to conceal it.
2001. How did you come down—by train? By train.
2002. Who paid your fare? Myself.
2003. Did you see Mr. Wells before that? No; only on the Sunday.
2004. Did he say anything to you about coming here? No.
2005. Nothing at all? He did not know I was coming here; he did not know I was here till last night, when I saw him in town.
2006. Did you meet him by accident? Quite accidentally.
2007. Where did you meet him in town accidentally? At the corner of Market-street and Castlereagh-street, as he was going to the theatre.
2008. What were you doing? I was standing at the corner.
2009. How long did you have a chat with him there? Only for a few minutes.
2010. How did you come to come up here;—did he tell you to come? I told him that I would come up in the morning.
2011. You are on your way to Picton? Yes.
2012. Are you a married man? No.
2013. Putting in a few days in town, I suppose? Yes.
2014. Before going on to the other work? Yes.
2015. *Mr. Ellis.*] You said that your reason for coming down here was because of reading a statement in the newspaper? Yes.
2016. As a matter of fact, you did not make any real statement of facts till you saw me? No.
2017. The first statement you made was what I took down? Yes.
2018. The only other statement you made was what you said to Wells? Yes.
2019. If Burns said that there were five men together; that they got half-a-crown from Mr. Cohen; and that he and the other four—namely, you, Williams, Garrett, and Quinlan—had a drink together, is that true? No; I had no drink with his half-crown, or anyone else's half-crown. I had a drink the previous night, though, for nothing.
2020. When Mr. Wells went out to the works do you know what business he was on;—did he ask you anything? He only asked me a question concerning a tank.
2021. Had a tank been sold to Burns? Yes.
2022. A tank had been sold to Burns by Wells, and had not been paid for, and that was the object of his business out there? Yes; to the best of my belief.
2023. Did you tell Mr. Wells where the tank was? Yes; I told him where he could find it.
2024. *Mr. O'Sullivan.*] On election day did you see Mr. Richards or Mr. Laurence Cohen, or Mr. George Cohen, or anybody else, give Burns any money? No; I never saw them give anyone any money.
2025. Did they give you any money? No.
2026. Are you quite positive in your statement about this remark made by Burns that he was going to receive £10 and a suit of clothes when he came to Sydney? Yes; I am quite positive.
2027. Was there anyone else present besides Mrs. Burns and yourself? Only Burns, his wife, and myself, and Mr. Jones was outside. Of course, there were the children there.
2028. Do you think Mr. Jones could have heard what Burns said? He could have heard what was said.
2029. Is there any particular reason, beyond that of looking for work, why Burns and Jones should have left Mudgee? I could not tell you that.
2030. Was the work at Mudgee finished? No; the wall will not be completed till eight or nine weeks, perhaps longer.
2031. Were they in full employment there? Quinlan has not been in employment there since June.
2032. But Burns was in employment? He was in employment till he came here. He went back, and got on the pipe contract. He was on the concrete-wall before.
2033. What was the reason why he should throw up permanent work at Mudgee to go and seek for work at Picton? That I could not tell you. He never told me that much.
2034. Have you any knowledge as to why Quinlan should clear away to Moree? I have no knowledge at all.
2035. Was he in work at Mudgee? He was until the 17th June. To the best of my belief he has not done a day's work since he left that job. He was put off on the 17th June, and I got his place.
2036. Did he return to Mudgee after giving evidence here? Yes; and he left a couple of days after.
2037. *Mr. Neild.*] Burns had a horse and cart? He had no horse and cart of his own. He had a horse, saddle, and bridle.
2038. Did he take these away with him? Yes; he took them away. He went as far as Picton. When he was in Sydney he sent up word to his wife to get his mother-in-law to send up a trap to shift them as far as Rylstone. A horse and dray came that far; but how they went from Rylstone I cannot say.

2039. Quinlan had a horse and dray, did he not? He had a horse and cart.
2040. Did he take them with him? Yes.
2041. *Mr. Ashton.*] You say that Burns had permanent work on the waterworks at Mudgee? Yes.
2042. And you do not know why he left there to go to Picton? I do not know his reasons at all.
2043. You say that Quinlan was not working constantly up there? No; he never did any work on the Government works since the 17th June.
2044. Could he have got work there if he had liked? He could by apologising, I believe, for what he said.
2045. You say that because Burns had constant work there you cannot understand why he gave it up and went to Picton? No.
2046. Had you constant work there? Yes.
2047. Why did you give it up to go to Picton? Because on Saturday I was put on to different work, and it did not suit me.
2048. Might that not possibly apply to Burns' case? It might.
2049. When Mr. Wells was out at the waterworks, did you deny this statement made by Burns in his evidence? I denied the statement about my having that drink.
2050. Did he not say to you that he would be very glad if you would go and deny it before this Committee? No; he never mentioned it.
2051. He did not broach the subject in any shape or form? No; nor yet the other side.
2052. When you came down here, you intended to go to Newcastle before going to Picton, but you altered your mind, and decided to go to Picton instead? Yes.
2053. You met Mr. Wells in the street last night? Yes.
2054. When did you intend to go to Picton? I was not particular for a week.
2055. You met him accidentally? Quite accidentally.
2056. Did he tell you that this inquiry was still going on? Yes.
2057. Did you know that it was till he told you? Yes; I knew it, for I can read.
2058. If you had not met Mr. Wells, had you intended to come here? Well, I intended to come if I could have got in here. I did not know about how to come here.
2059. So you inquired from him? Yes.
2060. On the day of the election, you were with a number of men drinking? Yes.
2061. Were Quinlan and Burns among the number? Yes.
2062. Did you see Mr. Cohen or Mr. Richards on that day? I do not recollect seeing Mr. Richards on that day, but I saw Mr. Cohen.
2063. Where was he? He was in Market-street.
2064. Burns did not tell you at all about having got any money from him? He never mentioned it.
2065. He did not say anything to you about having got any money from any candidate on that day? No.
2066. Or at any time? No; we had a drink the night before with one of Mr. Jones' committeemen.
2067. Did Burns shout for you? No; the committeeman did. To the best of my belief, he was a committeeman.
2068. Burns did not tell you about having got any money from any candidate? He never mentioned it.
2069. What was the name of the committeeman who shouted for you? Mr. Saunders, the tailor.
2070. Did he say anything to you about whom you should vote for? It was not mentioned. We were in the committee-room, and of course Burns was telling Mr. Jones about a good turn he had done for him at one time, and then another man (Riley) was shouting that Mr. Jones would get his seat for that election. And after the meeting was over, Mr. Saunders took me, Quinlan, Riley, and Burns over.
2071. What were you doing in the committee meeting? Having a look round.
2072. Not with the intention of voting for a principle other than that in which you believed? Not on that night.
2073. Of course you know that Mr. Jones was not a candidate espousing the same principles as you believed in? Did I say so?
2074. You know that Mr. Jones is a freetrader? I know that.
2075. You say that you supported the principle of protection, which you believe in? Yes.
2076. But you had no objection to go to a freetraders' committee meeting? Not at all. I like to hear both sides of anything.
2077. But you are perfectly clear that Burns did not tell you about having got any money from any candidate? He never told me at all.
2078. Nor did you see him in company with either Mr. Cohen or Mr. Richards on the day of the election? I never saw him with them.
2079. *Chairman.*] On the day of the election, did either Burns or Quinlan attempt to induce you to vote in a particular direction? No; they did not try.
2080. They never brought any influence to bear on you at all? No.
2081. Or tried to persuade you? No.
2082. *Mr. Cann.*] Did you go and have a drink with Burns before you voted on the day of election? We may have had a dozen before we voted.
2083. At what time in the day did you vote? I could not tell the time exactly, but it was in the forenoon. It was a big day on the day of election.
2084. *Mr. Mahony.*] Do I understand you to say that you did all the shouting;—did Burns shout for you? No.
2085. Who did shout for you while with Burns? There were several other chaps who were there.
2086. Give us the name of one who shouted for you? Am I supposed to answer that question?
2087. Can you not recollect the name of one? I met a lot that day. I had two or three drinks with a couple of chaps named Page.
2088. Was Burns with you then? Yes; he was with me on one occasion.
2089. Was Quinlan with you? I could not say whether he was there.
2090. Was John Williams with you;—did you know John Williams? No; but I know a Frank Williams.
2091. Was Frank Williams there? No.
2092. *Mr. Ashton.*] Did Burns tell you during the day whom he was going to vote for? He gave me to understand that before the day came off.

- J. Godfrey.
6 Oct., 1893.
2093. Did he try to get you to vote for Mr. Jones? He did not try; but he told me that he was going to vote for Mr. Jones. I told him to please himself.
2094. Did you try to get him to vote for Mr. Richards? No. I let every man vote for his own principle. I let him please himself which way he wants to vote.
2095. *Mr. Cann.*] When Wells met you at the works, and asked you where Burns had gone to, what was the next thing he asked you about? He asked me about the tank. He inquired of me where it was, and I told him it was at a house about 120 or 150 yards away.
2096. What was the first thing he said to you about the evidence which had been given here—about your action on the day of the election? He told me that my name had been mentioned.
2097. In connection with what? The drink.
2098. Did he tell you that it had been stated here that you had sold your vote for one drink? Yes; I contradicted the statement, as I do now.
2099. Did he say anything more about the Committee? No.
2100. He did not ask you then to come here and give evidence? He never spoke to me about it at all. He left me, and went to where the tank was.
2101. Never mentioned anything about what sort of evidence you could give? No.
2102. He did not shout for you then? No; I have to do the shouting myself when I want a drink.
2103. *Mr. O'Sullivan.*] On election day did Burns show any indication of going to vote for Mr. Richards or Mr. Jones? Well, he gave me to understand he was going to vote for Mr. Jones.
2104. If Burns has sworn here that he said he was going to vote for Mr. Richards on that day when he got the half-crown he refers to, and that you were present at the time, is that true or false? It is false, as far as the half-crown is concerned, because I never saw any half-crown, or any other money, change hands.
2105. Did you hear Burns state that he was going to vote for Mr. Richards? No; because he was always a supporter of Mr. Jones.
2106. *Mr. Cann.*] Did he ask you to vote for Mr. Richards? No.
2107. *Mr. O'Sullivan.*] You say you lent him a shilling to have a drink with him? To shout for me.
2108. And that somebody else came along and shouted for the three of you, and that the shilling was not spent? Yes.
2109. Is this man in the habit of playing tricks like that? It is an old game of his.
2110. *Mr. Cann.*] Does Burns owe you any money? He might. I gave him some, but whether he considers he owes it to me now I do not know.
2111. Have you had any difference lately? No; I parted with him on good terms at Mudgee.
2112. There is no feud between you? No; I am as friendly with Burns as I am with any other man.

Laurence Cohen sworn and examined:—

- L. Cohen.
6 Oct., 1893.
2113. *Mr. Ellis.*] You live at Mudgee? Yes.
2114. You have a large boot factory there? I have a boot factory and a tannery.
2115. You employ a good number of hands, so that it is difficult for you to get away? Yes. I am a part proprietor.
2116. Do you know a man named James Burns? Yes.
2117. He was living at Mudgee? Yes.
2118. Did you ever pay a £1 fine for Burns at the Police Court? Yes.
2119. He was fined something, and you paid the fine? Yes; two and a half or three years ago.
2120. In addition to paying that fine, did you ever make yourself answerable to anyone for Burns' debts? At various times.
2121. Up to what amount? About £5.
2122. What time does this extend back from the date of the election? I think it is about three years.
2123. During the past three years at different times you have made yourself answerable for goods sold to Burns? Yes.
2124. Did you ever lend him any money before the day of the election? Yes.
2125. Several times? Yes.
2126. Large sums or small sums? Oh, small sums—shillings.
2127. He is an old employee of yours, isn't he? He worked for the man who had the contract for building our tannery.
2128. So that practically he worked for you? He worked for the contractor.
2129. He worked at the waterworks recently? I believe he did.
2130. I suppose you did a great deal of business with the men at the waterworks? Yes; I sold a lot of boots to them.
2131. Did you see Burns on the day of the election? Yes.
2132. I believe you were in Market-street, near Sherry and Miltorpe's, in a sulky talking to your son and Mr. Ryan? Near that, but further up the street.
2133. Well, opposite the Commercial Bank you were in a sulky talking to your son and Mr. Ryan? Yes.
2134. Did Burns come up to you? Yes.
2135. What did he say? He asked me to lend him half-a-crown. I said, "All right."
2136. Did you lend it to him then? I did not lend it to him for a few minutes. I was talking to Mr. Ryan and my son on business. He seemed a bit irritable, and said, "If you are going to lend me the half-crown, do so," and I lent it to him.
2137. Did you lend anyone else money on that day? Yes.
2138. Who? I lent a man named Moran 1s. 6d.
2139. I suppose he is a business man in Mudgee? Yes; I do business with him, and he does business with me.
2140. Did Mr. Richards ask you to advance that half-crown, or give that half-crown, or any money or goods or drink to Burns? No, nor to anybody else.
2141. It was purely a private loan by yourself to Burns? Yes.
2142. In consequence, I suppose, of having some business relations with him? Yes.

2143. It was no uncommon thing for you to lend him a shilling or two? No; I had lent him as much as 4s. or 5s. previously—both him and his brother—and I always got it back till this time.
2144. Did his brother work for you too? He worked for me in connection with digging out this tannery.
2145. Did Burns always pay you back? Yes.
2146. When you lent him the half-crown did you see Mr. Richards about? No; I did not see Mr. Richards for a while.
2147. You saw him earlier in the morning? I did not see him for half an hour previous to that.
2148. He was not about when you lent him this money? I cannot say whether he was about, but I did not see him then.
2149. Will you be good enough to listen to what Mr. Burns said before this Committee:—
7. *Mr. Rolin.*] I want you to tell me what took place between him and you? I was working up at the waterworks, 2½ miles from Mudgee, and I came down to Mudgee to vote. I was standing in front of a public-house with some more men, and I saw Mr. Richards over in the street, and I went over to him. I asked him for half-a-crown. He said to me, "What for?" I told him that there were some more men, and that they had no money, but that if I had half-a-crown to get drinks for them they would vote the way I would vote.
8. Did you say what way they would vote? I said they would vote for Richards.
9. *Mr. Crick.*] These men said that they would vote for Richards? They were going to vote for Jones; but if I got the drinks for them they would vote for Richards.
10. That is what you told him? Yes.
11. *Mr. Rolin.*] Upon that, what did Richards do? He said, "All right," and he went to Laurence Cohen, who was in a buggy there, and told Cohen to give me half-a-crown. He was in a buggy a few yards away.
12. Then what did Cohen do? Cohen gave me half-a-crown.
13. Then, I suppose, you went and had a drink? We had a drink.
14. *Mr. Ashton.*] How many men were there with you? There were five of us.
15. *Mr. Crick.*] Five altogether? Yes.
16. What are the names of the other men? John Quinlan—
17. Where is he now? I think he is down here.
18. Who were the others? John Williams—
19. Where is he? I cannot tell you where he is.
20. Who else? John Garrett—
21. Who else? Myself and Joseph Godfrey.
22. *Mr. Ashton.*] When you asked Richards for half-a-crown, telling him that the men would vote for him if they got a drink, did he say anything else but "All right"? He said just "All right," and told Cohen to give it to me.
23. *Mr. Whiddon.*] Did Cohen say anything when he gave you the half-a-crown? Nothing.
- Is that true? What is wrong altogether. I did not see Mr. Richards at the time, and Burns never mentioned Mr. Richards' name—never said anything about voting at all.
2150. Was anything said about drink? Nor of drink either.
2151. He did not tell you what he wanted it for? He asked me to lend him half-a-crown.
2152. You are positive that nothing was said to influence his vote by giving him a drink? Quite positive.
2153. *Mr. Mahony.*] Did Mr. Richards come to you and say, "Give this man, Burns, half-a-crown"? No; I did not see Mr. Richards for half an hour before, and perhaps an hour after.
2154. *Mr. Ellis.*] As a matter of fact, did you, under instructions from Mr. Richards or anyone else, lend any money for the purpose of shouting or doing anything of that sort? No.
2155. The only two amounts you paid away that day were 1s. 6d. to the tailor and the half-crown to Burns? That is the only money I lent.
2156. If it had not been election day, and he had come to you, would you have felt inclined to lend him half-a-crown? I would have lent it to him sooner on another day, because he was slightly under the influence of drink, and that is why I did not lend it to him first.
2157. *Mr. Cann.*] Was Burns alone when you lent him this half-crown? Burns was alone, and there were two persons talking to me at the sulky.
2158. No one else came up to the sulky? There were plenty of people all around. It occurred in the street opposite the Commercial Bank. I suppose I was a little closer to the other side of the street than I was to the middle of the road.
2159. No one came with Burns up to you? I did not notice anyone with Burns.
2160. *Chairman.*] You did not see him leave a party to come to you? No.
2161. *Mr. Ashton.*] Did you notice Quinlan in the vicinity? No.
2162. Did you notice a man named Godfrey in the vicinity? I do not know Godfrey. I never saw him to my knowledge until to-day.
2163. *Mr. Mahony.*] Or a man called Williams? No.
2164. *Mr. Cann.*] Did you lend Quinlan anything through the day? No.
2165. Did you give him anything? No.
2166. If he says that you gave him a shilling, it is false? Quite false.
2167. *Mr. Ashton.*] Did you give him any money before election day? Neither before nor after. He is a man I never did any business with, and therefore I did not lend him money.
2168. How long is it since Burns was working on the contract for the building of your tannery? I think it is about three years.
2169. And since then you have had no connection with him at all;—he has not been working for you in the meantime? He has not worked for me since then.
2170. Is he a man of good character? He is a very quarrelsome man, and he drinks; but otherwise, I think he is on an average with working-men.
2171. He is a man you had no hesitation in lending money to? I would not lend him very much, and the reason why I was answerable for him was because he was working for me.
2172. I am talking about recent loans? I have lent him a few shillings since, and he has always paid me.
2173. How long ago is that? It is within the twelve months. I cannot say exactly how long ago.
2174. You had no hesitation about making him small loans? No; I had no hesitation about trusting him for a pair of boots.
2175. *Chairman.*] You sell boots retail? Yes.
2176. He used to buy boots from you? He has bought boots from me, but lately a store has been opened at the waterworks, and I supply the store. So as not to injure the storekeeper, I do not sell boots to the men engaged on the waterworks.
2177. *Mr. Mahony.*] What was your position in the recent election;—were you a secretary? I was secretary to the Protection League.

- L. Cohen. 2178. You are a member of Mr. Richards' committee? Yes; I am a member of the committee that chose Mr. Richards to run in the contest.
- 6 Oct., 1898. 2179. During the progress of the campaign, I presume you attended committee meetings of the candidate in the ordinary way? Yes; but Mr. Richards had no meetings, or very few of them.
2180. But he had some? Well; the Protection League had committee meetings, and he was a member of the League. He was there as a committeeman of the League.
2181. He was the candidate who was selected by this League? Yes.
2182. Did Mr. Richards attend the committee meetings of this league? He did not attend the committee meetings, I suppose, for a month or six weeks previous to the election; but he had.
2183. I am talking about the committee meetings which were held while the election was in progress? I think he attended one or two meetings before polling-day.
2184. But these committee meetings of the League were the only committee meetings that were held in his interest? All that I know of.
2185. And Mr. Richards did attend one or two of them? Yes.
2186. As the secretary to the Protection League, and a member of that body, I suppose you naturally did what you could to further the interests of Mr. Richards during the progress of the campaign? Yes.
2187. I suppose you are aware that this man, Burns, who has been referred to as a man respectable enough for you to lend money to, was doing what he could for Mr. Richards? I thought he was; I did not know. I could not say that he was. I only saw the man twice from the time Mr. Richards was chosen by the Protection League until the polling-day.
2188. Your idea was, and, as far as you know, he was a Richards man, and was doing what he could in his little way? I thought he was a protectionist.
2189. You said a little while ago that these small sums of 2s. 6d. and 1s. 6d. were not the only sums you paid away, or did I mistake what you said? I do not recollect paying any more.
2190. These were the only sums you paid away that day? In connection with the election, unless I paid —
2191. Do you reckon that Burns' half-crown was paid away in connection with the election? It was on that day.
2192. Will you undertake to say that it was in connection with the election? I will positively swear that the election was never mentioned. I did not know but what he was as good a Richards man as myself.
2193. *Mr. Ashton.*] Why did you use the phrase "in connection with the election"? You asked me if I spent any money that day.
2194. You said that they were the only sums paid away in connection with the election;—what did you mean? Well, I was out that day.
2195. Do you mean that all the moneys you spent that day were spent in connection with the election? I spent none, as far as spending goes.
2196. Do you mean that the two sums you mentioned were spent in connection with the election? If there had been no election that day, I would have lent them just the same.
2197. When Mr. Mahony asked you if they were all the moneys you spent that day, you said, "in connection with the election";—what do you mean by that phrase? Well, both these men I had lent money to; if it had not been election day, they would have got the money just the same.
2198. Why did you use that phrase? Because there are moneys being spent at the tannery and the factory. The tannery has to buy hides, and there might be £30, £10, or £5 spent.
2199. There were a dozen ways in which you could have spent money in connection with the tannery besides in connection with the election? I did not spend any money at all, only those two items.
2200. *Mr. Rolin.*] Were they spent in connection with the election? They were not in connection with the election.
2201. Why did you say just now that they were the only moneys you spent in connection with the election? I was trying to explain.
2202. You were trying to distinguish? Yes.
2203. *Mr. Mahony.*] Am I right in supposing that Moran, the tailor, is a supporter of Mr. Richards? I think so.
2204. As far as you know, he is? As far as I know, he is.
2205. Did he belong to the Protection League? I do not know that he did.
2206. As far as you know he was a Richards man? Yes.
2207. When he asked you for 1s. 6d., did he tell you what it was for? No.
2208. Did he simply come up to you and say, "Please give me 1s. 6d."? He is a business man, and he asked me to lend him 1s. 6d., and I did.
2209. Had you lent him sums on previous occasions? Yes, often.
2210. Did you see Burns after you gave him that half-crown that day? Yes.
2211. When did you see him next after that? The next time I can recollect seeing him after that was down near the Court-house.
2212. Was it a polling-place? One of them.
2213. Did you have any conversation with him then? No.
2214. Do you know where he is now? No.
2215. Have you seen him at any time between polling-day and to-day? I do not know that I have.
2216. When you used to lend these various sums to Burns on previous occasions during the last three years, I suppose, like every business man, you used to enter them up in a book? No.
2217. Did you not keep any record of them? It was not an item you would book. For instance, I was answerable to a storekeeper for him in Mudgee for £4 or £5. That was my own private affair; it had nothing to do with the firm.
2218. And he faithfully discharged that obligation? I looked out that he did.
2219. Did you not keep any record of it somewhere? The storekeeper kept the record.
2220. When you gave him £1 for something, did you not put that down somewhere? It was something under £1 he was fined at the Court-house, and I advanced him the money to pay it.
2221. I suppose your opinion was that he would pay you back faithfully? My opinion was that he would pay me the first time he got paid.
2222. *Mr. Whiddon.*] And he did? Yes.
2223. *Mr. O'Sullivan.*] You say you are secretary to the Protection League? Yes. 2224.

2224. Was that body a very old one? It has been an old body in Mudgee, but it has been reorganised this year.
2225. Was it a Protection League when Mr. Richards was a freetrader supporting Mr. Jones? Yes; it had been a Protection League, but it has been reorganised this year.
2226. That Protection League, I understand from what has been said here, selected Mr. Richards, owing to his conversion, as their protectionist candidate;—we understand that it was the Protectionist League first which chose Mr. Richards as a candidate for the Mudgee district? Yes; it was the Protection League first.
2227. After that there came along the federal movement, and Mr. Richards was selected as the federal candidate, as well as the protectionist candidate? ———
2228. You were Secretary to the Protection League at the time? Not at the time Richards was chosen. I was secretary after he was chosen. Mr. Garling was secretary first, and through his inability to attend I was chosen.
2229. When Burns came to you for the money, did you understand that he was a protectionist, and was going to vote for Mr. Richards? Yes; I thought he was.
2230. Still you officiated as secretary to the Protection League? That is right. I did not think about whether he was a protectionist or freetrader, or whom he was going to vote for; but if I had been asked whom I thought he was going to vote for I should have said that he was going to vote for Richards.
2231. Did you lend that money to Burns with the object of causing him to give his vote in favour of Mr. Richards? Certainly not.
2232. I understood you to swear that you would have lent that money to him whether it was election day or not? Quite right.
2233. You said just now that you had lent small sums to several people, including Moran, who was a tailor? I think I distinctly said to only two people.
2234. You lent this money, I suppose, as an act of friendship? As an act of business as well as friendship, for they are customers.
2235. In order to retain their custom, you were in the habit of accommodating them with small loans? I have done so.
2236. *Mr. Ashton.*] It was purely a business matter, and not a matter in connection with the election? Quite right.
2237. *Mr. O'Sullivan.*] When you used the phrase "in connection with the election," did you mean that you were giving that money in connection with Mr. Richards' expenses, or the electioneering expenses in any shape or form? No. I was asked distinctly if I spent any more money that day, and I wanted not to make any mistake. I meant to say that I might have spent other moneys in connection with my business.
2238. Now you say that it was spent in connection with your business? These men were customers, and if it had not been election day I would have lent them the money just the same.
2239. *Mr. Whiddon.*] I gather from your evidence that you lent that money, as a matter of business, on election day, while you were near a crowd, who were congregated round a polling-booth;—did you lend the money as an act of business? Yes.
2240. If you had been going down there on any other day, whether there was a crowd there or not, and this man had come up and asked you for the money, would you have lent him the money? If Moran had asked me for the loan of a sovereign, I would have lent it to him; but if Burns had come up and asked me for anything over 5s., he would not have got it.
2241. Would you have lent him half-a-crown? Yes; I have done it previously, when there has been no election.
2242. *Mr. Robin.*] The fact is, that you were secretary to Mr. Richards' committee? I was secretary to the Protection League.
2243. Were you not advertised, with Mr. Marsh, as secretary to Mr. Richards' election committee? That is quite right; but, mind, I had not time at my disposal to be secretary, and all I did as secretary was to attend these meetings and take the minutes.
2244. And you were advertised as secretary? Yes; I told Mr. Wells that he was quite at liberty to put my name to the advertisement. He said, "If you have no name at the bottom, it does not look well"; and I told him he was quite at liberty to use my name.
2245. You were held out to the world at large as Mr. Richards' secretary? Yes.
2246. With your knowledge? Yes.
2247. You are a sort of general secretary of some fund in connection with this petition? Treasurer.
2248. On that particular day, being his secretary, you lent one or two electors money? I did.
2249. Burns is perfectly right in saying that he got half-a-crown from you, so far? Yes; but not given to him, because he never asked me to give it to him.
2250. When you lent money to him before, he had been working for you, and you stopped it out of his wages? I did not have the privilege of paying the money.
2251. I suppose you pretty well secured yourself with the contractor? No.
2252. Did you let him hand it over to Burns, and get it back from Burns? Yes.
2253. Burns was a pretty trustworthy man, was he? I knew when he was going to be paid, and I knew that he would pay the storekeeper; but when I lent him the money to pay the fine, I could not say when I would get it.
2254. How long before election day had he been working for the contractor under you? Between two and a half years and three years.
2255. Had you lent him any money from that time up to election day? Yes.
2256. What is the last time before election day you lent him money? It was at a football match last year.
2257. Whom was he working for then? I could not say. He was working for anyone he could get work from.
2258. You were next a polling-booth on election day when you lent him the half-crown? I was 100 yards from the town-hall.
2259. Was it between Acton's yard and the Commercial Bank where you lent him the money? I suppose it was 4 or 5 chains down the street from the town-hall.
2260. Did you lend anyone else money on that day? Moran.
2261. Anyone else? No.
2262. *Mr. Ashton.*] Is Moran in a big way of business? No; he has a tailor's shop. 2263.

L. Cohen.
6 Oct., 1898.

- L. Cohen. 2263. *Mr. Rolin.*] How often had you lent Moran money before that day? I could not say how often I have lent him money. I have him in my books now for goods sold.
- 6 Oct., 1898. 2264. He deals with you? He deals with me, and I deal with him occasionally.
2265. Do you know a butcher named Deal? Yes.
2266. Did you offer to pay a fine for him a few days before polling-day? No.
2267. Did you ever offer to pay a fine for him? Never.
2268. Nothing of the sort? He was fined, but I firmly believe it was after polling-day.
2269. Now was it not before polling-day, and did you not offer to pay his fine if he would vote for Mr. Richards? I did no such thing.
2270. What is your account of it? He got fined, and he was 7s. short. Cummings came and asked me if I would lend 7s. to him. I told him "Yes." I do not exactly remember now what the conversation was. He said, "Could not a subscription be collected," for they often collect money to pay a fine in Mudgee. I said to him, "If he was on the other side it would not be very long before it would be collected."
2271. Something was said about the election then? Yes.
2272. Do you say that you did not offer to pay him to come over to your side? I positively swear I did not.
2273. Do you know Quinlan, by the way? Yes.
2274. May not Quinlan have been close handy when you lent the money to Burns? He may have been, but I did not see him.
2275. Will you swear that there were not three or four men down near the polling-booth;—how many were there? I have said that there were a great many all over the street.
2276. There may have been a crowd including the three or four men mentioned where Burns came from when he came up to you to borrow this money? There may have been.
2277. How far away was Mr. Richards at the time? I could not say where he was.
2278. Will you swear that he was not there? I will swear that he was not anywhere close to me. There was a crowd of men, and he may have been in the crowd.
2279. What time of day was it—do you remember? It was before dinner-time.
2280. *Mr. Mahony.*] Was Mr. Deal working on Mr. Richards' committee? I do not think so.
2281. Did he belong to Mr. Jones' committee? There was a fight between some of the men about the election. I knew nothing about the fight. I happened to be at the Court-house—I think now it occurred before the election, because I was down at the Court-house for an electoral roll.
2282. This fight was over the coming election? I think it was.
2283. Whom was Deal fighting over or speaking about? He was swearing, and a policeman came up and took him to gaol. It was sworn in the Court that Richards' name and Jones' name were mentioned. Some were taking the part of one candidate and some that of the other.
2284. Whose part was Deal taking? I think he was taking Mr. Jones' part.
2285. Did you know that when you paid the fine? Yes.
2286. What was it you said to Cummings? I said, "I suppose if he was on the other side, it would be soon collected." Robinson is a very good hand at collecting, and that sort of thing.
2287. Which side was Robinson on? He was on Richards' side.
2288. Is this what you desire to convey—if Deal had been on your side it would have been soon collected for him? Yes.
2289. You say you had a conversation with Cummings; that you said you knew Deal was a Jones' man; that Cummings asked you to help to make up this fine; and that you did so? That is quite right.
2290. Then you tell us that you said to Cummings, "If Deal was only on the other side, it would be made up for him, because there was a man called Robinson who was good at that sort of thing"? Yes. I told him also that if he collected, I would give a donation towards it; that if Cummings made a collection, I would give a part of the 7s.
2291. *Chairman.*] You say it is a usual thing in Mudgee to pay a fine in that way? It is done sometimes.
2292. *Mr. Ashton.*] You did lend him the whole of the 7s.? Yes.
2293. Did you get it back? Yes.
2294. *Mr. O'Sullivan.*] When you lent this money were you aware that this man was going to vote for Mr. Jones? I could not swear. He was taking Jones' part, and the other man was taking Richards' part.
2295. But you understood at that time that he was going to vote for Jones? Yes.
2296. Did you by lending that money mean to convert him into a supporter of Richards? No; I did it because he was a poor man, and his wife and family were depending on his daily labour.
2297. *Mr. Ashton.*] Who paid you the money back? Cummings paid me.
2298. Not Deal? No.
2299. *Mr. Mahony.*] Whom was Cummings working for during the election? I do not think he was a very hard worker on either side.
2300. *Mr. Ashton.*] He was a sort of unknown quantity? Yes.
2301. *Mr. Cann.*] When you suggested that the money could soon be subscribed, was that said in answer to a suggestion by Cummings, that a subscription should be taken up? Yes.
2302. You did not suggest that? No; I said to him, "If you were on the other side it would be very soon subscribed, because Teddy Robinson would go round and collect it for you." Deal had been drawing in wood for the tannery. He had been getting money in advance in order to get the necessaries of life. I knew he was in want, and when Cummings asked me for a loan of 7s. I gave the money, because I knew that it was a charitable act to do so; that the longer he was kept in gaol the longer his family would be short of the necessaries of life.
2303. *Mr. Ashton.*] But still, you thought by your remark that if he were on the other side it would be easier to get this money subscribed? I think that Robinson would have collected it.
2304. Who is Robinson? He is a saddler.
2305. What side was he on in the election? On Richards' side.
2306. *Mr. Whiddon.*] Was there a federal league in Mudgee? Yes.
2307. Were you secretary to the federal league as well as the protection league? No.
2308. Were they merged into one body during the election? They were after the federal vote.

2309. Did they amalgamate at the election? Yes.
2310. I suppose they were practically the same committee? No; they are two distinct bodies, but they worked together in the interests of Mr. Richards.
2311. After Mr. Richards was selected the Protection League practically became Mr. Richards' committee to secure his return? Yes.
2312. Do you remember seeing Burns in conversation with Quinlan at all during any part of the morning? I never saw him and Quinlan together in my life, not to my knowledge.
2313. If Quinlan says that he saw you hand Burns half-a-crown, that is not true? He might have seen me if he had been in the crowd.
2314. Suppose someone has said that he saw you hand Burns half-a-crown, is that true? I did hand Burns half-a-crown.
2315. *Mr. Ellis.*] Was not Moran a master tailor? Yes.
2316. He is a man not in want, I suppose? No; he is a man who carries on business.
2317. It is not an uncommon thing for a man in a country town to come up to you and ask you for the loan of a few shillings, and for you to lend it without any demur? Yes; it is a usual thing.
2318. *Mr. Ashton.*] He has a number of men working for him? Sometimes he has one or two men working for him. He had a partner till lately.
2319. Is he a sober man? Yes.
2320. *Mr. Whiddon.*] Is it usual for a man in a fair way of business to borrow a few shillings occasionally? Yes.
2321. Is your business place far from his? About half a mile or so.
2322. What does he say when he asks you for a small loan? He asked me for a loan of 1s. 6d.
2323. He is a tailor who is in a good way of business? Yes.
2324. And these little loans are repaid? Yes.
2325. *Mr. Ellis.*] It was lent to him in the street? Yes.
2326. He was away from his own shop at the time? He was down the street; he was very nearly in front of the Court-house.
2327. *Mr. Mahony.*] When do you expect him to pay that back? We have settled it long ago; he is in my debt for boots.
2328. *Mr. Whiddon.*] How has it been settled? My son got a suit of clothes from him, and it was settled.
2329. A sort of contra account? Yes.
2330. You keep a record of these small loans? I do not keep a record of them. When we were settling up for the clothes there was a balance, which is shown in my book.
2331. You said you were in the habit of lending various sums; how do you keep a contra account;—do you rely on your memory? The contra account for the suit of clothes is put down in the books, but the money lent is stated from memory.
2332. So that when a settlement comes round, you have to rely on your memory as regards small loans? When one of us borrows a few shillings from the other it is very likely that on the next Saturday night it is settled.
2333. *Mr. Ellis.*] I suppose you give pretty liberally to the charities up there? I give to all the charities what I can afford.
2334. *Mr. Cann.*] This was not a gift? No, this was no gift.
2335. Nor was it a gift to Burns? No.
2336. It was a loan in each case? Yes.
2337. *Mr. Ashton.*] Has Burns paid you back? No; I have never seen Burns since.

L. Cohen.
6 Oct., 1898.

Robert Jones, petitioner, recalled and further examined:—

2338. *Mr. Rolin.*] Did you hear this conversation at the water-works deposed to by the last witness? I did not.
2339. Is there the slightest truth in the suggestion that you were buying Burns' evidence with money? It is absolutely false.
2340. Have you had anything to do with the departure of Burns or Quinlan since they were examined here? Nothing whatever.
2341. Has Mr. Richards had the same opportunity as you have had to get them here since? He has had as much.
2342. *Mr. Whiddon.*] You have heard in the cross-examination of Mr. Cohen something about Mr. Richards' conversion to protection? Yes.
2343. When he was supporting you, had you any idea what his fiscal views were;—do you regard him as a converted fiscalist? I have always regarded him, for many years, as a freetrader. He told me that he had leanings to protection many years ago, but the late Mr. James Martin, who was a member of the Assembly, had for ever vanished any ideas of protection that he ever had out of his head.
2344. But he supported you as a freetrader? Yes; he supported me on three different occasions as a freetrader.

R. Jones.
6 Oct., 1898.

2.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—O'REILLY *v.* FERRIS—PARRAMATTA.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Printed under No. 8 Report from Printing Committee, 20 October, 1898.

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1898.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	6
List of Witnesses.....	12
Minutes of Evidence	13

1898.
(SECOND SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 2. WEDNESDAY, 17 AUGUST, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

"PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

" John Henry Cann, Esquire,
" William Patrick Crick, Esquire,
" William Henry Mahony, Esquire,
" John Cash Neild, Esquire,
" Edward William O'Sullivan, Esquire,

" Varney Parkes, Esquire,
" Andrew Ross, Esquire, M.D.,
" The Hon. Francis Bathurst Suttor, Esquire,
" Samuel Thomas Whiddon, Esquire,

" being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

" Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this seventeenth day of August, in the year of our Lord one thousand eight hundred
" and ninety-eight.

" J. P. ABBOTT,
" Speaker."

VOTES No. 6. THURSDAY, 25 AUGUST, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 17th August, 1898, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Members sworn*:—John Henry Cann, Esquire, William Henry Mahony, Esquire, John Cash Neild, Esquire, Edward William O'Sullivan, Esquire, Andrew Ross, Esquire, M.D., The Honorable Francis Bathurst Suttor, Esquire, and Samuel Thomas Whiddon, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

VOTES No. 7. TUESDAY, 30 AUGUST, 1898.

25. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing James Ashton, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

" Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

James Ashton, Esquire,

" being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid,
" in the room of Varney Parkes, Esquire, whose seat in the said Assembly hath been declared
" vacant by reason of his acceptance of the office of Postmaster-General.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this 30th day of August, in the year of our Lord one thousand eight hundred and
" ninety-eight."

" J. P. ABBOTT,
" Speaker."

VOTES No. 9. TUESDAY, 6 SEPTEMBER, 1898.

3. ELECTION PETITION (*Parramatta*):—Mr. Brunkor, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from Dowell Philip O'Reilly, of Parramatta, alleging that, at the last General Election, William John Ferris, Edwin John Brown, Joseph William Withers, and Petitioner were severally nominated as candidates for election as Members of the said Assembly for the Electoral District of Parramatta; that Petitioner is now and was before and at the time of such nomination and election a person duly qualified by law to be

be a candidate at such election and to be elected a Member of the said Assembly; that the Returning Officer declared the number of votes respectively polled for the several candidates abovenamed to be as follows:—For William John Ferris, 747 votes; for Dowell Philip O'Reilly, 743 votes; for Edwin John Brown, 168 votes; for Joseph William Withers, 9 votes; and then declared that there were twelve informal votes, and further declared William John Ferris to have been duly elected, and afterwards endorsed on the writ the name of William John Ferris as the person so elected and duly returned the said writ; that many persons who were not then legally qualified to vote in and for the said district voted at the said election; that William John Ferris improperly entered one of the polling-booths at the said election, and sought to influence in the discharge of their duty certain officers there presiding; that a person who had refused in one polling-booth to answer the questions prescribed by law afterwards entered another polling-booth and answered such questions incorrectly and voted; that John Ferguson, who was the Presiding Officer in one of the polling-booths, improperly refused to put to certain persons the questions prescribed by law, and allowed them to vote without having answered the said questions as required by law; that the said John Ferguson delivered fresh ballot-papers to persons attending to vote who had already defaced the ballot-papers supplied to them, and that such persons subsequently voted with the fresh ballot-papers so supplied; that the ballot-papers in one polling-booth were not punctured with the instrument prescribed by the Parliamentary Electorates and Elections Act of 1893 and the Regulations thereunder for the purpose of preventing the stuffing of the ballot-box; that at the said election the votes polled were incorrectly counted, and some votes were counted for the said William John Ferris which should have been rejected as informal, and other votes were rejected as informal which should have been counted for Petitioner:— and praying that this Petition may be dealt with according to law; that an inquiry may be made as to the various allegations contained in this petition; that a search and scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election may be made by the Committee of Elections and Qualifications of the said Assembly; that a recount of the ballot-papers, and of the votes recorded thereby, may be made by the Committee; that it may be declared that William John Ferris was unduly elected to serve in the said Assembly, and that the return of William John Ferris as such Member may be declared null and void; that it may be declared and determined that Petitioner was duly elected a Member for the Electoral District of Parramatta, and is entitled to take his seat accordingly in the Assembly; and that such further or other relief in the premises may be granted as may be deemed just and necessary, in accordance with the Parliamentary Electorates and Elections Act of 1893 and the Acts amending the same. Ordered, on motion of Mr. Brunner, that the Petition be referred to the Committee of Elections and Qualifications.

VOTES NO. 10. WEDNESDAY, 7 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—William Patrick Crick, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES NO. 11. THURSDAY, 8 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
 (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th August, 1898, appointing James Ashton, Esquire, to be a member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Ashton to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
 (2.) *Member sworn*:—James Ashton, Esquire, came to the Table, and was sworn by the Clerk as a member of the Committee of Elections and Qualifications.

VOTES NO. 27. TUESDAY, 18 OCTOBER, 1898.

9. COMMITTEE OF ELECTIONS AND QUALIFICATIONS (*Election Petition—O'Reilly v. Ferris—Parramatta*):—Mr. Suttor, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Committee of Elections and Qualifications, to whom was referred, on 6th September, 1898, the Petition of Dowell Philip O'Reilly against the return of William John Ferris Esquire, as Member for the Electoral District of Parramatta.

And the said Report was read at length by the Clerk, by direction of Mr. Deputy-Speaker, as follows:—

“The Committee of Elections and Qualifications, duly appointed on 17th August, 1898, to whom was referred, on 6th September, 1898, a Petition from Dowell Philip O'Reilly against the return of William John Ferris, Esquire, as Member for the Electoral District of Parramatta, have determined and do hereby declare:—

“1. That, in view of the many gross irregularities appearing by the scrutiny of the votes, the Election for the Electoral District of Parramatta is wholly void.

“ (2.) That the Petition of Dowell Philip O'Reilly is not frivolous nor vexatious.

“ (3.) That the Committee make no award as to costs.

“No. 3 Committee Room,

“Legislative Assembly, 18th October, 1898.”

“F. B. SUTTOR,

“Chairman.

Mr. Deputy-Speaker stated that, under the authority of the Report of the Committee of Elections and Qualifications, just read, a new Writ would issue.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—O'REILLY *v.* FERRIS—PARRAMATTA.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 17th August, 1898, to whom was referred, on 6th September, 1898, a Petition from Dowell Philip O'Reilly, against the return of William John Ferris, Esquire, as Member for the Electoral District of Parramatta,—have determined and do hereby declare :—

1. That, in view of the many gross irregularities appearing by the scrutiny of the votes, the election for the Electoral District of Parramatta is wholly void.
2. That the Petition of Dowell Philip O'Keilly is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

F. B. SUTTOR,
Chairman.

*No. 3 Committee Room,
Legislative Assembly,
18th October, 1898.*

1898.

(SECOND SESSION.)

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

In the matter of the Election Petition which had been addressed to His Excellency the Governor from Dowell Philip O'Reilly, of Parramatta, alleging that, at the last General Election, William John Ferris, Edwin John Brown, Joseph William Withers, and Petitioner were severally nominated as candidates for election as Members of the said Assembly for the Electoral District of Parramatta; that Petitioner is now and was before and at the time of such nomination and election a person duly qualified by law to be a candidate at such election and to be elected a Member of the said Assembly; that the Returning Officer declared the number of votes respectively polled for the several candidates abovenamed to be as follows:—For William John Ferris, 747 votes; for Dowell Philip O'Reilly, 743 votes; for Edwin John Brown, 168 votes; for Joseph William Withers, 9 votes; and then declared that there were twelve informal votes, and further declared William John Ferris to have been duly elected, and afterwards endorsed on the writ the name of William John Ferris as the person so elected and duly returned the said writ; that many persons who were not then legally qualified to vote in and for the said district voted at the said election; that William John Ferris improperly entered one of the polling-booths at the said election, and sought to influence in the discharge of their duty certain officers there presiding; that a person who had refused in one polling-booth to answer the questions prescribed by law afterwards entered another polling-booth and answered such questions incorrectly and voted; that John Ferguson, who was the Presiding Officer in one of the polling-booths, improperly refused to put to certain persons the questions prescribed by law, and allowed them to vote without having answered the said questions as required by law; that the said John Ferguson delivered fresh ballot-papers to persons attending to vote who had already defaced the ballot-papers supplied to them, and that such persons subsequently voted with the fresh ballot-papers so supplied; that the ballot-papers in one polling-booth were not punctured with the instrument prescribed by the Parliamentary Electorates and Elections Act of 1893 and the Regulations thereunder for the purpose of preventing the stuffing of the ballot-box; that at the said election the votes polled were incorrectly counted, and some votes were counted for the said William John Ferris which should have been rejected as informal, and other votes were rejected as informal which should have been counted for Petitioner:—and praying that this Petition may be dealt with according to law; that an inquiry may be made as to the various allegations contained in this Petition; that a search and scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election may be made by the Committee of Elections and Qualifications of the said Assembly; that a recount of the ballot-papers, and of the votes recorded thereby, may be made by the Committee; that it may be declared that William John Ferris was unduly elected to serve in the said Assembly, and that the return of William John Ferris as such Member may be declared null and void; that it may be declared and determined that Petitioner was duly elected a Member for the Electoral District of Parramatta, and is entitled to take his seat accordingly in the Assembly; and that such further or other relief in the premises may be granted as may be deemed just and necessary, in accordance with the Parliamentary Electorates and Elections Act of 1893 and the Acts amending the same.

TUESDAY, 27 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,
Mr. Ashton,

Mr. O'Sullivan,
Dr. Ross,

Mr. Crick.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Clerk, by direction of the Chairman, read the extract from the Votes and Proceedings by which the Petition of Dowell Philip O'Reilly, Esq., was referred to the Committee. [*Vide Extract, page 4.*]
3. The Clerk, by direction of the Chairman, read the Petition of Dowell Philip O'Reilly, Esq., to which a Bank deposit receipt was attached, as follows:—

To His Excellency The Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

The humble Petition of Dowell Philip O'Reilly, of Parramatta, in the Colony of New South Wales,—

SHOWETH:—

1. That at a General Election held on the twenty-seventh day of July, one thousand eight hundred and ninety-eight, for the return of Members to serve in the Legislative Assembly of the said Colony, William John Ferris, Edwin John Brown, Joseph William Withers, and your Petitioner, Dowell Philip O'Reilly, were severally nominated as candidates for election as Members of the said Assembly for the Electoral District of Parramatta.
2. That your Petitioner is now and was before and at the time of such nomination and election a person duly qualified by law to be a candidate at such election and to be elected a Member of the said Assembly.

3. That on the twenty-eighth day of July, one thousand eight hundred and ninety-eight, the Returning Officer for the said Electoral District of Parramatta declared the number of votes respectively polled for the several candidates abovenamed to be as follows:—

For the said William John Ferris, 747 votes;
For the said Dowell Philip O'Reilly, 743 votes;
For the said Edwin John Brown, 168 votes;
For the said Joseph William Withers, 9 votes;

and the said Returning Officer then declared that there were twelve informal votes, and further declared the said William John Ferris to have been duly elected a Member of the said Assembly for the said district, and afterwards endorsed on the writ for the said election the name of the said William John Ferris as the person so elected and duly returned the said writ.

4. That many persons who were not then legally qualified to vote in and for the said district voted at the said election for candidates for election as Members for the said district.

5. That the said William John Ferris improperly entered one of the polling-booths in and for the said district at the said election, and sought to influence in the discharge of their duty certain officers there presiding.

6. That a person who had refused in one polling-booth in and for the said district to answer the questions prescribed by law, afterwards entered another polling-booth in and for the said district, and upon being asked the prescribed questions answered such questions incorrectly and voted.

7. That one John Ferguson, who was the Presiding Officer in one of the polling-booths in and for the said district, improperly refused to put to certain persons the question prescribed by law, and allowed the said persons to vote in the said polling-booth without having answered the said questions as required by law.

8. That the said John Ferguson delivered fresh ballot-papers to persons attending to vote in the said district who had already defaced the ballot-papers supplied to them, and that such persons subsequently voted at the said election with the fresh ballot-papers so supplied to them as aforesaid.

9. That the ballot-papers in polling-booth number six were not punctured with the instrument prescribed by the Parliamentary Electorates and Elections Act of 1893 and the Regulations thereunder for the purpose of preventing the stuffing of the ballot-box.

10. That at the said election the votes polled in and for the said district were incorrectly counted, and that some votes were counted for the said William John Ferris which should have been rejected as informal, and other votes were rejected as informal which should have been counted for your Petitioner.

11. That your Petitioner has, in accordance with the Act aforesaid, deposited in the Commercial Banking Company of Sydney, King-street Branch, to the credit of the Speaker of the Legislative Assembly of New South Wales, in relation to this Petition, the sum of fifty pounds sterling, and that annexed to this Petition is a bank deposit receipt showing that the said sum has been so deposited.

Your Petitioner therefore humbly prays—

That this petition may be dealt with according to law.

That an inquiry may be made as to the various allegations contained in this Petition.

That a search and scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election may be made by the Committee of Elections and Qualifications of the said Assembly.

That a recount of the said ballot-papers, and of the votes recorded thereby, may be made by the said Committee.

That it may be declared that the said William John Ferris was unduly elected to serve in the said Assembly, and that the return of the said William John Ferris as such Member may be declared null and void.

That it may be declared and determined that your Petitioner was duly elected at the said election to serve and be a Member of the said Assembly for the said Electoral District of Parramatta, and is entitled to take his seat accordingly in the said Assembly.

And that such further or other relief in the premises may be granted as may be deemed just and necessary, in accordance with the Parliamentary Electorates and Elections Act of 1893 and the Acts amending the same.

And your Petitioner will ever pray, &c.

Dated at Parramatta aforesaid, this first day of September, in the year one thousand eight hundred and ninety-eight.

(Sgd.) DOWELL PHILIP O'REILLY,
Petitioner.

(Duplicate.) W. E. DYE, Teller.

King-street Branch, Sydney, 1 September, 1898.

PAID to the credit of The Speaker of the Legislative Assembly of New South Wales, with the Commercial Banking Company of Sydney (Limited), the sum of fifty pounds (£50), by Dowell Philip O'Reilly.

4. The Clerk submitted a letter from the Honorable the Speaker, enclosing certified copy of a letter which had been received from William John Ferris, the Sitting Member for Parramatta, giving notice of his intention to defend his return, which he read as follows:—

98/84. "The Speaker's Room, Legislative Assembly, Sydney, 8 September, 1898.

"To the Committee of Elections and Qualifications,—

"Gentlemen,

"I have the honor to transmit to you herewith a copy of a letter which has been received by me from William John Ferris, Esquire, the Sitting Member for Parramatta, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

"I have, &c.,

"J. P. ABBOTT,
"Speaker."

[Enclosure.]

Sir,

Sydney, 8 September, 1898.

In accordance with the 133rd section of the Parliamentary Electorates and Elections Act of 1893, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Parramatta, before the Committee of Elections and Qualifications, to whom was referred a Petition from Dowell Philip O'Reilly, touching the validity of my election and return as Member for the said Electoral District.

I have, &c.,

The Honorable the Speaker, Legislative Assembly.

WILLIAM JOHN FERRIS.

A true copy.—J. P. ABBOTT, Speaker.

5. Parties called in.

Present:—Dowell Philip O'Reilly, Esquire (*the Petitioner*).

A. J. Kelynack, Esquire (*Counsel for Petitioner*).

William John Ferris, Esquire (*the Sitting Member*).

J. Carlos, Esquire (*Counsel for Sitting Member*).

6. Frederick William Webb, C.M.G. (*Clerk of the Legislative Assembly*), called in, sworn, and examined. Witness produced Writ of Election, certifying to the return of William John Ferris as Member for Parramatta.

Witness also produced a box containing the ballot-papers, &c., used at the election, which he had received from the Returning Officer for Parramatta.

Witness withdrew.

7. Charles E. Eades (*Scrutineer for Mr. O'Reilly at Sydney Booth*) called in, sworn, and examined. William Spouncer was called in and identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
8. Thomas R. Barber (*Assistant Poll Clerk, No. 1 Booth, Parramatta*) called in, sworn, and examined. William Spouncer was called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
9. John Paul (*Carrier*) called in, sworn, and examined. William Spouncer was called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
10. William McIntyre (*Chief Electoral Officer*) called in, sworn, and examined. Witness produced *Government Gazette* describing the Electoral Districts, also correct copies of sketch maps of Parramatta and surrounding electorates, also *Gazette* showing prescribed marks to be used in the several Electoral Districts at the late General Election, also a map of the Electorate of Parramatta.
Witness withdrew.
11. Charles E. Eades called in and further examined. Charles W. Pitt called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
12. John Paul called in and further examined. Charles W. Pitt called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
13. Charles E. Eades called in and further examined. Charles Burton called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
14. John Paul called in and further examined. Charles Burton called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
15. Charles E. Eades called in and further examined. John Drew Morrison called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
16. John Paul called in and further examined. John Drew Morrison called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
17. Charles E. Eades called in and further examined. Peter Joseph Kelly called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
18. Thomas R. Barber called in and further examined. Peter Joseph Kelly was called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
19. George Pegum called in, sworn, and examined. Peter Joseph Kelly called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
20. George James Boulton called in, sworn, and examined. Samuel Richard Turner called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
21. George Tuckwell called in, sworn, and examined. Samuel Richard Turner and Samuel Turner called in to be identified by witness as the persons respectively referred to in his evidence, and withdrew.
Witness withdrew.
22. Samuel Turner called in, sworn, and examined.
Witness withdrew.
23. Walter Byrnes called in, sworn, and examined. Alexander Christie called in to be identified by witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
24. Thomas Reeve Barber called in and further examined. Alexander Christie called in to be identified by witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
25. Frederick James Bennett, called in, sworn, and examined. Albert Hopkins called in to be identified by witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
26. Thomas Reeve Barber called in and further examined. Albert Hopkins called in to be identified by witness as the person referred to in his evidence, and withdrew.
Witness withdrew.

27. Charles E. Eades called in and further examined.
James Thompson was called to be identified, but did not answer to his name.
Witness withdrew.
28. Thomas Reeve Barber called in and further examined.
Witness withdrew.
29. Mr. Kelynack addressed the Committee.
30. Henry Tucker Jones (*Returning Officer, Parramatta*) called in, sworn, and examined.
Clerk, by direction of the Chairman, opened the box containing the ballot-papers, &c.
Witness withdrew.
31. George James Boulton called in and further examined.
Witness withdrew.
32. Room cleared and Committee deliberated.
33. The Committee adjourned till To-morrow at eleven o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 28 SEPTEMBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Whiddon,	Mr. Cann,
Mr. Ashton,	Dr. Ross,
Mr. Neild,	Mr. O'Sullivan.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
*Present:—*Dowell Philip O'Reilly, Esquire (*the Petitioner*).
A. J. Kelynack, Esquire (*Counsel for the Petitioner*).
William John Ferris, Esquire (*the Sitting Member*).
J. Carlos, Esquire (*Counsel for Sitting Member*).
3. Richard Charles Bartlett (*Scrutineer for Mr. O'Reilly at Parramatta North Booth*), called in, sworn, and examined.
James Summers called in to be identified by the witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
4. Charles E. Eades called in and further examined.
James Summeffs called in to be identified by the witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
5. James Summers called in and withdrew.
Mr. Kelynack informed the Committee of the nature of the evidence required from the witness, and Committee decided that in cases where the evidence might be of an incriminating character the witnesses should be warned.
James Summers recalled, sworn, and being warned, was examined.
Witness withdrew.
6. Thomas Reeve Barber called in and further examined.
Joseph Brown called in to be identified by the witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
7. Mrs. Teece being called, did not appear.
8. Frederick Darke (*Carpenter*) called in, sworn, and being warned, was examined.
Witness withdrew.
9. Sydney McLaren called in, sworn, and examined.
Witness withdrew.
10. Alexander J. C. Christie called in, sworn, and being warned, was examined.
Witness withdrew.
11. William Alfred Jones (*Scrutineer for Mr. O'Reilly at No. 3 Booth, Court-house, Parramatta*) called in, sworn, and examined.
Henry Holliday called in to be identified by the witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
12. Henry Holliday (*Carter*) called in, sworn, and being warned, was examined.
Witness withdrew.
13. William Spounce called in, sworn, and being warned, was examined.
Witness withdrew.
14. Frederick Ludwig (*Scrutineer, No. 5 Booth, Town Hall, Parramatta*) called in, sworn, and examined.
Patrick Alfred O'Brien being called to be identified, did not appear.
Witness withdrew.
15. Charles Wilson Pitt called in, sworn, and being warned, was examined.
Witness withdrew.
16. Alfred Howlett called in, sworn, and examined.
Witness withdrew.
17. John Holland called in, sworn, and examined.
Witness withdrew.

18. Charles E. Eades called in and further examined.
Walter I. Taylor called in to be identified by the witness as the person of that name referred to in his evidence, and withdrew.
Witness withdrew.
19. Walter I. Taylor called in, sworn, and examined.
Witness withdrew.
20. Room cleared and Committee deliberated.
21. The Committee adjourned till To-morrow at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 29 SEPTEMBER, 1898.

MEMBERS PRESENT :—

Mr. Suttor,		Mr. Ashton,
Mr. Cann,		Dr. Ross.

In attendance,—

The Second Clerk Assistant.

There not being five members present one hour after the time appointed for the meeting of the Committee, the members present adjourned till half-past 2 o'clock this day.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 29 SEPTEMBER, 1898.

MEMBERS PRESENT :—

Mr. Suttor in the Chair.		
Mr. Neild,		Mr. O'Sullivan,
Mr. Cann,		Mr. Ashton,
Mr. Whiddon.		

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present :—Dowell Philip O'Reilly, Esquire (*the Petitioner*).
A. J. Kelynack, Esquire (*Counsel for Petitioner*).
William John Ferris, Esquire (*the Sitting Member*).
John Carlos, Esquire (*Counsel for the Sitting Member*).
3. Walter I. Taylor called in and further examined.
Witness withdrew.
4. Alfred Hopkins called in, sworn, and being warned, was examined.
Witness withdrew.
5. Peter Joseph Kelly called in, sworn, and examined.
Witness withdrew.
6. Frederick James Bennett (*Scrutineer for Mr. O'Reilly at Prospect and Sherwood*) called in, sworn, and examined.
John Hazelton called in to be identified by the witness as the person referred to in his evidence, and withdrew.
Witness withdrew.
7. John Hazelton called in, sworn, and examined.
Witness withdrew.
8. Thomas R. Barber called in and further examined.
Witness withdrew.
9. Charles E. Eades called in and further examined.
Witness withdrew.
10. Thomas R. Barber called in and further examined.
Witness withdrew.
11. George Forsyth Turner (*Coachbuilder*) called in, sworn, and examined.
Witness withdrew.
12. William Thomas Carpenter (*Poll Clerk, No. 6 Booth*) called in, sworn, and examined.
Witness produced his Elector's Right, also examined the official return of the votes polled at the Parramatta booths.
Witness withdrew.
13. Sydney Walter Perry called in, sworn, and examined.
Witness withdrew.
14. Frederick Wellard called in, sworn, and examined.
Witness withdrew.
15. Nathaniel Tollis called in, sworn, and examined.
Witness withdrew.
16. Robert William Springett called in, sworn, and examined.
Witness withdrew.
17. Charles E. Eades called in and further examined.
18. Attention was called to the absence of a quorum, and the members present adjourned the Committee till Tuesday next at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY

TUESDAY, 11 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Dr. Ross,	Mr. Cann,
Mr. Ashton,	Mr. Neild,
Mr. Crick,	Mr. O'Sullivan,
Mr. Whiddon,	Mr. Mahony.

In attendance,—

The Acting Second Clerk Assistant.

1. Parties called in.

Present:—Dowell Philip O'Reilly, Esquire (*the Petitioner*).
A. J. Kelynack, Esquire (*Counsel for the Petitioner*).
William John Ferris, Esquire (*the Sitting Member*).
John Carlos, Esquire (*Counsel for the Sitting Member*).

2. The Chairman read a letter from Fergus Hall in reference to his evidence before the Committee.

3. Thomas Reeve Barber recalled and further examined.

Witness withdrew.

4. William John Ferris (*the Sitting Member*) sworn, and examined by Mr. Carlos.

5. Mr. Kelynack addressed the Committee.

6. Mr. Carlos addressed the Committee.

7. Mr. Kelynack replied.

8. Room cleared; Committee deliberated.

9. The Committee adjourned till half-past 7 o'clock this day.

C. B. BOYDELL,
Acting Second Clerk Assistant.

WEDNESDAY, 12 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. O'Sullivan,	Mr. Cann,
Mr. Whiddon,	Dr. Ross,
Mr. Ashton,	Mr. Crick,
	Mr. Neild.

In attendance,—

The Acting Second Clerk Assistant.

1. Committee deliberated.

2. Mr. O'Sullivan moved,—“That a recount of the ballot-papers be allowed.”

Question put and passed.

3. Committee adjourned till to-morrow at half-past 2 o'clock.

C. B. BOYDELL,
Acting Second Clerk Assistant.

THURSDAY, 13 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Dr. Ross,	Mr. Cann,
Mr. O'Sullivan,	Mr. Ashton,
	Mr. Whiddon.

In attendance,—

The Acting Second Clerk Assistant.

1. The minutes of previous meetings were read and confirmed.

2. The Committee proceeded to a scrutiny of the ballot-papers.

3. Ordered,—That summonses be issued to Henry T. Jones, Returning Officer, and George Stone, Deputy Returning Officer, for next meeting.

4. The Committee adjourned till Tuesday next at 2 o'clock.

C. B. BOYDELL,
Acting Second Clerk Assistant.

TUESDAY, 18 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. Suttor in the Chair.

Mr. Cann,	Mr. O'Sullivan,
Mr. Ashton,	Mr. Neild,
Mr. Mahony,	Dr. Ross,
Mr. Whiddon,	Mr. Crick.

In attendance,—

The Second Clerk Assistant.

1. Henry Tucker Jones recalled and further examined.

Witness withdrew.

2. The Committee proceeded to the further scrutiny of the ballot-papers.

Mr. Ashton moved,—“That the resolution adopted by the Committee on the 14th September, 1898, respecting formal and informal votes be rescinded.”

Question put.

Committee divided.

AYES.

Mr. Ashton,
Mr. O'Sullivan.

NOES.

Dr. Ross,
Mr. Crick,
Mr. Whiddon,
Mr. Mahony,
Mr. Cann,
Mr. Suttor.

And so it passed in the negative.

3. Committee deliberated.

4. Mr. Crick moved,—“That, in view of the many gross irregularities appearing by the scrutiny of the votes, the election for the Electoral District of Parramatta is wholly void.”

Question put and passed.

5. Mr. Cann moved,—“That the petition of Dowell Philip O'Reilly is not frivolous nor vexatious.”

Question put and passed.

6. Mr. Neild moved,—“That the Committee make no award as to costs.”

Question put and passed.

7. Resolved,—That the conclusions at which the Committee have arrived be embodied in a Report, and presented to the Houses.

8. Mr. Ashton moved,—“That the Chairman draw the attention of the Colonial Secretary to the negligent manner in which the election was conducted at certain polling-booths.”

9. The Committee adjourned till Thursday next at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Barber, T. R.	14, 21, 23, 24, 27, 38, 39, 46
Bartlett, R. C.	26
Bennett, F. J.	23, 37
Boulton, G. J.	22, 24
Byrnes, W.	23
Carpenter, W. T.	41
Christie, A. J. C.	29
Darke, F.	21
Eades, C. E.	13, 16, 18, 19, 30, 24, 27, 33, 39, 45
Ferris, W. J., M.P.	47
Hazelton, J.	37
Holland, J.	32
Holliday, H.	30
Hopkins, A.	34
Howlett, A.	32
Jones, H. T.	24, 48
Jones, W. A.	29
Kelly, P. J.	37
Ludwig, F.	31
McIntyre, W.	16
McLaren, S.	28
Paul, J.	16, 17, 19, 20
Pegum, G.	21
Perry, S. W.	42
Pitt, C. W.	31
Spouncer, W.	31
Springett, R. W.	44
Summers, J.	27
Taylor, W. I.	33, 34
Tollis, N.	43
Tuckwell, G.	22
Turner, G. F.	40
Turner, S.	22
Webb, F. W., C.M.G.	13
Wellard, F.	43

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—O'REILLY *v.* FERRIS—PARRAMATTA.

TUESDAY, 27 SEPTEMBER, 1898.

Present:—

Dr. Ross,	Mr. Crick,
Mr. Suttor,	Mr. Ashton,
Mr. Cann,	Mr. O'Sullivan.

F. B. Suttor, Esq., in the Chair.

Mr. Kelynack, instructed by Mr. J. W. Abigail, appeared on behalf of Mr. O'Reilly, in support of the Petition.

Mr. Carlos, instructed by Messrs. Ellis and Button, appeared for Mr. Ferris.

Frederick William Webb, C.M.G., Clerk of the Legislative Assembly, sworn and examined:—

1. *Chairman.*] You produce certain papers connected with this case? I produce the writ issued by His Excellency the Governor on the 9th July, 1898, for the election of a Member to serve in the Legislative Assembly for the Electoral District of Parramatta, with a certificate thereon by the Returning Officer, Henry Tucker Jones, to the effect that William John Ferris was "duly chosen the Member for the Electoral District of Parramatta to serve in the Legislative Assembly of New South Wales." I also produce a large box under seal, containing all the papers used at the election, duly certified to by the Returning Officer, and also some documents which have come to me from the Chief Electoral Officer, containing particulars of the official state of the poll at the Parramatta election.

F. W. Webb.
C.M.G.
27 Sept., 1898.

Charles Edward Eades sworn and examined:—

2. *Mr. Kelynack.*] I believe that you were a scrutineer for Mr. Dowell Philip O'Reilly, a candidate for the Legislative Assembly at an election held in Parramatta on the 27th July last? Yes.

3. You were a scrutineer at the Sydney booth? Yes.

4. Do you know a man named William Spouncer? Yes. [*A man answering to the name of William Spouncer was called in and identified by the witness as the person to whom he referred.*]

5. Used he to reside at Roschill? Somewhere in Parramatta, but I could not say exactly where.

6. Did he vote at the Sydney booth? He voted and was challenged.

7. Did he answer the questions? He answered the questions.

8. And did he then vote? He then voted.

9. Do you know if Spouncer has been residing in the Parramatta electorate during the last twelve months? He has not. According to his own words he has not.

10. *Mr. Carlos.*] What words do you refer to? When he was in the booth, and the third question was put to him by the presiding officer —

11. The usual three questions? Yes. His answer to the third question was, "Well, I have been away from Parramatta for twelve months, if that makes any difference."

12. Do you know where he resides at all? Now?

13. Yes? I could not say.

14. You do not know anything about him, except this statement? No.

15. Has he a house in Parramatta? I could not say.

16. What is he? I could not say. He admitted that he had left Parramatta twelve months at the day of the poll.

17. Do you know that he is a contractor? I believe that he is.

18. You do not, as a matter of fact, know where he resides? At the present time I do not.

19. Do you know that his wife and children reside in Parramatta? I am not aware of that.

20. You do not know that they do not? No.

21. Was he allowed to vote? Yes.

22. Notwithstanding that he said that he had not been in Parramatta for twelve months? That is correct.

23. Were you on Mr. O'Reilly's committee before the election? Yes.

24. You were scrutineer in the booth? Yes.

25. When the third question was put to Mr. Spouncer, and he replied that he had been out of Parramatta for twelve months, and the presiding officer allowed him to vote, did you protest? I could not, so long as he signed his name.

26. *Chairman.*] Did he sign? Certainly he signed.

C. E. Eades.
27 Sept., 1898.

C. E. Eades. 27. *Mr. Ashton.*] When he was asked the question, "Have you now the qualification in respect to which the same was issued to you?" he said that he had been out of Parramatta for twelve months, but that he did not know that that made any difference? "If that makes any difference"—those were his exact words.

27 Sept., 1898.

28. After that he signed the declaration? Yes; the presiding officer said to me, "Well, how does this stand?" "Well," I said, "if he signs the declaration he can vote. I will allow him to vote." Then the presiding officer said to him, "You cannot answer the question in that way; it must be 'Yes' or 'No'"; and he replied "Well, 'Yes,'" and then signed and voted.

29. *Mr. Carlos.*] Therefore he said that he had a qualification? Afterwards, certainly.

30. Did you sign a paper saying that everything was conducted properly? Yes.

31. *Mr. Cann.*] Was that declaration put in with the papers that you sealed up upon the finish of the poll? The poll-clerk put them altogether.

32. The declaration was put in with the other papers? Yes; it was only a blank book with this signature in. There is nothing else in it at all.

33. That shows that he made the declaration? Yes.

34. *Dr. Ross.*] Were there any other scrutineers present? Two.

35. Did they offer any objection to this person voting? No; they offered no objection at all.

36. *Chairman.*] You say that this voter said that he had been away from Parramatta for twelve months? Yes.

37. You understood that he had been out of the electorate itself, not merely away from the town of Parramatta? Yes; he threw his elector's right on the table, and said, "There is my right. My name is on the roll, and I demand my vote." Those were his words.

38. *Mr. Kelynaek.*] When you signed the declaration that has been referred to, was it your opinion that when a voter signed all formal requirements were fulfilled? So far as I was concerned.

39. *Dr. Ross.*] Do you know of your own knowledge whether this man is married or single? No.

Thomas Reeve Barber sworn and examined:—

T. R. Barber. 40. *Mr. Kelynaek.*] You were, I believe, an assistant poll-clerk at No. 1 booth at the court-house, Parramatta, during the general election which was held there on the 27th July last? Yes.

27 Sept., 1898.

41. I believe, too, that you have been a resident of Parramatta for a long period? Yes.

42. For how long? For over forty years.

43. Do your duties take you round about Parramatta? Latterly I have been travelling a little way into the country.

44. I suppose you know the residents of Parramatta pretty well? Yes.

45. Do you know a man named William Spouncer? Yes. [*A man answering to the name of William Spouncer was called in and identified by the witness as the person to whom he referred.*]

46. Do you know where Spouncer used to live in Parramatta? Yes; in Rosehill-street.

47. In whose house? Well; the property belonged to Herne at one time.

48. Do you know when he left that cottage? I cannot tell you the date exactly.

49. Can you tell me how long it was before the election was held? It is over twelve months ago.

50. Is he a married man? Yes.

51. Did he reside in Parramatta during the twelve months preceding the elections? No.

52. Or his wife? No.

53. Or his children? No.

54. *Mr. Carlos.*] You say that his children have not resided in Parramatta for the last twelve months;—you are quite sure of that? Of course, I would not swear to his children.

55. But you know very well that you have sworn to them;—you stated just now that they were not residing in Parramatta? Of course, his children may be at a boarding-school there.

56. You have stated that his children are not residing in Parramatta;—now, in reply to my question, you state that you do not know whether they are or are not—which statement is correct? I withdraw the statement with regard to the children. I cannot swear positively about his children residing in Parramatta. So far as I know neither he nor his family reside there.

57. During the forty years that you have resided in Parramatta have you ever had any trouble? None whatever.

58. You have never been charged with assaulting any person? No.

59. Were you ever summoned before the Police Court? Not that I am aware of.

60. Were you ever summoned before the Police Court at Parramatta for assaulting any person? Never.

61. You swear that? No.

62. Consequently you never paid £25 to any woman to have the case withdrawn? That was not an assault.

63. Were you ever up for anything? I never appeared before the court. That case was settled out of court; it turned out to be a family affair.

64. Yet you gave £25 to settle it? Yes; it was settled out of court.

65. You are quite sure that this gentleman left Parramatta more than twelve months ago? Yes.

66. Are you sure that he did not return to live in Parramatta within a month or two of the election? Of course, I cannot swear that.

67. So far as you know, he may have been residing in Parramatta for two months, or for one month, before the 27th July? Yes, he may have been.

68. Have you seen Mr. Ferris since the election with reference to having any favour conferred upon you? Yes; I spoke to him about a certain matter.

69. What was that matter? It was in reference to a property I had in Parramatta.

70. Tell us exactly what it was? Well, the business I had with him was, that I asked him if there was any chance of selling my property to the Government in connection with the Macquarie-street Asylum.

71. What did Mr. Ferris say to that? He said that he would see what he could do; that I was to write to him and give him more particulars; but I never did so.

72. *Mr. Kelynaek.*] If Mr. Spouncer had come back to Parramatta during the two months preceding the election, to reside there, you would have been likely to see him? Yes, I think so. 73.

73. *Mr. Carlos.*] Have you been away from the town of Parramatta recently? Yes.
74. Before the election? It is about four months ago.
75. How long were you away? About six weeks.
76. About what date? I could not tell you the date.
77. How long before the election did you come back? I think about a month or six weeks.
78. Do you undertake to swear that you know every individual who resided in the Parramatta electorate within the twelve months prior to the election? Well, I could not swear to every person who lives in the town, but I am a man who knocks about the town a good deal.
79. *Mr. Ashton.*] What did you say you were? I am a commercial traveller.
80. *Mr. Carlos.*] What employment have you now? At the present time I am not in any employment.
81. Have you been getting money from anyone? No.
82. Have you been doing any work at Parramatta during the last fortnight? No.
83. You have not been working up this case? No.
84. Do you know a gentleman in Parramatta named Beale? Yes.
85. You know him as Billy Beale? Yes.
86. Did you approach him with reference to anything in connection with this case? Yes.
87. What was that? I met him in the street one day. Previous to this there was a report about him having voted on his son's elector's right; that he could not find his own, and that he used his son's right to vote on at the last election. I asked him if that was a fact, and he said, "No, it was not." He said, "I will show you the right to prove it."
88. Did you ask any other person about his right from similarly disinterested motives? No; I did not ask anybody else.
89. Do you know a gentleman named Fleming? Martin Fleming?
90. Yes? I know him well.
91. Did you see Mrs. Fleming with reference to the way in which her husband had voted? No.
92. You did not speak to her at all? No.
93. *Mr. Kelynack.*] I believe you have some money to your credit? Yes.
94. There was no necessity for you to work? No.
95. *Mr. Carlos.*] You might tell us how much? I object to tell you how much. I do not owe a shilling to any man in Parramatta, and I have always paid 20s. in the £ as long as I lived there.
96. *Mr. Kelynack.*] As a matter of fact, you have been helping Mr. O'Reilly with regard to this petition? Yes; as a friend and a supporter. He is a man whom I believe in.
97. *Mr. Cann.*] What was Beale's son's name? I think Frederick Beale. The father's name is William Beale. He showed me the right, and my initials as poll-clerk were on it. Of course, I was satisfied that it was correct.
98. Did he show you the son's right? No; he showed me his own right, and my initials and date were on it.
99. You do not know whether the son's right is in his possession? No.
100. You do not know whether it was used? No.
101. *Mr. O'Sullivan.*] If you have been a commercial traveller, and in the habit of leaving Parramatta—on one occasion for as long as six weeks—how is it possible for you to know who resided there? I could not tell who was residing in Parramatta during the time that I was absent.
102. How can you speak positively with reference to the residence of Spouncer? Of course, I am not positive that he did not come back during the time that I was away from Parramatta. It would have been possible for a man to come back during my absence, and then to move out of the town.
103. Did he reside in Parramatta at any time during the twelve months? Not to my knowledge.
104. *Mr. Ashton.*] What grounds have you for stating that Mr. Spouncer was away from Parramatta for the twelve months prior to the election? I had information from a carrier in Parramatta—John Paul is his name—who removed his furniture from Parramatta.
105. *Mr. Kelynack.*] Do you know where he is living now? Yes.
106. Where? At Thomas-street, Lewisham. "St. Albans" is the name of the house. He removed from Parramatta to Paddington—No. 26, Wentworth-street, Paddington.
107. Do you remember the month? No.
108. The year? I think it was in 1895.
109. *Mr. Ashton.*] During the period in which you say this man was absent from Parramatta did you know that he was not residing at Parramatta? No, only from information I received.
110. *Mr. Carlos.*] You seem to have learned a good deal about this man's whereabouts;—is that recently? Yes.
111. You told me that you were not working up this case in any way? I understood you to mean for payment. I said that what I was doing was as a matter of friendship for Mr. O'Reilly.
112. *Chairman.*] Do you know of your own knowledge that this man Spouncer is living at Lewisham now? Yes.
113. *Mr. Carlos.*] What do you mean by your own knowledge? Well, I called at his house yesterday.
114. Did you see him? I did not see him.
115. Whom did you see? I suppose it was the servant girl. She told me that Spouncer was living there, and she took the document I had for him.
116. *Mr. Kelynack.*] The summons to appear here? Yes.
117. *Mr. Cann.*] How long has he been living there? I cannot say for certain.
118. You made inquiries, I presume, as to where you could find him? Yes.
119. Did the people who put you on to him tell you how long he had been there? I cannot exactly tell you the date of his moving there; but I was told that he had been there some two months.
120. What is William Beale by occupation? A saddler.
121. Has he been in Parramatta long? He is a native of Parramatta, I believe. I have known him there for many years.
122. What is his son? A hairdresser.
123. Has he been away from Parramatta long? No; I think he is in Western Australia.
124. Is his family there? I do not think he is married.

John Paul sworn and examined :—

- J. Paul. 125. *Mr. Kelynack.*] You are a railway carrier or carter? Yes.
 126. You remove furniture? Yes.
 27 Sept., 1898. 127. You reside in George-street, Parramatta? Yes.
 128. Do you know William Spouncer? Yes. [*A man answering to the name of William Spouncer was called in and identified by the witness as the person to whom he referred.*]
 129. Do you know where Spouncer was living in Parramatta? Yes.
 130. Where? In Rosehill-street.
 131. Do you know whose cottage it was? Only by report. It is always called Mrs. Horne's house.
 132. Was his wife living at the same place? I do not think so. I never saw her. I think she is dead.
 133. Did you remove his furniture from that house in Parramatta? Yes.
 134. When? I removed it in February, 1897.
 135. Where did you remove it to? I could not be quite certain, but it is somewhere out Paddington way.
 136. It was outside the Parramatta electorate? Yes; it was somewhere out Paddington direction.
 137. Are you still residing in the Parramatta electorate? Yes.
 138. Are you still engaged in carrying? Yes.
 139. Have you seen William Spouncer living there since? I have not seen him there. Of course he may be living there without me knowing it.
 140. *Mr. Carlos.*] You say that you removed his furniture in 1897? Yes.
 141. Did you tell Barber that you removed it in 1895? No.
 142. Spouncer may be living in Parramatta now for all you know? Yes.
 143. And he may have been residing there before the election? Yes.
 144. It is quite possible that he was living there for a couple of months before the 27th July last? Yes, so far as I know.
 145. Do you know whether his children had resided at Parramatta. I do not. I would not know one of his children if I were to see it.
 146. You do not know whether they are there now? No.

William McIntyre sworn and examined :—

- W. McIntyre. 147. *Mr. Kelynack.*] You are the Chief Electoral Officer? Yes.
 27 Sept., 1898. 148. Do you produce a copy of the *Government Gazette* containing a description of the Parramatta electoral district? Yes; I have a copy of the *Gazette* containing a proclamation in regard to the whole of the electorates proclaimed under the Act of 1893.
 149. That proclamation includes a description of the Parramatta electorate? Yes. [*Handed in.*]
 150. What electoral districts surround the Parramatta electorate? The electoral districts of Sherbrooke, Ryde, and Granville.
 151. No others? No.
 152. Do you also produce a plan of the Parramatta electoral district? Yes; I have here sketch maps of the Parramatta, Sherbrooke, Ryde, and Granville electorates. These are copies of the authenticated maps which were sent to the Clerk of the Legislative Assembly.
 153. Are they correct copies? Yes; they are lithographs. [*Handed in.*]
 154. Will you look at this *Government Gazette*, No. 644 [*produced*];—it contains a proclamation in regard to the marks prescribed for the puncturing of ballot-papers at the election held on the 27th July last? Yes.
 155. Is that the proclamation which was in force during that election? Yes; it prescribes the symbols to be used.
 156. What symbol is prescribed for use in the Parramatta electorate? The letter "H."
 157. That was the mark prescribed for the puncturing of the ballot-papers in the Parramatta electoral district? Yes. [*Copy of Gazette handed in.*]
 158. Can you tell me of your own knowledge whether a place called Campbell's Hill is within the Parramatta electoral district? I do not know Campbell's Hill, but if you point it out to me on the map I can answer your question. I have here also a large sketch map showing the roads in the Parramatta electorate and in the adjoining districts. Upon that map the electorate of Parramatta is tinted pink. [*Map handed in.*]
 159. *Mr. O'Sullivan.*] How long have you been connected with the Electoral Department? Before the Act of 1893 was passed.
 160. Have you known elections to be validated where omissions or accidents have occurred? Yes.
 161. Can you recall any case in which an election has been validated? The last one I remember was the Federal election, which was validated because of the neglect to send in returns from one polling-booth within the prescribed time.
 162. Do you remember any other cases? I cannot call any to mind just now.
 163. Were not several elections validated about five or six years ago? I think that one or two of the 1894 elections were validated.
 164. Do you recollect what the omission or mistakes in connection with those elections were? No; the Act provides for the validating of elections under certain circumstances.
 165. *Mr. Kelynack.*] In the case you mention, did the returns come in? Yes; but not until after the prescribed time.

Charles Edward Eades recalled and further examined :—

- C. E. Eades. 166. *Mr. Kelynack.*] Do you know a person named Charles Wilson Pitt? Yes.
 27 Sept., 1898. 167. Do you know where he resided at Parramatta? He resided at North Parramatta.
 168. Do you know the name of the street in which he lived? He lived near the Public School.
 169. Was it Albert-street? Yes; that is the name.
 170. Do you know when he left Parramatta? I could not state the exact date.
 171. Do you know how long it was before the election of the 27th July? Some considerable time.

172. How many months? I should think it would be three or four months prior to the election. [*A man answering to the name of Charles Wilson Pitt was called in.*] O. E. Eades.
27 Sept., 1898.
173. Is this the man? I could not swear to him; he was in private clothes at the time.
174. To the best of your knowledge and belief, is it he? Yes; I am almost sure.
175. To the best of your knowledge, that is the man who voted? Yes.
176. Someone named Charles Wilson Pitt voted at the Sydney booth at the last election? Yes.
177. Did you challenge him? Yes.
178. Did he answer the prescribed questions? Yes.
179. And then voted? Yes.
180. Do you know whether he is residing at Parramatta now? He is not.
181. Do you know where he is residing? No.
182. Do you know where he went to reside after leaving Parramatta? No; all I know is that he was out of the electorate—that he had left Parramatta.
183. How long have you been residing at Parramatta? Since I was born—thirty-one years.
184. What is your occupation there? I am a grocer.
185. Do you go about the electorate a good deal? Yes.
186. In your cart? Yes, every day.
187. I suppose you are pretty familiar with the persons who reside at Parramatta? I should be, having lived there thirty years.
188. *Mr. Carlos.*] Then how is it that you do not know this man Smith? He did not reside in Parramatta for a considerable time.
189. How long did he reside there? I could not say.
190. But you know how long it is since he left? About.
191. How do you fix the date? I should think it was three or four months prior to the elections.
192. How do you fix the time with reference to the election? Because I missed him from the town.
193. He might have been ill for three months;—as a matter of fact, you do not know anything more than that you missed him? That is all, and from what I heard.
194. Did you miss many others at that time? I miss a good few as they leave the town.
195. I suppose the majority of them are men who voted? Not at all.
196. You do not know when this man left;—will you swear positively that he was not residing in Parramatta at the time of the election? I will not swear that, but I swear positively that he was away from Parramatta three or four months prior to the election.
197. Why? From evidence I have had given to me.
198. But we are talking of what you know of your own knowledge;—is not the only reason why you swear that he was away the fact that you missed him? No; not the only reason.
199. Then why do you swear it? I will swear that he has been away from Parramatta three or four months.
200. You swear positively that he was not residing in Parramatta six weeks before the election? Yes.
201. I should like you to show us how this gleam of light has come into your mind; you said before that you did not know that he was absent from Parramatta, and now you say that he was absent;—will you explain these two states of mind? I have been in the one state of mind all the time.
202. Well, why did you tell me that you knew he was absent only because you missed him? I did not say that. I said also that I had heard.
203. How far do you live from where this gentleman used to have a house? I should think about five minutes' walk.
204. Where do you live in Parramatta? In Pennant-street.
205. In what part? About two minutes from the main street.
206. What distance from All Saint's Church? On the opposite corner.
207. Where does the other man live? In Albert-street, near the Public School.
208. That is not far from the Hospital for the Insane? No, not far.
209. What distance? I should think about half a mile—not that. It might be half a mile.
210. How far is it from where you live to Church-street? I should think about 200 yards.
211. *Mr. Kelynack.*] Is there a Government tram running to Parramatta? No.
212. There is a tram there, I suppose? Yes.
213. Do the guards on that tram wear uniforms similar to the Government uniform? No.
214. *Mr. Carlos.*] How often did you see this gentleman when he was residing at Parramatta—every day? Not every day; just occasionally. On the average I would see him twice a week.
215. Used he to wear a uniform when you saw him? No.
216. Where was the difficulty in identifying him? Because he is in uniform now, and I never saw him in it before.
217. You say you saw him the day he voted? Yes.
218. Was he the man you used to see in Parramatta? Certainly he was.
219. But you are not sure that this is the man? I am almost positive. I am positive, as far as that goes.
220. *Mr. Cann.*] What was his occupation in Parramatta when you knew him? I do not know what he did. I knew him in the town. I used to see him in Church-street.

John Paul recalled and further examined:—

221. *Mr. Kelynack.*] Do you know a man named Charles Wilson Pitt? I know a young man of that name. [*A man answering to the name of Charles Wilson Pitt was called in and identified by the witness as the person to whom he referred.*] J. Paul.
27 Sept., 1898.
222. Do you know that he was residing in the Parramatta electoral district at one time? Yes.
223. Did you remove his furniture from there? I do not know whether it was his or not. I removed the household furniture of the family.
224. From the house where he was living? Yes.
225. Where did you remove it from? From a house at the corner of Albert-street.
226. Was he married? Not that I am aware of. I do not know whether he is or is not. His mother was the lady whom I made the arrangement with. 227.

- J. Paul. 227. Where did you remove the furniture to? To Sydney—I think to Surry Hills.
 228. Have you seen him about Parramatta since you removed that furniture? I do not remember having seen him anywhere.
 229. When was it that you removed the furniture? In May of this year.
 230. *Mr. Carlos.*] What date in May? Towards the end of the month. It was after the 20th—I fancy about the 23rd.
 231. You are sure that it was in May? Yes.
 232. How do you fix the date? I go by my books.
 233. Have you got them here? No.
 234. Did you look up your books? Yes.
 235. With whom did you agree to take away this furniture;—was it not with Mrs. Pitt, the wife of the inspector of schools? Yes.
 236. Will you swear that this man was not residing in Parramatta subsequent to the removal of the furniture? No, I will not.
 237. Do you know where Eades lives? I think he lives in Pennant-street.
 238. What distance would you say it is from that place to George-street? A quarter of a mile.
 239. What distance is it from that part of George-street on to where Pitt lived? I should say that from George-street to where Pitt lived is close on half a mile.
 240. Three-quarters of a mile altogether? I should think it was about that altogether.
 241. Used you to see young Pitt often before the removal of the furniture? No. I might have seen him many times, but not to know him.
 242. All you know is that you removed the furniture of Mrs. Pitt? Yes, that is all.
 243. You do not know whether young Pitt left Parramatta at all? I do not know that.
 244. *Mr. Cann.*] Do you know whether he was residing there at all? I do not. He came to me once in relation to the removal, and spoke to me about it after I had interviewed his mother, and before the removal took place.
 245. He might have done that whether he was living there or not? Quite so. I was not personally at the house on the day the furniture was moved, so that I do not know whether he was there or not.
 246. You do not know whether he resided there before or after, or at any time? I do not know it as an absolute fact.
 247. *Mr. Carlos.*] Has he not an uncle living there? I do not know.
 248. Do you know a man named McShane? I might know him by sight, but I do not know the name.

Charles Edward Eades recalled and further examined:—

- C. E. Eades. 249. *Mr. Kelynaek.*] Do you know a man named Charles Burton? Yes.
 250. Did he vote in the Parramatta electorate in the Sydney booth on the 27th July last? Yes.
 251. Do you know yourself anything about his residence in Parramatta? I am not over-confident. The only thing I know is that the committee gave me information to challenge him—that he was away from the town.
 252. Did he say anything at the time he voted? Not that I remember.
 253. Do you know where he is living now? I could not say.
 254. *Mr. Carlos.*] Do you know where he removed to? I do not know where he is residing now.
 255. But you know that he has left Parramatta? Yes.
 256. How do you know that he is not residing in Parramatta at the present time? Because I heard that he has removed, and I have not seen him in the town.
 257. Will you swear that he was not residing in Parramatta at the time of the election? Certainly I will not.
 258. How do you know that he removed;—where did he reside? He resided in Parramatta, but I do not know whereabouts. He was a hairdresser there. [*A man answering to the name of Charles Burton was called in and identified by the witness as the person to whom he referred.*]
 259. You do not know whether he was or was not residing in Parramatta before the election—I mean immediately before? I do not. The only reason I challenged him was on account of the committee instructing me to do so.
 260. This gentleman, I believe, used with you to be a strong supporter of Mr. O'Reilly at previous elections? I do not know.
 261. You do not know? I am not certain.
 262. Will you say that he did not act with you on Mr. O'Reilly's committee at a previous election? No.
 263. You will swear that he did not? Not with me.
 264. Or on a committee at any time? I could not swear to it.
 265. *Mr. Kelynaek.*] You know that Burton was in business in Parramatta? Yes, as a hairdresser.
 266. And he gave it up? He gave up the shop.
 267. How long before? I should think four months prior to the poll.
 268. Did you see him afterwards? No.
 269. *Mr. Carlos.*] How do you fix the time? As near as I can say, it was about four months.
 270. How long is it from now? Nearly six months, as long as I could guess.
 271. You swear that you have not seen him there for the last six months? About Parramatta—I think not.
 272. You do not swear that he has left? I will swear that I have not seen him there; that is all that I will swear.
 273. *Mr. Cann.*] Did he vote? Yes; he voted at the Sydney booth.
 274. Did you challenge him? I am not certain. My roll will show whether I did or did not.
 275. *Mr. Carlos.*] Have you not sworn already that you did challenge him? No, not this man. My roll will be marked if I challenged him.
 276. *Mr. Kelynaek.*] Is this the roll [*produced*] used by you at the last election? Yes.
 277. Now look at his name? I see that I did not challenge him.
 278. Did you mark the name when you challenged a man? Yes; I put "challenged" against the name. This roll was given to me as a guide to the challenging.

279. *Chairman.*] Then you were in error when you said that you were instructed by the committee to challenge him? Yes. C. E. Eades.
 280. *Mr. Carlos.*] Did not you know that he had been away for four months? About four months. 27 Sept., 1898.
 281. Then why did you not challenge him? Because I had not received instructions to challenge him.
 282. It did not matter about the law; it was a question of whom he was in favour of? I do not know anything as to that. The man was not marked here to be challenged. If he had been I should have challenged him. Why the committee did not mark him I cannot say.

John Paul recalled and further examined:—

283. *Mr. Kelynack.*] Do you know a man named Charles Burton who used to reside in Parramatta? Yes. J. Paul.
 [*A man answering to the name of Charles Burton was called in and identified by the witness as the person to whom he referred.*] 27 Sept., 1898.
 284. Was he residing at Parramatta? Yes.
 285. Is he a married man? Yes.
 286. Did you remove his furniture from the Parramatta electoral district? No.
 287. Are you certain that you did not remove that furniture? Yes.
 288. He had a business in Parramatta? Yes. He used to have a hairdresser's saloon.
 289. Do you know when he gave up that business? I could not be certain when he gave it up, but I think it was in May.
 290. How long before the election—how many months; could you say positively that it was more than a month? Yes, it was more than that.
 291. To the best of your knowledge it was in May? Yes.
 292. Have you seen him about Parramatta since then? I do not remember having seen him since he went away.
 293. Do you know where he went to? I know by report, of course, that he went to North Shore.
 294. Or to Balmain? Perhaps to Balmain. Somewhere on the borders of the Parramatta River. I do not know whether he went to North Shore or to Balmain. That is where he told me he was going to, and he made some arrangement for the removal of his furniture, but it did not come off.
 295. *Mr. Carlos.*] Do you know, as a matter of fact, whether he was residing at Parramatta at the time of the election? I do not know.
 296. So far as you know, he may have been residing there? Yes.
 297. *Mr. Cann.*] Do you take an active interest in the elections? No.
 298. You did not work for anybody? No.
 299. Nor canvass for anybody? No.
 300. *Mr. Carlos.*] Did Barber have anything to say to you about the departure of this man from Parramatta? Yes.

Charles Edward Eades recalled and further examined:—

301. *Mr. Kelynack.*] Do you know a man named John Drew Morrison? Yes. [*A man answering to the name of John Drew Morrison was called in and identified by the witness as the person to whom he referred.*] C. E. Eades.
 302. Did he vote at the election on the 27th July at the Sydney booth for the electoral district of Parramatta? Yes. 27 Sept., 1898.
 303. Do you know where he used to live in Parramatta? He used to work at Murray Brothers, and I fancy that he resided in Macquarie-street, but I am not sure.
 304. Do you know whether he has removed from there? Yes.
 305. Do you know where he has removed to? He removed about two months prior to the election.
 306. Do you know where he is living now? He is living out of Parramatta, but I do not know where. I know that he has shifted out of Parramatta.
 307. And he was living out of the district prior to the election? About two months prior to the election.
 308. You did not see him about? No.
 309. You cannot swear positively that he was not in some corner of the town? Yes.
 310. When he was in Parramatta, you were in the habit of seeing him regularly? Yes.
 311. *Mr. Carlos.*] Do you swear positively that he had left the electorate? I know that he had left Murray Brothers.
 312. Do you know the boundaries of the Parramatta electorate? No.
 313. Do you know where he has removed to? He removed out of the electorate.
 314. *Mr. Kelynack.*] Will you look at the map before you. You see there the boundaries of the Parramatta electoral district; is Summer Hill within that district? No; he moved out of the town.
 315. When you have spoken of the Parramatta electoral district this morning, have you had in your mind the area marked on the map? No; I have not.
 316. When you said that a person had left the Parramatta electoral district, did you include the whole of the district shown on the map? Yes; all the district marked red on the map.
 317. When you spoke of the Parramatta electoral district, you understood all that area? Yes.
 318. *Mr. Carlos.*] Will you tell me how far the electorate extends along the Windsor-road? To the street past the old toll-bar.
 319. Is Murray Brothers' mill in the Parramatta electorate? Yes.
 320. Look at the plan? The electorate extends past Murray Brothers' mill. It is called the "Darling Mills" on the map.
 321. Do you know that this gentleman has left Parramatta? Yes.
 322. Where did he reside there? In Macquarie-street.
 323. In what part of Macquarie-street? At a boarding-house there.
 324. Macquarie-street extends for nearly a mile? About a mile; but only about a quarter of it is built upon.
 325. What boarding-house did he live at? Between Smith-street and George-street.
 326. You know that this gentleman left that boarding-house two months before the day of the general election? I know that he left Murray Brothers.

- O. E. Eades. 327. *Mr. Cann.*] You say that he voted on polling-day? Yes; he voted in Sydney.
 328. Did you challenge him? I am not certain. My roll will show that.
 27 Sept., 1898. 329. *Mr. Kelynack.*] Will you look at the roll [*produced*]? No; he was not challenged.
 330. *Mr. Carlos.*] Was he a federationist or an anti-federationist—a Ferrisite or an O'Reillyite? I have no idea.
 331. You only challenged those you were instructed to challenge? If they were marked to be challenged.
 332. This man was not challenged? No.
 333. *Mr. O'Sullivan.*] You say that he had been absent from the electorate for two months? Prior to the election.
 334. You meant two months prior to the election—not two months since the election? He was away from Murray's for two months. He was a cutter.
 335. You do not know that he was away from the town? No, I do not. These men were marked on the roll for me to challenge.
 336. *Mr. Carlos.*] This man was not marked? No; but the men whom I challenged were marked. The roll was supplied to me by the committee; and if this man's name had been marked, he would have been challenged. I presume that I am here to recognise the man who voted.

John Paul recalled and further examined:—

- J. Paul. 337. *Mr. Kelynack.*] Do you know John Drew Morrison? I know Mr. Morrison. [*A man answering to the name of John Drew Morrison was called in and identified by the witness as the person to whom he referred.*]
 27 Sept., 1898. 338. Do you know whether he resided in Parramatta? Yes; he resided in Parramatta.
 339. Where? At what we call May's Hill, at the back of the Park.
 340. Did you remove his furniture from Parramatta? No.
 341. Do you know that he left Parramatta? I know by report, but I did not see him leave. I had an interview with him in relation to his removing, but I did not do it for him.
 342. When was that? I think it was in May.
 343. Can you say whether it was more than a month before the 27th July, or before the 9th July? Yes.
 344. You are certain of that? Yes; I am certain that it was in the latter end of May, or in the first week of June that I had the interview with him about the removal.
 345. What did he say at that interview? He said that he was going to move his furniture to Sydney.
 346. Have you seen him about Parramatta since then? No; not that I know of.
 347. Used you to see him before? I used to see him occasionally before.
 348. Where was he working? At Murray Brothers' for some time.
 349. Have you been to Murray Brothers' since? I daresay; but I do not remember.
 350. *Mr. Carlos.*] This man Morrison did not reside in a boarding-house in Macquarie-street? Not that I know of.
 351. He did not reside about two months before the election in a boarding-house in Macquarie-street, between Smith and George streets? Not that I know of.
 352. Where did he reside? Where he told me he resided when he came to speak to me about his removal.
 353. You say that the date of that interview was about the end of May? Yes.
 354. How many interviews had you with Parramatta electors in reference to removals about the end of May? I could not tell you. I am moving someone every day.
 355. Do you know whether this gentleman was or was not residing in Parramatta on the 27th July last? No.
 356. You do not know anything about it? No.
 357. He might have been residing at a boarding-house in Macquarie-street—he might have removed from May's Hill and gone to the boarding-house? He might have done so.

Charles Edward Eades recalled and further examined:—

- C. E. Eades. 358. *Mr. Kelynack.*] Do you know a man named Peter Joseph Kelly? Yes.
 27 Sept., 1898. 359. Did he vote at the Sydney booth, on the 27th July last, for the electoral district of Parramatta? Yes. [*A man answering to the name of Peter Joseph Kelly was called in and identified by the witness as the person to whom he referred.*]
 360. Do you know how long it is since he was residing in Parramatta? I could not say the exact time.
 361. Do you know where he was residing? When last I knew about him he was residing in George-street North, keeping a grocer's shop.
 362. Do you know when he left Parramatta? I do not.
 363. What was the last time that you saw him in Parramatta? Some considerable time previous to the election.
 364. When he was regularly residing at Parramatta, did you see him frequently? Yes, very often.
 365. What is his occupation? He was a grocer when he was there.
 366. Did he give up his grocery business? He sold out.
 367. *Mr. Crick.*] He may be living there now, for all you know? He may be.
 368. *Mr. Carlos.*] Do you know that he was not residing in Parramatta at the time of the election? I have heard that he was not.
 369. Do you know? I do not know.
 370. Are you sure that he had left Parramatta a month before the election? I did not see him about.
 371. When you were examined here before, in reference to another gentleman, you told us that he lived in a boarding-house in Macquarie-street;—what was his name? Morrison, the cutter.
 372. Do you still adhere to that statement? He was working at Murray's.
 373. I am not asking you that;—you swear that he left a boarding-house in Macquarie-street a couple of months before the election? He resided there.
 374. Did you live there yourself? No.

375. How often were you there in the two months before the election? I was never in the boarding-house. C. E. Hades.
27 Sept., 1898.
376. Then all you know is what you were told? Certainly.
377. *Mr. Cann.*] You say that Kelly voted at the Sydney booth? Yes. He was challenged.
378. By you? By me; and he signed his name to the declaration.
379. *Mr. Crick.*] On what ground did you challenge him? On the ground that he was not qualified.
380. *Mr. Carlos.*] Do you know why the committee marked these names;—was it because the men were O'Reillyites? I could not say.

Thomas Reeve Barber recalled and further examined:—

381. *Mr. Kelynack.*] Do you know a man named Peter Joseph Kelly, who used to reside in Parramatta? T. R. Barber. Yes. [*A man answering to the name of Peter Joseph Kelly was called in and identified by the witness as the person to whom he referred.*] 27 Sept., 1898.
382. When did you last know him as residing in the electoral district of Parramatta? I think it was some time in May last; but I am not certain.
383. Do you know where he moved to? Yes; to North Shore.
384. You have received certain information? Yes.
385. From whom? I got the information from Mr. Crewe, in Parramatta.
386. *Mr. Carlos.*] You do not know this of your own knowledge? No.
387. *Mr. Kelynack.*] Do you know that Mr. Kelly has been out of the Parramatta electoral district? From information I have received, yes.
388. *Mr. Carlos.*] Do you know with reference to any of the other people about whom you have been examined to-day, that they have lived out of the district, except from information received;—did you know it of your own knowledge? From information I have received.
389. *Chairman.*] You said this morning that you knew it of your own knowledge? From not seeing them about the town.
390. *Mr. Carlos.*] Suppose they had been for three months in bed you would not have seen them about;—will you swear that they were out of the district? I could not swear whether they were in bed.
391. Do you know when Kelly left Parramatta? I cannot say for certain.
392. Do you know that he was not in the electorate two months prior to the 27th July? From information received.
393. You do not know it of your own knowledge? No.
394. Do you know that Spouncer was residing out of Parramatta for two months prior to the 27th July? From information received.
395. Is that the only way in which you know it? I could not say positively.
396. I am asking you positively? As an old resident of Parramatta I had not seen him.
397. You told us that you yourself were absent for six weeks before the election? I said before that it was possible for him to come back in that time.

George Pegum sworn and examined:—

398. *Mr. Kelynack.*] You are a grocer? Yes. G. Pegum.
27 Sept., 1898.
399. You have a shop in Alfred-street, North Shore? Yes.
400. Do you know a man named Peter Joseph Kelly? Yes. [*A man answering to the name of Peter Joseph Kelly was called in and identified by the witness as the person to whom he referred.*]
401. Where does he live? He lives in Alfred-street, North Shore.
402. In a house of his own? I could not tell you.
403. With his wife and family? I could not tell you that of my own knowledge.
404. How long has he been living there? I really could not tell you that, but he has been living there for some time. The only way I could get at that is that some time about the middle of July I sent round a price-list, and I remember sending him one.
405. Do you know whether he was living there before then? He was living there for some time before that.
406. For how long? I really could not say, because I was not in any way interested in the man.
407. Would you say a month? Yes; I should say that he was living there a month.
408. *Mr. Crick.*] Do you know that he was living there a month? He might have been living there three months for all I know.
409. He might have been living there three years? He was not living there three years, nor six months.
410. Were you ever in his house? No, never.
411. *Mr. Kelynack.*] Are you sure you saw him there for some time before the date on which you sent round the price-lists? Yes.
412. For how long before that time? I should say five or six weeks, though I would not be positive one way or another. I should be inclined to think that.
413. *Mr. Carlos.*] Do you swear positively that he was living there on the 27th June? I would not swear positively about that.
414. As a matter of fact, you do not know whether he was there on the 27th June? I do not know more than I have said—that in the middle of July I sent round price-lists, and I should say that he was living there five or six weeks previous to that.
415. Previous to what? Previous to the middle of July.
416. Are you sure that it was not in the middle of August that you sent them round? I am certain about that.
417. You will not swear that Kelly was living in North Shore on the 27th June? No; I will not swear it, because I might be making a mistake.
418. He might not have come there on the 27th June? He might not, for all I know. I might be making a mistake, because I was in no way interested in the man.

George James Bolton sworn and examined :—

- G. J. Bolton. 419. *Mr. Kelynack.*] You were scrutineer at No. 7 booth in the Town Hall, Parramatta? No, No. 6.
 420. At the election held there on the 27th July last? Yes.
 27 Sept., 1898. 421. Do you know a man named Samuel Richard Turner? Yes. [*A man answering to the name of Samuel Richard Turner was called in and identified by the witness as the person to whom he referred.*]
 422. Did he vote at No. 6 booth? Yes.
 423. Was he challenged? Yes.
 424. *Mr. Carlos.*] Who challenged him? I challenged him.
 425. What did you say? I merely said, "This vote is challenged."
 426. Were the usual questions put to him? I asked for the prescribed questions to be put.
 427. *Mr. Crick.*] Were they put? They were put. I then asked for the signature.
 428. *Mr. Carlos.*] Did you want anything more? No, that is all I wanted.
 429. *Mr. Kelynack.*] You were scrutineer to Mr. O'Reilly? Yes.

George Tuckwell sworn and examined :—

- G. Tuckwell. 430. *Mr. Kelynack.*] Do you know Samuel Richard Turner? Yes. [*A man answering to the name of Samuel Richard Turner was called in and identified by the witness as the person to whom he referred.*]
 27 Sept., 1898. 431. Does he live at Campbell's Hill? He did up to the day of the polling.
 432. Is that outside the electoral district of Parramatta? He has lived at Campbell's Hill, and is now in Parramatta.
 433. Is Campbell's Hill outside the electoral district of Parramatta? Yes.
 434. Do you live in the same street as Turner? Yes.
 435. In what electorate did you record your vote? In Granville.
 436. Do you live on the same side of the street as he lives? Yes.
 437. *Mr. Carlos.*] On the electoral roll [*produced*] does not the name of Samuel Richard Turner appear, with his proper address opposite to it? Yes.
 438. You do not know that that address is not in the Parramatta electorate? It was not there before they came there to live.
 439. How long is it since you went there to live? I have been living there for twelve years.
 440. You are living near this gentleman, but your name is not on the Parramatta roll;—you are on the Granville roll? Yes.
 441. How do you know that the dividing-line does not come between your house and Turner's? I am sure that it does not.
 442. Do you know Samuel Turner? Yes. [*A man answering to the name of Samuel Turner was called in and identified by the witness as the person to whom he referred.*]
 443. Does he reside at Campbell's Hill? He does not now, but he did.
 444. When? Up to the polling-day.
 445. At the same place as that at which Samuel Richard Turner resided? Yes.
 446. Do you mean to say that he lived at Campbell's Hill up to the day of polling? Yes; he was living there at that time.
 447. How many years before did he live there? For two years, to my knowledge.
 448. Did both Samuel Turner and Samuel Richard Turner live there? Yes.
 449. Does Samuel Turner live in the same house as Samuel Richard Turner? He did.
 450. That is at Campbell's Hill? Yes.
 451. *Mr. Carlos.*] There are two Samuel Turners on the roll—one whose address is given as Hunter-street, and who is described as a bootmaker;—is that the man whom you have identified? Yes.
 452. Is Hunter-street on Campbell's Hill? No.

Samuel Turner sworn and examined :—

- S. Turner. 453. *Mr. Kelynack.*] Do you reside at Campbell's Hill? I reside in Hunter-street.
 27 Sept., 1898. 454. You resided at Campbell's Hill at the time of the last election? Yes.
 455. And for how long before? In all I resided there for two and a half years.
 456. When did you move into Hunter-street? About six weeks ago.
 457. After the election? After the election.
 458. *Mr. Carlos.*] You lived at the same place as Samuel Richard Turner? Yes.
 459. His name is on the roll for the Parramatta electorate? Yes.
 460. You have no reason to doubt that the name on the roll is the name of your son? Yes.
 461. You used to live at Campbell's Hill? Yes.
 462. *Mr. Crick.*] How many candidates were there for the Parramatta seat? Four.
 463. Did you vote for Mr. Ferris? I decline to say for whom I voted, because I consider the ballot-box sacred. I can explain how the names come to be on the roll. At first I lived in Hunter-street, Parramatta, and that is why my name appears on the roll opposite that address. Then I moved to Campbell's Hill, but I did not know that it was outside the Parramatta electorate, and, in point of fact, it is only 200 yards out of the electorate. While living there my two sons became old enough to vote, and they applied to have their names put on the roll. They said that they lived at Campbell's Hill, and that is how it is that their names appear on the roll opposite the address "Campbell's Hill, Parramatta."
 464. *Chairman.*] The sons you refer to are Samuel Richard Turner and George Forsyth Turner? Yes; after that the election came on, and we all voted. I did not know that Campbell's Hill was not in the electorate of Parramatta until I was talking to Mr. Tuckwell the next day. Since then I have moved into Parramatta, and I am living at Hunter-street in the old place where I was living before I went to Campbell's Hill.
 465. *Mr. Kelynack.*] You voted at the last election? Yes.
 466. *Mr. Carlos.*] You take the word of Mr. Tuckwell as more reliable than the information of Government officials? I do not understand you.
 467. *Mr. Crick.*] Which of the parties, the party representing Mr. O'Reilly, or the party representing Mr. Ferris, saw you about the evidence you could give? No one in particular.
 468. But who spoke to you about it? I cannot say that any one spoke to me about it. 469.

69. Cannot you tell me the name of anyone who spoke to you about it? No.
470. Who served the subpoena on you? Mr. Barber.
471. Do you mean to say that they did not know the evidence you were going to give to-day? They never got anything from me. They never asked me. I never knew that I was coming here. My address appeared on the roll as Hunter-street all the time.
472. Did any one tell you to ask for your expenses here to-day? No.
473. Then why did you not ask for them when you were served with the subpoena? I asked Barber about them.
474. *Mr. Carlos.*] What did Barber say to you when he gave you the subpoena? He said, "I have a subpoena for you and your two sons." I read it and I said, "Well, I suppose you will pay me. It is a bit off to close a shop in the main street of a town, and to leave your place shut up."
475. You said, "You will pay me,"—who did you mean,—from whom did you expect payment? From those who served me with the subpoena.
476. Did you not know that Barber was collecting evidence for Mr. O'Reilly? No; I did not know that he was collecting evidence. He did not ask me for any.
477. Your vote was not challenged? No.

S. Turner.

27 Sept., 1898.

Walter Byrness sworn and examined:—

- 477A. *Mr. Kelynaek.*] You acted as a scrutineer for Mr. Brown at No. 2 booth at the Court-house, Parramatta, at the general election held there on the 27th July last? Yes. W. Byrnes.
- 477B. Do you know a man named Alexander John Charles Christie? I do. [*A man answering to the name of Alexander John Charles Christie was called in and identified by the witness as the person to whom he referred.*] 27 Sept., 1898.
- 477C. Did that gentleman vote at the election? Yes.
- 477D. *Mr. Crick.*] Was his vote challenged? No.
- 477E. *Mr. Cann.*] You did not challenge him? No.
- 477F. *Mr. Carlos.*] Was he challenged by anyone? I do not think that he was.

Thomas Reeve Barber recalled and further examined:—

478. *Mr. Kelynaek.*] Do you know a man named Alexander John Charles Christie? Yes. [*A man answering to the name of Alexander John Charles Christie was called in and identified by the witness as the person to whom he referred.*] T. R. Barber.
479. You remember him residing at Parramatta? Yes. 27 Sept., 1898.
480. How long ago? He left Parramatta about last April. Previous to that he was living there.
481. Do you know where he removed to? To Strathfield.
482. Did he tell you so himself? No.
483. You saw him there frequently before? Yes.
484. Have you found out that he is living at Strathfield now? Yes.
485. *Mr. Crick.*] You were at his house at Strathfield? No.
486. *Mr. Carlos.*] How do you know when he left Parramatta? I know from the landlord of the house he is living in.
487. You do not know of your own knowledge? No.
488. *Mr. Crick.*] Was he a friend of yours? Well, we are on good terms, and always have been.
489. Have you worked together at the elections? No.
490. Did he ever tell you who he voted for? No.
491. Did you ever ask him? No.

Frederick James Bennett sworn and examined:—

492. *Mr. Kelynaek.*] You were a scrutineer for Mr. O'Reilly at the Prospect and Sherbrooke booth during the election on the 27th July last? Yes. F. J. Bennett.
493. Do you know a person named Albert Hopkins? Yes. [*A man answering to the name of Albert Hopkins was called in and identified by the witness as the person to whom he referred.*] 27 Sept., 1898.
494. Did he vote at the last election? Yes.
495. Do you know the Parramatta electoral district well? Not very well.
496. You do not know whether Hopkins has left the district? Yes; he has left the district.
497. When? I could not say.
498. Do you know if he left before the day of the election? I believe so, but I could not swear to it.
499. *Mr. Carlos.*] Was Hopkins' vote challenged? No.
500. *Mr. Crick.*] Did you know him beforehand? I have known him for years.
501. You did not challenge him? No, because I did not know how long he had been away.
502. Had you any information, or did any one tell you, that he had left before the day of the election? No.
503. *Mr. Carlos.*] Had you not a list from Mr. O'Reilly's committee showing whom you should challenge? Yes.
504. This gentleman's name was not marked? No.
505. *Mr. Crick.*] Did you have any conversation with Hopkins? Not lately.
506. Do you know whom he was supporting? No.
507. You cannot say whether he was supporting Mr. Ferris? No; I cannot.

Thomas Reeve Barber recalled and further examined:—

508. *Mr. Kelynaek.*] Do you know Albert Hopkins? Yes. [*A man answering to the name of Albert Hopkins was called in and identified by the witness as the person to whom he referred.*] T. R. Barber.
509. Do you know if he resides in the Parramatta electorate? Up to the last two years and a half he did. 27 Sept., 1898.
510. Where has he been residing since? At, I think, Rookwood or Auburn, and Strathfield. He removed to Auburn from Parramatta, and then from Auburn to Strathfield.
511. He was not living in Parramatta at the time of the election, or within a month before that time? No.
512. *Mr. Carlos.*] Where did he reside in Parramatta? In George-street; he is a bootmaker by trade.
513. Has he ever acted on any committee with you? No. 514.

- T. R. Barber 514. During previous elections, I mean? No; not that I am aware of.
 27 Sept., 1898. 515. How do you know that he has not resided at Parramatta for the last two years? From what he told me himself.
 516. When did he tell you this? A fortnight ago, perhaps.
 517. He told you that he had not resided in Parramatta for two and a half years? Yes.
 518. Where did you see him? At Strathfield.
 519. You went there, I suppose, specially to find him? Yes.
 520. *Mr. Crick.*] Did he tell you for whom he voted? No.
 521. Did you ask him? No.
 522. I suppose you had a good idea? Well, he did not tell me.

Charles Edward Eades recalled and further examined:—

- C. E. Eades. 523. *Mr. Kelynack.*] Do you know a man named James Thompson? Yes.
 27 Sept., 1898.

Thomas Reeve Barber recalled and further examined:—

- T. R. Barber. 524. *Mr. Kelynack.*] Do you know a man named George Forsyth Turner? Yes.
 27 Sept., 1898. 525. Did he vote at No. 1 booth, in the court-house, at Parramatta, on the 27th July last? Yes.
 526. Do you know where he resided? At that time he was residing at Campbell's Hill.
 527. *Mr. Carlos.*] Do you remember everybody who voted there? I cannot say that.
 528. How many votes were polled at the booth in which you were poll-clerk? I cannot tell you from memory.
 529. How can you say that Turner voted? Because I remember that.
 530. Do you remember old Turner voting? Not at my booth.
 531. *Mr. Kelynack.*] Was he challenged? Yes.
 532. *Mr. Carlos.*] Who challenged him? Mr. Dowell O'Reilly's scrutineer.
 533. Who was he? Joseph Ainsworth.
 534. Was he asked the usual questions? Yes.
 535. Did he answer them? Yes.
 536. And signed the paper? No; there was nothing signed.
 537. I thought it was usual when a man was challenged;—did he decline to sign? No. I do not think he was asked to sign.
 538. At any rate he answered the questions in a sufficiently satisfactory way to be allowed to vote? Yes.
 539. *Mr. Kelynack.*] You have said that he resided at Campbell's Hill? Yes. The point was whether he resided within the electorate of Parramatta or outside, and the map of the district was handed to the scrutineer for him to satisfy himself as to whether Campbell's Hill was or was not in the Parramatta electorate. It appeared to me that the scrutineer did not know whether it was in the electorate of Parramatta or not.
 540. *Mr. Carlos.*] It is down on the roll as being in the electorate? He is down on the roll as residing at Campbell's Hill, Parramatta; but Campbell's Hill is in the Granville electorate.
 541. *Mr. O'Sullivan.*] Is it on the border of the two electorates? Yes; there is a small piece of land which was originally known as the Campbell's Hill estate.
 542. Might not part of the estate be in the Parramatta electorate and part of it in the Granville electorate? No part of it is in the Parramatta electorate.

Henry Tucker Jones sworn and examined:—

- H. T. Jones. 543. *Mr. Kelynack.*] You were the Returning Officer for the electoral district of Parramatta at the last
 27 Sept., 1898. general election? Yes.
 544. After the election you wrapped up the check-rolls and the ballot-papers used and unused? I did up my own.
 545. Did you not make up all those you received from others? No; I did not touch any of them.
 546. Did you pack the box before us? Yes.
 547. *Mr. Crick.*] Each Deputy Returning Officer packs up his own papers? Yes.
 548. *Dr. Ross.*] How many polling-places were there in the Parramatta electorate? Ten—nine in Parramatta and one in Sydney. [*The box produced by the clerk having been opened in the presence of the witness.*] The papers are in the same state now as they were in when I sent them away from Parramatta. I tied them up myself, and screwed them down, and put a seal on the box.
 549. Seven hundred and forty-seven votes were returned for Mr. Ferris and 743 for Mr. O'Reilly? Yes, that is correct.

George James Bolton recalled and further examined:—

- G. J. Bolton. 550. *Mr. Kelynack.*] You were scrutineer for Mr. O'Reilly at No. 6 booth? I am not sure whether it
 27 Sept., 1898. was No. 6 or No. 7.
 551. Who presided there? John Ferguson.
 552. He presided at No. 7 booth;—you were scrutineer at the booth at which he presided? Yes.
 553. Who was the poll-clerk? Mr. Springett.
 554. Robert William Springett? Yes.
 555. Who was Mr. Ferris's scrutineer? William Lane.
 556. Who was Mr. Brown's scrutineer? William Pickering.
 557. Do you remember an elector coming into your booth and getting a ballot-paper, and afterwards coming back and saying something? Yes.
 558. Do you know what the name of that elector was? I am not sure, but I fancy it was Tollis.
 559. What did he say when he came back? He said, "Oh, I have made a mistake; I have crossed out the four names."
 560. What did you say then? Mr. Ferguson gave him another ballot-paper. He said to him, "That will not matter—there is not much difference. I will give you another paper."
 561. Who said that? Mr. Ferguson.
 562. The man did not ask for it? No.

563. Ferguson gave it to him? Yes.
564. Did you say anything? I said, "Is this legal?" and I could not catch the reply, but there was a general "Oh, yes," from all hands.
565. What did the elector do with the paper upon which he had struck out all four names? Mr. Ferguson took possession of it.
566. Did you afterwards see the man deposit the ballot-paper in the ballot-box? Yes; the second ballot-paper.
567. The first ballot-paper came back to the hands of Mr. Ferguson? Yes.
568. Do you know about another elector coming into the same booth and getting a second ballot-paper? Yes.
569. What happened in his case? He tore his paper in two. He said that he had made a mistake.
570. What was his name? I would know it if I heard it. I cannot think of it now. He is a watchman in the Macquarie-street Asylum.
571. Was his name Willard? That is his name.
572. Did he say anything to Mr. Ferguson? He just said, "Oh, I have made a mistake," tearing up the ballot-paper. Ferguson said, "Don't destroy that paper."
573. What then? "Give it to me."
574. What then? He was going out, and I said, "If it was legal to give the first man, Tollis, a second paper, it must be legal to give this man also a second paper."
575. Did he give him one? He did not want to give him one, but he gave him one eventually.
576. Do you know what he did with the one that had been defaced? He put it with the unused papers.
577. Did you see Willard put the second ballot-paper into the ballot-box? Yes.
578. Do you remember George Forsyth Turner coming into vote? Yes.
579. Did you challenge him? Yes.
580. Did you ask the presiding officer to get him to sign his name? To put the prescribed questions, and to get him to sign his name. He answered the questions, but refused to sign his name.
581. Did he vote there? No.
582. After that did anyone come into the booth and say anything? Yes.
583. Who? Mr. Ferris.
584. Just tell us what happened? He said, "What right have you to frighten any elector out of his vote?"
585. Who did he say that to? Looking at me, but I should think generally to all those present.
586. Did anyone answer him? Yes.
587. Who? Mr. Ferguson.
588. What did he say? "No one present is guilty of that, Mr. Ferris." Mr. Ferris replied, "I heard so."
589. What other conversation took place—anything material? Yes. Ferguson said, "If you send him back, he can vote if he signs his name in the book."
590. Do you remember Frederick Augustus Taylor? Yes.
591. Did he come into the booth? Yes.
592. Did you challenge him? Yes.
593. What happened then? I asked for the questions, and they were not put. I have known this man as long as I have been ———.
594. What did Taylor say when you asked for the questions to be put? "I refuse to vote (? sign)."
595. What happened then? There was a general laugh, and he got a paper and went in and voted.
596. Did the presiding officer say anything? He said, "You know this man."
597. Did you still press for the questions to be put? Yes; I wanted the questions put. I asked for the questions to be put.
598. What did Ferguson say? There was a general laugh between Taylor and himself, and he got the paper, and went in and voted.
599. Did Ferguson say anything to you about how long he had known him? He had known him as long as he had been in Parramatta.
600. What did you say? I said, "I have know him too." I have known him to be up country, in business somewhere.
601. Did you mention where? Up the line in business.
602. After that did you ask again that the questions should be put? No.
603. Did Taylor vote at the election? Yes.
604. Did you see him put the ballot-paper into the box? Yes.
605. *Mr. Carlos.*] Did you sign the usual certificate that everything had been done in a proper way? No.
606. Is not that the usual thing to do? I do not know. I signed the paper prior to the opening of the poll.
607. *Mr. Crick.*] But afterwards? No; I was asked to sign no paper.
608. *Mr. Carlos.*] There was nothing improper, no one voted twice, at that place? No.
609. Those who got two ballot-papers did not vote twice? No.
610. The number of votes recorded corresponded with the number of names struck off on the rolls? Yes. One hundred and seventy-five persons voted at that booth.
611. You say that Ferris looked you straight in the face and addressed you? He looked at me.
612. Where were you in the booth? I was nearest the door.
613. Facing the door? Not exactly facing it. The door was a little to the left.
614. Is this not what he said, "Mr. Presiding Officer, will you please enter a protest that you refused to allow a man named Turner to vote"? No; those were not his remarks at all.
615. Did Ferris go right into the booth? Yes; he came into the booth.
616. Was anyone there at the time except the scrutineers? There was no one voting at the time.
617. *Chairman.*] After the general laugh you spoke of, did you still press for the questions to be put? I had not time, because he had the paper in his hand.
618. You did not press the matter? I pressed it, so far as I thought possible.
619. You asked that the question should be put, and the laugh seemed to be against you, so you did not press the matter farther? I asked for the questions to be put by the Deputy Returning Officer, and he said, "I have known this man as long as he has been in Parramatta, and you know him too." I replied, "Yes"———

- G. J. Bolton. 620. You have told us that already? —
 27 Sept., 1898. 621. *Mr. O'Sullivan.*] Did the Deputy Returning Officer to whom you refer show partiality for any one candidate? No; but he showed partiality for certain voters.
 622. *Mr. Carlos.*] For whom did he show this partiality? In the instance of the giving of a second ballot-paper. He gave a second ballot-paper in the first case without any remark, but in the second case he would not have given it if I had not asked for it.
 623. You knew that Willard was an O'Reillyite? I did not know it for a fact, but I thought that he was.
 624. Whom did you think Tollis would vote for? I should take him as voting for Mr. Ferris.
 625. Why? I do not know.
 626. Do you not know that the Returning Officer was a strong supporter of Mr. Brown? Not according to his paper.
 627. Do you say that he did not advocate Mr. Brown's election? He advocated it, but not as much as Mr. Ferris.

WEDNESDAY, 28 SEPTEMBER, 1898.

Present:—

Mr. Cann,		Mr. Neild,
Mr. Whiddon,		Dr. Ross,
Mr. Ashton,		Mr. O'Sullivan,
F. B. Suttor, Esq., in the Chair.		

Mr. Kelynack, instructed by Mr. Abigail, appeared on behalf of Mr. O'Reilly, in support of the Petition.

Mr. Carlos, instructed by Messrs. Ellis and Button, appeared on behalf of Mr. Ferris.

Richard Charles Bartlett sworn and examined:—

- B. C. Bartlett. 628. *Mr. Kelynack.*] You were a scrutineer for Mr. Dowell Philip O'Reilly in a booth at Parramatta North at the election held there on the 27th July last? Yes.
 28 Sept., 1898. 629. Do you know a man named James Summers? Yes.
 630. Do you know whether he voted at that election? He did.
 631. Do you know anything about his place of residence? Yes.
 632. Where does he reside? He lives beyond the Parramatta water reserve, off the Pennant Hills road.
 633. Is the place within or without the Parramatta electoral district? Just outside the electorate.
 634. Will you mark it on the plan [*produced*]? Yes; that is it, as nearly as I can judge [*marking the plan*]. [*A man answering to the name of James Summers was called in and identified by the witness as the person to whom he referred.*]
 635. *Mr. Carlos.*] Were you on Mr. O'Reilly's committee? Yes.
 636. Did you challenge this man? No.
 637. Why? Because I did not know at the time that he was living out of the electorate.
 638. Had you instructions as to whom to challenge? Yes.
 639. He was not one of those whose names were marked? No.
 640. Where does Summers work? At the time he was working for a man holding the position of engineer for the Parramatta Council, I believe. He was then drawing metal by means of a traction-engine.
 641. Did you challenge anyone at the polling-booth? I challenged one man.
 642. I suppose you had instructions from Mr. O'Reilly's committee? Yes.
 643. Was Mr. O'Reilly in the Parramatta North booth on the polling-day? No, he was not in the booth.
 644. You swear that he was not in the booth at all on that day? Yes.
 645. *Mr. Ashton.*] How far from the boundary of the Parramatta electorate does Summers live? I have not been on the property myself; but as nearly as I could say he is just out of the boundary. There is a road, I think, dividing the property he is living on from Parramatta.
 646. Is his name on the roll? His name is on the Parramatta roll.
 647. *Mr. Cann.*] Is the boundary of the electorate in Iron-street? No.
 648. *Mr. Kelynack.*] What address is given on the roll? Iron-street.
 649. Is he at Iron-street now? No. He has been living at his present address for five months.
 650. So that the address on the roll is not his correct address? No.
 651. *Mr. Carlos.*] Do you know when he left Iron-street? I think about the latter end of March—the 22nd or the 23rd.
 652. How do you fix the dates? He himself notified me when he left Parramatta.
 653. That he was leaving Iron-street? After he left Iron-street he notified me as to his present residence.
 654. Why did he do that? It was necessary for him to notify me in my official capacity as secretary of a society to which he belonged.
 655. Was he a member of Mr. O'Reilly's committee? No, he was not.
 656. You knew that this man had left the electorate, and yet you allowed him to vote? I know that he had left his residence; but I did not know that he had left the electorate.
 657. Did you know where he had gone to? Yes.
 658. But you did not know that it was outside the electorate? I did not.
 659. Will you swear now that it is outside the electorate? If this is the correct boundary I will swear it.
 660. *Dr. Ross.*] Were there any other scrutineers in the booth? Two others.
 661. Who were they? Mr. Joseph Hart and Mr. Charles Crouch.
 662. Were they for the other candidates? Yes.
 663. Did either of these scrutineers object to any of the voters? No.
 664. You objected to one person? I objected to one.
 665. Was he passed? Yes; he voted.

Charles

Charles Edward Eades recalled and further examined:—

666. *Mr. Kelynack.*] Do you know a man named James Summers? Yes. [*A man answering to the name of James Summers was called in and identified by the witness as the person to whom he referred.*] C. E. Eades.
28 Sept., 1898.
667. Do you know where Summers lived at the date of the election? No; I had no idea.
668. Do you know whether he lived inside the electorate or not? No, I do not.
669. *Mr. Ashton.*] Were you a scrutineer at the Sydney polling-booth? Yes.
670. How many votes were recorded at the Sydney booth? I could tell you by looking at my roll.
671. Can you tell me how many votes were challenged at the Sydney polling-booth? By my roll I could. [*Roll produced.*] There was one challenged who did not vote. You do not want me to count that one, I suppose.
672. No, it does not matter about him? Three. There were some challenged who did not sign; but of course I did not mark them. When they did not take the declaration I passed them as not being challenged at all.
673. *Mr. Kelynack.*] When you say that three were challenged you mean that there were three who, after being challenged, voted? Yes; and took the declaration. They were some challenged, and they gave satisfactory answers in reference to where they lived.
674. *Chairman.*] With the questions being formally put to them? Yes.
675. The three you speak of answered the questions and signed the declaration? Yes.
676. *Mr. Carlos.*] Did any of the other scrutineers challenge? There were one or two challenged, but they did not sign the declaration.
677. Did Mr. Ferris' representative challenge anyone? He challenged Mr. Brown's scrutineer.
678. What was his name? I think his name was Purnell. He was allowed to vote afterwards, upon his explanation.
679. *Chairman.*] The three who were challenged voted? When they had signed the declaration.
680. With regard to the others, did the scrutineers enter into a conversation with the voters, and after their explanation allow them to vote without being formally questioned? Yes.
681. *Mr. Carlos.*] Who cross-examined these individuals? No one. They said it voluntarily, when they were challenged. As soon as they were challenged they asked what they were challenged for, and the scrutineer told them. They then explained that they lived at a certain place and had always lived there, and they were allowed to vote without anything further being done.
682. I thought the usual thing was for the presiding officer when voters were challenged to put three questions? That should be done.
683. Was it done? I do not know.
684. You said that it was not done? It was not.
685. What was the result of the poll in the Sydney booth? I could not say from memory.
686. What majority did Mr. O'Reilly have in Sydney? I think a majority of about thirteen, as far as I know.

James Summers sworn and examined:—

687. *Mr. Kelynack.*] Your name is on the roll for the electoral district of Parramatta as "James Summers, J. Summers. Iron-street, blacksmith"? Yes. C. E. Eades.
28 Sept., 1898.
688. Where are you residing now? On the Pennant Hills road.
689. Will you say on what estate you live? On the Broadview Estate.
690. Your property comes down to the waterworks fence? Yes.
691. Do you know whether you are north, south, east, or west of the waterworks reserve? East.
692. *Mr. Carlos.*] Were you challenged? I was not challenged at all.
693. *Mr. Kelynack.*] When did you move from Iron-street to your present residence on the Broadview Estate? On the 22nd March.
694. Of this year? Yes.
695. *Mr. Carlos.*] How do you remember that it was the 22nd March? I put it down in a book.
696. Did you take any prominent part in the late election? I only voted.
697. Did you not attend any meetings? No; I was working.
698. Have you any objection to saying for whom you voted? Yes.
699. You refuse to answer that question? Yes.
700. You were not on any one's committee? No.
701. When you voted did you know that you were living outside the Parramatta electorate? Yes; but I was under the impression that I had the right to vote in the Parramatta electorate for six months after I left it—until I became entitled to a right elsewhere.

Thomas Reeve Barber recalled and further examined:—

702. *Mr. Kelynack.*] Do you know a man named Joseph Brown? Yes. [*A man answering to the name of Joseph Brown was called in and identified by the witness as the person to whom he referred.*] T. R. Barber.
28 Sept., 1898.
703. Did he vote at the election? I do not remember him voting in No. 1 booth. I have a slight recollection of Brown coming into the booth to vote, but I cannot swear positively.
704. *Mr. Cann.*] If you had a check-roll would you be able to swear positively whether he voted or not? I had not a roll. The presiding officer marked off each man as he came in.
705. Then if the roll were shown to you, you could not tell whether this man had or had not voted? No.
706. *Mr. Kelynack.*] Did you make a mark on your own roll to show whether men voted? I had not a roll.
707. Did you make certain inquiries about Brown's place of residence? Yes.
708. Where? Well, he told me himself about his absence from the Colony, and I also got some information from the shipping office.
709. What did he tell you himself? I do not exactly remember the date, but I think he told me that in January last he went away and returned in the month of June.

- T. R. Barber. 710. Do you know how long he had been in Parramatta before he left? He had been there for some years before he went away.
- 28 Sept., 1898. 711. Did he tell you what he had been doing? He went to South Africa.
712. Did he tell you what he did in South Africa? No; I understood him to say that he had been working on board the boat—the "Therimopylae"—on the outward and on the return trip. I think the date of his return was the 15th June.
713. *Mr. Carlos.*] That would be six weeks before the 27th July? Yes.
714. At all events, it would be more than a month before the polling-day? Yes.
715. Do you know that he had returned by the 15th June? Yes; he told me that when I was speaking to him one day.
716. What did you find out from the shipping office? That that was about the date on which he was paid off.
717. And he resided in Parramatta from that date on to the day of the election? Yes, I believe so.
718. *Mr. Cann.*] Was he a married man? No.
719. A single man? Yes.
720. Who was he living with? With his mother.
721. His mother's residence was his regular place of abode? Yes.
722. He went to live with his mother when he came back? Yes; that was the information I received. I saw him at his mother's place last week.
723. His mother has not shifted? No; she is still living in Phillip-street.
724. *Mr. Carlos.*] Do you not know, as a matter of fact, that he was supporting his mother in his absence? I do not know it.
725. *Chairman.*] Do you say that he was away three years? No; five or six months.
726. How old is he? A man of about 25.
727. He was entitled to a vote before he left? Yes.

Frederick Darke sworn and examined:—

- F. Darke. 728. *Mr. Kelynaek.*] Your name is down on the roll for the electoral district of Parramatta as "Frederick Darke, George-street, carpenter"? Yes.
- 28 Sept., 1898. 729. Are you an inmate of one of the Government asylums? I am.
730. How long have you been an inmate of the asylum? Since 26th April, I think.
731. Of this year? Yes.
732. Were you challenged at the election? No; I was not.
733. Did you vote? I did.
734. At the election on the 27th July, 1898, for the electoral district of Parramatta? Yes; I had an elector's right and my name was on the roll?
735. *Mr. Carlos.*] How long have you lived in Parramatta? Forty-three years.
736. And you have voted at all the elections since? Every time.
737. Do you object to state for whom you voted? I object to answer that.
738. You were not on any committee in connection with the election? No; and I was not asked by either of the candidates for a vote.
739. Nor by any member of their committees? No.
740. *Mr. Kelynaek.*] Are you in the asylum now? No; I am in one of the cottage homes.
741. One of the Government cottage homes at Parramatta? Yes.
742. Who is the matron of it? Mrs. Teece.
743. Were you taken in there because of an accident? No.
744. Or because you were suffering from any disease? No.
745. On account of your age? Yes; and I could not get work.
746. Then you are supported in that home? Yes.

Sydney McLaren sworn and examined:—

- S. McLaren. 747. *Mr. Kelynaek.*] You are, I believe, a clerk for Mr. Collins, a land and estate agent at Summer Hill? Yes.
- 28 Sept., 1898. 748. Do you know a gentleman named John Drew Morrison? Yes.
749. What sort of a gentleman is he;—can you describe him? I could not describe him. I know him if I see him, but I do not know him well enough to give a description of him.
750. Did you let him a house at Summer Hill? Yes.
751. When? On the 17th of May of this year.
752. On that date did he take a house from Mr. Collins? He took it from the 23rd May. He occupied it on the 23rd.
753. How long did he remain there? He is in it at present.
754. Has he been in it ever since? Yes.
755. *Mr. Neild.*] Do you know that of your own knowledge? To the best of my belief. We are not collecting the rents; but I interviewed Mrs. Morrison this morning.
756. *Mr. Kelynaek.*] Did Morrison say where he had been living before? At Parramatta; I knew his address.
757. Did he tell you that he was living at Parramatta when he took the house? Yes.
758. *Mr. Neild.*] Do you know the gentleman by sight? Yes. I think he is rather a stout gentleman. So far as I can recollect, he is short, stout, and has a sandy moustache.
759. *Chairman.*] Could you identify him if you saw him? I think so.
760. *Mr. Kelynaek.*] What is the period for which he took the house? For six months, and after that at monthly tenancy. The six months have not expired yet.
761. *Mr. Carlos.*] Are you sure that he has been residing there regularly since the 23rd May? Yes.

762. He is there now? Yes. Mrs. Morrison told me this morning that they had been there since the 23rd May. S. McLaren.
28 Sept., 1898.
763. Do you swear that Morrison has been living there? I do not know as to that. All I know is that he signed for the house, and that he took the house. To the best of my belief he has been there.
764. *Mr. Kelynack.*] Did Mrs. Morrison speak of Mr. Morrison? She spoke of "we."
765. There was no suggestion that Morrison was living somewhere else? No.

Alexander John Charles Christie sworn and examined:—

766. *Mr. Kelynack.*] Were you challenged at the election held in Parramatta on the 27 July last? No. A. J. C.
Christie.
28 Sept., 1898.
767. Did you vote? Yes.
768. When did you leave the Parramatta electoral district? I did not exactly leave the district.
769. You got married? I did.
770. After that you did not reside at Parramatta? No.
771. You went away somewhere to stop for a while, and then took up your residence somewhere else? Yes.
772. When did you go away—at the time when you were married? Yes.
773. You did not go back to Parramatta after that? No.
774. When was it that you left Parramatta? On the 20th April.
775. Of this year? Of this year.
776. You have not resided in the Parramatta electoral district since then? No.
777. You are residing now, I think, in Strathfield? Yes; in Florence-street.
778. *Mr. Carlos.*] Since when have you been residing in Strathfield? I did not take up my residence there until the end of April.

William Alfred Jones sworn and examined:—

779. *Mr. Kelynack.*] You were a scrutineer for Mr. Dowell O'Reilly at the election which was held in the Parramatta electoral district on the 27th July, 1898? Yes. W. A. Jones.
28 Sept., 1898.
780. At what booth? At No. 3 booth.
781. At the court-house? Yes.
782. Do you know a man named Henry Holliday? Yes. [*A man answering to the name of Henry Holliday was called in and identified by the witness as the person to whom he referred.*]
783. Did he vote at the election? He voted at the election.
784. Was he challenged? He was challenged.
785. Did you challenge him? Yes.
786. The questions were put to him? Yes.
787. *Mr. Neild.*] Did he sign the declaration? To the best of my belief he did.
788. *Mr. Kelynack.*] Do you know anything about Holliday's residence? I know where he resides.
789. Do you know where he was residing at the time of the election? Yes.
790. Where? Near Harvey's hotel, near the Rosehill racecourse.
791. In the Parramatta electoral district? Yes.
792. How long had he been residing there? I cannot tell you, but I know that he had been out of the Colony.
793. For how long? A little over twelve months, so far as my memory serves.
794. Did he tell you that? No; but I knew it from his having been a van-driver, and having seen him about Parramatta. I also saw a notification about his going away to Western Australia in the *Parramatta Argus*.
795. Do you know what ship he came back in? I do not know that.
796. Did he tell you? No; he did not tell me.
797. When you challenged him did you have any conversation with him;—did he say then how long he had been back? I had no conversation with him. The Deputy Returning Officer asked him how long he had been back, and he replied that he had been back for five weeks.
798. *Mr. Carlos.*] You say that he said that he had been back for five weeks before the polling-day? Yes; for five weeks from the polling-day.
799. Five weeks before that time he was back in Parramatta? Yes, so he said.
800. This man told you that he had been five weeks back in Parramatta before the 27th July? He told that to the Returning Officer.
801. In your hearing? In my hearing.
802. You know that he had resided with his parents near Rosehill, in the Parramatta district, previously? I do not say that he resided with his parents; I believe that his wife was there.
803. *Mr. Neild.*] Did he live at the Rosehill address before he went to Western Australia? Yes.
804. Then he went to Western Australia, and came back to the same premises? Yes.
805. Have you any knowledge of what he did in Western Australia? No.
806. You had no conversation with him? No.
807. For all you know he simply took a trip there and came back again? All I know is that he went away, as so many others went away, to work at anything he could get there.
808. You say that he is a married man;—did he take his wife with him when he went? No. The person I understand to be his wife was left behind.
809. She did not join him subsequently in Western Australia? No.
810. How long was he away? To the best of my knowledge he was away over a year; I cannot tell you the exact time.
811. *Chairman.*] Did his wife occupy the premises? Yes.
812. *Mr. Ashton.*] His answer was that he had been back five weeks? Yes.
813. Do you know anything to the contrary of that? I do not of my own knowledge know anything to the contrary. I know that his wife did not go with him.
814. *Mr. Kelynack.*] Do you know whether she lived in the Parramatta electoral district whilst you were there? She did.

- W. A. Jones. 815. Was it in Arthur-street, Granville, that he lived? I do not know the name of the street; I know that it was near to the Rosehill Racecourse and to Harvey's Hotel.
- 28 Sept., 1898. 816. He is down as a builder;—is he a builder? I only knew him as a carter.
817. Do you know whether his wife was residing in Granville while he was away in Western Australia? No.
818. She was living in the Parramatta electoral district? Yes.
819. *Dr. Ross.*] What caused you to challenge his vote? He was down to be challenged as not being qualified to vote, not having been here the necessary time.
820. Because he went away on a trip? He did not go away on a holiday trip. He went away to seek work, and to better his condition.
821. *Mr. Kelynack.*] There are two Hallidays on the roll—Alfred, of George-street, a messenger, and Henry, of Grose-street, a carrier? This man may have lived in Grose-street.
822. The man whom you identified just now is the man who voted? Yes.
823. Is he the man whose wife was residing in the Parramatta electoral district? Yes.
824. *Chairman.*] Where is Grose-street? It is one of the streets off Church-street, Parramatta.
825. The man you mean did not live in Grose-street? I believe that he lived there at one time. I noticed the other day an old sign up there with "Holliday, carter," on it.
826. *Mr. Kelynack.*] Do you know a man named Henry Halliday? Not as a separate individual.
827. This is your roll [*produced*];—you will find there the name Henry Halliday, and the name Henry Holliday, and a "C" stands against each? Yes; I recollect challenging them both, because I thought that they were both Hollidays, and that the "a" was an error.
828. Do you know this man's wife by sight? The woman I believe to be his wife.
829. On what grounds do you believe her to be his wife? A few weeks before the election I was passing there, and I said, "I believe your husband is back again?" and she said, "Yes."
830. *Mr. Cann.*] Is he the man you identified? Yes.
831. *Mr. Kelynack.*] But he was not there when you spoke to the lady? No. She knew that I was referring to the man who had just returned from Western Australia.
832. *Mr. Carlos.*] That is the man you identified? Yes.
833. *Mr. Kelynack.*] Are you sure that Henry Halliday has been away to Western Australia? Not to my knowledge.
834. *Mr. Neild.*] I think you said that there was a newspaper paragraph in reference to the departure of Mr. Holliday for Western Australia? Yes.
835. Do you know about the date of its publication? No, I cannot tell you the date. I imagine that it was fully a year before the election.
836. Did you keep a copy of it? I did not.
837. What was the nature of it generally? Simply making reference to those who were leaving the Parramatta district for the west, and amongst the names his was included.
838. Did it refer to him as going away permanently—to the district losing a good citizen, and that sort of thing? In that manner.
839. *Mr. Carlos.*] You are sure that the man you identified just now is the man whom you challenged, and who said in your presence that he had been back from Western Australia for five weeks? Yes.

Henry Holliday sworn and examined:—

- H. Holliday. 840. *Mr. Kelynack.*] Your name is down on the roll for the electoral district of Parramatta as "Henry Holliday, Arthur-street, Granville, builder"? Yes.
- 28 Sept., 1898. 841. As a matter of fact, you have been following the occupation of a carter? So I am. Before you go any further I may tell you that that name does not refer to me—it is my father's. I have not been living at Arthur-street, Granville, for the last ten or twelve years.
842. There is also on the roll "Henry Halliday, Grose-street"? That is I.
843. Then the name is misspelt—it should be "Holliday"? Yes. I was living in Grose-street. I was boarding there when the name was put on the roll, with a person named Mrs. Gough.
844. You are married? I am now.
845. When were you married? I was married on the 1st October, 1896.
846. You left Parramatta some time ago? Yes.
847. Where did you go to? To Perth, Western Australia.
848. Were you married then? Yes.
849. How long after your marriage did you go? I went away on the 3rd October—two days after.
850. So that after you were married you did not reside in Parramatta? No; but I left property behind me.
851. What property? I left goods and chattels, and my parents were in the electoral district of Parramatta.
852. You went to Perth on the 3rd October, 1896? Yes.
853. Did you take your horse and cart with you? Yes.
854. Did you enter upon residence in Perth? I occupied a house.
855. What do you call residence if it is not taking a house? I suppose it is all the same. I had to pay rent for it.
856. Would you call that residing at Perth? Certainly.
857. What did you do with your horse and cart there? Sold it, and got a good price for it.
858. What did you do at Perth? I worked the horse and cart there for a time.
859. *Mr. Cann.*] Did you take the wife there? Yes.
860. Did she stay with you all the time that you were in Perth? Yes.
861. *Mr. Kelynack.*] How long were you there altogether—about eighteen months? Yes; it would be about eighteen months.
862. Residing in the house there with your wife? Yes.
863. Have you a family? I have now, since I have come back.
864. When did you come back from Perth? I landed here, if I remember correctly—though I could not swear to the date—on the 28th June.

865. What ship did you come by? I came by two ships. I came to Melbourne on one ship, and at Melbourne I was transhipped to another. H. Holliday.
28 Sept., 1898.
866. By what ship did you arrive here? I came in the "Wahroonga" and "Buninyong."
867. You came through Sydney Heads on the "Buninyong"? Yes.
868. Did you vote at the general election which was held in Parramatta on the 27th July, 1898? I decline to answer that question.
869. *Mr. Carlos.*] You were back about a month before the 27th July? Twenty-nine days I reckon. That would be a day over a month, taking four weeks as a month.
870. *Mr. Kelynack.*] When you came back where did you go to live? At my mother-in-law's, for a fortnight or three weeks.
871. Where? At the corner of Fennel and Billyard streets, Parramatta, and then I took a house for myself.
872. *Mr. Cann.*] In the electoral district of Parramatta? Yes; just opposite—in Fennel-street.
873. Were both places in the electorate of Parramatta? Yes; it was just across the road.
874. *Mr. Carlos.*] So that you had about month's residence in Parramatta before the 27th July? Yes.
875. *Mr. Kelynack.*] Did you take out a fresh elector's right when you came back? Yes.
876. When you came back from Perth? Yes.
877. On what date? I could not tell you the date.
878. Can you produce your right? No, I cannot.
879. *Mr. Carlos.*] Were you challenged at the election? Yes.
880. *Mr. Kelynack.*] When did you get a new elector's right? I could not exactly tell you the date.
881. Was it a week before the election? No, I think it was about three days before. I do not know whether I got it on the Saturday or on the Monday.
882. Before the election? Yes. I could not positively swear.
883. *Mr. Cann.*] Was it a substituted right? Yes.
884. A right in lieu of the one you lost? Yes. I might tell you that when I went to get that right I had to get a paper filled in, and I explained my case thoroughly to the J.P. I said, "Am I putting myself into any danger by doing this?" and he told me, "You are all right." Then I went and explained my case to another gentleman, and he said, "I will run across to a lawyer and get advice." He did so, and told me that I was quite justified in voting. Therefore I considered that I was all right.

William Spouncer sworn and examined:—

885. *Mr. Kelynack.*] You are described on the roll for Parramatta as William Spouncer, Rosehill-street, contractor? Yes. W. Spouncer.
28 Sept., 1898.
886. Evidence has already been given that you voted at the election on the 27th July last;—you have been a resident of Parramatta? All my life; I was born there.
887. When did you cease your residence in Parramatta? I could not answer that.
888. *Mr. Ashton.*] You are not living in Parramatta now? No, I am not.

Frederick Ludwig sworn and examined:—

889. *Mr. Kelynack.*] You were scrutineer for Mr. Dowell O'Reilly at No. 5 booth in the Town Hall, Parramatta, during the election which was held on the 27th July last? Yes. F. Ludwig.
28 Sept., 1898.
890. Do you know a person named Patrick Alfred O'Brien? Yes.
891. Do you know him well? Yes.
892. There is only one Patrick O'Brien on the roll? Yes.
893. Do you know William O'Brien? Yes.
894. Do you know where Patrick Alfred O'Brien used to live? In Parramatta.
895. What was he? He was in charge of a cycling firm.
896. Anyhow, you know a man named Patrick O'Brien? As I knew him, he used to be called "Paddy O'Brien" and "Widow O'Brien, the cyclist."
897. Do you know William O'Brien, the grocer? Yes, I know him.
898. Did Patrick O'Brien vote? William O'Brien voted.
899. Did Patrick O'Brien vote? Yes; both of them voted.
900. *Mr. Carlos.*] Did Michael James O'Brien vote? I could not say.

Charles Wilson Pitt sworn and examined:—

901. *Mr. Kelynack.*] Your name is on the electoral roll for Parramatta as "Charles Wilson Pitt, Albert-street, clerk"? Yes. C. W. Pitt.
28 Sept., 1898.
902. When did you cease to be a clerk to become a tram-conductor permanently? About three months ago—that is, permanently.
903. Were you on trial before as a tram-conductor? Yes.
904. How long were you on trial? About four months.
905. Where did your work take you;—what line are you on? On all the lines.
906. In Sydney? Yes.
907. Not in Parramatta? No.
908. You were formerly a resident of Parramatta? Yes.
909. When did you leave Parramatta? Do you mean for good?
910. Yes? I do not suppose it was two months before the election.
911. How long have you been engaged permanently on the tramway? For three months.
912. And you were on trial? I have been four months on the tramway altogether.
913. Is it not necessary when you are on the tramway to reside near to it? When you are permanently appointed.
914. When your mother moved did you move with her? I was in Sydney.
915. Were you living with your mother? Yes.
916. When your mother came to Sydney you also came to Sydney to live? Yes, for good.
917. Do you know a man named John Paul? Yes. 918.

- C. W. Pitt.
28 Sept., 1898.
918. He moved your mother's furniture? Yes.
919. The time at which he moved your mother's furniture was the time at which you came to Sydney? Yes, for good.
920. If he said that that was the 27th May last —? He would be wrong.
921. Why? Because we never moved on the 27th May last.
922. When did you move? I could not exactly say the date.
923. Was it the 30th May? No.
924. Do you know that your mother took her house from a Mr. Wilson? Yes.
925. The house is No. 20, Foveaux-street? Yes.
926. Do you know that it is taken from the 30th May? No.
927. You said just now that you were not quite sure when you came down from Parramatta; now you say that you are positive that it was not the 27th May? Well, as nearly as I can remember.
928. You say that you do not think it was two months before the election? I do not think it was.
929. Was it more than a month? I believe it was more than a month.
930. You cannot say positively that it was not on the 30th May that you went into the house? No, I cannot say.
931. If Mr. Paul, who moved the furniture, says that he moved it on the 27th May, he may be right;— you have no record of it? I have no record of it.

Alfred Howlett sworn and examined:—

- A. Howlett.
28 Sept., 1898.
932. *Mr. Kelynack.*] You are a carrier, and remove furniture? Yes.
933. You live in Parramatta? Yes.
934. Have you lived there long? Very nearly forty years.
935. Do you know a man who used to live in Parramatta named Patrick Alfred O'Brien? Yes.
936. Is he called "Paddy O'Brien," as a rule? Yes.
937. And otherwise "Widow O'Brien"? Yes.
938. Is he a married man? Yes.
939. Did you remove his furniture from Parramatta? Yes.
940. When was that? On the 23rd May.
941. Where did you move it to? To Forest Lodge.
942. Did you see him at Forest Lodge after you removed the furniture? No.
943. Who received the furniture? His missus.
944. You put it away into the house I suppose, into the various rooms? Yes.
945. Have you seen him about Parramatta since? I saw him on one occasion.
946. Do you know whether he is residing at Parramatta now? I do not think he is there now.
947. *Mr. Carlos.*] You will not swear that he was not living there a month before the 27th July? No.
948. You will not swear that the "Widow O'Brien," alias "Paddy O'Brien," otherwise Patrick Alfred O'Brien, was not residing in Parramatta a month before the 27th July? He may have been staying there; but I would not swear that he was or was not there.
949. You do not know whether he was or was not there? I will not swear that he was not.
950. All you know is that you took away the furniture on the 23rd May? Yes.
951. And you have seen him in Parramatta frequently since? I have seen him there on one occasion.

John Holland sworn and examined:—

- J. Holland.
28 Sept., 1898.
952. *Mr. Kelynack.*] You are the owner of some premises at Parramatta? Yes; I own a cottage in Wentworth-street.
953. You remember a man named Patrick Alfred O'Brien living in that cottage? Yes.
954. Is he otherwise known as "Paddy O'Brien"? Yes.
955. Is he also known as "the Widow O'Brien"? Yes.
956. Do you know when he left your premises in Parramatta? Yes; on the 23rd May of this year.
957. Did he tell you where he was going? His wife told me that she was going to Forest Lodge to live.
958. Have you seen them about Parramatta since;—do you know whether they have resided in Parramatta since? I do not think they have resided in Parramatta since; in fact I am sure they have not.
959. Are you often about Parramatta? Yes.
960. Do you reside there? Yes.
961. How long have you been residing there? All my life.
962. I suppose it is most improbable that if O'Brien had come back to Parramatta you would not have known? Yes.
963. *Mr. Carlos.*] Of course, you made yourself perfectly conversant with the boundaries of the Parramatta electorate before you came down here? No; I know the boundaries of the electorate pretty well, but I did not make myself conversant with them.
964. You told Mr. Kelynack that you were certain to know every person who lived in the Parramatta electorate? I told him that I had lived there all my life.
965. Will you swear that O'Brien is not living in the Parramatta electorate now? Yes.
966. Why? Because I know his wife. She was at our place very recently. I know she came from Sydney, and told us where she was living.
967. Will you swear that he was not at the "Woolpack" last night? I will not swear that.
968. *Mr. Cann.*] What is the "Woolpack"? A hotel.
969. That would not be his regular residence? No.
970. Did you ever know him to live there? No.
971. If he were living there, it would only be as a temporary arrangement? Yes.
972. *Chairman.*] Have you seen him in Parramatta since his furniture was removed? Yes; there was a children's sports gathering there on one occasion, and he was in Parramatta then. I saw him in the street, at a distance.
973. That is the only occasion? Yes.

Charles

Charles Edward Eades recalled and further examined:—

974. *Mr. Kelynack.*] Do you know a man named Walter Taylor? Yes. [*A man answering to the name of Walter Taylor was called in and identified by the witness as the person to whom he referred.*] C. E. Eades.
 975. Was he challenged? No, he was not. 28 Sept., 1898.
 976. Are you certain of that? I am certain of it.
 977. Did he vote? Yes, he voted.

Walter Ivon Taylor sworn and examined:—

978. *Mr. Kelynack.*] You are described on the electoral roll for Parramatta as Walter Ivon Taylor, W. I. Taylor. Wentworth-street, clerk? Yes.
 979. You used to be a resident of Parramatta? I am a resident of Parramatta. My home is in 28 Sept., 1898. Parramatta.
 980. Where do you work? In Sydney, at the Department of Labour and Industry.
 981. Do you go home to Parramatta every night? Not every night.
 982. When? Irregularly. My duties keep me in town a lot of an evening. When I am working late at night I sleep in Sydney.
 983. I understand that you were not challenged at the recent election? No.
 984. Where do you reside in Parramatta when you live there? In Wentworth-street. I am on the municipal roll with the qualification of residence.
 985. Where do you reside when you are in town? In Darlinghurst-road.
 986. At what place? No. 116.
 987. Whose place is that? My uncle's.
 988. Will you mention the name? Mr. Plunkett.
 989. Where do you reside when you are living in Wentworth-street, Parramatta;—whose place is it? My aunt's.
 990. Who is she? Mrs. Gould.
 991. It is between those two places that you live? Yes.
 992. For how long have you been living like that? I could not say. For the last three years, up to three or four months ago, I had a season ticket between Parramatta and Sydney.
 993. Up to four months ago, you had a season ticket from Parramatta to Sydney? Yes; but for the last three or four months I have only been travelling perhaps eight or ten times a month between Sydney and Parramatta, so that it did not pay me to take out a season ticket.
 994. I suppose you have brought most of your clothing down to Sydney? I have part of my clothing in each place.
 995. But as you have lived in Sydney for more than half your time, you must want more than half of your clothing in Sydney? No.
 996. I suppose you have only a few clothes at Parramatta, in case you want to stop there at any time—I suppose you have brought all you use down here? No.
 997. The others are old clothes? No, because I am often up there.
 998. For the last four months you have given up your season ticket. I take it that that is because you have come to live more in Sydney? It is cheaper to buy a ticket every time I go to Parramatta.
 999. Your residence has been more in Sydney than in Parramatta for the last four months? I suppose so.
 1000. If you have been to Parramatta only ten times a month, you must have lived twenty or twenty-one days in Sydney during each month? Yes.
 1001. I suppose you would not stop the night every time you went to Parramatta? As a rule I go up and stay the night, and come down next morning.
 1002. Four months ago would take us back to about the end of May;—was it then that you gave up the season ticket? I am not certain whether it was in May or in June. I think I held it in June.
 1003. *Mr. Carlos.*] You had a season ticket in June? I think so. I would not be positive.
 1004. *Chairman.*] Was it a half-yearly ticket? No. I only had a monthly ticket then. I was holding a quarterly ticket, but I was not certain about it, so I took out a monthly. I had a monthly ticket for three single months.
 1005. *Mr. Ashton.*] You were not certain about what, when you changed from a quarterly to a monthly season ticket? I was undecided as to whether it was cheaper to buy a season ticket or to buy a ticket for each trip. At that time I was taking about three trips a week.
 1006. Why did you buy a monthly ticket;—was it cheaper to substitute a monthly ticket for a quarterly ticket? In one month for about three weeks I did not visit Parramatta at all. I ran beyond the ordinary time for about fourteen days, and then I took out a monthly ticket for the balance of the month.
 1007. You had been travelling on a quarterly ticket, and you were not quite sure when you came to renew the ticket that you would be living in Parramatta for as long as three months? It was not that. I was trying the experiment.
 1008. *Mr. Kelynack.*] When you took the three month's ticket it was because you slept in Parramatta most nights of the week? Yes.
 1009. Then you commenced to sleep most nights of the week down in Sydney? Yes.
 1010. Then you gave up your quarterly ticket and took a monthly ticket? Yes.
 1011. Then you found that even that was dearer than occasional tickets, so you gave up the monthly tickets? Yes.
 1012. *Mr. Ashton.*] When you substituted the monthly ticket for the quarterly ticket, it was upon the expectation that at the conclusion of the month you would not be so regular in your visits to Parramatta? I was trying the experiment, to see how my visits would run for a month. If I had thought it would be a saving, I would, at the end of that time, have taken out another quarterly ticket.
 1013. *Mr. O'Sullivan.*] Which of these two places do you regard as your home? Parramatta.
 1014. Are you on any other electoral roll? No.
 1015. What caused you to sleep more frequently in Darlinghurst-road than in Parramatta? There was sickness and death in the family, and I was doing a lot of night-work, so that they said to me, "As you are so late in town of a night, why not run up here?" It was to assist them partly. There was a death there, and sickness again afterwards. I went there a great deal as company for them. 1016.

- W. I. Taylor. 1016. *Mr. Carlos.*] You have a house in Parramatta, and pay rates upon it? Yes.
 1017. It is not your own house, but you pay rates for it as being resident there? Yes.
 28 Sept., 1898. 1018. *Mr. Kelymack.*] Why do you say that you pay rates for it as being resident? I was on the electoral roll with a residential qualification.
 1019. *Mr. Carlos.*] You mean the municipal roll? Yes.
 1020. *Mr. Kelymack.*] You may pay rates for a house without living in it? Yes.
 1021. *Mr. Ashton.*] Are you a married man? No.
 1022. Used you to live in this house in Parramatta? Yes; I was living there for five years.
 1023. By yourself? No, with my aunt.
 1024. *Mr. Cann.*] Is she still living there? Yes. My uncle was living with her; but when he died the house was taken over in my name.
 1025. *Mr. Kelymack.*] You admit that you sleep twenty nights out of thirty, roughly speaking, in Sydney? Yes.
 1026. And you have been doing that for the last four months? Yes.
 1027. Yet you say that Parramatta is your home? I consider it my home.
 1028. What are your grounds for considering it your home? My letters and everything else are addressed there, and I may go there any moment. My room is kept there, and I might go there next week.
 1029. Is not your room kept at Darlinghurst? No; I have no room there at all.
 1030. Where do you sleep? I occupy a room with my cousin, in which there is a spare bed. It is called the spare bed.
 1031. And you have been living there for four months? It is longer than that.
 1032. Then this has ceased to be a spare bed? It is called the spare bed.
 1033. *Mr. O'Sullivan.*] You swear that you are living in Parramatta? Yes.
 1034. *Chairman.*] The house in Parramatta is rented in your name? Yes.
 1035. You are looked upon as the tenant? Yes.
 1036. *Mr. O'Sullivan.*] What qualification would you have as a voter for the Bligh Division if you applied to be put on that roll;—would you have any at all? I do not think so.
 1037. *Mr. Cann.*] Did you ever attempt to transfer your right? No; I never attempted to do so.
 1038. *Mr. Kelymack.*] How many times during the last four months have you slept in Parramatta? That I could not say.
 1039. I understood you to say that nearly every time you went up you slept there? No; I said that it was during the last four months that I had given up my season ticket.
 1040. How many times have you slept in Parramatta during the last four months? During the last four months or so I have been very irregular; but, before that, perhaps three times a week. I was up in Parramatta about six times a week; but I slept there about three times a week, because I would go up in the evening and come down again. I would go up in the 5 or in the half-past 6 train.

THURSDAY, 29 SEPTEMBER, 1898.

Present:—

Mr. Cann,		Mr. Ashton,
Mr. Sutter,		Mr. O'Sullivan,
Dr. Rose,		Mr. Neild.

F. B. Sutter, Esq., in the Chair.

Mr. Kelymack, instructed by Mr. Abigail, appeared on behalf of Mr. O'Reilly, in support of the petition.
 Mr. Carlos, instructed by Messrs. Ellis and Button, appeared on behalf of Mr. Ferris.

Walter Taylor recalled and further examined:—

- W. Taylor. 1041. *Mr. Kelymack.*] Do you adhere to what you said yesterday about the number of times you slept at Parramatta? Perhaps you may have mistaken my evidence yesterday when I stated about three or four times a week. That was previous to the election, and previous to about the 10th July. Since that time I have been very irregular. I suppose I have only slept about once or twice there, although my visits there have been frequent—that is perhaps two or three times a week.
 1042. That is since the 10th July? I think the 10th July. I was there for three days on one occasion.
 1043. Take your mind back to about a month before the 10th July;—how often do you think you were sleeping in Parramatta then? Sometimes I would be there five or six nights, and then I might not be there for seven or eight days. Then I would go up for a couple of nights, and then not be there for three or four days. I would just run in and out.
 1044. You still maintain that you have not changed your residence? That is my house, my residence.
 1045. *Mr. Carlos.*] I think you said yesterday that you have not an elector's right for any other electorate? Yes.
 1046. You never applied for any? I never applied for any.

Albert Hopkins sworn and examined:—

- A. Hopkins. 1047. *Mr. Kelymack.*] You are now residing at Strathfield, I believe? At Homebush.
 1048. Outside the Parramatta electoral district? Yes.
 29 Sept., 1898. 1049. Were you challenged at the recent election? No.
 1050. You voted at that election? Yes.
 1051. Were you residing in the Parramatta electoral district at the time of the election? No.
 1052. How long before the election had you removed from the district? Between two and three years.
 1053. You had not resided there for two or three years? No.
 1054. *Mr. Carlos.*] Have you any objection to state for whom you voted? Yes, I have, for several reasons.
 1055. On the day you went to Parramatta you arrived by train, I believe? Yes.
 1056. Where did you get out of the train? At Parramatta.
 1057. Who drove you to the polling-booth? If the question is not pressed, I do not see why I should answer it.
 1058.

1058. What booth did you vote at? At the Prospect and Sherbrooke booth.
1059. Did you know the scrutineer for Mr. O'Reilly there? I knew all the men in the room. I did not know who was there for Mr. O'Reilly.
1060. And they all knew that you had been away from the electorate for two years? I do not know what they knew; but if they knew it, it was their business to challenge me. As they did not do so I voted.
1061. Did you take part in any meetings during the Parramatta election? None whatever. I had not been in Parramatta for some months previous to that day.
1062. *Mr. Kelynack.*] Will you say what led you to go to Parramatta? I went to Croydon, where my father lives, and we had made up our minds to come into Sydney to see the result of the elections, and then he said, "There will be such a crowd in King-street, and we will get to know nearly as quick in Parramatta." That was the first that put it into my head.
1063. *Mr. Carlos.*] In any case, you intended in the first place to go to Sydney to vote in the Parramatta electorate? I did not.
1064. Then why did you get out at Harris Park? I did not get out at Harris Park.
1065. Why did you go to the Prospect-Sherbrooke booth to vote; there were several other polling-places? Because someone—as I said before, I will not mention his name—offered to drive me up there, and I said, "I do not mind a drive; I will go up." I am an old resident of Parramatta, and I said, "Well, it will not do me any harm to have a look round."
1066. Is it someone who knew that you had been absent for two years? I could not say whether they knew or not. I am well acquainted with the person, and that is all.
1067. *Mr. Ashton.*] Was there any suggestion made to you that inasmuch as you had been absent from the electorate for two or three years, it would be better to go to an outside booth rather than to a town booth? No; this gentleman asked me to drive to the Prospect and Sherbrooke booth, and I took the drive.
1068. He did not say anything to you about it being safer to go there? He did not say anything of the kind.
1069. *Mr. Kelynack.*] Did you say anything to the electoral officers in the electorate in which you are living about voting? I inquired at Strathfield where the roll was, and both myself and the postmaster looked up my name. He said that my name was not there, and he asked, "Where were you living previously?" I said, "Parramatta," and he said, "You had better vote there."
1070. *Mr. Carlos.*] I thought you did not intend to vote at all? This was before the election.
1071. What hour of the day did you go to Parramatta? After dinner.
1072. You were proceeding on your way to Sydney, and had no intention of voting? I did not say that. I said that I went to Croydon, and that I had the intention then of going to Sydney.
1073. You had no intention of voting? No.
1074. How is it, then, that you had your elector's right with you? Well, it is with me now, and it has been in that pocket ever since the day. It has been folded up there for six or seven months.
1075. Do you swear that you have carried it about with you every day since? Yes.
1076. And for how long before the election? I do not know.
1077. *Mr. Ashton.*] You said that it had been in your pocket for six or seven months? Yes.
1078. Then it was in your pocket some months before the election day? Yes; it has been in my pocket for a considerable time. I do not wear this coat above once a week, or twice.
1079. *Mr. Carlos.*] What about the vest? The vest I wear with the coat, and not without it.
1080. You say positively that you did not get out at Harris Park? Yes.
1081. *Mr. Kelynack.*] I suppose that is your best suit, not the suit you wear ordinarily when you are working? Yes.
1082. *Mr. Cann.*] You knew that you were going to reside in Sydney? I do not reside in Sydney.
1083. At Homebush? Yes.
1084. You knew that that would be your permanent residence? Yes.
1085. You knew that it was not in the Parramatta electorate? Decidedly.
1086. Have you at any time tried to transfer your right to the district in which you live? Only on one occasion, and that was to vote on the referendum—the "80,000" time. Then I could not do it, but they sent me a certificate that I was on the Parramatta roll, and I voted with that at Homebush.
1087. It was not necessary on that occasion to attend in the electorate of Parramatta to vote? They said I could not vote on my right unless I got a certificate.
1088. You voted in Homebush with that certificate? Yes.
1089. Is that your original right? Yes.
1090. You have never changed it? I have only had the one. I am now 25, and this is dated 1894.
1091. *Mr. O'Sullivan.*] The curious thing about your transaction is that you should go, not to the head polling-place in Parramatta, but to an outside polling-place? I gave you the reason—I have lived in Parramatta for upwards of fifteen years, and I had no objection to having a drive round if someone would give it to me.
1092. *Mr. Ashton.*] Was this person a friend of yours? Not a friend, only I knew him. He was a man whom, when I was living in the town, I never stopped to speak to in my life. I just gave him a nod, and he did the same to me.
1093. How did he know that you had come to Parramatta and were going to vote;—did he accost you? Yes.
1094. In the railway-station? No.
1095. In the town? Yes.
1096. *Mr. Carlos.*] How did he know that you were a voter? I do not know.
1097. *Mr. Ashton.*] Did he ask you? He asked me if I had a right, and I said "Yes," and he said, "Jump up here."
1098. He did not say where you were going to record the vote? No.
1099. Did he ask you to drive to Prospect? I knew from the way we were going where we were going.
1100. *Mr. Carlos.*] How far is this from the centre of the town? About three-quarters of a mile.
1101. And the Town Hall is 100 yards from the railway-station? It is 100 yards from the line, but it is further from the station.
1102. How far? Three minutes' walk.
1103. *Mr. Ashton.*] Where were you when you were accosted? Near the Court-house. I had been in the town two hours.

- A. Hopkins.
29 Sept., 1898.
1104. How far is that from the Town Hall? About 200 yards.
1105. Would you not have recorded your vote if this man had not accosted you? I question if I would.
1106. He suggested that you should go to Prospect and record your vote? Yes.
1107. *Mr. Carlos.*] Was not there a polling-place at the Court-house where you were picked up? It was at the old Court-house. I could not say whether there was or was not.
1108. How far is the old Court-house from the Town Hall? About 200 yards.
1109. Will you swear that it is over 80 yards? Yes.
1110. In any case you had to pass the Town Hall, which is the central polling-place, in order to get to Prospect to vote? I did.
1111. *Mr. O'Sullivan.*] Does not that seem an extraordinary thing for you to do—for the mere sake of having a ride to drive right past the Town Hall to a distant polling-place? I was not in a hurry.
1112. There must have been some reason for that action? Well, if I had not gone with him I should not have had the ride. I got there at ten minutes past 3, and the poll does not close until 6. Well, I was wandering about, and you soon get tired of that.
1113. Do you want us to believe that merely for the sake of a boyish ride you went all that distance, and passed the principal polling-place? Yes; time was no object to me.
1114. *Mr. Ashton.*] Did you know that you had the right in your pocket when you went to Parramatta? Yes.
1115. Had you the intention of voting when you went up? No.
1116. *Chairman.*] When you were in Parramatta, and before you took the drive, did you attempt to record your vote in any of the booths? I did not.
1117. When you were taken for this drive did you know that your destination was the polling-place at Sherbrooke? I did.
1118. You did not go merely for a pleasure drive, as you have led us to believe? If I had voted at the other place I should have been standing about there all the time, whereas this put in half an hour.
1119. *Mr. Ashton.*] Is the reason why you did not present yourself at any of the town booths the fear that you might be challenged, because you had been out of the electorate two or three years? I did not give that a thought.
1120. It did not occur to you that you were not qualified? No. From what I got from the man at Strathfield I thought that if my name was on the roll I could vote.
1121. *Mr. Carlos.*] Who sought you out to give this information;—to whom did you give information about having voted before you gave it here? I could not say.
1122. How is it you were subpoenaed, as I presume you were? Yes.
1123. Who subpoenaed you? Barber brought it down to me.
1124. What conversation had you with Barber, or how did Barber know anything about you? I do not know how he knew, but I can tell you about another man who knew—a Mr. Waters, of Parramatta. I suppose he is known to some of those in the room. He was speaking about this affair, and he said, "I do not know who voted on the other side, but I know one who voted on yours," and my name was mentioned to a friend of mine. That was the first I heard of it.
1125. What did he say? He said he knew I voted. How he knew I do not know.
1126. Were you on Mr. O'Reilly's committee during the previous election? I was never on any committee for a Parliamentary election in my life.
1127. Did you vote in 1895? I voted in 1894 and in 1895.
1128. Where? At Parramatta.
1129. At what polling-booth? That is more than I can tell you.
1130. Did you go to Prospect on that occasion? No; I was living in town on that occasion, and I had a residence to go to if I had wished to rest myself.
1131. If you had no residence to go to, why did you visit Parramatta; was this little drive in contemplation, or what did you intend to do;—did you not know when you were going there that you would have nothing to do about town? Did I not tell you that I went there to see the election results?
1132. *Mr. Ashton.*] At what time? Ten minutes past 3.
1133. Did you expect to see the results then? I did not expect to see them before 7 o'clock.
1134. Had the prospect of hanging about the town doing nothing no terrors for you? Not the slightest. I thought that I could put the time in finding people out. As a matter of fact I was looking for one man, and never saw him at all until about 9 o'clock.
1135. *Chairman.*] Where are you working? I work for myself, at Strathfield.
1136. Where you are living? Yes.
1137. *Mr. O'Sullivan.*] Who was the man who drove you? It will do me no harm to tell you, but I have an opinion that it will do me harm in business, and I object to injure my business.
1138. You have no choice in the matter;—you have to do your duty? If I reveal his name it would come to the next question, and I must tell whom I voted for.
1139. *Chairman.*] Did not dozens of people in Parramatta see you driving with this man? They may have done so, but, on the other hand, as I had been away from Parramatta, a good many people would forget my face in the time. So far as people not being recognised in the main polling-booth is concerned, I may say that every man in the polling-booth that I went to recognised me, or should have done so.
1140. *Mr. Carlos.*] Have you any business at Parramatta? No.
1141. Then how would it affect your business to answer this question? It would affect my business at Strathfield.
1142. Will you swear that it would injure your business at Strathfield to answer this question? I cannot swear whether it would or not, but I believe that it would.
1143. *Chairman.*] The majority of the Committee think that you must answer the question? Well, Fergus Hall.
1144. *Mr. Carlos.*] Do you know on whose committee Fergus Hall was? I did not ask him, and, not being a resident of Parramatta, how was I to know.
1145. I ask you to swear one way or another;—did you know? If I found out since, am I to answer the question?
1146. *Mr. Neild.*] Did you know at the time? Yes.
1147. *Mr. Carlos.*] On whose committee was he? On Mr. O'Reilly's.

Peter Joseph Kelly sworn and examined :—

1148. *Mr. Kelynack.*] You are on the electoral roll for the district of Parramatta as "Peter Joseph Kelly, George-street, grocer"? Yes. P. J. Kelly.
29 Sept., 1898.
1149. What is your present address? Camden House, Albert-street, North Sydney.
1150. Evidence has been given that you voted at the Parramatta election on the 27th July, so that you are not bound to answer this question: I want to know when you left your residence in Parramatta? On the 2nd May.
1151. You have not resided in Parramatta since? I have been backwards and forwards, and I have stayed a night or two there.
1152. Are you married? Yes.
1153. You have your wife and children at North Shore? Yes.
1154. They have been there since the 2nd May? Yes.
1155. *Mr. Neild.*] Did you stay at Parramatta in your own residence? No; with my brother.
1156. He is a resident there? Yes.
1157. *Mr. Carlos.*] Did you vote? I did.
1158. Did you ask any question of the presiding officer, or did the presiding officer ask you any question? When I went in first the name was called, and some one sang out, "challenged." Then the presiding officer said, "Are you prepared to sign the qualification-paper?" I said, "Yes"; and I signed the qualification-paper and voted.
1159. Did the presiding officer put to you the usual three questions? I do not remember whether he did or did not. He said was I prepared to sign the paper.
1160. Was that the only question you were asked? Yes.
1161. But you think you were perfectly qualified to vote? Yes; because I always understood that you had to reside in the district three months before you could vote, and, *vice versa*, that you could vote three months after you had left it. I was always under that impression, and voted under it.

Frederick James Bennett sworn and examined :—

1162. *Mr. Kelynack.*] You were scrutineer for Mr. O'Reilly at the Prospect and Sherbrooke booth during the election for the electoral district of Parramatta, which was held there on the 27th July last? Yes. F. J. Bennett.
29 Sept., 1898.
1163. Do you know a man named John Hazelton? Yes.
1164. Did he vote at your booth? Yes. [*A man answering to the name of John Hazelton was called in and identified by the witness as the person to whom he referred.*]
1165. Do you know anything about his residence? No, I do not.
1166. On the electoral roll there is a "John Hazelton, Church-street, groom"? That is the man.
1167. *Mr. Carlos.*] You say that you were scrutineer at the Prospect and Sherbrooke booth;—do you know a man named Albert Hopkins? I know him.
1168. Did he vote at that booth? Yes.
1169. Do you know where he resides now? I believe that he resides at Strathfield or at Homebush.
1170. Did you believe that on the 27th July? I did not.
1171. You knew nothing about it? I knew very little about him.
1172. On what principle did you challenge? By the marking of the roll.
1173. That is, Mr. O'Reilly's committee mentioned certain gentlemen whom you were to challenge? Yes; they are marked on the roll.
1174. Albert Hopkins was not one of them? No.
1175. Was this man Hazelton one of those who was to be challenged? No.
1176. He was not challenged? No.

John Hazelton sworn and examined :—

1177. *Mr. Kelynack.*] You are on the roll for the electoral district of Parramatta as "John Hazelton, Church-street, groom"? Yes. J. Hazelton.
29 Sept., 1898.
1178. Are you residing in the electoral district of Parramatta now? No.
1179. Where do you reside now? At Wentworthville.
1180. In what electorate is that? I think it is in Sherbrooke.
1181. Is your name on the roll for that electorate? No.
1182. Could you point out on the map where you reside? No, I could not very well.
1183. In what street in Wentworthville do you live? On the Western-road.
1184. Could you give us any indication to show that it is a place outside the Parramatta electoral district? I do not know whether it is outside the Parramatta electoral district or not. I was not aware of that.
1185. As you go to Parramatta from your place, do you cross the Toongabbie Creek? No, I do not.
1186. You know the Westmead platform? Yes.
1187. Do you live on the same side of Toongabbie Creek as the Westmead platform? No, on the other side.
1188. Which side of the Parramatta-road do you live? On the left-hand side.
1189. On the left-hand side going out? Yes.
1190. If you are walking out on the Western-road from Parramatta towards your home, which side of the road do you live? On the left.
1191. Do you know the Council Chambers at Prospect and Sherbrooke? I do.
1192. Do you go past the cemetery? Yes.
1193. How far? I should say about a mile, or a little better.
1194. Do you live on the same side as the cemetery? Yes.
1195. And about a mile past it? A mile, or a little more.
1196. *Mr. Carlos.*] How far from the Western-road do you live? One hundred yards, or a little more.
1197. Do you know the road that goes to Smithfield? Yes.
1198. Do you go past it when you are going home? Yes.

- J. Hazelton.** 1199. You go past the junction of the road that leads to Smithfield with the Great Western-road? Yes.
 1200. *Mr. Kelynack.*] You know the cemetery? I know the one against the Council Chambers.
 29 Sept., 1898. 1201. *Chairman.*] How do you generally go to Parramatta—by train or by road? We generally go by road.
 1202. *Mr. Kelynack.*] Is there more than one cemetery that you know of on the Western-road? No.
 1203. *Mr. O'Sullivan.*] Are you on the Parramatta roll? Yes.
 1204. How did you get your name on that roll? My name was put on the Parramatta roll when I lived in Parramatta.
 1205. *Chairman.*] When you leave the cemetery and go towards your home along the Great Western road, to get to your place, you turn to the left? Yes.
 1206. *Mr. Neild.*] How long does it take you in an ordinary way to walk from the cemetery to your home? I should say about twenty minutes, or a little better.
 1207. *Mr. Kelynack.*] When did you leave Church-street and go to your present residence? I left in last December.
 1208. You have been residing at your present residence ever since? Yes.
 1209. *Mr. Carlos.*] What distance is your house from the Western-road? About 100 yards, or a little more.
 1210. So that if you are outside the electorate at all you are only 100 yards out of it? Yes.
 1211. You believed all along that you were in the electorate? I did.
 1212. And you were not challenged? No.
 1213. Did you belong to any committee? No.
 1214. You did not belong to the committee of any of the various candidates? No.
 1215. Did you hear any of the speeches? Yes.

Thomas Reeve Barber, recalled and further examined:—

- T. R. Barber.** 1216. *Mr. Kelynack.*] You were poll-clerk in No. 1 booth at the Court-house? Yes.
 29 Sept., 1898. 1217. Do you know a man named Henry Braddick? Yes.
 1218. Did you serve a summons upon him? Yes.
 1219. Did you tender him his expenses to come here? Yes.
 1220. There is only one Henry Braddick on the electoral roll;—are you sure that you are not mistaken as to the man's Christian name? No, I am certain that that is his name.
 1221. Did he vote at the election on the 27th. July last? Yes. He voted in the booth that I was in.
 1222. *Mr. Neild.*] Is your memory sufficiently good to enable you to swear positively that he voted? Yes.
 1223. I suppose you marked the men who voted? I did not mark the roll, but I knew Henry Braddick so well. I have known him since he was a boy. At the time he came in to vote, he was suffering from rheumatism, and walked in with a stick.
 1224. *Mr. Kelynack.*] Do you know where he is residing now? He is residing at Rookwood, near the meat-works.
 1225. How long has he been residing there? Well, from information that I received——
 1226. From whom did you get your information? I cannot exactly remember the name, but I have it noted down. A party living at Rookwood told me that he had been living there for five months.
 1227. Give us the name if you have it? Bonnor is the name.
 1228. Do you know his Christian name? No.
 1229. Do you know what he is at Rookwood? No, I do not. I think he is an engineer, judging from the appearance of him, and what I saw of him. This man Braddick is not living with this Bonnor, but he is living with another Bonnor lower down the street, a man named George Bonnor. George Bonnor is a butcher.
 1230. How long were you informed that Braddick had been living there? About five months.
 1231. From when? From the present date.
 1232. Did you know Braddick when he was residing at Parramatta? Yes, I knew him then.
 1233. Do you know where he was residing? He was residing at the north end of Parramatta.
 1234. In Church-street? Yes.
 1235. Have you seen Braddick about Parramatta during the last five months? No, I have not.
 1236. *Mr. Carlos.*] You said that this gentleman was tendered his expenses;—how much did you give him to attend here? Half-a-crown.
 1237. Do you know how many days he has attended for that amount? He was here yesterday.
 1238. Was he here the day before? No.
 1239. He attended one day for the sum of 2s. 6d.? Yes; he was here yesterday.
 1240. Do you know anything about the state of health of this man? From what he told me yesterday, he was pretty well rid of the rheumatism.
 1241. Do you know that his parents reside in Parramatta? His father. His mother is dead some years.
 1242. Do you know that he left Parramatta on account of the state of his health? I do not.
 1243. Do you know that he lived with his father up to the time that he left Parramatta? Yes, I believe he did; but I would not say for certain—either his father or his brother.
 1244. Where do you consider that the home of this man is? Well, from what I have been told, I consider that Rookwood is his home. He is working at the meat-works, and has been working there for some time.
 1245. Are you sure that he is working there? Yes; when I served him with the summons, he was in the meat-works. I had to go into the meat-works to see him.
 1246. *Mr. Neild.*] From his costume and bearing, did you understand that he was working there? I saw him at work there when I served him with the summons.
 1247. Did he make any objection as to the amount you tendered him? No, he did not.
 1248. *Mr. Carlos.*] Do you know whether this man was challenged? No, he was not.
 1249. How do you know? Because I was in the booth.
 1250. I asked you with reference to another man, and you told me that you knew nothing whatever about who was challenged? No.

1251. Did you ever give me that information? I do not think I gave you that information.
1252. Do you remember me asking you whether a particular individual was challenged, and that you told me that you were poll-clerk, and did not know who was challenged? Who is the party you refer to?
1253. I am not asking you with regard to anybody in particular;—will you swear that you never told me that you did not know whether any particular individual was challenged or not, because you were poll-clerk, and had nothing to do with it? No; what I told you was with reference to the roll.
1254. Where does the poll-clerk take up his position;—how do you know that he was not challenged? I am certain that he was not challenged.
1255. *Mr. Neild.*] Do you swear that positively, or only to the best of your knowledge and belief? I am positive that he was not challenged.
1256. No one took any exception to his vote? No.
1257. No scrutineer? No.
1258. How many candidates were there;—was there a scrutineer for each? There were three candidates.
1259. *Mr. Carlos.*] Four? Yes; I forgot Mr. Withers.
1260. *Mr. Neild.*] At any rate, the other three candidates had scrutineers? No; only two of them. There was a scrutineer representing Mr. Ferris, and another representing Mr. O'Reilly. Mr. Brown had no scrutineer in our booth.
1261. *Mr. Carlos.*] Did Mr. Ferris' scrutineer challenge anyone that day? He did.
1262. Are you positive that he did? Yes.
1263. Will you tell me whom he challenged? A man named Briscoe—Edward Briscoe.
1264. *Mr. Kelynack.*] Did he answer the questions;—do you know whether he signed the book or not? No; there was no necessity.
1265. One witness said that sometimes a man was challenged, and, if he answered the questions satisfactorily, they did not get him to sign the book? There was no necessity in this case, because Briscoe is an old resident of Parramatta, and Mr. Ferris' scrutineer made a mistake in challenging him. He took him to be another man.
1266. *Mr. Carlos.*] Was that the only person whom Ferris' scrutineer challenged during the whole day? I believe so.

T. R. Barber.
29 Sept., 1898.

Charles Edward Eades recalled and further examined:—

1267. *Mr. Kelynack.*] Do you know a man named James Thompson? Yes.
1268. Are you sure that you know a man named James Thompson? Yes, I know the man.
1269. Do you know where he used to reside? He used to reside in Parramatta. I do not know the address.
1270. Do you know what his occupation was? An assistant in a draper's shop.
1271. That would be the James Thompson who is described on the roll as "draper's assistant," living in Ethel-street;—did he vote on the 27th July in the electoral district of Parramatta? Yes.
1272. *Mr. Neild.*] Do you know the elector sufficiently well to be able to state positively that he voted? Yes.
1273. There is no uncertainty in your memory? No; I am positive.
1274. Have you known the elector in question for any length of time? Yes, for some considerable time.
1275. Does the time amount to years or to months? More than two years—three or four years.
1276. *Mr. Carlos.*] Was this man challenged? No; I do not think he was.
1277. You were Mr. O'Reilly's scrutineer? Yes. [*Looking at his roll.*] No; he was not challenged.
1278. You were under instructions to challenge certain men there? Yes.
1279. This man was not one of them? No.
1280. Why did you not challenge him? I had not instructions.
1281. Did you know that he had left Parramatta on the 27th July? No.
1282. When did you find out? Since.
1283. Do you know how long he had left Parramatta on the 27th July? No, I could not say.
1284. You do not know that he was not perfectly qualified to vote? From what I heard.
1285. So far as you know at the present time that man was perfectly and legally qualified to vote? I could not answer that question.
1286. So far as you knew then? At the time of the election—yes.
1287. He was qualified to vote? So far as I knew then.

C. E. Eades.
29 Sept., 1898.

Thomas Reeve Barber recalled and further examined:—

1288. *Mr. Kelynack.*] Do you know a man named James Thompson, who used to reside in Parramatta? Yes.
1289. Do you know what occupation he followed? He was a draper.
1290. Do you know where he used to reside? He was residing in Parramatta some years ago.
1291. Do you know the street? Ethel-street was the last place he was living at.
1292. He is No. 2028 on the roll;—since the election have you made inquiries as to his residence? Yes.
1293. In whose employment was he at Parramatta? I think his last employment was with Mrs. Gallagher.
1294. From inquiries made, where did you find that he is now working? At Sweet Brothers', in Newtown.
1295. Did you find out what his address is? Where he is living is over in North Shore—Isabella-avenue.
1296. His wife and family? Yes. I have been to his house.
1297. Do you know how long he has been living there? Yes; two or three years now.
1298. Who told you that? The landlord of the house.
1299. *Mr. Neild.*] Not the north side of Parramatta? No; North Shore, Sydney.
1300. North Sydney? Yes.
1301. Is the avenue a street—a thoroughfare? No; it is a lane. I suppose it would be about 30 feet wide.
1302. What street is it off? I cannot tell you the name of the street it is off.
1303. *Mr. Kelynack.*] Did you go there to serve a summons? Yes.
1304. Whom did you see when you served the summons? I saw his wife.
1305. Did she say how long they had been living there? No.

T. R. Barber.
29 Sept., 1898.

- T. R. Barber.** 1306. You made inquiries then from the landlord? I made inquiries from the landlord.
 1307. Can you tell us his name? I cannot find it just now.
 29 Sept., 1898. **Mr. Carlos.]** You seem to have done a lot of travelling recently;—have you a very good memory? Not the best just now.
 1309. How do you remember where this man lived in Parramatta? I got the information from the landlady.
 1310. I am talking of his residence in Parramatta;—did you know him personally? Yes.
 1311. Did you speak to him often? Yes.
 1312. Did you know the house he was living in? Yes.
 1313. What street? Ethel-street.
 1314. You knew that when he was there? Yes. I knew the house he was living in before he lived in Ethel-street.
 1315. How long is it since he left Ethel-street? In 1895.
 1316. Are you as accurate in regard to this man as you were in regard to another when you said that he left in 1895, and another witness that he left in 1897? That was a mistake.
 1317. This is not a mistake? No.
 1318. Have you travelled all the suburbs recently in connection with this election? Not very much.
 1319. You are doing all this for love, are you not? Yes; as a matter of friendship.
 1320. Love for Mr. O'Reilly? Yes.
 1321. You are out of employment? Yes.
 1322. **Mr. Kelynack.]** You have said before that you have private means of your own? Yes.

George Forsyth Turner sworn and examined:—

- G. F. Turner.** 1323. **Mr. Kelynack.]** You are on the roll as "George Forsyth Turner, Campbell Hill, coachbuilder"? That is me.
 29 Sept., 1898. 1324. I understand that now you are residing in Parramatta? Yes.
 1325. When did you go to live in Parramatta? About last month, I think.
 1326. That would be in August? I would not be sure.
 1327. Was it after the general election? Yes.
 1328. Before that, where were you living? At Campbell Hill.
 1329. How long were you residing there? Over two years.
 1330. Could you point out Campbell Hill on the map? I think so.
 1331. Did you live at the back of Hayfield? Somewhere in a direct line, or a little to the back of Mr. O'Reilly's.
 1332. **Mr. Carlos.]** Your name is on the Parramatta roll as a resident of Campbell Hill? Yes.
 1333. You are down on that roll as a legally qualified voter? Yes.
 1334. And you resided at that place at the time when you voted? Yes.
 1335. And you have a "right" for that house? Yes; for Parramatta.
 1336. Did you vote at the election? Yes, I did vote.
 1337. **Chairman.]** Was your vote challenged? Yes, I was challenged.
 1338. Did they put the questions to you? Yes.
 1339. Were you asked to sign any document? In the first place they asked me to sign, and I said I would not make myself liable over a vote, so I went down to the Returning Officer, and he gave me permission to vote without signing.
 1340. **Mr. Neild.]** Who was the Returning Officer? Mr. Jones.
 1341. **Chairman.]** You first attempted to vote in one booth, and you declined to sign anything there? I went down to see the Returning Officer.
 1342. **Mr. Ashton.]** In the same booth? No; at another booth.
 1343. In the same building? No.
 1344. **Chairman.]** Did you tell the Returning Officer that you had been challenged in another booth? Yes.
 1345. You explained the case to him? Yes.
 1346. **Mr. Ashton.]** When they challenged you did they tell you why they challenged you;—that Campbell Hill was not in the electorate? It was not mentioned when I first went to vote.
 1347. **Mr. O'Sullivan.]** How old are you? Twenty-two.
 1348. **Mr. Carlos.]** You went to the principal Returning Officer to get information, and he told you that you were living in the Parramatta electorate, and entitled to vote there? Yes.
 1349. **Chairman.]** Are you sure that he told you that you were living in the electorate? He gave me permission to vote. He said, "I say this man shall vote," and he gave me my ballot-paper, and I voted.
 1350. **Mr. Kelynack.]** Who told you to go down to him? I met a friend down the street.
 1351. What is his name? Mr. Waters. It was outside the Court-house that I saw him. He advised me to go in and see Mr. Jones.
 1352. Was Waters on Mr. Ferris' committee? I am not sure whether he was or was not on his committee.
 1353. Was he chairman at some of Mr. Ferris' meetings? Yes.
 1354. **Chairman.]** Do you know that of your own knowledge? Yes; I have seen him chairman.
 1355. **Mr. Kelynack.]** At an election meeting? Yes.
 1356. **Mr. Whiddon.]** When you went to the Returning Officer the second time——? I only went to him once.
 1357. That is, to the second booth;—the place you voted in was not the place to which you first went to vote? No.
 1358. Did a conversation occur in the presence of the Returning Officer as to whether Campbell Hill was or was not in the electorate? Not that I am aware of.
 1359. **Mr. Ashton.]** You say that it was mentioned? That was in the first booth.
 1360. **Mr. Whiddon.]** But when you went to the Returning Officer, was it pointed out to him that there was a doubt as to whether Campbell Hill was in the Parramatta electorate or not? Well, they were trying to find out down there, and they were looking over some books.

1361. There was a doubt about it when they gave you the vote? Yes, there was a doubt about it. G. F. Turner.
 1362. They knew why you had been refused a vote at the other place? Yes. 29 Sept., 1898.
 1363. *Mr. Neild.*] Can you state how you came to obtain your elector's right;—did you apply for it yourself? Yes; I went to the Court-house for the right.
 1364. And gave your proper address? I gave them Campbell Hill, and they put down Campbell Hill, Parramatta—the same address as is on the roll.
 1365. *Mr. Whiddon.*] How long have you held the right? Since about the time of the Federal Convention.
 1366. Did you vote on that? Yes.

William Carpenter sworn and examined:—

1367. *Mr. Kelynack.*] You were poll-clerk at the No. 6 booth, at the Town Hall, Parramatta, during the election held on the 22nd July last, for the electoral district of Parramatta? Yes. W. Carpenter.
 1368. Who was the presiding officer at that booth? Mr. J. J. Miller. 29 Sept., 1898.
 1369. Who was Mr. O'Reilly's scrutineer there? Mr. Perry.
 1370. Who was Mr. Ferris' scrutineer;—was it Mr. Neville? Yes.
 1371. Had Mr. Brown any scrutineer? No.
 1372. Did you draw Mr. Miller's attention to some informalities in the recording of the votes? In not dating the rights.
 1373. He did not date the rights? No.
 1374. Have you your own right with you? Yes. [*Produced.*]
 1375. Did you vote at that booth? Yes.
 1376. Is your right not dated? No; it is just initialled.
 1377. When did you draw his attention to it? I suppose about an hour and a half or so after we started the polling.
 1378. Was there any other informality to which you drew his attention? I included the two together—the puncturing and also the dating. He said, "It is what I usually do."
 1379. What do you mean by the puncturing? Puncturing the ballot-papers. There is a puncturing stamp with which they have to put a mark on the ballot-papers.
 1380. What is wrong about that? He was not doing it.
 1381. You say that you drew his attention to these facts, that he had not dated the electors' rights in conformity with the section 84, sub-section 2 of the Act —? Yes.
 1382. That is he had not put the day of the month, the month of the year, and the year upon them? Yes.
 1383. You also drew his attention to the fact that he had not punctured the ballot-papers? Yes.
 1384. Had he punctured the electors' rights? Yes.
 1385. He had punctured them, but he had not punctured the ballot-papers? Yes.
 1386. What did he say in answer to that? He said that it was the ordinary course that he took.
 1387. *Chairman.*] Did the presiding officer initial your right? He initialled it "J.J.M.," but he did not date it.
 1388. Did he puncture it? Yes, he punctured it. I thought afterwards that he was puncturing the two together.
 1389. I understand that he initialled and punctured the electors' rights, but did not put the date upon them? No.
 1390. With regard to the ballot-paper, what had he done;—he had not punctured them? Yes.
 1391. Had he initialled them? Yes.
 1392. *Mr. Kelynack.*] He had initialled them, but not punctured them? Yes.
 1393. An hour and a half after the polling began you drew his attention to it;—what did he say? He said it was the usual way.
 1394. What was the usual way? Not to date them.
 1395. What did he say about the non-puncturing? He said that he did not think it was of any consequence at all. I drew his attention to the directions, and he perused them for some time when he had leisure, and then said, "I see it is right what you say." I said, "I am certain, or I would not mention it."
 1396. Did he puncture the ballot-papers? It appears that he did not after that. I thought that he was doing so, but I learnt afterwards that he was not.
 1397. Whom did you learn from? The scrutineer.
 1398. Did you see the ballot-papers counted at the end of the day? Yes.
 1399. Did you see then that they were not punctured? Yes.
 1400. How many were not punctured? None of them were punctured.
 1401. *Mr. Ashton.*] Were they punctured after being taken out of the ballot-box? No.
 1402. They are not punctured at the present time, so far as you know? Yes.
 1403. *Mr. Whiddon.*] Did you request that they should be punctured? Yes.
 1404. A formal demand that they should be punctured? I said that the rights should be dated, and the ballot-papers punctured. I took it for granted that he was doing it, as he was puncturing the rights.
 1405. And in reply he said that it did not make any difference? Yes.
 1406. And he did not puncture them? No.
 1407. *Mr. Carlos.*] Do you know, as a matter of fact, the number of votes polled at that booth? I do not know exactly now.
 1408. Do you know whether there was any irregularity otherwise than the non-puncturing—the office was supplied with a certain number of voting-papers; of these a certain number were voted on, and a certain number were not voted on;—did the aggregate of those that were voted on correspond with the number of people who voted there that day? Yes.
 1409. Consequently there could be no stuffing of the ballot-box, or anything like that? Nothing like that.
 1410. Who polled the majority of votes in that polling-booth? _____
 1411. *Mr. Kelynack.*] According to the ballot-papers which were taken out? _____
 1412. *Mr. Carlos.*] Exactly. Did you certify that everything was correct—that there was nothing unfair in connection with this polling-booth? There was nothing unfair.
 1413. So far as you know everything was clear and fair—there was simply an omission on the part of the Returning Officer? Yes.
1414.

- W. Carpenter. 1414. Can you tell me who got the majority of votes at that booth? Mr. O'Reilly.
 1415. What was his majority there? I could not say for certain—either four or six.
 29 Sept., 1898. 1416. Is there any record of that? I would not be certain.
 1417. *Chairman.*] Did you say that over 600 votes were recorded there? No, 100 odd.
 1418. *Mr. Carlos.*] At all events, you swear that in that particular booth Mr. O'Reilly polled more votes than Major Ferris? Yes.
 1419. Can you tell us about what number more Mr. O'Reilly polled in that booth? I could not say for certain, but I think it was four or six.
 1420. In any case you swear that Mr. O'Reilly polled between four and six votes more in the booth in which the irregularities took place than Major Ferris did? Yes.
 1421. You swear to that? Yes.
 1422. Did Mr. Miller initial the ballot-papers? Yes.
 1423. And he punctured them? No.
 1424. He initialled the electors' rights? Yes; he dated the rights afterwards.
 1425. You say that a certain number of papers were supplied; so far as you know, adding together the number of the votes polled and the number of papers which were not voted on, that made the actual number of papers supplied? Yes.
 1426. You will swear to that? Yes.
 1427. So far as you know there was nothing unfair, and nothing prejudicial, to the interests of either candidate at that particular booth? Nothing whatever, and not a vote challenged either.
 1428. *Mr. Kelynack.*] On the count I believe there was one paper which you objected to? I did not object to it. The scrutineer drew attention to it. There was just a slight mark on the end of one of the letters.
 1429. Do you know for whom the ballot-paper was cast? It was intended for Mr. Ferris.
 1430. And it was marked through? Just through one letter at the end of the name. The presiding officer as well as myself did not consider it an informal vote.
 1431. *Mr. Ashton.*] In whose favour was it recorded? In favour of Mr. Ferris.
 1432. *Mr. Carlos.*] I believe you were a member of Mr. O'Reilly's committee? At the early part, but not when I got my appointment.
 1433. Mr. Miller, the presiding officer, was also a member of his committee? I believe that he was, but I never saw him in the committee room at any time. When I got my appointment, I declined to take any part in the election.
 1434. *Mr. Ashton.*] Were the papers in connection with your booth put up in a separate parcel? The ballot-papers?
 1435. Yes? After the polling?
 1436. Yes? Yes.
 1437. Each division of the Parramatta Town Hall polling-place was kept separate? Yes; both the used and unused ballot-papers, and they were initialled.
 1438. *Chairman.*] Will you look at this statement of the poll [*produced*] which is signed by Mr. Miller and yourself, and which gives the result of the polling at the booth at which you were poll-clerk? Yes.
 1439. *Mr. Carlos.*] Will you tell us, from that, the number of votes polled at that particular booth for each candidate? For Brown, 15; for Ferris, 69; for O'Reilly, 73; for Willis, 2—total 159.
 1440. *Mr. Kelynack.*] How many informal votes were there? None at all, only this one we were talking about.

Sidney Walter Perry sworn and examined:—

- S. W. Perry. 1441. *Mr. Kelynack.*] You were scrutineer for Mr. O'Reilly at the No. 6 booth, Town Hall, Parramatta, on the 27th July last, during the election that was then held for the electoral district of Parramatta? Yes.
 29 Sept., 1898. 1442. Who was the presiding officer at that booth? Mr. J. J. Miller.
 1443. Who was poll-clerk? William Carpenter.
 1444. Who was Mr. Ferris' scrutineer? Mr. Neville.
 1445. Who was Mr. Brown's? He did not have one.
 1446. Do you remember anything being said about the way in which the votes were recorded at that booth? I remember there was some omission the first thing in the morning, Some of the electors' rights, I think, were either not initialled or not dated—one of the two.
 1447. Who drew attention to that fact? I think the poll-clerk.
 1448. Mr. Carpenter? Yes.
 1449. Whose attention did he draw to it? The presiding officer's.
 1450. Was there any other irregularity to which he drew attention? Not to my recollection.
 1451. Do you know how many of the electors' rights had not been dealt with? I could not say. Three or four, I suppose.
 1452. There may have been more? There may have been more and there may have been less—I could not say.
 1453. How long after the polling began was it that this remark was made? About half an hour.
 1454. Was there anything else that was not done in connection with the ballot-papers, but which ought to have been done? To which attention was drawn at the time, or totally forgotten at the time?
 1455. To which attention was drawn at the time;—do you remember attention being drawn to anything which ought to have been done with the ballot-papers, but which was not done? No, I cannot.
 1456. Do you remember if, at the close of the day, it appeared that something which ought to have been done in respect to the ballot-papers had been omitted? I remember that the day after something which was omitted was recollected, but not in the booth.
 1457. What was omitted? The ballot-papers, to the best of my recollection, were not stamped with the pricking arrangement.
 1458. Did you help to count at the end of the day? I watched the counting going on.
 1459. I suppose, as a matter of fact, that you knew whether the papers were punctured or not? To the best of my belief and recollection they were not punctured.

1460. Did you draw attention to one ballot-paper at the counting? Yes; I challenged one ballot-paper which I reckoned should have been counted as an informal vote. About three letters of Mr. Ferris' name were scratched out with a blue pencil, and then the voter had evidently thought, "That is not the man I want to scratch out," and had drawn his pencil away again. I claimed that as an informal vote, but the presiding officer would not allow it. S. W. Perry.
29 Sept., 1898.
1461. *Mr. Carlos.*] That was the only irregularity in connection with the counting? So far as I can recollect.
1462. Speaking generally, can you say whether there was any irregularity at the polling except the non-puncturing and non-dating? I do not think so.
1463. Do you think that Mr. O'Reilly's interests were prejudiced in any way at that booth;—do you think that there was any stuffing of the ballot-box at that booth? I do not.
1464. You know that there was not? I do not know that there was not.
1465. You were there, and you were a very energetic worker for Mr. O'Reilly, and, so far as you know, there was not? So far as I know there was not.
1466. Do you think it would have been possible for such a thing to take place without your knowledge? I do not think so.
1467. You are a very energetic worker and supporter of Mr. O'Reilly? Yes; I was his scrutineer.
1468. And so was Mr. Miller? I do not know anything about Mr. Miller.
1469. *Chairman.*] This ballot-paper to which you took exception had, you say, Mr. Ferris' name half scratched out? So far as I can judge there were three letters of the name "Ferris" through which the pencil had been drawn.
1470. *Mr. Ashton.*] The surname? Yes; "Fer."
1471. *Chairman.*] What was done with the other names? They were scratched out entirely.
1472. The whole of them? Yes.
1473. Including Mr. O'Reilly's? Yes. I claimed it as an informal vote; but the presiding officer would not allow it. He said that the intention was quite evident, that the voter wanted to vote for that man.
1474. *Mr. Carlos.*] That was the only vote that there was any dispute about? I think so.

Frederick Wellard sworn and examined:—

1475. *Chairman.*] You live at Macquarie-street? No, at Wentworth-street. F. Wellard.
29 Sept., 1898.
1476. You voted at the election for the Parramatta electoral district, held on the 27th July last? Yes.
1477. When you went into the booth there was a ballot-paper given to you? Yes.
1478. You took it away to the place partitioned off? I did.
1479. And made certain marks on it? Yes.
1480. Afterwards did you hand it back to the Returning Officer? Yes; but previous to that I tore it in two.
1481. What did you say to him? I told Mr. Ferguson, who I believe was the Deputy Returning Officer, that I had made a mistake, and had crossed out three men's names, but had left the wrong name untouched—the name of the man I did not intend to vote for.
1482. Did he give you another ballot-paper? He said, "Too-too-too! don't tear that up"; and I said, "There is no use too-too-tooting; I have torn it up." It was torn in two pieces.
1483. Did you get another ballot-paper from Mr. Ferguson? Mr. Ferguson said to me directly I had torn it, "You should not have torn that. I am afraid I will commit myself by issuing you another one." I said, "Mr. Ferguson, whatever you do, don't commit yourself on my behalf, because," I said, "it is immaterial to me whether I vote or not." I said, "After I have done a night's duty, to get up out of my bed, and come here to cast my vote—there is nothing in it." Mr. Ferguson said, "Would you mind standing on one side, and I will see what I can do with you? After I have attended to these gentlemen I will read the rules and regulations over." He did so, and he brought it to the scrutineers, and said that he would issue another one, so long as that ballot-paper did not enter the ballot-box.
1484. You gave him back the two pieces, and got another ballot-paper? Yes.
1485. And you went to the booth again and voted there? Yes; I voted in a manner satisfactory to myself.

Nathaniel Tollis sworn and examined:—

1486. *Mr. Kelynack.*] You are down on the Parramatta electoral roll as "Nathaniel Tollis, George-street, baker";—you live in George-street, Parramatta? No; I live in Smith-street, at the present time. N. Tollis.
29 Sept., 1898.
1487. Your number on the roll is 2052? Yes.
1488. You voted at the election for the Parramatta electoral district, on the 27th July last? Yes.
1489. At what booth? I could not say.
1490. Was it No. 6 booth, at the Town Hall? I think that that was the booth.
1491. Who was the presiding officer? Mr. Ferguson, I think.
1492. When you went in you got a ballot-paper, I suppose? Yes.
1493. And you went to the booth to strike the names off? Yes.
1494. When you went back to Mr. Ferguson did you tell him that something had happened to the ballot-paper? Yes, I came out to Mr. Ferguson. He was the only man in the room I knew, and I said, "I have made a mistake; I have scratched the four names off." "Well," he said, "I cannot give you another one." He said, "Cannot you erase one?" I said, "No, I do not think I can." A gentleman came from the side and said, "What is the matter?" and Ferguson said, "Mr. Tollis has made a mistake, and has scratched the four names off," and the gentleman said to give me another ballot-paper.
1495. Do you know who that gentleman was? No, I could not tell who he was. I have not the best of eyesight, and I am not very quick at picking anyone out. I could not tell you who it was. I just folded the ballot-paper up, and I was going to put it into my pocket, when Ferguson said, "No, you will have to give me that"; and I did so.
1496. He gave you another? Yes.
1497. Did you vote with the second one? Yes; the first one was not put into the ballot-box. I handed it to Mr. Ferguson. I did not tear mine. Mr. Ferguson, I think, said, I would have to put my name to the paper, which I did. 1498.

- N. Tollis. 1498. *Mr. Whiddon.*] What paper? To the ballot-paper that I was going to put into my pocket.
 1499. The informal paper? Well, I did not know what an informal vote was till that day.
 29 Sept., 1898. 1500. *Chairman.*] You struck out all the names? Yes.
 1501. *Mr. Whiddon.*] And signed your name at the back of the paper? Yes.
 1502. Only your name, or did you put a memorandum? No, only "N. Tollis."

Robert William Springett sworn and examined:—

- R. W. Springett. 1503. *Mr. Kelynaek.*] You were poll-clerk at No. 7 booth, Town Hall, Parramatta, during the election which was held there on 27th July last? Yes.
 29 Sept., 1898. 1504. Who was the presiding officer? John Ferguson.
 1505. Who was Mr. O'Reilly's scrutineer? Mr. Bolton.
 1506. Who was Mr. Ferris' scrutineer? Mr. Lyons.
 1507. And who was Mr. Brown's? Mr. Pickering.
 1508. Do you know a man named George Forsyth Turner? Well, I recollect him going to the booth.
 1509. You know him by sight? I think I know him by sight; I could not be quite sure.
 1510. Do you remember somebody saying that he lived at a place called Campbell Hill? Yes.
 1511. Was he challenged there? Yes.
 1512. Did he vote? No.
 1513. What did he say? He simply refused to sign the book. That was his reason for not voting in our booth.
 1514. Did he have any conversation with Mr. Ferguson? No; he said merely that he would not sign the book.
 1515. Do you remember Mr. Ferris coming to the booth? Yes.
 1516. Did he come in after Turner had left? Yes.
 1517. What did Mr. Ferris say when he came in? He merely complained of Turner not being allowed to vote.
 1518. Whom did he complain to? Well, I thought at the time that he did not complain to the presiding officer. I thought that it might perhaps be to one of the scrutineers; but I will not be sure. Certainly Mr. Ferris did not look to the presiding officer at the time. He was looking in a different direction.
 1519. He looked round generally? Yes.
 1520. Do you remember the exact words he said? No, not the exact words; but something to the effect that he could not understand why he was refused a vote; and then the presiding officer said that he was not refused, but that he refused to sign the book.
 1521. Do you remember Frederick Augustus Taylor coming in? Yes.
 1522. Do you remember his being challenged? Yes.
 1523. Who challenged him? Mr. Bolton.
 1524. What did he say when he was challenged? There was a general laugh at the time; because I do not think it was understood that Mr. Taylor had been away from the town for any length of time, and I do not think the presiding officer heard the challenge.
 1525. What was the laugh for? Taylor himself laughed.
 1526. Laughed at what? At being challenged.
 1527. He was challenged? Yes.
 1528. And then there was a general laugh? Yes.
 1529. Do you remember Ferguson saying anything? No.
 1530. Did he say anything about how long he had known Taylor? No; he mentioned nothing about that.
 1531. Do you remember a man named Wellard coming in? Yes.
 1532. *Mr. Carlos.*] Did Ferris enter the booth;—did he go right in? I cannot be quite sure of that. He stood at the doorway anyhow, and I am not sure whether he came inside the booth.
 1533. Can you tell me what position Bolton was in with reference to the entrance to the booth? He would be near Mr. Ferris. He was nearest the entrance.
 1534. Was he facing him? No; he was sideways to the door.
 1535. Were there any people voting at the time? No.
 1536. There was no one in the booth except the officers? No.
 1537. Were you in any way intimidated by the entrance of Mr. Ferris? Not at all.
 1538. Did any one seem to be intimidated in any way? No; I do not think so.
 1539. How long was it after the time that Turner had been there that Mr. Ferris entered? I could not say exactly—it might have been ten minutes or a quarter of an hour.
 1540. *Mr. Kelynaek.*] The booth you were in was right at the back of the Town Hall? Yes.
 1541. Then Ferris would have to go right through the Town Hall to get to it? Yes.
 1542. Through another booth? No. There were two ways of getting there.
 1543. Did he come through another booth? I do not know exactly about coming through it. He came alongside the booth. The other two booths were in a very large room. You might say that the whole of the Hall was a booth. As a matter of fact, the booths were just by the doorway. He would have to pass those two to come in.
 1544. Were they partitioned with wood or anything? I believe they were. I fancy there was a kind of partition there. Anyhow, they were just inside the entrance to the Town Hall, the two first booths; and the other two were at the back.
 1545. At all events, there was no doubt that Ferris came and spoke to the whole lot of you about the rejection of this vote? Yes.
 1546. *Mr. O'Sullivan.*] Did Mr. Ferris attempt to intimidate or to unduly influence any of the officials or voters? I cannot say that. He certainly was not pleased at the time; but I do not think there was any intimidation, or anything like that.
 1547. *Mr. Carlos.*] What did you say about Mr. Ferris going to another booth;—will you explain the way he did go? Well, there are two ways of getting to the booth—by going outside the Town Hall, or by going through the main building. There were two polling-booths at the entrance to the Hall, and the other two polling-booths were behind. The proper way to get at the polling-booth behind was to go outside the Town Hall. 1548.

1548. Did not Mr. Ferris go that way? No; he came through the Hall.
 1549. You are sure of that? Yes; because he would have been at the other door otherwise.
 1550. Even supposing he came through the Hall, it was not necessary for him to enter any other booth to get to yours? No.
 1551. The passage went right through, and the booths were on one side? Yes.
 1552. He did not go near them in any way? Not to my knowledge.
 1553. It was not necessary? No.
 1554. *Chairman.*] Did he come from the same direction as the other voters? Yes.
 1555. And through the same entrance? Yes; all the voters came that way so far as I know.
 1556. *Mr. Carlos.*] Was the Town Hall ornamented with any placards at that particular time? I heard that there were one or two placards about, but I think that they were there prior to the time of polling.
 1557. Do you know whether there were any placards actually in the polling-booth? Not in the polling-booth.
 1558. Where they could be seen by people voting? I fancy that there were some in the Town Hall.
 1559. What were they? I had seen "Vote for O'Reilly," but I am not sure that I saw these placards on the day of the election.
 1560. Will you swear that you saw them there? I cannot say.
 1561. Did you hear that they were there? I heard one or two mention it.
 1562. *Mr. Kelynack.*] Taylor was not challenged? Yes; but no questions were put to him.
 1563. *Chairman.*] The demand that he should be challenged was not persevered in, and the questions were not put to him? Yes.
 1564. *Mr. Kelynack.*] Did Mr. O'Reilly have a meeting in the Town Hall the night preceding the poll? I fancy there was a meeting in the Town Hall, but whether it was convened by Mr. O'Reilly or not I do not know. There was a meeting there, if I recollect aright.
 1565. *Mr. Neild.*] Are we to understand that in the polling-booths themselves there were posters advocating the candidature of Mr. O'Reilly? Well, it occurred to me that they must have been left by some oversight if they were there on the day of the election.
 1566. *Chairman.*] Were they actually in the booths? I did not notice them in the booths. If they were, they would be on the outside on the stage.
 1567. *Mr. Neild.*] I suppose the booths were formed by partitions put up in some part of the building? Yes. Nos. 6 and 7 booths were at the back of the Town Hall in two separate rooms, but Nos. 4 and 5 were in a large room at the entrance to the Town Hall. I fancy there was a partition of some kind between them, so that anyone could go round without going through the booth. They had no alternative, but to pass these booths in going to record their votes in booths Nos. 6 and 7.
 1568. *Mr. Kelynack.*] Were these placards up over the gallery? Not to my knowledge.
 1569. In what part of the booth were they? I fancy that they were on the platform of the Town Hall.
 1570. *Mr. Carlos.*] And the booth was on the platform? The booths were behind the platform.
 1571. *Mr. Kelynack.*] These placards were not on the booth? I do not think so.
 1572. *Mr. Carlos.*] You might see them as you went to vote? Yes, you might see them then.

R. W.
Springett.
29 Sept., 1898.

Charles Edward Eades recalled and further examined:—

1573. *Mr. Kelynack.*] You were scrutineer for Mr. O'Reilly at the Sydney booth? Yes.
 1574. Were you present at the counting of the votes recorded at that booth? Yes.
 1575. When the ballot-papers were being counted up, did you object to one which was not afterwards rejected? To one paper, yes.
 1576. On what grounds? The pencil-mark had come down from the name above to the name below.
 1577. You submitted that both these names were cancelled, and that you could not tell who the vote was for? Yes; I said that it should be an informal vote.
 1578. Was it counted? Yes, it was counted in with the other votes. I do not think there was an informal vote counted in our booth.
 1579. Who was it counted for? For Mr. Ferris.
 1580. *Mr. Carlos.*] You say that it was in this way: That one name was thoroughly crossed out, and from it the pencil came slightly down—to what extent did it come down? It came through it like a circle.
 1581. What was the name after Mr. Ferris? I could not say.
 1582. The names were in alphabetical order? Yes. I know that the vote was cast for Mr. Ferris.
 1583. In what way did this pencil-mark strike Mr. Ferris' name? It went down.
 1584. How many letters were crossed out? I objected to it.
 1585. That was your business. You were there to object. Will you kindly tell us to what extent Mr. Ferris' name was erased? The pencil went down.
 1586. Was it as if the voter, in drawing his pencil rapidly through Mr. Brown's name, let the pencil come down to Mr. Ferris'? I cannot tell you how it was done. The pencil-mark came down through Ferris' name.
 1587. Had you in your own mind any idea as to the intention of the person who erased the names? [Question objected to.]

C. E. Eades.
29 Sept., 1898.

TUESDAY, 11 OCTOBER, 1898.

Present:—

Mr. Ashton,
Mr. Cann,
Mr. Mahony,
Mr. Neild,Mr. O'Sullivan,
Dr. Ross,
Mr. Whiddon,
Mr. Crick.

F. B. Suttor, Esq., in the Chair.

Mr. Kelynack, instructed by Mr. Robilliard, for Mr. Abigail, appeared on behalf of Mr. O'Reilly in support of the Petition.

Mr. Carlos appeared on behalf of Mr. Ferris.

Thomas Reeve Barber recalled and further examined:—

- T. R. Barber. 1588. *Mr. Kelynack.*] You have already stated that you have been resident in Parramatta, and that you know the district well? I know it thoroughly well.
- 11 Oct., 1898. 1589. Do you know where Samuel Richard Turner and George Forsyth Turner reside? I know where they were residing.
1590. Have you been to their house? Yes; and that is on Campbell's Hill, where they were living at the time of the election.
1591. Will you indicate on the map of the Parramatta electorate which lies on the table where the house of the Turners is situated on Campbell's Hill? I will.
1592. Do you know the localities which are marked pink here on this map? Yes; that area is inside the Parramatta electorate.
1593. Do you know whether Campbell's Hill is within the area marked pink? No; it is really a part of the old boiling-down establishment, known as Bonman's property many years ago. It is situated between Smithfield Road and Merrylands Station. It is about the highest point about there.
1594. Can you say positively that it is not within the area marked pink? I can swear positively that it is outside the electoral district of Parramatta.
1595. *Mr. Carlos.*] Can you swear that it is outside that pink-tinted area? Yes.
1596. Do you know all the localities which are shown within the part marked pink on the map? I do.
1597. Is Campbell's Hill within that area? No.
1598. Is all of Campbell's Hill outside the Parramatta electorate? Yes.
1599. Every part of it? Yes.
1600. *Mr. Kelynack.*] Do you know the Broadview Estate? Yes.
1601. Do you know James Summers? Yes.
1602. Do you know his residence? Yes.
1603. Have you been to it? Scores of times.
1604. You have seen him at the place you have been to? Yes.
1605. Where is it situated? It is part of what is called the Broadview Estate.
1606. I wish you to point out on the map where Broadview Estate is, and where Summers lives;—do you know any prominent locality in Parramatta which it is near to? It is not far away from the Parramatta Water Reserve. This [pointing to the map] is about the locality. If you go along the Pennant Hills road for a quarter of a mile past the Parramatta Water Reserve, and then turn down the road on the left-hand, it takes you on to the property. It is in the locality of Barrington's Grant of 30 acres.
1607. Is Broadview Estate outside the electoral district of Parramatta? I am quite positive about it being outside the electoral district of Parramatta.
1608. *Mr. Carlos.*] Are you positive that it is, from that map, or from your own knowledge? I am quite positive that it is from that map.
1609. That it is not within this part marked pink? It is outside the pink area.
1610. How many yards is Summers' residence outside that area? I suppose in a direct line it is about a quarter of a mile.
1611. How far is the residence of the Turners, on Campbell's Hill, from the Parramatta electorate? I suppose it will be between a quarter and half a mile.
1612. Did you attend any meeting of presiding officers and poll-clerks in Parramatta subsequent to the election? Yes.
1613. Who were present? I can hardly tell you all that were present; it was attended by all the officers that took part in the election.
1614. Did you sign any document there? I did.
1615. Is this [exhibiting a document] your signature? Yes.
1616. Did you see the other people there sign the document? Yes.
1617. You see all these signatures? Yes.
1618. You were present when all these persons signed? Yes.
1619. What was the object of the meeting, or what was done at it? There was not very much done. I cannot tell you exactly the business which was done there.
1620. Tell the Committee, generally, what was done? The meeting was called by the Returning Officer (Mr. Jones). He called all his officers together to ascertain if any irregularities had been carried on in the polling-booths, and if so, what they consisted of.
1621. Did you sign a document certifying that there were no irregularities committed in your polling-booth? There was only one mistake which was committed in our polling-booth, and that was in reference to young Turner being challenged.
1622. *Chairman.*] It is not an irregularity to challenge a man;—do you mean George Forsyth Turner? Yes, he was challenged, but he was not asked to sign any declaration.
1623. Who was the presiding officer? Mr. Jones, himself.
1624. *Mr. Carlos.*] You saw all the other gentlemen sign this document? Yes; otherwise everything was carried out all right in our polling-booth. I do not remember George Forsyth Turner being asked to sign any declaration; but he was challenged as to his residence.

1625. You do not remember whether he was asked any questions? He was asked questions by Mr. Jones. T. R. Barber.
 1626. Did you, as representing Mr. O'Reilly, ask questions? I was not representing Mr. O'Reilly. - 11 Oct., 1898.
 1627. What was the date of the meeting? I cannot tell you the date.
 1628. You know it was subsequent to the election? Yes; so far as I can remember, it was about a fortnight after the election.
 1629. *Mr. Cann.*] When did you tender your signature to this document? On the night of the meeting.
 1630. What date was that? I cannot say exactly, but it was about a fortnight after the election was held.
 1631. After this inquiry was commenced? Before it was commenced.
 1632. *Mr. Ashton.* Was it after this inquiry was mooted? Yes.
 1633. After the petition had been lodged? The petition had not been lodged at the time of the meeting being held.
 1634. You had heard about a petition coming in? Yes; Mr. Jones wrote to me asking me to attend the meeting. I can produce the letter.
 1635. *Mr. Cann.*] One of these signatures bears date 25th August, 1898? I cannot exactly tell the date from memory.
 1636. Who tendered this document to you? Mr. Jones. [*Mr. Carlos tendered the document to the Committee. Mr. Kelynack objected, and the Committee decided not to receive the document.*]

William John Ferris, Esq., M.L.A., sworn and examined:—

1637. *Mr. Carlos.*] You are the sitting Member for the electoral district of Parramatta? Yes. W. J. Ferris,
 1638. You have heard most of the evidence which has been given before this Committee? Yes. M.L.A.
 1639. Is this a list of the names of the men who are charged with being outside the electorate, and with having voted at the election:—Spouncer, Charles W. Pitt, P. J. Kelly, P. A. O'Brien, J. D. Morrison, Charles Burton, A. J. Christie, Summers, A. J. Hopkins, Fredk. Darke, Henry Holliday, Tolles, Wellard, Taylor, the Turners, Hazelton, Braddick, and Thomson? Yes. 11 Oct., 1898.
 1640. Did you, directly or indirectly, influence, or try to influence, any of these gentlemen who voted at the election on the 27th July? No.
 1641. You had not seen or spoken to the greater number of them;—as a matter of fact, did you see or speak to several of them for a considerable time before the election? I have just looked at the names. I find that fourteen men have given evidence whom I have not spoken to for months. There are some names of men here I do not know. There are two I might have bid "good-day" to during the last few months. Some of them I do not know at all.
 1642. That is months before the election? Yes; I did not know them until I saw them on this Committee, and after the election was over. I had no time to canvass. I had only eight days, and it took me all my time to make speeches.
 1643. Did you authorise your committee to influence, or try to influence, any of these gentlemen to vote? No.
 1644. So far as you know your committee did not? No.
 1645. *Mr. Neild.*] What was about the size of your committee? I had rather a large committee. I suppose there must have been from fifty to 100 on it. They forced me to come out; I did not want to come out, as I was in a Government position, but it was such a strong committee that I was inclined to take the risk of being elected. Some of these men here I did not know; I never saw them—in fact, there was one I had never seen until he came into this room, others I have not spoken to for months. I do not suppose there was ever a purer election carried out as far as we were concerned as a committee. I did not attend a committee-meeting, as I had not time. They used to work them while I was speaking.
 1646. *Mr. O'Sullivan.*] Do you know anything about Campbell's Hill Estate? I do.
 1647. Is that considered to be inside, or on the border of, or outside of the electoral district of Parramatta? Until I voted I did not know definitely the boundaries of Parramatta, although I was born in the town. I know every inch of land in the district.
 1648. Campbell's Hill is part and parcel of a paddock? I would not say that none of it is within Parramatta. I am inclined to think that some of it is.
 1649. *Mr. Carlos.*] With reference to your entering a booth—will you tell the committee what took place? Yes. It was mentioned to me, as I was at a lower booth, that an elector was not allowed to vote. I walked up to the booth—I did not go in, I simply leaned my head on the door—and addressed the presiding officer in this way, "Mr. Presiding Officer, will you please enter a protest for me. You refused to allow a man named Turner to vote." I did not know Turner at this time. He said to me, "Let Turner come in and vote," and I said, "Certainly not." I did not address myself to anyone but the presiding officer. There were no voters in the booth at the time.
 1650. *Mr. O'Sullivan.*] You have heard the evidence about John Ferguson having supplied extra ballot-papers? Yes.
 1651. Was he a supporter of yours? He put in his newspaper that he voted against me, and that is all I know. That has been published all over the country.
 1652. *Mr. Kelynack.*] What did he say? It is in his paper, which I can produce.
 1653. Since the election? Yes, and I am very sure that he did not vote for me.
 1654. *Mr. Carlos.*] Was it not your opinion that he supported Mr. Brown? He did.
 1655. *Mr. Kelynack.*] Did he not write leaders supporting you? He wrote me up in the paper, because I lived in the town. The other paper, the *Argus*, wrote me up too, which it never did before. At the same time, they were not supporting me; they were supporting Mr. O'Reilly.
 1656. *Mr. O'Sullivan.*] Have you any reason to believe that he voted for you or against you? Mr. Ferguson told me that he voted for Mr. Brown. I do not know whether he did, but he never supported me. The majority of the presiding officers were against me; they were on the other side—of course, in a friendly way. We did not quarrel in any way. We had no quarrel until this petition came in, and we are fighting it out on its merits.

TUESDAY,

TUESDAY, 18 OCTOBER, 1898.

Present:—

Mr. Ashton,		Mr. Mahony,
Mr. Cann,		Mr. Neild,
Mr. Crick.		Dr. Ross,
Mr. O'Sullivan,		Mr. Whiddon.

F. B. Suttor, Esq., in the Chair.

Henry Tucker Jones, Returning Officer, recalled and further examined:—

- H. T. Jones. 1657. *Chairman.*] We considered it to be our duty the other day to count the ballot-papers which were used at the recent election, and we found that some papers in No. 2 booth bore the initials "J. R."; but in looking through the returns you furnished we found that there was no duly-authorized person bearing those initials? If you will look through the declarations you will see that I had a relieving officer named John Russell. Mr. Russell is here to-day to give evidence if necessary. The declarations, I may mention, were sent in to the Chief Secretary's office.
1658. Will you explain to the Committee why the papers I refer to are marked "J. R."? About a quarter of an hour before the time for opening the poll I went round the booths to see that everything was correct, and I found that the presiding officer for No. 2 booth, Mr. George Stone, had not shown up. He had not been well, and I thought that probably he might not turn up at all. I put the relieving officer I had in my booth in No. 2 booth. Mr. Stone showed up at about a quarter past 8 o'clock, and from that time he had entire charge of the booth.
1659. Mr. Russell made a declaration, and was duly appointed by yourself? Yes; and I sent to him to come here to-day.
1660. Had the gentlemen who acted with you in the capacity of presiding officers acted at previous elections? Yes.
1661. All of them? A number of them had. Mr. Miller, poll clerk, had acted as presiding officer on two or three occasions before with me.
1662. *Mr. Cann.*] Who was the Mr. Miller in No. 3 booth, in which the terrible lot of mistakes were made? Mr. Hugh Miller. He is no relation to Mr. J. J. Miller.
1663. *Chairman.*] Had Mr. Hugh Miller acted before? Yes; he had acted five or six times for me.
1664. Was No. 3 booth presided over by Mr. Hugh Miller? Yes.
1665. *Mr. Mahony.*] Do you initial the papers as you hand them out? Generally. I generally initial three or four ballot papers, so that I may be prepared if a rush comes in.
1666. You do not initial them all beforehand? No.
1667. You puncture them at the same time, I presume, as you initial them? We puncture them as we give them to the voters—that is, when we puncture the rights.
1668. You might have half-a-dozen papers initialled in your hand, and they would be handed out to the voters as they came in? We puncture them then.
1669. You would not think it anything out of the way if you had not any of them initialled, but you initial them as you hand them out? Yes; I am rather surprised to hear that there was anything wrong in No. 3 booth, because Mr. Hugh Miller is a pretty sharp man.
1670. *Chairman.*] Can you identify Mr. Russell's initials? I could, but he is here himself to identify them.
1671. Do you identify these initials [*exhibiting a paper*] as Mr. Russell's initials? Yes.
1672. *Mr. Mahony.*] I suppose he initialled these papers when he was occupying your chair? When he was occupying the chair in No. 2 booth.
1673. *Chairman.*] Mr. Russell assisted you afterwards in the principal booth? Yes; all day, for fear I should have to go away. I went over to Parramatta North during the day, and I was absent about half an hour. I notice that Mr. Neild was severe about my having called a meeting of presiding officers. I might explain to the Committee that the meeting of presiding officers was called on account of rumours in the local paper about some of them being tipsy.
1674. That was the only reason? Yes; and the rumours about as to irregularities.
1675. *Mr. Ashton.*] What were the rumours you heard? That some of the presiding officers were tipsy; and that Mr. J. J. Miller was one of them, particularly.
1676. Did you make an investigation? Yes, and it was denied.
1677. Did you discover any evidence which went to support them? No; he might have been a little fresh at the close of the poll; but I did not notice him when he brought in his box. I should not appoint Mr. Miller again.
1678. *Mr. Mahony.*] Was he fresh? He might have been, but I did not notice it. There was a great deal of excitement, and the reporters were there wanting to get out the numbers as quickly as possible.
1679. *Mr. Cann.*] Did you keep any minutes of the meeting you held? Yes, and I handed them to Mr. Ferris. I told Mr. Ferris that he could have them, but Mr. Kelynack said there was no occasion to have them. Mr. Ferris asked me for them, and I handed them to him.
1680. *Mr. Ashton.*] In the investigation you made you personally discovered nothing which would support the rumour that certain presiding officers had been tipsy during the conduct of the election? No; I did not discover anything.
1681. And you know of nothing now? No, no more than that Mr. Miller might have been, as I said, a little fresh; but I did not notice it.
1682. What do you mean by saying that he "might have been a little fresh"? By what I have heard people say.
1683. *Chairman.*] You have said that you would not employ him again? I should not like to do so, as he did not puncture the papers, although, from his experience, he ought to be a reliable man.
1684. How did Mr. Hugh Miller control his booth as far as you know? I have always had a very strong opinion of him as regards his ability to carry out the duties of presiding officer—as a man who is rather particular.
1685. *Mr. Cann.*] Did you, as returning officer, supply any refreshments to them on that day? Yes; I supplied a bottle of ale for each polling booth at my own expense.

1686.

1686. You did not allow the candidates to supply any refreshments? I did not. I did not know that there were any refreshments supplied by the candidates. I heard that there were some refreshments supplied, but I was not aware of it. H. T. Jones.
18 Oct., 1898.

1687. *Mr. Mahony.*] Did this statement [*pointing to a newspaper*] appear in the next issue of the paper? No.

1688. When would it appear? From day to day—in every issue almost.

1689. Was a paper issued in Parramatta on the day following the election, with this statement? No; I think it was on the Friday night after the polling day.

1690. *Mr. Ashton.*] Was it on your initiative that that certificate was signed by the various officials in connection with the election, certifying that everything had passed off satisfactorily? Yes, with one or two exceptions. Mr. Miller admitted that he had not punctured the papers.

1691. *Mr. Whiddon.*] Did you initiate it? Yes; I called them by circular.

1692. *Mr. Ashton.*] What was the object of it? My object was to discover what the irregularities were.

1693. Had you heard what the irregularities were alleged to be? I had heard what were the rumours about the town, and what was in the *Argus*.

1694. Were they very serious rumours? They said there were irregularities and informalities, and all that sort of thing. I suppose there have been irregularities at every election.

1695. Were there any specific statements made as to what the irregularities were? No specific statements; but you are aware, I suppose, how they put paragraphs in papers, especially in local papers, to fan the flame. Mr. O'Reilly can inform you on that point. I think the *Argus* has done him a good deal of harm.

1696. *Chairman.*] When you heard reports reflecting on your presiding officers, you made all inquiries as to their conduct on polling-day? Yes. When I took the chair at the meeting I said to them—"None of us are infallible; and if any mistakes have been made, own up to it, so as to be in a position to place them before the Parliamentary Committee."

1697. Did any officer report that he had made any mistake? Mr. Miller reported that he had not punctured the papers, and that he had not punctured a paper during the whole of the time he has acted in that capacity. If he had made use of the little pamphlet which was given to each presiding officer he would have seen that it was necessary to do so. It was his duty to puncture the papers.

1698. *Mr. Ashton.*] Did not this occur to you, that if these mistakes were of a nature that could be detected by an examination of the papers no certificate would be any good, because the mistakes would be there to be discovered by the Committee if the papers were scrutinised, so that a certificate of that kind would only be of value where the mistakes could not be detected? Exactly.

1699. There was no suggestion of any mistakes of that character, was there? Of what character?

1700. Mistakes that would not be revealed by an examination of the papers? No; I had not the slightest idea of doing anything by way of bluff. These officials were strong O'Reillyites. Mr. J. J. Miller was a member of Mr. O'Reilly's committee, and so was Mr. Carpenter, his poll clerk.

1701. *Chairman.*] Did Mr. Hugh Miller take any prominent part in the election? No. I am not certain whether he voted. I heard him say he did not care whether he voted at all; but if he voted he voted for Mr. Brown.

1702. Has it been usual at elections you have conducted to appoint as presiding officers men who were on a candidate's committee? I did not know that any of them were on a candidate's committee. Mr. Miller told me that he never took any part in Mr. O'Reilly's committee after he was appointed as a presiding officer.

1703. When did he report to you that he had not punctured the papers—was it after the election or after the paragraph appeared? After the paragraph appeared.

1704. He did not at once report to you that he had not punctured the papers? No; not until I called the meeting together, when he admitted that he had not done so. I have only seen him once since the election. It is a singular thing that they did not puncture the ballot-papers, because Mr. Carpenter had acted before as presiding officer, and knew the duties thoroughly, and so also did Mr. Perry. Mr. Hugh Miller occupied the position of Road Superintendent under the Government for many years; and I thought he would be perfectly competent, especially as he had acted five or six times for me.

1705. *Mr. O'Sullivan.*] You say that Mr. J. J. Miller admits now that he had never punctured ballot-papers at any election? Yes.

1706. Not even at the last election? No. He has punctured the rights, but not the ballot-papers. He admitted that he punctured the rights. Mr. Russell's declaration will be found amongst the declarations which were sent to the Chief Secretary's Office.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITIONS.—BAVISTER *v.* WISE—ASHFIELD.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Printed under No. 13 Report from Printing Committee, 24 November, 1898.

SYDNEY: WILLIAM APPEGATE GULLICK, GOVERNMENT PRINTER.

1898.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	8
Minutes of Evidence	13

1898.
(SECOND SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 2. WEDNESDAY, 17 AUGUST, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

“ John Henry Cann, Esquire,
“ William Patrick Crick, Esquire,
“ William Henry Mahony, Esquire,
“ John Cash Neild, Esquire,
“ Edward William O’Sullivan, Esquire,

“ Varney Parkes, Esquire,
“ Andrew Ross, Esquire, M.D.,
“ The Hon. Francis Bathurst Suttor, Esquire,
“ Samuel Thomas Whiddon, Esquire,

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“ Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this seventeenth day of August, in the year of our Lord one thousand eight hundred
“ and ninety-eight.

“ J. P. ABBOTT,
“ Speaker.”

VOTES NO. 6. THURSDAY, 25 AUGUST, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 17th August, 1898, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Members sworn*:—John Henry Cann, Esquire, William Henry Mahony, Esquire, John Cash Neild, Esquire, Edward William O’Sullivan, Esquire, Andrew Ross, Esquire, M.D., The Honorable Francis Bathurst Suttor, Esquire, and Samuel Thomas Whiddon, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

VOTES NO. 7. TUESDAY, 30 AUGUST, 1898.

25. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing James Ashton, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

James Ashton, Esquire,

“ being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid,
“ in the room of Varney Parkes, Esquire, whose seat in the said Assembly hath been declared vacant by reason of his acceptance of the office of Postmaster-General.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this thirtieth day of August, in the year of our Lord one thousand eight hundred and
“ ninety-eight.”

“ J. P. ABBOTT,
“ Speaker.”

VOTES

VOTES No. 10. WEDNESDAY, 7 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—William Patrick Crick, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 11. THURSDAY, 8 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
 (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th August, 1898, appointing James Ashton, Esquire, to be a member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Ashton to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
 (2.) *Member sworn*:—James Ashton, Esquire, came to the Table, and was sworn by the Clerk as a member of the Committee of Elections and Qualifications.

VOTES No. 13. WEDNESDAY, 14 SEPTEMBER, 1898.

1. * * * * *
 ELECTION PETITION (*Ashfield*):—Mr. Brunker, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from Thomas Bavister, of Croydon, alleging that at the last General Election he and Bernhard Ringrose Wise were candidates to be elected for the Electoral District of Ashfield; that Petitioner was and is a person duly qualified by law to be elected; that the Returning Officer declared the number of votes polled for the respective candidates to be—for B. R. Wise, 966 votes, and for Petitioner, 961 votes, and made no declaration as to the number of informal votes polled, although there were several, and he thereupon declared the said Bernhard Ringrose Wise to be duly elected, and afterwards endorsed on the writ the name of Bernhard Ringrose Wise as the person so elected; that the Returning Officer publicly declared that Bernhard Ringrose Wise polled 966 votes, and Petitioner has been informed, and verily believes, that in consequence of many mistakes, Bernhard Ringrose Wise did not poll that number of votes; that many of the ballot-papers were declared to be informal which as a matter of fact were not informal, and that such votes should have been counted in favour of Petitioner, thereby giving a majority in favour of Petitioner; that many of the ballot-papers used at the said election were not initialled, nor were the electors' rights punctured, signed, and dated by the Deputy Returning Officers, and were therefore informal; that certain persons were permitted to record votes who should have been prohibited from voting; that certain persons were permitted to vote who were not qualified; that Petitioner's scrutineer was improperly prevented from entering the polling-booth at Summer Hill until after all the ballot-boxes at the said polling-booth were locked, and Petitioner believes that in the opening of one of the ballot-boxes it was found to contain eighteen ballot-papers in excess of the number it should have contained; that the said Bernhard Ringrose Wise had more than one scrutineer at one or more of the said polling-booths; that the number of unqualified persons who were allowed to vote, and whose votes were counted and allowed by the Returning Officer, exceed the number of twelve; that a greater number of votes than five were counted and allowed by the Returning Officer, although such votes were not in accordance with the Electoral Act, and were by that Act made invalid; and that certain irregularities were committed in connection with the said election. Petitioner prays—(1) That his Petition may be dealt with according to law; (2) that the return of the said Bernhard Ringrose Wise may be declared null and void; (3) that a recounting of all ballot-papers may be made by the Committee of Elections and Qualifications; (4) that it may be declared that the said Bernhard Ringrose Wise was not lawfully elected; (5) that it may be declared and determined that Petitioner was duly elected, and is entitled to take his seat.
 Ordered, on motion of Mr. Brunker, that the Petition be referred to the Committee of Elections and Qualifications.

VOTES No. 22. WEDNESDAY, 5 OCTOBER, 1898.

2. ELECTION PETITION (*Ashfield*):—Mr. Brunker, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from Thomas Bavister, of Croydon, alleging that at the last General Election he and Bernhard Ringrose Wise were candidates to be elected for the Electoral District of Ashfield; that Petitioner was and is a person duly qualified by law to be elected; that the Returning Officer declared the number of votes polled for the respective candidates to be—for B. R. Wise, 966 votes, and for Petitioner, 961 votes, and made no declaration as to the number of informal votes polled, although there were several, and he thereupon declared the said Bernhard Ringrose Wise to be duly elected, and afterwards endorsed on the writ the name of Bernhard Ringrose Wise as the person so elected; that the Returning Officer publicly declared that Bernhard Ringrose Wise polled 966 votes, and Petitioner has been informed, and verily believes, that in consequence of many mistakes and of unqualified persons being permitted to vote, Bernhard Ringrose Wise did not poll that number of votes; that many of the ballot-papers were

were declared to be informal which as a matter of fact were not informal, and that such votes should have been counted in favour of Petitioner, thereby giving a majority in favour of Petitioner; that many of the ballot-papers used at the said election were not initialled, nor were the electors' rights punctured, signed, and dated by the Deputy Returning Officers, and were therefore informal; that certain persons were permitted to record votes who should have been prohibited from voting; that certain persons were permitted to vote who were not qualified; that Petitioner's scrutineer was improperly prevented from entering the polling-booth at Summer Hill until after all the ballot-boxes at the said polling-booth were locked, and Petitioner believes that in the opening of one of the ballot-boxes it was found to contain eighteen ballot-papers in excess of the number it should have contained; that the said Bernhard Ringrose Wise had more than one scrutineer at one or more of the said polling-booths; that the number of unqualified persons who were allowed to vote, and whose votes were counted and allowed by the Returning Officer, exceed the number of twelve; that a greater number of votes than five were counted and allowed by the Returning Officer, although such votes were not in accordance with the Electoral Act, and were by that Act made invalid; and that certain irregularities were committed in connection with the said election; and praying—(1) that his Petition may be dealt with according to law; (2) that the return of the said Bernhard Ringrose Wise may be declared null and void; (3) that a recount of all ballot-papers may be made by the Committee of Elections and Qualifications; (4) that it may be declared that the said Bernhard Ringrose Wise was not lawfully elected; (5) that it may be declared and determined that Petitioner was duly elected, and is entitled to take his seat.

Ordered, on motion of Mr. Bruncker, that the Petition be referred to the Committee of Elections and Qualifications.

VOTES NO. 28. WEDNESDAY, 19 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received a letter from John Cash Neild, Esquire, addressed to the Speaker, resigning his seat as a Member of the Committee of Elections and Qualifications.

VOTES NO. 29. THURSDAY, 20 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table Mr. Speaker's warrant appointing Samuel Wilkinson Moore, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*“ By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

“ Samuel Wilkinson Moore, Esquire,

“ being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in room of John Cash Neild, Esquire, resigned.

“ Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this twentieth day of October, in the year of our Lord one thousand eight hundred
“ and ninety-eight.

“ J. P. ABBOTT,
“ Speaker.”

VOTES NO. 30. TUESDAY, 25 OCTOBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received letters, addressed to the Speaker, from the following Members of the Committee of Elections and Qualifications, resigning their seats on that Committee:—

The Honorable Francis Bathurst Suttor, Esquire,
William Henry Mahony, Esquire,
James Ashton, Esquire,
Andrew Ross, Esquire, M.D., and
John Henry Cann, Esquire.

VOTES NO. 31. WEDNESDAY, 26 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received a letter from Samuel Thomas Whiddon, Esquire, addressed to the Speaker, resigning his seat as a member of the Committee of Elections and Qualifications.

VOTES No. 32. THURSDAY, 27 OCTOBER, 1898.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Deputy-Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table Mr. Speaker's Warrant appointing the following gentlemen to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

“ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

“ John Moore Chanter, Esquire,

“ John Haynes, Esquire,

“ Hugh Macdonald, Esquire,

“ Francis Edward McLean, Esquire,

“ Simeon Phillips, Esquire, and

“ William Sawers, Esquire,

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in room of Messrs. Suttor, Ashton, Cann, Mahony, Whiddon, and Dr. Ross, resigned.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and ninety-eight.

“ J. P. ABBOTT,
“ Speaker.”

VOTES No. 33. TUESDAY, 1 NOVEMBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Deputy-Speaker reported that Mr. Speaker's Warrant, laid upon the Table on the 20th October, 1898, appointing Samuel Wilkinson Moore, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Moore to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Member Sworn* :—Samuel Wilkinson Moore, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 36. THURSDAY, 10 NOVEMBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Deputy-Speaker reported that Mr. Speaker's Warrant, laid upon the Table on the 27th October, 1898, appointing John Moore Chanter, Esquire, John Haynes, Esquire, Hugh Macdonald, Esquire, Francis Edward McLean, Esquire, Simeon Phillips, Esquire, and William Sawers, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was, therefore, open to the Members named to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Members sworn* :—John Moore Chanter, Esquire, John Haynes, Esquire, Hugh Macdonald, Esquire, Simeon Phillips, Esquire, and William Sawers, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee of Elections and Qualifications.

VOTES No. 37. TUESDAY, 15 NOVEMBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Francis Edward McLean, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 39. THURSDAY, 17 NOVEMBER, 1898.

6. COMMITTEE OF ELECTIONS AND QUALIFICATIONS (*Election Petition—Bavister v. Wise—Ashfield*) :—Mr. O'Sullivan, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Committee of Elections and Qualifications, to whom were referred on 14th September, 1898, a Petition from Thomas Bavister, and on 5th October, 1898, a second Petition from Thomas Bavister, against the return of Bernhard Ringrose Wise, Esquire, as Member for the Electoral District of Ashfield.

And the said Report was read at length by the Clerk, by direction of Mr. Deputy-Speaker, as follows :—“ The Committee of Elections and Qualifications, duly appointed on 17th August, 1898, to whom were referred, on 14th September, 1898, a Petition from Thomas Bavister, and on 5th October, 1898, a second Petition from the said Thomas Bavister, against the return of Bernhard Ringrose Wise, Esquire, as Member for the Electoral District of Ashfield,—have determined “ and do hereby declare :—

“ 1. That the Petition presented on the 14th September, 1898, is informal, inasmuch as it “ is not subscribed in accordance with the Act; that the Petition is not frivolous nor vexatious; “ and that the Committee make no award as to costs.

“ 2. That in the matter of the second Petition, presented on 5th October, 1898,—

“ (1.) With respect to the two points submitted by counsel for Mr. Wise, to the effect “ that the Petitioner, Mr. Bavister, had not complied with the terms of the Act, the “ point as to the non-payment of the £50 deposit is sustained, and consequently the “ Petition is dismissed.

“ (2.) The Petition is not frivolous nor vexatious.

“ (3.) The Committee make no award as to costs.

“ No. 3 Committee Room,

“ Legislative Assembly, 16th November, 1898.”

“ E. W. O'SULLIVAN,

“ Chairman.

Referred by Sessional Order to the Printing Committee.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITIONS—BAVISTER *v.* WISE—ASHFIELD.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 17th August, 1898, to whom were referred, on 14th September, 1898, a Petition from Thomas Bavister, and on 5th October, 1898, a second Petition from the said Thomas Bavister, against the return of Bernhard Ringrose Wise, Esquire, as Member for the Electoral District of Ashfield,—have determined and do hereby declare:—

1. That the Petition presented on the 14th September, 1898, is informal, inasmuch as it is not subscribed in accordance with the Act; that the Petition is not frivolous nor vexatious; and that the Committee make no award as to costs.
2. That in the matter of the second Petition, presented on the 5th October, 1898—
 - (1.) With respect to the two points submitted by Counsel for Mr. Wise, to the effect that the Petitioner, Mr. Bavister, had not complied with the terms of the Act, the point as to the non-payment of the £50 deposit is sustained, and consequently the Petition is dismissed.
 - (2.) The Petition is not frivolous nor vexatious.
 - (3.) The Committee make no award as to costs.

E. W. O'SULLIVAN,
Chairman.

No. 3 Committee Room,
Legislative Assembly,
16th November, 1898.

1898.
(SECOND SESSION.)

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS.

In the matter of the Election Petitions which had been addressed to His Excellency the Governor from Thomas Bavister, alleging that, for the reasons therein stated, the election of Bernhard Ringrose Wise as Member for the Electoral District of Ashfield, was an undue Election, and praying that the Petitioner may be declared duly elected as Member for the said Electoral District.

THURSDAY, 20 OCTOBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan,	Dr. Ross,
Mr. Ashton,	Mr. Mahony,
Mr. Cann,	Mr. Crick,
Mr. Suttor,	Mr. Whiddon.

In attendance,—

The Second Clerk Assistant.

1. In the absence of the Chairman, Mr. Cann called to the Chair.
2. The Clerk read the extract from the Votes and Proceedings referring to the resignation of Mr. Neild as a member of the Committee. [See Extract, page 5.]
3. The Clerk read the extracts from the Votes and Proceedings referring the Petitions of Thomas Bavister to the Committee. [See Extracts, page 4.]
4. The Chairman entered the room and took the Chair.
5. The Clerk, by direction of the Chairman, read the Petitions, as follows:—

To His Excellency The Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

The humble Petition of Thomas Bavister, of Croydon,—

THOMAS BAVISTER

SHOWETH:—

1. That at the last General Election of Members to serve in the Legislative Assembly of New South Wales, Thomas Bavister your Petitioner, and Bernhard Ringrose Wise, were severally candidates to be elected as Member of the said Assembly for the Electoral District of Ashfield.

2. That at the nomination for the said Election, your Petitioner was duly nominated and proposed as such Member.

3. That before and at the time of such nomination, and from thence, your Petitioner was and is a person duly qualified by law to be elected a Member of the said Legislative Assembly.

4. That the Returning Officer, on the day of the Declaration of the Poll for the said Electoral District, declared the number of votes polled for the respective candidates to be as follows:—

For B. R. Wise, 966 votes; and for
Your Petitioner, 961 votes;

and made no declaration as to the number of informal votes polled, although there were several; and he thereupon declared the said Bernhard Ringrose Wise to be duly elected as a Member of the said Legislative Assembly for the said Electoral District; and the said Returning Officer afterwards endorsed on the said Writ the name of the said Bernhard Ringrose Wise as the person so elected, and returned the said Writ.

5. That the said Returning Officer for the said Electoral District publicly declared that the Candidate, Bernhard Ringrose Wise, polled 966 votes; and your Petitioner has been informed, and verily believes it to be the fact, that in consequence of many mistakes being made in counting the ballot-papers and deciding upon the votes for the respective candidates, and in consequence of unqualified persons being permitted to record votes, the said Bernhard Ringrose Wise did not poll that number of votes.

6. That your Petitioner has heard, and verily believes the same to be true, that many of the ballot-papers were declared to be informal which as a matter of fact were not informal, and that such votes should have been counted in favour of your Petitioner, thereby giving, as your Petitioner verily believes, a majority in favour of your Petitioner.

7. That your Petitioner has been informed, and verily believes the same to be true, that many of the said ballot-papers used at the said election were not initialled, nor were electors' rights punctured, signed, and dated by the Deputy Returning Officers according to the provisions of the "Parliamentary Electorates and Elections Act of 1893," and were therefore informal.

8. That your Petitioner has been informed, and verily believes the same to be true, that certain persons were permitted to record votes who should have been prohibited from voting, pursuant to the provisions of the "Parliamentary Electorates and Elections Act of 1893."

9. That your Petitioner has been informed, and verily believes the same to be true, that certain persons were permitted to vote who were not qualified by law to vote at the said election.

10. That your Petitioner has been informed, and verily believes, that your Petitioner's Scrutineer was improperly prevented from entering the Polling-booth at Summer Hill until after all the ballot-boxes at the said Polling-booth were locked, and your Petitioner has further been informed and believes that in the opening of one of the ballot-boxes at the said Polling-booth it was found to contain eighteen Ballot-papers in excess of the number it should have contained.

11. That your Petitioner has been informed, and verily believes, that the said Bernhard Ringrose Wise had more than one Scrutineer at one or more of the said Polling-booths, which was contrary to the provisions of the said Act.

- 12. That your Petitioner has heard, and believes it to be true, that the number of unqualified persons who were allowed to vote, and whose votes were counted and allowed by the Returning Officer, exceed the number of twelve.
- 13. That your Petitioner has heard, and believes it to be true, that a greater number of votes than five were counted and allowed by the Returning Officer, although such votes were not in accordance with the provisions of the Electoral Act, and were by that Act made invalid.
- 14. That your Petitioner has been informed, and verily believes the same to be true, that certain irregularities were committed in connection with the said election contrary to the provisions of the said Act.
- 15. That your Petitioner, pursuant to the "Parliamentary Electorates and Elections Act of 1893," has caused the sum of Fifty Pounds to be paid into the Treasury to the credit of the Speaker of the Legislative Assembly in relation to this Petition, and the Bank Deposit Receipt for such payment is hereunto annexed.

Your Petitioner therefore humbly prays as follows :-

- 1. That this Petition may be dealt with according to law.
 - 2. That the return of the said Bernhard Ringrose Wise as a Member of the Legislative Assembly for the said Electoral District of Ashfield may be declared null and void for the reasons aforesaid,
 - 3. That a recounting of all ballot-papers may be made by the Committee of Elections and Qualifications.
 - 4. That for the reasons aforesaid it may be declared that the said Bernhard Ringrose Wise was not lawfully elected, and is not such a Member of the Legislative Assembly for the said Electoral District of Ashfield.
 - 5. That it may be declared and determined that your Petitioner was duly elected at the said Election to serve and be a Member of the said Legislative Assembly for the said Electoral District of Ashfield, and is entitled to take his seat accordingly in the said Legislative Assembly.
- And your Petitioner will ever pray, &c.

(Duplicate.)

Sydney, 8th September, 1898.

PAID into the Bank of New South Wales, the sum of fifty pounds sterling (£50), to be placed to the credit of the Speaker of the Legislative Assembly of New South Wales, by the hands of Thomas Bavister.

(Sgd.) DENISON MILLER,
Accountant.

To His Excellency The Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

The humble Petition of Thomas Bavister, of Croydon, -

SHOWETH :-

- 1. That at the last General Election of Members to serve in the Legislative Assembly of New South Wales, Thomas Bavister, your Petitioner, and Bernhard Ringrose Wise, were severally candidates to be elected as Member of the said Assembly for the Electoral District of Ashfield.
- 2. That at the nomination for the said Election, your Petitioner was duly nominated and proposed as such Member.
- 3. That before and at the time of the said nomination, and from thence, your Petitioner was and is a person duly qualified by law to be elected a Member of the said Legislative Assembly.
- 4. That the Returning Officer on the day of the Declaration of the Poll for the said Electoral District declared the number of votes polled for the respective candidates to be as follows :-

For B. R. Wise, 966 votes ; and for
Your Petitioner, 961 votes ;

and made no declaration as to the number of informal votes polled, although there were several ; and he thereupon declared the said Bernhard Ringrose Wise to be duly elected as a Member of the said Legislative Assembly for the said Electoral District ; and the said Returning Officer afterwards endorsed on the said Writ the name of the said Bernhard Ringrose Wise as the person so elected, and returned the said Writ.

- 5. That the said Returning Officer for the said Electoral District publicly declared that the candidate, Bernhard Ringrose Wise, polled 966 votes ; and your Petitioner has been informed, and verily believes it to be the fact, that in consequence of many mistakes being made in counting the ballot-papers and deciding upon the votes for the respective candidates, and in consequence of unqualified persons being permitted to record votes, the said Bernhard Ringrose Wise did not poll that number of votes.
- 6. That your Petitioner has heard, and verily believes the same to be true, that many of the ballot-papers were declared to be informal which as a matter of fact were not informal, and that such votes should have been counted in favour of your Petitioner, thereby giving, as your Petitioner verily believes, a majority in favour of your Petitioner.
- 7. That your Petitioner has heard, and verily believes the same to be true, that many of the said ballot-papers used at the said election were not initialled, nor were the electors' rights punctured, signed, and dated by the Deputy Returning Officer according to the provisions of the "Parliamentary Electorates and Elections Act of 1893," and were therefore informal.
- 8. That your Petitioner has been informed, and verily believes the same to be true, that certain persons were permitted to record votes who should have been prohibited from voting pursuant to the provisions of the "Parliamentary Electorates and Elections Act of 1893."
- 9. That your Petitioner has been informed, and verily believes the same to be true, that certain persons were permitted to vote who were not qualified by law to vote at the said election.
- 10. That your Petitioner has been informed, and verily believes, that your Petitioner's Scrutineer was improperly prevented from entering the Polling-booth at Summer Hill until after all the ballot-boxes at the said Polling-booth were locked ; and your Petitioner has further been informed and believes that in the opening of one of the ballot-boxes at the said Polling-booth it was found to contain eighteen ballot-papers in excess of the number it should have contained.
- 11. That your Petitioner has been informed, and verily believes, that the said Bernhard Ringrose Wise had more than one Scrutineer at one or more of the said Polling-booths, which was contrary to the provisions of the said Act.
- 12. That your Petitioner has heard, and believes it to be true, that the number of unqualified persons who were allowed to vote and whose votes were counted and allowed by the Returning Officer, exceed the number of twelve.
- 13. That your Petitioner has heard, and believes it to be true, that a greater number of votes than five were counted and allowed by the Returning Officer, although such votes were not in accordance with the provisions of the Electoral Act, and were by that Act made invalid.
- 14. That your Petitioner has been informed, and verily believes the same to be true, that certain irregularities were committed in connection with the said election contrary to the provisions of the said Act.
- 15. That your Petitioner, pursuant to the "Parliamentary Electorates and Elections Act of 1893," has caused the sum of fifty pounds to be paid into the Treasury to the credit of the Speaker of the Legislative Assembly in relation to this Petition, and the bank deposit receipt for such payment is hereunto annexed.

Your Petitioner therefore humbly prays as follows :-

- 1. That this Petition may be dealt with according to law.
- 2. That the return of the said Bernhard Ringrose Wise as a Member of the Legislative Assembly for the said Electoral District of Ashfield may be declared null and void for the reasons aforesaid.
- 3. That a recounting of all ballot-papers may be made by the Committee of Elections and Qualifications.

4. That for the reasons aforesaid it may be declared that the said Bernhard Ringrose Wise was not lawfully elected and is not such a Member of the Legislative Assembly for the said Electoral District of Ashfield.
5. That it may be declared and determined that your Petitioner was duly elected at the said Election to serve and be a Member of the said Legislative Assembly for the said Electoral District of Ashfield, and is entitled to take his seat accordingly in the said Legislative Assembly.
- And your Petitioner will ever pray, &c.

(Triplicate.)

PAID Bank of New South Wales the sum of fifty pounds sterling (£50), to be placed to the credit of the Speaker of the Legislative Assembly of New South Wales, by the hands of Thomas Bavister.

THOMAS BAVISTER,
Sydney, 8th September, 1898.

(Sgd.) DENISON MILLER,
(pro Manager.)

6. The Clerk submitted a letter from the Honorable the Speaker, enclosing certified copy of a letter received from Bernhard Ringrose Wise, Esquire, the sitting Member for Ashfield, giving notice of his intention to defend his seat, which was read as follows:—

“The Speaker’s Room, Legislative Assembly,
“Sydney, 14 September, 1898.

“To the Committee of Elections and Qualifications.

“Gentlemen,

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from B. R. Wise, Esquire, the Sitting Member for Ashfield, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

“I have, &c.,

“J. P. ABBOTT,
“Speaker.”

[Enclosure.]

Sir,

In accordance with the 133rd section of the Parliamentary Electorates and Elections Act of 1893, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Ashfield before the Committee of Elections and Qualifications, to whom was referred a Petition from Thomas Bavister touching the validity of my election and return as Member for the said Electoral District.

Sydney, 14 September, 1898.

I have, &c.,
B. R. WISE.

The Honorable the Speaker, Legislative Assembly.
A true copy.—J.P.A., Speaker.

7. Parties called in.

Present:—Thomas Bavister, Esquire (*the Petitioner*).
Bernhard Ringrose Wise, Esquire (*the Sitting Member*).
A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

8. Frederick William Webb, C.M.G., Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced Writ of Election certifying to the return of Bernhard Ringrose Wise as Member for Ashfield.

Witness also produced the ballot-papers used at the Election, which he had received from the Returning Officer for Ashfield.

9. Mr. Kelynack asked the Petitioner which of the two Petitions before the Committee he intended to proceed with, and Mr. Bavister stated that he would leave the matter to the Committee.
10. Room cleared. Committee deliberated, and decided that the first Petition was informal, as it was not subscribed in accordance with the requirements of the Act.
11. Parties called in and informed.
12. Mr. Kelynack addressed the Committee, and contended that the second Petition could not be entertained, as it had not been presented to the Governor within the eight weeks required by the Act, also that no deposit had been lodged to the credit of the Speaker in relation to the Petition.
13. Room cleared. Committee deliberated.
14. Mr. Crick moved,—That the Petition of Thomas Bavister, Esq., referred to this Committee by the Legislative Assembly on the 14th September, is informal, inasmuch as the same is not subscribed in accordance with the 129th section of the Act 58 Victoria No. 38.
- Question put, Committee divided.

AYES.

Mr. Crick,
Mr. O’Sullivan,
Mr. Suttor.

NOES.

Mr. Ashton,
Mr. Cann,
Mr. Mahony,
Mr. Whiddon.

And so it passed in the negative.

15. Committee deliberated.
16. The Committee adjourned till Tuesday next at 2 o’clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 25 OCTOBER, 1898.

MEMBERS PRESENT:—
Mr. Suttor in the Chair.

Mr. Mahony,
Mr. O’Sullivan,

Dr. Ross.

Mr. Ashton,
Mr. Neild,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Committee deliberated.
3. Parties called in.
- Present*:—Thomas Bavister, Esquire (*the Petitioner*).
Bernhard Ringrose Wise, Esquire (*the Sitting Member*).
A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

4. Mr. Mahony referred to certain statements made in the House in reference to the proceedings of the Committee at its last meeting, and notified his intention of resigning from the Committee.
Mr. Neild also referred to the statements made, and to the reason of his resignation.
Mr. Ashton also referred to the statements made, and notified his intention of resigning from the Committee.
Dr. Ross and Mr. O'Sullivan also referred to the statements made in the House.
Mr. Cann also referred to the statements made, and notified his intention of resigning from the Committee.
Mr. Suttor also referred to the statements, and made an explanation of the action of the Committee at its last meeting.
5. The Chairman read a letter from Mr. Whiddon, addressed to Mr. Speaker, referring to the attack on the Committee made in the House, and tendering his resignation as a Member of the Committee.
6. The Room cleared, and Committee deliberated.
7. The Committee adjourned till Tuesday next, at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 1 NOVEMBER, 1898.

MEMBER PRESENT:—

Mr. O'Sullivan.

In attendance,—

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Member present adjourned the meeting till Tuesday next, at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 8 NOVEMBER, 1898.

MEMBER PRESENT:—

Mr. O'Sullivan.

In attendance,—

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Member present adjourned the meeting till Tuesday next, at 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 15 NOVEMBER, 1898.

MEMBERS PRESENT:—

Mr. Sawers,
Mr. Moore,
Mr. Phillips,
Mr. Haynes,

Mr. O'Sullivan,
Mr. Chanter,
Mr. Crick,
Mr. Macdonald.

In attendance,—

The Second Clerk Assistant.

1. Mr. O'Sullivan called to the Chair, in room of Mr. Suttor, resigned.
3. The Clerk, by direction of the Chairman, read the minutes of the previous meetings, which were confirmed.
4. The Clerk, by direction of the Chairman, read extracts from the Votes and Proceedings relating to resignation and appointment of Members of the Committee. [*See Extracts, pages 5 and 6.*]
5. The Clerk then submitted a letter from the Honorable the Speaker, enclosing certified copy of a letter from Bernhard Ringrose Wise, Esquire, the Sitting Member for Ashfield, giving notice of his intention to defend his seat, which was read as follows:—

“The Speaker's Room, Legislative Assembly,
Sydney, 26 October, 1898.

“To the Committee of Elections and Qualifications.

“Gentlemen,

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from B. R. Wise, Esquire, the sitting Member for Ashfield, giving notice of his intention to defend his return, against which a Petition is now under consideration.

“I have, &c.,

“J. P. ABBOTT,
“Speaker.”

[Enclosure.]

Sir,

In accordance with the 133rd section of the Parliamentary Electorates and Elections Act of 1893, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Ashfield before the Committee of Elections and Qualifications, to whom was referred, on 5th October, 1898, a Petition from Thomas Bavister, touching the validity of my election and return as Member for the said Electoral District.

I have, &c.,

B. R. WISE.

The Honorable the Speaker, Legislative Assembly.
A true copy.—J.P.A., Speaker.

6. Committee deliberated.

7. Motion made (*Mr. Macdonald*),—"That the Resolution adopted by this Committee on the 14th September respecting a recount of votes be and is hereby rescinded."

Question put.

Committee divided.

Ayes.	Noes.
Mr. Phillips,	Mr. Crick,
Mr. Macdonald,	Mr. Sawers,
Mr. Moore,	Mr. Chanter.
Mr. Hayes,	
Mr. O'Sullivan.	

And so it was resolved in the affirmative.

8. Motion made (*Mr. Crick*),—"That the consideration of Mr. Bavister's 'second' Petition be proceeded with *de novo*."

Mr. Phillips moved,—"That the Question be amended by leaving out the word 'second' and inserting the word 'first'."

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

Committee divided.

Ayes.	Noes.
Mr. Crick,	Mr. Moore,
Mr. Sawers,	Mr. Phillips,
Mr. Chanter,	Mr. Haynes,
Mr. O'Sullivan,	Mr. Macdonald,

The numbers being equal, the Chairman gave his casting vote with the Ayes, and declared the Question to have been resolved in the affirmative.

Original question put and passed.

9. Parties called in.

Present:—Thomas Bavister, Esquire (*the Petitioner*).

Bernhard Ringrose Wise, Esquire (*the Sitting Member*).

A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

10. Mr. Kelynack addressed the Committee, and urged that the Petition had not been presented to the Governor within the time required by the Act, and also that there had been no deposit lodged in respect to the Petition.

11. Room cleared. Committee deliberated.

12. The Committee adjourned till To-morrow at a quarter past 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 16 NOVEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Moore,	Mr. Phillips,
Mr. McLean,	Mr. Sawers,
Mr. Crick,	Mr. Macdonald,
Mr. Haynes,	Mr. Chanter.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.

2. Parties called in.

Present:—Thomas Bavister, Esquire (*the Petitioner*).

A. J. Kelynack, Esquire (*Counsel for the Sitting Member*).

3. Mr. Kelynack further addressed the Committee.

Mr. Bavister addressed the Committee.

Mr. Kelynack addressed the Committee in reply.

4. Room cleared. Committee deliberated.

5. Mr. Crick moved,—"That the Petition presented on the 14th September, 1898, is informal, inasmuch as it is not subscribed in accordance with the Act; that the Petition is not frivolous nor vexatious; and the Committee make no award as to costs."

Question put and passed.

6. Mr. Haynes moved,—"That in the matter of the second Petition, presented on 5th October, 1898, with respect to the two points submitted by Counsel for Mr. Wise, to the effect that the Petitioner, Mr. Bavister, had not complied with the terms of the Act, the point as to the non-payment of the £50 deposit is sustained, and consequently the Petition is dismissed."

Question put and passed.

7. Mr. Crick moved,—"That the Petition is not frivolous nor vexatious."

Question put and passed.

8. Mr. Sawers moved,—"That the Committee make no award as to costs."

Question put and passed.

9. Resolved,—That the conclusions at which the Committee have arrived be embodied in a Report and presented to the House.

10. The Committee adjourned till Wednesday next at a quarter past 2 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—BAVISTER *v.* WISE—ASHFIELD.

THURSDAY, 20 OCTOBER, 1898.

Present:—

Mr. Ashton,
Mr. Cann,
Mr. Crick,
Mr. Mahony,

Mr. O'Sullivan,
Dr. Ross,
Mr. Suttor,
Mr. Whiddon.

F. B. Suttor, Esq., in the Chair.

Mr. Bavister appeared in person in support of the Petition.

Mr. Kelynaek and Mr. Bavin, instructed by Mr. W. E. V. Robson, appeared on behalf of Mr. Wise.

Frederick William Webb, Esq., C.M.G., Clerk of the Legislative Assembly, sworn and examined:—

1. *Chairman.*] Do you produce the writ for the election of a Member for the electoral district of Ashfield? F. W. Webb,
C.M.G.
20 Oct., 1898.
I produce the writ issued by His Excellency the Governor on the 9th July, 1898, for an election to be held for the return of a Member to serve in the Legislative Assembly for the electoral district of Ashfield, with a certificate thereon in these terms: "I hereby certify that Bernard Ringrose Wise was duly chosen the Member for the electoral district of Ashfield, to serve in the Legislative Assembly of New South Wales.—WILLIAM BAILEY, J.P., Returning Officer." I also produce three bundles containing the ballot-papers used and unused, and other books and papers in connection with the said election.
2. *Mr. Kelynaek.*] I see that this document is marked the 2nd August;—was that the date on which the writ was returned? That stamp was put on at the Colonial Secretary's Office. I have no personal knowledge of that, because the writ had to be returned to His Excellency the Governor, not to the Speaker of this House. We got the writ on the day on which we marked it.
3. What is your date? The 15th August.
4. The 2nd August is the day on which it was received at the Colonial Secretary's Office? I imagine so, from the statement thereon.

11/11/11

11/11/11

11/11/11

11/11/11

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

 ELECTION PETITION.—BALL *v.* GRIFFITH—ALBURY.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Printed under No. 17 Report from Printing Committee, 15 December, 1898.

SYDNEY: WILLIAM APPELEGATE GULLICK, GOVERNMENT PRINTER.

1899.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	8
List of Witnesses	12
Minutes of Evidence	1

1898.
(SECOND SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 2. WEDNESDAY, 17 AUGUST, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby

“ appoint—

“ John Henry Cann, Esquire,
“ William Patrick Crick, Esquire,
“ William Henry Mahony, Esquire,
“ John Cash Neild, Esquire,
“ Edward William O’Sullivan, Esquire,

“ Varney Parkes, Esquire,
“ Andrew Ross, Esquire, M.D.,
“ The Hon. Francis Bathurst Suttor, Esquire,
“ Samuel Thomas Whiddon, Esquire,

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“ Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this seventeenth day of August, in the year of our Lord one thousand eight hundred
“ and ninety-eight.

“ J. P. ABBOTT,
“ Speaker.”

VOTES NO. 6. THURSDAY, 25 AUGUST, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 17th August, 1898, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.

(2.) *Members sworn*:—John Henry Cann, Esquire, William Henry Mahony, Esquire, John Cash Neild, Esquire, Edward William O’Sullivan, Esquire, Andrew Ross, Esquire, M.D., The Honorable Francis Bathurst Suttor, Esquire, and Samuel Thomas Whiddon, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

VOTES NO. 7. TUESDAY, 30 AUGUST, 1898.

25. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table his Warrant appointing James Ashton, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby

“ appoint—

“ James Ashton, Esquire,

“ being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid,
“ in the room of Varney Parkes, Esquire, whose seat in the said Assembly hath been declared
“ vacant by reason of his acceptance of the office of Postmaster-General.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this thirtieth day of August, in the year of our Lord one thousand eight hundred and
“ ninety-eight.”

“ J. P. ABBOTT,
“ Speaker.”

VOTES NO. 10. WEDNESDAY, 7 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—William Patrick Crick, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES NO. 11. THURSDAY, 8 SEPTEMBER, 1898.

1. * * * * *
 COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
 (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th August, 1898, appointing James Ashton, Esquire, to be a member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Ashton to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
 (2.) *Member sworn*:—James Ashton, Esquire, came to the Table, and was sworn by the Clerk as a member of the Committee of Elections and Qualifications.

VOTES NO. 21. TUESDAY, 4 OCTOBER, 1898.

2. ELECTION PETITION (*Albury*):—Mr. Bruncker, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from Richard Thomas Ball, of Strathfield, alleging that Petitioner and Thomas Hunter Griffith were candidates for the Electoral District of Albury; that the votes cast were declared to be—for Thomas Hunter Griffith 834 votes, for Petitioner 795 votes, and informal 29 votes; that Thomas Hunter Griffith was duly declared elected and has taken his seat; that before and at the election Thomas Hunter Griffith was guilty of using undue influence upon and of intimidating electors; that since the election Thomas Hunter Griffith has been guilty of using undue influence upon and of intimidating electors on account of their having voted for Petitioner, or having refrained from voting for him; and praying that it may be declared that the said Thomas Hunter Griffith is not entitled to serve in the Assembly for the Electoral District of Albury, and that he is by law incapable of being elected or sitting as a Member for any District until the next General Election, and that Petitioner is entitled to take his seat and serve as Member for the Electoral District of Albury.
 Ordered, on motion of Mr. Bruncker, that the Petition be referred to the Committee of Elections and Qualifications.

VOTES NO. 28. WEDNESDAY, 19 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received a letter from John Cash Neild, Esquire, addressed to the Speaker, resigning his seat as a member of the Committee of Elections and Qualifications.

VOTES NO. 29. THURSDAY, 20 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table Mr. Speaker's Warrant appointing Samuel Wilkinson Moore, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—
 " *By the Honorable the Speaker of the Legislative Assembly*
 " *of New South Wales.*
 " PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of
 " New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby
 " appoint—
 " Samuel Wilkinson Moore, Esquire,
 " being a Member of the said Assembly, to be a Member of the Committee of Elections and
 " Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid,
 " in room of John Cash Neild, Esquire, resigned.
 " Given under my Hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
 " this twentieth day of October, in the year of our Lord one thousand eight hundred
 " and ninety-eight.

" J. P. ABBOTT,
 " Speaker."

VOTES No. 30. TUESDAY, 25 OCTOBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received letters, addressed to the Speaker, from the following Members of the Committee of Elections and Qualifications, resigning their seats on that Committee:—

The Honorable Francis Bathurst Suttor, Esquire,
 William Henry Mahony, Esquire,
 James Ashton, Esquire,
 Andrew Ross, Esquire, M.D., and
 John Henry Cann, Esquire.

VOTES No. 31. WEDNESDAY, 26 OCTOBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker informed the House that he had received a letter from Samuel Thomas Whiddon, Esquire, addressed to the Speaker, resigning his seat as a member of the Committee of Elections and Qualifications.

VOTES No. 32. THURSDAY, 27 OCTOBER, 1898.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Deputy-Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act of 1893, laid upon the Table Mr. Speaker's Warrant appointing the following gentlemen to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

"By the Honorable the Speaker of the Legislative Assembly
 of New South Wales.

"PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Parliamentary Electorates and Elections Act of 1893, I do hereby appoint—

"John Moore Chanter, Esquire,
 "John Haynes, Esquire,
 "Hugh Macdonald, Esquire,

"Francis Edward McLean, Esquire,
 "Simeon Phillips, Esquire, and
 "William Sawers, Esquire,

"being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in room of Messrs. Suttor, Ashton, Cann, Mahony, Whiddon, and Dr. Ross, resigned.

"Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and ninety-eight.

"J. P. ABBOTT,
 "Speaker."

VOTES No. 33. TUESDAY, 1 NOVEMBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
 (1.) *Maturity of Warrant reported*:—Mr. Deputy-Speaker reported that Mr. Speaker's Warrant, laid upon the Table on the 20th October, 1898, appointing Samuel Wilkinson Moore, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Moore to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
 (2.) *Member Sworn*:—Samuel Wilkinson Moore, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 36. THURSDAY, 10 NOVEMBER, 1898.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
 (1.) *Maturity of Warrant reported*:—Mr. Deputy-Speaker reported that Mr. Speaker's Warrant, laid upon the Table on the 27th October, 1898, appointing John Moore Chanter, Esquire, John Haynes, Esquire, Hugh Macdonald, Esquire, Francis Edward McLean, Esquire, Simeon Phillips, Esquire, and William Sawers, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was, therefore, open to the Members named to be sworn at the Table by the Clerk, in accordance with the 125th section of the Parliamentary Electorates and Elections Act of 1893.
 (2.) *Members sworn*:—John Moore Chanter, Esquire, John Haynes, Esquire, Hugh Macdonald, Esquire, Simeon Phillips, Esquire, and William Sawers, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee of Elections and Qualifications.

VOTES No. 37. TUESDAY, 15 NOVEMBER, 1898.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Francis Edward McLean, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES NO. 50. WEDNESDAY, 14 DECEMBER, 1898.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS (*Election Petition—Ball v. Griffith—Albury*):—
Mr. O'Sullivan, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Committee of Elections and Qualifications, to whom was referred, on 4th October, 1898, the Petition of Richard Thomas Ball, Esquire, against the return of Thomas Hunter Griffith, Esquire, as Member for the Electoral District of Albury. And the said Report was read at length by the Clerk, by direction of Mr. Deputy-Speaker, as follows:—

“The Committee of Elections and Qualifications, duly appointed on 17th August, 1898, to whom was referred, on 4th October, 1898, a Petition from Richard Thomas Ball, Esquire, against the return of Thomas Hunter Griffith, Esquire, as Member for the Electoral District of Albury,—have determined, and do hereby declare:—

“1. That the allegations of the Petitioner, Richard Thomas Ball, Esquire, that Thomas Hunter Griffith, Esquire, was guilty of undue influence and intimidation, have not been sustained, and that the said Thomas Hunter Griffith, Esquire, was capable of being elected, and is entitled to sit as Member for the Electoral District of Albury, and the Petition is therefore dismissed.

“2. That the Petition of Richard Thomas Ball, Esquire, is not frivolous nor vexatious.

“3. That the Committee make no award as to costs.

“E. W. O'SULLIVAN,
“Chairman.

“No. 3 Committee Room,

“Legislative Assembly, 14th December, 1898.”

Referred by Sessional Order to the Printing Committee.

Adjournment of the Committee:—Mr. O'Sullivan then moved, That the Committee of Elections and Qualifications have leave to adjourn *sine die*, the matters referred to them having been disposed of.

Question put and passed.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—BALL *v.* GRIFFITH—ALBURY.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 17th August, 1898, to whom was referred, on 4th October, 1898, a Petition from Richard Thomas Ball, Esquire, against the return of Thomas Hunter Griffith, Esquire, as Member for the Electoral District of Albury,—have determined and do hereby declare:—

1. That the allegations of the Petitioner, Richard Thomas Ball, Esquire, that Thomas Hunter Griffith, Esquire, was guilty of undue influence and intimidation, have not been sustained; and that the said Thomas Hunter Griffith, Esquire, was capable of being elected, and is entitled to sit as Member for the Electoral District of Albury, and the Petition is therefore dismissed.
2. That the Petition of Richard Thomas Ball, Esquire, is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

E. W. O'SULLIVAN,
Chairman.

No. 3 Committee Room,
Legislative Assembly,
14th December, 1898.

1898.
(SECOND SESSION.)

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS.

In the matter of the Election Petition which had been addressed to His Excellency the Governor from Richard Thomas Ball, of Strathfield, alleging that Petitioner and Thomas Hunter Griffith were candidates for the Electoral District of Albury; that the votes cast were declared to be— for Thomas Hunter Griffith 834 votes, for Petitioner 795 votes, and informal 29 votes; that Thomas Hunter Griffith was duly declared elected, and has taken his seat: that before and at the election Thomas Hunter Griffith was guilty of using undue influence upon and of intimidating electors; that since the election Thomas Hunter Griffith has been guilty of using undue influence upon and of intimidating electors on account of their having voted for Petitioner, or having refrained from voting for him; and praying that it may be declared that the said Thomas Hunter Griffith is not entitled to serve in the Assembly for the Electoral District of Albury, and that he is by law incapable of being elected or sitting as a Member for any District until the next General Election, and that Petitioner is entitled to take his seat and serve as Member for the Electoral District of Albury.

WEDNESDAY, 23 NOVEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Crick,	Mr. Chanter,
Mr. Haynes,	Mr. Macdonald,
Mr. Sawers,	Mr. Phillips,
Mr. McLean,	Mr. Moore.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the extract from the Votes and Proceedings, referring the Petition of Richard Thomas Ball to the Committee. [*See Extract, page 4.*]
2. Whereupon the Clerk, by direction of the Chairman, read the Petition, as follows:—

To His Excellency The Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

May it please Your Excellency.

The Petition of Richard Thomas Ball, of Strathfield, in the Colony of New South Wales, Engineer,—

SHOWETH:—

1. That at the last General Election of Members to serve in the Legislative Assembly of the Colony, held on the 27th day of July last, your Petitioner and Thomas Hunter Griffith were candidates duly nominated for the Electoral District of Albury.

2. That the Returning Officer for the said district declared the votes cast at the said election to be:—

For the said Thomas Hunter Griffith, 834 votes;
For the said Richard Thomas Ball, 795 votes;
Informal, 29 votes;

and thereupon the said Returning Officer declared that the said Thomas Hunter Griffith was duly elected to serve in the said Assembly for the said Electoral District of Albury; and subsequently returned the writ for the said election endorsed with the name of the said Thomas Hunter Griffith.

3. That the said Thomas Hunter Griffith has taken his seat in the said Assembly as Member for the said district.

4. That before and at the said election the said Thomas Hunter Griffith was guilty of using undue influence upon and of intimidating various persons, electors of the said district.

5. That since the said election, the said Thomas Hunter Griffith has been guilty of using undue influence upon and of intimidating various persons, electors of the said district, on account of their having voted for the said Richard Thomas Ball or having refrained from voting for the said Thomas Hunter Griffith.

6. That by reason of the said conduct of Thomas Hunter Griffith it ought to be declared by the Committee of Elections and Qualifications of the said Assembly that the seat of the said Thomas Hunter Griffith is vacant, and that the said Thomas Hunter Griffith is by law incapable of being elected or sitting as a Member for any Electoral District until the next General Election.

7. That your Petitioner has paid into the City Bank of Sydney, Town Hall Branch, to the credit of the Speaker of the Legislative Assembly of New South Wales, the sum of fifty pounds, in accordance with the requirements of the Parliamentary Electorates and Elections Act of 1893, and that a Bank receipt for such deposit is annexed hereto.

Your Petitioner therefore humbly prays—

1. That this Petition may be dealt with according to law; that it may be declared by the abovenamed Committee that the said Thomas Hunter Griffith is not entitled to serve in the said Assembly for the said district, and that he is by law incapable of being elected or sitting as a Member for any Electoral District until the next General Election; and that your Petitioner is entitled to take his seat and serve in the said Assembly as Member for the Electoral District of Albury.

Dated at Strathfield, this thirtieth day of September, in the year of Our Lord one thousand eight hundred and ninety-eight.

(Sgd.) R. T. BALL.
(Copy.)

(Copy.)
 No. 42. £50.
 RECEIVED from The Speaker, N.S.W. Assembly, the sum of fifty pounds stg., as a fixed deposit for (6) six months, to bear interest for that period at the rate of (2) two per cent. per annum, and payable 29th March, 1899.
 The City Bank of Sydney, Town Hall Branch,
 Sydney, 29 September, 1898.
 For the City Bank of Sydney,
 (Sgd.) C. H. ATKINSON,
 Manager.

Entd.,—
 (Sgd.) G. W. WRIGHT, Accountant.
 (Withdrawable at any time prior to maturity.)

THE amount of fifty pounds was paid by Mr. R. T. Ball to the credit of The Speaker of the Legislative Assembly of New South Wales, as per receipt.

29th September, 1898.

(Sgd.) C. H. ATKINSON.
 " G. W. WRIGHT.
 p. Acct.

3. The Clerk then submitted a letter from the Honorable the Speaker, enclosing certified copy of a letter received from Thomas H. Griffith, Esquire, the Sitting Member for Albury, giving notice of his intention to defend his seat, which was read, as follows:—

"The Speaker's Room, Legislative Assembly,
 "Sydney, 6 October, 1898.

"To the Committee of Elections and Qualifications,—
 "Gentlemen,

"I have the honor to transmit to you herewith a copy of a letter which has been received by me from Thos. H. Griffith, Esquire, the Sitting Member for Albury, giving notice of his intention to defend his return, against which a Petition is now under consideration.

"I have, &c.,
 "J. P. ABBOTT,
 "Speaker."

[Enclosure.]

Sir,

Sydney, 5 October, 1898.

In accordance with the 133rd section of the Parliamentary Electorates and Elections Act of 1893, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Albury before the Committee of Elections and Qualifications, to whom was referred a Petition from Richard Thomas Ball, touching the validity of my election and return as Member for the said Electoral District.

The Honorable the Speaker, Legislative Assembly.
 A true copy.—J. P. ABBOTT, Speaker.

I have, &c.,
 THOS. H. GRIFFITH.

4. Parties called in.

Present:—Richard Thomas Ball, Esquire (*the Petitioner*).
 A. B. Piddington, Esquire (*Counsel for Petitioner*).
 Thomas Hunter Griffith, Esquire (*the Sitting Member*).
 A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

5. Frederick William Webb, C.M.G., Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced the Writ of Election certifying to the return of Thomas Hunter Griffith as Member for Albury.

Witness withdrew.

6. Mr. Kelynack took a preliminary objection that the Petition had not been received by the Governor within the eight weeks prescribed by the Act, and addressed the Committee in favour of the objection.

Mr. Piddington addressed the Committee against the objection.

Mr. Kelynack replied.

7. Room cleared.

8. The Committee deliberated, and decided to dismiss the objection.

9. The Committee adjourned till To-morrow, at a quarter past Two o'clock.

R. W. ROBERTSON,
 Second Clerk Assistant.

THURSDAY, 24 NOVEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Phillips,	Mr. McLean,
Mr. Chanter,	Mr. Sawers,
Mr. Haynes,	Mr. Macdonald,
Mr. Moore,	Mr. Crick.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.

2. Parties called in.

Present:—Richard Thomas Ball, Esquire (*the Petitioner*).
 A. B. Piddington, Esquire (*Counsel for Petitioner*).
 Thomas Hunter Griffith, Esquire (*the Sitting Member*).
 A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

3. Mr. Piddington addressed the Committee in opening the case for the Petitioner.

4. Henry Gidley Davies called in, sworn, and examined.

Witness withdrew.

5. Richard Thomas Ball (*the Petitioner*) sworn and examined.

6. William Manfred Sherric called in, sworn, and examined.

Witness withdrew.

7. Robert William Thompson called in, sworn, and examined

Witness withdrew.

8. William Newall Maxwell Edmunson called in, sworn, and examined.
Witness withdrew.
9. David Scott Watson called in, sworn, and examined.
Witness withdrew.
10. Joseph Matthews called in, sworn, and examined.
Witness withdrew.
11. John Thomas called in, sworn, and examined.
Witness withdrew.
12. Mr. Kelynack addressed the Committee, and submitted that a *prima facie* case had not been made out.
Mr. Piddington addressed the Committee.
Mr. Kelynack replied.
15. Room cleared.
16. Committee deliberated, and decided to hear evidence in reference to a statement alleged to have been made by Mr. Griffith at a public meeting held on the 26th June.
17. The Committee adjourned the further hearing of evidence in the case to Wednesday, 7th December.
18. The Committee adjourned till Wednesday next at 2:15 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 30 NOVEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Chanter,	|	Mr. Macdonald,
Mr. Phillips,		Mr. Haynes,
	Mr. Moore,	

In attendance,—

The Second Clerk Assistant.

1. Committee deliberated, and adjourned till Wednesday next at 2:15 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 7 DECEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Sawers,	|	Mr. Chanter.
Mr. Moore,		Mr. Phillips,
Mr. Macdonald,		Mr. McLean.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meetings, which were confirmed.
2. Parties called in.
Present:—Richard Thomas Ball, Esquire (*the Petitioner*).
A. B. Piddington, Esquire (*Counsel for Petitioner*).
Thomas Hunter Griffith, Esquire (*the Sitting Member*).
A. J. Kelynack, Esquire (*Counsel for Sitting Member*).
3. Dr. Arthur Andrews called, in sworn, and examined.
Witness withdrew.
4. The Chairman left the Committee Room, and Mr. Chanter took the Chair *pro tem*.
5. John Wilkinson (*Solicitor*) called in, sworn, and examined.
Witness withdrew.
6. Hugh McLachern called in, sworn, and examined.
Witness withdrew.
7. Frederick Hayes called in, sworn, and examined.
Witness withdrew.
8. Room cleared; Committee deliberated.
9. Ordered, that Richard Creagh, Superintendent of Police, Albury, and Dr. W. C. Wood, Albury, be summoned to give evidence on Tuesday next.
10. The Committee adjourned till To-morrow at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 8 DECEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Chanter,	|	Mr. Phillips,
Mr. Sawers,		Mr. Haynes,
Mr. Moore,		Mr. Macdonald.
Mr. McLean,		

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present:—Richard Thomas Ball, Esquire (*the Petitioner*).
A. B. Piddington, Esquire (*Counsel for Petitioner*).
Thomas Hunter Griffith, Esquire (*the Sitting Member*).
A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

3. Valentine Flood Nagel (*Solicitor*), called in, sworn and examined.
Witness withdrew.
4. John Carew called in, sworn, and examined.
Witness withdrew.
5. John Campbell called in, sworn, and examined.
Witness withdrew.
6. A. G. Sadlier called in, sworn, and examined.
Witness withdrew.
9. William Macintosh called in, sworn, and examined.
Witness withdrew.
10. Thomas Hunter Griffith, Esquire (*the Sitting Member*), sworn and examined.
Witness handed in an account for £8 6s., receipted by Davies and Hamilton.
Mr. O'Sullivan having left the Committee Room, Mr. Chanter took the Chair *pro tem*.
Witness handed in letter to proprietors of *Daily News*, dated 10th May, 1898; also Elector's Right, No. 238111, in name of William James Edwards; also accounts with C. Dallinger & Co. and J. L. McEachern; also statement of payments to Messrs. Davies and Hamilton, from January, 1896, to 4 July, 1898.
11. Richard Thomas Ball further examined.
12. Frederick Haycs recalled and further examined.
Witness withdrew.
13. Valentine Flood Nagel recalled and further examined.
Witness withdrew.
14. John Campbell recalled and further examined.
Witness withdrew.
15. William Macintosh recalled and further examined.
16. Room cleared; Committee deliberated.
17. The Committee adjourned till Tuesday next at 11 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 13 DECEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Sawers,
Mr. Phillips,
Mr. Moore,

Mr. Chanter,
Mr. Macdonald,
Mr. McLean.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.

Present:—Richard Thomas Ball, Esquire (*the Petitioner*).
A. B. Piddington, Esquire (*Counsel for Petitioner*).
Thomas Hunter Griffith, Esquire (*the Sitting Member*).
A. J. Kelynack, Esquire (*Counsel for Sitting Member*).

3. Mr. Piddington addressed the Committee.
Mr. Kelynack addressed the Committee.
Mr. Piddington replied.
4. Room cleared; Committee deliberated.
5. The Committee adjourned to to-morrow, at 12 o'clock noon.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 14 DECEMBER, 1898.

MEMBERS PRESENT:—

Mr. O'Sullivan in the Chair.

Mr. Macdonald,
Mr. Phillips,
Mr. Moore,
Mr. Crick,

Mr. Sawers,
Mr. Chanter,
Mr. McLean,
Mr. Haynes.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Committee deliberated.
3. Mr. Moore moved,—That the allegations of the Petitioner, Richard Thomas Ball, Esquire, that Thomas Hunter Griffith, Esquire, was guilty of undue influence and "intimidation," have not been sustained; and that the said Thomas Hunter Griffith, Esquire, was capable of being elected and entitled to sit as Member for the Electoral District of Albury; and the Petition is therefore dismissed.
Mr. Crick moved,—That the question be amended by leaving out all the words after the word "intimidation" and inserting the words "are dismissed."

Question

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

Ayes.	Noes.
Mr. O'Sullivan.	Mr. Chanter,
Mr. Macdonald,	Mr. Sawers,
Mr. Phillips,	Mr. Crick.
Mr. Moore,	
Mr. McLean,	
Mr. Haynes.	

And so it was resolved in the affirmative.

Mr. Sawers moved,—That question be amended by adding the words "and the Petition is therefore dismissed."

Question put and passed.

Question, as amended, put and passed.

4. Mr. Haynes moved,—That the Petition of Richard Thomas Ball is not frivolous nor vexatious.

Question put.

Committee divided.

Ayes.	Noes.
Mr. O'Sullivan,	Mr. Chanter,
Mr. Macdonald,	Mr. Sawers,
Mr. Phillips,	Mr. Crick.
Mr. Moore,	
Mr. McLean,	
Mr. Haynes.	

Question put and passed.

5. Mr. Crick moved,—That the expenses of witnesses for both sides be paid out of the £50 lodged in connection with the Petition.

Question put.

Committee divided.

Ayes.	Noes.
Mr. Crick,	Mr. O'Sullivan,
Mr. Sawers,	Mr. Macdonald,
Mr. Chanter.	Mr. Phillips,
	Mr. Moore,
	Mr. McLean,
	Mr. Haynes.

And so it passed in the negative.

6. Mr. Haynes moved,—That the Committee make no award as to costs.

Question put and passed.

7. Mr. Moore moved,—That the conclusions at which the Committee have arrived be embodied in a Report and presented to the House.

8. Resolved,—That the Chairman move the House that the Committee have leave to adjourn *sine die*.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Andrews, Dr. Arthur.....	27
Ball, Richard Thomas	6, 51
Campbell, John	38, 52
Carew, John	36
Davies, Henry Gidley	1
Edmunson, William Newall Maxwell	21
Griffith, Thomas Hunter, M.P.	44
Hayes, Frederick	33, 52
Macintosh, William	42, 52
Matthews, Joseph	24
McEachern, Hugh	31
Nagel, Valentine Flood.....	34, 52
Sadler, A. G.	40
Sherric, William Manfred.....	9
Thomas, John	25
Thompson, Robert William	16
Watson, David Scott.....	23
Webb, Frederick William, C.M.G.	1
Wilkinson, John.....	29

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—BALL v. GRIFFITH—ALBURY.

WEDNESDAY, 23 NOVEMBER, 1898.

Present:—

Mr. Chanter, Mr. Crick, Mr. Haynes, Mr. McLean,	|	Mr. Macdonald, Mr. Moore, Mr. O'Sullivan, Mr. Phillips,
Mr. Sawers.		

E. W. O'Sullivan, Esq., in the Chair.

Mr. A. B. Piddington, instructed by Mr. C. Bull, appeared for the Petitioner.
Mr. Kelynack, instructed by Mr. H. O. Marshall, appeared for the sitting Member.

Frederick William Webb, Esq., C.M.G., sworn and examined:—

1. *Chairman.*] You are the Clerk of the Legislative Assembly? Yes.
2. Do you produce any documents? I produce the writ of His Excellency the Governor, dated the 9th day of July of the present year, authorising an election to be held in Albury, and giving the date on which it should be taken, and the same was returned to the Governor with the following certificate:—"I hereby certify that Thomas Hunter Griffith was duly chosen Member for the Electoral District of Albury, to serve in the Legislative Assembly of New South Wales.—G. Arthur Thompson, Returning Officer." F. W. Webb,
C.M.G.
23 Nov., 1898.

THURSDAY, 24 NOVEMBER, 1898.

Present:—

Mr. Chanter, Mr. Crick, Mr. Haynes, Mr. Macdonald,	|	Mr. Moore, Mr. O'Sullivan, Mr. Phillips, Mr. Sawers,
Mr. McLean.		

E. W. O'Sullivan, Esq., in the Chair.

Mr. A. B. Piddington, instructed by Mr. C. Bull, appeared for the Petitioner.
Mr. Kelynack, instructed by Mr. H. O. Marshall, appeared for the sitting Member.

Henry Gidley Davies sworn and examined:—

3. *Mr. Piddington.*] What occupation do you follow? I am carrying on the business of wheelwright and coachbuilder in Albury. H. G. Davies.
24 Nov., 1898.
4. You are an elector for the Electoral District of Albury? I am.
5. You were an elector at the time of the last general election? Yes.
6. Do you know the sitting Member, Mr. Griffith? Yes.
7. Did he call upon you some time before the election to ask you to vote for him? He called upon me to ask me for support; he did not say "support" —
8. I only want to identify the individual;—do you know what the date of that interview was? I believe it to be 5th of July, for I have an entry in the book for that date.
9. By which you identify him? Yes.
10. Will you tell the Committee what he said to you, and what you said to him? Mr. Griffith called while I was at work in the shop, and after bidding me the time of day, he said, "I do not know if you are going to support me in this election or not, Mr. Davies." I said, "No, Mr. Griffith; I am sorry I cannot. I am a supporter of Mr. Ball. I supported Mr. Ball three years ago, and he has proved himself a good Member, and I do not feel that I can, in common honesty to him, support anyone else." Mr. Griffith said, "Do you think Mr. Ball did anything which I could not do if I had been in his place." I said, "No, I do not say that. You are a gentleman for whom I have a great respect. I do not know that there is anyone in Albury I would rather vote for than yourself, but under the circumstances I feel that I am in honor bound to support Mr. Ball." He said, "If that is so, or if you can't"—I forget the exact

H. G. Davies. exact words he used, but what it amounted was, "If you do not, I cannot support those who do not support me." With that he gave me an account I had rendered to him.

24 Nov., 1898.

11. One word before you proceed;—did he say anything about his own past conduct in the town? I do not remember; but I am almost sure that he did not talk about his conduct.

12. What I mean by "conduct" is, did he say anything about his business in the town and district? No; he did not mention his business. The only thing he said to me when he gave me his cheque was, "I cannot support them who do not support me."

13. Did he say anything about having talked matters over with his brother at that juncture? Not till a few seconds after he said, "I cannot support those who do not support me," and he handed me the account with his cheque attached.

14. Did he write out the cheque then, or did he bring it written out? It was attached to the account when he came in.

15. Had he it in his hand when he came in? No; he took it out of his pocket.

16. Did he produce it before you had refused finally to support him? After I said, "Oh, I am very sorry, Mr. Griffith, I cannot sell myself." I said that in rather a short way, as I felt hurt. He said, "I do not wish to persuade you, or I do not intend to persuade you (or some words to that effect), but I have talked it over with my brother. My brother and I have left hundreds of pounds with tradesmen in the town, wheelwrights, saddlers, and coachbuilders, and now when we want their support we cannot get it. Mr. Higgins said he would support me, but I do not believe him." "Mr. Griffith," I said, "I will not do that; I will give you an honest answer; I cannot support you. I could go to the ballot-box and strike out your name, and tell you that I had voted for you; but I would not stoop to do that," or some words to that effect. There were some other remarks made which I forget.

17. Did he say anything about your giving him a straight answer? Yes; he said, "Oh, yes; I was told that if I asked you, you were a straightforward man who would give me a straightforward answer." I said, "Well, I have done that."

18. Did he say anything about the intention of his firm—his brother and himself? Only that he had talked it over with his brother, and that they would not support those who did not support him. I do not know that he meant exactly his brother. He may have meant only himself, but he said, "I have talked it over with my brother. We have left hundreds of pounds in the town with tradesmen, and now when we want their support I cannot get it."

19. Was it then he said the words you have described, or was it at another time, "We have decided not to support those who don't support us"? He said he would not support those who did not support him.

20. Was it said after speaking about his brother? No; when he handed me his cheque he said, "I cannot support them who do not support me." I said, "Very well, I am very sorry, but I cannot sell my vote." He said, "Oh, very well; I have talked it over, or my brother and I have talked it over; we have left hundreds of pounds with tradesmen in the town, and now when we want their support we cannot get it. Mr. Higgins told me that he would vote for me, but I do not believe him."

21. Did he, after mentioning his brother, say, "We have decided only to support those who support us"? No.

22. That was only said when he produced the cheque? Yes.

23. And afterwards followed what he said about his brother, and spending hundreds of pounds in the town? Yes.

24. Did he afterwards send down another cheque or some money? Yes.

25. When was that? It was half an hour or a couple of hours later. I cannot remember exactly how long after, but it was on the same day. A man in his employ brought down the remainder of the account. There had been two accounts rendered. Mr. Griffith brought up one account and paid it, and after he went back a young man in his employ came up with the other account and paid it. The last account, I think, was for 7s. 6d., or something like that. The other was for something considerable.

26. It was for a small sum, but it finally closed the transactions between you? Yes.

27. Did you ever have any complaints about your work from Mr. Griffith? None whatever.

28. No complaints about the way it was done? No.

29. Have you ever had any work from his firm since that time? No.

30. Did you speak of what had occurred to other electors? [*Mr. Kelynack objected to the question, which, after argument, Mr. Piddington said he would not press in that form.*]

31. *Mr. Piddington.*] Did any electors come to you and ask you about what had occurred? [*Mr. Kelynack objected to the question.*]

32. Did the Rev. Mr. Smith call upon you at any time? He did.

33. Did he ask you any question with reference to an interview you had with Mr. Griffith? Yes; he asked me if Mr. Griffith told me that he would not give me his work unless I supported him. I said Mr. Griffith did not say it in that way. What he really said was that he would not support them that did not support him. Mr. Smith said, "Oh, well, it amounts to the same thing; but I was told Mr. Griffith said, 'If you do not give me your vote or support I will not give you any more work.'" I said, "No, he did not put it in that way. What he did say was that he would not support them that did not support him."

34. Did anybody else call upon you and ask you about this interview? Several persons asked me; Mr. Sherrie and Mr. Nagle mentioned it, or else I mentioned it. I do not think I mentioned it to any one except those who asked me personally.

35. Did many come to you? I should say there were four or five.

36. Who actually came to you and asked you what had occurred? Yes.

37. Did their questions and their answers amount to the same thing as you told us;—was your conversation with the Rev. Mr. Smith? Yes.

38. Were you present at a meeting held in Albury on the night before the poll? I was.

39. It was a meeting of Mr. Griffith? Yes.

40. He addressed the meeting? Yes.

41. Did you, at the conclusion of the meeting, put a question to him? I did.

42. Will you tell us what he had said at the meeting which induced you to put the question? In opening he spoke about fair play through the campaign. I fancied that these gentlemen I had spoken to would think, perhaps, that I had not told them the truth, and I wished to put the question to him to clear myself; I had no other object in putting it.

43. I want to ascertain what actually occurred at the meeting;—what was the question you put? I asked **H. G. Davies.** Mr. Griffith if it was not a fact that he had called at a tradesman's shop in the town and asked him would he support himself in this election, and when the tradesman said, "No, he was a supporter of Mr. Ball," **24 Nov., 1898.** he handed him his cheque, and said that he could not support them that did not support him.
44. What answer did Mr. Griffith make? He said, "I am prepared for this question, gentlemen; it has gone the rounds, and if Mr. Davies is in the hall I will call upon him to vouch for the truth of what I say, or correct me if what I say is not correct," or something to that effect. He said, "I called upon Mr. Davies with an account which had been rendered several times in my pocket. I had been told that he was an honourable man, and that if I asked him he would give me a straightforward answer. I asked him if he would support me in this election, and he said, 'No, Mr. Griffith, I am very sorry I cannot; you are a gentleman I have a very great respect for, but I am in honour bound to support Mr. Ball.' I then asked Mr. Davies if he thought that Mr. Ball had done anything during his term in Parliament which I could not have done had I been in his place. Mr. Davies then said, 'No, Mr. Griffith, I do not say that, but I am still in honour bound to support Mr. Ball.' I then handed Mr. Davies his account with the cheque attached, and said, 'Oh, well, Mr. Davies, you cannot blame me if I support my friends.'" That is what he said, as truly as I remember it. There may be one word more one way or the other. He said to me, "Is not that correct?" and then I replied, "Your statement is true in the main; the only thing I take exception to is the last part of it. What you really said was, that you would not support them who did not support you." He then replied, "That is correct, and I intend to do so in every instance, or on every occasion." I am not sure what words he used, but it was to that effect.
45. *Mr. Kelynack.*] How much did Mr. Griffith pay you when he went to you? I think it was £7 18s. 6d.
46. Did you then give him a receipt? No; I think I did not have a stamp to give a receipt. I told him that I would send a receipt down to him.
47. This is your receipt? Yes.
48. You see that it is receipted on the 4th July? Yes.
49. You say that when Mr. Griffith came down he had a cheque written out? Yes.
50. He had the cheque attached to the account? Yes.
51. And he handed both to you? Yes.
52. And afterwards, I suppose, you intended to send him a receipt by post or hand? No; I intended, when I got a stamp, to send the receipt down by the young lad in the shop.
53. In the meantime he sent down the account which you had rendered later? He did.
54. Is it not a fact that directly Mr. Griffith came into your workshop he handed you that account and cheque? Not before he asked me if I was going to support him.
55. At the hall did not Mr. Griffith say it was not until after he had paid you that he asked you how you were going to vote? I think not.
56. You think not? I have no recollection of it whatever.
57. Will you swear that he did not say so? At the hall he said he came up with an account in his pocket, which had been rendered several times, to pay it, and when he was there he asked me if I would support him in the election.
58. Did he not also say that he paid you the cheque before he asked you the question? No; I have not the slightest recollection of it.
59. You are not sure whether he did or not, is that it? I would hardly like to swear it; but I am almost certain he did not say that he paid me first.
60. This account is dated March 2—"May 1, account rendered £7 18s. 6d.";—about how much is his account with you for the year? That is the largest amount for a year I had had with him.
61. How long does this account extend over? I am not quite sure; but I think it extended over six or seven months.
62. It is for horse-shoeing and blacksmithing? Yes; and for carpentering work.
63. Mr. Griffith is a stock and station agent? Yes.
64. You know that he has been in the habit of dealing not only with you, but with other wheelwrights and blacksmiths in Albury? He told me that he had left a considerable amount of money with other tradesmen in the town, that was all.
65. Do you not know, as a matter of fact, that he does get his horses shod sometimes by other blacksmiths—that he gives everyone of them a turn? I believe he does get them shod with other smiths.
66. Do you know that a blacksmith named McEachern does work for Mr. Griffith? I know he does sometimes. I do not know whether he did then.
67. And Dallinger? I think he does his work at present. I do not know whether he did before.
68. You say that is the largest amount you had in any one year from Mr. Griffith? Yes.
69. Was Mr. Hamilton present when you had this conversation with Mr. Griffith? He was in the shop. There is a dividing wall between where I work and where he worked.
70. Did Mr. Griffith make any communication with him? I do not think so; Mr. Hamilton did not tell me that he did.
71. Have you a man named Abbott working for you? Yes.
72. Did Mr. Griffith say anything to him? I do not think so. He did not tell me that Mr. Griffith had. I think he would have told me if Mr. Griffith had.
73. You did not hear him? No.
74. He was in the shop though? Not where I was.
75. *Mr. Piddington.*] Had Mr. Griffith ever called to pay an account at your shop before? No.
76. How had he previously paid his account? At one time he sent it up with Mr. Claude Griffith, his son, and at another time he sent it up with a young man who works for him; in fact, I think his son brought two accounts. I think there were three accounts paid previous to that one.
77. *Mr. Haynes.*] How long had you been doing business for Mr. Griffith? From within a month of starting. We started in January, 1896, and the first item on the book, I think, is on February 27th.
78. Since that conversation about the election what work have you had? I have not done anything for him since that time.
79. Do you know of your own knowledge what business in the same line Griffith Brothers do in Albury with regard to orders among tradesmen and people of that description? I know that Mr. Griffith at present

- H. G. Davies. present has a couple of traps and some horses. I think this is his own private account. What I did for him was his private account. But as regards the firm I have no idea of what they get done.
- 24 Nov., 1898.
80. *Mr. Kelynack.*] You have never done the firm's business, have you? No.
81. *Chairman.*] After Mr. Griffith had paid you that cheque and had left you, did you feel that that was an act of intimidation, or was it merely an outburst of indignation on the part of Mr. Griffith? It was my impression that he came up with that intention. I went out with the cheque in my hand and showed it to Mr. Hamilton and said, "You see what Mr. Griffith has done because I will not support him."
82. What induced you to believe that he came up to intimidate you? His general manner of speaking to me. I do not say that he came up to intimidate me exactly. I say that he came up with the intention of asking me and telling me why he would not support me if I did not give him my support.
83. Did you take that to be an act of intimidation, or was it merely an outburst of indignation on the part of Mr. Griffith, at finding that someone he had long supported would not support him? I did not take it as an act of intimidation, because I thought he knew that he could not influence my vote. What I took it for was rather as a punishment, if I may say that, because I would not support him. I thought he thoroughly understood, when I told him I would not vote for him, and it was more an act of punishment than an act of intimidation.
84. *Mr. Haynes.*] Did you take it to be an act to influence your vote? No; I think he thoroughly understood that he could not influence my vote, because I had told him whom I was going to vote for. It could not influence my vote.
85. *Mr. Kelynack.*] You stuck to it? Yes.
86. *Mr. Chanter.*] Did you have any conversation in regard to the election prior to the day when he paid that account? No.
87. Was the cheque written out in your office, or was it already written out and attached to the account? He wrote it out, I presume, at his own place. He came from his own residence to the shop with it.
88. I do not ask you to presume anything, but to state facts? He did not write it out in the premises I occupy; he had it written out when he came in.
89. Attached to the account? Yes.
90. I think you have said that you had rendered the account several times? Yes, I had.
91. Did you make any comment on any of the accounts, or express a desire that it should be speedily paid? Not in regard to that account; but in regard to a previous account, at one time I asked him if he could oblige me with a cheque, as it was the end of the year, and he sent it up at once.
92. *Mr. Piddington.*] Not on this occasion? No.
93. *Mr. Chanter.*] Would you, apart from anything else, regard it as anything unusual for Mr. Griffith to pay the account in person rather than send somebody else to pay it? He always sent it before; but if he had been coming up that way, as he has a very friendly way with him, he might call to pay it, but he never did it before.
94. *Mr. Piddington.*] Anyhow, he did not pay it until you had told him that you were not going to vote for him? No.
95. *Mr. Chanter.*] Was this cheque in payment of the account visible to you while this conversation was taking place before it was handed over? I did not know that he had the cheque when he spoke to me first. While he was speaking he took out something—I believe out of his coat pocket. It might have been when I finally said I would not vote for him that he said, "Well, I cannot support those who do not support me," and gave me the cheque. I did not know that he intended to pay me when he asked me at first.
96. You did not know that he intended to pay you? I did not. When he came in the thought struck me that he had come to ask me for my support. I did not think he had come to pay the account.
97. *Mr. McLean.*] Did Mr. Griffith approach you first of all in conversation on the topic of the election or on business? On the election.
98. He did not speak to you about business at all until after he had finished speaking about your vote at the election? No.
99. You are quite sure on that point? I am.
100. *Mr. Chanter.*] How long have you resided in Albury? Eleven years. I went there in Jubilee year.
101. It is stated in evidence that you commenced business there in 1896? I commenced the business I am carrying on now in the early part of 1896. I have been in the business three years nearly.
102. Have you taken an active interest in politics? I never came very much forward. I always voted for the man I thought would be the best man, and tried to get votes in any way I thought justifiable.
103. What I mean by taking an active interest in politics is not only voting, but also inducing others to vote? Yes, I have done so.
104. I presume that in accordance with your own convictions you would join yourself in an association with others? Yes, I would.
105. Prior to Mr. Griffith waiting on you with a cheque, did you make any canvass against him? Not that I have the slightest remembrance of. I was not going to take any part in this election. I had a great respect for Mr. Griffith and his family, and I thought I would vote in what way I thought proper; and afterwards I thought I would influence votes.
106. Afterwards? Yes.
107. *Mr. Phillips.*] You had attended no election meetings? I think I had attended a general meeting.
108. Were you known as a supporter of Mr. Griffith up to that time? A great many of his supporters knew that I would support Mr. Ball.
109. *Mr. Chanter.*] Were you on any committee of Mr. Ball's or any other person's at that particular time which would give Mr. Griffith the knowledge that you were an active opponent? I was at one meeting. The meeting formed itself into a committee. I do not think it was ever published, or any notes taken of it. It was a meeting of electors who had been Mr. Ball's supporters at the previous election. That is the only appearance I ever made in any meeting up to that date that I have any recollection of.
110. *Mr. Piddington.*] That was before Mr. Griffith came to see you? Some considerable time.
111. *Mr. McLean.*] At the previous election were you a supporter of Mr. Ball? Yes.
112. Were you prominently identified with him in that election? I tried to get votes for him, but I do not think I was on his committee.
113. Were you known in the town as a supporter of Mr. Ball? Yes; a great number knew I was.

114. *Mr. Chanter.*] Were you on any committee or any organisation at all on Mr. Ball's behalf, just prior to Mr. Griffith waiting upon you in regard to this cheque? No; I had not given anyone any authority to put my name on any committee. They may possibly have done so, knowing that I was supporting Mr. Ball. I attended one meeting, and it was the only meeting I had attended up to that time. H. G. Davies.
24 Nov., 1898.
115. Will you state what it was for? It was a meeting of the supporters of Mr. Ball, which was convened in Albury to see what steps should be taken to canvass, and I was present to see what they were going to do. The meeting formed itself into a committee to use influence to secure his return. I was not on their executive committee or any special committee. It was just a committee of the members who were present.
116. Being present at that meeting, and not dissenting, you would consider yourself as one of his supporters, and one of that particular committee? I did.
117. Would not that become known to Mr. Griffith? It is quite possible that it might, but I do not know.
118. It was not a secret meeting? No; anyone was admitted. It may be that some persons were there who were not supporters of Mr. Ball, but I do not think there were.
119. *Mr. Phillips.*] When he came into your shop that morning do you think he knew that you were a supporter of Mr. Ball? It is quite possible he did. I could not say that he did. A great number of people in Albury knew that I was a supporter of Mr. Ball, and possibly Mr. Griffith did.
120. He may, or he may not, have known that you were? He may or he may not; I would rather think he did.
121. Probably he did know? Yes.
122. *Mr. Piddington.*] You told Mr. Chanter that you intended to get votes for Mr. Ball? I did.
123. Did you go out into any of the country districts? I went out to Mullangande only.
124. Was anything said to you there about your interview with Mr. Griffith? I had several conversations with electors out there.
125. Had you a conversation with a man named Ogilvie? Yes.
126. Was he a supporter of Mr. Ball or a supporter of Mr. Griffith? He was there canvassing for Mr. Griffith.
127. Did you find any particular feeling there about men coming forward and saying for whom they were going to vote? They were very reticent about the matter. One man told me the stand Mr. Hamilton and I had taken in this election would do me a considerable amount of damage. I said, "Oh, I don't mind."
128. You found that voters, generally speaking, were very reticent;—do you mean on one side or the other? The majority of voters there were for Mr. Griffith. You would hear more conversation for Mr. Griffith than against him.
129. *Mr. Phillips.*] How many? I think about twenty or twenty-one. There were five votes for Mr. Ball and thirteen votes for Mr. Griffith.
130. *Mr. Piddington.*] Did you find on the part of Mr. Ball's supporters any reluctance? I was the only one there who did anything for Mr. Ball.
131. Did you find any reluctance on the part of his supporters to say for whom they were going to vote? Yes; with the exception of one man, I did not know how they would vote. I asked nearly every one who came, and distributed circulars, but they did not say anything except one man. I thought I had only three votes there—Mr. Haywood, a stranger, and myself, but I found there were five.
132. *Mr. Sawers.*] Is that hesitation to speak an unusual thing at elections? I was never canvassing at a booth before, but I should imagine it would be.
133. *Mr. Chanter.*] Counsel has asked you several questions as to whether persons approached you in regard to this transaction between Mr. Griffith and yourself;—did you communicate voluntarily to any elector of Albury the transaction between Mr. Griffith and yourself? I do not believe I told anyone except my partner. I went out at once and told him what took place.
134. No other elector? I do not believe I told one, because I did not intend to parade it, as it were.
135. *Mr. Kelynack.*] Did you tell it to Mr. Nagle? I spoke to him about it, but we were talking about the election at the time.
136. But you told him? I told him an outline of it. I did not tell him any details as I have told them here.
137. *Mr. Piddington.*] Was anyone present when you told your partner about it? Mr. Abbott was there, and the young lad who was striking.
138. Right in the heat of the thing, directly after it took place, you went out to them and said what had happened? I did.
139. *Mr. Chanter.*] On the day you were at Mullangande, did you mention it to anyone? I was speaking to Mr. Ogilvie, and he said he had heard of it. I said Mr. Griffith called upon me. I was not going to tell him exactly what happened, because I knew he was a strong supporter of Mr. Griffith—and he said I have heard what Mr. Griffith told you.
140. Did you of your own accord make a statement to any other person? No; only what passed between Mr. Ogilvie and myself.
141. *Mr. Sawers.*] Did you view Mr. Griffith's visit to your shop in a friendly way? Yes. He called and said, "Good morning"; I said, "Good morning, Mr. Griffith"; and then he asked me if I was going to support him.
142. You declined to give him your support? I did.
143. And some conversation then ensued? Yes.
144. During the course of conversation Mr. Griffith said he would not support those who did not support him, or used words to that effect? Yes.
145. You understood that to be an injury probably to your business? That is what I understood.
146. Before Mr. Griffith made that statement did you make a suggestion to him in any way—for instance, did you not say, "I hope it will not make any difference about our business relationships," or make any remark of that nature? No; I had never spoken to him about the matter before.
147. You did not say, "I hope it will make no difference," or use words to that purport? I did not.
148. You did not in any way anticipate the probability or possibility of Mr. Griffith perhaps giving most of his business to other tradesmen? I thought it was possible that he would if he knew that I was not supporting him, but I hardly expected he would, because I thought he would take a higher view.
149. You thought it possible? I thought it possible.

- H. G. Davies. 150. Did you mention or hint in any way at that possibility? I did not mention it to any one.
- 24 Nov., 1898. 151. To him? No.
152. So that this observation of Mr. Griffith, that he would only give his business or his help to those who helped him, came without any previous suggestion from you on the subject? It did, certainly.
153. You said, "He did not pay me till I said that I would not vote for him"? No; he did not pay me till I told him that I could not support him.
154. Do you intend to infer from that that he would have walked away without paying your account? No; I should have imagined that he would have paid the account whether I was going to vote for him or not.
155. What significance is to be attached to that statement;—what do you mean by saying, "He did not pay me till I said I would not vote for him." You never doubted but that you would be paid? I had every confidence that I would be paid.
156. His paying you could be no punishment, for you would have been paid under any circumstances? I would have been.
157. Did you regard his interview with you as of a bounciful or intimidating nature? Yes; I regarded it in this way: That he would not give me any more of his support or his work because I did not support him in the election. That is the view I took of it.
158. You took that view, but not until he said so himself;—did you take that view before he said so himself? No; I did not think he would withdraw his work, because I thought he was very well satisfied with the shoeing, as he said so at one time.
159. Did you think that Mr. Griffith imagined for a moment that he could intimidate you? I do not think that he did think so.
160. Did you think it had entered into his mind that it could intimidate you? I was not under that impression.
161. *Mr. Macdonald.*] Did you think after Mr. Griffith had asked you whether you would support him, and received your answer, that his payment of your account was a final closing of transactions between you? Yes; I believed so at the time.
162. I suppose you also thought that if you agreed to support him the account might have been allowed to run current? I believe it would have been.
163. *Mr. Sawers.*] Had not that second account, which he did not bring a cheque for, been already rendered? It had been rendered and attached to the other account.
164. *Mr. Piddington.*] Mr. Griffith had come with an imperfect account—that is, an account without this small sum of 7s. 6d. He then paid the imperfect account, and when he got home he sent down the balance, and finally shut his door to you? The account was not imperfect.
165. The account, as a matter of fact, had been rendered complete? Yes.
166. Mr. Griffith had happened to get hold of an imperfect account? Yes; he brought the account which had been rendered the month previously.
167. The account had been rendered up to date or pretty recently? Up to the end of June.
168. The was a little more in that than the account he paid, and when he got home he sent down the balance? Yes.
169. *Mr. Haynes.*] Was it a clear impression on your mind that the whole proceeding between you on that occasion was for the purpose of influencing your vote in the coming election? I said before I did not think he thought that he could influence me.
170. Was the impression on your mind that the whole business on that occasion was for the purpose of influencing your vote in the coming election? You misunderstand me. I said I thought Mr. Griffith knew that he could not influence me, and he closed his account with me because I would not support him. That is as plain as I can put it.
171. *Mr. Piddington.*] When Mr. Griffith said he would not support those who did not support him, what did you understand that he meant by that in regard to other electors? [*Mr. Kelynack objected to the question.*]
172. What meaning, in regard to other electors, did you attach to his words that he would only support those who supported him? I understood, from using the word "those," that he intended to withdraw his support from any of the tradespeople who did not support him.
173. *Mr. Macdonald.*] Do you think Mr. Griffith thought that he could intimidate you by a withdrawal of his business support? I do not think he did.

Richard Thomas Ball sworn and examined:—

- R. T. Ball. 174. *Mr. Piddington.*] You are the petitioner in this case, and you were a candidate for Albury at the last election? Yes.
- 24 Nov., 1898. 175. Mr. Griffith was the only other candidate for Albury? Yes.
176. When did Mr. Griffith first become a candidate? The first public intimation was made on the 8th of June. I refer to a meeting at which he was requested to become a candidate, and he came forward and said he would do so.
177. Is this a copy of the *Daily News* of the 9th June? Yes.
178. When did you first hear of Mr. Griffith's interview with Mr. Davies? On the 13th July.
179. Where? In a room which was used as a committee-room for myself.
180. Was anything said at that time in regard to publishing the names of your committee? Not at that meeting.
181. Was there anything said at any other meeting? I believe so; but I was not present.
182. Were you present at the meeting which was held on the night before the poll? I was.
183. Did you hear Mr. Griffith allude in the course of his speech to the way in which he conducted the campaign? I did.
184. Did you hear Mr. Davies ask him a question? Yes.
185. What was the question? Mr. Davies asked Mr. Griffith if he thought it was a fair way to conduct a campaign for him to call on a certain tradesman and threaten to withdraw his support unless he voted for him, at the same time tendering his cheque for the amount which was owing. Mr. Griffith then got up,

up, and said that he expected that question, as it had gone the rounds, and he asked, "Is Mr. Davies present?" Mr. Davies got up in the hall, and said, "Yes; it was myself who asked the question." Mr. Griffith said, "Well, you won't object, Mr. Davies, to my stating what took place"; and Mr. Davies said, "Certainly not." Mr. Griffith then stated that he called at Mr. Davies' place of business to pay an account, which had been rendered several times, and that he asked him (Mr. Davies) if he would support him at the election; that Mr. Davies said that he felt in honour bound to support me—that I had been a very good Member, and so on. Mr. Griffith said he asked Mr. Davies, "Has Mr. Ball done anything I could not do?" That Mr. Davies, in reply, said he did not know that I had, but that he felt in honour bound to continue to support me; and that he then said, "Well, Mr. Davies, you cannot blame me if I support my friends." Mr. Griffith ended by asking, "Is not that correct, Mr. Davies?" When Mr. Griffith took his seat, Mr. Davies jumped up and said, "Your statement is correct in the main, Mr. Griffith; but the part I take exception to is the latter sentence. What you really did say was: That you would not support those who would not support you." Mr. Griffith then got on his feet, and said, "Yes, that is correct; and I intend to do so in every instance." I may mention that I referred to that publicly at a public meeting I held afterwards.

186. *Mr. Haynes.*] At what time was the meeting held? This happened at about 9 o'clock on the 26th June—the night before the poll.

187. *Mr. Piddington.*] Was anything said by Mr. Chenery then? Yes.

188. What did he say? In seconding the resolution, that Mr. Griffith was a fit and proper candidate, he said he considered it was more manly for Mr. Griffith to go to Mr. Davies and threaten him with a withdrawal of his work than to do it afterwards, and say nothing about it.

189. With regard to the feeling in the constituency, has there been any reluctance on the part of supporters of yours to have their names put on a committee? There was, very much so.

190. Did they attribute it to any cause? [*Mr. Kelynack objected to the question.*]

191. *Mr. Piddington.*] Can you attribute it to any cause? Yes; I attribute it to the general fear which was caused by the rumour that a general system of boycotting was carried on, and Mr. Davies' case was only cited as an instance. The people who told me mentioned his case.

192. Did you go about the country speaking and promoting your candidature? I did.

193. In any particular district you can mention did you find any feeling of reluctance in regard to coming forward to support you? I found that in all places I went to.

194. Which was the first place you found it in? Bowna, which is 10 miles from Albury.

195. At what other places did you find this feeling of reluctance existing? Jindera, which is 10 miles from Albury; Howlong, which is 20 miles from Albury; Walla Walla, which is about 20 miles from Albury, and two or three small places which are hardly worth mentioning.

196. *Mr. Chanter.*] Apart from anything which is before the Committee for inquiry, can you attribute the change or loss of support to any other cause than the one attributed to Mr. Griffith? I can. If I would have been prepared to adopt a certain course and a certain policy I think I should have got in without any opposition.

197. What particular connection has Mr. Griffith at Jindera? He is a stock and station agent in Albury, and he has a very wide business connection throughout the electorate, more particularly in the country portions of the electorate. I found a great number of the people in the country who were more or less under some obligation to Mr. Griffith very reluctant in coming forward to take any prominent part in the election.

198. Did these electors at Jindera support you at previous elections? A certain number of them did; but the majority were always against me.

199. Why should there be any reticence on their part when they were not original supporters of yours? A number of original supporters of mine—men who supported me at previous elections—at the last election would not allow their names to be put on a committee or take a prominent part. At previous elections they were quite prepared to do so.

200. *Mr. Piddington.*] Were they still supporters of yours? They told me so. A number of people would come to me quietly when I was at the hotel, coming in almost by the back door, and ask me to see them for a minute or two. At previous elections they were prepared to come openly, but for some fear or other they were very reluctant to come out openly at the last election.

201. *Mr. Chanter.*] Has it been your experience that at all elections there is a reluctance on the part of tradesmen, as a rule, to reveal what particular candidate they are going to vote for? I have always found that; but on this particular occasion there seemed to be a reign of terror with all of them. It was most unusual with them.

202. *Chairman.*] What particular reason did any of them give for this reluctance to show their sympathy with you? In the country portion of the electorate Mr. Griffith's business connections with most of them were such that they did not wish to cause any offence. He is a stock and station agent who has been doing business with these people, and he is on friendly terms with them.

203. Was there anything outside that friendly feeling which they would naturally show to their old stock and station agent which could cause them to be reluctant to sympathise with you? Yes. This particular case I mention was the only reason given. Of course, there were a number of his supporters who came out openly and opposed me on political grounds. I say nothing of that. What I am speaking of now is the intimidation—the fear which existed throughout the district, even amongst my supporters.

204. Did any of them express themselves as being in terror by reason of this statement of Mr. Griffith? Certainly, in several cases.

205. *Mr. Kelynack.*] Perhaps you will name one? [*Mr. Piddington objected to the question.*]

206. *Mr. Haynes.*] Do you of your own knowledge know of any direct instance similar or somewhat similar, without stating the name, to that related by Mr. Davies as regards intimidation or using influence against you? What do you mean by similar?

207. Can you give us any evidence of tradesmen being intimidated or influenced against you? I could, but I positively refuse to give the names of men who have told me that they feared a loss in their business, and consequently they could not act on my committee or could not publicly support me, but that they would vote for me. I may say that in the majority of cases when they have come to me like that they have made it almost an obligation upon me not to mention their names.

208. *Mr. Phillips.*] Did you not have that experience at previous elections? Yes; but more so at this last election.

- R. T. Ball.
24 Nov., 1898.
209. *Mr. Haynes.*] Do Griffith Brothers do much business, or are they the means of distributing a large amount of money in the district among tradespeople and people outside? Yes; they do a large business as stock and station agents.
210. Are they a leading firm there? Yes.
211. They distribute a large sum among the people there? Yes; they do a great business in stock and wheat.
212. *Chairman.*] You decline to give the names of any persons who have been intimidated? Yes; they have all enjoined upon me an obligation that I should not mention their names.
213. *Mr. Phillips.*] But more so at this election than is usual at election times? Much more so.
214. *Mr. Sawers.*] They say they are afraid? Yes.
215. But they do not say that they were injured? All those who came to me in that way told me that they were going to vote for me.
216. They did not say that any effort had been made to intimidate them personally? No; it was a general fear.
217. *Chairman.*] If these persons who told you that told you that they were going to vote for you, how can you say that they were intimidated or under a reign of terror? From the fact that they came to me in such a manner, and spoke to me in that way—from the fact that they were not prepared to come to me openly, as they previously did.
218. *Mr. Haynes.*] May I conclude, from what they stated to you, that others had been influenced? Yes. I may mention that at previous elections I published the names of my committee, but at this last election we were afraid to publish the names. On account of a request from a great number that they did not want their names to be known, we refused to publish them.
219. *Chairman.*] Was that owing to the statement made by Mr. Griffith to Mr. Davies? I believe it was primarily. It was talked of all through the election. There was a great fear running throughout the electorate. Whether it influenced a number of votes I cannot say, but I am certain that a great number of them were intimidated. You may say that no man need be intimidated while there is a ballot-box, but there is this fact to be considered—that a great number of men who on previous elections were prepared to come out in the open and work for me, at this last election would not do anything, or say how they were going to vote.
220. *Mr. Phillips.*] Do you base that entirely on the Davies case? I do.
221. *Mr. Kelynack.*] I ask you to state the names of those persons who you say were intimidated? In the interests of those persons I must refuse to do so.
222. *Mr. Phillips.*] Did you hear about this supposed intimidation before or after polling-day? I heard of it as soon as I got up there.
223. While going through the electorate? About a fortnight before the election.
224. *Chairman.*] You say this fear was general throughout the electorate? Yes.
225. Was there any notification in the papers before this meeting at which Mr. Davies appeared in reference to this matter? Yes; it was mentioned in the Press. It was also commented on in letters to the papers, but no names were mentioned. It was stated that a candidate had done such a thing, and somebody challenged him in the public Press to deny it.
226. How long was that before the polling? It was sometime before. I believe evidence will be given on that point.
227. *Mr. Chanter.*] Were any of these letters or comments published after the meeting on the night before the election? Some before and some after.
228. Were there any subsequent to that;—did that satisfy the public mind one way or the other? In what way?
229. Did they cease to write to the Press, or did the Press cease to comment? There were letters sent to the Press after that, some commenting on his public action.
230. *Chairman.*] But that did not take place till the night before the election? Yes.
231. How could that get all round the district in time to influence the minds of the people before they voted? The case of Davies had got round the district long before that. I heard of Davies' case at Bowna on the 14th July.
232. *Mr. Chanter.*] Can you connect Mr. Griffith in any way with circulating that? No.
233. Can you account in any way for the interview or interviews which did circulate? No. All I know is that it was circulated, and everyone pretty well knew of it.
234. *Mr. Phillips.*] I suppose you went right through the electorate? Yes.
235. Do you wish the Committee to understand that you are of opinion that there was a sort of reign of terror throughout the electorate through intimidation? Yes, certainly, and a very strong one.
236. That was the impression you formed? Yes.
237. *Mr. Chanter.*] How could Mr. Griffith influence or intimidate the electors in the places you mentioned in the country by the fact of their business relations? One man told me that he had bought stock from Mr. Griffith, and that he got it on time payment.
238. *Mr. Kelynack.*] Will you mention his name? [*Mr. Piddington objected to the question.*]
239. *Mr. Chanter.*] Do you understand the nature of a stock and station agent's business? I think I know something about it. I do not know that I know all the details of the business.
240. Is it not a fact that in nearly all cases a stock and station agent has to give credit for the stock he sells? They do a great deal on paper.
241. It is not a matter of privilege, but a matter of custom among them? Yes; and sometimes they have to extend the bills when they become due.
242. Would it not be done in any circumstance, apart from politics altogether? Yes; but they have the right to do it; they could do it if they liked, or they could not do it.
243. *Mr. Macdonald.*] How many votes did you poll at the last election? Seven hundred and ninety-five.
244. And at the previous election, how many votes did you poll? Eight hundred and fourteen.
245. *Chairman.*] If there was a difference of only nineteen votes between the two pollings, what becomes of your statement about the reign of terror? If there had not been a reign of terror, I do not know where I would have been.
246. *Mr. Sawers.*] There is a difference of only nineteen votes between the two pollings;—do you not consider that there was some other factor which came in beyond that might lose you some support which otherwise

- otherwise you would have got? Undoubtedly. I knew very well that if I opposed the federal question it was going to lose me a lot of support.
247. Yet the difference between the two pollings was only nineteen votes? I am quite well aware of that.
248. The loss of support could not be very great? I mean when I opposed the Bill; but that has nothing to do with the question of intimidation.
249. When you use the term "reign of terror," it does seem curious that there should be a difference of only nineteen votes with the other factor I mention? It does seem peculiar, but if you lived there for awhile you would soon understand it.
250. *Mr. Phillips.*] What was the difference between the gross polling at the two elections? Close upon 200 votes more were polled at this election than at the previous one.
251. *Mr. Chanter.*] Was there any increase in the numerical strength on the roll since the previous election? Yes.
252. *Mr. Moore.*] You were convinced that undue influence was being exercised throughout the electorate by reason of what Mr. Griffith had said;—did you take any steps to counteract it in any way? I spoke of it at public meetings.
253. At how many? At two or three in the country and at one in Albany. It is reported in the papers.
254. Did you deem that of sufficient importance to induce you to take any steps, and, if so, what steps, to counteract that influence? Only by assuring the people that they had nothing to fear in that respect. Of course, I deprecated the fact that influence of that kind was being used in the election, and asked the people not to take any notice of it.
255. *Mr. Chanter.*] You did not make any comment at the meeting held on the night before the election, when the question was put by Mr. Davies and answered by Mr. Griffith? Not at that meeting, but at another meeting held immediately afterwards in Albany. Mr. Max Hirsch, who was present, also commented on it.

R. T. Ball.
24 Nov., 1898.

William Manfred Sherrie sworn and examined:—

256. *Chairman.*] What is your occupation? I am a journalist.
257. *Mr. Piddington.*] You are editor and part proprietor of the *Daily News*, a paper circulating in Albany and district? Yes.
258. Do you remember calling upon Mr. Davies, of Davies and Hamilton, with regard to an interview between him and Mr. Griffith? Yes.
259. Did you make any allusion to that in your paper? I think I did a few days later. I do not remember the date. I did not refer to it directly.
260. Was there a good deal of correspondence in your paper with regard to the question of boycotting before the election? There was correspondence before the election, and afterwards, too, I think.
261. Did this letter, headed "Below the Belt," and signed by "Queensberry," appear in your paper on 16th July:—

W. M. Sherrie.
24 Nov., 1898.

I see by the reports of the meeting on Thursday that Mr. Griffith says "he never hits below the belt." For the information of the uninitiated, I may state that the term is one used in the prize-ring to denote the line which divides the fair from the foul blow. I have for many years regarded Mr. Griffith in that light—as one who would never deal unfairly with an opponent. But it is now persistently rumoured, and details given, that Mr. Griffith is trying to coerce people to vote for him by intimidation. It is commonly reported that he has asked for votes, and held out the threat that if they were not got the business of the persons concerned would suffer. Personally, I do not believe these reports. I have the highest opinion of Mr. Griffith, and now call attention to the matter in his own interest. These reports are damaging his chance of election amongst the electors who dislike any kind of hitting "below the belt." I hope Mr. Griffith will deny them.

- ? Yes.
262. Did you ever receive any letter from Mr. Griffith for your paper in answer to that letter? No.
263. Did Mr. Griffith ever write to you in answer to that letter, or remonstrate with you for publishing it? No.
264. Did you in the same issue publish this paragraph, in which you comment on the boycott being in full operation? [*Paragraph read. Mr. Kelynaek objected to the paragraph going into the evidence.*]
265. *Mr. Piddington.*] Did you, in your issue of 18th July, publish this letter, headed "Below the Belt," and signed "An Elector"? [*Letter read. Mr. Kelynaek objected to the letter going into the evidence.*]
266. *Mr. Piddington.*] Mr. Ball was asked whether the correspondence with regard to boycotting continued after the election;—was there such correspondence in your paper? Yes.
267. Were you present at the meeting held by Mr. Griffith on the night before the poll? Yes.
268. Did you report that meeting? Yes.
269. Did you afterwards write an account of the meeting from shorthand notes? I wrote a short report in paragraph form. I did not report the meeting in full.
270. You did not report it as a speech? No.
271. But did you take shorthand notes of what Mr. Griffith said to Mr. Davies, and of what Mr. Davies said to Mr. Griffith, at the conclusion of the meeting? Yes.
272. You took that conversation, question and answer, down in shorthand? Yes.
273. Did you, from your shorthand notes, afterwards write the paragraph of which you spoke describing the meeting? Yes.
274. I mean from notes as far as any questions are concerned? Yes.
275. Is this the report printed as you say? ———
276. *Mr. Kelynaek.*] Have you your shorthand notes here? No. [*Mr. Kelynaek objected to the report going into the evidence.*]
277. *Mr. Piddington.*] What has become of your shorthand notes? I did not keep them. I think I put them on one side that night. I did not think they would be required, and I did not want them.
278. You do not usually keep them? I do not make a practice of keeping shorthand notes.
279. When was this report of the meeting published in your paper? On the day of the election.
280. At what hour of the day? As nearly as I can say, between 4 and half-past 4 in the afternoon.
281. Before the poll closed, this paper, giving an account of the meeting so compiled, was published in the town? Yes.
282. *Mr. Kelynaek.*] Are you the editor of the paper which was supporting Mr. Ball? That is correct.

W.M. Sherrie. 283. *Mr. Piddington.*] Where do you think your shorthand notes are now? I should not like to say. They were put in the waste-paper basket on the night I used them no doubt.

24 Nov., 1898.

[*Mr. Kelynack withdrew his objection to the report going in.*]

284. I will only read that portion of the report which bears on this inquiry. Did the following passages appear in your report of that meeting:—

The candidate claimed that he had conducted the campaign in a fair manner, and he admitted that Mr. Ball had done the same. At the conclusion of the address Mr. H. Davies asked Mr. Griffith if he thought it a fair manner of conducting the campaign to intimate that he would "boycott" those who did not vote for him. Mr. Griffith admitted that he had done that in the case of Messrs. Davies and Hamilton, and said "He would do it in every instance." This announcement was received with some cheers and a storm of groans.

Dr. Woods moved and Mr. J. C. Chenery seconded a vote of confidence in Mr. Griffith. He sought to excuse Mr. Griffith's "boycott" threats by urging that it was more manly to make them before the election than after it.

? Yes.

285. Did Mr. Griffith or anyone else ever complain of the fairness of this report? No; I heard no complaints from anyone.

286. Did you afterwards attend a meeting held by Mr. Ball and Mr. Max Hirsch? Well, I stood out in the street and listened to the addresses.

287. Did you hear what was said? Yes.

288. I want you to tell us exactly what was said by Mr. Davies and Mr. Griffith;—who began—did Mr. Davies ask Mr. Griffith a question? Mr. Davies asked a question.

289. What did Mr. Davies say to Mr. Griffith? His question, I think, was whether Mr Griffith considered it a fair manner in which to conduct an election by threatening to "boycott" those who would not support him.

290. What did Mr. Griffith say? Mr. Griffith's words in reply were, "Yes, and I intend to do so in every case or in every instance"—I believe those were the words. He did not use the word "boycott." I may say that I used it in my report to make it intelligible, because it was a boiled-down report. It did not pretend to be a report of the meeting *in extenso*.

291. *Chairman.*] Did you spice it up? I did not desire to spice it up.

292. *Mr. Piddington.*] What were the words which were used by Mr. Griffith? "Yes; and I intend to do so in every instance.

293. You say the word "boycott" was not used? Mr. Davies used it in his question.

294. But Mr. Griffith did not use the word in his answer? No, he did not.

295. You say Mr. Griffith did not use the word "boycott";—what was Mr. Griffith's reply in the exact words, as far as you can remember them? "Yes; and I intend to do so in every instance," are the words, as far as I can remember.

296. *Mr. Moore.*] Was that the direct answer to a question as to boycotting? That was the direct answer to Mr. Davies' question.

297. *Mr. Piddington.*] Can you tell us, in regard to the state of feeling in the town, whether there was a general reluctance on the part of the supporters of Mr. Ball to say for whom they were going to vote? There was undoubtedly a feeling of that kind existing.

298. *Mr. Haynes.*] Tracable to what? Well, I presume to threats.

299. *Mr. Piddington.*] Can you tell us whether this condition of reluctance applied to any particular class of the electors? I think it applied mainly to working people—employees.

300. To tradesmen? I cannot say about tradesmen.

301. Do you know an instance of anyone complaining to you about his name having been put on Mr. Griffith's committee? Yes; I know of one instance.

302. Did he tell you why he did not take it off? [*Mr. Kelynack objected to the question unless the name was given.*]

303. *Mr. Sherrie.*] To save time, I may say that I do not propose to give the name.

304. *Mr. Haynes.*] Why do you object? Because it is a statement made to me in confidence.

305. Why did he object to taking his name off? There was no reason, unless he thought that it might afterwards have the effect of injuring him in business.

306. You decline to give his name? Yes.

307. Are there any other cases where a man whose name was on Mr. Griffith's committee, and who was in favour of Mr. Ball, declined to have his name taken off? Yes. It was understood that a supporter of Mr. Ball, when spoken to on the subject, said he was not asked for his name, and he allowed it to go on, but his vote would be all right.

308. Are there other cases of a similar character, to your knowledge? I have heard them spoken of, but I have no personal knowledge of them.

309. *Mr. Piddington.*] Have you in your own business been boycotted since the election? [*Mr. Kelynack objected to that term being used.*]

310. Have you had support withdrawn from you and no other reason given for its withdrawal? Yes.

311. Have you any objection to state by whom? By Mr. Griffith for one.

312. *Mr. Kelynack.*] Since the election? Yes; and some of his main supporters.

313. Will you give the names of his main supporters? I can give you the names of people who have stopped their papers.

314. *Mr. Piddington.*] In what way has Mr. Griffith withdrawn his support? He stopped his paper too.

315. In any other way? Before the election he stopped it.

316. *Mr. Haynes.*] Had he advertised with you? None of his meetings were advertised.

317. *Mr. Piddington.*] At what time did he stop his paper? He stopped it because of our hostility to the Convention Bill—at least I presume so. It was before the election came on.

318. Since the election, can you mention the names of known supporters of Mr. Griffith who have withdrawn their support? There are Dr. Andrews, Mr. Chapman, the Manager of the Bank of New South Wales, and Mr. Creagh, the Police Superintendent. I cannot recollect the names of others. I know there were a few—in all about a dozen.

319. *Mr. Haynes.*] Did they disagree with your paper as to the locality of the federal city? I cannot say.

320. *Mr. Chanter.*] Is Dr. Andrews the gentleman who had the altercation with the Premier? No; that was Dr. Kennedy.

321. *Mr. Kelynack.*] Do you say that Dr. Andrews, Mr. Chapman, and Mr. Creagh ceased to take your paper because they were supporters of Mr. Griffith? They did not give that reason, of course. W.M. Sherrie.
322. Do you say that that was their reason? I presume so—we conclude that. They have always been supporters of ours. 24 Nov., 1898.
323. Did you not in your paper make an attack on Mr. Creagh? I have criticised Mr. Creagh in his capacity as Police Superintendent on different occasions.
324. Adversely? Yes.
325. In your paper, I suppose, you advocated the candidature of Mr. Ball during the election? Yes.
326. And did all you could to help him? Yes.
327. I suppose, therefore, when you heard this story of Mr. Davies you did all you could to spread it? No, I did not.
328. You published a letter in your paper challenging Mr. Griffith to deny the allegation? Yes.
329. Will you say now whether you wrote that letter? I will say that I did not write it. I cannot say who wrote it. We have published many letters during the election.
330. Did you publish any other letters in regard to that matter, and in which you used the term boycott? Yes.
331. Although it had not been used by Mr. Griffith? Yes. You will see that in my report I did not make Mr. Griffith use the word.
332. No, but you used the word "boycott" as an interpretation of what he said? Quite so.
333. With regard to the meeting on the night before the election—you have given us a question put by Mr. Davies, and you have said that in answer to that question Mr. Griffith said, "Yes; and I intend to do so in every instance";—was that all the answer you remember? That is all.
334. That was all he said? Of course, there were questions and replies preceding that, but I did not take a note of them.
335. You mean questions and answers preceding the question put by Mr. Davies? Yes.
336. Directly after Mr. Davies had put his question do you say the answer was "Yes; and I intend to do so in every instance"? Yes.
337. Immediately after? Yes.
338. That was all that Mr. Griffith said? —
339. You say Mr. Davies asked a question, "Do you think it is a fair way to carry on an election to boycott tradesmen"? Yes.
340. It was after that question was asked you say Mr. Griffith immediately answered, "Yes; and I intend to do so in every instance"? Yes.
341. That was the whole of his answer? I would not say that was the whole of it. That is all I heard. I was sitting immediately under where he was standing.
342. The distance you were away from him would not prevent you from hearing? No.
343. Do you not remember Mr. Griffith saying, "I am glad that question has been asked, and if Mr. Davies is here I will give it an answer"? Yes, he did so; and that is one of the questions I referred to as preceding that one.
344. That does not precede—it succeeds the question asked by Mr. Davies? I think it was before Mr. Davies rose in the hall and said that.
345. You say now that it was before Mr. Davies rose that Mr. Griffith made this remark: "I am glad that question has been asked, and if Mr. Davies is here I will answer the question"? I believe so.
346. What happened after that? I do not remember the words which were used between Mr. Davies and Mr. Griffith after that.
347. You do not remember them? There was a good deal of hubbub, and I did not take particular notice at the time.
348. You were not taking particular notice of what was being said? Not at that time.
349. So that your report of what happened was necessarily a report of something which took place when you were not paying particular attention? No. I paid particular attention to the part I considered important.
350. To the part which you wanted for your paper? Yes.
351. I understand;—do you say you do not remember the conversation which took place between Mr. Griffith and Mr. Davies? I do not remember any of the words preceding that question and reply.
352. When you say you took down a shorthand note of what occurred, that note was fragmentary? In regard to the latter part it was; but it was full in regard to the speech as a whole.
353. But this was the material part of the speech? This was said at the fag-end of the meeting. At that time I was only taking a note of what I considered important. As a matter of fact, I did not take a note of earlier questions and replies; but I took that one. I wanted to get Mr. Griffith's reply, and I will give you my reasons, if you wish, as you imply that I wanted to colour my report.
354. You can give your reasons to Mr. Piddington; you said you only wanted to get the part which was important;—is the only part which you consider important his reply to Mr. Davies? I consider that was the substance of his reply.
355. Can you tell us what else he said in his reply, besides what you have reported? No; I cannot.
356. Will you admit that he might have said a good deal more than you have reported? I admit that.
357. *Mr. Piddington.*] You said you had a reason for only taking down a particular question and answer of which you have given evidence, and of leaving other questions and replies bandied at between the two unreported;—what was your reason? My reason was, that I did not think that Mr. Griffith would acknowledge that he had acted as he did towards Mr. Davies. I may say that I was very much surprised that he made the statement. That is chiefly what actuated me in taking a note of that.
358. You have told us that the word "boycott" was not used by Mr. Griffith, and also that your report has only a reference to the fag-end of the meeting;—are you perfectly sure that, as a matter of reporting, the main substance of the question and answer, or report in that paper, was absolutely fair? I considered it so. I am not in the habit of colouring reports, whatever I may put in the part of the paper I control. A great deal of time was taken up in interruptious, as is usual at the end of a political meeting, and of course no reporter would think of taking a note of anything like all that took place.
359. *Chairman.*] In writing the paragraph in the *Daily News* you used the word "boycott";—what induced you to use that word? It made it more intelligible, having to condense the report. I did not want

- W.M. Sherrie. want to give any more space to the report than I could, and I wanted to convey, as intelligibly and clearly as possible, what was referred to.
- 24 Nov., 1898. 360. I think you also said in your evidence that Davies had used the word "boycott" to Mr. Griffith;—will you swear to that? I swear that I had it on my notes.
361. Will you be surprised to hear that Davies, who has given evidence here, and repeated the conversation, and Mr. Ball, who has repeated Mr. Davies' words, have not used the word "boycott" at all;—is it not probable that if the word "boycott" was used, both Ball and Davies would have known of it? That is very probable. I am positive that I had the word "boycott" on my note of the reply to Davies' question.
362. I think that the notes of this evidence will show that the word "boycott" was not used at all by either Mr. Davies or Mr. Ball;—is it possible that the word "boycott" got into your mind in your desire to make the report intelligible to the people of Albury? It is possible that it may have been in my mind, but I had it on my notes. In taking a note I would scarcely write the word "boycott" unless it was used.
363. Why has not Davies used the word, and Ball, who repeated Davies' remarks;—you tell us that you used the word in the paragraph to make the matter intelligible to the people who read the *Daily News*? You said that I had used it in several places. I said that I had done that so as to make the report intelligible; but that was not the case in the report of the question. I used it there, because I had it on my notes.
364. But how came you to put the word "boycott" into the remarks made by Mr. Davies to Mr. Griffith at the public meeting? The word "boycott" was only used once there, and I used it because I had it on my notes.
365. *Mr. Moore.*] Can you say, from your recollection now, whether that word was used? I am thoroughly satisfied that it was used—speaking from memory.
366. *Mr. Kelynack.*] You had already used the word "boycott" in your paper before that meeting? I believe so.
367. *Chairman.*] I am anxious to know how the word came to be used in the remarks attributed to Mr. Davies at the public meeting. What appeared in the newspaper afterwards may have been the mere idea of the writer. It surprises me that you should have used the word "boycott" when two other witnesses have made no mention of it, although each of them has professed to give the exact words used by Mr. Davies? I am quite confident that the word "boycott" was used in the question.
368. Have you any bias against Mr. Griffith? No; absolutely no bias.
369. Bias is not likely to have led you to have used the word "boycott"? No. All through the election I was desirous of giving Mr. Griffith all the fair play I could. I have always had the greatest respect for Mr. Griffith as a citizen, and have always been on friendly terms with him apart from politics.
370. In your evidence you stated that there was a feeling of alarm—or words to that effect—amongst certain people, including employees;—why should the employees of different firms be alarmed at the statement made by Mr. Griffith;—he does not employ many men, does he? Well, so far as I could gather, it was because of Mr. Griffith's influence with their employers—not Mr. Griffith only, but some of the more prominent of his supporters who were employers of labour.
371. You also stated in your evidence that when you went to the meeting you went with the object of finding out exactly what Mr. Griffith intended to say, and that you were surprised that he made the admission he did? Yes.
372. How could you be surprised when in your own paper several letters had appeared, making reference to these charges and statements regarding Mr. Griffith? One reason why I was surprised was that Mr. Griffith should get up on a public platform and make that statement.
373. In your paper you read paragraphs about this boycotting, and several letters had appeared;—you fully believed the correctness of the statements made there? I had no personal knowledge of them, and even supposing I had had, I should not have believed that Griffith would make the statement publicly.
374. *Mr. Chanter.*] How long have you been in Albury? About eight years, I think.
375. How long have you been connected with the *Daily News*? Ever since it started.
376. In 1894 there was a difference of about sixty votes between the candidates;—what did the contest turn upon in 1894? So far as I can remember, it was upon Mr. Reid's policy.
377. The fiscal policy? Yes.
378. There was an election again in 1895; that was the occasion upon which Mr. Ball was chosen to represent Albury, and there was a difference of 181 votes between him and his opponent, Mr. Wilson;—did political questions remain exactly as they were from 1895 to 1898? No. In the meantime, of course, the question of the Convention Bill arose, and that mixed matters very considerably.
379. I think I understood you to say in reply to a question—I believe by Mr. Piddington—that Mr. Griffith's political antagonism to yourself arose before the Convention Bill was voted upon on the 3rd June? It was during the contest in regard to the Convention Bill.
380. And how long prior to the election? I could not say.
381. Was there a very strong feeling in Albury upon the question of federation, apart from any other question? There was, undoubtedly.
382. Did electors change their minds, and for that reason change their political support? Yes; a fair number of electors who were freetraders, and had been supporters of Mr. Ball at the previous election, went over to the other side, and became supporters of Mr. Barton's policy on this occasion.
383. Would it not be possible for the difference of nineteen votes which has been alluded to, to be affected by that as a part cause, if not as a whole cause? Quite possible.
384. It was more of a federal election than a personal and fiscal election? The last contest, no doubt, turned largely upon the Federation Bill.
385. You having lived there so long, will be able to say what personal influence Mr. Griffith could use upon the traders of Albury? I suppose that Mr. Griffith does a somewhat extensive business with the different tradespeople—with the grocers and drapers.
386. What did you first learn, and from whom, about the transaction alleged to have taken place between Mr. Griffith and Mr. Davies? I cannot say; I do not remember the date.
387. The date is given in evidence as the 4th July? It would be somewhere about that time.

388. The election took place on the 27th. I think you said that, prior to publishing the report of the meeting on the night before the election, you had commented in the *Daily News* upon this matter, or it had been commented upon in letters which were published;—can you say how long before, speaking from memory? I could not say. Letters were appearing pretty well the whole of the time. W. M. Sherrie.
24 Nov., 1898.
389. *Mr. Crick.*] Anonymous letters? Chiefly anonymous letters.
390. *Mr. Chanter.*] Did you personally take any steps to verify the statements contained in the letters or elsewhere? No.
391. You took them as they were? I publish any letters that are sent in, provided that they are publishable.
392. On the night when you reported the meeting you took notes of the question and of the answer given to it, but of no other part? I took a note of the whole of the speech. Of course, it was a stormy meeting, and at times it was all hubbub. There were questions from all parts of the hall, if I remember rightly, and as I did not intend to report the meeting on account of publishing so late in the day—the election was practically over when we came out—I did not take any notice of the rest of it beyond that question and answer. I considered that that was the whole pith of it.
393. *Mr. Crick.*] Why did you take notice of that particular question? I considered that that was the substance of the whole thing. I took what in my judgment, as a newspaper reporter, was the pith of the thing.
394. *Mr. Kelynack.*] You did not report the whole of the answer? No.
395. *Mr. Piddington.*] Did you report the whole of the answer to one question;—did you report one question and answer completely, and leave the other questions and answers out? —
396. *Mr. Phillips.*] The questions and answers which were reported, were they complete? That one was complete.
397. *Mr. Kelynack.*] This question that Davies asked, “Did he think it was right”—to use your own words—“to boycott tradesmen”; you gave the answer to that question as this: “Yes; and I intend to do so in every instance”;—do you say that that was all he said in answer to that question? I will not swear that Mr. Griffith may not have added something to that afterwards. I took that as the direct reply to Mr. Davies’ question, and there I stopped.
398. Do you mean to say that that is the whole of the answer which was given? I will not swear that Mr. Griffith may have made an addition to it.
399. Did you not say before that you were not paying particular attention at the time? No. What I said was, that I was paying particular attention to that question, but not to some of the preceding questions and replies.
400. Do you remember Mr. Griffith going into the whole conversation with Mr. Davies, and repeating it *verbatim*? That is a fact—that the whole thing was gone into.
401. Then there was a good deal of the answer which you did not report; this is all you reported: “Yes; and I intend to do so in every instance”? Yes; and that was Mr. Griffith’s whole reply at that time.
402. Do you mean to say that he did not use any other words? I will not swear that he may not have added some other words.
403. Will you swear that he did not at that time give an account of the whole of his conversation with Davis? Before that reply he did so. If I remember rightly, it was Mr. Davies’ final question.
404. Which was? In regard to whether Mr. Griffith considered it fair.
405. Then, if Mr. Davies said that it was in answer to that question that Mr. Griffith gave the whole account of the interview with him, Mr. Davies is wrong? I would not say that. I have already admitted that there was a whole account given of the interview.
406. And it was given after Mr. Davies’ question? I cannot say that.
407. Will you say that it was not? I will not. I really cannot say whether it was or not.
408. You do not know whether this was the whole of the answer or not? No; in taking my notes that is what I had.
409. That is not what I am asking you; I am asking you what was the answer—whether that was the whole of the answer? Well, I do not remember anything further than that.
410. *Mr. Macdonald.*] I should like to ask you whether you necessarily identify yourself with the opinions expressed in your paper by correspondents, anonymous or otherwise? Certainly not.
411. I suppose that, as a rule, even although a letter appears anonymously, you get from the writer his name as a guarantee of good faith, and as the person responsible? Yes.
412. You have admitted that you are not sure whether you reported all the questions and answers at the end of the meeting; but are you quite sure that Mr. Griffith himself made the admission that he had done what Mr. Davies charged him with doing? I am absolutely positive of that.
413. And that was what you considered the all-important point which overshadowed all others, and rendered them of hardly any importance at all? That is so.
414. *Mr. Crick.*] The anonymous letters—were any of them written in the office? Well, I may say that we are not in the habit of writing our own letters.
415. Were any of them written in your office? Certainly not.
416. Not one? No.
417. Can you supply the Committee with the names of the writers? I cannot undertake to do that.
418. Surely you keep these original letters for a while? We do not keep any letters. We destroy our copy every day. The copy used to-day is destroyed to-morrow morning.
419. You destroy the manuscript of every anonymous letter you receive the moment you put it up? Yes; a boy takes out the copy next morning.
420. So that in the event of an action being brought against you you would not be in a position to say who sent the letter? If we publish a letter we take the responsibility for it. We have contested three libel actions on these grounds in the last five years rather than give up the names of the writers.
421. Do you know anyone who refrained from voting on account of anything that was said;—do you know one elector in the electorate who refrained from voting in the way he had originally intended to vote on account of anything that was said by anybody? I know one who is said to have abstained from voting.
422. What is his name? Edwards.
423. What is his Christian name? W. J. are his initials.

- W.M. Sherrie. 424. Do you say that he abstained from voting? I said that it was said that he did. I do not know it of my own personal knowledge.
- 24 Nov., 1898. 425. Did you ever ask Edwards? I did not ask him.
426. Who was he supposed to be supporting? I cannot tell you.
427. You cannot name one person whose vote was recorded one way or another on account of anything done or said by either candidate? No; I cannot.
428. I suppose that at all elections there is a good deal of wild talk indulged in by candidates and their supporters? Oh, yes; that is common enough.
429. Lots of things are said which are not meant;—is that your experience? That has been my experience.
430. Generally after the election is over, when the candidates are returning thanks—the defeated candidate for his moral victory—they ask one another to shake hands and be friends, and let the bitterness of the past be forgotten? That is the general form, I believe.
431. Did that occur on this occasion? I do not think so.
432. So Mr. Ball took his defeat badly? I cannot speak of that from personal knowledge. I was not down the town after the result came out.
433. As a matter of fact, you cannot tell me any one person who refrained from voting on account of anything that was said? I believe a butcher in Albury did abstain from voting.
434. What is his name? Henry Hilly. He was a supporter of Mr. Ball. I have been given to understand that he was under some financial obligation to Mr. Griffith, or some one connected with him.
435. And he refrained from voting? I believe so.
436. Did you ever ask him? No.
437. What are the grounds of your belief? I have been told so, and I have been told that he made a declaration to that effect.
438. Is there anyone else? No; I do not know of anyone.
439. Allowing for all you heard, and all that busy tongue rumour said, it amounts to this: That two votes which might have been cast for Mr. Ball were not given? That is all I have heard of, putting it definitely. I may say that I did not inquire into these matters. I was too busy.
440. You have been a pretty strong partisan, and the troubles of the district are generally poured into the ears of a newspaper man. People send you anonymous letters about their troubles. I want your knowledge, not from evidence, but from mere wild talk. The most you can tell us is that two people refrained from voting. You never heard of anyone else? No; I have not heard of any others.
441. You did not hear the original conversation between Mr. Davies and the sitting Member? No; I did not.
442. When were you first asked about your recollection of what was said at this meeting;—how long after the election? I cannot say.
443. Was it a week, or a fortnight, or three weeks? It might have been a week, three weeks, or a month. I could not fix any date.
444. Was it six weeks? I should not think so. It was shortly after the election.
445. What do you mean by that? Within two or three weeks at the outside.
446. Had you destroyed your copy by that time? I threw my copy on one side on the night of the election.
447. So you did not attach very much importance to this at the time;—you did not take it down with a view to lodging a petition in case of your candidate being beaten? Certainly not. I did not know anything of a petition, or of any probability of a petition.
448. You did not take it down with that view? No. If I had done so, I should have kept my notes.
449. You wrote up your notes, and you are now speaking, I may take it, from memory? Yes.
450. *Mr. Macdonald.*] You say that you were very much surprised when you heard Mr. Griffith acknowledge that he had made the statement which Davies charged him with? Yes.
451. I suppose, until you heard him say that, you did not place any great amount of reliance upon the yarns you heard from other people? No; as a matter of fact, when I first heard about it, I saw Davies, and he told me what had taken place. I was not able to see Mr. Griffith, and I did not do anything about it. I thought there might still be some misunderstanding, because I did not think Mr. Griffith would do it.
452. *Mr. Kelynack.*] How far from Mr. Griffith do you live? Not very far.
453. What do you mean when you say that you could not see him? Well, relations were strained at that time.
454. *Mr. Piddington.*] You were already on the opposite side? Yes.
455. *Mr. Kelynack.*] It was after that that you wrote the report of the meeting? It was before that that Mr. Griffith withdrew his support from us, I believe.
456. *Mr. Sawers.*] In answer to Mr. Crick you said that you only knew two cases in which men might not have recorded their votes owing to intimidation;—is it upon that that you founded your statement that there was a reign of terror throughout the district? No. There is no doubt that that feeling did exist.
457. Mr. Ball used those words—you did not say that? No; there was a feeling of uneasiness, no doubt. Complaints were always coming in. We had complaints from one or two of our correspondents.
458. *Mr. Moore.*] With reference to the question that you only knew or had heard of only two cases of electors refraining from voting because of alleged intimidation, did you know of electors who, from the same cause, were said to have voted for Mr. Griffith? No; I know of no such cases.
459. *Mr. Piddington.*] As a matter of fact you do not know how anybody voted? —
460. *Mr. Haynes.*] You have been in Albury during different elections? I think there have been four elections since I have been there.
461. On any previous occasion did you find a feeling anything like that existing last time, apart from politics;—on any previous occasion did you find any exhibition of the influence alleged by Mr. Ball? Not to anything like the extent that it existed on that occasion.
462. Do you believe, from your general interpretation of the feeling at the time, that a large amount of influence might have been exercised against Mr. Ball, and in favour of Mr. Griffith, without you knowing anything about it? Yes.

463. Mr. Crick has asked you about two instances known to yourself; from your knowledge of the state of feeling there, apart from politics—the allegations of intimidation and undue influence—can you say that a very large effect might have been produced in different parts of the district adverse to Mr. Ball, without you, personally, knowing anything of it? Yes, I should say so. W.M. Sherrie.
24 Nov., 1898.
464. *Mr. Crick.*] You are not able to give us a single ground for that answer? A feeling of uneasiness did exist among the working-classes especially.
465. *Mr. Haynes.*] With regard to the report the night of the meeting, I understand you to say that there were preliminary or introductory questions, but that you took down that answer as the kernel of the whole of the questions put by Mr. Davies? Quite so. I consider that the whole matter resolved itself into that question and answer.
466. Do Messrs. Griffith Brothers do a large business—have they monetary transactions with a large number of people in and about the town of Albury? I believe so. I have not any personal knowledge.
467. *Mr. Piddington.*] You have no personal knowledge that Farmer & Co. do a large business? No.
468. *Mr. Haynes.*] Are they regarded as the principal men in their line of business in Albury? Yes.
469. *Mr. Phillips.*] You speak of a feeling of uneasiness in the town and district;—can you give the Committee any idea of what, in your opinion, was the cause of that uneasiness? I take it that it was the result of the pressure being brought to bear.
470. Did it refer to this matter of Davis only, or to any series of such conversations? Other cases were talked about, and it was the common talk at the time.
471. *Mr. Crick.*] That is delightfully vague;—what was common talk? That this boycott would be brought into force.
472. By the sitting Member? Not only by the sitting Member, but also by some of his leading supporters.
473. *Mr. Haynes.*] That is how you say the employees were affected? Yes.
474. *Mr. Phillips.*] You do not know of any other case but Davies'? No.
475. *Mr. Moore.*] As a matter of fact, do you know of any cases of boycotting? I can speak of our own case. We were boycotted.
476. *Mr. Kelynack.*] The provocation ceased long before the election? But since then Mr. Griffith has withdrawn all his advertisements. We used to have their advertising, but we have not had it since.
477. *Mr. Phillips.*] You would not question his right to withdraw advertisements? No.
478. *Mr. Kelynack.*] Can you tell us when Mr. Griffith's last advertisement appeared? I could not say.
479. You say that you were also boycotted;—how were you boycotted? By the withdrawal of support.
480. By whom? By Mr. Griffith.
481. When did he withdraw his support from you? He stopped subscribing to the paper, as I said before, during the Convention Bill campaign.
482. When was that—before the election? Yes, some time before.
483. *Mr. Chanter.*] How many papers are published and circulated in Albury? Four now.
484. Is it usual, not only for Mr. Griffith, but for other people in his line of business, to give advertisements to the whole of the four papers? I think so. They are usually pretty well distributed. One class of advertisements probably would only be given to one or two papers, but another class might be distributed amongst the whole lot.
485. Do not business men, as a rule, look to the largest circulating paper when they insert advertisements? Yes. I presume that is why they advertise in our paper.
486. *Mr. Crick.*] Mr. Haynes asked you two questions: he asked you if, apart from anything you knew, you believed that considerable influence might have been exercised throughout the district, and you said you believed so;—I want you to give one intelligible reason for that answer? The only reason I can give is that this feeling of apprehension existed.
487. Were you in Albury the whole time? Yes.
488. You did not go about the district? No. We have correspondents in all these districts, and from one district anyhow we received several complaints.
489. Were they anonymous? No; they were from our correspondent, an elector of the district.
490. You said that you believed this was so, although you had no personal knowledge of it? I had no personal knowledge of it.
491. *Mr. Macdonald.*] You have said two or three times that you thought it was the working-classes who were under this existing fear; you said "employees" in one place and "working-men" in another; I take it from your answer that, as a rule, the labourers were supporting Mr. Ball, and the employers the opposite candidate? Of course the great majority of the working-classes are supporters of Mr. Ball.
492. What I infer from your answer is, that the labourers were afraid of being politically opposed to their employers; that if it were known openly that they were going to support Mr. Ball, it might result in a loss of employment? Yes. I will give you one instance. There is a large firm in Albury, and the head of that firm is a supporter of Mr. Griffith, but every man in the employ of the firm is a supporter of Mr. Ball.
493. *Mr. Crick.*] Do you say that they did not vote for Mr. Ball? I do not know how they voted.
494. *Mr. McLean.*] Can you say that there was any undue influence brought upon those employees to induce them to vote for Mr. Griffith? No; I do not say so.
495. *Chairman.*] You say there was one employer on the side of Mr. Griffith, all of whose employees were on the side of Mr. Ball;—does not that contradict your statement that there was a reign of terror, and that the people were in a state of ferment and alarm over the election? They were not known to be open supporters of Mr. Ball.
496. If it were known to you, it must have been known to other people, and probably to the Griffithites;—does not that statement upset your supposition that there was a state of alarm and panic? I did not use those words. I said there was a feeling of uneasiness.
497. Does it not upset your theory, or supposition, or statement, that there was a feeling of uneasiness? It would contradict it, if they came out openly and supported Mr. Ball; but they were known to be supporters only of Mr. Ball's committee.
498. *Mr. Phillips.*] Would they, under ordinary circumstances, have been prominent supporters and committee-men? Certainly. As a matter of fact, Mr. Ball could not get a committee.
499. *Mr. Kelynack.*] How do you know that? It was proposed to form a committee, but so many were reluctant that they thought it better not to form a committee.

- W.M. Sherric. 500. Will you tell us the name of the employer? T. H. Mate & Co.
 501-2. How many men has he? A large number of men. I could not say.
 24 Nov., 1898. 503. Will you name one of those men who would not go on Mr. Ball's committee because of this fear? I cannot say that, because Mr. Thompson, the head of the firm, is a man who would not stoop to use any undue influence.
 504. Will you name a single man who did not go on the committee because of some fear? I cannot name anyone. I know it was decided not to have a committee because of that reluctance.
 505. You cannot give us a name? No.
 506. *Mr. Haynes.*] That would embrace these men as well as others? Yes.
 507. Had these men been on any previous committee? I cannot say; I believe they were.
 508. *Mr. Piddington.*] As a matter of fact, no committee on Mr. Ball's side was published or advertised.
 509. *Chairman.*] At what date was it decided that there should be no committee for Mr. Ball? I cannot say.
 510. *Mr. Macdonald.*] Do you think Mr. Ball would have had a committee published if it were not for the fact that those who desired to be on this committee were afraid to openly acknowledge it? I think so. Mr. Ball had a committee published during the previous election.
 511. *Mr. Haynes.*] You swear that it was decided not to form a committee, for the reasons you mentioned? Yes; not to publish a committee.
 512. *Mr. Chanter.*] We have it in evidence that there was a committee? Yes; but the names were not published, and it was a small committee.
 513. *Chairman.*] You know that there is such a thing as unconscious bias? I am well aware of that.
 514. Is it not possible that that caused you to insert the word "boycott" in the report,—it seems to me to give such a different complexion to the matter from that given by Mr. Ball or Mr. Davies? I take it that all newspaper reporters have political opinions, and therefore bias; I have. But, at the same time, a reporter who knows his business properly will not allow his reports to be biassed or coloured. He may do it deliberately, but he would not do it unconsciously. Might I mention that Mr. Davies in rising at a meeting like that might have been excited, and he would not have been so likely to remember?
 515. How do you account for Mr. Ball not using the word? I do not pretend to account for it. I am positive I had the word in my notes.
 516. You say there was a good deal of excitement during the election? Yes.
 517. Is it not a fact that there is excitement in Albury over every election;—does not Albury contain a very large number of single-taxers who are always in friction with the protectionists, and is it not a fact that every public meeting there is excitable? In this case, I do not think that occurred, because many of the single-taxers were supporters of the Convention Bill, and their champion came up there.
 518. *Mr. Chanter.*] Is it not a fact that the election at Albury on the last occasion was fought out on federal lines more than anything else? In a sense it was. The old party lines, towards the end of the conflict at all events, crept in.
 519. You do not wish to convey that the employees at Albury were anti-federalists? Certainly not.
 520. There would be a good number with Mr. Ball on other matters, but against him on that? Yes.
 521. The two sections in Albury—the one which favoured the Convention Bill, and the other composed of those who did not favour it, but who wanted federation with some other amendments? Quite so.
 522. Was it not a fact that some of the labouring class and some of the employees in Albury favoured the Convention Bill as it stood? Yes.
 523. Therefore they would not be in accord with Mr. Ball upon that particular line, while they would be in accord with him on all other matters? Yes.
 524. *Mr. Macdonald.*] Is your paper an anti-federal paper? No.
 525. Did you consider Mr. Ball an anti-federalist? I did not. If I believed that Mr. Ball was absolutely an anti-federalist, I would not support him.
 526. I suppose it would be possible for you, even if you had favoured the Convention Bill, to have favoured Mr. Ball under certain circumstances? —
 527. *Mr. Haynes.*] Notwithstanding the answers you have given to Mr. Chanter with regard to the high feeling upon federation, you say that you never experienced at any previous time a feeling apart from politics which might be ascribed to this bad influence of which Mr. Ball complains? No.

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

- R. W. Thompson. 528. *Mr. Piddington.*] You are an elector of Albury? Yes.
 24 Nov., 1898. 529. When did you first hear that there had been an interview between Mr. Davies and Mr. Griffith? About a fortnight before the night of the election.
 530. What was it that you heard? I heard that Mr. Griffith had interviewed Mr. Davies.
 531. Can you speak as to the feeling in the town of Albury with regard to men saying for whom they would vote? Do you mean before or after the election?
 532. Before the election? Certainly the feeling was very strong that men would be injured if they voted for Mr. Ball. It was the common talk of the town for days.
 533. Could you ascribe that feeling to any reason? From the reports that were about as to the statement Mr. Griffith had made to Mr. Davies.
 534. Have you been told by supporters of Mr. Ball that they would not allow their names to be mentioned as his supporters? Yes.
 535. You were a supporter of Mr. Ball? Yes.
 536. Were you ever present at a meeting of Mr. Ball's supporters acting as Mr. Ball's committee? Yes.
 537. At that meeting was the question whether the names of the committee should be published or not discussed? Yes.
 538. How was that question decided? It was decided not to publish the names of the committee, on account of the bad feeling that existed.
 539. Was any reason given with regard to the conduct of the opposite candidate? Yes; that they were afraid of their businesses.
 540. What reason did you take it influenced the committee in coming to the decision not to publish names? Because of the threat held out by Mr. Griffith to Mr. Davies. 541.

R. W.
Thompson.
24 Nov., 1898.

541. Were you present at the meeting held on the night before the poll? Yes.
542. Did you hear a question put by Mr. Davies to Mr. Griffith? I did.
543. What was the question? Whether Mr. Griffith thought it was running an election fair and square by going to a tradesman and threatening to boycott or intimidate him in his business.
544. What answer did Mr. Griffith make? Mr. Griffith rose and made some explanation of the case, and said that it was so. "He did do so, and he would do so in every instance."
545. Do you know anything of the state of feeling in the country districts? No; I could not speak of that except from hearsay.
546. *Mr. Kelynack.*] Have you had any conversation with Mr. Sherrie during the tea hour? No; I have not spoken to him during the tea hour.
547. Have you spoken to anyone else—to Mr. Ball? Yes; I have had a conversation with Mr. Ball.
548. Did he speak to you about the substance of Mr. Sherrie's evidence? He did not.
549. I suppose you read the report of the meeting in Mr. Sherrie's paper? I was present at the meeting.
550. Did you read the report of the meeting in Mr. Sherrie's paper? I could not say that. I was there.
551. *Mr. Crick.*] Are you a subscriber to the paper? Yes.
552. *Mr. Kelynack.*] You are a prominent politician? I think not; I do not know enough for that.
553. You were on Mr. Ball's committee? There was no committee published.
544. You said you attended the meeting of Mr. Ball's committee;—I ask you whether you were on his committee? I was in the committee-room with a number of others.
555. Were you on his committee? Yes, if you call it a committee.
556. You are a pronounced single-taxer, I believe? I am not. I never was a single-taxer.
557. Do you say that the answer you have just given as the answer given by Mr. Griffith was the whole of the answer given by him? No, it was not the whole answer; it was the substance of the answer.
558. Where did you gather the substance of it? From Mr. Griffith's mouth.
559. What words do you say he gave? Mr. Griffith rose and made some explanation of his visit to Mr. Davies. He said that it was true what Mr. Davies said, and that he intended to do so in every instance.
560. Would it surprise you to learn that those were almost the exact words in which Mr. Sherrie has summed up his version of the evidence? I should not wonder at all, because they are Mr. Griffith's exact words.
561. I thought you said that that was the summing up? Those last words are Mr. Griffith's own words.
562. Why do you not give me the whole answer? I do not know whether I could.
563. You are only giving a partial account of the answer which Mr. Griffith's gave? I am giving you as much of the answer as I believe to be truthful, so far as I can remember.
564. *Mr. Crick.*] You are giving all you can remember? No; I may not be giving exactly all I can remember.
565. *Mr. Kelynack.*] Give us what else you can remember—tell us the rest of the answer? —
566. *Mr. Haynes.*] Tell us what took place at the meeting with respect to this question? —
567. *Chairman.*] Start with the remark made by Mr. Davies? Mr. Davies rose and asked Mr. Griffith if he considered that it was fighting an election fairly and squarely to go and intimidate or boycott—I am not certain as to that word—a tradesman in his business.
568. *Mr. Crick.*] In regard to which of the two words have you a doubt—is it the word "boycott"? No; it is the word "intimidate." I have heard so much of intimidate and intimidation that I have been mixed up with it.
569. *Mr. Kelynack.*] Did he use both words? No; he might have used either.
570. You do not know which word he used? I could not swear which word he used.
571. Then—go on? Then Mr. Griffith got up and made an explanation of his visit to Mr. Davies. He said that he had asked him to vote for him, and he had given him a straightforward answer, and said he would not vote, and that he told him he would not support those who did not support him; that what Mr. Davies had said was a fair statement of the case, and that he intended to do it in every instance.
572. Had Davies given any statement of the case in the hall? The question that Davies asked was a fair statement of the conversation which passed between Mr. Griffith and Mr. Davies when Mr. Griffith called on him.
573. Mr. Griffith said that in the question, Davies had made a fair statement of what occurred? When Mr. Griffith called on Mr. Davies in his shop.
574. But in the question that you gave us he did not state what occurred at all;—just repeat again the question that Davies put? Davies put the question to Mr. Griffith in this way, "Did he call on a certain tradesman on a certain day?"
575. *Mr. Crick.*] Did he put it in that way, or did he mention the name? No, he did not. Those are Davies' own words. I remember them very clearly. Mr. Griffith owned that what Davies asked in that question was what took place at the interview between Mr. Griffith and Mr. Davies.
576. *Mr. Kelynack.*] I want to know the full question now;—hitherto we have had no statement in Mr. Davies' question as to what occurred? "That Mr. Griffith called on Mr. Davies and asked him for his vote."
577. Did Mr. Davies say that? In his question. Mr. Griffith called on this tradesman and asked him for his vote, and when he said he could not give it to him—that he had been a supporter of Mr. Ball before, and was satisfied with his reputation, or something to that effect, and that he was going to vote for Mr. Ball again, Mr. Griffith said to him, "I will not support those who will not support me." Mr. Griffith acknowledged that that was said by him there, and that he was going to do so in every instance.
578. That is a different question from the one you gave us at first? No.
579. *Mr. Crick.*] That is your clear recollection of what took place? Yes; that is the truth.
580. *Chairman.*] The last version you have given us is the one you desire the Committee to accept? Certainly.
581. In that version you have not used the words "boycott" or "intimidation"? —
582. *Mr. McLean.*] There were two questions asked by Mr. Davies? No; only one question.
583. *Chairman.*] I want to be clear about the use of the word "boycott," because it is rather a serious word to be used in this connection. Did Mr. Davies make use of the word "boycott" or of the word "intimidation;" I do not know why you cannot remember one word or the other; you say that he used

R. W.
Thompson.
24 Nov., 1898.

either word. Did he use the word "boycott" in stating the question to Mr. Griffith? To the best of my belief he did.

584. You prefer to say that he used that word instead of the word "intimidation"? Yes.

585. How do you account for Mr. Davies and Mr. Ball repeating this exact expression, and not using the word "boycott" at all? I do not know why they should.

586. *Mr. Haynes.*] I take it that it shows that they have not compared notes? Well, we have not compared notes.

587. *Mr. McLean.*] Was Davies at all excited when he was asking his question? No more than a man would be who only occasionally asks questions at public meetings.

588. Was he interrupted at all during the asking of the question? No, I think not.

589. Were there practically two questions in one asked;—do you recollect the expressions "boycott" or "intimidate" being used, and then the other portion of the question which you have since given us being asked? No; it was one question and one answer.

590. Without interruption? Yes; there were some interjections when Mr. Davies asked the question, and Mr. Griffith said that he would run the election straight and square, interjections such as "Dickin," a slang phrase the boys use, meaning "rot," or "rubbish," or that sort of thing. There was no interruption on the part of anyone when Mr. Davies was asking his question.

591. *Mr. Crick.*] You are an old resident of Albury? I have been there between seven and eight years.

592. Can you tell me any one person in the whole of the electorate who refrained from voting on account of anything that Mr. Griffith said? I could, but I do not wish to injure a man, and I should certainly injure him if I mentioned his name.

593. We have had two names given us to-night, but I may tell you that we cannot compel you to give us any names; we cannot compel you to give evidence;—can you tell me any one person who refrained from voting on account of what Mr. Griffith said? I have said that I can.

594. But you will not;—you decline? I should very much rather not, because I shall injure the man by doing so.

595. You decline to give the name? Yes; I would rather not at the present stage.

596. We will take it that you know one man;—how do you know that he did not vote? We know by the electors' roll that he did not vote.

597. How do you know he would have voted otherwise? Because he told me so.

598. Did you never have a person tell you a "crammer" at election time? This man would not. He had nothing to gain.

599. Did Mr. Griffith have any colours? I do not know that he had.

600. Could not this man have walked in, shaken hands with Mr. Griffith, got his number from Mr. Griffith's canvasser, assured Mr. Griffith of his support, and then voted for Mr. Ball without Mr. Griffith finding it out? He could have done that, but I do not think he would.

601. You think that a man of high instincts ought not to take advantage of the ballot? Yes; there are some men who are so ignorant as to believe that the ballot is not secret.

602. Is this an ignorant man? No.

603. Therefore, the excuse of ignorance will not apply to him? No; but fear would.

604. He must be so ignorant as to think that they could know how he voted, or he would have voted—he is not a man so ignorant as that? I do not think so.

605. Can you tell me of anyone else besides this rare bird? Not personally.

606. The most you know is that one man did not vote, who you think would have voted for Mr. Ball? One man did not record his vote.

607. Do you know any man who left Albury and went elsewhere to vote on account of this terrible feeling? I know that such things were, but not from personal knowledge.

608. Were you at all intimidated yourself? Certainly not.

609. This terrible interview between Mr. Davies and Mr. Griffith did not trouble you in the slightest? No; because when I believed a principle is right I would fight for it and sacrifice for it.

610. There are a lot of your sort up Albury way? I believe so.

611. This interview between Mr. Davies and Mr. Griffith was, in your opinion, accountable for one man not voting who might have voted for Mr. Ball? In my opinion it was accountable for a great many votes. It is not my opinion that there was only one man. I only know of one man, but my opinion is that there was a large number.

612. You only know of one;—did you hear of any others? Yes.

613. Will you give me their names? No.

614. You will not give me the name of a single man that you heard of? No. When a man has his living at stake, I could not take it from him.

615. *Mr. Moore.*] Do you know of any other case besides that of Mr. Davies in which intimidation or undue influence was alleged to have been used? Not personally.

616. *Mr. Chanter.*] You stated in reply to Mr. Crick that you knew of one man who refrained from voting, but you decline to give his name;—how do you know that he did not vote? We know by checking the rolls that he did not vote, and I know from his own words that he did not vote, and I know the reason.

617. How many divisions are there in the Albury electorate? That I could not say. This is the first election in Albury in which I have taken a prominent part.

618. What roll did you use? The general roll.

619. The roll of the Returning Officer? We had one in the committee-room.

620. How many polling-places were there in Albury? I think only nine, but I could not say for certain.

621. Were there scrutineers appointed for all the polling-places? I believe that there were. I was pretty busy at that time, and I did not spend much of the day in the committee-rooms.

622. You were on Mr. Ball's committee? Yes; but I did not have much time to spend there.

623. Are you not in a position to know how many of the polling-places had scrutineers? I believe that at every one there were scrutineers; but there may have been one or two of the smaller places left out.

624. Did you look at every one of the rolls used at the different polling-booths to see that the man had not voted? No; but I know that he was not out of the town.

625. How? Because I saw him more than half a dozen times during the day.

626. What is the nearest polling-booth to Albury outside the town? Three miles away.

627. Do they ride bicycles there? This man could not.

628. How long would it take to go to a polling-place 3 miles away and return? A man could ride it in a very short time—half an hour or twenty minutes.
629. *Mr. Crick.*] On a bicycle? No, on a horse.
630. *Mr. Chanter.*] Did you look up other rolls besides those which were used in Albury? No; but I had it on his statement that he did not vote.
631. You do not know from an inspection of the rolls that he did not vote;—you only know it from what he told you? And from the Albury roll.
632. Would you decline to give us his name, so that we might see whether he voted? I would not do so without Mr. Ball's permission. I might be doing the man a great injury.
633. *Mr. McLean.*] You stated just now that you are in business in the town of Albury;—are you in business for yourself? Yes; I am an accountant and commission agent.
634. Have you had any business with Mr. Griffith? No.
635. You are not in any way connected with him? No.
636. There has been no attempt made at any time to intimidate you, or to influence your vote? No.
637. Do you know anybody else in the town to influence whose vote an attempt has been made? I could only tell you what I have heard.
638. Do you know of any from your own personal knowledge? No.
639. *Mr. Phillips.*] Is it a fact that feeling ran very high during the election? It is a fact that there was a reign of terror in Albury, and the same feeling still exists to-day.
640. You were not outside Albury? No.
641. Which of the candidates was ahead at Albury? Mr. Ball.
642. Do you remember what the numbers were? I could not say now.
643. *Mr. Haynes.*] Since you have been in Albury there have been two or three elections? Yes, but this is the first one at which I was present. I happened to be travelling during the other elections.
644. You have been at other elections in New South Wales? Yes, but have never taken part in them.
645. Apart from the ordinary political excitement at Albury, there was another feeling—as you say a reign of terror? There was a feeling of fear.
646. And that was the result of rumours in the direction of intimidation or undue influence? That is quite right.
647. You were at Albury during the whole time of the election. The two cases with which you are acquainted—that of the man of whom you speak as having told you that he would not vote on account of certain possible results to himself, and the admission of Mr. Griffith at the public meeting to the effect that he intended to do again what Mr. Davies complained of—those two cases by no means represent the number of persons influenced by the state of fear of which Mr. Ball complains? I believe that there was a large number influenced,—a large number of people were afraid to do as they thought right.
648. *Mr. Moore.*] The meeting that you have been referring to was it a large meeting? Yes; a crowded meeting.
649. Who was in the chair? Mr. John McClure.
650. Is he the Mayor of Albury? No; he is a resident of Albury—a business man.
651. *Mr. Sawers.*] You used the phrase “a reign of terror.” That is a very expressive description, but you cannot give the name of a single man who was intimidated? No.
652. Then do you think you are justified in using that phrase? I think so.
653. Can you give us any grounds for using it beyond mere hearsay? I think so. I know the feeling of the people of Albury well. I go in and out amongst them a great deal. I spend all my time amongst the people of Albury.
654. Is Mr. Griffith a man of such extensive influence and power that it is impossible to get an honest man or two to come forward and give evidence, or to allow his name to be put before the Committee? I believe that Mr. Griffith is one of the most influential men in the Albury district.
655. *Mr. Haynes.*] With regard to the influence of Mr. Griffith, do you mean that he has large business connections? You have just expressed what I mean. Mr. Griffith's business brings him into connection with most of the people of the district.
656. *Mr. Sawers.*] But has he power to terrorise the whole population, or a great proportion of the population of such a district? I think that by holding out that threat he did.
657. Are Mr. Ball's friends so uninfluential that they cannot produce a single man with the exception of Mr. Davies, to come forward and say that he has been intimidated. We are to believe that the sitting Member is a man of such vast power that he is able to terrorise the whole district, and that you are unable, owing to that power, to bring people here to give evidence whom you know to have been terrorised? I understand what you mean.
658. *Mr. Crick.*] Has Mr. Sawers expressed what you mean? Not exactly.
659. *Mr. Sawers.*] Are we to understand that Mr. Griffith has such power as to be able to terrorise all that district, so that we cannot find two or three men who will come forward and give evidence? I do not think that. He would not want to terrorise the whole district, but only a few in the district, to gain a majority of votes.
660. *Mr. Haynes.*] In the case of the man of whom you told Mr. Crick, are you of opinion that you would do him an injury by mentioning his name? Yes; I know I should.
661. *Mr. Piddington.*] Was it, in your opinion, possible that such a state of terror as you describe could have been caused by the fear of Mr. Griffith and his supporters? Most decidedly. Mr. Griffith can influence a large number of people there, and by influencing the big man, as he is called, he could terrorise the little one.
662. Do I understand that the man whose name you decline to give, acted under the feeling of intimidation, that is to say, that he refrained from voting? Yes.
663. *Chairman.*] You have used a very strong expression in saying that a reign of terror prevailed in Albury;—what was Mr. Ball's majority there? I could not tell you, but I think something over 100.
664. Was it not 135? It might have been.
665. Where is the evidence of a reign of terror, if Mr. Ball wins the election in the town of Albury, where the terror is supposed to be rampant? We should have had a much larger majority in Albury.
666. *Mr. Haynes.*] 200? Over 200.
667. *Mr. Piddington.*] What was the majority at the previous election? I could not say.

R. W.
Thompson.
24 Nov., 1898.

668. *Mr. Kelynack.*] We are to understand by the reign of terror, that Mr. Griffith terrorised the big men, and they terrorised the little men? Yes.
669. Can you name a single employer who was terrorised by Mr. Griffith;—will you tell me a single big man who was influenced by Mr. Griffith to terrorise a little man? I cannot from personal knowledge, only from reports that were spread about the town. I meant by employers being influenced by Mr. Griffith, that he would so use his influence as to terrorise his workmen.
670. Will you name a single man who, owing to the influence of Mr. Griffith, would terrorise his workmen? No; I cannot name anyone, except from hearsay—neither would I.
671. You cannot name a man? No; I can only tell you what I have told you before, that I have heard these things from the workmen themselves.
672. *Mr. Piddington.*] You have heard these things from the workmen themselves? Yes.
673. *Mr. Macdonald.*] Although you say that you cannot of your own personal knowledge give the name of an employer who terrorised his employees, do you still feel morally sure that such a state of things existed? Certainly, and it exists to-day.
674. *Mr. Moore.*] Do you know any specific cases of the kind? Only from hearsay.
675. Do you know of any employees who were terrorised or attempted to be terrorised? Men have told me that they could not let it be known which way they were going.
676. How many? Half-a-dozen workmen.
677. Could you give their names? No, I could not, unless I wanted to take the bread and butter out of the mouths of their wives and families.
678. *Mr. Haynes.*] You believe that state of feeling prevails to-day? Yes.
679. *Mr. McLean.*] Did they give this as a reason for not voting, or not declaring themselves to be supporters of Mr. Ball? For not declaring themselves.
680. Not as their reason for not voting? No; I only know of one case of a man not voting.
681. *Mr. Sawers.*] You do not want the Committee to understand that these men did not vote? No.
682. *Mr. Chanter.*] Can you give the Committee a case in which an elector has told you that a threat, or anything approaching a threat, had been made to him by his employer? No.
683. *Mr. Haynes.*] You have stated that some persons told you that they had been threatened? They were afraid; they thought they would suffer afterwards.
684. *Mr. Chanter.*] You cannot give the Committee any case cited to you in which an attempt at intimidation was made on the part of the employers? Only from hearsay.
685. You did not hear from the men themselves? Not from themselves.
686. *Mr. Moore.*] When I asked you of cases in which employees were supposed to have been terrorised, I think you said that you knew of half a dozen cases; now you say that you do not know that they were actually threatened? Threatened by their employers.
687. I did not ask you if you knew of any who had been terrified, but of any who had been terrorised by their employers? You did not ask me that question.
688. Well, I ask it now;—do you know of any case in which employers have terrorised their employees? Not in the way you put it now.
689. What did you think I meant before? Were the men so afraid of their employers that they were afraid to exercise their consciences—not that the employers had actually threatened. I do not know of any employer who actually threatened a man.
690. *Mr. Haynes.*] But you know positively, of your own knowledge, of instances where men were influenced in some direction by some threatened result? Yes.
691. You said that half a dozen men or so told you that they were afraid to take any active part in the election, or to make it known how they were going to vote;—what was the influence that put them in that position? These men were working for or in the employ of men whom Mr. Griffith would have an influence over.
692. *Mr. Phillips.*] Is that how you trace it back to Mr. Griffith? To this threat of Mr. Griffith.
693. In Mr. Davis's case? No; but when he said he would do it in every instance.
694. *Mr. Piddington.*] What you have last spoken of was after the election? Yes.
695. *Mr. Phillips.*] Do you ask the Committee to take this statement from you that Mr. Griffith is such an influential man in Albury, or in the district, that he induced employers of labour to terrorise or intimidate the people? No. Mr. Griffith's influence is so great in Albury that I believe he could influence employers. If I were to hold out that threat to a man in Albury it would not hurt him a bit; but from a man in Mr. Griffith's position, it was a serious threat.
696. Do you assume that Mr. Griffith used that influence? I assume that he did.
697. *Mr. McLean.*] You are referring to the statement made at the meeting? Yes.
698. *Mr. Phillips.*] Will you tell us exactly what, in your opinion, was the influence he used? I believe that Mr. Griffith has used right through influence of the nature of the interpretation of that threat.
699. But that was only the night before polling-day? Yes; but still the fear of that threat was there before, it having been used to Mr. Davies himself.
700. *Mr. Haynes.*] How long prior? A fortnight.
701. *Mr. Phillips.*] That was a matter between Mr. Davies and Mr. Griffith; but you were talking about terrorism exercised over men employed in the stores? When Mr. Griffith acknowledged that he had used those words to Mr. Davies, the threat became general all over the district.
702. That was only the night before the polling-day? Yes.
703. So that it would not have had time to spread over the district? I think it would. There were things happened at that meeting which spread throughout the district.
704. *Mr. McLean.*] Would the threat made on the night before the election influence people in avowing themselves supporters of Mr. Ball—would it prevent them from doing so? Most decidedly.
705. You spoke about Mr. Ball not being able to form a committee; the attempt to form a committee must have taken place some weeks before the threat was made;—will you explain why you were not able to form a committee so many days before the threat was made? Because the threat which was made to Mr. Davies was feared.
706. *Mr. Crick.*] Do you mean that it was anticipated that people thought it was going to be made? They thought it was going to be carried out.

707. *Mr. Macdonald.*] Do you think that, although the threat was made afterwards, the action indicated in it was operating before? I believe that the action indicated in the threat was operating from the 4th July right through the election.

708. *Mr. Crick.*] Do you mean that anyone knew anything about the threat before it was made? It was made to Mr. Davies on the 4th July.

709. But surely no one knew anything of it before that? I did not say so. I believe that the threat was carried out between the 4th July and the 27th July.

710. *Mr. Sawers.*] There was no threat before the 4th July;—I understood Mr. McLean to ask why you could not form a committee previous to that date?

711. *Mr. Piddington.*] When you spoke of the committee deciding not to publish their names in consequence of the threat, was it the threat that had been used by Mr. Griffith to Mr. Davies, or was it the threat used at the meeting? The threat used on the 4th July to Mr. Davies. The other threat could have had no effect before it was made.

712. You say that the meeting was a very large one;—was the threat made at the meeting known all over Albury, at any rate, next morning? Yes.

713. Was there all over Albury next morning a feeling of reluctance on the part of voters to work for Mr. Ball;—was there a feeling of intimidation in Albury on the morning after the meeting? Yes; a very large one.

William Newall Maxwell Edmundson, called in, sworn, and examined:—

714. *Mr. Piddington.*] You are an old resident of Albury? Yes; I have been there for thirty-eight years.

715. Were you present at a meeting held by Mr. Griffith the night before the poll? Yes; I was at the back of the hall.

716. Did you hear a question put to Mr. Griffith as to alleged threats that he had used? Can I say what I did hear?

717. Yes? I was at the back, and I could not see; I could only hear. There were people standing up in front of me, and I heard Mr. Griffith telling them that he would fight fair and square, and that he was not going to hit below the belt. Then somebody—I was told afterwards it was Mr. Davies—asked him a question: "If he had not gone to an elector and threatened to withdraw his business if he refused to vote for him."

718. What did Mr. Griffith say? I heard him say, "Is that Mr. Davies?" and he said "Yes." Then Mr. Griffith asked him a question. He did not put it in the same way as Mr. Davies had put it. Then Mr. Davies told it again in the way he put it at first, and Mr. Griffith said that that was correct, and that he should do so in every instance.

719. Did you see Mr. Griffith after the election? Yes.

720. Do you remember how soon after the election it was;—do you remember the date? I saw him frequently in the street.

721. Did you meet him and talk to him? Yes.

722. When was it;—do you remember the date? When he spoke to me about it?

723. Yes? It was at the Show time.

724. When was the Show? I think the first day was the 14th September. It was either the 13th or 14th September.

725. Did he open the conversation with you in regard to the election? Yes.

726. What did he say? I came down the street with a gentleman from Melbourne, and we saw a number of gentlemen standing near Mr. Griffith's office. We stopped, and Mr. Griffith said to me, "Oh, I am told that you have been saying that you have as good as got me out."

727. What did you say to that? Of course I understood him to refer to Mr. Ball's protest, which was then spoken of, and what I understood by that was an intimation that in his opinion I had been assisting Mr. Ball to get evidence in this matter, which I had not.

728. What did you say? "That is strange, Mr. Griffith, and it cannot be true." Then he said, "Mr. Hedley says so anyway." "Well," I said, "I have not spoken to Mr. Hedley on election matters at all. It cannot be."

729. Well? Then I said to Mr. Griffith, "It is your own fault. You told the whole crowd there that you were going to boycott, and you gave yourself away completely at the meeting; so that you cannot wonder if proceedings are taken."

730. What did he say to that? "All right, I made it, and I will do it."

731. Had you, before this meeting was held, heard of threats having been used with regard to boycotting;—was there any general feeling before the meeting? Yes; there was a kind of scare on about this boycotting. People were speaking of it.

732. Had you at the previous election been on Mr. Ball's committee? Yes.

733. Were you on Mr. Ball's committee this time? No.

734. What was your reason for staying off? I thought it better not. There was so much ill-feeling and threats going round.

735. What threats do you speak of? Of withdrawing business.

736. *Mr. Crick.*] In what business are you? I am a tea merchant.

737. *Mr. Piddington.*] Are you in business in Albury? Yes.

738. Did you for that reason refrain from taking an active part in the election? Yes; I wanted to keep clear of it.

739. *Mr. Kelynaek.*] I believe, as a matter of fact, that you are at present a tenant of a brother of Mr. Griffith, so that you are not frightened to give evidence to-day? No; why should I be?

740. You said you had not done anything in the way of getting up evidence in this case? No.

741. Will you swear that? Yes.

742. Did you go down to Howlong? Yes.

743. Did you try to get evidence there? No.

744. Will you swear that? Yes. I will tell you what I know of it. I was going down to Howlong on business of my own connected with accounts. I was told that some people wanted to see me when I was down there. They wanted to see me with reference to the election. When I got down there two or three people

R. W.
Thompson.
24 Nov., 1898.

W. N. M.
Edmundson.
24 Nov., 1898.

W. N. M.
Edmundson.
24 Nov., 1898.

people came and told me things which they thought might tell against Mr. Griffith. I listened to what they said, and I intimated that, in my opinion, there was nothing in it.

745. *Mr. Crick.*] Did you tell to Mr. Ball what you had heard at Howlong? I told it to some gentlemen who were acting for him.

746. *Mr. Kelynack.*] Do you remember seeing Mr. Griffith with reference to your appointment as Deputy Returning Officer? Yes.

747. You asked him to get you the appointment? I asked him to give me an appointment during the election.

748. To speak to Mr. Thompson about it? Yes.

749. Did you not say to Mr. Griffith that if he would get you that appointment you would take no action against him? I said I wished to have the appointment if he could give it me, as I did not want to take an active part in the election.

750. Did you say you would take no active part in the election? No. I said that I did not want to take an active part, and I said it would be a good excuse for me if he would give me an appointment.

751. *Mr. Crick.*] I thought it was on account of the fear you had? Well, I find that the people in the country are very prejudiced.

752. At any election it does not do a man too much good to take a particular side;—that was your view? Yes.

753. *Mr. Haynes.*] You know something about Albury elections? Yes.

754. So far as your experience goes was there any such feeling as is alluded to in this petition at any previous election—anything comparable with that which existed at the last election? Never to my knowledge.

755. Apart from politics, on the question of personal influence and intimidation? I do not recollect any such feeling at any election—in fact, I am sure that there was none.

756. Can you specify—I do not want to press you for the names—any instances which produced a kind of scare in the place, indicating that open activity in the election on behalf of Mr. Ball would result in the loss of business? People told me that they were not going to take any active part in the election for the reason I have spoken of—that they were afraid of losing business.

757. *Mr. Crick.*] Do you remember any one who refrained from voting? No.

758. You do not know of a single case? I do not know of a single case.

759. *Mr. Haynes.*] Mr. Griffith met you at the show-grounds and said distinctly that he meant what he said he would do the night of the meeting? It was not at the show-grounds; it was in the street.

760. You told him he had given his case away at the meeting;—what was his reply—that he really meant what he said? He said, "Oh, well, I meant it and I will do it."

761. This was after the poll? Yes.

762. Mr. Griffith's position in Albury—is it influential by reason of the extent of his business? I think so. He has a great connection among the country people, and he is trusted and known and has great influence with them.

763. A large monetary influence in the district? I cannot say as to that. I am not in the secrets of his business.

764. They have a very large business there? I think so, judging by the advertisements, the number of sales, and the number of people about the place.

765. *Mr. Crick.*] Would anything you heard there trouble your opinion, or alter the way in which you would vote? No.

766. *Mr. Haynes.*] With regard to Messrs. Griffith—their business is, as you have said, large and extensive,—would they be likely to have any influence with persons who would have control there of those whom we will call the labouring classes? I think so. They must have. They employ labour, and they could influence, if they liked, people who employ labour.

767. You say now honestly that this terrorism was a reality? Yes.

768. From whatever cause it arose? Yes.

769. It was active and present? Yes.

770. And may have influenced a large number of votes adversely to Mr. Ball without you knowing of any particular case? Yes.

771. You are cognisant personally of the fact that a feeling which can be ascribed to intimidation or undue influence existed at the time of the election? Yes; I was cognisant of it. It was a matter of common talk.

772. *Mr. Kelynack.*] Will you name a single man who was intimidated? I can give one name positively, but I do not wish to give the man away.

773. There is only one name that you can mention? Well, this man told me that he would not take any open part in the election; that he could not afford to do it.

774. *Mr. Phillips.*] Did he vote? I cannot tell you.

775. *Mr. Savers.*] The Committee understand, I think, that you are a business man in Albury? Yes.

776. You have spoken of a time of scare existing during the elections;—did you have a personal share in that scare? I did. That was the reason I would not take any active part.

777. We are to understand that you were so scared, to use your own expression, or so afraid of your business, so intimidated, that you did not want to take any active part in the election? No; not merely because of Mr. Griffith, but I reckoned that his supporters, many of whom were customers of mine, would probably boycott me.

778. But Mr. Griffith and his party would probably boycott you and injure your business? Yes.

779. If that is so, how do you reconcile that opinion with your appearance here to-night;—if you were scared at the time of the election, a few months ago, that the Griffith influence would injure your business, does it not stand to reason that it will still more injure your business to come here now against Mr. Griffith? I was subpoenaed in this case.

780. *Mr. Haynes.*] You responded to the subpoena? Yes.

781. *Mr. Savers.*] Did you make the remark in answer to a question put to you, I think by Mr. Kelynack, about being afraid to come here, "Why should I be?" If you were scared at the time of the election, you must be sorry that you have been subpoenaed? I did not like to come down here. I was not at all anxious to come down—quite the reverse. I hoped that I should not be called.

782. I want to know if you, from your personal knowledge, know of any man who was terrorised or intimidated so as to be afraid to record his vote;—do you know of any one voter who was intimidated so that he did not record his vote? No one ever told me so, but I never made any inquiry, so that I cannot say.
783. *Chairman.*] I want you to run your mind back to the meeting when you stood at the back of the hall;—have you anything in your mind that would justify the assumption that a scare was created other than what you heard that night? Nothing, only what persons were talking about. That began it; we heard about it before the meeting that night—that a threat had been made to Mr. Davies—of which you have evidence, and that was the talk in the town long before the meeting.
784. You heard Mr. Davies make certain remarks to Mr. Griffith and Mr. Griffith make a certain reply; the purport of that reply was that he had said a certain thing, and would do it in every instance;—how did you come to have the impression that that was a threat? What I understood was that it was Davies' case, in which he told Mr. Davies that he would not support people who would not vote for him, and paid his account and so forth.
785. Suppose the remark was to the effect that he would not support those who did not support him—that he would withdraw his custom from them if he found that they had not voted for him—how would you convert that into an act of intimidation? Well, it was a warning to others.
786. You took those words to convey a threat of intimidation? We took it as a warning as to what would befall the rest of us.
787. *Mr. Phillips.*] Did you act as presiding officer? No.
788. *Mr. Kelynack.*] You have a man named Kelly in your employ? Yes.
789. Was he not a supporter of Mr. Ball during the election? Yes.
790. And a very active supporter? Well, he pleased himself.
791. Did he go round the electorate in Mr. Ball's interest? He may have done so.
792. You do not know? I know that he was away a good deal. He may have been going round for Mr. Ball. I do not say that he was not.
793. *Mr. Piddington.*] Anyhow, you did not intimidate him? No.
794. *Mr. Kelynack.*] He was not afraid to do it? No.
795. *Mr. Chanter.*] You said that Mr. Griffith had large monetary transactions with the electors of Albury;—what do you mean by that? Well, the usual business of a stock and station agent is to buy and sell stock and lands, and everything else. They have a large business, and they are well liked. People have every confidence in them, as they ought to have; and they have great influence in that way. They are a highly respected firm.
796. *Mr. Crick.*] The sort of men who would not do others an injury? Not in that way.
797. *Mr. Chanter.*] They sell as commission agents? Yes.
798. What class of electors in Albury do Messrs. Griffith Brothers, with whom the sitting Member is connected, do most business—with stockowners or with the labouring classes? Mostly, I should say, with small graziers, farmers, and agriculturists, and all producers.
799. You would class them with the employers? Yes.
800. Do you know one instance where there was any attempt on the part of any owner to intimidate any of his employes if they voted for Mr. Ball? I can only speak from my own knowledge, and I can give an instance if you think it worth while. One man who had been a customer of mine for a long while came to me and told me that he would have nothing more to do with me—that I had gone in opposition to Mr. Griffith.
801. Did he tell you that Mr. Griffith had connected himself in any shape or form with his withdrawal of custom from you?—
802. *Mr. Crick.*] Had you altered the quality of your tea in the meantime? No.
803. *Mr. Chanter.*] What was the occupation of this man? He was a small grazier and farmer.
804. Had he done an extensive business? He had dealt with me for a number of years—I suppose about six years.
805. Did he give you any reason at all? Yes; he said that it was because I had gone against Mr. Griffith.
806. Any other reason? No.
807. *Mr. Kelynack.*] You are a single-taxer? Yes. The bedrock of single tax is justice to all.
808. *Mr. Haynes.*] You are also a gentleman? —
809. *Mr. Piddington.*] You have been a single-taxer for many years? Yes; since 1890.
810. You have told us, in answer to Mr. Chanter, that Messrs. Griffith Brothers act as commission agents? Yes.
811. That is to say, they buy and sell and deal with tradesmen in the town, not only for their own business but for the business of people in the country? I presume so.
812. They do the general business of their constituents in the country? They may.
813. At all events, it comes within the scope of a commission agent's business to do that—to buy and sell on commission? Yes.
814. They control a good deal more custom than their own? Yes.

David Scott Watson called in, sworn, and examined:—

815. *Mr. Piddington.*] You are an elector of Albury? Yes.
816. A Justice of the Peace? Yes.
817. An alderman? Yes.
818. And you have been Mayor of Albury? Yes, twice.
819. At the last election, were you chairman of Mr. Ball's committee? Yes.
820. Do you remember it being discussed whether the names of the committee should be published or not? It was discussed one evening, and it was thought inadvisable, seeing that there were a number of people who did not wish their names to appear in print. There was a pressure in the town for them not to be printed.
821. What was the pressure of which you speak? There was some fear amongst them that it would interfere with their work, so far as I can understand.

D. S. Watson.
24 Nov., 1898.

- D. S. Watson. 822. Was there any allusion to the interview between Mr. Griffith and Mr. Davies at that meeting? Mr. Griffith's name was mentioned; but, so far as I can recollect, there was no particular mention of anything between Mr. Davies and Mr. Griffith at that meeting.
- 24 Nov., 1898. 823. In what connection was Mr. Griffith's name mentioned? That a number were dependent upon him for work, and, seeing that he was standing, it might interfere with that work if their names appeared on Mr. Ball's committee.
824. What class of men would these be? Labouring men, and there were some small tradesmen.
825. Did you go to Howlong? I went down to Howlong the night after Mr. Griffith had spoken, and the night Mr. Ball was going to speak.
826. The night he spoke at Howlong? Yes.
827. How long before the election was that? I cannot exactly tell you the number of days from memory.
828. Was it a week or a fortnight? I hardly think it was a week. I do not think it was a week. It was a week before the election, but I do not think it was a week.
829. It was in the week the election took place, but you do not think it was seven days before the election? I am not positive, but I do not think it was.
830. What was your object in going down to Howlong? As chairman of the central committee my object was to endeavour if possible to get a committee in Howlong.
831. Did you try when you were down there to form a committee? I did.
832. Did you succeed? I did not.
833. What was the reason of your failure? I saw two or three of the leading gentlemen that were in our favour, and they stated that the feeling was so strong down there against them that it would be advisable not to have a committee formed, but that they would work actively and privately.
834. When you say the feeling was so strong, what feeling do you allude to? The feeling of Mr. Griffith's supporters was strong against them.
835. How do you mean;—in what respect? There was one, a tradesman, who believed that work would be taken away from him.
836. Was there any other feeling that you found prevalent at Howlong—that men were afraid to say for whom they were going to vote? Yes, the feeling was very strong, and I can scarcely describe it.
837. Was it a feeling of fear as to avowing that they were supporters of Mr. Ball? There was a feeling of fear that work would be taken away from those who wished to have it.
838. There was a gentleman who acted as your secretary down there;—was he one of those who objected to have his name published? He was the one who I spoke of as the tradesman.
839. You were present at the meeting held by Mr. Griffith the night before the poll. I want you to tell us, in your own way, what took place between Mr. Davies and Mr. Griffith with reference to this question and answer? Mr. Davies asked Mr. Griffith a question—that was when liberty was given to ask questions of the candidate—if it was not a fact that he (Mr. Griffith) went to a tradesman in the town and asked for his support, and when the tradesman said, "Well, I cannot give you my support, because I intend to support Mr. Ball," said—of course there were a few other words, but this was the gist of it—"Well, here is your account, I will not support those who do not support me." Mr. Griffith then got up and said, "Is Mr. Davies in the hall?" Mr. Davies said, "Yes, I am the person who asked the question." "Well," he said, "I did call on you, and I asked you for your support, but I said, in handing my account to you, "Well, Mr. Davies, you cannot expect me to support those who do not support me. I can only support my friends who will support me." Mr. Davies said, "You are right in the main, but in the last portion you are wrong, because you clearly and distinctly stated that you will not support those who do not support you." "Well," Mr. Griffith said, "I believe you are right Mr. Davies, and I fully intend to do so in every case in the future."
840. *Mr. Kelynaek.*] What is the name of this tradesman who was afraid that the work would be taken from him? I prefer not to give the name.
841. Who was going to take the work away from him? That is a matter with himself. He told me that he was afraid. He never mentioned who would take the work from him.
842. *Mr. Piddington.*] You guessed that it was not Mr. Ball? It was not Mr. Ball.
843. *Mr. Kelynaek.*] Does Mr. Griffith employ many labouring men? I could not tell you how many he employs. I am not conversant with his business.

Joseph Mathews, called in, sworn, and examined:—

- J. Mathews. 844. *Mr. Piddington.*] You are an elector of Albury? Yes.
- 24 Nov., 1898. 845. And you were a supporter of Mr. Ball at the last election? Yes.
846. Do you remember hearing any rumours with regard to intimidation being prevalent in the town? Yes.
847. Before the election? Before the election.
848. Are you a resident of Albury? Yes; I have been so for twenty-eight years.
849. What is your occupation? I am a builder.
850. Did you hear mention made of an interview between Mr. Griffith and Mr. Davies? I did.
851. Can you tell us whether there was any general reluctance upon the part of the supporters of Mr. Ball to take an active part in the election? There was a great reluctance.
852. To what cause did you ascribe that reluctance? To the threat that Mr. Griffith made to the voters.
853. To the reported threat? Yes.
854. What was the reported threat? That he went to him and asked him for his support in the pending election.
855. But what was the reported threat? The reported threat was that if he did not support him, he would not support him any longer.
856. You were present at the committee meeting when the question of publishing names was discussed? Yes.
857. What decision was come to? That we could not get enough to make a strong committee, and we decided not to have any.

858. What was the reason why you could not get enough to make a strong committee? On account of the intimidation that was reported about the town. J. Mathews.
24 Nov., 1898.
859. Then you meant that you could not get enough to allow their names to be published? Yes.
860. And it was decided not to publish any for that reason? Yes.
861. Amongst what class of men was the intimidation which you say you found most prevalent in Albury? Principally amongst the industrious and trading classes.
862. Do you know anything with regard to the feeling in the places outside Albury? The feeling was general all through the electorate.
863. With regard to the meeting on the night before the poll, were you there? Yes.
864. Did you hear Mr. Davies ask Mr. Griffith a question with reference to the alleged intimidation, and so on? Yes.
865. What took place? To the best of my belief Mr. Davies asked Mr. Griffith if it was not a fact that he had called at a tradesman's shop and asked for his support and influence in the election. Mr. Davies told him that he was supporting Mr. Ball, or had supported him in the last election, and saw no reason why he should change his opinion.
866. Who said this? Mr. Davies. Mr. Griffith, after some further conversation, so far as I can remember, tendered Mr. Davies a cheque for an outstanding account, and told him before leaving that he would only support those who supported him.
867. What did Mr. Griffith say? Mr. Griffith then made some reference to the question again, and said that it might be somewhat right in the main, but not in detail, and after Mr. Davies had corrected him, he said that it was correct.
868. When you told us about the statement that he had asked him to support Mr. Griffith, or that he had said that he would support Mr. Ball, those must have been Mr. Griffith's words in reply to the first question put by Mr. Davies? Yes.
869. Mr. Griffith used words of the kind you described, and then Mr. Davies, as I understood you, said, Will you tell us what it was;—he put Mr. Griffith right? Yes.
870. What happened;—did he put him right? He asked him if it was not a fact that after tendering him a cheque, he told him he would not support those who did not support him, and Mr. Griffith said that that was correct, and he intended to do so every time he got a chance, or at every instance, or something of that sort.
871. *Mr. Kelynack.*] You say you could not get enough persons to form a strong committee? Yes.
872. All that was due to the fact of rumoured intimidation? Yes.
873. Will you give me the names of any persons who refused to go on the committee for that reason? I could not, I dare not.
874. Why? It would be a breach of faith—a breach of trust if I did.
875. Do you think it is a fair thing to make these allegations against Mr. Griffith without letting us know the names? I cannot be accountable for that. I cannot ruin a man and his family.
876. We want to know if it will ruin them? Well, they say so.
877. Do you know of a single case? I know scores.
878. Will you name one? I dare not.
879. *Mr. Macdonald.*] You know scores? Yes.
880. *Mr. Phillips.*] Similar to Mr. Davies' case? No; but who were afraid to go on Mr. Ball's committee.
881. *Mr. Kelynack.*] You do not know whether they voted or not? No.
882. They may have voted? Yes.
883. You do not know a single case in which Mr. Griffith made a remark to an elector? I know of cases.
884. Name one? I dare not. I know plenty of people in Mr. Griffith's employ, or in his committee's employ, and they would be discharged to-morrow if I did.
885. Name one person? I cannot.
886. You cannot? Well, I will not.
887. *Mr. Phillips.*] I understand you to say that you know of lots of cases similar to the Davies case? Yes, very similar; and I had ever reason for knowing of them, because I was an active worker for Mr. Ball, and in and out of his committee-rooms all through the district.
888. *Chairman.*] Mr. Phillips asked you if you knew of any case similar to that of Mr. Davies? Not similar to it, but very nearly.
889. What you mean is that you know a number of people who refused to go on Mr. Ball's committee? Yes.
890. *Mr. Phillips.*] But you do not know of any other case where a tradesman was paid a cheque? No.

John Thomas called in, sworn, and examined:—

891. *Mr. Piddington.*] You are an elector of Albury? Yes. J. Thomas.
24 Nov., 1898.
892. Have you been a resident there for some time? Yes, for nine or ten years.
893. What is your business? I am a general draper.
894. Were you a supporter of Mr. Ball at the last election? Yes.
895. Did you hear before the election of a reported visit by Mr. Griffith to Messrs. Davies and Hamilton? Yes.
896. And of a certain threat that had been used? Yes.
897. What was the threat as you heard it? As far as I can remember having heard it, Mr. Griffith called at the shop of Messrs. Hamilton and Davies ———
898. Can you tell us what was the feeling with regard to men coming forward and avowing themselves supporters of Mr. Ball in Albury? It was very difficult to get men to come forward and say that they were supporters of Mr. Ball.
899. What was the reason for that? Most of the working men were afraid of losing their positions, and business men were afraid of losing their business.
900. Did any say so to you? Several. The fact that Mr. Griffith went to Hamilton and Davies being spread about intimidated many men from avowing themselves for Mr. Ball. Mr. Griffith has a strong family

- J. Thomas:
24 Nov., 1898.
- family influence, and his supporters are mostly of the wealthy class in Albury. The poorer classes look to this class for their living, and they were afraid of offending Mr. Griffith and his friends.
901. What was the feeling amongst the town tradesmen? The town tradesmen were afraid of expressing their opinions, or of identifying themselves in any way with the election.
902. Was there any feeling amongst them with regard to support from the country? The fear that the tradespeople had was that so many country people were frightened of losing trade—not only because of what they had heard from Messrs. Davies and Hamilton, but because of the newspaper reports which were circulated.
903. Were you a member of Mr. Ball's committee? No; I was not a member of the committee.
904. Were you present at the meeting the night before the poll? Mr. Griffith's public meeting?
905. Yes? Yes.
906. Did you hear Mr. Griffith say that he had fought the election on fair lines, or anything like that? Yes.
907. Was anything said then? There was a question asked. Some voice asked the question, "Did Mr. Griffith mention that he was fighting the election fairly"; and the question was asked, "If he thought it was a fair way of conducting an election to go into a certain tradesman's shop in Albury and ask him if he would support him, and, when he said he would not, to say, 'Well, if you will not support me, I will not support you.'" Mr. Griffith then asked if Mr. Davies was present in the hall, when Mr. Davies replied that it was he who asked the question. Mr. Griffith said, "I am glad Mr. Davies is here. Will he allow me to explain the circumstances of the case?"
908. Did he say why he was glad that Mr. Davies was there;—did he say whether the question surprised him or not? He said he had heard that the question was going to be asked—that it had gone the rounds, and he expected it. Then he explained himself in this manner: "Did he not go and ask Mr. Davies for his support, and when he refused it, saying that he felt bound to support Mr. Ball on account of the fine manner in which Mr. Ball had represented the constituency during the past term, say, 'Well, you cannot expect me to support you if you will not support me,'" or something similar to that. I do not remember the exact words.
909. What did Davies say to that? "What you have said is not exactly correct. What you really said was that you would not support those who would not support you."
910. What answer did Mr. Griffith make? I cannot remember *seriatim* how it was stated; but I know that Mr. Griffith said that he went to pay Mr. Davies an account that had been many times rendered. The impression conveyed to my mind was that Mr. Griffith asked Mr. Davies for his support, and when Mr. Davies, who is a very straightforward man, and very highly respected in Albury, I suppose as much as any man in Albury —
911. *Mr. Kelynack.*] We do not want Mr. Davies' character.
912. *Mr. Piddington.*] What did Mr. Griffith finally say when, as you have told us, Mr. Davies corrected him on this point;—did he or did he not admit that the correction was right? He admitted that it was correct, and that he had said that he would not patronise Davies, and that he meant it, and intended to continue it—something to that effect.
913. *Mr. Kelynack.*] You say that there were a good many reports in the papers about this affair, and that the scare had got up owing to the reports in the papers? The papers had something to do with the scare.
914. What is the name of the paper run by Mr. Sherrie? It was not the paper run by Mr. Sherrie.
915. What is the name of that paper? The *Daily News*.
916. Why do you say it is not that paper? Because Mr. Sherrie's paper did not intimidate any one.
917. How do you know that? I know that the articles in it could not do so.
918. Did not they contain references to some boycotting, or attempts at boycotting? I could not say.
919. How can you say that they did not when you do not remember what the paper contains? I cannot remember what the paper contains.
920. Did you not say that the intimidation was due to some alleged threat of boycotting? Yes.
921. Some alleged threat of withdrawing custom? Yes.
922. You say you do not know what was in the paper, and yet you say that the paper could not have caused this scare in the town? What caused the scare in the town principally was the fact that Mr. Griffith went to Messrs. Davies and Hamilton.
923. How was that known in the town? I cannot tell that. It was generally talked of.
924. Do you know whether it was in the *Daily News* or not? No.
925. Then why do you say that the *Daily News* had nothing to do with creating this rumour? It is my general impression that it had not.
926. You say you do not know anything about it; you say you do not know what was in the paper? You can read a paper, and have an impression of its articles, without remembering what was in it.
927. You say that it was some alleged threat to withdraw custom that caused this scare? Yes.
928. If the report of these rumours was in the *Daily News*, would it not create a scare? I daresay it would have something to do with it.
929. Then what do you mean by saying that that paper did not create the scare? My impression is that it did not.
930. You say that a number of persons were frightened to go on the committee for fear of losing custom? I do not know whether I said it, but it was so.
931. Can you give me the names of any of those persons? No. They were too afraid to put their names on the committee, and I am not going to divulge them now.
932. Do you know whether they voted or not? Some of them voted.
933. Do you know any individual who voted? I know one.
934. What was his name? I am not going to give any names, unless I am compelled.
935. Did you go to one of Mr. Griffith's meetings, at Fergoonah? Yes.
936. You were in the hall, I suppose? I was in the kitchen.
937. You heard him speak? Yes.
938. You said nothing there about Mr. Griffith? I did not.
939. After he left, I understand that you made a speech? About half an hour after Mr. Griffith's speech was over I addressed an audience.

940. In which you expressed remarks uncomplimentary to Mr. Griffith? Not to Mr. Griffith, but to his politics. I have never spoken against Mr. Griffith. J. Thomas,
24 Nov., 1898.
941. *Mr. Haynes.*] His politics are the only bad thing you know about him? Yes.
942. *Mr. Chanter.*] His federal politics? His general politics. I was a supporter of Mr. Ball, and did my best to get him in. So much so that I had to call the police to protect me from the violence of Mr. Griffith's supporters.
943. Was not the real question at issue in Albury during the last election the question of federation under Mr. Barton or under Mr. Reid? No; that was only a make-believe. The fight was really between democracy and conservatism.
944. *Mr. Macdonald.*] You started to tell us that some intimidation was owing to the spread of newspaper reports, and Mr. Kelynack having attributed it to the *Daily News*, ended the matter;—I want to ask you whether these remarks were spread in any other newspaper? Yes.
945. In what other newspaper? There are three other newspapers circulating there.
946. So that, in your opinion, the reports which gave rise to the fear of intimidation were spread in other papers than the *Daily News*? Yes.
947. What other paper were the reports in? Well, seeing that the papers are run by ———
948. Name one paper? Two of the papers are run by my relatives, so that I am not going to mention any paper. On the day of the election I had to call the police to protect me from Mr. Griffith's supporters.

WEDNESDAY, 7 DECEMBER, 1898.

Present:—

Mr. Chanter,	Mr. O'Sullivan,
Mr. McLean,	Mr. Phillips,
Mr. Macdonald,	Mr. Sawers.
Mr. Moore,	

E. W. O'Sullivan, Esq., in the Chair.

Mr. Kelynack, instructed by Mr. H. L. Marshall, appeared for the sitting Member.
Mr. Piddington, instructed by Mr. C. Bull, appeared for the Petitioner.

Dr. Arthur Andrews sworn and examined:—

949. *Mr. Kelynack.*] You are a duly qualified medical practitioner? Yes. A. Andrews.
7 Dec., 1898.
950. You reside in Albury within the Albury Electorate? Yes.
951. You are also, I believe, Health Officer? I am Government Medical Officer.
952. Were you in the electorate of Albury during the election at which Mr. Griffith and Mr. Ball were candidates? Yes.
953. Did you attend a meeting which was addressed by Mr. Griffith on the night before the poll? Yes.
954. Where were you situated in the hall? At the commencement I was behind Mr. Griffith—on the platform.
955. Do you remember a question being asked by someone in the hall with reference to something which Mr. Griffith had said to a tradesman in Albury? Yes.
956. Do you know who it was that asked the question? A man named Davies, a wheelwright.
957. Will you state what the question was, and what the answer which was given to it was? The question, as far as I remember was, did Mr. Griffith think it right that a man should suffer in his business on account of voting as he wished, or some words to that effect. In answer to that question Mr. Griffith said, "Oh, you refer to the Davies matter. I wish to explain that, as it has been going the rounds of the papers, and if Mr. Davies is here he can correct me." Then Mr. Griffith was told that it was Mr. Davies who asked the question himself, and Mr. Davies stood up. Mr. Griffith explained his version of the conversation which he had had with Mr. Davies.
958. Can you say what Mr. Griffith said? As nearly as I can remember, it was to the effect that he owed Mr. Davies a bill, and that he wrote out a cheque and gave it to him.
959. Did he say where he gave it to him? At Davies' place of business. And that then Mr. Griffith told Mr. Davies that he was going to stand for Parliament, and asked him for his support, which Davies said he could not give him; that then Mr. Griffith said, "You can't blame me if I support my friends." After Mr. Griffith made this statement to the meeting Mr. Davies immediately said, "Yes; you are right in the main," and this statement was received by the meeting with considerable applause, because a great many, including myself, I may say, had been under the impression from the remarks in the newspapers, that a great deal more had been said. No further question was asked as regards that matter, and no further allusion to the matter took place.
960. Did Mr. Davies in his question use the word "boycott"? No.
961. Although you do not know the exact terms of Mr. Davies' question, are you certain that he did not use the term "boycott"? I am certain that the word was never used in the meeting.
962. Did Mr. Davies after he had received Mr. Griffith's answer say that is not right in the last part, What you said was, "I will not support those who do not support me?" No.
963. Did you hear a Mr. Chenery make some remarks afterwards at the meeting? I think he seconded a vote of confidence in Mr. Griffith as a candidate, or a vote of thanks to Mr. Griffith for his address; I am not sure which it was—and he made some remark to the effect that if Mr. Griffith had said anything of the kind it was more manly for him to say it before the election than after. But beyond that I could not say exactly the words he used.
964. Did he say anything about the nature of the explanation? He said the explanation was evidently accepted by the meeting as most satisfactory, but that there was nothing in it; that it was proved that there was nothing in it.
965. Did he say anything about how the necessity for the explanation had arisen? [*Mr. Piddington objected to the question.*]

A. Andrews. 966. What was the condition of the meeting at the time these questions were being asked; was the meeting quiet at that time? Just at that very minute it was quiet, but it had been very noisy and rowdy before and it was afterwards.

7 Dec., 1898.

967. Are you a medical attendant of Mr. Griffith? No; and I never have been.

968. Your name was specially mentioned by a witness here named Mr. Sherrie, who said you had boycotted him, and explained that by saying that you had withdrawn your support from his paper. He attributed your reason for doing so to the fact of his opposing Mr. Griffith? I withdrew my support from his paper about the 22nd June of this year. I gave him notice to stop sending the paper to me at the end of the month. I gave him no reason, but my reason was—

[*Mr. Piddington objected to the reason being given.*]

969. *Mr. Kelynack.*] Did you withdraw your support from Mr. Sherrie's paper because it opposed Mr. Griffith? No.

[*The Chairman at this stage left the Chair, and Mr. Chanter was called to the Chair pro tem.*]

970. *Mr. Piddington.*] You say that after Mr. Griffith gave his account of what had taken place between himself and Mr. Davies, Mr. Davies made some remark, and I think I got your remark down that Mr. Griffith, at the conclusion of his account of what had occurred, said, "You cannot blame me if I support my friends," and you went on to say that Mr. Davies said, "Your statement is right in the main"? Yes.

971. What did he add to that? Nothing.

972. Do you mean to tell the Committee that a man got up and corrected Mr. Griffith's statement to the meeting by simply baldly saying your statement is right in the main, and that nothing was added;—do I understand you to swear positively that that closed the episode absolutely? To the best of my belief.

973. Now, have you any animus against Mr. Ball? Not at all.

974. Is he a man whom you respect? I always have.

975. Is he a man who you think would be likely to be guilty of perjury? No.

976. Will you tell me what is Mr. Davies' character in the town? Good.

977. A man of absolutely good character, is he not? Yes.

978. Is he a man whom you would suspect of perjury? No.

979. Are the two men together likely to enter into a put-up job—Mr. Ball and Mr. Davies? I cannot imagine.

980. Do you think that they are the kind of men to conspire to commit perjury? I should not think so.

981. If I tell you that evidence has been given here in public by Mr. Ball and Mr. Davies to this effect: That after Mr. Griffith had made his statement about, "You cannot blame me if I support my friends," or something of that kind, he ended by saying, "Is that not correct Mr. Davies"? Yes.

982. Then when Mr. Griffith took his seat, this was said: "Your statement is correct in the main Mr. Griffith, but the part I take exception to is the latter part;—what you really did say was, you would not support those who did not support you"? If that was said it did not reach the platform where I was.

983. It did not reach the platform? Certainly not.

984. I thought you said that the meeting was quiet at this point? Yes.

985. And that you could hear everything which was said? I believe so.

986. You did hear Mr. Davies' former question from the body of the hall? Yes.

987. If Mr. Ball says that, if Mr. Davies says that, will you still adhere to your statement that it was not said? I did not hear it said.

988. Will you then say that it was possible for it to be said, and for you not to hear it? I do not think so.

989. You do not think it was possible? No.

990. Will you not admit that it might have been so if Mr. Ball and Mr. Davies concur in saying that? I cannot say that.

991. Then I understand you to say that you are prepared rather to say that it was possible for you not to have heard it? [*Mr. Kelynack objected to the question being put in that way.*]

992. Which do you think is the more likely—that Mr. Ball, Mr. Davies, Mr. Edmundson, Mr. Watson, Mr. Matthews, and Mr. Thomas have conspired to say that Mr. Griffith said that Mr. Davies did correct him in the way I have said, or that you did not hear him? [*Mr. Kelynack objected to the question which Mr. Piddington pressed.*]

993. *The Chairman (Mr. Chanter) to Mr. Piddington:* What is the question you wish to put to the witness?

994. *Mr. Piddington.*] My question is whether it is more likely that the witnesses I have enumerated have conspired to commit perjury in saying that Mr. Griffith did say that, or that the witness is mistaken, and did not hear him? [*Mr. Kelynack objected to the question, which the Committee disallowed.*]

995. *Mr. Piddington.*] Before Mr. Griffith gave his account of what took place at the interview between himself and Mr. Davies, did you hear Mr. Griffith say he was glad that that question had been asked, or words to that effect, or that he expected it? Yes.

996. You said he said that it had been going the rounds? Yes.

997. After Mr. Davies said what you told us that the statement of Mr. Griffith was right in the main, do I understand you to say that there was no further word from Mr. Davies; do you deny this: that Mr. Griffith, in reply to a further remark of Mr. Davies—never mind what it was—used these words, "That is correct, and I intend to do so in every instance"? I deny that there was any further remark by Mr. Davies at all.

998. I want you to answer my question plainly, and not to go away from it please. Did Mr. Griffith say, or did he not say, in your hearing, "That is correct, and I intend to do so in every instance"? No.

999. You will swear absolutely that he said nothing to that effect? Not to my knowledge.

1000. *Mr. Moore.*] You have good hearing, I suppose? Yes; I think I have as good hearing as most men of my age.

1001. You say that the explanation which Mr. Griffith gave at this public meeting satisfied you that nothing wrong had taken place between him and Mr. Davies? Certainly. I was agreeably surprised, from what I had been told, and what had been published, that so little had been said.

1002. You felt that Mr. Griffith had said nothing or done nothing which would cause you, as an honorable man, to hesitate or withdraw your support from him? Certainly.

1003. *Mr. Piddington.*] Do I understand you to say that so much had been said about Mr. Griffith's action? Yes.

1004. And you were surprised to find how little there was in it? Yes.

1005.

1005. *Mr. Phillips.*] When Mr. Griffith answered Mr. Davies (that is to say, the last question you heard A. Andrews. him ask), was the meeting still quiet? When Mr. Griffith sat down after answering the question, Mr. Davies said, "You are right in the main," and then a considerable amount of cheering took place; and 7 Dec., 1898. the meeting was enthusiastic, I may say.
1006. Did it immediately become quiet after the enthusiasm had subsided? In a very short time some other question was asked—I forget what about just now.
1007. Not referring to this matter? No.
1008. You say distinctly there was no statement made by Mr. Griffith with regard to his being prepared to do so in every instance? Not in my hearing, certainly; and I was closer to him than I am to you.
1009. You were sitting just behind him? Yes.
1010. *Mr. Sawers.*] Were you paying strict attention to what was going on? I was.
1011. *Mr. Phillips.*] The enthusiasm was caused by what you say was the satisfactory explanation of the candidate? Yes; the satisfactory explanation of the charges.
1012. *Mr. Piddington.*] Did you afterwards attend a meeting addressed by Mr. Ball and Mr. Max Hirsch at night? You refer to the meeting which they addressed from the balcony of a hotel?
1013. I believe so? I did not attend that.
1014. You were not there? I was there for the first minute or half minute.
1015. Only for a minute or half a minute? That is all.
1016. While there, did you here Mr. Ball or Mr. Max Hirsch denounce Mr. Griffith for threatening to boycott, or use words to that effect? No.
1017. I want you to tell me, please, whom you have spoken to about giving your evidence? I spoke to Mr. Wilkinson, Mr. Griffith's solicitor, in Albury.
1018. To anybody else? I saw Mr. Kelynack this morning when Mr. Wilkinson —
1019. Was Mr. Griffith there? He was in the room.
1020. Anyone else? All the other witnesses who are down from Albury.
1021. *Mr. Kelynack.*] You did not say at that conference of witnesses what you were going to say here? No.
1022. Did other witnesses say what they were going to say? No.
1023. *Mr. Piddington.*] Nothing was said about the evidence? Of course, the evidence was discussed to this extent; each one was asked if he remembered what evidence he had to give, not detailing the evidence.
1024. Was he reminded of the evidence he said he would give, or anything to that effect? No.
1025. He was simply asked the bald question whether he remembered his evidence? Yes.
1026. Was that the only time you have seen the witnesses? I travelled from Albury with some of them.
1027. Did you talk over the evidence in the train? No; I came down with Mr. Griffith.
1028. Did you talk over your evidence with Mr. Griffith at all? I think we did once mention it for a minute or two, there was very little said—far less than we might have said as we had plenty of opportunity.

John Wilkinson sworn and examined:—

1029. *Mr. Kelynack.*] You are a solicitor of the Supreme Court of New South Wales, carrying on your J. Wilkinson. practice at Albury? Yes. 7 Dec., 1898.
1030. You are a resident in Albury also? Yes.
1031. You were resident in the Albury Electorate at the recent election in which Mr. Griffith and Mr. Ball were candidates? I was.
1032. Did you attend a meeting held on the night before the poll, which was addressed by Mr. Griffith? I did.
1033. Where were you sitting? On the platform.
1034. Did you hear a question asked by someone in the hall in regard to the withdrawal of support from a tradesman? I did.
1035. Do you know who asked the question? Yes.
1036. Who was it? Mr. Davies.
1037. Will you state what the question was, and what the answer which was given to it was? Mr. Davies said, "Do you think it is a fair thing, Mr. Griffith, to say you would withdraw your support from a tradesman if he did not vote for you." Mr. Griffith said, "Ah, I know that's Davies; is Mr. Davies present," and Davies said, "I am here." Mr. Griffith then said, "I am glad you are here, Mr. Davies; I will now give a full account of everything I said, and if I say anything which is wrong I will expect you to contradict me or to put me right." Then Mr. Griffith proceeded to explain in somewhat the following words: "I went up to Mr. Davies with the account to pay him. I gave him a cheque, and after I had given him the cheque I said to him, "Well, Mr. Davies, I suppose I can rely on your support at the forthcoming election." Mr. Davies said in reply, "No, I cannot; I have always been a supporter of Mr. Ball, and I feel in honor bound to support him on this occasion." I then said, "What has Mr. Ball ever done that I could not do if I had the same opportunity or the same chance"—using one word or the other—to which Mr. Davies replied, "No; I have a great respect for you, Mr. Griffith, but I am in honor bound to support Mr. Ball, and I intend to do so"; and I replied to that, "Well, Mr. Davies, I suppose you will not blame me if I support my friends."
1038. Was that the whole of Mr. Griffith's answer? That was his explanation, and I think he then added to it, "Now, is that true, or is it not." Mr. Davies, who was in the centre of the hall, some distance away from the stage, said, "That is correct," or "that is true," and immediately Davies said that, there was a round of applause in the hall, and during which, if I remember aright, Mr. Griffith drew back somewhat from the table. After the applause had subsided, he stepped forward and said, "That is all I said; there is nothing in it; I always stick to my friends. I support those who support me, and I intend to continue to do it."
1039. *Chairman.*] Will you please repeat the last sentence? After the applause subsided, Mr. Griffith stepped forward and said, "That is all I said; there is nothing in it. I always support my friends," or "Support those who support me, and I intend to continue to do it."
1040. *Mr. Kelynack.*] Was the word "boycott" used by Mr. Davies in his question? Certainly not, nor by any other person in the hall that night.

- J. Wilkinson. 1041. *Mr. Piddington.*] I understand that you have been acting as solicitor for Mr. Griffith in this matter? No.
- 7 Dec., 1898. 1042. Haven't you? Not in any shape or form.
1043. Is it true that you have seen the witnesses, other than yourself, and heard their evidence? Perfectly true.
1044. And taking it down? Yes. Allow me to explain that I supported Mr. Griffith right through the election as a friend, not as a professional man at all, and I determined to stick to him. I am not appearing here to-day in any professional capacity in any shape or form. I am here simply as a witness.
1045. You have, as a matter of fact, taken down the evidence of the witnesses? Certainly.
1046. When Mr. Griffith had given his account, did you hear Mr. Davies say, "Your statement is true in the main. The only thing I take exception to is the last part. What you really said was, you would not support those who did not support you"? No.
1047. Or say anything of that kind? I heard him say, "Your statement is true or correct."
1048. And absolutely nothing else? Absolutely nothing else.
1049. You heard nothing else? Nothing else.
1050. What part of the platform were you on? I was slightly on the wing.
1051. Were you not, as a matter of fact, a little behind the scenes? I was somewhat.
1052. Not exactly visible to Mr. Ball, or somebody sitting in the hall? The chairs went right across, from wing to wing. I was sitting on the extreme chair, and many people in the hall possibly would not see me at all—the people sitting on one side of the hall would not see me.
1053. I suppose it would be possible for Mr. Davies to say something in the body of the hall which you would not hear? Impossible.
1054. You say it would be absolutely impossible? By reason of the sound. Mr. Davies, I may tell you, must have been 60 feet from me.
1055. What do you say is impossible—that you should hear him, or that you did not? I say he did not say so, because I did not hear it. He might have made some remark to somebody within 5 or 6 feet of himself.
1056. He did not say it so that you could hear him? Certainly not, or so that those on the platform could hear it. If he said that, he must have been heard on the platform.
1057. You deny altogether that, after saying to Mr. Griffith that is correct, he said that? Yes; I deny that he said that.
1058. You deny that absolutely? Absolutely.
1059. You deny that he went on to say, "I intend to do so in every instance" all in one breath? I say that he never used the words "I intend to do so in every instance."
1060. *Chairman.*] Do I understand that you replied to Mr. Piddington's question as to what Mr. Griffith said from the platform, these were the words used, "I always support my friends or those who support me, and intend to continue to do so?" That was not said in reply to any question put by Mr. Davies.
1061. *Mr. Phillips.*] That was after the applause subsided? After the applause had subsided he stepped forward and raised an arm and made that remark to the audience.
1062. *Chairman.*] In reply to the question? No; Mr. Davies never asked him except one question, and he never attempted to put a second question, although he remained in the room till the meeting was all over.
1063. *Mr. Piddington.*] When Mr. Griffith stepped back in the way you say, did he take his seat and get up again? I would not like to be positive about it.
1064. He may have done so and you may not have noticed it? It is possible that he may have done so. My impression was that when he was making his explanation he was in front of the table, and having given his explanation I fancy he stepped back. Whether he took his seat or not I do not know, but he afterwards advanced a pace forward and spoke to the audience.
1065. *Chairman.*] What was the tenor of the meeting—was it a quiet orderly meeting? It was the most disgraceful meeting I think which was ever held in Albury, and I have known the town for thirty-five years.
1066. *Mr. Piddington.*] Will you tell us what Mr. Chenery said in seconding the vote of thanks. [*Mr. Kelynack objected to the question.*]
1067. *Chairman.*] Was it possible for Mr. Davies to have made any remarks in an ordinary tone or *sotto voce*, which could be heard by a portion of the people in the hall and not heard by other portions in the hall? I think so and I have said so. He may have said something which would be audible to people within a few feet of him, certainly nothing which could have reached the stage or the bulk of the audience.
1068. At the particular time when the question was put by Mr. Davies, and the answer given by Mr. Griffith, was the hall in a fairly orderly state, could the reply be heard by all? Yes, undoubtedly. There was a very great tension at the time. Everyone was evidently listening to the confirmation or otherwise which Mr. Davies might make, and when Mr. Davies made that remark it seemed to relieve the whole affair; the whole house clapped, and everybody felt that the whole thing had been satisfactorily explained.
1069. *Mr. Moore.*] You felt that the matter had been satisfactorily explained? Yes; as one who was likely to be intimately affected by it, I did feel it and feel it very keenly, and that was the impression, I believe, on the majority of the audience beyond a shadow of doubt.
1070. You said that Mr. Griffith, in making his statement to the meeting, informed them that after he had paid Davies this cheque they had a political conversation? Yes.
1071. Are you quite sure that it was after? I am quite positive about it.
1072. That he paid him the cheque, and after paying the cheque they had this political conversation? I am perfectly certain about it.
1073. *Mr. Macdonald.*] I understood you to say that the meeting was a disgraceful one—I suppose it was noisy? Yes.
1074. I also suppose it is a fair thing to say that the round of applause would make a fair amount of noise at a meeting of that kind? Yes; but I do not refer to that as the kind of noise when I say that it was a disgraceful meeting.
1075. The round of applause which you say relieved the meeting would create a considerable noise? Undoubtedly.
1076. You say that Mr. Davies, after hearing Mr. Griffith's explanation, got up and said, "That is true, or that is correct," and immediately there was a round of applause? Yes. 1077.

1077. Do you not think it is possible that he might have added to the words, and that what he afterwards said would be drowned in the round of applause in a meeting of that kind? I think I have already said it was possible that he might have said something which was audible to those in his immediate vicinity, but which was most decidedly inaudible to those on the platform, or to the bulk of the audience.
1078. Owing to the round of applause coming in when the sentence was half completed? The sentence was never commenced, except those few words.
1079. You admit that Mr. Davies admitted that Mr. Griffith was correct in the main, and just at that point there was an outburst of applause? That is just the point where it would come in.
1080. You admit it is possible that any continuation of his remarks was not heard in the applause? I do not.
1081. *Mr. Piddington.*] Mr. Griffith could not have heard anything said after those words, "You are right in the main," were said? —
1082. You say the whole house came down and Mr. Griffith could not have heard any words said by Mr. Davies immediately afterwards? Not in my opinion.
1083. Therefore he could not have answered, "That is correct, and I intend to do it in every instance"? Yes.
1084. You swear that? I do not care who swears to the contrary; I am confident of that.
1085. *Mr. Phillips.*] Was it not after Mr. Davies said, "That is correct," that the applause came? Yes. My idea is that the confirmation by Mr. Davies brought the claps straightaway.
1086. *Mr. Sawers.*] Do I understand you to absolutely deny that Mr. Griffith used the words, "I intend to do so in every instance"? I am positive these words were not used. I will swear to that absolutely.
1087. Were you paying particular attention to what Mr. Griffith was saying? Most particular attention.
1088. And your hearing is normal? It is normal.
1089. *Mr. Piddington.*] Were you present afterwards at a meeting addressed by Mr. Ball and Mr. Hirsch? No; I know the meeting was held immediately on the conclusion of the other.
1090. *Mr. Phillips.*] Was the tone of the meeting, which you describe as disgraceful, favourable to Mr. Griffith, or the reverse? When I say the meeting was disgraceful, it appeared to be an organised plan to prevent any one from speaking. The chairman was not allowed to speak; he was hooted and hissed down. Mr. Griffith was hooted and hissed. He was not allowed to speak at all, and the noise became so dreadfully bad that I think our friend, Mr. Ball, who was in the audience, had to intervene and to implore or ask the audience to give Mr. Griffith fair play, and let the man speak.
1091. The tone was unfavourable to the candidate, Mr. Griffith? The people in the hall were unfavourable. The majority must have been so, judging by their behaviour, and the town vote showed a majority of 135 votes in favour of Mr. Ball.
1092. Yet the meeting was so much against Mr. Griffith that when Mr. Davies admitted that Mr. Griffith had correctly explained his interview with him that there was a round of applause immediately? Yes.
1093. Did you consider that this questioning by Mr. Davies, and the replies of Mr. Griffith, turned the tone of the meeting? I have not the slightest doubt it did. I believe it gave him a great many votes which he never would have got otherwise. People came there, I believe—that was the effect on my mind, watching it intently—expecting to see Mr. Davies. I think every one came there prepared to curse, and it strikes me he remained to bless; and that was the impression which remained on the audience.
1094. *Mr. Kelynack.*] Do you mean that the whole of the persons in the meeting were unfavourable to Mr. Griffith? Certainly not; I do not wish my words to convey that meaning.
1095. When you say that the chairman could not get a hearing, and that Mr. Griffith could not get a hearing, you do not mean all the persons in the hall? Certainly not; I mean that there was an organised opposition to prevent him from speaking.
1096. So that the applause would not come from those persons, but from others? From Mr. Griffith's own supporters; they probably led it.

Hugh McCutcheon sworn and examined:—

1097. *Mr. Kelynack.*] You are a licensee, and you keep the railway refreshment-room at Albury? Yes.
1098. You were in the electorate of Albury during the recent election at which Mr. Griffith and Mr. Ball were candidates? Yes.
1099. Were you present at the meeting which was held on the night before the poll, and which was addressed by Mr. Griffith? Yes.
1100. Where were you in the hall? About the third seat back from the platform.
1101. Did you hear a question asked during the course of the meeting by some person about withdrawing support from a tradesman? Yes; I heard a voice, and afterwards I ascertained it was Mr. Davies.
1102. Do you remember what his question was? Fairly well, I think.
1103. Will you state his question? I heard Davies ask, "Was it fair to withdraw your trade from one for not supporting or for not voting for you at an election?"
1104. What was the answer? Mr. Griffith got up and said, "I am pretty well prepared for that, for it has been going the rounds considerably. Is Mr. Davies in the hall?" Then Mr. Davies sang out, "I am." Mr. Griffith said, "I will explain this matter, and if I say anything wrong in it Mr. Davies can object to it." He got up and made a statement as follows: That he had gone with a bill to pay Davies and Hamilton, and also with the cheque, and that he had got this cheque receipted; that he then asked him, "I suppose you will support me," and Davies said, "No, he would support Mr. Ball," and Mr. Griffith said, "Has Mr. Ball done anything for you that I could not do if I had the chance." "Well," says Davies, "You are a man I very highly respect, but I am in honour bound to vote for Mr. Ball." So, then, on parting Mr. Griffith said to him, "Well, you cannot blame me if I support my friends. I mean in future to support them that support me."
1105. *Mr. Piddington.*] What is that? He says, "You cannot blame me if I support my friends. I mean in future to follow out that line."
1106. *Mr. Kelynack.*] What did he say then? Mr. Davies then said "That was right in the main," and that brought down for about the first time a kind of unanimous encore in the meeting, and I failed to hear anything else which was said after that.
1107. Did Mr. Davies in the question which he put use the word "boycott"? Not that I heard. I did not hear the word used.

1108.

J. Wilkinson.
7 Dec., 1898.

H.
McCutcheon.
7 Dec., 1898.

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McCutcheon,
7 Dec., 1898.

1108. Did you hear anyone use it? No.
1109. I believe in the early part of the election you had pronounced yourself in support of Mr. Ball's candidature? Yes; right through till that night. [*Mr. Piddington objected to this line of questioning.*]
1110. *Mr. Moore.*] Do you say that you were a supporter of Mr. Ball up to that night? Right through to that night.
1111. After that night, what? What turned me that night was the blocking of freedom of speech. I could not then follow it any longer.
1112. That turned your vote to Mr. Griffith? I voted for Mr. Griffith.
1113. Was it before or after you heard Mr. Griffith's explanation to the meeting that you decided to alter your mind? It was nothing to do with Mr. Griffith at all, for I would not vote for a freetrader if there had been another one there. It was on account of the blocking of freedom of speech. There were two freetraders, and if there had been a protectionist I would have voted straight for the protectionist.
1114. *Mr. Macdonald.*] Mr. Griffith was a freetrader? He was more in touch with my views on the Federal Bill.
1115. *Mr. Moore.*] Mr. Griffith's explanation of what took place between himself and Mr. Davies did not affect you in any way? At the first the Chairman would get no hearing, nor anyone who spoke in the meeting. None of them would get a hearing. The first encore of applause was given after Mr. Griffith's explanation.
1116. *Chairman.*] What you allege to be unfair tactics at the meeting caused you to alter your mind? Yes.
1117. *Mr. Phillips.*] You put down this disturbance or interference with free speech to Mr. Ball's supporters? Oh, yes.
1118. *Mr. Piddington.*] Did it not occur to you that people sometimes had the opposite game? Yes.
1119. When you did hear Mr. Griffith, what he did say under the happy auspices of freedom of speech had nothing to do with turning your vote? No.
1120. You heard Mr. Ball? I sat and listened to Mr. Ball the night before, and I could hear a pin drop on the floor.
1121. Did you hear Mr. Ball appeal for a fair hearing for Mr. Griffith? Yes; but I did not think it was his place to be there.
1122. Where were you sitting? The third seat from the platform, along with two intimate friends of Mr. Ball.
1123. *Mr. Phillips.*] Did you turn them too? No. I could give their names. They were from Walla Walla. There was very little opportunity for speaking, I can assure you, owing to the noise.
1124. *Mr. Piddington.*] Did you see where Mr. Ball was sitting? He was standing.
1125. Where was he? Well, he was very near the side entrance of the near door. He was standing at that time.
1126. How many rows away from the platform would that be? I would think it would be two-thirds further back than I was.
1127. How many yards behind you or in front of you was Mr. Ball in regard to the platform? I think the seats were about 2 feet apart, and as there were six rows, I think he would be 12 or 13 feet back from the platform. It may be a little bit more than that.
1128. He would be 12 or 13 feet back from the platform? Yes; and a considerable distance towards the Town Hall side.
1129. *Mr. Phillips.*] I suppose he was standing up against the wall? Not against the wall.
1130. *Mr. Piddington.*] Where was Mr. Davies standing? I could not see Mr. Davies. I only heard him.
1131. Did you not see him standing up at any time? No.
1132. Did you not look round when you heard the voice? I looked round, but there were so many standing that I could not distinguish anyone. He is not of a very high stature.
1133. Anyhow, you did not see him standing? No.
1134. You did not look round and take a good look at him? No.
1135. Did you hear very distinctly what was said? I heard fairly well.
1136. Did you hear Mr. Griffith use these words: "That is correct; I intended to do so always, or I intend to do so in every instance"? No. Mr. Griffith asked was that not correct; Davies said, "It was in the main," and Mr. Griffith said he would support his friends; nobody could blame him for supporting his friends.
1137. He said that after Mr. Davies said, "That is correct in the main," did he? No; it was before that he said that.
1138. After Mr. Davies said, "That is correct in the main"? I could hear nothing for the applause.
1139. After the encore had subsided, did you hear Mr. Griffith step forward and say, "That is all; there is nothing in it"? I heard him say that.
1140. Did you hear him say, "I always support friends, and intend to continue to do so"? He said he would support his friends.
1141. That was before, but did he say it after? I did not hear him say it after.
1142. After he said, "What you say is right in the main," did Mr. Davies say anything else? Not that I could hear.
1143. Did anybody else say anything else? The noise was too great for me to hear anything else then.
1144. Did you go to the meeting held by Mr. Ball and Mr. Max Hirsch afterwards? I went afterwards to it. I stood and listened for a little while—until I heard the express coming in.
1145. Did you hear anything they said, or either of them said? No.
1146. Not a word? I might have heard a word or two. They were just commencing to talk, and I had to make away up to the express.
1147. Could you hear either of them saying anything about Mr. Griffith and threats of boycotting? No.
1148. *Mr. Phillips.*] Is your hearing good? Fairly good.
1149. Your hearing does not seem to be very good? —
1150. *The Chairman* (to the witness, who was then at the further end of the room).] Mr. Phillips wants to know whether your hearing is fairly good? Yes; unless I have got a cold.
1151. *Mr. Kelynack.*] Did you have a cold then? No.

Frederick Hayes sworn and examined :—

1152. *Mr. Kelynaek.*] You are a miller, carrying on business at Albury? Yes.
1153. You were in the Electorate of Albury when the election was held at which Mr. Griffith and Mr. Ball were candidates? Yes.
1154. Did you attend a meeting which took place on the night before the poll? Yes.
1155. Was the meeting addressed by Mr. Griffith? Yes.
1156. Where were you sitting in the hall? I was sitting on the platform immediately behind Mr. Griffith, slightly to his right-hand side.
1157. Did you hear a question asked by somebody about withdrawing custom from a tradesman? Yes.
1158. Do you know who asked the question? It was a man called Davies.
1159. Did you see him ask the question? I saw him get up.
1160. Will you state what was the question? He said, "Do you think it is a fair thing to threaten to withdraw your custom from a tradesman if he would not vote for you."
1161. What was the answer given to that? Mr. Griffith did not answer directly, not in reply to the question; he got up, and said, "Ah, I expected that question. It has gone the rounds," meaning that he had heard a great deal about it before the election. Mr. Griffith then said to him, "Is that Mr. Davies?" and Mr. Davies said, "Yes; I am asking the question." Mr. Griffith then said to Mr. Davies, "I will state exactly what happened in the shop; I will tell you exactly what conversation occurred between us, and if I make a mistake, Mr. Davies, I hope you will correct me." Mr. Griffith then said he had gone to Davies and Hamilton's shop with a cheque and account, and after receiving a receipt for the cheque he said to Mr. Davies, "I suppose I can rely upon you for your vote and support in the coming election." Mr. Davies said, "No; I am in honor bound to vote for Mr. Ball. There is no gentleman I respect more than you, but I cannot vote for you this time." Mr. Griffith then said to him, "Is there anything which Mr. Ball has done which I cannot do for you if you give me the chance." Mr. Davies said, "No; I still respect you as a gentleman. I supported Mr. Ball last time, and I cannot vote for you this time." Mr. Griffith then said, "Well, you can't blame me if I support my friends."
1162. Was anything more said? Mr. Griffith then appealed to Mr. Davies if that was right. Mr. Davies said, "Yes, that is perfectly right." After that, a cheer went up for Mr. Griffith, and Mr. Griffith then said to the people in the hall, "There is nothing in it, after all; I will always support those who support me."
1163. Is that the whole of the incident? Relating to the question which was asked from the body of the hall?
1164. That was the whole question and the whole answer? Yes.
1165. Was the term "boycott" used by Mr. Davies in asking his question? No.
1166. Did you hear anyone else use that term in the hall? I do not think the word was used in the hall that night.
1167. After Mr. Griffith had given his explanation, did Mr. Davies use these words: "Your statement is true in the main. The only thing I take exception to is the last part. What you really said was, you would not support them that did not support you"? That was entirely wrong. Those words were never used at the meeting in connection with that question.
1168. Did you hear Mr. Griffith say that after Mr. Davies said, "That is correct, and I intend to do so in every instance"? No; I do not think he used those words. He used as near as possible the words I have just told you.
1169. *Mr. Piddington.*] You are quite certain that he appealed to Mr. Davies to say whether that was correct? Yes.
1170. And you are quite certain that Mr. Davies replied, "Yes, perfectly right"? I am quite certain.
1171. *Mr. Macdonald.*] Mr. Davies, in answer to Mr. Griffith's appeal whether it was correct or not, did not say that he was right in the main? I did not hear the words "in the main" used. You must remember that there was a great uproar in the hall, and on the stage I could not hear it. I am certain, by the man's movements, by his facial expression, that he could not have used those words after what he said. There was not time for him to say it before he sat down.
1172. He said it was "right"? Right or correct was the word he used.
1173. He did not say it was "right in the main"? I did not hear him say so.
1174. Any one who said he used the words must have been mistaken? They must be mistaken.
1175. *Mr. Sawers.*] You understood Mr. Davies to indicate that Mr. Griffith had given a faithful account of the interview in the shop? Yes; I did, and I think every one in the hall did. It was received like that.
1176. *Mr. Piddington.*] Including Mr. Davies himself? Yes.
1177. You think every one was satisfied, including Mr. Davies? I wish it to be understood that Mr. Davies sat down. He appeared to me thoroughly satisfied with the version which Mr. Griffith gave.
1178. *Chairman.*] What position in the hall was Mr. Davies in when he put the question? He was sitting in the main body of the hall.
1179. *Mr. Phillips.*] How far would that be from the speaker? It would be nearer 15 than 18 yards from the platform.
1180. *Chairman.*] Was it possible for Mr. Davies to have made any statement that would be heard by those in his immediate vicinity, and not be heard by those on the platform? Oh, quite. If a man was to whisper, of course, he could not be heard on the platform. If he spoke in a very low tone of voice he could not be heard on the platform.
1181. What was the tone of the meeting altogether? It was decidedly against Mr. Griffith. It was a very very rowdy meeting.
1182. During the time the questions were put by Mr. Davies and the answer given by Mr. Griffith, what was the state of the meeting? There was a complete lull then.
1183. You said that at the conclusion of Mr. Griffith's statement there was a round of applause;—was that continued for any length of time? It was continued for about forty-one seconds.
1184. Then it was possible for Mr. Davies to have said something which was not heard by every one in the hall? It would not, because Mr. Davies stood up, and he sat down immediately after the words I say he used were uttered. If he said words after he sat down he possibly may have said so; but I do not think anyone in the immediate vicinity could have heard what he said. 1185.

F. Hayes.
7 Dec. 1898.

- F. Hayes. 1185. He did not rise again? No.
 7 Dec., 1898. 1186. *Mr. Piddington.*] Are you quite certain that there was nothing said by Mr. Davies, whether you heard it or whether you did not, which Mr. Griffith heard and answered? I hardly grasp your meaning.
 1187. Did Mr. Griffith answer anything that appeared to be in answer to a question by Mr. Davies? No.
 1188. *Mr. Phillips.*] Were you in a position to hear well? Yes; I was in a very good position to hear. I was on the stage, immediately behind Mr. Griffith, just a shade to his right-hand side.
 1189. Still you had a clear view of the hall? Perfectly clear.

THURSDAY, 8 DECEMBER, 1898.

Present:—

Mr. Chanter,	Mr. Macdonald,
Mr. Haynes,	Mr. Moore,
Mr. McLean,	Mr. Phillips,
Mr. Sawers.	

E. W. O'Sullivan, Esq., in the Chair.

Mr. Kelynack, instructed by Mr. H. L. Marshall, appeared for the Sitting Member.

Mr. Piddington, instructed by Mr. C. Bull, appeared for the Petitioner.

Valentine Flood Nagel sworn and examined:—

- V. F. Nagel. 1190. *Mr. Kelynack.*] You are a solicitor of the Supreme Court of New South Wales? Yes.
 8 Dec., 1898. 1191. You are now resident in Albury? No.
 1192. But at the time of the recent election at which Mr. Griffith and Mr. Ball were candidates for that electorate you were present in the electorate? Yes.
 1193. Did you attend the meeting which was held on the night before the poll at which Mr. Griffith delivered an address? Yes.
 1194. In what part of the hall were you? I was at the back of the hall—not right at the back, but I suppose about three parts down the hall.
 1195. Do you remember a question being asked by someone in regard to withdrawing custom from a tradesman? Yes, it was asked by Mr. Davies; he was standing near me.
 1196. How near to you was he? When he asked the question first he was just behind me, but afterwards he moved up past me or alongside me.
 1197. Was he within 5 yards of you? Yes; within 5 feet.
 1198. Will you tell the Committee what question he put to Mr. Griffith? First of all Mr. Davies said, "Is it not a fact, Mr. Griffith, that when you started your election campaign you said you would carry this contest on fairly, with no hitting below the belt." Then he said, "Did you not call on certain tradesmen and threaten to withdraw your support if they did not vote for you." Mr. Griffith then got up and said, "I have been expecting a question of this kind. Is Mr. Davies present? If he is, I would like him to get up." Mr. Davies said, "I asked the question myself." Mr. Griffith got up and said, "Now I will go through the whole conversation (Mr. Davies was standing up at the time), and if I am wrong will you kindly correct me?" Mr. Griffith then said, "I will relate the conversation which occurred between Mr. Davies and myself at his shop. I went up there one evening; I think he said about nine or ten days ago, to pay Mr. Davies an account. I paid him the account. After I paid him the account I said to him, 'I suppose you know I am going to stand for this district for Member. Will you support me?' Mr. Davies said, 'No, I cannot support you, I feel I am bound to support Mr. Ball.' I said, 'Is there anything Mr. Ball has done which I could not do for you,' and when I was leaving, I said, 'Well, Davies, old man, you cannot blame me if I support my friends.'" He asked, "Is that right, Mr. Davies," and Mr. Davies said, "Yes; in the main part." After Mr. Davies said, "in the main part," Mr. Griffith said, "There you are; there is nothing in it." There was some applause then. He was walking to his chair, and he said, "I will support my friends; I intend to support my friends." That is all he said.
 1199. Was the term "boycott" used by Mr. Davies in his question? No.
 1200. Did you hear the term "boycott" used at the meeting at all? No, it was not used.
 1201. I believe Mr. Davies is a tenant of yours? Yes, of our estate.
 1202. *Mr. Piddington.*] Did he pay the rent regularly? Yes; he is a splendid tenant.
 1203. Did I understand you to say that this was all that took place? Yes.
 1204. Absolutely all? Yes, I am positive.
 1205. You are certain that nothing else was said beyond what you have said to the Committee to-day? Yes, absolutely certain.
 1206. You were here in attendance when the Committee sat before? Yes.
 1207. Have you seen any of the witnesses since? No, not one of them.
 1208. Not one of them? I went away before the sitting commenced.
 1209. Were you not here at any time while the Committee was sitting? No, I was not. I just came up to the House to see Mr. Griffith. I went to the vestibule, and went away again.
 1210. Have you not seen Mr. Wilkinson about this evidence? No.
 1211. *Mr. Hayes.*] You know Mr. Griffith? Yes.
 1212. He is a member of the firm of Messrs. Griffith & Co.? Yes.
 1213. What sort of business do they do? Stock and station agents.
 1214. An extensive business? A very fair business.
 1215. Do you know whether Mr. Griffith has had any further business transactions with Mr. Davies? I cannot say that.
 1216. What were the words with which Mr. Griffith closed his answer? He was walking away from the front of the stage when he said, "There is nothing in it, you see; I intend always to support my friends."
 1217. Did Mr. Griffith's statement about supporting friends arouse derisive laughter? No; there was great applause as soon as he made the answer, from all parts of the house.
 1218. No derision? No; everyone seemed to be satisfied. They were waiting for this. The question was expected, I think. There was general applause.
 1219.

1219. He did not say in what way he would support his friends? He said, "There you are, there is nothing in it; I will always support my friends." V. F. Nagel.
8 Dec., 1898.
1220. *Mr. Sawers.*] The Committee understand that you were within 5 feet of Mr. Davies when he asked the question? I was alongside of him. The forms were not very straight, and at one time I was touching his shoulders. I was touching him.
1221. You were within how far of him? I was as close to him as I am to the reporter.
1222. You were within 4 or 5 feet of him? Yes.
1223. Is it possible that he could have asked any question without you hearing what he said? No. If Mr. Davies had asked any other question I would have heard it.
1224. You were paying strict attention? I was paying attention to the question. I certainly think that if Mr. Davies had asked any other question I would have heard it.
1225. *Mr. Haynes.*] How far were you from Mr. Griffith? Three parts down the hall.
1226. If any witnesses swore here that Mr. Griffith said that he intended only to support those who supported him, and would continue to do so, would you say that they swore falsely? He did not say that.
1227. Would you say they were swearing falsely? I say they were mistaken. I did not hear him use those words. He said, "There you are, there is nothing in it; I will always support my friends."
1228. *Mr. Moore.*] Could you hear distinctly from where you were? Yes; he had a pretty strong voice, and the audience was pretty quiet at the time.
1229. If he had said what Mr. Haynes stated you must have heard it? Yes; I had heard about it previously from Mr. Davies.
1230. Mr. Griffith did not explain what he meant by supporting? No.
1231. Did you take his answer to refer to the election? I have told you just exactly what he said.
1232. You cannot give any meaning to it? I think not. "I will always support my friends"—that is what he said.
1233. *Mr. Sawers.*] Did Mr. Griffith's answer convey to your mind that he intended to intimidate the electors in any way? I am certain it did not, and Mr. Davies did not think so. I saw Mr. Davies the day after the question was asked.
1234. *Mr. Haynes.*] When Mr. Griffith stated the reply of Mr. Davies that he would only support Mr. Ball, did he acknowledge on the stage that he would only support those who supported him? He did not say that at all. He said, "I will always support my friends, no matter what they are."
1235. Did you take it to mean that he would deal with others as with Mr. Davies? I understood him to say he would always support friends of his.
1236. *Mr. Phillips.*] Did you regard as a threat what Mr. Griffith said at the last of the meeting? Certainly not.
1237. *Chairman.*] Did you hear Mr. Davies make any remark as to whether it was satisfactory or otherwise? He said nothing of that. He said, "Yes; that is right, Mr. Griffith, in the main part."
1238. Did he make any complaint of the manner in which the question was asked? No; not in the hall.
1239. You say you saw him the next day? I saw him the day after Mr. Griffith spoke. He spoke to me about this question. He told me he was pleased.
1240. *Mr. Haynes.*] You distinctly understood that this reply of Mr. Griffith to support his friends had relation to the question asked by Mr. Davies? He said, "I intend to support my friends. There you are, there is nothing in it."
1241. That question with regard to supporting friends originated from a question asked by Mr. Davies? He waited until after Mr. Davies said, "Yes; that is right in the main part." Mr. Griffith waited for a few seconds to see if Mr. Davies went any further. Mr. Davies did not, and Mr. Griffith said, "There you are, there is nothing in it."
1242. You cannot say of your own knowledge whether, since Mr. Davies intimated that he would support Mr. Ball, Mr. Griffith has given him any business? I cannot say at all. I do not know anything of their business transactions.
1243. *Mr. Piddington.*] You said that Mr. Griffith waited a few seconds after Mr. Davies had said, "Right in the main part"? He said ———
1244. You said Mr. Griffith waited a few seconds;—do you suppose that to have any reference to what Mr. Davies said in reference to the "main part"? Mr. Davies said, "Yes; that is right in the main part, Mr. Griffith." Mr. Griffith did not reply at once. He waited to see if Mr. Davies would say anything. He waited for a second, and said, "I intend to support my friends."
1245. He waited courteously? [*Mr. Kelynack objected.*]
1246. I ask whether he waited courteously? He did not reply immediately. He did not reply as soon as the words were out of Mr. Davies' mouth. He just waited an ordinary second.
1247. And if Mr. Davies did, as a matter of fact, say anything during those few seconds Mr. Griffith could have heard it? Mr. Davies did not say anything.
1248. If Mr. Davies said anything during those few seconds Mr. Griffith could have heard him? Yes; if Mr. Davies had said anything, Mr. Griffith could have heard it.
1249. Has Mr. Davies a strong voice or a weak voice? He has a strong voice, I should say.
1250. *Mr. Kelynack.*] Whether Mr. Griffith heard him or not would depend on how loudly Mr. Davis spoke? Most certainly; I am certain he did not speak.
1251. *Mr. Moore.*] If he spoke you would have heard him? Yes.
1252. You say that he did not? Yes; I swear he did not speak.
1253. Mr. Griffith's statement on the platform in reply to the question of Mr. Davies was of an explanatory nature? What he said was this: "I will give the whole conversation as it occurred in Mr. Davies' shop"; and he asked Mr. Davies to contradict him if it was not right. He said, "Now, Mr. Davies, you contradict me if it is not right. I will give it word for word."
1254. When Mr. Griffith asked Mr. Davies for his support, and Mr. Davies declined, the words you say Mr. Griffith used were, "You cannot blame me if I support my friends"? He said, "Well, Davies, you cannot blame me if I support my friends."
1255. Then, at the conclusion of the meeting, after the explanation, he used the words, "There is nothing in it; I intend to support my friends"? He said, "I still intend to support my friends."
1256. *Mr. Haynes.*] Politically? He said, "I intend to support my friends." That I understood was, that if a friend did him a good turn he would do his friend a good turn.
1257. After the manner in which he proposed to support Davies? I do not quite understand the question. He said, "I will always support my friends."
- 1258.

- V. F. Nagoh,
8 Dec., 1898.
1258. Did you take that to mean the way in which he proposed to deal with Mr. Davies? No. I daresay if Mr. Davies proposed to give him property to sell he would give him a turn.
1259. *Mr. Sawers.*] Did you understand Mr. Griffith, in saying, "I always support my friends," to describe his conduct in life of always supporting his friends in the past? Yes; I took it to mean that.
1260. Apart from political matters? Yes.
1261. *Mr. Haynes.*] Is Mr. Davies a friend of Mr. Griffith? I do not know that. He is a very respectable man. I think it was on my account that Mr. Griffith started him there.
1262. *Mr. Sawers.*] Did this remark of Mr. Griffith, that he intended to support his friends, bear such a meaning to you as to convey any threat or intimidation to the electors to induce any to refrain from voting against him? No; I am certain it was not used as a threat.
1263. It did not convey that meaning to your mind? No; it never entered my mind for a moment.
1264. *Mr. Phillips.*] After Mr. Griffith had given his answer to Mr. Davies, did he walk towards the table on the platform? As he was finishing his last sentence he walked towards his chair.
1265. Did he then come forward and say, as you describe, "There you are; there is nothing in it"? No; I do not think he sat down after the question was asked. He did not sit down again until the finish of everything.
1266. When did the pause take place that you describe? Mr. Griffith said, "That is right, Mr. Davies, is it not." Mr. Davies said, "Yes, in the main part." Then, after a pause, Mr. Griffith continued.
1267. He did not walk back on the stage? No; I did not notice him.
1268. *Mr. Moore.*] In repeating Mr. Griffith's explanation of what took place between him and Mr. Davies, I think you said it was after Mr. Griffith had paid Mr. Davies' account that they entered into a political conversation? Yes.
1269. You are quite sure of that? Yes; I am positive.
1270. It was after he paid the account? Yes; everyone was talking about the elections.
1271. It was not before handing him the cheque? No.
1272. *Mr. Kelymack.*] The witness can give a reason why he was positive? The reason I was positive is, that I saw Mr. Davies the day after the conversation took place.
1273. *Mr. Moore.*] You are quite sure it was not after Mr. Davies gave the reply that he could not support Mr. Griffith that Mr. Griffith said, "Here is your cheque"? No; it was after Mr. Griffith got the receipt that the conversation turned on the election. I am positive of that.
1274. *Mr. Haynes.*] You told Mr. Sawers to the effect that what Mr. Griffith told the audience from that stage as to supporting friends did not in any way amount to a threat? No, it did not.
1275. Did you take it to mean that he would deal with others as he had dealt with Mr. Davies? I did not take it as a threat at all.
1276. Did you take it to imply similar treatment, whether of support or withdrawal, as is acknowledged to have occurred with Mr. Davies? —
1277. *Mr. Kelymack.*] I do not think that anything was said at the meeting that Mr. Griffith had withdrawn his support; he merely paid the cheque, and afterwards had a conversation.
1278. *Mr. Haynes.*] I think Mr. Griffith acknowledged he intended to support those who supported him? He did not say that. He said, "I will always support my friends."

John Carew sworn and examined:—

- J. Carew.
8 Dec., 1898.
1279. *Mr. Kelymack.*] You are a boot importer, residing in Albury? Yes.
1280. At the recent election, at which Mr. Griffith and Mr. Ball were candidates for that electorate, you were present in the electorate? Yes.
1281. Did you attend a meeting which was held the night before the poll, at which Mr. Griffith delivered an address? Yes; I sat on the platform, immediately behind Mr. Griffith.
1282. Did you hear a question asked by some person as to the withdrawal of support from tradesmen? Yes.
1283. Did you know at first who asked the question? No, not at first.
1284. Give an account of what happened? The question was asked by Mr. Davies. Mr. Griffith said —
1285. What was the question? Mr. Davies asked, "Do you think it fair to take support from a tradesman because he will not vote for you?" Mr. Griffith then said that that had gone the rounds, and that he expected such a question. He then asked, "Is that Mr. Davies speaking?" Mr. Davies said, "Yes, I am here." Mr. Griffith said, "I am glad of that, and I will explain what passed." He then called on Mr. Davies to contradict him if he should say anything that was wrong. Mr. Griffith then said, "I called at Mr. Davies' shop to pay an account. I paid it by cheque; and after I had paid the account I said to Mr. Davies, 'Might I expect your vote and support at the election?' Mr. Davies said, 'No; I am sorry I cannot support you, as I am honorably bound to support Mr. Ball.'" Mr. Griffith then said—mind, gentlemen, I was immediately behind Mr. Griffith, and heard every word distinctly. Of course, I may mention that the question of Mr. Davies—I could not give word for word. It is the substance; I cannot be exact as to the words Mr. Davies used. Mr. Griffith then said, "I said to Mr. Davies, 'Well, Davies, it is only natural I should support my friends.'" These were the words, and then he appealed to Mr. Davies, and asked him if that was a correct statement or words to that effect. Mr. Davies answered in the affirmative. Mr. Davies said, "Yes." Then with that expression a cheer went through the hall, and after that had subsided Mr. Griffith said he always supported his friends, and would continue to do so. That is as much as I know of the case.
1286. Did he use the word "boycott"? Such a word was never used, to my knowledge. It could not be used on the stage without me hearing it.
1287. It was certainly not used from the stage, and as far as you are aware you did not hear Davies use it? I am positive it was not used.
1288. Did you hear all the words Mr. Davies used? No; he was very far back in the hall at the time, so he may have used words I did not hear. I heard distinctly everything Mr. Griffith said.
1289. *Mr. Piddington.*] You say you heard Mr. Davies, when Mr. Griffith appealed to him, say, "Yes"? Yes.
1290. Did he say nothing else? Not that I heard,

1291. He did not say it was "right in the main"? I do not think he did. I heard the word "yes." If he had said "right in the main" I should have heard it. I am very quick of hearing. J. Carew.
8 Dec., 1898.
1292. There was nothing to interfere with it? No.
1293. No uproar going on? No, not then.
1294. This applause that you speak of which followed the answer "yes,"—did it come directly after the answer was made? Yes, immediately after.
1295. There was no pausing or waiting? No; I do not think so.
1296. Did you hear Mr. Davies say anything in the nature of correcting Mr. Griffith's account of what took place? No; I did not.
1297. Will you swear positively that Mr. Griffith made no acknowledgment of the correction? No; he made no acknowledgment of the correction.
1298. If Mr. Davies swore that he did correct Mr. Griffith, and Mr. Griffith acknowledged it was right, what would you say? I say it is false.
1299. If Mr. Ball says so, it is false? It is false.
1300. Do you think you can be mistaken? I do not think so.
1301. It took place five months ago;—would you swear it did not occur? I would not swear.
1302. He may be telling the truth? He may be, but I do not think it. [*Mr. Kelynack objected to this mode of questioning.*]
1303. Can you say whether Mr. Ball was sitting or standing? Mr. Ball was standing immediately by the door of the main entrance from the roadway.
1304. How far from the stage? About 30 feet. It might have been 20 feet. I saw Mr. Ball distinctly where he was standing. Mr. Ball during the meeting stood up and tried to get a hearing for Mr. Griffith, because Mr. Griffith was getting a bad hearing.
1305. Did you see any of these gentlemen;—where was Mr. Davies? He was standing nearly at the far end of the hall, about the centre of the hall, at the time that Mr. Griffith spoke to him, and asked, "Is that you, Mr. Davies?" Mr. Davies stood up to make himself more conspicuous.
1306. Do you know where Mr. Sherrie, the reporter, was? He was at the reporters' table.
1307. On the platform? Under the platform.
1308. Do you know Mr. R. W. Thompson, of Albury? I know him, but not to speak to him. I know him by sight.
1309. Did you see him there that night at the meeting? I do not remember seeing him.
1310. Do you remember whether Mr. Thompson was taking any part in that meeting? Yes; he was making himself conspicuous there—that is, from reports I have heard. If Mr. Thompson was at the meeting I did not see him.
1311. Did you see Mr. Edmundson there? He was there; but I do not remember what part of the hall he was in.
1312. If you saw Mr. Edmundson, try and recollect where you saw him? I do not remember.
1313. You are quite certain you saw him there? I am quite certain I saw him there.
1314. Do you know Mr. Watson, formerly Mayor of Albury;—did you see him at the meeting? I really could not tell you.
1315. Did you see Mr. Joseph Mathews? I did.
1316. Where was he? I could not tell you.
1317. You are quite certain he was there? I am, but I cannot say where.
1318. Did you see Mr. John Thomas there? Yes, I did.
1319. It is not simply a matter of hearsay? Yes; I saw him.
1320. Where was he? I could not tell you from memory.
1321. Did you hear Mr. Ball address a meeting after this? I did not remain to hear him. They went on the balcony of one of the hotels. I did not wait to hear the discourse.
1322. Did you hear Mr. Ball attack Mr. Griffith? I was not interested. [*Mr. Kelynack objected to questions of this nature, and the objection was upheld.*]
1323. Whom did you see first regarding the giving of evidence to-day;—did you see Mr. Griffith? Yes; I saw Mr. Griffith a fortnight ago. He said I was likely to be subpoenaed to Sydney.
1324. Did he say what evidence was likely to be required of you? No; he did not.
1325. Did he ask you to see anybody? No.
1326. Did he ask you to see Mr. Wilkinson? No; Mr. Wilkinson asked to see me, and I saw him.
1327. Did Mr. Wilkinson ask what evidence you were prepared to give? He did, but I did not tell him. Nobody knew what I was going to say.
1328. Do you mean to say that nobody knew what you were going to say? Yes.
1329. Will you tell me to whom you did give any idea of what you were going to say? I never told anybody. I simply told Mr. Griffith the words I told you—the words I heard him utter. Mr. Griffith did not try to train me up into it.
1330. When did you tell Mr. Griffith what you heard at the meeting? I do not think I ever told him.
1331. You have just said you told Mr. Griffith what you heard? I might have told him a week ago what I heard him say.
1332. Not before then? I will swear positively that until I first saw Mr. Griffith no one ever knew from me what I had to say in this case.
1333. Did you tell him a week or a fortnight ago? I went into Mr. Griffith's office on business of my own a fortnight ago. Mr. Griffith then told me he would like to see me.
1334. *Mr. Kelynack.*] Is there anything further you would like to say? Nothing further, but that Mr. Sherrie, who said he was boycotted—
1335. We will not go into that matter.
1336. *Mr. Piddington.*] Where did you see that announced;—in the Albury paper? In his own paper, where he said in evidence here that he was boycotted, and he had lost support.
1337. In the paper in question was there a full report? No, no.
1338. How much? There was an inch or two in his own paper.
1339. *Mr. Chanter.*] Was it a paragraph? It was simply a paragraph, in which he mentioned the names of a few gentlemen of Albury who refused taking his paper. I thought he would have mentioned mine,

because

- J. Carew. because I discontinued taking the paper. He wanted to show that such were influenced by Mr. Griffith to boycott him.
- 8 Dec., 1898. 1340. Did you hear Mr. Griffith or Mr. Davies use the word "boycott" at the public meeting? Most decidedly not.
1341. *Mr. Haynes.*] What sort of a position does Mr. Davies occupy—a respectable, decent man? Yes, he is a respectable, decent man.
1342. A friend of Mr. Griffith? I think so. I think they have always been good supporters of his.
1343. What were the exact words Mr. Griffith used on the stage when he used the word "support"? Mr. Griffith on the first occasion said he said to Mr. Davies, "You cannot blame me if I support my friends." Then again Mr. Griffith, after the cheering, said he always supported his friends, and would continue to do so.
1344. Was there any laughter or jeers? Not after that; but there were cheers.
1345. Was there laughter or jeering? I really cannot remember.
1346. What business has Mr. Griffith? He is an auctioneer and cattle salesman.
1347. Much respected, and with a large business? Of high standing.
1348. A large business? Yes.
1349. Was it natural there should be any jeering when he said he would support his friends? No; I do not think so.
1350. *Mr. Phillips.*] Have you read the evidence taken before the Committee? No.
1351. Only what you saw in the Albury paper? That is all.
1352. Would you be surprised that evidence has been given before the Committee that Mr. Davies said at the meeting that Mr. Griffith's account was not correct in one main particular? I would be.
1353. *Mr. Chanter.*] Did you notice any account of this case in any other paper than Mr. Sherrie's? Yes; I did.
1354. How many papers are there circulating in Albury? Four; two evening papers and two weekly papers.
1355. Did they all have an account of this case, or only Mr. Sherrie's? There were only paragraphs. The only one I took any interest in was Mr. Sherrie's paper.
1356. Was your name mentioned? I thought it would be—that it would appear; but I saw it did not. The reason I looked for Mr. Sherrie's paper so much was because I thought he might say I was influenced by Mr. Griffith in taking my support from the paper.
1357. You said in your evidence that you sat on the platform immediately behind Mr. Griffith? Immediately behind him.
1358. What distance was Mr. Davies from Mr. Griffith when the question was asked? Mr. Davies was about the centre of the hall. He would be about 50 feet from the front of the stage.
1359. What was the conduct of the meeting? Very disorderly. It was the only disorderly meeting I ever saw at Albury.
1360. *Mr. Phillips.*] The only one? That is, I mean nothing to come near this one.
1361. *Mr. Chanter.*] During any of these periods of disorder would it be possible for Mr. Davies to make any statement, he being 50 feet away from you, without you hearing him? It would be possible.
1362. At the particular time the question was being put, what was the state of the audience then? It was orderly while Mr. Davies was putting the question to Mr. Griffith. Naturally, because Mr. Davies was a great supporter of Mr. Ball, the house would be orderly.
1363. Was it orderly while the reply was being given? Yes.
1364. During the whole time of the question and the reply the meeting was orderly? Yes.
1365. *Mr. Piddington.*] In the paper where you saw the evidence of Mr. Sherrie was the evidence of any other witness published? If there was I did not read it. I told you before why I took interest in Mr. Sherrie's evidence.
1366. The question is: "In the paper where you saw Mr. Sherrie's evidence was there a report of any other witness?" I do not remember.
1367. How long ago was that? It was the first sitting here.
1368. Did you see the report of the evidence given here a fortnight ago in any other paper? No.
1369. *Mr. Haynes.*] Were you on Mr. Ball's committee in this campaign? No; I was on Mr. Griffith's.
1370. The supporters of Mr. Ball were very disorderly there that night? Yes.

John Campbell sworn and examined:—

- J. Campbell. 1371. *Mr. Kelynaek.*] You reside in Albury, and are a member of the firm of K. McLennon and Company? Yes.
- 8 Dec., 1898. 1372. You were in Albury at the time of the election? Yes.
1373. Did you attend a meeting held the night before the poll? I did.
1374. Were you in the hall? I was on the platform.
1375. Did you hear a question asked by someone in the hall about withdrawing custom from tradesmen? Yes.
1376. Did you know who asked that question? I did not know at the time.
1377. What was the question? "Do you think it a fair thing to threaten to withdraw business from a tradesman if he does not vote for you?"
1378. Did Mr. Griffith answer that question? Yes.
1379. What was his answer? Mr. Griffith said, "I am very pleased that question has been asked. I fully expected it, as it has been going the rounds for a considerable time."
1380. What else did he say? Mr. Griffith said, "Is Mr. Davies in the hall?" Mr. Davies got up and said, "I am the man that asked that question." Mr. Griffith said, "I will explain word for word what occurred, and I ask Mr. Davies to correct me if I make a mistake. I owed an account to the firm of Davies and Hamilton, and called round with a cheque to pay them. I gave the cheque to Mr. Davies, and he gave me a receipt. After I got the receipt, I said to Davies, 'I suppose I can depend on your support for this election?' Mr. Davies said 'No; I have pledged myself to Mr. Ball.' I then said, 'Has Mr. Ball done anything that I could not do if I had the same chance?' Mr. Davies said, 'I respect you, Mr. Griffith,

- Griffith, as much as any man in Albury, but I pledged myself to Mr. Ball.' I said, 'Well, Mr. Davies, J. Campbell, you cannot blame me if I support my friends.'" Mr. Griffith then said to Mr. Davies in the hall, "Is that true?" Mr. Davies said, "That is correct in the main." 8 Dec., 1898.
1380. Was there anything more? Mr. Davies said nothing more, but sat down. Mr. Griffith then said, "That is right; there is nothing in it. I always support my friends, and I will continue to do so." That is all.
1381. How did the meeting accept Mr. Griffith's statement? With cheers.
1382. When did they occur? When Mr. Griffith gave the explanation and Mr. Davies said, "It is quite correct in the main."
1383. Did you hear all the words of the question? I did.
1384. Though you do not swear to the exact terms? I could not say the exact terms.
1385. Did Mr. Davies use the word "boycott"? No; I never heard it.
1386. You never heard it at the meeting at all? No.
1387. *Mr. Piddington.*] I suppose you know what witnesses have given evidence on Mr. Ball's behalf? Yes.
1388. Mr. Davis, Mr. Ball, Mr. Sherrie, and so on? Yes, I do.
1389. Where were they sitting;—did you see Mr. Thompson? Yes, I did.
1390. Where was Mr. Thompson? He was sitting on the right-hand side, a few steps from the platform.
1391. Not on the platform? No; but not very far from the platform.
1392. Did you see Mr. Sherrie? Yes.
1393. Where was he? He was at the reporting table. I do not know where afterwards.
1394. Did you see Mr. Joseph Mathews? Yes; he was in the front of the audience; but I would not say whether he was in the front seat.
1395. Did you see Mr. Edmundson? I do not remember.
1396. Did you see Mr. Thomas? Yes; I saw Mr. Thomas. He was further back.
1397. How far away from the stage? I would not like to say. Four or five seats back, perhaps. I would not swear to it.
1398. Have you given notes of your evidence to anybody? Yes; I told Mr. Wilkinson.
1399. When was that? I think it was on Monday.
1400. Was anybody else with Mr. Wilkinson? No.
1401. Have you told anybody else your evidence? No, I have not.
1402. Did you never tell Mr. Griffith any of your evidence? I just told him one part of it—the question that was asked him and the reply he gave. Mr. Griffith asked me if I was at the meeting, and I told him I was.
1403. When did that take place? That took place on Wednesday night. I remember it very well. It was St. Andrew's night.
1404. What date was that? 30th November.
1405. Had you not spoken previously to that about your evidence? No; I did not know I was to be called.
1406. Do you take any newspapers circulating in Albury? Yes; every newspaper in Albury, including the *Daily News*.
1407. I want your answer whether you remember seeing any evidence given by Mr. Sherrie? Yes; I did see it, but I cannot say where it was.
1408. Did you see any evidence of any other witnesses? Mr. Ball's; but I do not remember any other.
1409. Was there anything in the other papers about it? I think the *Banner* had evidence. I forget whether it was last week.
1410. The evidence of what witnesses? Mr. Ball, Mr. Sherrie, and Mr. Davies.
1411. And no others? I do not think so.
1412. In the other papers—there is a *Herald* there? I think they had just the same evidence as the *Banner*.
1413. What is the fourth paper? *The Border Post*.
1414. Was there anything in that? I cannot tell you.
1415. *Mr. Haynes.*] Do you know Mr. Davies? I know him by sight, not personally.
1416. He is a respectable man? I think so.
1417. Mr. Griffith you know pretty well; he is a member of an important firm? Yes.
1418. He has a large business? Yes.
1419. He is a very influential man? Yes.
1420. When Mr. Griffith stated at the close of that question, and the reply on the stage, that he would support his friends, was there any laughter in the audience or jeers? No; it was quite the opposite.
1421. In consequence, of course, of Mr. Griffith's influential position? Yes.
1422. Does he do a large business with people round the district? Yes.
1423. And, therefore, the support of his friends in the past meant something substantial? Yes. I understood it would not make any difference in the support of his friends who supported him previously.
1424. What would you infer from the statement about support if you learned that up to the time of this election he had supported Mr. Davies, and had traded with him, and had not since done so? That I cannot answer. I think a man in his private business ought to be allowed to do what he likes.
1425. You do not know whether Mr. Griffith is doing any business with Mr. Davies? I cannot say.
1426. You say Mr. Griffith is a man in a large way of business in the district, and is a member of an influential firm? Yes.
1427. And when he said he would support his friends, and continue to do so, it meant something substantial? Yes.
1428. *Mr. Savers.*] You said Mr. Griffith said that he always supported his friends, and would continue to do so? Yes.
1429. In answer to a question put by Mr. Haynes, you said it would mean something substantial? What I meant was that I understood that Mr. Griffith would support the friends he used to support, and that the election would make no difference.
1430. In a business way? Yes; that is what I understood.

- J. Campbell. 1431. You said Mr. Griffith is a very influential man;—do you wish this Committee to believe that when Mr. Griffith used those words, that he would continue to support his friends, he was bribing the people? No, certainly not.
8 Dec., 1898.
1432. What do you mean, if not a bribe, by substantial;—do you mean Mr. Griffith would go out of his way to assist people? I do not. The meaning I gave to it was that Mr. Griffith would continue business relations with the same people after the election as before, if they were his friends. The election would make no difference to them.
1433. I want some explanation of the word “substantial”? I did not know in what respect the word was asked of me.
1434. I should imagine that it meant that Mr. Griffith’s friends expected some substantial reward? I did not mean that.
1435. That we might fairly believe that as friends of a very influential man, and so used substantial with that meaning, that they might expect some reward? I did not think of it in that respect at all.
1436. You did not use the word substantial in that sense? No.
1437. You did not regard it in any way like that? No; I supported Mr. Griffith outside of all business relations.
1438. What would you think these remarks of Mr. Griffith meant: “I have always supported my friends.” You say he was influential, and he meant something substantial;—do you mean to convey to this Committee that he held out anything in the hope of reward to his supporters? No, certainly not.
1439. *Mr. Haynes.*] Except beyond a continuance of business? Yes, that is all. He would continue, as in the past, to be faithful to his friends.
1440. *Mr. Sawers.*] In no sense as a bribe or intimidation? No, certainly not. I did not quite understand the meaning of substantial when it was asked.
1441. *Mr. Kelynack.*] There is another firm besides Griffith & Co. carrying on in the same line of business? Yes; Younghusband & Co.
1442. A large firm? Yes; and I suppose a larger firm in one respect than Griffith & Co. Younghusband & Co. have a branch in Melbourne.
1443. There is no monopoly then? No, there is no monopoly.
1444. *Chairman.*] Did you hear Mr. Davies, or Mr. Griffith, or anyone else in the audience use the word “boycott”? No.
1445. You think you would have heard it if it had been used? Yes; I am not deaf.

A. G. Sadlier sworn and examined:—

- A. G. Sadlier. 1446. *Mr. Kelynack.*] You are an auctioneer, residing in Albury? Yes.
8 Dec., 1898.
1447. You were in the Albury Electorate at the time of the last election when Mr. Griffith and Mr. Ball were candidates? Yes.
1448. You were present at a meeting held the night before the poll? Yes.
1449. The meeting was addressed by Mr. Griffith? Yes.
1450. Where were you in the hall? Standing at the double doors on the stage, at the side of the stage. I had those doors open, and was standing on the top of the stairs.
1451. Near to the stage? Yes.
1452. Within a few feet of it? About 3 or 4 feet from the stage.
1453. Did you hear a question asked at the conclusion of the meeting with regard to the withdrawal of custom from tradesmen? Yes; I heard Mr. Davies ask it.
1454. What was the question? Mr. Davies said, “Is it true, Mr. Griffith, that you went to a certain tradesman in town and told him that if he did not vote for you you would withdraw your support from him?” Mr. Griffith answered, “No; but I will tell you what I did say, and if the gentleman is in the room he can contradict me if it is not true.” Mr. Griffith then said—
1455. Was there any reply to that? Mr. Davies never replied. Mr. Griffith then said, “I received an account from Messrs. Davies and Hamilton. I wrote out a cheque for them, and put it in my pocket with some other cheques. I went round to Mr. Davies, handed him the cheque, and as I was leaving I said to him, ‘I suppose I can rely on your support?’ Mr. Davies answered, ‘I cannot support you, as I have pledged myself to support Mr. Ball.’” Mr. Griffith then said, “Is that not true, Mr. Davies?” Mr. Davies then stood up in the hall and said, “That is correct, Mr. Griffith.” Just that, and then sat down. I think nearly everybody in the hall were cheering and clapping at the time.
1456. Did he not say anything about supporting friends? I believe he did. Mr. Griffith said when I was going away, “You can’t blame me if I support my friends.”
1457. He then said, “Is that correct”? Yes, that is it.
1458. Did Mr. Davies say anything? Mr. Griffith said, “Is that true, Mr. Davies?” Mr. Davies got up and said, “That is quite correct, Mr. Griffith.”
1459. What followed that? There was clapping and cheering. I think there was a great deal of people waiting for that answer.
1460. Did Mr. Griffith say anything more? After they had done clapping, Mr. Griffith said, “You see, there is nothing in it. I will always support my friends.”
1461. Did you hear all the words Mr. Davies used in his question? Oh, yes; I think so.
1462. You may not know the exact terms? Perhaps not.
1463. Did he use the word “boycott” in his question? No, he did not.
1464. Did you hear anybody else use that word? I did not hear it all night. I do not think it was used in the hall.
1465. *Mr. Piddington.*] You have told us everything that took place between Mr. Davies and Mr. Griffith? On that occasion.
1466. Will you positively swear that nothing else was said by either of them than what you have said? Yes.
1467. Will you swear positively? Not to the exact words; but nothing different was said.
1468. Did not Mr. Griffith say he was glad the question had been asked? He may have said that.
1469. Did he say it or not? He may have said it.
1470. Did he say that the question had gone the rounds? I believe he said that.

1471. Did he ask for Mr. Davies by name, or did he say, "There is a gentleman present who can correct me?" He did not ask for Mr. Davies by name. I do not think anybody knew who asked the question. I did not see him till he stood up. A. G. Sadler.
8 Dec., 1898.
1472. He said, "There is a gentleman in the hall who can correct me if I am wrong"? No; I did not say he said that. He said, "If the gentleman is in the hall he can correct me if I am wrong."
1473. Did Mr. Griffith say anything about having got a receipt from Mr. Davies? I believe he did.
1474. Will you swear that he did? I could not swear that he did, but I think he did.
1475. Did he say anything with regard to Mr. Davies having any reason for supporting Mr. Ball? I do not remember.
1476. Did he say he had said to Mr. Davies whether Mr. Ball had given Mr. Davies any reasons why Mr. Davies should support him? I do not remember anything about that.
1477. You heard what Mr. Davies said, "That it was correct"? Mr. Davies said, "That is correct, Mr. Griffith."
1478. Nothing else? He said nothing else.
1479. You are absolutely certain? Yes; he sat down.
1480. Will you swear he did not say, "That is correct in the main"? He said, "That is correct," then either "Mr. Griffith" or "in the main." He may have said "in the main." I took the words to be "Mr. Griffith."
1481. You think those were the exact words? I think so. I think he said, "That is correct, Mr. Griffith," and sat down directly. He may have said, "in the main."
1482. Will you swear Mr. Davies did not add anything to that? Yes.
1483. Will you swear he did not say, "What you did say was, that you would not support them who did not support you"? He did not say that.
1484. You will not swear that Mr. Griffith then said "That is correct, and I intend to do so in every instance"? I do not think Mr. Griffith said anything more.
1485. Will you swear he said that? I do not think he said that.
1486. Will you swear that he did not say it? I will not swear that he did not say it.
1487. Have you given notes of your evidence to anyone? To Mr. Wilkinson. I gave him a letter with my evidence. I told him. He met me in the street one day. I gave it to him in writing.
1488. Did you send it by post? No; I took it into his office myself.
1489. Did you talk to him about your evidence? No; he was not there on that occasion.
1490. Can you tell me when that was—a week or a fortnight ago? I do not think it was a week ago.
1491. As a matter of fact, had you not given notes of your evidence to somebody else before then? I had not.
1492. I suppose you read the Albury papers? I do.
1493. Have you read them during the last week or two? Yes.
1494. Have you read accounts of the evidence given before this Committee in those papers? I read part of them.
1495. Can you tell us whose evidence you read? I think it was Mr. Edmundson's.
1496. Anybody else;—did you read Mr. Ball's? I may have read his.
1497. Are you an opponent of Mr. Ball's? Politically.
1498. And a pretty lively one? Oh, no.
1499. Did you not go all through the electorate chasing Mr. Ball? I went to all his meetings.
1500. When you saw Mr. Ball's evidence in the papers you say you did not read it? I did not say so. I think I read Mr. Ball's and Mr. Edmundson's.
1501. Did you read Mr. Davies' evidence? I do not think so.
1502. *Mr. Haynes.*] You are an auctioneer? Yes.
1503. As large as Messrs. Griffith & Co.? No, no comparison.
1504. Mr. Griffith is very much respected? Yes.
1505. Highly respected? Yes.
1506. Is he a poor man? I do not know his finances, but I do not think he is poor.
1507. He has a large business? Yes, a big business.
1508. You know Mr. Davies? Yes, I know him well.
1509. Mr. Davies is a respectable man? Yes.
1510. A friend of Mr. Griffith? Yes; as far as I know.
1511. When Mr. Griffith made his statement on the stage in answer to the question by Mr. Davies, and said he would support his friends and continue to do so, you said there were cheers? Yes.
1512. No jeers? Not at that time.
1513. It would mean something substantial? I think the reason was that a lot of people did not know one thing or the other. I did not myself, and I was pleased Mr. Griffith gave his answer.
1514. Mr. Griffith has a large business and a position there. Unless he had a large business and much influence in that way, the statement that he would support his friends would excite ridicule? That is so. When he made the statement it did not excite jeers or laughter. There was clapping of hands going on.
1515. Mr. Griffith stated he would support his friends who supported him? Those are not the words he used. He said, "I have always supported my friends. You see there is nothing in it." He then sat down.
1516. Of course it would be a substantial thing to men of large business, such as Messrs. Griffith and Company conduct? I do not know. I do not think it would make any difference.
1517. Would you take support to mean a continuance of business relationship? I do not know his business well enough to speak of it.
1518. You said he had a large business—the most extensive business in Albury in his line? Yes; I think it is, in his line.
1519. And to continue his support to his friends in a business sense would be a substantial thing? Yes; it would be.
1520. Do you know whether he has had any transactions with Mr. Davies since this time? I do not know, and I would not know.
1521. Mr. Griffith's remark about supporting his friends you did not take to be a threat or an attempt to bribe? No, not at all.

- A. G. Sadlier. 1522. Did you take it to be a continuance of business relationship with his friends? Yes.
 8 Dec., 1898. 1523. *Mr. Kelynaack.*] As far as his business is concerned, what do you know? I know nothing about it, as I have told the gentleman.
 1524. His business is merely selling and buying stock and an agency business? Yes.
 1525. And yours is household goods? Yes.
 1526. *Mr. Sawers.*] What is the meaning you give to the word "substantial," which you have used;—do you mean he would go out of his way? I think that if I was in a business, serving Mr. Griffith with groceries, he would be a real good customer. Anybody that was serving him would have a good customer.
 1527. You mean he would do business with his friends? To anybody that he had business with his custom would be worth while, as they would have their pay and do a good business.
 1528. Do you think he said it as a sort of bribe to the audience? No, I do not think that.
 1529. Do you think it was to influence their votes? Not in the least.
 1530. Do you think Mr. Griffith would give substantial support so as to influence their votes? I do not think that. No he did not.
 1531. Do you mean by substantial, that he preferred to do business with the butcher, grocer, or baker who were his friends, instead of those who were opposed to him? No, I do not think that. I do not think it made a bit of difference.
 1532. What do you mean by substantial? I mean anybody who served him would have a real good customer.
 1533. *Mr. Phillips.*] These cheers and applause you refer to were given before Mr. Griffith said he would support his friends? Yes, before.
 1534. *Mr. Sawers.*] How near were you to Mr. Davies when the question was asked? I was not as far as that door—between 30 and 40 feet.
 1535. Could you hear Mr. Davies distinctly? Yes; I could. When Mr. Davies asked the question and Mr. Griffith answered it the hall was perfectly still. It was before the question was asked that all the howling was going on.
 1536. Counsel asked you this question, when you replied that Mr. Davies said, "That is correct, Mr. Griffith," or words to that effect;—did not Mr. Davies add that that was not quite correct, and that what Mr. Griffith did say was, "I will not support those who do not support me;"—now, if Mr. Davies had said that would you have heard it? Yes; I would have heard it.
 1537. You are positive he did not say that? Yes; I was watching him.
 1538. Did he say anything near it? No, he did not.
 1539. Would it have been possible for him to have done so without you knowing it? That is hardly possible, because Mr. Davies sat down, and he never moved afterwards.
 1540. *Mr. Moore.*] What did you take Mr. Griffith to mean by "his friends"? Well, I could not say. I did not know Mr. Griffith had an enemy in town.
 1541. When he said he would always support his friends, under the circumstances—that is, addressing a political meeting, and after giving the explanation that he always supported his friends, and always would support them—what would you take it to mean? I would take it, if I was a man of business and a friend, to mean he would give me a turn and would deal off me.
 1542. Do you tell the Committee that you did not take that to mean his political friends, that he did not refer to those who would support him in the election? I do not think he did.
 1543. When he used the term "friends," did he not mean those who were his friends during the election? I do not think so. That was not the meaning I made out of it.
 1544. *Mr. Haynes.*] Did you hear it stated that the names of Mr. Ball's committee were not published, because of the hot feeling up there at that time? No.
 1545. You were not on Mr. Ball's committee? No, I was not.

William Macintosh sworn and examined:—

- W. Macintosh. 1546. *Mr. Kelynaack.*] You are a grazier residing on Howlong Road? Yes.
 8 Dec., 1898. 1547. That is 9 miles from Albury? Thirteen miles.
 1548. You were in the Albury electorate at the time of the recent election? I was.
 1549. Did you attend a meeting which was held the night before the poll, at which Mr. Griffith delivered an address? I did.
 1550. Where were you in the hall? On the platform.
 1551. Did you hear a question after the close of the address with regard to the withdrawal of custom from tradesmen? I did not hear the question.
 1552. Did you not hear the question at all? No.
 1553. Did you hear what Mr. Griffith said? He rose and asked whether Mr. Davies was present. He was told he was. Mr. Griffith said, "I am very pleased; I expected this as it has gone the rounds." He then said he would repeat exactly what took place in the interview he had with Mr. Davies, and he referred to Mr. Davies to say whether it was correct or not. He then went on to the interview. He said he went to Mr. Davies to pay an account, which had been rendered several times, and after having paid the account he asked Mr. Davies if he could depend upon his support at the election. Mr. Davies said he had supported Mr. Ball at the previous election, and he was going to do so in this. Mr. Griffith then asked him if Mr. Ball had done anything for him that he could not have done. Mr. Davies said he supposed not. Mr. Griffith said, "You cannot blame me if I support my friends." He then referred to Mr. Davies whether it was correct or not. Mr. Davies said it was.
 1554. Do you remember Mr. Davies' exact words? Mr. Davies said it was correct.
 1555. Did you hear him say anything more? No.
 1556. What happened then? Mr. Griffith said he had always supported his friends, and he would continue to do so. The meeting applauded him, and he sat down.
 1557. You said you did not hear the exact words of the question? I did not hear the question.
 1558. Did you hear Mr. Griffith use the word "boycott"? No.
 1559. Did you hear anyone else? I did not hear the word "boycott".

W.
Macintosh.
8 Dec., 1888.

1560. *Mr. Piddington.*] Did you hear Mr. Davies say anything else besides simply "That is correct"? No.
1561. As far as you saw, Mr. Davies sat down absolutely satisfied? Yes, he was a good way back in the hall.
1562. Have you got good hearing? Yes, fairly good hearing.
1563. Do you think Mr. Davies could have said anything in addition that you did not catch? No, I think not. If he said it in an audible tone I would have heard it.
1564. You think Mr. Davies could not have said anything in addition without your catching it? Not in a tone that could be heard on the platform.
1565. *Mr. Moore.*] Was Mr. Macintosh on the platform? Yes; I was near Mr. Griffith.
1566. *Mr. Piddington.*] Did he not use "correct in the main"? No, I did not hear him use "correct in the main."
1567. But after Mr. Davies saying it was correct, did Mr. Griffith not say anything to this effect "I intend to do so in every instance"? He did not.
1568. Do you say it was "I have always supported my friends, and will continue to do so"? Word for word.
1569. You will swear it was not "in every instance"? Yes.
1570. Did you see where Mr. Ball was standing? Once during the meeting I saw him.
1571. Did you not see him when this questioning was taking place? No.
1572. Did you see Mr. Thompson at the meeting? I do not know him.
1573. Did you see Mr. Edmundson? I did not see him.
1574. Or Mr. Joseph Mathews? I did.
1575. Whereabouts? He was pretty well forward towards the platform when I saw him.
1576. When was that? I could not say what part of the meeting. It was during Mr. Griffith's address.
1577. Did you see Mr. John Thomas? No, I did not see him.
1578. Did you see Mr. Watson? No.
1579. To whom did you give notes of the evidence you have given to-day? To Mr. Wilkinson.
1580. Did you go to his office? Yes.
1581. And you saw him there? Yes.
1582. And gave him notes of your evidence there? Yes.
1583. Was anyone else there? No one else.
1584. When did this take place? Last Monday.
1585. Had you not previously spoken to Mr. Griffith about your evidence? No, I did not; I would not say anything to anybody about my evidence. I saw by the papers rebutting evidence was required. I saw Mr. Griffith and rode past him, just passing him the time of day.
1586. Did he tell you to see Wilkinson on this business? I did not see Mr. Griffith that afternoon. He left word with his brother to see me. I told him I knew what had passed if he wanted rebutting evidence. I had stated that to two men in the street before I had seen Mr. Griffith's brother.
1587. Did you not as a matter of fact tell somebody else about the evidence before you told Mr. Wilkinson? No. I did not know I was going to give evidence. Mr. Griffith met me at the saleyards on last Wednesday week. He just spoke to me where they sell cattle. He said, "I want you to go down." That is all.
1588. When you saw Mr. Wilkinson you had not at that time told anybody? No, I had not.
1589. Nothing? No.
1590. You say you saw in the paper rebutting evidence was required? Yes.
1591. In the same paper did you see a report of the evidence that had been given? A part of it.
1592. *Mr. Chanter.*] What paper was it? It was the *Albury Herald*, I think.
1593. *Mr. Haynes.*] You are a grazier? Yes.
1594. In long residence in the district? Permanently, for seven years. But I have been backwards and forwards there for twenty years.
1595. You have a fairly large business? I am a small grazier.
1596. Of course there are some big station properties and a lot of men in a similar position to yourself? Yes, there are.
1597. There is a fair amount of business done in Albury in the grazing line selling stock? Yes, it is a pretty busy centre.
1598. Mr. Griffith occupies a position of respectability, and is a very influential man? Yes; it is considered a very respectable firm.
1599. In a big way of business? Yes, for a country town.
1600. Stock and station transactions, and so on? Yes.
1601. Do you know the Mr. Davies referred to in this case? No, I do not know him.
1602. I suppose Messrs. Griffith and Company occupy about the leading position as stock salesmen in Albury? Yes.
1603. Their business, I suppose, is of a substantial kind? Yes.
1604. When Mr. Griffith on the platform stated he would support his friends, in consequence of his substantial position, there was no laughter or jeers at his stating that? No, there was not.
1605. Of course a statement to the effect of supporting friends meant something substantial, that he would continue his business relations with them? I do not know. It did not refer to any business, I should think.
1606. You said he is in a large business of a substantial kind; when he said he would continue to support his friends, I suppose it meant he would continue his business relations;—it was not by way of threat? Yes; it meant he would continue business relationship with his friends.
1607. That is, people who supported him he would support them? I do not know what he meant, I am sure.
1608. For Messrs. Griffith and Company to continue to support anyone would be a substantial thing? One witness has sworn that for the firm to withdraw or continue their support would mean a substantial thing? No; I think not. The farmers are very independent in the district.
1609. Would it not mean a substantial thing? No, it is a very independent district.
1610. Do you know whether the cheque paid to Mr. Davies was paid by Mr. Griffith from his own private account or from the account of the firm? I cannot say.

- W. Macintosh 1611. *Mr. Chanter.*] How long have you done business with the firm? Ever since I have been in the district.
- 8 Dec., 1898. 1612. What do you mean to convey by your reply to Mr. Haynes as to it being a substantial firm;—do you mean that it is a firm giving satisfaction to their clients? Yes.
1613. Did the firm or any member of the firm at any time attempt to influence clients in this question of the election? Not that I am aware of.
1614. Would the firm, or Mr. Griffith rather, putting the firm out of the question, have more to do with the tradesmen than any other citizen in the way of giving employment? No, he would not.
1615. He would be in the same position as an ordinary citizen? Yes.
1616. How many stock firms are there in Albury? Two.
1617. The other is a reputable firm? Yes, a large firm.
1618. It is a matter of choice who people do business with? Yes.
1619. And what you mean by substantial—is it substantial in the eyes of their clients? Yes.
1620. As a grazier, and one not supposed to be keenly interested in the party politics of the town itself, what was your opinion of the meeting as a whole? It was disorderly. At times a disgraceful meeting, throwing rotten eggs.
1621. How far from the platform was Mr. Davies? He was back a good bit in the hall. He was further back than the centre of the hall.
1622. *Chairman.*] How many feet away from Mr. Griffith? Between 40 and 50, I should think.
1623. Compare it with the length of this room? Further than the length of this room.
1624. *Mr. Chanter.*] At the time of the question, was the meeting fairly orderly? It was fairly orderly.
1625. You had no difficulty in hearing? I did not hear the question asked by Mr. Davies.
1626. You heard the answer? Mr. Griffith got up and asked if Mr. Davies was present.
1627. Is your hearing good? Yes.
1628. As you did not hear the question put by Mr. Davies, would it not be equally possible for persons standing in the vicinity of Mr. Davies not to hear the exact reply given by Mr. Griffith? Yes, it would.

Thomas Hunter Griffith sworn and examined:—

- T. H. Griffith. 1629. *Mr. Kelynaek.*] You are a resident of Albury? Yes.
- 8 Dec., 1898. 1630. And a member of the firm of Messrs. Griffith Brothers? Of the firm of Charles L. Griffith & Co.
1631. You were a candidate at the election recently held for the electorate of Albury, and the other candidate was Mr. Ball? Yes.
1632. You heard Mr. Davies' evidence of the interview you had with him and the conversation? Yes.
- [*The Chairman at this stage left the Chair, and Mr. Chanter was called to the Chair pro tem.*]
1633. Will you give the Committee an account of that interview? A friend of mine said to me one day when we were talking about the election, "How is Davies going to vote?" I said, "I am almost certain he will vote"—
1634. Never mind that—how did you come to see Mr. Davies? The upshot of the conversation I had with my friend was that I said I would ask Davies how he was going to vote. I had an account rendered of, I think, £7 18s. 6d. I wrote a cheque for the amount the following day when I came home to lunch. Mr. Davies' shop is about 100 yards distant from my yard. In fact, it is the only building on that block of land. I took the cheque up with me and the coin for the odd 18s. 6d., and spoke to him in a very friendly way, handing him the coin and the cheque. He receipted the account and thanked me for it. I may state that previous to this I never alluded to the election. He handed me back the receipted account, which I took home to my house. After handing me back the receipted account, as I was leaving the shop, I said to Mr. Davies, "I suppose I can reckon on (either 'your vote' or 'your support'—I do not know which word I used) at this election." "Well, Mr. Griffith," he said, "there is not a man in Albury I respect more or would sooner vote for than for you, but we are in honor bound to support Mr. Ball." "Well," I said, "Davies, that is a very straight answer, but you must not blame me if I support my own friends."
1635. Did you say anything to him about what Mr. Ball had done for him? Before this last remark I said, "Has Mr. Ball ever done anything for Albury or for you that I could not do?" He said, "No, I do not think so; but all the same, we are in honor bound to support him." With that we closed the conversation. When I got home, I found another account had been rendered for £8 6s., which included a sum after the date of the other. I sent my groom round to Mr. Davies to pay him, and he brought this account, the amended one, back. [*Account produced.*]
1636. With regard to the work done, and for which you paid, what was the last day on which he did work for you? I think it was May 11.
1637. And when was the payment made? Payment was made on July 4.
1638. On May 11 was the last item for which any work had been done in that paid account? Yes.
1639. *Chairman.*] What period of time does this account cover? Messrs. Hamilton and Davies started work in January, 1896.
1640. *Mr. Kelynaek.*] What were your total transactions? My total transactions for that period amount to £15 18s. If you deduct from that amount the sum of £4 10s., which was an unusual expenditure for a new gate they made me—it was nothing paid for blacksmithing—it leaves an amount of £11 8s. for the two and a half years.
1641. In addition to getting work done at Messrs. Davies and Hamilton for blacksmithing, have you dealt from other people? Yes; I have always had McEachern and Dallinger for the last three or four years.
1642. The account you paid Mr. Davies, was it a private account or a firm account? A private account.
1643. Did the firm ever deal with Mr. Davies? Never with Mr. Davies.
1644. How much have you expended for blacksmithing work since the 4th July? With Dallinger 11s. 6d., and with McEachern 8s.
1645. *Chairman.*] Since what date in July? Since 4th July.
1646. *Mr. Kelynaek.*] Is it true you used these words to Mr. Davies in this conversation: "Mr. Davies swears he said, 'You are a gentleman for whom I have a great respect. I do not know there is anyone in Albury

Albury I would rather vote for than yourself, but under the circumstances I feel that I am in honor bound to support Mr. Ball.' He (Mr. Griffith) said, 'If that is so, or 'if you can't, I forget the exact words he used, but what it amounted to was, 'If you don't, I cannot support those who don't support me'';—did you say that? I never said that in my life to anyone or at any place.

T. H. Griffith.
8 Dec., 1848.

1647. Did you say to him, "I do not wish to persuade you," or words to that effect, "but I have talked it over with my brother. My brother and I have left hundreds of pounds with tradesmen in the town—wheelwrights, saddlers, and coachbuilders—and now when we want their support we cannot get it. Mr. Higgins said he would support me, but I do not believe him"? I never talked the matter over with my brother in my life.

1648. Did you say it? I did not.

1649. Mr. Davies said that you did not pay him your cheque until after you had spoken about the election? That is not true. I never alluded to the election till I was walking out of the shop, and I just said to him, "I suppose I can reckon on your vote," or "support,"—I do not know which—"at the next election?"

1650. Mr. Davies again says that you first of all spoke to him on the question of the election, and then, after, on the question of business? No; I did not allude to the election till leaving the shop, and everything was said in perfectly good friendship. I was not the least excited, nor was I annoyed. It was merely to satisfy the curiosity of my friend that I went there.

1651. We will come now to the meeting. You remember some question being asked at the Meeting—what was the question? There were several questions asked. The first intimation I had was that somebody called out, "What about Davies"? I said, "I am glad you have referred to it, because it has been pretty well circulated." This was Mr. Davies. He had said this, I had heard. I said, "If Mr. Davies is in the room I will relate the whole conversation that occurred; and if I say anything that is not correct, I will ask Mr. Davies to stand up and contradict me." Mr. Davies stood up and said, "That is me." He said he had asked the question. I said, "I will relate the whole conversation that occurred. I owed Davies and Hamilton an account; I wrote a cheque out for the amount, and took it up to them. I handed the cheque and account to Mr. Davies. After he had receipted it he handed it to me back, and just as I was turning round to leave the shop, I said to him, "I suppose, Mr. Davies, I can reckon upon your vote or support at the coming election?" He said, "No, Mr. Griffith, there is no man in Albury I respect more than yourself, or would sooner vote for; but we are in honor bound to support Mr. Ball." It was just a repetition of the other. I said, "That is a straight answer Davies, but has Mr. Ball ever done anything for Albury that I could not do," or words to that effect. He said, "No, I do not think so, but all the same we are bound to support Mr. Ball." Well, I said, "Mr. Davies you must not blame me if I support my own friends."

1652. After you said that did you say anything else? I knew there was an anxious feeling among my own supporters as this remark was going about, and they were afraid I had said something much more serious.

1653. When you had given the explanation, did Mr. Davies say anything? I asked the question first, "Is that correct, Mr. Davies?" He said distinctly, "That is correct in the main."

1654. Did he say anything else? No, nothing else. I stood for a few minutes expecting to be asked what was wrong with the question. No other question came, and I sat down.

1655. Did Mr. Davies say, "Your statement is true in the main," and add, "The only thing I take exception to is the last part of it. What you really did say was that you would not support them who did not support you"? He never said it. I never heard it.

1656. Did you, in reply, say, "That is correct, and I intend to do so in every instance, or on every occasion"? No; I said I would support my friends. After I had given the explanation the meeting cheered me, and then I said, "There is nothing in it, gentlemen." I said, "I mean to support my friends, and I will continue to do it."

1657. What was the character of the meeting? At the commencement of the meeting it was the most disorderly meeting ever held in Albury. The chairman was a long time before he could obtain a hearing, and it was a long time before I could obtain a hearing. But the latter part of the meeting was quiet.

1658. Did Mr. Davies use the word "boycott"? Never.

1659. Did you hear the word "boycott" used about the meeting at all? No; I never heard it used.

1660. There is another point; Mr. Sherrie in his evidence said you had boycotted him by withdrawing your support from his paper? It is not true.

1661. When did you withdraw your support from his paper? I withdrew my support from his paper previous to the referendum on 3rd June. I produce the letter in which I did so. [*Letter put in and marked.*]

1662. Questions have been asked of witnesses whether they have seen you with regard to the evidence they would give? No; I did not.

1663. What arrangements did you make? I first of all wrote out a lot of names, and went through them with Mr. Wilkinson, and ticked off the men we thought most likely to make the best witnesses. He undertook to see them himself. One or two of them I did. Mr. Campbell I saw on Wednesday night week at a Scotch banquet. I asked him if he could come and give evidence. That was the first intimation I gave him.

1664. Have you had any conversation with any of the witnesses with regard to any of the evidence? No, certainly not.

1665. Were you a candidate for election at the time you withdrew your support from the paper? I had been announced as a candidate before, but I was not nominated till July.

1666. But in May you were not a candidate? No, I was not, nor had I any intention of standing.

1667. You have an elector's right in the name of "W. J. Edwards," punctured and marked as having been used? Yes.

1668. How much have these proceedings over this election cost you? [*Mr. Piddington objected to the question.*]

1669. *Mr. Piddington.*] In his evidence, in answer to a question—"Did you produce the cheque before he had refused finally to support you?" Mr. Davies says:—"After. I said, 'Oh, I am very sorry, Mr. Griffith, I cannot sell myself';—did he say that? He never said that.

1670. Mr. Davies goes on to say in his evidence, "I said that in rather a short way as I felt hurt";—did he say that? He never said it.

1671.

- T. H. Griffith. 1671. You swear positively that he never said that? I swear it. I never expected to get his vote when I went to ask for it.
- 8 Dec., 1898. 1672. In another part of his evidence he alludes to having said, "I cannot sell my vote." In answer to Question No. 20 he says;—"When he handed me his cheque he said, 'I cannot support them who don't support me';—I said 'Very well, I am very sorry, but I cannot sell my vote'"—did he say that? He never said so.
1673. You swear that absolutely? Yes.
1674. You swear positively that Mr. Davies did not say "Very well, I am sorry, but I cannot sell my vote"? I swear positively that he never said that.
1675. In his answer to the same question he says:—"He said, 'Oh, very well; I have talked it over, or my brother and I have talked it over; we left hundreds of pounds with tradesmen in the town, and now when we want their support we cannot get it'"—did you say that? No.
1676. That is absolutely untrue? Absolutely untrue.
1677. Did you say this to Mr. Davies, "Mr. Higgins told me that he would vote for me, but I do not believe him"? I believe I told him that Higgins said he was going to vote for me, but that I did not believe him.
1678. You did say that? Yes.
1679. Did Mr. Davies say this, "Mr. Griffith, I will not do that; I will give you an honest answer; I cannot support you"? No, he did not. He had already given me an answer, and I said it was a very straightforward one.
1680. Did he say this, "I could go to the ballot-box and strike out your name and tell you that I had voted for you"? No; I have no recollection of his ever alluding to the ballot-box at all.
1681. Did he say this, "But I would not stoop to do that," or some words to that effect? No.
1682. Will you swear positively that he did not? He made no allusion to his being able to do that at the ballot-box. I swear positively that I never heard the word "ballot-box" used.
1683. You spoke at the meeting held by Mr. Wise, did you not? Yes.
1684. Did you not at that meeting say something about conducting the campaign fairly—that you were not going to hit below the belt? I did.
1685. On what date was that meeting held? I could not say from recollection.
1686. What took place during the election campaign? In what way?
1687. Was not Mr. Wise down there during the election? He was there before the election.
1688. You spoke at his meeting? Yes. The Premier came up and spoke for Mr. Ball, and Mr. Wise came up and spoke for me.
1689. What was the date of Mr. Wise's meeting? I cannot give it to you from memory, but I will telegraph to Albury and get the date if you like.
1690. All I want to know is whether it was within a week or a fortnight of the election? It must have been quite that.
1691. And it was after your interview with Davies? I could not say that either from memory.
1692. Your interview with Davies was on the 4th or 5th of July? The interview was on the 4th of July, and the election was on the 27th July. It must have been between those dates.
1693. Mr. Wise was at Albury the day after the Premier was there? I believe he was.
1694. This letter, signed "Queensberry," which appeared in the *Daily News* on the 16th July, has been put in evidence:—

I see by the reports of the meeting on Thursday that Mr. Griffith says "he never hits below the belt." For the information of the uninitiated, I may state that the term is one used in the prize-ring to denote the line which divides the fair from the foul blow. I have for many years regarded Mr. Griffith in that light—as one who would never deal unfairly with an opponent. But it is now persistently rumoured, and details given, that Mr. Griffith is trying to coerce people to vote for him by intimidation. It is commonly reported that he has asked for votes, and held out the threat that if they were not got the business of the persons concerned would suffer. Personally, I do not believe these reports. I have the highest opinion of Mr. Griffith, and now call attention to the matter in his own interest. These reports are damaging his chance of election amongst the electors who dislike any kind of hitting "below the belt." I hope Mr. Griffith will deny them.

- Did you ever see that letter? I did. It was brought to me and shown to me, and I read it.
1695. Did you ever answer that letter? No; and I will tell you why I did not: Just as the election started, and my committee was formed, Mr. Aitken, my secretary, came to me one day and asked me was I not going to advertise in the *Daily News*. He said to me, "Sherrie has been very good to you; he has never said anything bad about you yet, and it might be advisable to advertise in the paper." I said, "You are a softer man than I took you to be, Aitken. Wait until the fight fairly begins, and then you will see what Mr. Sherrie will say about me. Mr. John Wilkinson subsidised him once to the extent of about £100 to be well abused by him. He is not going to do that with me, and if he calls me the biggest blackguard unhung I will never put my name in that paper.
1696. What has that got to do with the question? It has a lot to do with it.
1697. Will you explain? It has very much to do with the question. That is an anonymous letter. I do not care what he writes in the paper. I will never put my name in it. I can appeal to Mr. Campbell here. I consulted him about advertising, and he dissuaded me from doing it too.
1698. Coming now to the meeting, Mr. Davies is asked on page 3 "What answer did Mr. Griffith make," and he gives the answer;—"I am prepared for this question, gentlemen; it has gone the rounds, and if Mr. Davies is in the hall I will call upon him to vouch for the truth of what I say or correct me if what I say is not correct, or something to that effect. He said 'I called upon Mr. Davies with an account which had been rendered several times in my pocket'"—did he say that? I did not hear him say that.
1699. "I had been told that he was an honorable man, and that if I asked him he would give me a straightforward answer"—did he say that? I said that about Davies. I said, "I had been told that he was a man who would give me a straight answer, and I believed him to be a decent fellow.
1700. "I asked him if he would support me in this election, and he said 'No, Mr. Griffith, I am very sorry I cannot'"—did he say that?
1701. You have already denied that Mr. Davies in any way corrected you? I have. He said it was correct in the main, and he never asked another question.
1702. You say that he did not ask you another question? I stood for a moment thinking that he might ask me another question, and finding that he did not I immediately sat down.
1703. You have heard Mr. Ball give his evidence? Yes.

1704. Mr. Ball in answer to Question 185 says this:—"Mr. Griffith ended by asking, 'Is not that correct, Mr. Davies.' When Mr. Griffith took his seat, Mr. Davies jumped up and said, 'Your statement is correct in the main, Mr. Griffith, but the part I take exception to is the latter sentence'";—did he say that? I never heard that. I only heard Davies say, "Your statement is correct in the main, Mr. Griffith."

T. H. Griffith.
8 Dec., 1898.

1705. Then Mr. Ball goes on to say that Mr. Davies said to you, "What you really did say was that you would not support those who would not support you"? I never said that.

1706. That is incorrect? Decidedly.

1707. Mr. Ball goes on to say: "Mr. Griffith then got on his feet and said, 'Yes, that is correct, and I intend to do so in every instance'"; I never said that.

1708. Mr. Sherrie reported this meeting in his paper? He did not report it. He reported what suited him.

1709. At page 10 Mr. Sherrie was asked: "Did the following passage appear in your report of that meeting?"

The candidate claimed that he had conducted the campaign in a fair manner, and he admitted that Mr. Ball had done the same. At the conclusion of the address Mr. H. Davies asked Mr. Griffith if he thought it a fair manner of conducting the campaign to intimate that he would "boycott" those who did not vote for him. Mr. Griffith admitted that he had done that in the case of Messrs Davies and Hamilton, and said "He would do it in every instance."

and in reply to that question he said yes? Yes.

1710. You say that report is unfair? It is unfair, decidedly.

1711. You say you never used the words, "Would do it in every instance"? I did not. I answered some dozens of questions at that meeting. Not a single question was ever recorded in that paper but this particular question, which suited Mr. Sherrie.

1712. *Mr. Kelynaek.*] My learned friend read the whole of the paragraph, and he said, "You say it is not correct that you said that you would do so in every instance." I take it, Mr. Griffith, that what you say is that it is not correct that he said any of that? I did not say any of it.

1713. *Mr. Piddington.*] You say that that is the only question reported—look at this report [*handing paper to witness*]? I did not read the paper. I never saw the paper till I came here the other day.

1714. That was a pot-shot, I suppose? He has not reported half the questions I was asked.

1715. *Mr. Phillips.*] How many? Over a dozen, I should say.

1716. *Mr. Piddington.*] The report goes on to say—? Allow me time to read it first. They reported that question and one relating to women's franchise, which was brought out, I suppose, purposely to lose me a few votes. Everyone knew I was opposed to it. That report does not include a number of questions which were asked.

1717. The report goes on to say:—"Dr. Woods moved, and Mr. J. C. Chenery seconded, a vote of confidence in Mr. Griffith. He sought to excuse Mr. Griffith's 'boycott' threats by urging that it was more manly to make them before the election than after it";—did anything of that kind take place? —

1718. Well, what did Mr. Chenery say? [*Mr. Kelynaek objected to the answer being taken down, whereupon Mr. Piddington withdrew the question.*]

1719. *Mr. Piddington.*] You heard Mr. Thompson give his evidence? Yes.

1720. Mr. Thompson gave this evidence:—

557. Do you say that the answer you have just given as the answer given by Mr. Griffith was the whole of the answer given by him? No, it was not the whole answer; it was the substance of the answer.

558. Where did you gather the substance of it? From Mr. Griffith's mouth.

559. What words do you say he gave? Mr. Griffith rose and made some explanation of his visit to Mr. Davies. He said that it was true what Mr. Davies said, and that he intended to do so in every instance.

Did you say that? I never said so.

1721. You did not say that anything which Mr. Davies had said was true? I did not say it was untrue—never.

1722. *Chairman.*] You say the statement is not correct? It is not correct, as far as I believe.

1723. *Mr. Piddington.*] You heard Mr. Edmundson's evidence? Yes.

1724. On page 21 Mr. Edmundson gave this evidence:—

* * * * Somebody—I was told afterwards it was Mr. Davies—asked him a question, "If he had not gone to an elector and threatened to withdraw his business if he refused to vote for him."

718. What did Mr. Griffith say? I heard him say, "Is that Mr. Davies?" and he said, "Yes." Then Mr. Griffith asked him a question. He did not put it in the same way as Mr. Davies had put it. Then Mr. Davies told it again in the way he put it at first, and Mr. Griffith said that that was correct, and that he should do so in every instance.

You also deny that? I do not understand it.

1725. I will read it again. Mr. Edmundson says:—"He did not put it in the same way as Mr. Davies had put it. Then Mr. Davies told it again in the way he put it at first";—do you deny that anything of that sort took place at the meeting? I never heard it.

1726. "And Mr. Griffith said that that was correct, and that he should do so in every instance";—do you deny that? I never heard Mr. Davies speak one word, except that it was correct in the main, after he had put the question.

1727. By-the-by, I forgot to ask you where was Mr. Thompson sitting? I could not tell you; I did not see him.

1728. Was he on the platform? I do not think so.

1729. Did he not ask you a question at the meeting about women's suffrage? He did.

1730. Was he not sitting on the platform to do so? He was not on the platform, as far as I can recollect.

1731. At any rate, you did not see him? I did not see him when the question was asked.

1732. On page 24 Mr. Watson states in his evidence: "Mr. Davies said, 'You are right in the main, but in the last portion you are wrong';—that was not said? I did not hear it.

1733. "Because you clearly and distinctly stated that you will not support those who do not support you." "Well," Mr. Griffith said, "I believe you are right, Mr. Davies, and I fully intend to do so in every case in the future";—did you use those words? I did not say that.

1734. Mr. Mathews, in answer to Question 867, said: "Mr. Griffith then made some reference to the question again, and said that it might be somewhat right in the main, but not in detail; and after Mr. Davies had corrected him he said that it was correct";—you say that is wrong? I do not say it is wrong;

- H. Griffith. I never heard it. Mr. Mathews was sitting close to me, and I must have heard him. I recollect where he was sitting.
- 8 Dec., 1898. 1735. *Chairman.*] Is this your reply—you did not hear Mr. Mathews? I did not hear him.
1736. *Mr. Piddington.*] Mr. Thomas gives his evidence in this way:—
909. What did Davies say to that (that is, your explanation)? “What you have said is not exactly correct —”
- Did you use those latter words? I did not hear him say that.
1737. “What you really said was that you would not support those who would not support you”;—is that correct? I deny that throughout.
1738. Do you know a man named Jacob Brown? Yes.
1739. Would you be surprised to hear that he has said in a statutory declaration — [*Mr. Kelynaek objected, because not even a statutory declaration was admissible. Mr. Piddington informed the Committee that he proposed to put in twenty-five statutory declarations. The Committee decided that the affidavits were not admissible.*]
1740. *Mr. Piddington.*] Did you notice, by-the-by, where any of the other witnesses were sitting;—did you notice witnesses—other than Mr. Thompson, about whom I have asked? The only one I noticed was Mr. Mathews. He was sitting a little to the right of where I was speaking.
1741. In the third row? In about the third or fourth row.
1742. You did not notice any of the other witnesses at all? No, except Mr. Thompson, when he asked a question.
1743. Did you afterwards hear Mr. Ball address a meeting? I did not.
1744. Or Mr. Max Hirsch? No; I went away with my friends when my meeting was over. I had had enough of it.
1745. Did you ever read the report or summary of what took place at that meeting in the *Daily News*? No; I did not take the paper, and I did not read it either.
1746. Did anybody ever bring its report of your meeting under your notice? No.
1747. Did you ever see any correspondence on the subject of boycotting in the *Daily News*? No.
1748. Did you go to Albury after the adjournment of this case here? Yes.
1749. Did you go to Albury on the next night? I went home on Friday night, I think.
1750. And when did you return? I returned on the following Wednesday. I always go home on Friday night, and return on Wednesday morning.
1751. You told us that you and Mr. Wilkinson went through a list of likely witnesses;—did you seek Mr. Wilkinson out, or did he seek you out about the matter? I sought him, because he was a man I intended to call as a witness. I spoke to him first.
1752. Where did you see him—in his office or in the street? In the street, opposite to our office.
1753. Do I understand you to say that you had no conversation with any of the witnesses about the evidence they were going to give? I had no conversation with the witnesses beyond asking them to come and explain what they heard me say at the meeting.
1754. Did you take out subpoenas for witnesses? I did.
1755. When? I telegraphed to Mr. Kelynaek to get a subpoena for Mr. McCutcheon? He was the only one I was doubtful about; I was doubtful whether he would come willingly.
1756. When was this? On Saturday afternoon.
1757. And previous to last Saturday you had not taken out any subpoenas? No.
1758. Did you get notice that we were going to raise the question at this meeting before the Committee? No; except that I heard from Mr. Kelynaek, I got no notice from anyone.
1759. Did not your solicitor get any notice of the fact that the question of what took place at the meeting would be raised here? Mr. Wilkinson got it from Mr. Kelynaek.
1760. When? Mr. Kelynaek can answer that question.
1761. Before any evidence was heard on behalf of the petitioner you did get notice that what you said at the meeting was going to be brought in question here, did you not? I do not recollect getting any notice.
1762. *Mr. Kelynaek.*] To save time I admit that we got notice that what was said at the meeting would be brought in question; but we got no notice of the exact terms which would be called in question. We got that notice on the Friday preceding the opening of this inquiry, which was on the Tuesday, but Mr. Griffith did not get it till Monday.
1763. *Mr. Haynes.*] You say that one day prior to your seeing Mr. Davies some person came and spoke to you about Mr. Davies not going to vote for you? A friend of mine, I said, asked me how did I think Davies was going to vote. I said, “Oh, I think he will vote for me.” He said, “Don’t you be too sure about that; but he is the sort of fellow who will tell you if you ask him.” I said I would ask him. It was out of curiosity to satisfy my friend that I went down and asked him. My friend, I may say, was my own son.
1764. You went down then? I went down on the following day. After I had lunch I wrote a cheque and took it up, walking from his place on my way down to the office.
1765. You say that having been told that Davies was not going to vote for you you went down to see Davies, and pay him your account, and it was only when you were going away that you incidentally mentioned the matter by asking him how he was going to vote? I went up with the intention of asking him.
1766. Was it after you paid him the money and got the receipt, or was it after he had informed you that he was going to support Mr. Ball, that you said, “You must not blame me if I support my friends”;—when did you say that? I said that in leaving the office. I paid him the money first, and he handed me back the receipt, and when I was leaving the office I said, “Well, Mr. Davies, I suppose you will give me your support or vote at the coming election.” I had never alluded to the election previous to that.
1767. It was after he said he was going to support Mr. Ball that you said, “You must not blame me if I support my friends”? It was after he said that I made that remark.
1768. It was not till after he said that that you made the remark—it was not made before he said that? It was after he told me that he was going to support Mr. Ball that I said, “You must not blame me if I support my friends.”
1769. You stated here that Mr. Davies said he was in honor bound to support Mr. Ball, and you said, “You must not be surprised if I support my friends”? Yes.

1770. After he told you about his going to support Mr. Ball, what did you mean by saying you would support your friends? I do not know that I attached much importance to it. I never said that with the object of getting his vote. T. H. Griffith,
8 Dec., 1898.

1771. No; but you had got a statement from him to the effect that he was not going to give you his vote;—what did you mean by saying that you would support your friends? I spoke in a general way.

1772. Business? Yes.

1773. You have had transactions in the farrier line since then with different persons? Yes.

1774. Did these persons support you? I could not tell you; one of them, I believe, did; I am not sure about the others.

1775. Mr. Davis has had no transactions with you since then? Not since.

1776. What did you mean by saying that you would only support your friends after Mr. Davies had said that he would support Mr. Ball;—did you consider him as a friend in the sense in which we are using the term, or as an opponent? I did not look upon him as an opponent. I did not look upon him as a political friend, if that is what you mean.

1777. Consequently, you would only support those who would support you? I did not say political friends, because I support a good many who are not my political friends.

1778. You had not found any fault with his work? No; he only shod a horse or two.

1779. It was after he said that he would support Mr. Ball that you said you would only support your friends? Yes.

1780. By the term "friends" you meant friends in regard to political matters? It was such a trivial matter that I could not say how I intended it. At any rate, I never tried to induce him to vote, or dissuade him from voting.

1781. Then on the stage you repeated the statement that you would support your friends, and would continue to do so? Yes.

1782. Had you any friends in Albury to whom you could give political or municipal support? None whatever.

1783. It must have been business support? I do not know. As far as business goes, I am independent of them, because the bulk of our business is done with the country people.

1784. Are they independent of you? Thoroughly. I could not coerce them in any way.

1785. When you promised to support your friends, it must have meant a material thing, otherwise it would have been received with laughter;—was there any laughter after your statement? No; there was cheering. I said, "There is nothing in it, gentleman. I said I was going to support my friends, and I am going to do so." I thought it was just as well to say it as to think it. I thought it was a natural thing that a man would support his friends.

1786. You have a large business there? Yes.

1787. On which you are to be congratulated? Yes; I did not know that we wielded such power as we do till I came here.

1788. So that your relationship with the district is a material one? It is an extensive one, but they are under no obligations to us. It is purely a matter of business.

1789. A statement made by a candidate to the effect that he would withdraw or continue support would mean a substantial thing to the persons concerned? It would not mean a substantial thing to Mr. Davies.

1790. On the whole, it would to different persons? I do not know that it would. I spend what I make in the place.

1791. Your statement about continuing to support your friends had no reference to political matters? I did not say it to catch one vote; I did not expect to catch a vote by saying it. I simply said it. I thought I would be straightforward, and tell them exactly what I thought.

1792. What would be the object of your stating that you would support your friends at that juncture, when the question was your return to Parliament, unless it was to retain support or to win support? I do not understand what you want to get at.

1793. I want to know what was the real meaning of your saying that you were going to continue to support your friends? I spoke in a general way. I had no fixed meaning. I did not say it with the object of saying if this man does not support me I will withdraw my custom. I was pretty excited, and most men would have been excited if they had undergone what I had that evening.

1794. Did you mean that statement to apply to any relationship to others as it had been applied to Mr. Davies? No.

1795. You have not traded with Mr. Davies since then? No. I have never said that I would not trade with him. I am on perfectly friendly terms with his partner.

1796. You stated here that you intend to support your friends? Yes.

1797. And you have not supported Davies since then? I do not look upon Mr. Davies, or his partner either, as any friend of mine. Had this doubt not been raised as to Davies supporting me I would never have gone near him. It was purely to gratify my son, who took great interest in the election, that I went.

1798. *Mr. Phillips.*] But how much have you spent in farrier work or horse-shoeing work since then? Less than £1—it was 11s. 6d. and 8s.

1799. *Chairman.*] With all tradesmen of that class? Yes. That does not apply to the firm's account. The firm deal exclusively with one blacksmith.

1800. *Mr. Phillips.*] Where were you when you said Mr. Higgins had said he would not vote for you, but you would not believe him? Outside Davies' shop. I was just going away.

1801. That finished the conversation? Yes.

1802. You were mistaken when you said that the statement you made prior to that finished the conversation? Yes, I was.

1803. That was really what finished the conversation? Yes. I do not think I said Higgins told me. I think I said Higgins said so. I do not think Higgins spoke to me about the election.

1804. *Mr. Macdonald.*] I suppose if you really intended to influence Mr. Davies' vote you would have given him to understand that you would only support your friends before you had ascertained from him that he was not going to support you? If I had wanted to secure his vote I would have said, "Here is your money; unless you support me I will not deal with you any more." I did not care a snap of my fingers whether I got his vote or not, because I did not expect it. I felt sure that I would not get it.

- E. H. Griffith.
8 Dec., 1898.
1805. *Mr. Kelynaek.*] What occupation does this Mr. Chenery who spoke at your meeting follow in Albury? He is a stock and station agent and auctioneer. He is a rival in business.
1806. Is he in Younghusband & Co.? He is their salesman.
1807. How often does he conduct sales? Once a week in Albury, and once a week in Wodonga.
1808. Is there anybody else in his firm who is licensed to sell stock? There is one, but he is an emergency man. He is nearly always travelling. He is a man named Collins.
1809. *Mr. Piddington.*] Did you subpoena Mr. Chenery? I never spoke to him at all. I was advised to bring him down as a witness. Dr. Woods moved and Mr. Chenery seconded the resolution in my favour. I was advised to bring them down as witnesses. That was the reason I did not bring them down. I could have got them easily.
1810. *Mr. Haynes.*] There was a great row at this meeting? At the commencement of the meeting there was a terrific row.
1811. Which side was making the noise? I do not think my side did, at anyrate, although I was told it was my own supporters who made the noise.
1812. But you disbelieved that of course? Yes.
1813. *Mr. Sawers.*] Various witnesses have represented you as having a very great power and influence in the district;—do you regard yourself as being in that position? I do not; I wish I had.
1814. Are people under your control in such a way that you could intimidate them? Not in the least.
1815. I wish to call your attention to some statements in the Petition: It says in paragraph 4, that you were “guilty of using undue influence upon and of intimidating various persons, electors of the district”;—did you ever intimidate or attempt to intimidate one man? Never. I never had a conversation with any man in the electorate similar to that which I had with Mr. Davies.
1816. Or did you ever indirectly by means of other people attempt to intimidate any elector? Never.
1817. In the Petition you are also charged with having “been guilty of using undue influence upon and of intimidating various persons electors of the said district” since the election;—have you been revengeful or intimidated people in any way since the election? Never.
1818. I presume the only incident upon which this charge is built is the Davies incident? It is the only incident I know of.
1819. Had you the slightest intention of attempting to intimidate or unduly influencing him? Not the least. Why Davies himself said I could not intimidate him. If I had wished to intimidate I would have used a threat and said, “I’ll withdraw my business if you don’t vote for me.”
1820. *Mr. Haynes.*] Did you meet Mr. Edmundson some time after the election? I did.
1821. What took place at the meeting? I was talking to the representative of *Melbourne Punch* and another friend, in front of our office. Edmundson came up to us, which I thought was very impertinent at the time, and began a conversation. I said to him, “I believe you have been saying that you would as good as have me turned out of Parliament.” He said, “What do you mean?” I said, “A friend of mine has been telling me that you have been running about Howlong collecting evidence, and have almost had me unseated; you will find that it is not so easy to get into Parliament, and that it is not so easy to unseat a man.” He denied it *in toto*. “Well,” he said, “I never took any part in it I assure you. If Mr. Ball chooses to lodge a Petition against you it is nothing to me, I cannot help it. They reckon you gave yourself away the other night at the meeting.” “In what way,” I asked. He said, “By the way you spoke, by saying ‘I would support my friends.’” I said, “Yes, I said I would support my friends, and I say so now.”
1822. *Mr. Sawers.*] You had not in your speech in chief given an indication about favouring your friends? Certainly not.
1823. It was in answer to a question you made that remark? It was extracted from me by Mr. Davies’ question.
1824. Was it made during a time of excitement? The excitement was not so great then. It was at the beginning of the meeting, because the questions were being asked and answered.
1825. Were you excited? I was a little excited. I was excited at the way the meeting received my explanation, because a great many of my own friends were very anxious, who did not know what the nature of it was.
1826. *Mr. Haynes.*] Did you say to Mr. Edmundson that you would support only those who would support you, and that you meant to carry it out? I never said I would only support those who supported me.
1827. Well, I will put it in the other way, that you would support your friends who would support you? I did not say that either.
1828. What did you say? I said I would support my own friends.
1829. *Mr. Macdonald.*] I suppose it will be possible for you to include as a friend a man who, politically, is of a different colour? Certainly; I hope I am not so narrow-minded as not to do that.
1830. *Mr. Haynes.*] You have not continued your support to Davies? What has it been?
1831. Have you continued your support to Davies? No.
1832. It does not matter whether it is worth 5d. or £5, have you continued your support to Davies? No.
1833. *Mr. Phillips.*] I suppose there have been intervals of three or four months where you have not given Davies any support? Yes; as you will see by his account. From the 10th May to the 4th July is a long interval.
1834. *Mr. Haynes.*] If the remark you made to Mr. Davies did not refer to business support, what did it refer to? I really do not know; I do not think it referred to anything in particular. I used the expression frequently—Mr. McIntosh could cite a number of instances—in penning up stock at the yard. Of men who are constantly consigning their stock wholly and solely to us, I often say I give them the best place, because I believe in supporting the fellows who support me.
1835. *Mr. Macdonald.*] As a matter of fact, some of your clients were politically opposed to you? I could cite the case of a man to whom I lent £150. To the most bitter opponent I had at Walla Walla I lent £150 worth without a scrap of security.
1836. *Mr. Phillips.*] How long ago is it since you lent him £150? It would be about four months, and he has had his bill renewed since.
1837. *Chairman.*] Did you ever have any transactions with that man before? Very small ones. He is a share-system man.
1838. You had had transactions with him? We had some small transactions. We had lent him money before.
- 1839.

1839. Did you lend him £150 then purely as a business transaction? We did.
 1840. You sell stock in the ordinary way, and you take your clients' bills? We sell stock at three months, four months, or six months, as the case may be, and take their bills, which ends the transaction.
 1841. That is the ordinary business of a stock and station agent? Yes.
 1842. *Mr. Phillips.*] How long have you lived in Albury? Nearly seventeen years.

T. H. Griffith.
 8 Dec., 1898.

Richard Thomas Ball recalled and further examined:—

1843. *Mr. Piddington.*] How near the stage were you standing when Davies asked this question, and got his answer from Mr. Griffith? I should say about 5 or 6 paces. It was not far from the door at the side of the building.
 1844. Was anybody with you? There were several round me. Mr. Max Hirsch was right along side me. We went in together.
 1845. When Mr. Griffith finished his explanation, and asked Mr. Davies if that was correct, was the audience still perfectly quiet? Just at that juncture the audience was very quiet.
 1846. You stated in your evidence that Mr. Davies said, "Your statement is correct in the main, Mr. Griffith, but the part I take exception to is the latter sentence. What you really did say, was that you would not support those who would not support you," and you have heard evidence in contradiction to it;—do you wish to modify your evidence in any way? [*Mr. Kelynack objected to that question.*]
 1847. Can you tell the Committee whether that answer was given by Mr. Davies without any interruption of part of the sentence? It was.
 1848. It was given in one continuous sentence? In one continuous sentence Mr. Davies distinctly said, "Your statement is correct in the main. The part I take exception to is the last sentence." [*Mr. Kelynack objected.*]
 1849. I did not ask for a repetition of Mr. Ball's evidence, but for supplemental matter. (*To the witness.*) Could anyone hear at that time;—did Mr. Davies speak in a strong voice? Yes; he has a very strong voice.
 1850. Did he say the words following, "Your statement is right in the main," just as strongly as the others? Yes; everyone in the building must have heard it.
 1851. Can you say where Mr. Thompson was sitting? He was standing in the crowd, on the wing of the platform.
 1852. It has been said, that directly Mr. Davies said those words, "Your statement is right or correct in the main," there was a great deal of applause;—can you tell us what the conduct of those on the platform was with regard to applause at that juncture? After Mr. Griffith had replied to Mr. Davies?
 1853. At which reply did the applause begin? The amended statement—that is to say, when Mr. Davies said, "What you really did say, was that you would support those who supported you." Mr. Griffith then got up and said, "Yes, that is correct, and I intend to do so in every instance"—not that there was not a considerable amount on the platform—some applause in the hall, and a large number of groans. Round where I was standing there was more an expression of "oh, oh."
 1854. You say that in the body of the hall this statement, "I intend to do so in every instance," had a mixed reception? Yes.
 1855. Would you say that in the body of the hall cheers or groans predominated? I should say there were groans in the body of the hall. The cheers were on the platform principally, and there were cheers close by the platform. Of course, there were cheers and groans throughout the building. There was a regular mingling.
 1856. When did you first make any statement as to your own evidence to any person acting in your behalf? [*Mr. Kelynack objected to the question which the Committee allowed.*]
 1857. How soon after the occurrence did you first make a statement of your evidence to your legal adviser? [*Mr. Kelynack objected to the question in that form.*]
 1858. When did you first consult your legal adviser in regard to this petition? I called on Mr. Piddington about ten days after the election.
 1859. Did you then make a statement of—not telling us what you said—what you had heard said at the meeting? [*Mr. Kelynack objected to the question, but after argument withdrew his objection.*]
 1860. After that interview did you begin to collect evidence? Yes.
 1861. Did you receive statements from the witnesses who have been called? [*Mr. Kelynack objected to the question, and the Committee upheld his objection.*]
 1862. *Mr. Macdonald.*] Evidence has been advanced, that when Mr. Davies said to Mr. Griffith, "Your statement is correct in the main," at the particular point there was considerable applause;—did you hear applause at that particular point? No; not at that juncture.
 1863. Do I understand you to say that there was not any applause just then? Not just then; he took exception to the last sentence.
 1864. The applause which occurred on the platform, I understand you to say, was applause by supporters of Mr. Griffith? There were mostly supporters there, I think.
 1865. Did that applause occur when Mr. Davies said that Mr. Griffith's answer was correct in the main, or did it occur at the completion of his statement, according to you, that it was not actually correct? It was after Mr. Griffith had replied to Mr. Davies the second time that the applause and groans took place. Everything was as silent as it could be up to that point, because everyone was anxious to hear Mr. Griffith's explanation. After Mr. Griffith made the statement that Mr. Davies' correction was correct, and that he intended to do so in every instance, there was applause and groans.
 1866. *Mr. Piddington.*] But not previously? No.
 1867. *Chairman.*] At this meeting, I presume, there were a good many of your supporters? I believe so.
 1868. I presume that there were a good many of Mr. Griffith's supporters also? Yes.
 1869. Naturally there would be cheers and groans from the conflicting parties, no matter what statements were made? Before the questions were asked it was nothing but a continuation of cheers and groans. It was very disorderly indeed. The time the questions were being asked was the most orderly part of the meeting.
 1870. It is a usual thing at a political meeting to have cheers and groans? Yes; but the cheers and groans at that meeting were unusual.

R. T. Ball.
 8 Dec., 1898.

Frederick Hayes recalled and further examined :—

- F. Hayes. 1871. *Mr. Kelynaek.*] You have just heard Mr. Ball say that when this question had been answered by Mr. Griffith there were cheers from the platform but groans from the body of the hall? I heard him say that.
 8 Dec., 1898. 1872. Was it a fact? No; it was not a fact.
 1873. Did you hear any groans? I heard one groan; I think it came from Mr. Ball himself.

Valentine Flood Nagle recalled and further examined :—

- V. F. Nagle. 1874. *Mr. Kelynaek.*] After Mr. Griffith's answer, did you hear any cheers? Yes.
 8 Dec., 1898. 1875. Where did they come from? They were from all over the hall. I was down towards the back end. There was as much cheering there as in the front.
 1876. Did you hear any groans in the body of the hall? There were no groans at the time of that question and after. There were frequent interruptions before that incident.

John Campbell recalled and further examined :—

- J. Campbell. 1877. *Mr. Kelynaek.*] You heard what Mr. Ball stated about cheers from the platform? Yes.
 8 Dec., 1898. 1878. You were seated on the platform? I was.
 1879. After that explanation was given by Mr. Griffith, did you hear any groans in the hall? I did not.
 1880. None at all? No; great cheers.
 1881. Where did the cheering come from? All over the hall, I should think.
 1882. *Mr. Piddington.*] Did you hear Mr. Ball groan? I cannot say that I did.

William McIntosh recalled and further examined :—

- W. McIntosh. 1883. *Mr. Kelynaek.*] You heard the answer which Mr. Griffith gave to Mr. Davies? Yes, I did.
 8 Dec., 1898. 1884. Will you tell us how the meeting took it? The meeting cheered Mr. Griffith.
 1885. Where did the cheers come from? All over the hall.
 1886. Did you hear any groans? I did not.
 1887. None at all? No.
 1888. *Mr. Haynes.*] Were you on Mr. Ball's committee? No.
 1889. *Mr. Piddington.*] I think you said you were on the platform? Yes.
 1890. And probably making a noise yourself? I never made a noise.
 1891. Did you not ever cheer or clap your hands? I cheered Mr. Griffith.
 1892. *Mr. Haynes.*] The Ballites were very disorderly that night, were they not? It was the most disgraceful meeting I was ever at. I never saw anything like it before in my life. There were rotten eggs thrown.

1898.

(SECOND SESSION.)

—

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—

ELECTION OF MEMBER FOR THE HASTINGS AND THE MACLEAY.

(PETITION FROM CERTAIN RESIDENTS OF THE SINGLETON ELECTORATE, COMPLAINING OF THE ACTION OF THE HONORABLE J. H. YOUNG AND THE RIGHT HONORABLE G. H. REID, ON OCCASION OF.)

—

Received by the Legislative Assembly, 29 September, 1898.

—

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

The Petition of the undersigned Residents of the Singleton Electorate,—

HUMBLY SHOWETH:—

1. That an election for a Member to represent the Hastings and Macleay Electorate in your Honorable Assembly is now proceeding.

2. That the Honorable James Henry Young, a Member of your Assembly, is taking an active part in assisting a certain candidate for the forementioned Electorate.

3. That the said Honorable James Henry Young is Minister for Works in the present Administration, holding an office of profit under the Crown, and that his action is therefore contrary to precedent, a violation of constitutional principles, and subversive of the rights and privileges of Parliament and the people.

4. That the action of the said James Henry Young, in holding out certain promises dependent upon a certain contingency, to wit, the return of Mr. Sydney Smith for the said Electorate of the Hastings and Macleay, is a corrupt use of his position and powers as Minister for Works.

5. That the Honorable George Houston Reid, Premier of the present Administration, is aiding and abetting the practices of which your Petitioners complain.

Wherefore your Petitioners humbly pray that your Honorable Assembly will take such measures as it may deem proper to afford such relief as the circumstances of the case may require.

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

[Here follow 272 signatures.]

—

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT

OF THE

ROYAL COMMISSION

(APPOINTED ON THE 5TH OCTOBER, 1898)

TO INQUIRE INTO

Certain allegations concerning the conduct of the Honorable James Henry Young, Secretary for Public Works, during the recent Election for The Hastings and The Macleay Electorate, and into the circumstances and proceedings of such Election generally ;

TOGETHER WITH

MINUTES OF PROCEEDINGS, EVIDENCE, AND APPENDIX.

Printed under No. 17 Report from Printing Committee, 15 December, 1898.



SYDNEY: WILLIAM APPLGATE GULLICK, GOVERNMENT PRINTER.

1898.

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*227—A

CONTENTS.

COMMISSION:

REPORT.

MINUTES OF PROCEEDINGS.

INDEX TO WITNESSES.

MINUTES OF EVIDENCE.

APPENDIX.

COMMISSION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
Defender of the Faith, and so forth.

To Our Trusty and Well-beloved

The Honorable WILLIAM OWEN, one of the Judges of Our Supreme Court of New South Wales,—
Greeting:—

WHEREAS allegations have been made to the effect that the HONORABLE JAMES HENRY YOUNG, Secretary for Public Works, who visited the Electorate of the Hastings and Macleay, in support of the Candidature of SYDNEY SMITH, ESQUIRE, during the recent Election, did, whilst in the said Electorate, during the said Election, abuse the powers of his Office, and did corruptly endeavour to influence the Electors to record their votes in favour of the said SYDNEY SMITH; and whereas the said JAMES HENRY YOUNG has demanded an inquiry into such allegations, and the Legislative Assembly of New South Wales has by Resolution of the 28th ultimo declared that such inquiry should be made: KNOW YE, That We, reposing great trust and confidence in your ability, zeal, industry, discretion, and integrity, do, by these presents, authorise and appoint you to make a diligent and full inquiry into the allegations aforesaid, and into the circumstances and proceedings of such Election generally to the extent you may deem fit. And We do, by these presents, grant to you full power and authority to call before you all such persons as you may judge necessary, by whom you may be better informed of the truth in the premises; and to require the production of all such books, papers, writings, and all other documents as you may deem expedient, and to visit and inspect the same at the offices or places where the same or any of them may be deposited; and to inquire of the premises by all lawful ways and means: And Our further will and pleasure is that you do, within one month after the date of this Our Commission, certify to Us, in the Office of Our Chief Secretary, under your hand and seal, what you shall find touching the premises: And We hereby command all Government Officers and other persons whomsoever within Our said Colony that they be assistant to you in the execution of these presents: And We do hereby declare this our Commission to be a Commission for all purposes of the Act 44 Victoria No. 1, intituled "*An Act to regulate the taking of evidence by Commissioners under the Great Seal.*"

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Colony of New South Wales to be hereunto affixed.

(L.S.) Witness Our Right Trusty and Well-beloved Cousin, HENRY ROBERT, VISCOUNT HAMPDEN, Our Governor and Commander-in-Chief of Our said Colony of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this fifth day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and in the sixty-second year of Our Reign.

HAMPDEN.

By His Excellency's Command,
JAMES N. BRUNKER.

Entered on record by me, in REGISTER OF PATENTS, No. 20, page 142, this fifth day of October, one thousand eight hundred and ninety-eight.

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

ROYAL COMMISSION OF INQUIRY REGARDING CERTAIN CHARGES MADE AGAINST THE HONORABLE JAMES HENRY YOUNG, M.P., SECRETARY FOR PUBLIC WORKS, IN CONNECTION WITH THE RECENT PARLIAMENTARY ELECTION FOR THE HASTINGS AND THE MACLEAY ELECTORATE.

WHEREAS it is necessary to extend the time within which the Commissioner is to make his report in the above matter: Now, therefore, I do hereby, with the advice of the Executive Council, extend the time within which the said Commissioner is to make such report for a period of one month,—to take effect from the 5th instant.

Given under my hand, at Government House, Sydney, this third day of November, one thousand eight hundred and ninety-eight.

By Deputation from His Excellency,
FREDK. M. DARLEY,
Lieutenant-Governor.

By His Excellency's Command,
JAMES N. BRUNKER.

ROYAL COMMISSION OF INQUIRY REGARDING CERTAIN CHARGES MADE AGAINST THE HONORABLE JAMES HENRY YOUNG, M.P., SECRETARY FOR PUBLIC WORKS, IN CONNECTION WITH THE RECENT PARLIAMENTARY ELECTION FOR THE HASTINGS AND THE MACLEAY ELECTORATE.

WHEREAS the time appointed for the return of the Commission in the above matter was by an instrument dated the third day of November instant extended for a period of one month: And whereas it is necessary to extend the same still further: Now, therefore, I do hereby, with the advice of the Executive Council, extend the time within which the Commissioner is to make his return to and for a further period of one month beyond the time in and by the aforesaid instrument appointed for the purpose,—to take effect from the 5th proximo.

Given under my hand, at Government House, Sydney, this twenty-ninth day of November, one thousand eight hundred and ninety-eight.

HAMPDEN.
By His Excellency's Command,
JAMES N. BRUNKER.

REPORT OF THE ROYAL COMMISSION APPOINTED TO INQUIRE INTO THE TRUTH OF CERTAIN ALLEGATIONS CONCERNING THE CONDUCT OF THE HONORABLE JAMES HENRY YOUNG, SECRETARY FOR PUBLIC WORKS, DURING THE RECENT ELECTION FOR THE HASTINGS AND MACLEAY ELECTORATE.

REPORT.

To His Excellency the Right Honorable Henry Robert, Viscount Hampden, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

I have the honor to report as follows :—

In carrying out the inquiry directed by the Commission, I have been placed in considerable difficulty by reason of there being no specific charges against the Secretary for Public Works, and no person indicated by whom any charges were made.

I had therefore to rely altogether upon such persons as were willing to come forward and state what had been said or done by the Secretary for Public Works during the last election for the Hastings-Macleay district.

I therefore inserted advertisements (*Appendix A*) in the four daily papers in Sydney and in all the newspapers published in the Electorate, calling on persons who had any charge to bring against the Secretary for Public Works in respect of his conduct during the last election to send in their names and addresses.

In response to these advertisements I received notice of nineteen witnesses from the Hastings-Macleay district who were willing to give evidence.

After the evidence of these witnesses had been taken, Mr. Young called ten witnesses from the Electorate, and gave evidence himself of what he had done and said during the election.

I find that :—

- (1.) Mr. Edmund Barton and Mr. Sydney Smith were candidates for the vacant seat, and the Secretary for Public Works visited the Hastings-Macleay district during the election, and remained there from the 12th to the 23rd September last, during which time he addressed twelve meetings in support of Mr. Sydney Smith's candidature at Kempsey, Frederickton, Gladstone, Hickey's Creek, Bellbrook, Skillion Flat, Euroka, Telegraph Point, Rolland's Plains, Carney's, Yarras, and Port Macquarie. He left the electorate on the morning of the 23rd September, the day on which the polling took place.
- (2.) The charges against the Secretary for Public Works were limited to certain statements alleged to have been made by him at meetings held at Kempsey on the 12th, at Frederickton on the 13th, and at Gladstone on the same day; and to a statement alleged to have been made by him, not at any public meeting, but on the green at Port Macquarie, in reference to a bridge over Cameron's Crossing.

Of

Of the witnesses who made these charges, James Arthur Winney appears to have taken a note of the speeches, but his notes were burnt soon after. John Kendall and H. W. T. Lee also took some notes, but they were not read. The rest of the witnesses, who spoke from their unaided memory, purported to give the substance, but not the very words, of that part of the speech to which they referred.

Although the statements of the witnesses vary somewhat, I think the charge may be stated briefly thus :—That Mr. Young referred to an arrangement said to have been made between Mr. Barton and Mr. Clarke, the former Member for the district, to the effect that Mr. Clarke was to attend to the local requirements of the Electorate, while Mr. Barton, who was too busy and too great a man to attend to such matters, would attend to the business inside the House of Parliament; that Mr. Young then said that Mr. Clarke having lost the magic letters M.L.A. after his name would have no more influence than any other elector; that he then referred to Mr. Sydney Smith, an old friend and former colleague, and said that if Mr. Smith were elected he would do more for him than for Mr. Barton, or for a member of the Opposition; or that it was only natural that he should give more consideration to representations as to local wants, made by Mr. Smith, than he would to those made by an unfriendly Member.

As substantially the same speech was delivered at all the meetings, some difference of expression might be expected, but I think the above statement of the charge is in substance correct.

Of the witnesses called by Mr. Young, two (Mr. Jebb and Mr. Elton) made notes for a report of the speech in the *Macleay Argus*. Those notes are not in shorthand and do not purport to give the whole of the speech, but, so far as they go, they are important :—

Mr. Jebb read from his notes of the speech at Kempsey,—

“ Mr. Young said that if Mr. Barton or Mr. Clarke said that the only compact made between them was that Mr. Clarke, as heretofore, was to attend to all local wants, he could assure them that once Mr. Clarke forfeited his right to place the magic letters M.P. after his name he also forfeited the right to any influence he might have in pressing the claims of the electors on the Works, Land, or other Government Departments. They would have to compare the two men as local representatives. Mr. Barton’s advice and legal talent was in such demand that he would have no time to attend to the wants of the electors. From what he knew of Mr. Smith, as an old friend and colleague, he would be the man who could attend to their local wants in a proper manner. He then spoke about Mr. Smith representing Bathurst for sixteen years, and he said he had always been ready to grant Mr. Smith any request, because Mr. Smith would not ask for anything that would be detrimental to the interests of the country.”

Mr. Jebb, however, denied that Mr. Young said he would do more for Mr. Smith, if elected, than for Mr. Barton, or for a member of the Opposition, or for an unfriendly Member.

Each of the ten witnesses called by Mr. Young gave the same denial.

Mr. Elton read also from his notes of the speech at Kempsey :—

“ A lot had been said about Mr. Clarke attending to local wants; but Mr. Clarke would have now no more influence with the Works Department, &c., than any other elector in the community. If a man thought himself above the small local wants, he had no right to represent a country constituency.”

“ From my experience of Mr. Smith, who was an old friend and ex-colleague, I feel sure he will give more attention to your local requirements than a man in Barton’s position; and from what he (Mr. Young) knew of Mr. Smith as a country representative, he found it always safe to grant any requests he made, as he was sure he would ask for nothing which would be detrimental to the country.”

The evidence of Mr. O. O. Dangar, who was sitting alongside of Mr. Young on the platform at Kempsey, and of the other witnesses called by Mr. Young, substantially confirm these notes. Mr.

Mr. Young, in his evidence, gave a somewhat full report of his speeches, which he said were substantially the same at all the meetings.

After dealing with some matter not relevant to this inquiry, he said :—

“Passing on from that, I no doubt did say, with reference to Mr. Francis Clarke, to some extent, what has been reported. It had been said and published throughout the district that Mr. Francis Clarke had said at different meetings which he had held throughout the Electorate, that if Mr. Barton were elected he (Mr. Clarke) would do what is called local work for the district; that whereas Mr. Barton would identify himself entirely with matters in the House, all other matters such as roads and bridges expenditure which Members had to look after for their constituents, he, Mr. Clarke, would continue to look after as he had done in the past. I pointed out that it would be utterly unreasonable to expect that Mr. Clarke could do so, even if the arrangement referred to had not been made. Mr. Barton (I daresay I used the words that he was suffering from big-head) would think himself too big a man to attend to local matters, and also that his time would be largely taken up with his professional work as a barrister. I ridiculed the idea that Mr. Francis Clarke could do this work for him—referring to the local work—in anything like a satisfactory way. I told them no doubt that when Mr. Clarke lost or gave up the right to use the magic letters M.P. after his name, he would have no more influence with the Government or with any Department of the Government than any other elector in the country. Then I went on to say, further, that from my long knowledge of Mr. Sydney Smith, and from the fact that we had been connected with one another so long in a friendly way it would be much more pleasant for me to act with him as the representative of an adjoining constituency than with a stranger, or anyone less friendly to me than Mr. Smith. I absolutely deny that I said one word from which anyone would have a right to infer that I intended to do more for Mr. Smith in the way of public works because he was an old colleague and an old friend than I would do for anyone else.”

Mr. Young then in answer to his counsel stated :—

“Q. Is there anything you said at any meeting which would bear the construction which appears to have been placed upon your words by the witnesses who were examined by this Commission in the first instance?”

“A. I do not think so, no doubt I made some remarks as to what had been said about Members on the Government side of the House complaining. It is well known that there has been a frequent complaint that Members of the Opposition side have been treated better by me than Members on the Government side. I dwelt upon that question at some length at some of these meetings.

“Q. You say that that complaint has come from Members on the Government side of the House?”

“A. Yes; I dwelt upon that question at all these meetings at some length. I pointed to the very works on the Macleay—the works at the mouth of the river and the works at Kempsey—as showing that any statement which had been made to the effect that I favoured Members on the Government side of the House could not possibly have any truth in it.

“Q. Did you explain why?”

“A. I do not want to blow my own trumpet here whatever I may do before a constituency, but no doubt I did say that I believed myself to be a just man, and that whenever a public desire for a public work was put before me it mattered not to me whether the application came from friends or enemies, I would grant the public desire or wish if the circumstances warranted me in so doing. I do not know that I qualified the statement in the way that has been suggested, but it is possible that I qualified it by saying that it would naturally give me greater pleasure to work with the Member for the adjoining constituency with

with whom I had been so friendly as I had been with Mr. Sydney Smith, and that if I continued to be Secretary for Public Works I should be better pleased to receive communication from the constituency through him but I certainly did not lead them to suppose that I would act unduly in their favour even if they returned Mr. Sydney Smith."

I accept Mr. Young's denial of having used the expressions attributed to him, as his denial is supported by the evidence of all his witnesses. I also accept his disclaimer of any intention to induce the electors to believe that he would favour Mr. Smith more than Mr. Barton in dealing with the requirements of the electorate.

Nevertheless, I consider that the expressions which he admits having used, were such as might reasonably have the effect of inducing such a belief in the minds of the electors. Although his remarks were directed to the position of Mr. Clarke, yet it was in connection with the alleged arrangement that if Mr. Barton were elected Mr. Clarke was to look after the local requirements of the electorate, and therefore in saying that he would consider Mr. Clarke as a mere stranger, and that it would give him greater pleasure to work with the Member of the adjoining constituency with whom he had been so friendly, as he had been with Mr. Smith, and that if he continued to be Secretary for Public Works he would be better pleased to receive communications from the constituency through Mr. Smith, it might not unreasonably have been supposed that that referred to Mr. Barton himself, or at any rate to the position of the constituency if Mr. Barton were elected, and Mr. Clarke were to look after the local requirements.

This inference is not mere conjecture, for I am satisfied that all the witnesses called by me in the first instance so understood the language used by Mr. Young.

I am not called on to express, nor do I venture to express, any opinion as to whether Mr. Young, while holding office as Secretary for Public Works, was within his constitutional right in taking an active part in supporting the candidature of Mr. Sydney Smith; but, assuming that he was within his right, I consider that he was guilty of a grave indiscretion, in view of his official position, in expressing himself in the way in which, by his own admission, he did.

Mr. Young, as Member for an adjoining electorate, must have known that in such a constituency the choice of a candidate might be determined, not merely by his views as to federation or fiscal questions, but also by the probability of success in the Department of Public Works of his representations as to local wants. It was, therefore, the more incumbent on Mr. Young, as Secretary for Public Works, when urging the claims of Mr. Sydney Smith, to avoid any expressions that might lead (however unintentional on his part) to the inference that he would favour the representations of Mr. Sydney Smith more than those of Mr. Barton, or of Mr. Clarke, if deputed by Mr. Barton and the constituency to make those representations.

- (3.) The other charge against Mr. Young is that when going down to meet the Premier on his arrival at Port Macquarie, on the 17th September he stopped to speak to Mr. Bain on the Green, and while speaking to him a Mr. Nicoll asked a question with reference to a bridge over a crossing on the Hastings known as Cameron's Crossing, to which Mr. Young replied: "If you vote for my man I will see that you get that bridge."

Mr. Bain was an active supporter of Mr. Barton and an avowed protectionist.

Mr. Young says that his remark was addressed jocularly to Mr. Bain, and was to the effect that, "You have two such big men before you now as candidates that whichever of them is elected you will probably get all the bridges you want," but that whatever he said was intended as a joke with Mr. Bain. In his evidence Mr. Bain was asked by counsel:—

"Q. Was it not said just in a jocular spirit, you being in the enemy's camp?"

"A. Perhaps—he thought so."

I accept that view of the conversation, and taking into consideration the circumstances, and the fact that Mr. Bain was a prominent and well-known supporter of Mr. Barton, I do not consider that it could have been intended to influence or could have the effect of influencing any vote in the electorate.

It

It appears also that there was not then, nor is there now, in the Department of Works any proposal for such a bridge, nor any papers in connection with any such contemplated work.

4. Mr. Young did not take any part in the election, except addressing the twelve meetings I have mentioned.
5. Upon a careful review of all the evidence I find that the Honorable James Henry Young whilst in the Electorate of the Hastings and Macleay, during the recent election, did not abuse the powers of his office, or corruptly endeavour to influence the electors to record their votes in favour of Mr. Sydney Smith.

I append hereto a full note of all the evidence taken before me.

I have the honor to be,

Your Excellency's Obedient Servant,

WM. OWEN,
Royal Commissioner.

X

**ROYAL COMMISSION OF INQUIRY IN CONNECTION WITH THE HASTINGS AND
THE MACLEAY ELECTION.**

MINUTES OF PROCEEDINGS.

MONDAY, 17 OCTOBER, 1898.

[*The Commission met in the No. 2 Jury Court, King-street, Sydney, at noon.*]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

The Secretary read the Commission.

His Honor asked if anyone appeared either to represent any person or to give evidence.

Mr. H. F. Norrie stated that, under instructions from the Under Secretary for Public Works, he was present to watch the proceedings, but was not prepared to give any evidence.

His Honor stated that, before proceeding to inquire into the truth of the allegations, he had first to ascertain definitely what the allegations were, and secondly by whom they were made. For this purpose he must in the first instance invite all persons desirous to give evidence, or to call witnesses, to come forward and send to the Secretary their names and addresses, and the names and addresses of their witnesses, together with a short statement of the substance of their proposed evidence, and that he intended to insert advertisements to that effect in the daily papers in Sydney, and in all the papers circulating in the Electorate.

As these preliminaries would take some time, the sitting of the Commission would be adjourned for three weeks.

The Commission then adjourned until noon on Monday, 7th November, 1898.

MONDAY, 7 NOVEMBER, 1898.

[*The Commission met in the No. 2 Jury Court, King-street, Sydney, at Noon.*]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

The Royal Commissioner stated that he had not received any communication from any one in Sydney in response to the advertisements published in the Sydney daily and the local papers, but had had several communications from persons in the district who were prepared to give evidence. He had just received a letter from the Mayor of Kempsey, stating that this time of the year was very inconvenient for farmers and others to leave the district and come to Sydney, and that more witnesses would be in attendance and would send in their names if the inquiry were held in the district. These considerations, the Commissioner suggested, would probably apply in the case of the Secretary for Public Works, who may wish to call witnesses in reply. As he had not had time to consider the question whether the inquiry should be held in Sydney or in the district, and as some time would be required to bring all the witnesses to Sydney—if the inquiry were held there—or if held in the district for the Commission to reach Kempsey and call witnesses there, the sitting must be adjourned till this day fortnight.

The Honorable J. H. Young appeared in person.

The Commission then adjourned till Noon on Monday, 21st November, 1898.

MONDAY, 21 NOVEMBER, 1898.

[*The Commission met in the No. 2 Jury Court, King-street, Sydney, at Noon.*]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

Mr. Kelynack, instructed by Mr. C. M. Boyce, appeared on behalf of the Honorable James Henry Young.

His Honor Mr. Justice Owen stated the course of procedure he had decided to adopt.

The following witnesses were then sworn and examined:—J. Ainsworth, H. O. Ainsworth, D. Bain, H. R. Bridson, J. E. Carroll, C. Christian, A. Egan, C. Gralton, P. M. Hart, G. F. Jackson, J. Kendall, P. Knauer, M. J. Lawlor, H. W. T. Lee, J. L. McMaugh.

The Commission at 1 p.m. adjourned for luncheon.

The Commission resumed its sitting at 2 p.m.

The following witnesses were sworn and examined:—D. Raynor, T. H. Salmon, J. A. Winney, E. J. Wright.

This concluded the list of witnesses indicated to the Royal Commission.

Mr. Kelynack desired to know whether His Honor considered that in the evidence which had been tendered there was anything which Mr. Young was called upon to answer.

His Honor said that that was a matter entirely for the decision of Mr. Young. If Mr. Young determined not to call any evidence, he would make his report upon the evidence before him.

Mr. Kelynack asked if Mr. Young's witnesses would be subpoenaed by the Royal Commissioner.

His Honor said that if the names were furnished to the Commission the witnesses would be subpoenaed as the other witnesses had been. He further stated that he had received a letter from a gentleman in the neighbourhood of the Macleay containing statements which, as far as he could make them out, appeared to be in favour of Mr. Young; and he thought it only right that Mr. Kelynack should see the letter, because it might appear to him desirable to secure the attendance of the writer as a witness.

The letter was perused by Mr. Kelynack.

The Commission then adjourned till 11 a.m. on the following day (Tuesday, 22nd November, 1898).

TUESDAY,

TUESDAY, 22 NOVEMBER, 1898.

[The Commission met in the No. 2 Jury Court, King-street, Sydney, at 11 o'clock a.m.]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

Mr. Kelynack, instructed by Mr. C. M. Boyce, appeared on behalf of the Honorable James Henry Young.

The evidence of the witnesses was then read over to them and signed.

The Commission, at 1 p.m., adjourned for luncheon.

The Commission resumed its sitting at 2 p.m.

The reading over of the evidence to the witnesses was completed.

Mr. McMaugh stated that he understood that Mr. Wm. McGrath could corroborate the evidence of Mr. Bain regarding the conversation with Mr. Young which took place on the Green at Port Macquarie, and he therefore asked that he might be called as a witness.

His Honor said that he would have a subpoena issued for Mr. McGrath.

The Commission, at 3 p.m., adjourned till 10 a.m. on the following day (Wednesday, 23rd November, 1898).

WEDNESDAY, 23 NOVEMBER, 1898.

[The Commission met in the No. 2 Jury Court, King-street, Sydney, at 10 o'clock, a.m.]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

Mr. Kelynack, instructed by Mr. C. M. Boyce appeared on behalf of the Honorable James Henry Young.

William McGrath was sworn and examined.

Mr. Kelynack stated, that if the sitting of the Commission were adjourned till the 5th December, 1898, he thought that Mr. Young's case could then be gone on with.

The Commission then adjourned till 10 a.m. on the 5th December, 1898.

MONDAY, 5 DECEMBER, 1898.

[The Commission met in the No. 2 Jury Court, King-street, Sydney, at 10 o'clock, a.m.]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

Mr. Kelynack, instructed by Mr. C. M. Boyce appeared on behalf of the Honorable James Henry Young.

William Suters was sworn and examined.

The following witnesses, called at the request of Mr. Young, were sworn and examined:—E. G. Jebb, W. A. Renwick, Dr. W. A. Kelly, R. N. Cadden, J. Hibbard, J. C. Elton, O. O. Dangar, W. Mackenzie, H. P. Morrison, Revd. C. M. Thomas, and R. O. Cummings.

The Commission at 1 p.m. adjourned for luncheon.

The Commission resumed its sitting at 2 p.m.

D. Bain was recalled and further examined.

The Honorable James Henry Young was sworn and examined.

Mr. Kelynack stated, that he had no further evidence to call but that affidavits by H. B. Nicoll and W. J. Trim concerning "the conversation" which took place on the Green at Port Macquarie on 17th September would subsequently be forwarded to His Honor.

His Honor stated, that as their evidence was not very important he had decided to accept the affidavits and save these two gentlemen the inconvenience and expense of journeying to Sydney.

Mr. Kelynack addressed the Commission.

The Commission then adjourned till 10 a.m. on the following day (Tuesday, 6th December, 1898.)

TUESDAY, 6 DECEMBER, 1898.

[The Commission met in the Arbitration Court, King-street, Sydney, at 10 o'clock, a.m.]

PRESENT:—

HIS HONOR MR. JUSTICE OWEN, Royal Commissioner.

Mr. Boyce appeared on behalf of the Honorable James Henry Young.

The evidence was read over to the witnesses and signed by them.

The Commission adjourned at 11 a.m. till 2 p.m.

The Commission resumed its sitting at 2 p.m.

Mr. Kelynack, instructed by Mr. C. M. Boyce, appeared on behalf of the Honorable James Henry Young.

The reading over of the evidence to the witnesses was completed, and the report of the further evidence given by Mr. Bain was accepted by Mr. Kelynack as correct.

The Commission then adjourned *sine die*.

INDEX TO WITNESSES.

	PAGE.
Ainsworth, J.	1
Ainsworth, H. O.	2
Bain, Duncan	3
Bridson, H. R.	4
Cadden, R. N.	21
Carroll, J. E.	5
Christian, C.	5
Cummings, R. O.	30
Dungar, O. O.	26
Egan, A.	5
Elton, J. C.	25
Gralton, C.	6
Hart, P. M.	7
Hibbard, J.	22
Jackson, G. F.	9
Jebb, E. G.	19
Kelly, Dr. W. A.	21
Kendall, J.	10
Knauer, P.	11
Lawlor, M. J.	11
Lee, H. W. T.	12
McGrath, W.	18
McMaugh, J. L.	13
MacKenzie, W.	28
Morrison, H. T.	29
Raynor, D. A.	14
Renwick, W. A.	21
Salmon, T. H.	14
Suters, W.	18
Thomas, Rev. C. M.	29
Trim, W. J.	35
Winney, J. A.	16
Wright, E. J.	17
Young, J. H.	31

THE ROYAL COMMISSION OF INQUIRY IN CONNECTION WITH THE
HASTINGS AND THE MACLEAY ELECTION.

MINUTES OF EVIDENCE.

MONDAY, 21 NOVEMBER, 1898.

[The Commission met at 10 a.m. in the No. 2 Jury Court, King-street, Sydney.]

Present:—

HIS HONOR MR. JUSTICE OWEN, ROYAL COMMISSIONER.

Mr. Kelynack, instructed by Mr. C. M. Boyce, appeared on behalf of the Honorable James Henry Young.

John Ainsworth sworn and examined:—

1. *His Honor.*] What are you? Farmer at Frederickton.
2. Is that within the Hastings-Macleay electorate? Yes.
3. Do you remember the occasion of the last election? Yes.
4. Were you present at any meetings held during that election? Yes; at both Mr. Smith's meetings and Mr. Barton's at Frederickton.
5. Was Mr. Young, the Secretary for Public Works, present at any of them? He was present at Mr. Smith's first meeting, on or about 13th September.
6. Was he present at any other meetings? Yes; at Mr. Smith's meetings in various parts of the electorate.
7. At which you were present? No; I was only present at Frederickton.
8. Did you hear his speech on that occasion? Yes, distinctly.
9. Where was the speech delivered? At Frederickton, at the School of Arts.
10. Was it in a closed room or in the open air? In a closed building.
11. What did you hear Mr. Young say on that occasion? He made a pretty long speech, the only part of which I took particular notice, and which I can remember perfectly well, was that he mentioned that, being the representative of the adjoining electorate of The Manning, if Mr. Smith were elected for the Hastings-Macleay they would work hand in hand, and he would do all he could to help Mr. Smith. He also made some remarks concerning the amount of money expended in the district on works during his term of office. He said it was only likely or natural that he would do more for a friend and old colleague than he would for a stranger.
12. Did anybody else address the meeting at that time? Yes, Mr. Smith.
13. Did Mr. Smith make any allusion to the presence of Mr. Young in the electorate? I do not remember.
14. Did Mr. Young refer to the fact that he represented the adjoining electorate? Yes.
15. Did you hear any other statement made by Mr. Young during the election? No.
16. *Mr. Kelynack.*] What is your age? Twenty years.
17. Do you take a very active interest in politics? Yes; I attended all the meetings I possibly could.
18. Do you make a study of politics? No; but I like to hear as much as I can.
19. Were you working for either of the candidates? No, except arguing with my brothers or friends.
20. Of course you had not a vote? No.
21. What did you do after attending this meeting at Frederickton? I think I went straight home, I may have stayed a few minutes talking to the crowd.
22. When you went home did you make any note of what Mr. Young said? No.
23. Did anybody ask you to come and give evidence here? I received a telegram on Friday night last.
24. But before that? No, I had no idea of coming as a witness.
25. From whom did you receive the telegram? From the Secretary to this Commission.
26. Before that had you any conversation with somebody that you would give evidence? Not that I remember. Of course I was talking about the case, but I do not remember mentioning any thing of that sort to anyone. In fact, I would have preferred not to have come.
27. I suppose you read the Sydney papers—the *Sydney Morning Herald* regularly? I do occasionally, but very seldom.
28. I suppose you followed up all that happened in the House after the election? Yes; but I cannot say I read very much.
29. Did you read Mr. Crick's speech? I cannot say that I did.
30. Did you read any remarks in the *Herald*, or anywhere else, commenting upon Mr. Young going into the electorate? Yes; but I cannot state definitely what newspapers.
31. Who supplied your expenses coming here? When I received the telegram I simply handed it to the steamer people.

J. Ainsworth.
21 Nov., 1898.

J. Ainsworth.

31 Nov., 1898.

- His Honor*: I may tell you that has been all arranged by the Commission. I have stated that I received a number of names, some of them from the parties themselves. I received communications from other persons suggesting names, and I arranged that the expenses of bringing down witnesses should be borne by the Commission, and I sent subpoenas, and in some instances telegrams, through the Secretary.
32. *Mr. Kelynaek.*] I am merely asking as to the expenses? That is provided for by the Commission.
33. What I want to get at is how your name came to be mentioned as a witness to be subpoenaed? I cannot tell.
34. Do you know Mr. McMaugh? I know him by sight. I do not think I ever spoke to him in my life.
35. Did you come here by boat? Yes, by the "Burrawang."
36. Did a number of other persons who are going to give evidence come down by the boat? Yes.
37. I suppose you had a conversation with them? No; I never spoke a single word to them about the subject matter of this Royal Commission. I was sick part of the time.
38. Are you all stopping at the same place? No; I am stopping at a private boarding house with one of the witnesses.
39. Did you not speak with him on the subject? No; I never discussed it with him except as to when we would appear. We never discussed our evidence.
40. You say the only part you took in the election was that you discussed it with your friends, that you were under age, and you had no vote? Yes.
41. I suppose you were a supporter of Mr. Barton? Yes; if I had a vote I would give it in favour of Mr. Barton.
42. You say there was a very long speech by Mr. Young, but you remember a very short part of it;—you know, of course, that Mr. Francis Clarke was Member for the Hastings-Macleay before Mr. Barton? Yes.
43. And did he resign? Yes.
44. In that speech at Frederickton, do you remember seeing in the papers or anywhere else a statement that Mr. Clarke had said that he would look after the local requirements if the electors returned Mr. Barton? Yes, there was something to that effect said. I understood Mr. Barton would represent the electorate; that he would get the requirements of the electorate to be looked after per medium of Mr. Barton. Mr. Clarke would see what they wanted, and get them through Mr. Barton's interest.
45. But was it not at first that Mr. Clarke said he would look after things as he had done before with regard to their local requirements? I did not understand it in that light.
46. You knew there had been some statements that Mr. Clarke was going to look after the local requirements although Mr. Barton would be the member? Something like that.
47. Did not Mr. Young say something about that at the meeting to which you refer? Yes.
48. Did he refer to the fact that Mr. Clarke had made such a statement? Yes.
49. And was he not talking about this promise of Mr. Clarke's when he said that Mr. Clarke having resigned his position as a Member of Parliament he would not have any more influence than any other person in the community? Yes; that is just about what he said.
50. Do you remember also Mr. Young pointing out to the meeting that Mr. Smith was known to be a man who always looked after local requirements very well? Yes.
51. That he had done so at Bathurst, and they could rely on it that he would do so far the Hastings-Macleay? Yes; something to that effect.
52. Was he speaking at that time in connection with what Mr. Clarke said he would do that Mr. Young then said that Mr. Clarke when he lost the title of Member of Parliament would not have any more influence than anyone else in the community and that therefore they should return Mr. Smith? Yes.

Henry Oswald Ainsworth sworn and examined:—

H O.
Ainsworth.
21 Nov., 1898.

53. *His Honor.*] Where do you reside? Near Frederickton, Macleay River.
54. Are you any relation to the former witness? Yes; a cousin.
55. Do you remember the last election? Yes.
56. Were you present at a meeting held there? Yes; I was present at one at Frederickton about 13th September.
57. Whom did you hear on that occasion? Mr. Sydney Smith and Mr. Young.
58. Where was the meeting held? At the School of Arts, Frederickton.
59. Do you remember anything in Mr. Young's speech? Yes, but only a little. I remember hearing him say that he represented the adjoining electorate, meaning The Manning; that if the electorate returned Mr. Smith he would work hand in hand with him, and it was only natural he would do more for an old colleague than for a member of the Opposition. That is as near as I can remember. I cannot call anything else to mind.
60. *Mr. Kelynaek.*] Did anyone ask you to come down to give evidence? No; I was subpoenaed.
61. Do you know who it was who sent your name? I cannot say exactly, but I have an idea.
62. Do you know Mr. McMaugh? Yes.
63. Did he get you to come down? No one asked my consent. The first thing I knew for certain about having to come down was getting a subpoena.
64. Do you remember some statement made in the electorate by Mr. Clarke that if the Hastings-Macleay electorate returned Mr. Barton Mr. Clarke would look after your local requirements? I think I do, but I cannot say positively.
65. Was it not reported in the papers? It might have been.
66. Do you take an interest in politics? At the last election I did.
67. Did feeling run pretty high there? Yes.
68. Were a lot of hard things said on both sides? Yes, I believe so.
69. What did you do directly after the meeting? I went home as far as I remember.
70. Did you make any note of what was said? None whatever.
71. Did you read the Sydney papers reporting the debate in the House with reference to this election? Some of them.
72. Did you read Mr. Crick's speech, for instance? No, I do not remember.
73. Do you remember Mr. Young saying at the meeting, referring to Mr. Clarke's promise, that if you returned Mr. Barton for that electorate Mr. Clarke was to look after the local requirements? I think he did, but I cannot be sure.

74. Do you remember his saying that as soon as he lost the magic letters, M.L.A. or M.P., he would have no more influence than any other man in the community? I heard someone say that, but I cannot say who, it might have been Mr. Young. H. O. Oswald.
21 Nov., 1898.
75. It might have been then that Mr. Young said that he would do more for Mr. Smith if he were returned than he would do for Mr. Clarke if he were not a member, that is a stranger? Yes; it might have been that.
76. Do you remember Mr. Young also making a statement in his speech about the prosperity of the country under this Government? I cannot be sure about that.
77. Do you remember his making a statement that wages had gone up? No; I cannot be sure.
78. Do you remember his speaking about the unemployed difficulty, saying that had greatly decreased or disappeared? I believe I do, but I cannot be sure.
79. Do you remember his saying that he was in a position to know as to the prosperity of the country as to the rise in wages, as to the fact that the unemployed difficulty had disappeared, because all the public works of the Colony passed through his hands? I think I remember something to that effect.

Duncan Bain sworn and examined:—

80. *His Honor.*] Where do you reside? On the Hastings River, at Port Macquarie. I wish to state that I received a telegram from Mr. Dalrymple Wood to attend the Court to-day, and I had to travel from the Hastings River to Kempsey, on account of our own steamer being stranded, or not being able to get out of the Nambucca River, and I expect that my expenses will be paid. I also had to pay my own passage. D. Bain.
21 Nov., 1898.
81. That will be all right. Were you present at any meetings at the last election? Yes; at Mr. Barton's and Mr. Smith's.
82. Where were they held? I was at two meetings of Mr. Barton's, held at Port Macquarie, and one at Beechwood, on the Hastings River. I was also present at Mr. Smith's meeting at Beechwood.
83. Do you remember Mr. Young addressing any meeting there? No, I did not hear him address any public meeting.
84. Did you hear him make any statement in connection with the election? Yes.
85. What did you hear him say? I heard him reply to a question that was put to him with reference to a bridge over a crossing on the Hastings River, known as Cameron's Crossing. He said, "If you vote for my man I will see that you get that bridge."
86. Where was that said? In Port Macquarie.
87. How did that remark come to be made? There were a number of us together, and we were speaking about public matters, in fact, I think I spoke most myself to Mr. Young about public matters in the district. This matter of a bridge across Cameron's crossing was spoken about.
88. Where did it take place? On a place called the Green, at Port Macquarie.
89. Was it simply a private discussion amongst yourselves, or a public meeting? It was not a public meeting, there were a number of people there speaking to Mr. Young about these matters.
90. How did Mr. Young come up there? I understood he was there to meet the Premier, that was the day on which the Premier landed. It was on a Saturday, and I think it was the 17th September.
91. Who put the question to him? As far as I can remember it was a man named Nicoll, I could not be certain. I did not pay much attention to it. He was not very near to me. The question was put to him during a conversation between me and Mr. Young with reference to another public matter.
92. What was that matter? It was in connection with a public ferry at a place called Wauchope, on the Hastings River.
93. Did Mr. Young make any statement with reference to that work? Yes, I mentioned to him some things in connection with it; in fact I was not satisfied with the way the Department determined to make this ferry, as I had been for a number of years taking an interest in it. Of course I was telling Mr. Young this; we had a good deal of talk about it, and of course he defended his Department.
94. Was it in connection with an election? No.
95. *Mr. Kelynaack.*] I believe, as a matter of fact, that you are a very jocular man, fond of a joke? Some people think the opposite.
96. You can give a joke and take one? Yes, I suppose most of us can do that.
97. You are very fond of humour? Yes, if I am in humour.
98. I suppose on that day you were in the humour? I do not think I was.
99. Was that on account of the heat of the political atmosphere? No, it was in connection with another matter.
100. I believe you gave a very great deal of service to Mr. Barton in the election? Yes.
101. Were you one of his most staunch supporters? I admit that.
102. Did you deliver a number of strong speeches in his favour? I spoke at two of his meetings.
103. Is it well known that you were a very good strong supporter of Mr. Barton? It is always well known on what side I am.
104. Mr. Young knew it? Yes; he knew it very well.
105. Did he know it before this conversation on the green? No.
106. Did he not know that you were fighting for Mr. Barton all you knew? Yes; very likely.
107. Would he not know that for a long while you have been on the opposite side to the freetraders? Yes.
108. Is that not well known in the district? Yes.
109. At every election have you not addressed meetings in opposition to the freetrade candidates? Yes, for a number of years.
110. With regard to this particular bridge, did not Mr. Young say that it was impossible to put it there, or something of that kind? No. What he said was, "You vote for my man, and I will see that you get your bridge."
111. That was all you wanted? No; because he would not give me all I wanted.
112. Was it not said just in a jocular spirit, you being in the enemy's camp? Perhaps he thought so.
113. I am referring to what he said to you? He did not say it to me.

- D. Bain.
21 Nov., 1898.
114. But you were there the centre of the crowd, as you generally are? No; I am not generally the centre of a crowd. I would not be the centre of a freetrade crowd.
115. Now, as to this Wauchope ferry, have you not a considerable amount of land there? Yes.
116. The difference of opinion between you and Mr. Young was that you wanted it where it would suit your land a little better? I deny that; I can bring proof that where they are putting the punt at present will be of more convenience to me than where I want it, so it is no use bringing up that question at all.
117. At any rate you have a great deal of land about there? Yes; and if it will satisfy you, I defy any man to come forward and prove one instance where I ever, in public matters, considered my own interest.
118. However, you did not get your own way in this? No; and the public did not get their own way, and they will see that.

Hugh Ridgway Bridson sworn and examined:—

- H. R. Bridson.
21 Nov., 1898.
119. *His Honor.*] What are you? An insurance agent.
120. Where do you live? Port Macquarie.
121. Do you remember the last election for the Hastings and Macleay? Yes.
122. Did you attend any of the meetings? Yes, at Gladstone.
123. Was that the only one? No; I was at another meeting, but I was not so closely identified with it.
124. At either of these meetings, or at any other meeting, did you hear Mr. Young speak? Yes, at Gladstone.
125. On what date was that? I cannot exactly swear to the date, although my memory has been refreshed by a newspaper. I know it was early in September. I have been told it was on the 13th September.
126. What did you hear Mr. Young say on that occasion? I heard him speak on behalf of Mr. Smith, placing him before the electors as a fit and proper person to represent the Hastings and Macleay.
127. Will you now state anything pertinent to this inquiry? I heard Mr. Young during his speech say that he thought it was an insult to the electors of the Hastings and Macleay for Mr. Barton to put forward that Mr. Frank Clarke would assist him and attend to the wants of the electorate, and that he could tell them that, as far as Mr. Frank Clarke was concerned, when the magic letters M.P. were taken from his name he would have no more influence than Jack Frost. He also said further that it was only natural to suppose that Mr. Smith, being an ex-Minister of the Crown, would receive more consideration at the hands of the Ministry of which he had been a member than a comparative stranger like Mr. Edmund Barton, and, as far as his department was concerned, he would see that it would be so.
128. Do you remember anything else that was said? I remember interjecting two or three times during the meeting after that, and asking two or three questions.
129. What were they? There was one question in particular which had been brought up, that Mr. Barton had gone into the Opposition room, before he was a member of Parliament, with Messrs. Crick and Lyne, and helped to frame a motion of censure against the Government.
130. That has nothing to do with Mr. Young himself. Was there anything else said with reference to the requirements of the district? When the meeting was over there were several gentlemen who, I concluded from the tone of their remarks, were supporters of Mr. Smith. They asked Mr. Young when Mr. Smith would be able to address them again in Gladstone, as a good many people there had not an opportunity of hearing them, as the meeting was hurriedly called. A supporter of Mr. Smith, Mr. Dangar, of Kempsey, after conferring with Messrs. Smith and Young, said that Mr. Smith could not exactly say when he could address them again, but he would guarantee that he would be down at Dark-water within two or three days to see the state of their swamps, &c., and that they would then be able to see what was wanted as far as the swamps were concerned.
131. Who are the persons referred to as "they"? I concluded that "they" meant the persons there present.
132. Did you hear anything else that you wish to state? That was about the extent of it.
133. *Mr. Kelynack.*] After that meeting, when you say Mr. Young made this reference to Mr. Clarke, did Mr. Dangar make that remark? It was at that meeting.
134. What did you do after that meeting? I went home. I was staying at an hotel, and I call that home.
135. Did you go straight home and go to bed? No; I made a few remarks not very complimentary to Mr. Young.
136. Did you note down in writing anything that Mr. Young said? No.
137. You say you refreshed your memory as to the date by reading a newspaper;—did you also refresh your memory as to the words used? No; I have a most retentive memory.
138. But you could not remember the date? Not the exact date, but I believe it was early in September.
139. I think you spoke in favour of Mr. Barton's candidature? No; not in public.
140. Did you at a committee meeting or something of that kind? I always did when I got an opportunity.
141. Were you on his committee? Yes.
142. Do you remember saying you would canvass the district for Mr. Barton, saying that if you did not reap the benefit of it at any rate your children would? I said I would canvass the district, but I do not remember that statement.
143. Was it not published in a newspaper that you made such a statement? I cannot say that it was.
144. Then you did not read the reports of your own speeches? I did not make any public speech.
145. Do you remember that speech being reported in the newspaper? No.
146. Was not Mr. H. T. Lee in the chair when you made that remark? No.
147. Do you not remember a meeting at which Mr. Lee was in the chair? I swear I made no public speech.
148. I ask you whether you remember any meeting at which Mr. Lee was in the chair, and you say you do not remember? Yes.
149. And you say you have a retentive memory? Yes.
150. Do you remember a meeting at which Mr. Lee was in the chair? Do you mean a public meeting?
151. No, any meeting? I will say that Mr. Lee was not in the chair when I made a speech.
152. Do you know Mr. H. W. T. Lee? Yes; very well.

153. What position did he occupy in connection with Mr. Barton's candidature? He was one of the foremost members of his committee.

H. R.
Bridson.
21 Nov., 1898.

154. Did you have any meeting of the committee? Only one, which was most irregular.

155. Was Mr. Lee in the chair? I do not think there was any chairman.

156. Was Mr. Lee there? Yes.

157. Did you make any statement about canvassing? Yes.

158. Then you forgot something? No; you said my speech was reported.

159. I think you said that Mr. Young stated he would be more likely to listen to the representations of an ex-colleague and a friend than to a comparative stranger? Yes.

160. Then you added "like Mr. Barton"—was it not with reference to Mr. Clarke that he used the words "comparative stranger"? No.

161. Did he use any names? He said, "A comparative stranger like Mr. Edmund Barton."

162. Are you certain of that? Yes.

163. Yet you cannot be certain what you yourself said? I am placed at a disadvantage, because I do not remember the meeting.

164. But you said "yes" just now? I remember two or three people being together, which I do not call a meeting.

165. You do not remember what you said yourself at that meeting? Yes, I do. I said I would go away to the Hastings, which was a weak point, and work there.

166. And that if you did not reap the benefit your children would? I do not remember that, but I might have said it.

167. Although your memory will not serve you as to what you said yourself, you are prepared to swear that these words, "like Mr. Edmund Barton," were uttered? At Mr. Smith's meeting in the hall they were certainly used.

Joseph Edward Carroll sworn and examined:—

168. *His Honor.*] What are you? A storekeeper at Gladstone, Macleay River.

J. E. Carroll.
21 Nov., 1898.

169. Were you present at any meetings during the last election? Yes; in the hall at Gladstone, on a Tuesday night. I think it was the 13th September.

170. Were you present at any other meetings besides that one? Not a meeting of Mr. Smith's, but I was at a meeting of Mr. Barton's.

171. Did you hear Mr. Young address a meeting at Gladstone? Only a portion of his speech. I went rather late.

172. What did you hear him say? Very little while I stopped there. I heard Mr. Young distinctly say that he considered Mr. Francis Clarke had sold us the same as a man might sell a team of bullocks. He said Mr. Clarke had promised that if Mr. Edmund Barton were returned as our Member he would still continue to do as he had before—attend to all our local wants to the best of his ability. Mr. Young then passed the remark, "Take the two magic letters M.P. from Mr. Clarke's name, and he would have no more weight or power with the Government Departments than Jack Frost."

173. Was that all you heard? Yes; I thought that was an insult to our esteemed ex-Member, Mr. Clarke, and I went away in disgust, and never went back.

174. Did you hear any other remark made by Mr. Young at any other time? No; I never saw Mr. Young before or since.

Cornelius Christian sworn and examined:—

175. *His Honor.*] Where do you live? At East Frederickton.

C. Christian.
21 Nov., 1898.

176. What are you? A farmer and grazier.

177. Do you remember the last election there? Yes.

178. Were you present at any of the meetings? Yes, at one held by Mr. Smith on 13th September, at Frederickton.

179. Did you hear Mr. Young address the meeting? Yes.

180. What did he say with reference to the candidates? He said he thought Mr. Smith would make a better Member than Mr. Barton, because he understood country constituencies better; but if Mr. Smith came to his office after being returned, and advocated anything that would be required in the electorate, knowing the man's straightforwardness and ability, he would take it for granted that it was required, and he would have no hesitation in acceding to it. That is all that I can remember.

181. Do you remember whether at that meeting John Ainsworth or Oswald Ainsworth were present? I did not notice them.

Anthony Egan sworn and examined:—

182. *His Honor.*] What are you? A farmer at Belmore River.

A. Egan.
21 Nov., 1898.

183. During the last election, when Mr. Barton and Mr. Smith were candidates, were you present at any meeting? Yes; at Mr. Smith's meeting in Gladstone about the 13th September.

184. Did you hear Mr. Young address the meeting? Yes.

185. Do you remember anything that he said in connection with the electorate? Yes; Mr. Young first gave the electors to understand what Mr. Smith had done for the farmers, what a good man he was generally, and, to show the esteem in which he was held by the Government, there was the fact that he (Mr. Young) was spared to help Mr. Smith in his electioneering campaign. He also said that a great friendship existed, or that a more than ordinary friendship existed, between Mr. Smith and himself. He said it was not usual to divulge Cabinet secrets, but he could tell them this much—that all the money spent by the Public Works Department had to go through his hands, and that it was only natural to suppose that he would—I would not swear he said he would rather do more for Mr. Smith than he would do for a Member opposed to him—but he said it came a lot casier (to the best of my belief) to grant a favour to a friendly Member than to a Member who sat on the opposite side of the House. I will not swear as to the exact words.

- A. Egan.
21 Nov., 1898.
186. Do you remember anything else said at that time by Mr. Young on the same subject? Mr. Young said that he had been told that Mr. Clarke told the electors that he had made an agreement with Mr. Barton that Mr. Clarke was to look after the local requirements of the electorate, I think he said, for the next three years, but I am not sure as to the exact period. Mr. Young said, "Let me tell you that Mr. Frank Clark, will not be able to do so, for the simple reason that he will not have the power, because once the letters M.P. are taken from Mr. Clarke's name he will be no more than Jack Frost or anyone else." I will not swear to the exact words, but to the best of my belief Mr. Young said that if they elected Mr. Barton he would be too big a man to look after the wants of the electorate, and probably the weight of the work would fall on one of his clerks. That is the meaning I took from what he said—that as far as the local wants of the electorate were concerned, they would be entirely disfranchised. He also said that if they elected Mr. Smith he would be able to devote nearly the whole of his time to the wants of the electorate. He also said that Mr. Barton's work was too large, so that he could not afford to do so. He also said that if they elected Mr. Smith, he, Mr. Young, being the representative of the adjoining electorate, The Manning, in future they would be able to work in conjunction with each other. As far as the carrying out of public works was concerned, they had nothing to complain of—in fact, the whole North Coast, as far as carrying on of the public works was concerned, would have very little to complain about.
187. Was there anything else? At the close of the meeting Mr. Young gave the electors to understand that his representations on behalf of Mr. Sydney Smith were entitled to consideration, and he went on to recount the public works that had been carried on in the electorate since he had been in charge of the Public Works Department.
188. Did you hear Mr. Young address any other meeting? No.
189. Did you hear any conversation, except what you have mentioned, with Mr. Young during the election? No.
190. *Mr. Kelynack.*] Talking about some remark which you say Mr. Young made, you said you could not be certain of the exact words about carrying out works upon the representation of a member of the Opposition, or doing works on the representation of a supporter of his own Government;—do you remember Mr. Young saying: "Of course if the work is necessary I will have it done, no matter who recommends it, but if it is a friend that comes to me it affords me pleasure to hear what he has to say"? It might have been that. It is so long ago that I do not remember exactly.
191. Did he not say that if a work was necessary, no matter who might bring it before his notice, he would have it done? I do not remember his saying so, although he might have said so.
192. I believe that as far as Mr. Barton was concerned Mr. Young spoke very highly of his position in the Colony? Yes; as a member of the Bar.
193. In that same speech I think Mr. Young pointed out generally that the conditions of the whole Colony had improved under the present Government? Yes, I believe he did say something to that effect.
194. Do you remember his saying that wages had gone up? I cannot recall it to mind, but I have a slight recollection that he did say so.
195. Did he speak of the unemployed difficulty? Yes.
196. Did he say that under this Government it had practically disappeared? I believe he did, although I cannot call it to mind exactly.
197. I suppose you have heard a great deal of talk in your electorate about this Commission? I never heard very much, because I live a good deal away from the town.
198. Do you get the Sydney papers? Yes.
199. Did you see a full account of the discussion in the papers? A great part of it.
200. Do you read the debates in the House? Sometimes, but not all of them.
201. Did you read Mr. Crick's speech when the question was discussed as to the appointment of a Commission? I have seen it somewhere.
202. Did you read his speech in which he alleged that certain things had been said by Mr. Young, or that he had been informed Mr. Young had said certain things? Yes.
203. I suppose that refreshed your memory about this particular matter? Not altogether; I remember what I heard.
204. You see there are certain things you are not sure of, but you are certain about this matter, because, I suppose, you have seen Mr. Crick's speech? My memory was not much refreshed by Mr. Crick's speech, because I certainly forgot Mr. Crick's speech. I remember seeing part of his speech. I do not know whether it was the whole of it.
205. I suppose you did not make any note yourself of this speech when you went home? No.
206. It appears that you have a recollection of these particular remarks about Mr. Young wanting to have Mr. Smith returned, but you do not seem to remember anything else;—I suppose you could hardly meet anyone in the electorate without talking over this matter? I did hear many conversations about it, but not as to the actual words.
207. As to the general tenor of the words? Yes.
208. Is that how this matter has gradually got impressed on your mind? I thought when I heard his speech that it would influence the electors to vote for Mr. Smith.
209. Did you really want Mr. Barton to be elected? I voted for Mr. Barton.

Cornelius Gralton sworn and examined:—

- C. Gralton.
21 Nov., 1898.
210. *His Honor.*] What are you? A farmer at Gladstone.
211. Were you present at any meetings during the last election? Yes, two or three, and I was at the whole of them.
212. Where were they held? The first was held in the hall at Gladstone; the other two were held in front of the hotel balcony at Gladstone.
213. Did you hear Mr. Young address the meeting? Yes. He addressed only one—that was the first meeting held in the hall. I think it was the 13th or 14th September.
214. Can you remember what Mr. Young said with reference to the electorate or the candidate? I can remember some, but not all. As far as I can remember, he said it was not a usual thing to reveal Cabinet secrets, but this was one thing he would say, that Mr. Smith and he had been old colleagues and friends, and

and if Mr. Smith was returned he would be able to do more, being a supporter of Mr. Reid, for the district than any Oppositionist; that he was Minister of Works, and that if Mr. Smith was returned, that gentleman could approach him, and get our wants attended to far more readily than any Oppositionist.

C. Gralton.
21 Nov., 1898.

215. Was that the only occasion on which Mr. Young addressed a meeting? That was the only place where I heard him.

216. Did you hear any other remarks made by Mr. Young in conversation, or anything of that kind. No. I was never in Mr. Young's presence.

217. *Mr. Kelynaek.*] Before that meeting had you heard that Mr. Clarke had promised to look after the local requirements? Yes.

218. Did you hear Mr. Clarke say so? No.

219. But you had heard that he made such a statement? I heard it from the outside public.

220. Do you remember Mr. Young talking about that at his meeting? No.

221. Do you remember Mr. Young saying that after Mr. Clarke had two or three letters erased from his name he would have no more power? I knew that myself.

222. Did Mr. Young point out what a great deal Mr. Smith had done for farmers? Yes.

223. Did he say that he was a man who always looked after the wants of his electorate very well, and that he knew the wants of the farmers? Yes.

224. Did he say that he was an expert in matters of farming? Yes; he said he had been over the Agriculture Department.

225. Was it not then that he said that Mr. Smith would be able to do more for you than Mr. Clarke? No.

226. You say that you remember Mr. Young saying that Mr. Clarke would lose his representative character as a Member of Parliament, and that therefore he would be the same as anyone else in the community? Yes.

227. And therefore that it would be better to have Mr. Smith to look after your local requirements than Mr. Clarke? He said, "Better than to have an Oppositionist." He said that Mr. Smith would be a supporter of Mr. Reid, and that he would be better able to look after the local wants than an Oppositionist.

228. Are you now giving the substance and not the exact words? I cannot give the exact words, because I did not think it would come to anything.

229. Are you just giving us your impression? Yes; I am sure as to what was said.

230. Have you talked a great deal about this matter since? No; we reckoned in Gladstone that it had fallen through.

231. Was there much talk about it? No; I never thought I would be required here at all until I was subpoenaed.

232. How did you come to be subpoenaed, and how did they get your name? I partly guess but I cannot say exactly. When I came outside I began blathering about what Mr. Young said. What made me take particular notice of that was that I bought a little bit of ground in Gladstone five or six years ago, and I gave from £50 to £70 an acre for it. I have no way of getting to it as the road is not cleared. I thought that if we could put in Mr. Smith I might get this bit of road made, but at the same time I did not vote for Mr. Smith. I voted for Mr. Barton.

233. Then you really did not attach any importance to what was said? No; that was the only importance I attached to it. Mr. Young promised that our wants would be attended to, and I thought we might get that bit of a road made.

234. That is an important matter to you? Yes; I have tried since but was refused. £10 would do the work but I cannot get it.

Phillip Morris Hart sworn and examined:—

235. *His Honor.*] What are you? A general storekeeper at Kempsey.

236. Were you present at any of the meetings held during the election? Yes, at a meeting on September 12th at Kempsey. It was Mr. Sydney Smith's meeting.

P. M. Hart.
21 Nov., 1898.

237. Did you on that occasion hear Mr. Young address the meeting? Yes, I was sitting on the front seat on that occasion.

238. Do you remember what he said with reference to the electorate? Mr. Young, speaking of Mr. Clarke said that when he lost the magic letters "M.L.A." after his name he would be no more than the poorest or most ignorant man in the district. He said it was given out that Mr. Clarke was to attend to the smaller wants of the district, but of course that would be absurd; that Mr. Barton would have to be the man we would have to look to; that Mr. Barton was not the Mr. Barton he was before the federal election, because ever since his election he had been suffering from big head. Mr. Young said that if they elected Mr. Sydney Smith it was only reasonable to suppose that the wants of the district would receive more attention from him than from Mr. Barton; that Mr. S. Smith being an ex-Minister of the Crown, an old colleague and personal friend of his, it was only natural that he would give more attention to his representations, whereas Mr. Barton would only be an ordinary Member sitting with the Opposition. He further said that as our electorate joined his the wants of both districts would be identical, and would receive attention. Later on, towards the end of his speech, he touched on the question of previous Governments not attending to the wants of the northern rivers, with the exception of the Clarence; that when his Government came into power they gave those rivers more attention, and he referred specially to the improvement at the river entrance. He said, of course the people all knew the vast amount of money that was being spent at the entrance to the Macleay and also the vast amount of other money spent on public works in the district. He referred then to the great work being carried on over the Macleay River at Kempsey, meaning the bridge. He said that people of the Macleay were indebted to a great extent to the Government for what they had done, and he trusted that at the present time they would show their gratitude by rolling up and voting for Mr. Smith.

239. Did you hear Mr. Young address any other meeting? No.

240. Had you any conversation with Mr. Young, or did you hear Mr. Young talking to other people about the electorate? No.

241. *Mr. Kelynaek.*] As to these references to Mr. Clarke, is it not a fact that Mr. Young pointed out that Mr. Smith was a man peculiarly able to look after a farming district? That was the gist of Mr. Young's speech from start to finish—in favour of Mr. Smith, and condemning Mr. Barton.

- P. M. Hart.
21 Nov., 1898.
242. Did he not put it forward particularly that Mr. Smith had special knowledge of the requirements of a farming district? He spoke of Mr. Smith as having every good quality, and as having been at the head of the Department of Agriculture.
243. Did he point out that Mr. Smith knew particularly about farming requirements? Yes.
244. And that Mr. Smith had always looked very well after the local requirements of his former electorate of Bathurst? Yes. I think he spoke of the way in which the Bathurst people had been always looked after, and stated Mr. Barton would never be returned for a country constituency a second time.
245. Did he say he ought to be elected for a city electorate? Yes; and that he ought to leave the country alone; that he would not look after small wants. He said that Mr. Barton was suffering from big head.
246. Did he not say that Mr. Barton was a man of a very leading position; that he was second to none? I cannot say.
247. Did he say that Mr. Barton had a very large work on hand in connection with federation, and that his time would be so much occupied that he could not look after local requirements? Yes.
248. Did he allude to an arrangement with Mr. Clarke by which the latter was to look after local requirements? That was one of the leading features of his speech in condemning Mr. Clarke's action.
249. Therefore, that your electorate would be dependent on Mr. Clarke's services as far as local requirements were concerned? That was the way Mr. Young put it; we never heard that from Mr. Barton.
250. Therefore he said you would be served better by Mr. Smith if he were returned than by Mr. Clarke? Yes, having the ear of the Government on his side.
251. That Mr. Smith would serve you better than Mr. Clarke? Yes, having the ear of Mr. Young.
252. He said that Mr. Smith would look after the requirements of the district better than Mr. Clarke? No, than Mr. Barton.
253. No, you say he had already spoken of the arrangement by which Mr. Clarke was to look after the local requirements? We knew of no arrangement.
254. Did you not hear it stated that Mr. Clarke said he would do so? Not publicly; I heard the rumour.
255. And afterwards you heard Mr. Young speak of that? Yes; it was a very strong point.
256. Did he say that Mr. Smith would be a better Member for you, because the arrangement at first was (I believe it was abandoned afterwards) that you were to look to Mr. Clarke for local requirements? I do not know anything about it, except this report that went round.
257. Were you at a meeting in Kempsey before the election when Mr. Clarke made some statement about resigning? I was present at that meeting.
258. Did not Mr. Clarke then say that the only understanding he had with Mr. Barton was with reference to local matters, that in local questions they could still look upon him as their confidential friend and adviser, and that they could appeal to him and that if Mr. Barton's interest was required he would put it before him, but that if it was only routine he would attend to it himself? I never heard those words.
259. That is taken from the *Chronicle* newspaper;—if that is reported in the newspaper, would you be prepared to say it was not said? No, it might have been said. I was present at the meeting, but I never heard Mr. Clarke couple his name with Mr. Barton.
260. I suppose you are a supporter of Mr. Barton? I voted for him.
261. Were you on his committee? Yes.
262. Was your name published as a member? Yes, certainly.
263. Therefore, this meeting of Mr. Clarke's was an important matter? No; that meeting was held under very peculiar circumstances. There was a dramatic entertainment going on the same time. All the people were bundled off, and the meeting lasted for about ten minutes. They gave the hall to Mr. Clarke to explain his views. There was a lot of fuss and hurry. It was not an ordinary advertised meeting.
264. You seem to have a very accurate memory as to what Mr. Young said, but you do not seem to recollect what Mr. Clarke said on that occasion? I did not take particular notice at the time.
265. Why did you take particular notice of Mr. Young's statement? Next day I mentioned the matter, and I said I thought Mr. Young was taking an unfair advantage of Mr. Barton in claiming support for Mr. Smith on such grounds. I thought he was taking an undue advantage by the mode in which he addressed the meeting.
266. Did Mr. Young, at the same meeting, refer to the condition of the Colony generally under the present Government? Yes.
267. Did he claim that they had done away with the unemployed difficulty? He touched on that question.
268. Did he say that wages had risen? I do not know, but I know that somebody asked him in the room did not his Government reduce the wages of the labouring men from 6s. to 5s. per day? That question was not answered. As a business man I know that wages have gone down a great deal.
269. I suppose you read the reports in the Sydney papers? Yes; I read a number of them.
270. So that what you are remembering now is the result of what you have seen, heard, and read? No; it is the result of what I heard at this particular meeting, and not of what I have read since.
271. So that you cannot remember what Mr. Clarke said at this meeting at all, but you are very certain that your reading has not influenced you? No.
272. How many people came down with you on board the "Burrawang"? Sixty-six.
273. How many witnesses? About twenty.
274. Had you a conversation about these matters when you were coming down? We did not go into this matter in detail. One or two might have asked what was the exact date in case it was wanted. I of course had made a note of it.
275. Who knew what evidence you could give? The Secretary of this Royal Commission.
276. How did he know? It was sent on to him.
277. From whom? From myself.
278. What led you to send it on; did anyone speak to you about it? No.
279. Was it a member of the committee, Mr. McMaugh? No.
280. Was it in consequence of the advertisement? Yes.
281. Had there not been a great deal of conversation at Kempsey about this matter? Not with reference to what took place.
282. Has not Mr. McMaugh been appointed by your committee to collect evidence? Yes; but there was no conversation with Mr. Barton's committee as to what the evidence should be.

283. I do not say as to what it should be, but as to what evidence you would give? I was never asked myself. I sent my evidence in to the Secretary, and I was subpoenaed. I was never consulted about the matter. P. M. Hart.
21 Nov., 1898.

284. Has there not been a great deal of conversation as to what evidence you could secure? Not to my knowledge. I know that Mr. M'Maugh was appointed. Certain gentlemen came together and stated that this and that had been said, and the committee thought that if there was to be a Royal Commission it would be a mistake to allow the thing to fizzle out into nothing. They hunted up these gentlemen, and asked, "Will you go or not? You have made certain assertions. Will you go to Sydney and take it up?" They said, "Yes." I believe that had the Commission been held in Kempsey instead of in Sydney there would have been 120 witnesses instead of twenty. People would not come to Sydney. That is where the trouble came in.

285. Have they no unemployed up there? We all have to support a few.

286. *His Honor.*] Did you know that this advertisement appeared in the newspapers before it was known that the Commission was to be held in Sydney? What advertisement?

287. The advertisement calling for evidence? I think the advertisement appeared in our papers the same as in the Sydney papers.

288. Do you not know that it was stated that the question whether the Commission would be held here or at Kempsey would depend on the number of names sent in of persons likely to give evidence? No. I know that the Mayor of Kempsey wrote to yourself or to the Secretary, asking that the matter should be tried in Kempsey, as there were so many people who could not leave their callings to come here.

289. Do you know the date of that letter? I think I saw it in the Sydney papers, whence I received the information.

290. *His Honor.*] I received it on the day that the three weeks adjournment expired. The letter mentioned no name whatever of any persons who objected to come to Sydney, and I thought it better that we should proceed here when we had the names of, I think, twenty-three witnesses who were prepared to come to Sydney to give evidence. There was no evidence whatever of any other persons in the community who objected to come to Sydney except the statement, that if the meeting were held in Kempsey, there might be possibly a larger number of witnesses. For three weeks there was an opportunity for persons to come forward to give evidence, and there was no evidence before the Commission in any shape or form of that kind. On the contrary the names of twenty-one witnesses were sent down as being prepared to give evidence in Sydney. There was no mention of anybody who could give evidence only in the district. It is a clear misunderstanding? You see a lot of the farmers round about would not send in their evidence until they found out.

Mr. Kelynaek: I object to the last statement made by the witness.

His Honor: I know there was an idea gathered from the papers that everybody had an opportunity of stating what evidence could be given, and where the evidence would be given. There was no statement whatever of any person who objected to give evidence in Sydney, or who would give evidence in the district only.

George Forbes Jackson made a declaration and examined:—

291. *His Honor.*] What are you? A tailor and clothier.

292. Where do you live? At Kempsey.

293. Were you present at any meeting during the last election? I was present at nearly every one, but the special one was at the Temperance Hall, Kempsey, on the 12th September. G. F. Jackson.
21 Nov., 1898.

294. Whose meeting was that? It was a meeting at which Mr. Sydney Smith addressed the public.

295. Did you hear Mr. Young address that meeting? Yes.

296. Did you hear him make any statement with reference to the qualifications of the candidate? Yes. My letter which I addressed to the Commission expressed everything I had to say. It is almost an impossibility for me to say anything different. My memory was perfectly fresh when I wrote that letter. Therefore I cannot prove much beyond that.

297. We have not got your letter now before the Commission, so that you had better make a statement as to what you heard? I heard Mr. Young say that Mr. Barton had never been elected twice for any one constituency, and that Mr. Barton was suffering from what was called big head; also that he was a failure as a Member of Parliament; that if we would give our votes for Mr. Young's late colleague he would pay more attention to our constituency than he would do if another man came in like Mr. Frank Clarke. I think he said he would give him more attention, and he would be likely to get more than if Mr. Frank Clarke came asking at the office. It is an unfortunate thing that we did not commit to memory everything that was said, but I think he was there simply to try to captivate our votes for his man.

298. I want to know what you heard Mr. Young say? I heard him say that Mr. Frank Clarke never had any privileges with him; that Mr. O. O. Dangar, himself, and others had been the means of getting our bridges; some of them are not completed yet. I think he said Mr. Barton had been a failure as a man in Parliament, and that we would get nothing from him, seeing that Mr. Frank Clarke had offered to give his services to look after the small things of the constituency; that Mr. Barton being such a big man, suffering from big head, that he would not look after the small things belonging to our place. I think that was all, except that he said two or three things detrimental to Mr. Barton.

299. I only want you to state what Mr. Young said—is that all? He also said that if we elected Mr. Smith he was more likely to attend to him than to Mr. Clarke; that when he was denuded of the magic letters M.L.A. he would then be nothing more to him than if he were the poorest and most ignorant man in the whole voting power.

300. Is that all? I heard the whole speech, but I cannot think of it all.

301. Were you present at any other meeting where Mr. Young spoke? No.

302. Had you any conversation, or did you hear any conversation with Mr. Young besides that? No; we were all talking of it.

303. Did you hear Mr. Young say anything else? No.

John Kendall sworn and examined :—

- J. Kendall. 304. *His Honor.*] What are you? A compositor.
305. Where do you live? In Sydney.
- 21 Nov., 1898. 306. Were you in the Hastings-Macleay electorate during last election? Yes.
307. Did you attend any of the meetings? Yes; the first meeting held by Mr. Sydney Smith, at Kempsey, on the 12th September.
308. Did you hear Mr. Young address that meeting? Yes.
309. Do you remember what he said with reference to the electorate or the qualifications of the different candidates? I remember a good deal of what he said, but I did not pay much attention to the whole of his address.
310. Will you state what you heard him say? What I heard Mr. Young say, and I took notes, was that in speaking first of Mr. Barton's candidature and Mr. Sydney Smith's, he said that Mr. Barton was a big-headed man; a man not likely to attend to local wants. He said that Mr. Frank Clarke was to do that portion of the Member's duties for him, but he warned the electors that when Mr. Clarke lost the magic letters M.L.A. he would have no more influence in that capacity than the humblest electors in the district. He said that the Government was entitled to the gratitude of the electorate for what it had already done in the way of public works, instancing at some length the bridge at Kempsey, and the harbour works. He said that Mr. Smith would be an infinitely better Member to attend to local requirements than Mr. Barton would be, and that it would be only reasonable or natural that he would give more consideration to representations regarding local wants made by Mr. Smith than he would to those made by any unfriendly Member. At the same time he indicated Mr. Smith, who was on his left hand, describing him as his old friend and ex-colleague. He further referred to Mr. Barton in connection with the McSharry case.
311. Do you remember anything else? Nothing that I think would influence the Commission. I remember what I have stated distinctly. I took a note of it, and I was sitting within 6 feet of Mr. Young; he said Mr. Smith was a Government candidate, and that Mr. Barton's candidature was a movement against the Government. I have not got the note which I took. It was the only meeting I attended, and there is nothing else that I remember. I may mention that I wrote a letter to the Commission concerning a letter which I had received. I would like to tender it to your Honor. I believe it is in Mr. Young's handwriting.
312. *Mr. Kelynaek.*] Is your name Mrs. Woodland? No; my name is Kendall; I received the letter from Mrs. Woodland.
313. I do not object to the admission of the letter, but it is highly objectionable.
314. *His Honor.*] Have you any objection to the letter going in?
315. *Mr. Kelynaek.*] Not at all.
316. *His Honor.*] Then I will have it marked *Exhibit "A."*
317. *Mr. Kelynaek.*] Do you say you are a compositor? Yes.
318. Are you connected with any of the papers? No; I have been connected with the *Sydney Mail*.
319. As a reporter? No.
320. Did you write anything for any of those local papers? Yes.
321. For which paper? I wrote some things which were published in the *Macleay Chronicle*.
322. What candidate did the *Macleay Chronicle* support? Mr. Barton, I believe.
323. Did you give an account of that speech for the *Macleay Chronicle*? No; the *Macleay Chronicle* reporter was present.
324. In that speech you say that Mr. Young referred to the works which had been done in the Hastings-Macleay electorate during the time that the present Government had been in office;—did he not refer also to the work done by this Government throughout the Colony generally? I do not remember him doing so.
325. Do you remember his speaking about the unemployed difficulty? Yes.
326. These remarks were not confined to the Hastings-Macleay electorate? I did not consider that a public work when I answered your question.
327. I did not mean to say that it was; but in speaking of the unemployed did he not say that that difficulty had disappeared? Yes.
328. Did he not speak about the necessity of improvements along the North Coast generally? He said something about improving the Macleay swamps.
329. Do you remember his saying that the North Coast generally deserved more attention than it had received in the past? No.
330. All that you recollect is that he referred to the work done in that electorate? Yes; he did so very pointedly.
331. How long had Mr. Clarke been a Member before that? I think about five years, speaking from hearsay.
332. So that whatever had been done had been carried out while Mr. Clarke was Member for the district? Mr. Young said that all the important works had been done by himself and Mr. O. O. Dangar.
333. But was he not referring to works done during the last five years? He gave the credit to Mr. Dangar.
334. Was he not referring to public works done recently in the electorate? Yes.
335. During that time Mr. Francis Clarke had been Member for that district? I believe so. Your Honor, I would like to refer to the fact that Mrs. Woodland, to whom that letter was addressed, had seven sons on the Electoral Roll, and they all living at home.
336. You seem to have taken a keen interest in this matter;—how did you get that letter? I asked Mrs. Woodland for it.
337. Did you take the trouble to find out that she had seven sons on the roll? She told me so, and I saw them.
338. Have you been working up this matter? No; if I had been there would have been a lot more witnesses.
339. What is your particular interest in it? None, except that as an elector of the Colony I objected to what I considered to be unconstitutional procedure during the election.

340. Do you know that Mrs. Woodland has known Mr. Young for about forty years? Yes.
 341. Yet you thought that letter was worth bringing? Mrs. Woodland thought so, too.
 342. She did not come down, did she? She was not requested.
 343. Were you? Yes.
 344. By whom? By the Commission. The bailiff found me 75 miles up the Macleay. I am not a voluntary witness.

J. Kendall.
 21 Nov., 1898.

Peter Knauer sworn and examined:—

345. *His Honor.*] What are you? A butcher and grazier, at Frederickton.
 346. Were you present at any meetings at the last election? Yes; at the meeting at Frederickton, on the 13th September.
 347. Did you hear Mr. Young address the meeting on that occasion? Yes.
 348. Do you remember what he said? Yes; I remember parts of it.
 349. You know what this inquiry has reference to;—did you hear Mr. Young say anything bearing on this particular inquiry? The part which I think would affect the inquiry was where he came to speak with regard to local requirements. He said, "As regards local requirements in your district, it is quite evident to me that they have been grossly neglected. It is only within three or four years since our Ministry came in that they have been attended to." He said, "Let me tell you if you elect Mr. Smith, my old friend and colleague, it is only reasonable to suppose that I would pay more attention to his representations than I would to Mr. Barton if you elect him. He is suffering very much of late from a swollen head; he thinks himself too big a man to attend to your local requirements." Further he went on to say, "Let me tell you now with regard to Mr. Frank Clarke attending to your local requirements, now that he has lost the magic letters M.P. from his name he will have no more influence in my Department than the humblest elector in your electorate." He made reference to other matters, such as the Kempsey Bridge, and said that we could not thank our late Member, Mr. Clarke, for obtaining that bridge; that the credit was due to his old friend, Mr. O. O. Dangar—who was then in the audience—and himself. It was through his energy, I presume, that he meant they got those works.
 350. Were you present at any other meeting besides this one at which Mr. Young spoke? No.
 351. Are these the only remarks made by Mr. Young which you remember? There were several others, but I cannot recollect them.
 352. *Mr. Kelynack.*] Do you remember Mr. Young laying a good deal of stress on Mr. Smith's knowledge of the requirements of farmers? Yes.
 353. Did he say he was a particularly good man for a country district? Yes.
 354. That he had proved himself such in the Bathurst electorate? Yes.
 355. Was it not then that he said Mr. Smith would make a better Member to look after your local requirements than Mr. Clarke? I do not know about Mr. Clarke.
 356. Did he not comment on the arrangement made between Mr. Barton and Mr. Clarke, that Mr. Clarke was to look after the local requirements if Mr. Barton was elected? Yes.
 357. Then he said that of course he would be more likely to attend to what Mr. Smith said than if any representation came through Mr. Clarke? Yes; I think I stated that.
 358. The trend of his remarks was that if Mr. Barton was elected all your local requirements were to be looked after by Mr. Clarke. Mr. Barton being too much engaged on larger matters, and that you would have to look to Mr. Clarke? Yes. He used the expression that Mr. Barton was suffering from swollen head, and that he considered himself too big a man.
 359. And he said that he would be more likely to do things for Mr. Smith? He said it was only reasonable to suppose that he would do more for an old friend and colleague than for Mr. Barton or an opponent of the Ministry.
 360. He had been already speaking about Mr. Clarke being the person who was to look after the local requirements, so that it would mean that if local requirements were brought before his notice they would be brought before his notice by Mr. Clarke if Mr. Barton were elected? No; I did not understand that. He gave us distinctly to understand that Mr. Clarke would have no more influence with the Public Works Department than the humblest elector.
 361. And that is why it would be better to elect Mr. Smith, who would go himself to the Department? I do not quite understand.
 362. That, therefore, it would be better to have Mr. Smith as Member, because he himself would go to the Departments and look after your requirements, while Mr. Barton would not? Yes. He gave us to understand that he would have no influence whatever, and therefore he threw Mr. Clarke aside altogether.
 363. He did not throw Mr. Clarke aside to this extent, that he commented on Mr. Clarke's proposal to look after your local requirements? He gave us to understand that there was some arrangement between Mr. Clarke and Mr. Barton, but he was altogether averse to Mr. Clarke having anything to do with the matter. When Mr. Clarke informed us that he had resigned in favour of Mr. Barton he gave us distinctly to understand that there was no understanding as to attending to our local requirements.
 364. Were you present at the meeting in Kempsey? No; I was at Frederickton.
 365. I suppose you read what was reported in the *Chronicle* as having been said by Mr. Clarke;—do you remember reading in the *Chronicle* these remarks by Mr. Clarke at Kempsey:—"He told them he was resigning. The only understanding he had with Mr. Barton was with reference to local matters; in minor questions they could still look upon him as their confidential friend and adviser, and could appeal to him. Wherever Mr. Barton's interest was required he would put it before him, but if it was only routine he would attend to it himself." Do you remember reading that in the *Chronicle*? Yes.
 366. Did you read the same report of Mr. Clarke's statement at Gladstone? I believe I read all the reports.

P. Knauer.
 21 Nov., 1898.

Martin Joseph Lawlor sworn and examined:—

367. *His Honor.*] What are you? A coachbuilder, residing at Kempsey.
 368. Were you present at any of the meetings during the last election? Yes; at one in Kempsey. That was the only meeting.
 369. Did Mr. Young address any meeting? Yes; the one I attended.
 370. What was the date? I think the 12th September.

M. J. Lawlor.
 21 Nov., 1898.

371.

- M. J. Lawler. 371. What did Mr. Young say? He was alluding to the election and Mr. Clarke's resignation. He said that Mr. Clarke, in resigning, stated that although he had resigned he would look after the local requirements. Mr. Young said that, as far as Mr. Clarke was concerned, when he lost the magic letters M.L.A. he would have no more influence in the Department than the humblest elector. He said further, that Mr. Barton was too big a man to look after local requirements—that at the present time he was suffering from swelled head. He said, on the other hand, "If you return my old friend and late colleague, Mr. Smith, he will have more influence in the office than an unfriendly Member." About the end of his address he said that the electors owed a great deal to the present Government for the works in course of construction on the river, namely, the entrance, and also the bridge. He said, "You can repay a great deal of that," or something to that effect, "by rolling up on election day and voting for Mr. Smith."
- 21 Nov., 1898. 372. Is there anything else? That is all I took particular notice of.
373. Did you hear Mr. Young, on any other occasion, make any remarks about the electorate? No; I only met Mr. Young on another occasion; that was when a deputation waited on Mr. Young from the Borough Council. I was a member of the deputation.
374. Was that during the election? Yes.
375. What was that? We were asking for a grant to drain the lagoon, close to Kempsey.
376. Who were there? The deputation was from the Borough Council.
377. Did they want to get money from the Government to drain this swamp? Yes.
378. What did you do? I am only mentioning that as the only time that I met Mr. Young.
379. Did the Council see Mr. Young? Yes.
380. What took place then? There was nothing done on that occasion. Mr. Young told the deputation that it did not come under his Department.
381. Do you know of your own knowledge of any other deputation waiting on Mr. Young during the election with reference to any other works? No.

Henry William Turner Lee sworn and examined:—

- H. W. T. Lee. 382. *His Honor.*] What are you? An auctioneer, valuator, and grazier, at Gladstone, Macleay River.
- 21 Nov., 1898. 383. Did you attend any meetings during the last election? Yes; Mr. Smith's meeting, at Gladstone, on Tuesday, 13th September.
384. Did Mr. Young address that meeting? Yes.
385. Do you remember what he said? Some of it. He spoke very highly of Mr. Smith when introducing him to the electors. He went on to show the electors the good that he had done to the country in establishing agricultural colleges in different parts of the Colony, and so on. He said it was not customary to divulge Cabinet secrets, but went on to say that Mr. Smith was an old colleague and personal friend, and that having the adjoining electorate, if Mr. Smith were elected it would be only natural that he would do more for him than he would for a stranger. Then he went on to say to the electors:—"Is it not an insult to the electors when Mr. Barton says he will get Mr. Clarke to attend to the immediate wants of the electorate; but let me tell you that when Mr. Frank Clarke has the magic letters M.P. crased from his name he is no more in the Government Departments than Jack Frost. However, it is only natural to suppose that should Mr. Sydney Smith be elected the Government of which he was a member would treat his request with more favour than that of a stranger; and, as far as my Department is concerned, I may safely say that I will do all I can to assist him."
386. Do you remember anything else? Mr. Young went on to say that he considered Mr. Clarke did not treat the electors right; but he reckoned the electors were sold something like selling a team of bullocks. That is all I can remember.
387. Did you attend any other meetings? No.
388. Did you hear Mr. Young have a conversation with anybody? No.
389. Do you know of any deputations waiting on Mr. Young during the election? No.
390. *Mr. Kelynack.*] Did you take any note of this speech, or part of this speech, at the time? Yes, in my head.
391. Did you take any written note? No; I did when I went home. I made a note of what Mr. Young said directly I went home.
392. Did you send them down to Sydney? Yes.
393. Whom did you forward them to? I cannot tell you. I did not forward them to anybody.
394. I thought that you sent them to Sydney? No; I did not.
395. Were you a supporter of Mr. Barton? Yes.
396. Were you on his committee? Yes.
397. Were you chairman of his committee? I do not think so.
398. Was there anyone who was chairman of his committee at Gladstone? Mr. Carroll, I think.
399. How many committee meetings did you have? Not many.
400. Your memory seems to be vague as to what you did for Mr. Barton? No.
401. Did you have six meetings? No.
402. Did you have three? We might have had a couple.
403. Who took the chair at either of them? I cannot tell you.
404. You have taken a note of something,—you have given us almost the exact words. Now you cannot remember who was chairman at the committee meeting? I may not have been at the meetings.
405. Will you swear you were not? I will not.
406. Do you mean to say you have forgotten? Yes; I am on my oath, and know what I am saying.
407. You cannot recollect whether you were at a meeting? I cannot remember who was chairman.
408. Cannot you say whether you were at any one of those meetings? No; because we generally met at O'Connor's saddler's shop, and sometimes at the hotel.
409. The meeting was not held in a room? It might have been held in the hotel, but I cannot say.
410. You cannot say whether you attended any meeting of Mr. Barton's committee? I cannot tell the committee.
411. I did not ask about the particular committee, I asked, did you attend a single committee meeting of Mr. Barton's committee? I cannot recollect.
412. But you were on this committee? Yes.

413. Do you remember being at a committee meeting when Mr. Hugh Bridson was present? Yes; I H. W. T. Lee. think it was a meeting which was held at the hotel.
414. Your memory is a bit better now. Do you remember Mr. Bridson making a statement there as to ^{21 Nov., 1893.} what he would do? He said he would go over to the Hastings and do his level best in Mr. Barton's interest.
415. Did he say that if he did not get any benefit from it his children would? He might have said that.
416. Do you remember it being reported in the newspaper that he said so, and that you were in the Chair? I do not recollect that being reported.
417. There is one thing you said that Mr. Young stated: "As far as my Department is concerned, I will do all I can to assist him;"—are you positive about that? Yes.
418. You made no note at the time, you forget whether you attended a single meeting of the committee? Yes.
419. And yet you swear to these words? Yes, as near as possible; but I will not swear to the exact words. I have a very fair memory. My reason for making a note of these particular remarks was because it seemed so absurd that Mr. Young should make these remarks, Mr. Clarke being an old Member for our district, for something like five years, and previous to that having been a surveyor, and knowing, so to speak, every hole and corner of the electorate. It was absurd to say that Mr. Clarke's assistance would be of no service to Mr. Barton. I thought his assistance would be of very great importance. That is the reason why I took so much notice of these remarks.

John Lindsay McMaugh sworn and examined:—

420. *His Honor.*] What are you? Commission agent at Kempsey.
421. Did you attend any of the meetings at the last election? Yes; I attended Mr. Smith's meeting, held in the Temperance Hall, Kempsey. J. L.
McMaugh.
21 Nov., 1893.
422. When was that? I think it was about the 12th September.
423. Did Mr. Young address that meeting? Yes.
424. Do you remember what he said? I remember a good deal of what Mr. Young addressed to the meeting. He spoke at some length very favourably of Mr. Smith, the candidate whom he was advocating. He referred, among other things, to local wants. He said it was stated that Mr. Frank Clarke would assist Mr. Barton if he were elected in attending to local wants, but he could assure the electors that when the magic letters M.L.A. were once erased from Mr. Clarke's name he would have no more influence in obtaining anything from the Government than the poorest or most ignorant elector in the district. I would not swear positively that what I am saying came consecutively, but Mr. Young, in the course of his address, stated that if they elected Mr. Barton they would be electing a man who suffered severely from big head, that he was too big a man to attend to the local requirements, that he had already proved himself a failure as a representative, because no constituency had ever elected him twice. He also stated with regard to Mr. Frank Clarke getting public works for the district that he could take no credit for them at all, that the credit due for getting the Kempsey Bridge and other public works was due to himself and his old friend, Mr. O. O. Dangar. He also stated that if Mr. Smith were elected he would then represent the adjoining electorate to his own, that he would then be a supporter of the Government, and that as the local requirements of the district were somewhat identical, he would naturally—I think he said as far as his Department was concerned—give more attention to a demand made by Mr. Smith, he being an old friend and colleague, than he would to any other man. I would not swear whether he said any other man, or Mr. Barton. Mr. Young went into a lot of other matters with regard to the McSharry case; that is about the gist of what I remember as to local requirements.
425. Did you hear Mr. Young address any meeting after that? No.
426. Or did you hear any conversation with Mr. Young? No.
427. Do you know of your own knowledge whether any deputations waited on Mr. Young during the election? I was not a member of a deputation, but I know the Borough Council waited on him. I am an officer of the Borough Council, but I was not one of the deputation.
428. Was that with reference to draining swamps? Yes; but I know nothing of what occurred.
429. *Mr. Kelynack.*] Have you been a resident of the Hastings-Macleay District for a long while? Yes.
430. Is the Manning the adjoining electorate? Yes.
431. I suppose the country is much the same in the two electorates? Yes; there is a similarity in the nature of the country.
432. Are they both farming electorates? Yes.
433. Therefore their interests would be identical? Yes.
434. Is there the same class of carriage from the two rivers? Yes.
435. Are your interests similar, inasmuch as harbour improvements are of more benefit to the electors than any other class of improvements? Yes.
436. You said that Mr. Young spoke at considerable length in favour of Mr. Smith, saying that Mr. Smith was peculiarly fitted to be the representative of a farming district? Yes; he endeavoured to do that.
437. Did he also say that Mr. Smith had proved himself to be a gentleman who looked very well after local requirements? Yes; Mr. Young did all he could to praise Mr. Smith.
438. Did he say that in Bathurst he had been particularly good for looking after local requirements? I do not remember that.
439. From that did he go on to ridicule the idea of Mr. Clarke looking after your local requirements, or to comment unfavourably upon it? Yes; he said it was an insult to the intelligence of the electors.
440. And therefore, that if you elected Mr. Smith, who was a man who would look after local requirements, a man who knew farmers' business, he would have greater authority to speak than Mr. Clarke, who had lost his membership? He did not say he would have greater authority, but he said that he would naturally do more for him than for any other man.
441. Than for Mr. Clarke? No; Mr. Barton.
442. You said you were not sure whether the words were "any other man," or "Mr. Barton"? I think it was "any other man." 443.

- J. L. McMaugh.
21 Nov., 1898.
443. You know there was an arrangement between Mr. Clarke and Mr. Barton, which was announced publicly, that Mr. Clarke was to look after the local requirements if Mr. Barton was elected? That was what Mr. Young stated.
444. You heard that stated by Mr. Clarke, did you not? Yes; there was a statement made.
445. It was with reference to that that Mr. Young was speaking;—was he not commenting unfavourably on such an arrangement? I did not hear any remark. He told the electors that if they elected Mr. Barton, although Mr. Clarke had stated he would keep him posted up in the requirements, anything that came from Mr. Clarke would have no more influence with his Government, or with his Department, than the most ordinary or ignorant elector in the district.
446. That is, that Mr. Clarke would have no greater rights than any other elector if he was not a Member of Parliament? I presume that is what he meant.

Donald Raynor called in, sworn, and examined:—

- D. Raynor.
21 Nov., 1898.
447. *His Honor.*] What are you? Post and Telegraph master at Gladstone.
448. Were you present at any meeting held in the Hastings-Macleay District during the last election? Yes.
449. What meetings did you attend? A meeting of Mr. Smith's.
450. Where? Gladstone.
451. Was that the only meeting you attended during the election? I heard Mr. Reid speak at Kempsey.
452. Did Mr. Young address the first meeting you spoke of at Gladstone? He did, after Mr. Smith.
453. Do you remember what he said on that occasion? I cannot remember all. I can remember part of it. The part in particular which I remember was where he said he supposed he should not reveal Cabinet secrets. He said that if Mr. Smith were returned we might be sure the district would get a fair share of its wants. I do not wish to say that he said that immediately after the remark about revealing Cabinet secrets. I cannot remember now how it came in. I cannot say where it came in exactly, or that he made the other statement immediately after that. He said that the electorate he represented joined the Hastings-Macleay Electorate, and that he had the honor of representing a portion of the district which was now in the Hastings-Macleay, and it was only natural to suppose that he would do more for an old friend and colleague than he would do for another.
454. Do you remember anything else? He said it was an insult to the electors of the Hastings-Macleay for Mr. Clarke to try to hand over his seat to Mr. Barton, and that once the magic letters M.P. were erased from his name he would have no more influence, I think these were the words, than an ordinary elector, I think he added than Jack Frost. That is about all I remember.
455. You say you attended another meeting at which Mr. Reid spoke? Yes, that is at Kempsey.
456. Did Mr. Young address that meeting? No.
457. Did you hear any other speech made by Mr. Young during the election? No.
458. Did you hear any conversation by Mr. Young during the election? No; I was waiting at the meeting for some time. Mr. Smith and Mr. Young were late. I had a number of telegrams to deliver to Mr. Young, and I was there waiting until he came.
459. Do you know whether any deputation waited upon Mr. Young during the election? I know of it only from hearsay—from what I have read in the newspapers.

Thomas Henry Salmon called in, sworn, and examined:—

- T. H. Salmon.
21 Nov., 1898.
460. *His Honor.*] What are you? A wholesale and retail butcher at Gladstone, Macleay River.
461. Did you attend any meeting during the late election in that district? I did.
462. Where? At Gladstone.
463. When was the meeting held? On Tuesday, the 13th September, I think.
464. Did you hear Mr. Young address the meeting? I did.
465. Do you remember anything he said? Yes; I remember Mr. Young saying that Mr. Smith would make an excellent Member if we returned him, and that New South Wales was much indebted to Mr. Smith for the way he had assisted the dairying industry, and for causing the establishment of model farms—that he would be really a good Member, and that he was a man who if we met him in the streets would shake hands with us. Mr. Young also said that the difference between Mr. Smith and Mr. Barton was this: that the importance of Mr. Barton's position would prevent him from doing the electorate justice, that he was too big a man, and that the statement Mr. Clarke was going to assist him in regard to our local requirements was either moonshine or bunkum—I am not sure which word was used; also that when the magic letters M.P. were erased from his name he would have no more influence than the most ordinary elector—no more than Jack Frost. He said that the fact of Mr. Clarke resigning in Mr. Barton's favour was, he considered, a direct insult to the electors, and that it put him in mind of a man selling a team of bullocks. He said, "It is unusual to divulge Cabinet secrets, but this I will say that if you return Mr. Smith I will do all that lies in my power to assist Mr. Smith in any local matter. Human nature is human nature, and it is only natural to suppose that I would do more for an ex-colleague and a personal friend than I would do for any other man, or for another man." He referred to several Government works which Mr. Clarke had taken credit for giving us, and he said, "Recollect, gentlemen, all these moneys have to be sanctioned by me."
466. Is that all you can remember? Yes. He said, "If you return Mr. Smith for an adjoining electorate to mine, I will only consider it a pleasure to do all that lies in my power for him, as an old and tried friend, in preference to any other man."
467. Do you remember his saying anything about Mr. Clarke? I have stated all that I can remember. He said that when the magic letters M.P. were erased he would have no more influence than an ordinary elector—no more than Jack Frost.
468. Did you attend any other meeting besides that one? I attended Mr. Barton's meeting.
469. No other meeting at which Mr. Young spoke? No other.
470. Did you hear any other conversation with Mr. Young during the election? No.
471. You were not present at any conversation with Mr. Young? No.

472. Do you know whether any deputation waited upon Mr. Young during the election? I could not say. T. H. Salmon.
473. *Mr. Kelynack.*] Where did you go directly after the meeting at Gladstone? I think I went home to bed. 21 Nov., 1898.
474. Straight home? I think so.
475. Did you make any note of the speech to which you have referred;—did you make any note in writing? No note in writing.
476. Have you seen any printed notes of it since? No.
477. Do you read the *Sydney Morning Herald*? Occasionally.
478. Did you read the reports of the debate which took place in the House in reference to this election? I cannot say I did.
479. Just think whether you can say that you did not? I did not.
480. You say now that you did not? Yes.
481. Did you read reports in any papers in reference to what Mr. Young is supposed to have said at Gladstone, or at any part of the electorate? I did not.
482. Do you read the newspapers regularly? I do not read them very much.
483. When did you first know that you would give evidence here? I was asked to make a statement.
484. When? About three weeks ago.
485. About the 1st November? Yes.
486. Who asked you to make a statement? Mr. McMaugh. He asked me if I could give any evidence.
487. And you then made a statement? Yes.
488. Did you make it in writing? Yes.
489. Have you a copy of it with you now? No, I have not. It was much more lengthy than the one I have given here, because my memory was fresher then than it is now.
490. According to your statement you have not heard any reference to the speech in the meantime; you say you heard it on the 13th September, and that you were asked whether you could give evidence on the 1st November, about six weeks afterwards;—you made no note of the speech during that time? No.
491. Have you conversed with other people about the matter? I have spoken to people about it in a casual way.
492. Have you turned it over in your mind a good deal? I was very much annoyed when I heard the speech, I thought it was not right.
493. Is there any other portion of Mr. Young's speech which you could give us as fluently as you give this particular portion? Perhaps not. This part seemed to strike me forcibly. I do not think it should have been given.
494. Were you a supporter of Mr. Barton? I was.
495. Were you on his committee? Yes.
496. I suppose you do not pretend to say that what you have said now was given in exactly that order by Mr. Young? As nearly as I can recollect.
497. There may have been something intervening? Nothing to destroy the substance.
498. But to destroy the connection;—I suppose that all these remarks did not follow exactly one after the other, did they? Pretty nearly.
499. You can remember that, can you? Pretty well.
500. Remember that you are talking of something which occurred two months ago;—are you prepared to say that you have mentioned the order in which the words were used? I will not say that it is the exact order.
501. Would you say that nothing intervened between the various parts of the speech? Nothing which could destroy the meaning or intention with which it was given.
502. You remember Mr. Young speaking about the general progress of the Colony under the present Government? I think I do.
503. He went into that at considerable length, did he not? He made a lengthy speech.
504. He referred at considerable length to various things which he claimed the present Government had done for the Colony? Yes.
505. You remember his claiming that wages had risen since the present Government came into power? I am not positive about that, he may have said so.
506. Do you remember his referring to the unemployed difficulty? I do not.
507. He may have done so? He may have done so.
508. Do you remember his saying this: that he was able to speak of the prosperity of the country, because matters which went through the Works Department passed through his hands, and he was, therefore, in a position to know? I believe so.
509. Do you mean to say that you are prepared to stake your memory upon this; you say that Mr. Young said, "If you return Mr. Smith for an electorate adjoining mine it will only be a pleasure to me to do all I can for him in preference to any other man";—you are positive about the words "in preference to any other man"? I am positive.
510. You remember that you said that Mr. Young in an earlier part of the speech had said, "I will do more for him as an ex-colleague and friend than another man";—first you said "another man," I think, and then you said "than any other man"? Yes. Mr. Young touched upon that subject no less than three or four times, if my memory serves me right. He commented strongly upon it on several occasions, saying how he would feel it only a pleasure to assist Mr. Smith in preference to another man. On one occasion I think he used the words "in preference to any other man."
511. You are sure of that? I am positive of it.
512. Can you give me any part of Mr. Young's speech from memory, besides that which you have already given; I do not care what part it is? He spoke at length. I remember his saying that New South Wales was indebted to Mr. Smith for the model farms which he had caused to be established, and for all that he had done for the dairying industry.
513. Did he say that the Colony was indebted to Mr. Smith more than to any other man for the advance made by the farming industry? With the assistance that he gave Mr. Smith.
514. You cannot remember any other portion of the speech with the detail with which you remember this particular portion? It was a very striking part. It made an impression on my mind in preference to any other part.

- T. H. Salmon. 515. I suppose you have talked a good deal about it since you knew you were coming here as a witness? I have talked about it in a casual way.
- .21 Nov., 1898. 516. What do you call a casual way? In the ordinary way—about the Royal Commission and so on.
517. About what evidence would be forthcoming, I suppose? No.
518. Did you not know that Mr. McMaugh was appointed by Mr. Barton's committee to see what evidence he could gather together? Yes; I told Mr. McMaugh I could give a written statement.
519. And I suppose you were also curious to know what evidence could be gathered together? I only thought of what evidence I could recollect to give myself.
520. Did you hear any person speaking about what evidence could possibly be obtained? Not particularly.
521. Did you know that evidence was going to be given about this meeting at Gladstone? I knew that a Royal Commission was appointed, and that persons were subpoenaed.
522. According to you, it was a matter of very small interest indeed up in the Hastings-Macleay Electorate;—it was not a matter which they thought it worth while to converse about? I have heard a lot said.
523. But it has been in the most casual way? I have heard the matter talked about considerably.
524. Just now you said you had no conversation with anyone about the matter except in the most casual way? You put it in this way—you asked me whether I had talked about the evidence I was to give.
525. Not the evidence you were to give, but the evidence that could be given by anybody;—you live in Gladstone? Yes.
526. How many people live there? About fifty or sixty.
527. The district round about comprises many settlers, and you come across them often? It is not often that we have much excitement at Gladstone.
528. Yet you say that the appointment of this Royal Commission as to what happened at Gladstone did not excite more than a casual conversation? I have heard a lot of talk about the Royal Commission, but I cannot say that I have heard any mention of any evidence to be given.
529. What was the casual conversation that you heard? About the Royal Commission.
530. That could be said in half a minute; what else? And that there were several parties from my town subpoenaed to give evidence.
531. What else? I cannot recollect anything else.
532. That is the extent of the casual conversation you refer to? That is about the purport of it.
533. That is all? As far as I know.
534. Nothing was said except that the Royal Commission had been appointed, and that some persons had been subpoenaed to give evidence? Yes; I knew that they had to give evidence.
535. That is the extent of the conversation about the matter at Gladstone to your knowledge? That is lately. At the time of the election there was a great deal said about it.
536. I mean since you knew the Commission was appointed;—since then, as far as you know, the whole of the conversation has been limited to the fact that a Royal Commission had been appointed? Others may have said plenty of things, but I did not take part in the conversation.
537. You knew you were coming down as one of the witnesses? Yes; it is four days since I received my subpoena.
538. But you say you made your statement on 1st November, about three weeks ago? I did not know then that I was to give evidence.
539. But you made a statement with a view to your coming down to give evidence, did you not? If required.
540. You hoped you would be required? I did not.
541. Did you not say to anyone there, "Now then, boys, a Royal Commission appointed, cheap trip to Sydney?" I did not.
542. You swear you said that to no one? I swear it. I have more respect for my position in life than to lower myself by doing a thing like that.
543. You swear positively that you did not make that remark to anyone whatever? I think too much of myself to do anything so degrading. I come here purely unbiassed.

James Arthur Winney called in, sworn, and examined:—

- J. A. Winney. 544. *His Honor.*] What are you? I am a journalist.
- .21 Nov., 1898. 545. Are you connected with any of the newspapers in the Hastings-Macleay Electorate? I have been editor of the *Macleay Chronicle* for 8½ years.
546. Where do you reside? At Kempsey.
547. Did you attend any of the meetings during the late election? I attended a meeting at which Mr. Smith and Mr. Young addressed the electors on Monday, 12th September, in the Good Templars' Hall, in Kempsey. That was the only meeting I attended at which Mr. Young addressed the electorate.
548. Did you take a shorthand note of the speeches? I did not take a shorthand report. I took an abbreviated longhand report. I put other matter upon the back of portion of the notes which I took, and they were afterwards burnt. The portion of the notes which include Mr. Young's speech I made in a note-book, which I now have by me. The only other evidence I could produce would be the report of Mr. Smith's speech.
549. We have nothing to do with that; the inquiry is only in reference to what Mr. Young said? I took notes of portion of Mr. Young's speech on white paper, such as I now produce. It has since been burnt, as I put other matter on the back of it. The only other notes which I have were taken in a note-book. I took them in the note-book because I had not sufficient paper.
550. When was the portion of your notes burnt? They were burnt when the usual copy was burnt. That would be when the next week's paper came along.
551. You mean in the course of a few days? Yes.
552. Can you state, from your recollection, what Mr. Young said on that occasion? From my recollection, and from the report which appeared in the *Macleay Chronicle*.
553. That is not a report of your own? It is taken from my notes.

554. First state what you can recollect? Mr. Young commenced by making some remarks about different people making promises, when they were in office or when they wanted to be in office, when some one twitted him about the Wilson Bridge, referring to a promise Mr. Young had made some years ago about a bridge across the Wilson. He then went on to compare the merits of the two candidates—Mr. Barton and Mr. Smith. In speaking of Mr. Smith he said, that although Mr. Barton might be a good Member for a city constituency, it was hardly likely that he would be so good a Member as Mr. Smith for a country constituency. He then went on to state that Mr. Smith had been a good Member for Bathurst; that he had attended to local wants there, and that he was likely to attend to the local wants of the people of the Macleay. He said, in conclusion:—"Is it not more reasonable to suppose that I would pay attention to representations made by a gentleman who is a particular friend of mine, and an ex-colleague, rather than to representations made by another gentleman who would be in Opposition and an unfriendly Member." He furthermore went on to say that in his own Department he might mention several things that had been done for the district. He referred to the bridge across the river. He said he did not wish to detract from the merits of Mr. O. O. Dangar in that matter. That gentleman had urged the necessity for a bridge across the river, in season and out of season, and Mr. Lync, when he visited Kempsey, had promised the bridge; but it was on record in the Department that it was to Mr. Dangar and himself belonged all the credit for putting up the structure. While they had a Ministry of which Mr. Barton was a member, it was a Tory Ministry, denying that district money and voting money for the Western District. Before the Ministry of which he (Mr. Young) was a member came into office, in the North Coast districts there was hardly a shilling expended on the improvement of any of the rivers, if they excepted the Clarence, the Richmond, and the Tweed. They could now look upon the great work which was being carried on across the Macleay River. He hoped he would be long enough in office to see that work finished. With regard to the Harbour works, it was the desire of his life to see them completed, and the Government was entitled to the gratitude of the electors. He trusted they would, therefore, roll up, and vote for his friend, Mr. Sydney Smith.

J. A. Winney.
21 Nov., 1898.

555. Is that all you can recollect? It is all I can recollect which bears upon the question. There was another portion of Mr. Young's speech which referred to what the Government were going to do in regard to land matters, but I hardly think that that bears upon the question.

556. That was the only meeting you attended? It was the only meeting I attended.

557. Did you hear any conversation between Mr. Young and anybody during the election? I spoke to Mr. Young myself. I had not seen him for many years. I shook hands with him, and said, "Well, Mr. Young, I am pleased to see you here, but I am very sorry on account of the mission on which you have come." I then made some remark by which I wished to convey that I thought that Mr. Young was behaving in an unconstitutional way.

558. Did you hear any remark by Mr. Young bearing upon the matter—I mean in conversation? No.

559. Do you know whether any deputation waited upon Mr. Young during the election? I was not present at any.

560. *Mr. Kelynaek.*] Is it a fact that in a recent number of your newspaper, the *Macleay Chronicle*, there appeared a leading article in which it was stated about a fortnight after the Commission was appointed, the whole matter ought to have been allowed to fizzle out? That is true.

561. And that the Commission ought to have been allowed to rebound on the persons who had instituted it, or words to that effect? Yes, that was my opinion.

562. That was about a fortnight ago? Yes; I have always believed that to be the case.

563. Then you believe it now also? I believe it now. I cannot see where the good comes in after the vote upon the motion of censure in the House.

Edwin James Wright called in, sworn, and examined:—

564. *His Honor.*] What are you? A farmer and grazier.

565. Where do you live? At East Kempsey.

566. Did you attend any of the meetings during the late election? Yes; I attended three meetings. I attended one meeting at which Mr. Smith and Mr. Young spoke at the Oddfellows' Hall, at Kempsey, and, afterwards, two meetings of Mr. Barton's.

E. J. Wright.
5 Dec., 1898.

567. Do you remember anything which Mr. Young said at the meeting at which you heard him speak? Yes; he said that the electorate had Mr. O. O. Dangar and himself to thank for the Kempsey bridge, and also for the new harbour works.

568. Did he say anything else? He said that Mr. Smith was a good Minister for Agriculture, and that if we returned Mr. Smith it was only reasonable to suppose that he would do more for an old friend and colleague than he would for a stranger. He further said that he had represented the other end of the electorate for, I think, fourteen years, and that if Mr. Smith were returned to Parliament, as he had been so long associated with the district, he would do all he could to assist Mr. Smith in getting our requirements. He said that Mr. Barton was suffering too much from "big head" to represent a country constituency; he was better adapted to a metropolitan constituency. Those were the chief features of his address.

569. That was the only meeting you attended which was addressed by Mr. Young? Yes.

570. Did you have any conversation with Mr. Young? I have not spoken to him since 1858, when he was at Port Macquarie.

571. Do you know whether any deputation waited upon Mr. Young during the election? I am not aware of any; that is, I am not personally aware of it. I heard that a deputation waited upon Mr. Young in connection with the draining of the Willows, at Kempsey.

WEDNESDAY, 23 NOVEMBER, 1898.

[The Commission met at the No. 2 Jury Court, King-street, Sydney, at 10 a.m.]

Present:—

HIS HONOR MR. JUSTICE OWEN, ROYAL COMMISSIONER.

William McGrath sworn and examined:—

- W. McGrath. 572. *His Honor.*] What are you? A hotel-keeper.
 573. Where do you live? At Port Macquarie.
 23 Nov., 1898. 574. Were you present at any of the meetings which were held during the last election in the Hastings-Macleay district? Yes; at several.
 575. Were you present at any of them when Mr. Young addressed the electors? No.
 576. Were you present when Mr. Young had a conversation with Mr. Bain? No.
 577. What evidence can you give with reference to this question? I have no evidence to give against Mr. Young.
 578. I do not mean against Mr. Young in particular? I have none whatever. I do not know what I was brought here for.
 579. I understood that you could give some evidence in confirmation of statements made by Mr. Bain? No; I cannot.
 580. It was with reference to a conversation which Mr. Bain had with Mr. Young? I did not hear any conversation with Mr. Young and Mr. Bain.
 581. *Mr. Kelynaek.*] Are you an old resident of the district? Yes; I have lived there sixteen or seventeen years.
 582. I suppose you know Mr. Duncan Bain? Yes.
 583. Is he not a man who is known as being rather jocular? I cannot say that. He is considered to be the other way by a great many people in the district. Some people do not take him seriously and some do.
 584. Is he a prominent protectionist? Yes.
 585. I believe Mr. Young saw you yesterday before you were subpoenaed? I was speaking to Mr. Young in the street yesterday morning.
 586. Did he ask you then whether you knew anybody who had been on the green at the time the conversation was stated to have taken place between him and Mr. Bain, in order that he might subpoena them? Yes.
 587. I think you then said you did not know? Yes; I said I did not know anything about it.
 588. I think he asked you particularly about a man named Nicoll, who was mentioned? Yes.
 589. Did he ask you whether he was a reliable man who would tell the truth if subpoenaed? Yes.

[The Commission then adjourned till 5th December, 1898.]

MONDAY, 5 DECEMBER, 1898.

[The Commission met at the No. 2 Jury Court, King-street, Sydney, at 10 a.m.]

Present:—

HIS HONOR MR. JUSTICE OWEN, ROYAL COMMISSIONER.

Mr. Kelynaek, instructed by Mr. C. M. Boyce, appeared on behalf of the Honorable James Henry Young.

William Suters sworn and examined:—

- W. Suters. 590. *His Honor.*] Where do you live? Near Wauchope.
 591. Is that in the Electorate of Hastings? No; in the Manning Electorate.
 5 Dec., 1898. 592. Were you present in the Hastings-Macleay Electorate during the last election? Yes.
 593. Do you know Mr. Bain? Yes.
 594. Had you any conversation, or were you present at any conversation between Mr. Bain and Mr. Young during the election? Yes.
 595. Where? On the green at Port Macquarie.
 596. On what date? I think the 17th September. It was on the day that the Premier landed at Port Macquarie.
 597. What was the conversation? I and Mr. Bain were walking down the street to the wharf to see Mr. Reid land; as we got on to the green opposite the Post Office we met Mr. Young, and we got into conversation about the roads in general. I asked him what about the Wauchope punt. Mr. Bain said to Mr. Young, "What made you put the punt in such a round-about place?" Mr. Young said, "Because it is the cheapest." Mr. Bain said, "You know the straightest and most direct route is always the cheapest?" Mr. Young said, "Not in every case, a swamp, for instance." Mr. Bain said, "Oh, that is a different thing. There has been some influence brought to bear somewhere." Mr. Young said, "No." Mr. Bain said, "You cannot deny that you received private communications from two people." Mr. Young said "No." A person standing in the Green, I believe he was named Nicoll, said, "How about the bridge over Cameron's Falls?" Mr. Young said, "If you vote for my man you will get the bridge."
 598. Was there anything else? No.
 599. Had there been any joking going on at the time? No; the conversation appeared to be in earnest.
 600. *Mr. Kelynaek.*] Do you remember Mr. Nicoll talking to Mr. Young about the condition of Cameron's Crossing? No.
 601. You call it Cameron's Falls, do you know the place? Yes.
 602. Is it not a Crossing? Yes, at certain times.
 603. Do you remember Mr. Nicoll asking anything at all about the condition of Cameron's Crossing on that date? That is all I heard him say.

604. Do you remember his telling Mr. Young that money spent by the Government in trying to improve Cameron's Crossing was only useless expenditure, because shortly after the crossing was made passable the water at flood-time would come down and wash away the work done? No.
605. You do not remember him saying either on the 17th September—that is the date of the conversation—that the Crossing was in a dangerous condition owing to a past flood? No.
606. Do you remember Mr. Young then saying that he knew the crossing well and had crossed it many times? No.
607. Did you hear Mr. Nicoll say, "I am aware that you have done so, but you have not crossed it in its present dangerous state? No.
608. Did you hear Mr. Young say, "Well, when you have two such prominent men as Mr. Barton and Mr. Smith for your candidates you ought to get all you want"? No.
609. Did you have a conversation with Mr. McGrath about the evidence you were going to give? No.
610. Have you seen Mr. McGrath? I have often seen him.
611. Have you seen him in Sydney? Yes, this morning.
612. Did you see him on Friday last? Yes.
613. Then on Friday last you had not seen Mr. Bain? No.
614. Did you have a conversation with Mr. McGrath then? Yes; but not about that. It was only general conversation.
615. Have you not come down specially to this Commission? I was summoned.
616. That is the reason why you have come? Yes; I should not be here only for that.
617. You knew that Mr. McGrath had been called to give evidence? I saw it in the paper.
618. Do you mean to say that having a conversation with him on Friday you made no reference to the evidence at this Commission? No; I have not made reference to it to a single soul. Not a soul knew the errand I came on.
619. Did he ask you what evidence you were going to give? No.
620. Whom were you supporting in that election? I was supporting no one; I do not belong to the electorate.
621. But then you have been using your influence? No; although I went to the meetings, I went to hear both sides.
622. Do you know a Mr. Nicoll? Yes.
623. Do you know whom he was supporting? No.

W. Saters.
5 Dec., 1893.

Edmund George Jebb sworn and examined:—

624. *Mr. Kelynack.*] What is your occupation? Editor of the *Macleay Argus*, in Kempsey.
625. Is that in the Hastings-Macleay Electorate? Yes.
626. Were you in that electorate during the late election? Yes.
627. Were you present at any meetings at which Mr. Young was present? Yes, at the Kempsey meeting, on the 12th September.
628. Did Mr. Young at that meeting say that he would do more for Mr. Smith, if elected, than he would for Mr. Barton? No.
629. Did he say he would do more for Mr. Smith than he would for a Member of the Opposition? No.
630. Did he say he would do more for Mr. Smith than for an unfriendly Member? No.
631. Do you remember him saying anything at the Kempsey meeting which would bear that construction? No.
632. Do you remember Mr. Young saying something about an arrangement which had been come to between Mr. Clarke and Mr. Barton? Yes.
633. What was that part of the speech? He alluded to Mr. Clarke's speech, in which he said the only compact made between him and Mr. Barton was that Mr. Clarke, as heretofore, would attend to all local wants. Mr. Young said, "I can assure you, gentlemen, that as soon as Mr. Clarke forfeits his right to place the magic letters M.L.A. after his name he also forfeits all right to any influence with the Government in pressing the claims of the electors in the Works, Lands, or any other Government Department. The humblest elector in this room will now have as much influence as Mr. Clarke."
634. Evidence has been given that Mr. Young made some statement at the Kempsey meeting as to the amount of money spent in the Hastings-Macleay Electorate? Yes.
635. Do you remember what the context of Mr. Young's remarks were at that time? He spoke somewhat generally about the bar harbours. He said the present Government had propounded a scheme for the improvement of the whole of the bar harbours on the coast. He also spoke about the Kempsey Bridge and the Macleay Harbour Works.
636. Did he speak of any expenditure in other electorates? Yes; he spoke about the Manning, the Clarence, the Richmond, the Bellinger, and the Nambucca Harbour Works.
637. Did he say anything about works which had been carried out in electorates represented by Members of the Opposition? Yes; he alluded to the Macleay Electorate, and how much money had been spent while Mr. Clarke had been a Member of the Opposition. He said Government Members had grumbled about it, and about money being spent in the electorates of Opposition Members rather than in the electorates represented by Government supporters.
638. Do you remember any reference by Mr. Young to the fact that he was the representative of the adjoining electorate? Yes; in the opening of his speech he said he need not apologise for appearing before them. He was the Member for the adjoining electorate, he had many old friends there, and he had also married his wife on the Macleay.
639. Did he say something about Mr. Smith becoming the Member for the adjoining electorate? He said he would be always pleased to work hand-in-hand with Mr. Smith as Member for the adjoining electorate.
640. Look at this copy of the *Macleay Chronicle*; do you see a notice there [*Exhibit "B"*]? Yes.
641. Did you see posters in the Hastings-Macleay Electorate during the election in the same terms as that notice? Yes; we printed them at our office.
642. *His Honor.*] Did you get a shorthand writer's note of the speech at that meeting? No, abbreviated longhand.

E. G. Jebb.
5 Dec., 1893.

- E. G. Jebb. 643. Did you make a note yourself? Yes.
644. Have you that note with you? Yes.
- 5 Dec., 1898. 645. Is it written out in longhand? No.
646. Does it purport to be a full note of what was said at that meeting? It is fairly full. We have not got too much space to spare, and we only put in the principal portions of a man's speech.
647. I thought perhaps that the note you took at the meeting was a full note? It is fairly full.
648. Did it touch upon all the principal topics? Yes.
649. Would you read the whole of this speech delivered by Mr. Young exactly as you took it down at the time? Mr. Young said he offered no excuse to come amongst them. He represented the adjoining electorate—he had many old friends there—and it was his only regret that he could not visit them before. He had intimate relations with the district—he had married his wife there. He spoke of Mr. Smith as being an old friend, and he was present to introduce him to the electors. Mr. Smith had been the first Minister for Agriculture. He had put forward great efforts to benefit the producers of the country. The present election was a party strife between the powers that be and the powers that wanted to be. Mr. Barton's idea in putting up for the election was only to strengthen the influence of the Opposition. It was only lately that Mr. Barton said that holding a conference was the right way to bring about Federation. He spoke about Mr. Barton's history in connection with Federation since the Convention of 1891. He said that when the Dibbs party was in power we never heard of the Department of Agriculture, but that when Mr. Smith came back to power he had taken great steps to help agriculturists. He had called a conference of agriculturists—in fact, he had been called a Minister of Conferences. He went on to compare what Mr. Smith had done with what Mr. Slattery had done. He then got back again to Federation. He said Mr. Barton spoke about the Convention Bill being the best Bill that could be brought forward. Mr. Young said it was the greatest botch of a Bill ever presented to the people. He said he did not think Mr. Barton had been elected for any constituency a second time, and he was sure that the Hastings-Macleay would not elect him a second time. Mr. Barton by his ability was second to no man in the country, but they ought to judge people by what they had done, and not by what they promised to do. That Mr. Barton had left the question of Federation like a water-logged ship, and Mr. Reid had held a Convention and had brought the question into the sphere of practical politics again. My notes are very indistinct. He said, with regard to an interrogation about Yes-no, that the King Division electors did not approve of Mr. Barton's Yes-no action. Mr. Reid's action showed more sincerity than Mr. Barton's. The Government were as heartily and earnestly in favour of Federation as Mr. Barton was.
650. Up to the present you have stated nothing about what you have stated to the Commission? I am coming to that. He said Mr. Barton was a highly respected member of the community; that he was second to none as a man of intellect, but he was suffering from big head. He said Mr. Reid was head and shoulders above Mr. Barton as a democrat. He said that if Mr. Barton or Mr. Clark said that the only compact made between them was that Mr. Clarke, as heretofore, was to attend to all local wants, he could assure them that once Mr. Clarke forfeited the right to place the magic letters, "M.P." after his name, he also forfeited the right to any influence he might have in pressing the claims of the electors on the Works, Lands, or other Government Departments. They would have to compare the two men as local representatives. Mr. Barton's advice and great legal talent was in such demand that he would have no time to attend to the wants of the electors. From what he knew of Mr. Smith as an old friend and colleague, he would be the man who could attend to their local wants in a proper manner. He then spoke about Mr. Smith representing Bathurst for sixteen years, and he said that he had always been ready to grant Mr. Smith any request, because Mr. Smith would not ask for anything that would be detrimental to the interests of the country. Mr. Young went on to talk about Mr. Carruthers and the land question, and about the interest on overdue payments. He then alluded to the Kempsey Bridge. He said that several persons had claimed the credit for the bridge, but he thought that his old friend Mr. Dangar deserved all the credit, as he was the first man to press the claims of Kempsey for their bridge upon the Works Department. He said, of course, Mr. Clarke had followed up what Mr. Dangar had started, and I am willing to give him every credit that he deserves. Before the present Government came into power hardly a shilling had been spent in improving the navigation of the bar harbours on the North Coast. He then spoke of the works in progress at the Bellinger and Nambucca, the Manning and Port Macquarie, and at the new entrance to the Macleay. He said he hoped he would be long enough in office to see the latter great work completed—the new entrance at the Macleay, so that vessels of a much larger tonnage and a better class could enter the river. He spoke again about the bridge. He concluded his speech by asking them all to roll up again on Friday week, and vote for Mr. Smith.
651. Is that, in substance, your full note of what Mr. Young said in reference to his own Department? Yes, in substance.
652. That does not purport to be a full note of everything he said? It is a full note with all the padding out of it.
653. Who were you supporting in this election? We were strictly neutral.
654. Was it benevolent neutrality towards either of the parties? No; we were absolutely neutral.
655. What about yourself? I was neutral.
656. Did you not vote at all? Yes.
657. Was not that a breach of neutrality? But I had no leaning to either candidate.
658. Is not that rather unusual? I had my business to attend to, and I was very careful all through the election.
659. *Mr. Kelynack.*] Was that the only meeting at which you were present at which Mr. Young spoke? Yes.
660. *His Honor.*] Do you know whether any deputation waited on Mr. Young during the election? Only one.
661. What was that? About swamp drainage at Kempsey.
662. What did Mr. Young say to that deputation? I was not present.

William Alexander Renwick sworn and examined:—

663. *Mr. Kelynaek.*] What is your occupation? Commercial traveller for Ryland and Sons, London.
 664. During the course of business do you go up to the Northern rivers? Yes.
 665. Were you at Kempsey during the recent election? Yes.
 666. Did you attend a meeting at Kempsey at which Mr. Young spoke? Yes.
 667. Did you hear Mr. Young at that meeting make any statement that he would do more for Mr. Smith, if elected, than he would do for Mr. Barton? No.
 668. Did you hear him say that he would do more for Mr. Smith than he would for a member of the Opposition, or for an unfriendly member? No.
 669. Were you present at the meeting during the whole time? No; I did not hear Mr. Smith speak.
 670. Did you hear the whole of Mr. Young's speech? Yes.
 671. Did you hear any part of his speech which would bear the construction that he would do more for Mr. Smith than for Mr. Barton? He said that it was an understood thing that Mr. Barton, if elected, was to work the inside part of the House, the Federation business, and that Mr. Clarke was to do the outside work, the correspondence, and so on, and that naturally Mr. Smith would be a better Member, as he would represent them both inside and outside the House; that was the effect of what he said.
 672. Do you remember his saying anything about money which had been spent in the Hastings-Macleay electorate? I do not recollect.
 673. Do you remember his speaking about money spent by the Government in other electorates? No.
 674. Is that part of his speech which you have referred to with regard to Mr. Clarke and Mr. Barton the nearest approach you could remember to any statement Mr. Young made with regard to doing more for Mr. Smith than Mr. Barton? These are exactly the words as far as I can recollect. It was an understood thing all over Kempsey that Mr. Clarke was to do the work outside the House.
 675. Do you remember Mr. Young comparing Mr. Smith and Mr. Barton as suitable representatives for a country electorate? Yes.
 676. How did he refer to that? He said Mr. Barton had never been a successful worker for any place. He went so far as to say that Mr. Barton had never been elected more than once for any constituency.
 677. Did he refer to Mr. Smith's special knowledge of agriculture? Yes.
 678. Were you present at any other meeting at which Mr. Young spoke? No.
 679. *His Honor.*] How did you happen to be present? It is a usual thing in the country.
 680. You were not an elector, but simply travelling in your business capacity in the district, and to pass the time you went to the meeting? Exactly.
 681. Did you take any note of what was said? No.
 682. Did you know anything personally of the candidates? I never spoke to one of them in my life.
 683. Did you know Mr. Young? I never spoke to him before that election.
 684. Did you take any note of what was said? No.

W. A.
Renwick.
5 Dec., 1898.

William Augustine Kelly sworn and examined:—

685. *Mr. Kelynaek.* Are you a duly qualified medical practitioner? Yes.
 686. Are you a resident at Kempsey? I was; but I have left the district.
 687. Were you in the Hastings-Macleay electorate during the recent election? Yes.
 688. Did you attend any meetings at which Mr. Young spoke? Yes.
 689. Was that at Kempsey? Yes.
 690. At that meeting did you hear the whole of Mr. Young's speech? Yes.
 691. Did he, during the course of his speech, say that he would do more for Mr. Smith if elected than he would for Mr. Barton or a member of the Opposition? No.
 692. Did he say he would do more for Mr. Smith than for an unfriendly member? No.
 693. Do you remember any part of the speech which in your opinion would bear that construction? He said that if Mr. Barton were elected he would not look after the local requirements, they would have to be put through Mr. Clarke; that when Mr. Clarke was out of Parliament he was out of power also; that Mr. Smith would have more weight than Mr. Clarke, who would have no more weight than any other elector in the district. He said nothing about Mr. Barton.
 694. Were you present at any other meeting addressed by Mr. Young in the Hastings-Macleay electorate during that election? No.
 695. *His Honor.*] Can you remember what it was that Mr. Young said in reference to his own Department at that meeting? I cannot remember anything about public works.

W. A. Kelly.
5 Dec., 1898.

Reginald Naylor Cadden sworn and examined:—

696. *Mr. Kelynaek.*] What is your occupation? Auctioneer and general commission agent.
 697. Where do you reside? I have an office in Kempsey, but I am generally travelling about.
 698. Were you in the Hastings-Macleay electorate during the recent election? Yes.
 699. Did you attend any meetings in the electorate which were addressed by Mr. Young? Yes, at Kempsey, Frederickton, and Gladstone.
 700. At the Kempsey meeting were you present during the whole of Mr. Young's speech? Yes.
 701. Did he at any time during that speech say that he would do more for Mr. Smith, if elected, than he would for Mr. Barton? No.
 702. Did he say that he would do more for Mr. Smith than for a member of the Opposition, or an unfriendly member? No.
 703. Did he say any words of a similar import which would bear that construction? No.
 704. At that meeting did you hear Mr. Young make any reference to an arrangement which had been come to between Mr. Clarke and Mr. Barton? Yes.
 705. What was said during that part of the speech? Mr. Young said that he had heard that Mr. Clarke had told the electors that he had arranged with Mr. Barton to see to the local matters himself, and Mr. Young then said that he hardly saw how that would do, because after Mr. Clarke had lost the magic letters M.L.A. he would have no more force than any other constituent.

R. N. Cadden.
5 Dec., 1898.

- R. N. Cadden. 706. Do you remember Mr. Young comparing Mr. Smith with Mr. Barton as a representative? Yes.
 5 Dec., 1898. 707. Do you remember what he said? So far as I can remember Mr. Young said that Mr. Barton, of course, as an intellectual man, was second to no man in the Colony, but he said he was not a man to represent a constituency like the Hastings-Macleay, that he should represent a Sydney constituency; but that Mr. Smith devoting all his time to the district would be the man to represent an agricultural electorate, seeing that he had done such a lot for agriculture. It was something to that effect.
 708. Do you remember Mr. Young speaking of works which had been done in the electorate? Yes; he went on to show what his Government had done in this and other electorates, and he read out a list.
 709. Did he mention the names of the other electorates? I think he did. They were chiefly North Coast electorates, showing what money had been spent, and comparing these sums with money spent by other Governments, showing that this Government had done more for the North Coast than any other Government.
 710. Did he refer to money which had been spent in electorates represented by members of the Opposition? He said, "You will see by these reports which I have read that nearly all these constituencies are represented by members of the Opposition."
 711. Did he say anything about members of the Opposition getting different treatment to members of the Government party? I hardly remember his saying that at Kempsey, but he said that at other meetings.
 712. Was there any other part of his speech which referred particularly to Mr. Barton? None that I can recollect.
 713. Did you take any note of his speech? No.
 714. Did you attend a meeting at Frederickton? Yes; on the next day.
 715. Did you hear the whole of Mr. Young's speech there? Yes.
 716. Did he, at that meeting, say he would do more for Mr. Smith, if elected, than he would for Mr. Barton or for an Opposition member, or for an unfriendly member? No.
 717. Do you remember his saying anything that would bear that construction? No.
 718. For instance, did he say it was only natural that he would do more for an old colleague than for a member of the Opposition? No.
 719. Do you remember his saying this, "Let me tell you that if you elect Mr. Smith, my old friend and colleague, it is only reasonable to suppose that I would pay more attention to his representations than I would to Mr. Barton if you elect him"? No.
 720. At the Frederickton meeting did Mr. Young speak of an arrangement between Mr. Clarke and Mr. Barton? Yes; he repeated something similar to what I heard him say at Kempsey.
 721. At Frederickton did Mr. Young speak of works which had been done in any electorates? Yes; I suppose it was the same statement that he had read over at Kempsey, showing what sums had been spent by the present Government in different electorates. He then said, "You will see by this statement that most of these electorates are represented by members of the Opposition; in fact, the Government supporters have grumbled at times because they say we are more liberal to Opposition members than to our own supporters, but I am a just man, and if my greatest enemy came to me and represented the wants of a constituency, I would grant them, but I am only human, and naturally it will give me greater pleasure to grant that request to an old friend and ex-colleague than to an enemy, but I will make no unholy promises."
 722. Was there anything else said at the Frederickton meeting which specially referred to Mr. Barton? Nothing except comparing Mr. Barton with Mr. Smith as a member for the electorate. It was similar to what he said at Kempsey.
 723. Were you at the Gladstone meeting? Yes; that was held on the evening of the same day.
 724. At that meeting did Mr. Young state he would do more for Mr. Smith, if elected, than for Mr. Barton or an unfriendly member, or a member of the Opposition? No.
 725. Do you remember his saying this, "It is only natural to suppose that Mr. Smith, being an ex-minister of the Crown, would receive more consideration at the hands of the Ministry, of which he had been a member, than a comparative stranger like Mr. Edmund Barton, and that as far as his Department was concerned, he would see that it would be so"? No; I do not remember that at all.
 726. Do you remember his saying, "Mr. Smith and he had been old colleagues and friends, and if Mr. Smith was returned he would be able to do more, being a supporter of Mr. Reid, for the district than any Oppositionist"; that he was mentioning works, and that if Mr. Smith was returned he was a gentleman who could approach him and get our wants attended to far more readily than any Oppositionist? No; I do not remember anything similar to that.
 727. Do you remember his saying, "If you return Mr. Smith for an adjoining electorate to mine, I will only consider it a pleasure to do all that lies in my power for him as an old and tried friend in preference to any other man? No; Mr. Young did refer to the fact that if they returned Mr. Smith for an adjoining electorate it would be a great pleasure to him, because he was an old friend, and they could work well together; something to that effect.
 728. You do not remember his saying that he would do more in granting his requests in preference to any other man? No.
 729. Were these the only meetings at which you were present at which Mr. Young spoke? Yes.
 730. *His Honor.*] Did you take an active part yourself in this election? Yes; a fairly active part.
 731. Were you on any committee? I was supposed to be on the committee, but I did not attend the meetings. My name was put down on Mr. Smith's committee.
 732. Did you take a note at any of these meetings of what was said? No; except that I was interested in the election, and I listened attentively to all that was said on both sides.
 733. You made no note of it? No.

John Hibbard sworn and examined:—

- J. Hibbard. 734. *Mr. Kelynack.*] What is your occupation? Storekeeper and grazier. My store is at Gladstone.
 5 Dec., 1898. 735. Were you present in the Hastings and-Macleay electorate during the recent election? Yes.
 736. Did you attend any meetings addressed by Mr. Young? Yes; two at Kempsey. I was on the platform. I seconded the motion of confidence in Mr. Smith on that occasion. At Gladstone I addressed the meeting. 737.

J. Hibbard.

5 Dec., 1898.

737. At Kempsey did you hear the whole of Mr. Young's speech? Yes.
738. Did you, during the course of his speech, hear him say at any time that he would do more for Mr. Smith if elected than for Mr. Barton? Certainly not.
739. Or for a Member of the Opposition, or an unfriendly Member? Certainly not.
740. Did you hear him say these words:—"That Mr. Smith being an ex-Minister of the Crown, an old colleague and personal friend of his, it was only natural that he would give more attention to his representations; whereas, Mr. Barton would be only an ordinary Member, sitting with the Opposition"? Not exactly in that strain. He mentioned that on account of representing the adjoining electorate, and Mr. Smith being a stranger, he had much pleasure in coming to introduce him. The words were something similar to that.
741. Do you remember his saying that he would give more consideration to representations regarding local wants made by Mr. Smith than he would to those made by any unfriendly Member? No.
742. Do you remember, at the Kempsey meeting, Mr. Young making any reference to an arrangement which had been come to between Mr. Clarke and Mr. Barton? Yes; it was universally reported all over the electorate that Mr. Clarke was to attend to all local wants, and the people were under the impression that there would be a dual position—that they would have two Members representing the electorate instead of one, or tantamount to that. It was to clear up that false impression that Mr. Young made reference to it.
743. What did he say? He said, "I am informed that in case Mr. Barton is returned you will have two Members instead of one. Mr. Clarke will attend to your local matters as heretofore. Mr. Clarke would, of course, be no more to me than any other humble elector. In my office I make no distinction; all are to me alike. Now that Mr. Clarke has lost the letters M.P. from his name he is only in the position of any other elector. As far as his representation is concerned, of course, even if it is in the way of a clerkship, it is right enough; but even so far as that is concerned he will have no more weight with me than if any other individual attended." He was not comparatively speaking at that time. He was simply trying to clear up a doubt in the mind of the electors.
744. Did you hear Mr. Young make reference to Mr. Barton in any other part of his speech? No.
745. Did you hear him compare Mr. Smith with Mr. Barton as being a suitable Member for a country electorate? There were some remarks made about Mr. Barton being far and away above any local matters; but there did not appear to be any reflection cast upon Mr. Barton.
746. Do you remember whether Mr. Young made any comparison between the relative suitability of Mr. Smith and Mr. Barton for a country electorate with regard to knowledge of agriculture or anything of that kind? As far as my memory serves me I do not think he did. He spoke of Mr. Smith's qualifications as a country Member and as Minister of Mines and Agriculture. He dwelt very largely upon that; but he made no comparison between the two.
747. Do you remember any other part of the speech apart from that in which Mr. Young made reference to Mr. Barton? No.
748. Do you remember Mr. Young making reference to money spent in the electorate? Yes; Mr. Young made reference to what had been done in his Department all over the Colony, not locally. He did not single out any particular portion of the country. He spoke of what the Reid Government had done largely with regard to the federal question.
749. Did he speak about the works done in different electorates? Yes.
750. Do you remember his instancing the class of electorates in which money had been spent? Yes; he spoke about districts represented by Protectionists having more to their credit than other districts; and yet, he said, they were always grumbling.
751. What do you mean by having more to their credit? He meant works carried out in electorates represented by Protectionist Members. Someone in the meeting had cast a slur, and he said that in order to clear that up.
752. Were you present at the Gladstone meeting? Yes; I was Chairman.
753. Did you hear the whole of Mr. Young's speech? Yes; I introduced him to the electors.
754. At that meeting, did you hear Mr. Young say that he would do more for Mr. Smith if elected than he would for Mr. Barton or for an Opposition Member, or for an unfriendly Member? He did not.
755. Do you remember his using these words, "that if the electorate returned Mr. Smith, he would work hand and hand with him, and that it was only natural that he would do more for an old colleague than for a Member of the Opposition"? No; not those words.
756. Do you remember his saying, "It was only natural to suppose that Mr. Smith being an ex-Minister of the Crown, he would receive more consideration at the hands of the Ministry, of which he had been a Member, than a comparative stranger like Mr. Edmund Barton, and that, as far as his Department was concerned, he would see that it would be so"? No; the stranger referred to then was Mr. Smith, not Mr. Barton. Mr. Smith was looked upon all over the electorate as the stranger, and not Mr. Barton. Mr. Smith was unknown to our electorate.
757. Do you remember his saying this, "That Mr. Smith and he had been old colleagues and friends, and that if Mr. Smith was returned, he would be able to do more, being a supporter of Mr. Reid for the district than any Oppositionist"? He might have said the first portion, but with regard to coupling him with an Oppositionist, I am sure he did not say that.
758. Did he say that "he was Minister of Works, and that if Mr. Smith was returned, that gentleman could approach him and get our wants attended to far more readily than any Oppositionist"? The word Oppositionist was not used. I would have checked Mr. Young there, if he had gone so far as to commit himself.
759. At the Gladstone meeting, did Mr. Young speak of works done in various electorates? Yes.
760. Was his speech with regard to these works similar to what had been said at Kempsey? Do you allude to the drainage?
761. No; works done in various electorates by the Government? Yes; he enumerated them and expatiated on them.
762. Were his remarks similar to those you have described at Kempsey? One speech was very similar to the other all through.
763. Do you see this notice [*Exhibit "B"*] which appeared in the paper produced, which was issued in support of Mr. Smith? Yes; they were circulated all over the district broadcast.
764. Were they posted up on the walls as well as being distributed as handbills? Wherever one went.

- J. Hibbard,
5 Dec., 1898.
765. I understand you were not at any other meetings than those you have referred to? No.
766. *His Honor.*] What part did you take in the elections;—were you on a committee? Yes.
767. Were you chairman of the committee? I was on the platform at the Kempsey meeting.
768. At Gladstone were you the chairman? Yes.
769. Apart from the meetings, were you on any of the committees? Yes.
770. On whose committee? Mr. Smith's.
771. Did you invite Mr. Young to go up there, or did your committee invite him? I personally sent a letter to the Premier asking him to kindly nominate a person in the interests of those who were in favour of the amended Federal Constitution Bill. I got a reply from the Premier. If nobody was sent to the electorate we would be deprived of the power of exercising our franchise.
772. Why? We would not vote in favour of those who were supporting the Federal Constitution Bill. We wanted somebody sent up in our interests. I wrote a letter to the Premier asking him to do so; asking him if he could recommend a strong Member to the constituency. The strong Member we presumed was Mr. Smith.
773. What I asked was if you suggested that Mr. Young should go up and address the electors in the constituency? No; I cannot say that I suggested that. If my memory serves me right I asked the Premier to try and support the candidate.
774. That was Mr. Sydney Smith? Yes, to support a candidate in our interests. I took a prominent part in the election all through. I believe I was the principal man in urging the Government to send a Member to represent our interests. It was cast up against Mr. Young in the electorate.
775. Do you remember anything more said by Mr. Young in the speeches at Kempsey or Gladstone? He said a great deal.
776. I want to know how much you remember of it? It was not all bearing on this case.
777. What case? The case before the Court to-day. He was introducing Mr. Smith, and praising up his qualifications as ex-Minister of Mines and Agriculture. He dwelt largely upon that.
778. Can you remember anything else that was said by Mr. Young at either of those meetings besides what you have told Mr. Kelynaek? I do not think I can unless my memory is refreshed.
779. Do you remember anything more than what you told us that was said by Mr. Young with reference to works in the district? As far as that goes the people of Gladstone wished to take Mr. Smith and Mr. Young to some swamps. I spoke to Mr. Young and asked him if he was coming. Mr. Young said, "Oh no, I have nothing to do with your local matters. I have merely come here to introduce Mr. Smith." I thanked Mr. Young and the interview dropped.
780. Was that at the public meeting, or was it a conversation between you and Mr. Young? A conversation between myself and Mr. Young. We were before the public at the time.
781. Did the public hear what you said? No; but I told the electors afterwards what he said, that he said he would not come, and he would have nothing to do with it; that he was not going to take any part in looking at these swamps, the drainage of which was referred to; that he had nothing to do with local matters. The Bartonites were giving it out that he was going to attend to these matters, and I put in a disclaimer.
782. Did Mr. Young himself, when addressing the meeting, refer to your disclaimer in any way? No; I spoke to him at the close of the meeting.
783. Did Mr. Young, at the close of the meeting, refer to the disclaimer which he had made in any way? No; it was more in the way of conversation that I put it to him.
784. Did you not say that you mentioned the disclaimer to the meeting? No; after the meeting outside I told them.
785. At the meeting itself, did Mr. Young say he was there for the purpose of considering the local wants? No, he was not asked. The electors did not ask him. It was Mr. Dangar's proposition. Mr. Dangar proposed that he would bring Mr. Sydney Smith down to look at our swamps. I asked Mr. Young privately was he coming too, and he said, "Oh, no; I have nothing to do with your local wants."
786. *Mr. Kelynaek.*] Do you remember at Kempsey that Mr. Young spoke about the federation question? Yes.
787. Do you remember any part of his remarks on the federation question? His remarks were very lengthy. He referred to the amendments which the Reid Government proposed. I can pretty well remember the speech all through.
788. What did he say about federation? He was pointing out the difference between the two candidates—one advocating the Federation Bill as it stood, while the other was prepared to vote for the amended Federation Bill as lately passed through the Legislative Assembly. Of course the great body of the electors up there were not prepared to vote for Mr. Barton at any price, on account of his representing the Federal Constitution Bill.
789. What reference did Mr. Young make to the Constitution Bill? He was pointing out the difference between the Federal Constitution Bill and the amended Federal Constitution Bill. He was supporting the amendments.
790. Do you remember his referring to any change of front on Mr. Barton's part with regard to his advocacy of the Convention Bill? He did refer to his change of attitude with regard to his holding fast to the Bill as being a perfect Bill, and being inclined to turn round and vote for the amended Bill, or go some way towards it.
791. Do you remember him speaking about that election being a struggle between two different powers? Yes; Mr. Young made out that the Federal Constitution Bill as it stood would be very ruinous to New South Wales; that it would be madness on the part of any electorate to vote for such a Bill as it stood.
792. Did he speak of the amendments the Government proposed? He spoke of all the amendments, and said they met with the strong approbation of the people.
793. No part of Mr. Young's speech excited so much comment in the electorate as the parts referring to Mr. Barton, or alleged to have been said with regard to Mr. Barton? Yes; that is so.
794. The fact that this Commission was appointed, or that certain action was taken in the Assembly, has caused great attention to be centred on that part of his speech? Yes.

James Charles Elton sworn and examined:—

J. C. Elton.

5 Dec., 1898.

795. *Mr. Kelynack.*] What is your occupation? Printer and proprietor of the *Macleay Argus*.
796. Are you resident in Kempsey? Yes.
797. Were you present in The Hastings and Macleay Electorate during the recent election? Yes.
798. Did you attend any meetings in the electorate at which Mr. Young spoke? Yes; at Kempsey, Frederickton, and Gladstone.
799. Were you at any other meetings? No.
800. Were Frederickton and Gladstone near to Kempsey? Yes.
801. At the Kempsey meeting did you hear Mr. Young, during any part of his speech, say that he would do more for Mr. Smith than for Mr. Barton? No.
802. Or for any Member of the Opposition, or for an unfriendly Member? Certainly not.
803. Do you remember hearing anything like this: that Mr. Smith, being an ex-Minister of the Crown, and an old colleague and personal friend of his, it was only natural that he would give more attention to his representations, whereas Mr. Barton would be only an ordinary Member sitting with the Opposition? No; I heard nothing of that kind.
804. Did you hear him say that Mr. Smith would be an infinitely better Member to attend to local requirements than Mr. Barton would be; that it would be only reasonable and natural that he should give more consideration to representations regarding local wants made by Mr. Smith than he would to those made by any unfriendly Member? No; he did not put it in that way.
805. *His Honor.*] How was it put? I remember Mr. Young saying it would afford him great pleasure to consider anything coming from Mr. Smith rather than from a stranger, not that he would pay greater attention in any way.
806. *Mr. Kelynack.*] Do you remember Mr. Young making any reference to Mr. Barton in the course of his speech? Yes.
807. Tell us one occasion? In comparing the two gentlemen as representatives of an electorate, he stated that he considered that Mr. Smith would make a far better country representative than Mr. Barton, as he had been identified with country interests for so long.
808. Anything further? I think there were other things, but I cannot call them to mind.
809. Do you recollect his speaking about any arrangement made between Mr. Clarke and Mr. Barton? Yes, he said he had been given to understand that Mr. Clarke was to attend to the local requirements as before; but he assured them that when Mr. Clarke forfeited the right to call himself M.P., he would have no more influence with the Departments than any of the electors there present.
810. Was it then that he used the words you first mentioned, that at some time or other he said it would give him more pleasure to consider representations by Mr. Smith than by a stranger? That refers to the Gladstone meeting.
811. Did you hear that remark or anything like it at Kempsey? No.
812. Do you remember any part of Mr. Young's speech in which he spoke of the expenditure by this Government in the electorate at the Kempsey meeting? He pointed out that the present Government had expended a good deal of money on the northern rivers, and he thought that they were entitled to some consideration.
813. Did he make reference to any particular electorates? No; I do not remember his speaking of any particular electorate.
814. Did he speak of other electorates than the Hastings and Macleay Electorate? Yes; he referred to a number of other electorates, but he did not refer to the Hastings and Macleay in particular.
815. Have you a note of the speech he made at Kempsey? I have part of my notes. I did not take them very fully on that occasion.
816. Have you got the whole of Mr. Young's speech? No; I only took it here and there.
817. Have you the whole of what you took? Yes; the whole of what I took of Mr. Young's speech on that occasion.
818. *His Honor.*] Are they in longhand? Yes; but I do not know that anyone could make them out but myself.
819. Will you read them exactly as they are? Yes; they are as follows:—The Hon. J. H. Young said he did not know that he need make any excuse for appearing there that evening. He had been identified with these districts for many years. He was there also as a Member of the Government of the country, and it was out of respect to Mr. Smith that he was willing to assist him. The name of Smith during the past six years had been a household word among agriculturists and the dairying industry. The great object of getting Barton into power, in spite of all they may say, was to strengthen the hands of the Opposition. During the time Slattery was in power they heard nothing of agriculture; it was allowed to drop. When Smith came back again they all knew how he had again raised the interests of the Department. He did not think any single constituency ever elected Barton a second time, and if the Macleay did once elect him they would find once would be enough for them. They should judge a man by what he did, when in Parliament, not what he promised while trying to get into office. Barton was continually saying Reid had not acted sincerely towards Federation. He would say Reid was as sincere for Federation as any other Member in the House. Both candidates now before them were good men and highly respected. Since being elected to the head of the Federal Convention Barton had been suffering with a very big head, and a big head was not always a good thing for a man. He thought Clarke mistook his position when he thought to hand over his seat to another. A lot had been said about Mr. Clarke attending to local wants, but Mr. Clarke would now have no more influence with the Works Department, &c., than any elector in that community. If a man thought himself above the small local wants he had no right to represent a country constituency. From my experience of Mr. Smith, who was an old friend and ex-colleague, I feel sure he will give more attention to your local requirements than the man in Barton's position, and from what he, Young, knew of Smith as a country representative, he had found it always safe to grant any request he made, as he was sure he would ask for nothing which would be detrimental to the country. He did not believe that the electors of this constituency would elect Mr. Barton in favour of Mr. Smith. He thought the present Government had some claim on their consideration. Referring to land laws he thought some help could be afforded in cases where, &c. He would call attention to something his Department had done for the Macleay, that of building the bridge. He would say that to Mr. Dangar and himself was due

- J. C. Elton.
5 Dec., 1898.
- due the greater part of the credit of putting up the bridge. He hoped to be in office long enough to see finished the entrance to the Macleay River.
820. What meeting was that? The Kempsey meeting.
821. *Mr. Kelynaek.*] At that meeting was Mr. Young's speech the second speech? Yes.
822. So that it was not really the most important speech of the evening? No.
823. Did you take a longer and fuller account of Mr. Smith's speech? Yes; I was only reporting for the Sydney papers. We had a reporter for the local paper, so I did not take long notes.
824. Were you also present at the Frederickton meeting? Yes.
825. At the Frederickton meeting, did you hear Mr. Young say that he would do more for Mr. Smith than for Mr. Barton or for an Opposition or unfriendly Member? No; I heard nothing of the kind.
826. Did you hear him say he would do more for an old colleague than for a Member of the Opposition? No.
827. Did you hear him say, "Let me tell you that if you elect Mr. Smith, my old friend and colleague, it is only reasonable to suppose that I will pay more attention to his representations than I would to Mr. Barton if you elect him"? No.
828. At the Frederickton meeting, do you know what Mr. Young's speech was about? I have not a very good recollection of that meeting. It was almost a repetition of what was said at the other meetings, and that was the case at Gladstone. I only took short notes, because we had already reported the Kempsey meeting.
829. Had you notes? I jotted down a few notes at the Gladstone meeting but not at the Frederickton meeting.
830. How many were at the Frederickton meeting? About sixty or seventy.
831. Then it was practically a small meeting? It was a small hall, and it was not full. It was held at rather an early hour.
832. At Gladstone, did Mr. Young say that he would do more for Mr. Smith, if elected, than for Mr. Barton or for an Opposition or unfriendly Member? No.
833. Do you remember him saying this: that it was only natural to suppose that Mr. Smith, being an ex-Minister of the Crown, would receive more consideration at the hands of the Ministry of which he had been a member than a comparative stranger like Mr. Edmund Barton, and that, as far as his Department was concerned, he would see that it would be so? I do not remember him saying anything of that kind.
834. Do you remember him saying anything like this: It is not usual to divulge Cabinet secrets, but he would tell them this much, that all the money spent by the Public Works Department had to go through his hands, and that it would be only natural to suppose that he would;—the witness said that he would not swear that Mr. Young said he would do more for Mr. Smith than for one opposed to him, but he said it would come more easily to grant a favour to a friendly Member than to a Member who sat on the opposite side of the House? Something of that kind was said. I have a note bearing on that. Mr. Young mentioned previously something about Cabinet secrets. He went on then to show that the present Government had done a great deal for the northern rivers. He said that most of the money had been expended in Protectionist electorates, and that the Government supporters grumbled because a deal of the money was spent in Protectionist electorates rather than in their electorates. However, Mr. Young made the remark, "I am a just man, and if my greatest enemy came to me and represented the wants of any other constituency, and I considered they were really necessary, I would grant the request, but at the same time it would give me greater pleasure to grant that request to a friend than to a stranger or an enemy."
835. Did you hear him say this: that if Mr. Smith was returned he would be able to do more, being a supporter of Mr. Reid, for the district than any Oppositionist? No.
836. "That he was Minister for Works, and that if Mr. Smith was returned that gentleman could approach him and get our wants attended to far more readily than any Oppositionist"? No; I do not remember that.
837. At the Gladstone meeting in the speech which I have referred to, do you remember the substance of Mr. Young's speech, and the points which it touched upon? They were rather general.
838. Did he touch upon the expenditure which had been made by this Government? Yes; he mentioned a great deal of the expenditure which the present Government had made.
839. Did he speak of any particular electorates? I cannot call to mind that he spoke of any particular ones.
840. I think you said that at the Kempsey meeting Mr. Young had specified works done by this Government on the northern rivers? Yes.
841. Do you remember whether his speech at Gladstone contained similar references to those works? Yes; he spoke of the money spent generally, and more particularly, I think, he referred to the northern rivers.
842. With regard to the meetings at Frederickton and Gladstone, was Mr. Young the second speaker at both of those meetings? Yes, I believe so.
843. To the best of your recollection, were the speeches at Frederickton and Gladstone similar in substance to the speech at Kempsey? Yes, there was very little fresh matter; so much so that we did not think it necessary to report anything further than we had reported at Kempsey.
844. Did you see the notice [*Exhibit "B"*] published in the paper produced? Yes.
845. Have you seen posters in similar terms throughout the Hastings and Macleay Electorate during the election? Yes, I have seen posters in somewhat similar terms.
846. Did you have a notice similar to that in your paper? I am not quite sure about that.
847. Do you remember handbills being distributed about the district? Yes; but whether this particular matter was printed on handbills I cannot say at present.

Otho Orde Dangar sworn and examined:—

- O. O. Dangar.
5 Dec., 1898.
848. *Mr. Kelynaek.*] What is your occupation? An auctioneer, at Kempsey.
849. Were you in the Hastings and Macleay Electorate during the recent election, when Messrs. Smith and Barton were candidates? Yes.
850. Did you attend any meetings in the electorate which Mr. Young addressed? Yes; four—at Kempsey on Monday night, at Frederickton and Gladstone on Tuesday, and, I think, in the next week at Euroka.
851. At the meeting held at Kempsey, did you hear the whole of Mr. Young's speech? Yes; I was sitting alongside of him on the platform.
- 852.

O. O. Dangar.

5 Dec., 1898.

852. Did he speak after Mr. Smith? Yes.
853. Did he also speak after Mr. Smith at each of the other meetings? Yes.
854. During the whole of Mr. Young's speech at Kempsey do you remember whether Mr. Young said that he would do more for Mr. Smith, if elected, than he would do for Mr. Barton? I do not.
855. Or more than he would do for a Member of the Opposition? Certainly I do not.
856. Or that he would do more for Mr. Smith than for an unfriendly Member? No.
857. *His Honor.*] Did he use words which would bear that construction? No.
858. *Mr. Kelynack.*] For instance, do you remember these words being used, "that Mr. Smith being an ex-Minister of the Crown, an old colleague and personal friend of his, it was only natural that he would give more attention to his representations, whereas Mr. Barton would only be an ordinary Member sitting with the Opposition." Certainly not. There is a great deal of mixture of ideas there; but what is conveyed in these words was certainly not expressed by Mr. Young.
859. *His Honor.*] Will you give your version of what Mr. Young said? Mr. Young spoke of the fact of his being the Member for the adjoining electorate. He assigned that as one reason why he could support Mr. Smith. Then again he assigned the fact of Mr. Smith's having been for many years a colleague of his, and that he had personal confidence in Mr. Smith's representations. He assigned that as another reason why he could receive representations from Mr. Smith better than from a stranger.
860. Did he say what the representations were about? With reference to the public works in the district that were Mr. Smith to make representations, his personal knowledge of Mr. Smith, and having been so long a colleague of his, would lead him to take his representations with an assurance that he would not be misled. Then again he spoke of Mr. Smith having been associated with him in public works and of his interest in district matters.
861. *Mr. Kelynack.*] Do you remember any reference being made by Mr. Young to an arrangement said to have been made between Mr. Clarke and Mr. Barton? Certainly he drew special attention to the fact that once Mr. Clarke lost the magic letters M.L.A. from his name he would become no more than any other person. I remember the matter very distinctly, because I interjected that a messenger would hardly offer him a chair; that owing to the alteration of his position through ceasing to be a Member of Parliament he would not receive the same courtesy even from the messengers that a Member of Parliament would receive.
862. You are an ex-Member yourself? Yes.
863. *His Honor.*] Is that the way the messengers have treated you? They have always treated me with great courtesy when I was a Member, but I have never tested them since. I have seen how other people, older and wealthier men than myself, have been treated, and that I received more attention than those who were not Members of Parliament, while I had the magic letters to my name. I have not given them the opportunity since of giving me the cold shoulder.
864. *Mr. Kelynack.*] Did he say that he would give more attention to the representations of Mr. Smith regarding local requirements than he would to the representations of an unfriendly Member? Certainly not. There are some words there that Mr. Young used, but that is not my recollection of the words at all. It was only natural, he said, that he would receive representations from a person in whom he had confidence rather than the representations of a stranger.
865. Do you remember in what part of his speech those remarks were made? He had been speaking about Mr. Clarke occupying this extraordinary position. He spoke with great indignation about the constituency being placed in the position that a man who was not a Member of Parliament would do their Parliamentary work. He spoke of it in the connection that it was only natural that he would receive representations from a Member of Parliament and a person of Mr. Smith's standing especially, rather than from a stranger. He was speaking in connection with this new peculiar position that Mr. Clarke was to occupy.
866. At the Frederickton meeting did Mr. Young make any statement that he would do more for Mr. Smith, if elected, than he would for Mr. Barton? He certainly did not.
867. Or for a Member of the Opposition or an unfriendly Member? As far as my memory goes, and I have not looked at reports—I am trusting to my own memory—my recollection of the circumstance is that he never put Mr. Smith in juxtaposition to Mr. Barton or in juxtaposition to a Member of the Opposition, but he spoke of Mr. Smith as contrasted with a stranger. I remember the matter all the more because it seemed to me to be a strange thing to say. Mr. Young must know Mr. Clarke as an individual, or Mr. Barton as an individual. He used the words, "a stranger," not "a Member of the Opposition," and not "Mr. Barton."
868. *His Honor.*] Was the arrangement he spoke of the arrangement proposed to be carried out if Mr. Barton was elected? Yes.
869. *Mr. Kelynack.*] Do you remember these words being used, "that it was only natural he would do more for an old colleague than for a Member of the Opposition"? Certainly not. He did not say "do more," but that he would "consider the representations"; that is what he referred to. He certainly did not use those words, as far as my memory serves me.
870. Or did he use the term, "Member of the Opposition"? He did not use those words as far as my memory serves me, but on the other hand he argued, especially at the Gladstone meeting at some considerable length, with regard to what he had done for the district, and how it had been done chiefly for opponents, and that Members of his own party had complained that he seemed to do more for a Member of the Opposition than for a Ministerial supporter.
871. At the Frederickton meeting do you remember Mr. Young saying this, "Let me tell you that if you elect Mr. Smith, my old friend and colleague, it is only reasonable to suppose that I will pay more attention to his representations than I would to Mr. Barton if you elect him"? No; certainly not in juxtaposition to Mr. Barton. As far as my memory goes, he never placed Mr. Barton in opposition to Mr. Smith in that way.
872. Did Mr. Young at the Gladstone meeting make any statement that he would do more for Mr. Smith if elected than for Mr. Barton, or did he use any words which would bear that construction? No. At the Gladstone meeting he never went beyond speaking of the representations that might be made to them.
873. Did he say "it would be only natural to suppose that Mr. Smith, being an ex-Minister of the Crown, would receive more consideration at the hands of the Ministry of which he had been a member than a comparative stranger like Mr. Edmund Barton, and that as far as his Department was concerned he would see that

- O. O. Dangar. that it would be so"? My memory does not bear out those words at all, but quite the contrary. He did not use words that would bear that meaning. There is a confusion of ideas in the words you have quoted.
- 5 Dec., 1898. 874. Immediately after the Gladstone meeting did you speak about going down to Dark Water to see some swamps? I spoke to Mr. Smith and asked Mr. Smith if elected would he mind staying in the district a few days to go and see personally these swamps. Mr. Smith promised to do so.
875. Did you tell that to the meeting? Yes; and I also spoke with regard to timber regulations. I made a request to Mr. Smith to meet some timber men.
876. Did you say at that meeting that Mr. Young would come down? I certainly did not.
877. Did you go down to those swamps while Mr. Young was in the electorate? No; I took Mr. Smith up the Belmore River and showed him the swamps at a distance.
878. Did Mr. Young go with you? No; I took Mr. Smith there. That was before the polling was over.
879. Have you seen this notice [*Exhibit "B"*] in the newspaper produced? Yes; I wrote one paragraph. I did not see the other part until it was in print, but I know who wrote it. It was written by the joint secretary, Mr. Kilner.
880. Did you submit it to Mr. Young? No; I sent this paragraph myself:—"Mr. Clarke requires all local matters to be referred to him, but he will have no more influence in the Works, Lands, or Roads Departments than other electors."
881. *His Honor.*] When was that written? It was after the meeting, and before the polling. The date of the paper is the 15th September. That was the first publication.
882. When was the meeting held? On the 13th September.
883. *Mr. Kelynack.*] Were there also handbills distributed in the same terms? There were slips of this very advertisement, as far as my memory serves me.
884. Were they distributed throughout the electorate? Yes; I think 1,000 were sent out.
885. *His Honor.*] How did you come to put in that paragraph;—was it in consequence of anything you heard at the meeting? No; I think it was largely on my own sentiment in the matter.
886. Had your sentiment been confirmed at the meeting? I do not think they were intensified. I felt very strongly on the matter myself. I thought it was an insult.
887. Apart from the question of insults, I am asking you with regard to the paragraph which you yourself wrote? I wrote that purely at my own instance and on my own responsibility.
888. That is not what I asked—I am sure you wrote it on your own responsibility, but what I asked was whether the matter which you put in there was anything which you had derived at the meeting? I should say no, because I had heard nothing new at that meeting. What is stated in that paragraph was the sentiment which I felt right through.
889. Was not that sentiment expressed by Mr. Young at the meeting? Yes; Mr. Young certainly used the words "Mr. Clarke will have no more influence than any other elector."

William MacKenzie sworn and examined:—

- W. MacKenzie. 890. *Mr. Kelynack.*] Are you secretary to the Macleay River Farmers' Union? Yes; at Kempsey. I am also a farmer.
- 5 Dec., 1898. 891. Were you in the Hastings-Macleay Electorate during the recent election? Yes.
892. Did you attend any meetings which were addressed by Mr. Young? Yes; at Kempsey, Frederickton, and Gladstone.
893. At each of these meetings did Mr. Young speak after Mr. Smith? At two of them, Kempsey and Gladstone. I am not sure about Frederickton.
894. Did you hear the whole of Mr. Young's speech at Kempsey? Yes.
895. During the whole of that speech do you remember whether Mr. Young said that he would do more for Mr. Smith, if elected, than he would do for Mr. Barton? No.
896. Did he say he would do more for Mr. Smith than for a Member of the Opposition? I do not think so. I do not recollect that.
897. Did he say he would do more for Mr. Smith than he would for an unfriendly Member? The words "unfriendly Member" might have been used at some of the meetings. He said he would do more for Mr. Smith than for a stranger.
898. Do you remember in what part of his speech he made those remarks? It was while he was talking about the arrangement which Mr. Barton had made with Mr. Clarke with regard to Mr. Clarke doing anything for him which was required by the district. It was as much as to say that Mr. Clarke was to be the under Member.
899. What reference to that did he make? He said it would give him great pleasure to consider any proposals that Mr. Smith brought before him, and that he would take greater pleasure in doing that than in considering the proposals of a stranger.
900. Whom had he been speaking about before he made that remark? Mr. Clarke.
901. Do you remember any other part of his speech in which Mr. Young referred to Mr. Barton? He said he had no right to relegate the trust of the electorate to Mr. Clarke without power to do so.
902. Do you remember any other part of his speech in which he referred to Mr. Barton? No.
903. Do you remember his saying anything about Mr. Barton's qualifications as representative of a country constituency? Yes; he said Mr. Smith would be a more appropriate Member for the district than Mr. Barton.
904. Did he say why? I do not exactly remember the words.
905. Do you remember his speaking of Mr. Smith's record as Minister of Agriculture? Yes; he said that Mr. Smith had brought in many acts to benefit country districts and the settlers.
906. Do you remember his saying anything about Mr. Barton's time being taken up? Yes; I think he mentioned that, and that was the reason why Mr. Clarke was to do the work of the electorate.
907. Did he say how Mr. Barton's time was to be taken up? I do not recollect.
908. Do you remember Mr. Young at the Kempsey meeting speaking of money spent on public works by the Government? Yes; he mentioned something about districts represented by Opposition Members very often getting more than their share, or more than Ministerial supporters got and that so far as he was concerned he was a just man. I forget what he said then.
909. What was the general tenor of it? He meant to convey that he would do what was just to any man, but it would give him greater pleasure to consider any of Mr. Smith's proposals as he never approached him

him with anything frivolous; that he knew the business of the House so well that he would not ask for any favour if he thought there was a chance of being refused.

910. At the Frederickton meeting, did Mr. Young also say that he would do more for Mr. Smith, if elected, than he would do for Mr. Barton? I do not think Mr. Young used that expression at any meeting.

911. Did he use any expression that would convey that meaning? Not that I remember.

912. Were Mr. Young's speeches at Frederickton and Gladstone similar in substance to the speech he delivered at Kempsey? Yes, practically it was the same speech.

913. *His Honor.*] I suppose you do not profess to remember the words which were used? I remember some of the words.

914. But you do not profess to remember the very words used, you give us very nearly the substance of what was said? Yes, I perfectly remember some of the words, but they may not have been used exactly the same in all his sentences.

Herbert Peirce Morrison sworn and examined:—

915. *Mr. Kelynack.*] What is your occupation? Contractor and builder, residing at Kempsey.

916. Were you in the Hastings-Macleay Electorate when Mr. Smith and Mr. Barton were candidates? Yes.

917. Did you attend any political meetings addressed by Mr. Young? Yes.

918. What meetings did you attend? At Kempsey and Gladstone.

919. Were those the only meetings you attended? Yes. At each of those meetings I believe Mr. Young spoke after Mr. Smith.

920. At the Kempsey meeting, did you hear the whole of Mr. Young's speech? Yes.

921. Did he, in any part of his speech, say he would do more for Mr. Smith, if elected, than he would for Mr. Barton? Certainly not.

922. Or that he would do more for Mr. Smith than he would for an Opposition or unfriendly Member? No.

923. Do you remember anything in his speech which would bear that construction? I do not.

924. Do you remember any part of Mr. Young's speech in which he mentioned Mr. Barton's name? Yes. He said that Mr. Smith would be a good Member for the electorate, and he also mentioned something about Clarke representing them locally for Mr. Barton—that is about all I can remember.

925. What did he say about that arrangement? He said that Mr. Clarke would have the same privileges as any of the electors present—no more and no less.

926. Do you remember Mr. Young saying anything about Mr. Smith or Mr. Barton being better to represent a country electorate? Yes; he said that Mr. Smith would be better than Mr. Barton to represent a country electorate.

927. Did he give the reasons? Not that I remember.

928. At the Gladstone meeting, did Mr. Young make any statement that he would do more for Mr. Smith, if elected, than for Mr. Barton or for an Opposition member, or for an unfriendly Member? No.

929. Do you remember anything being said at that meeting which would bear that construction? No.

930. Can you give some reference to anything said at the Gladstone meeting that referred to Mr. Barton? Mr. Young said it would give him more pleasure to consider a request coming from a friend, but he said he was a just man, and he went on to tell us that there had been complaints by Members of the Government party that there had been more money spent in Opposition electorates than had been spent in districts represented by Ministerialists. He also pointed out the various works done along the coast.

931. At any particular part of the coast, or generally? Generally, along the coast. He mentioned all the places where the various works had been carried on.

932. At Gladstone did he make any reference to the arrangement between Mr. Clarke and Mr. Barton? Yes.

933. Was his speech at Gladstone similar to his speech at Kempsey? Yes.

934. *His Honor.*] Is that all you recollect of what was said by Mr. Young in comparing Mr. Smith with Mr. Barton? He said Mr. Smith would be more suitable as a country member; that Mr. Smith had been Minister for Agriculture; and so on. I cannot remember the exact words.

935. Can you remember anything else? There was a lot said with regard to the McSharry case.

936. Was there anything else said in the way of comparing the merits of Mr. Smith with those of Mr. Clarke or Mr. Barton? No.

937. As I understand it, the arrangement that was made with Mr. Clarke was in connection with Mr. Barton's candidature? Yes.

938. That if Mr. Barton was returned, Mr. Clarke was to attend to the local wants and see what was required in the electorate and so on, and that then the matter was to be referred to Mr. Barton? Yes.

939. *Mr. Kelynack.*] Did you understand the arrangement to be that matters were to be referred to Mr. Barton, or that Mr. Clarke was to go round the administrative departments himself? I cannot say that I clearly understood what the arrangements were, but that is the way it struck me, that Mr. Clarke was to do the business for Mr. Barton and bring it before Mr. Barton's notice, or bring it before the Minister for Public Works—I do not know which. Mr. Young said that Mr. Clarke had the same privilege as any other elector—no more, no less.

940. Privilege in respect of what? I suppose in respect to Mr. Young's Department, or in other Departments in connection with the Government.

941. That is, if Mr. Clarke went to the Departments he would have no more privilege than any other elector? Yes.

The Rev. Charles Mortimer Thomas sworn and examined:—

942. *Mr. Kelynack.*] Are you a clergyman of the Church of England? Yes, in the parochial district of the Lower Macleay.

943. Were you present in the Hastings-Macleay Electorate during the recent election? Yes.

944. Did you attend any meeting in that electorate at which Mr. Young spoke? Yes, at Frederickton.

945. Did Mr. Young speak after Mr. Smith? Yes.

946. Did you hear the whole of Mr. Young's speech? Yes.

947. Did he at that meeting make any statement during his speech that he would do more for Mr. Smith, if elected, than for Mr. Barton? No.

W.
MacKenzie.
5 Dec., 1898.

H. P.
Morrison.
5 Dec., 1898.

Rev. C. M.
Thomas.
5 Dec., 1898.

- Rev. C. M. Thomas.
5 Dec., 1898.
948. Or that he would do more for Mr. Smith than he would for an Opposition or an unfriendly Member? No.
949. Do you remember whether he used these words:—That if the electorate returned Mr. Smith he would work hand in hand with him, and that it was only natural that he would do more for an old colleague than for a Member of the Opposition? No.
950. Do you remember this—“Let me tell you if you elect Mr. Smith, my old friend and colleague, it is only reasonable to suppose that I would pay more attention to his representations than I would to those of Mr. Barton, if you elect him”? No.
951. Do you recollect any words used by Mr. Young which would bear that construction? No; all he said in connection with that was to the effect that, after stating that the present Government deserved well at the hands of the country on account of the money spent in Public Works, and stating also that it was a matter of comment that more had been done for those districts represented by Members of the Opposition than by Members of the Government party, he went on to say that he was a just man, and that if there were any wants, or if any work were shown to be necessary, he would grant it whoever might ask for it; at the same time he was only human, and it would afford him greater pleasure to do anything for an old friend and ex-colleague than for anyone else.
952. Had Mr. Young been speaking of an arrangement between Mr. Clarke and Mr. Barton? He did mention it.
953. What did he say? He said that some arrangement had been made by which Mr. Clarke would undertake to ask for the constituents anything that was necessary for the district; and he also mentioned that after Mr. Clarke had ceased to be M.L.A. he would have no greater weight in any of the Government offices than any other private individual.
954. Do you remember any other reference at Frederickton to Mr. Barton by Mr. Young? I do not remember any.
955. What else did Mr. Young speak about;—did he touch on the Federation question? Yes.
956. Do you remember his comments upon that? I did not notice them very particularly. I noticed the part I have mentioned, because I thought it was an obvious truism.
957. *His Honor.*] To what were you referring when you said you considered it an obvious truism? The statement that he was only human, and that it would afford him greater pleasure to do something for an old friend.
958. What did you understand by affording greater pleasure—greater joy in doing it, or what? I understood him to mean, of course, that being a friend, it would please him better.
959. Do you mean that he would feel happier, or what? That he would like to do some service for a friend.
960. Was that the only impression these words made upon you? Yes.
961. That it would simply give him greater pleasure? Yes.
962. You are not a politician, I imagine? No.
963. *Mr. Kelynaek.*] Did you take any active part in this election? No.
964. Did you have a vote? No; I am in the Raleigh Electorate.

Reginald Owen Cummings sworn and examined:—

- Mr. R. O. Cummings.
5 Dec, 1898.
965. *Mr. Kelynaek.*] Are you a clerk in the Department of Public Works? Yes.
966. Are you in charge of the Records? Yes, of the Roads and Bridges Records of the Department of Public Works.
967. Have you papers in that Department referring to a place called Cameron's Crossing? Yes.
968. Is it situate in the Hastings-Macleay Electorate? Yes.
969. Do you produce those papers? Yes.
970. Have you searched through them? Yes.
971. Is there any reference in those papers to any bridge over Cameron's Crossing? No.
972. Has there ever been an application to the Department in any way for a bridge at that place? No.
973. Has there been any application for a survey for a bridge at that place? No.
974. Has there not been even a preliminary survey? No.
975. Is there any suggestion about a bridge at all? No, not even by the officers of the Department.
976. Are not those all the papers in the Department referring to Cameron's Crossing? Yes; and the road and the bridge to Cameron's Crossing.
977. So that if there were any papers referring to a bridge at Cameron's Crossing they ought to be there? Yes.
978. *His Honor.*] In regard to the tone in which you referred to a bridge for Cameron's Crossing, was there any question about a bridge near there or a creek or river near there? There was a proposal to form a deviation in the approach to the crossing, which necessitated a bridge over Worrall Creek, a few chains away from Cameron's Crossing.
979. What about that? That deviation is not yet proclaimed as a public road, and until it is proclaimed we are not prepared to go on with the bridge over Worrall's Creek.
980. How far is that from Cameron's Crossing? Seven or eight chains.
981. In what way does it affect Cameron's Crossing? It eases the gradient in the approach to Cameron's Crossing.
982. Is it a ford? Cameron's Crossing is a ford—a stone crossing.
983. Would you still have to go over it? Yes; it is an approach to it. In order to get there you would have to build a bridge at Worrall's Creek.
984. Is that as large as Cameron's Crossing? No, not nearly so large.
985. When was this proposal or suggestion made to build a bridge over Worrall's Creek? In the year 1897.
986. Is that question still pending? Yes; until a road or deviation is established as a public road we are not prepared to go on with the bridge.
987. Are these papers kept separately in the Department? Yes.
988. If I want them at any time, can I get them? Yes.

Duncan Bain re-called and further examined :—

989. *His Honor.*] You wish to make a statement in reference to the bridge at Cameron's Crossing? Yes; I am a member of the Progress Committee in the immediate neighbourhood of where the bridge is contemplated. Some months ago this matter was brought up and a petition was prepared for signature with a view to getting a bridge erected at this crossing.

D. Bain.
5 Dec., 1898.

990. The petition was in course of preparation and has not been sent on? The petition has not been sent on. It is going through the district at the present time for signature.

991. At the time of this conversation, of which you have spoken, with Mr. Young, what had been done about the petition? It had been prepared and had been sent round in the district. In fact at the last meeting of the Progress Committee we thought that the election time would be a good time to have it in readiness for signature as people would be gathered together and it would be easier to get them to sign it.

992. Do you know whether Mr. Young was aware at the time of the existence of this petition? I do not think he could have been. If he was it is more than I could say.

993. Is there anything else you wish to state? Nothing further than that the bridge is a very important requirement.

James Henry Young called in, sworn, and examined :—

994. *Mr. Kelynack.*] You are a Member of the Legislative Assembly for the electorate known as The J. H. Young Manning? Yes.

J. H. Young.
5 Dec., 1898.

995. You are also Secretary for Public Works? Yes.

996. You have filled that office for the past four years and four months? Yes.

997. The electorate of The Manning adjoins the electorate of The Hastings-Macleay? Yes. The electorate of The Hastings-Macleay has within its boundaries portion of what used to be the Hastings and Manning electorate.

998. You went up into The Hastings-Macleay Electorate during the election which recently took place at which Mr. Sydney Smith and Mr. Barton were candidates? Yes.

999. I believe you arrived in the electorate on the 11th September? I arrived at Port Macquarie on the 11th September.

1000. Here are some notes which I believe you made in your note-book at the time. I hand them to you in order that you may refresh your memory. Will you read out to His Honor particulars of the meetings you addressed on the 12th September and the following days? On Monday, 12th September, I addressed a meeting at Kempsey, at which about 600 persons were present. On Tuesday, the 13th September, I addressed a meeting at Frederickton, at 6 p.m., at which about 100 persons were present. I addressed another meeting at Gladstone, at 8.30 on the same evening, at which about 300 were present. On Wednesday the 14th, I addressed a meeting at Hickey's Creek, at mid-day, at which about thirty were present. On the same day I addressed a meeting at Bellbrook, at 8 p.m., at which about forty were present. On Thursday, the 15th, I addressed a meeting at Skillion Flat, at mid-day, at which about thirty were present. At 8 p.m. I addressed a meeting at Euroka, at which there were about 300 present. On Friday, the 16th, at mid-day, I addressed a meeting at Telegraph Point, at which there were about forty present, and at 7 p.m., a meeting at Rolland's Plains, at which there were about 100. On Tuesday, the 20th, at mid-day, I addressed a meeting at Carney's, at which there were about twenty present. On Wednesday, the 21st, I addressed a meeting at Yarras, at which there were about thirty present, and on Thursday, the 22nd, at 8 p.m., I addressed a meeting at Port Macquarie, at which about sixty persons were present.

1001. Did you leave the electorate on the 22nd? I left the electorate on the next morning, on polling-day.

1002. Then you were in the electorate altogether about twelve days? From the 12th to the 23rd inclusive.

1003. I presume that during that time the visits you paid to the places you have mentioned took you all over the electorate? Practically all over the electorate.

1004. You were travelling the whole time? More or less every day.

1005. As to your speeches at these meetings, did you prepare any written speeches? No, I spoke absolutely without notes from beginning to end. I had not even a figure before me.

1006. As to the meeting at Kempsey, you have heard all the evidence given both by those who came down of their own accord and by those witnesses who were called by you;—will you state what references you made to Mr. Barton, or to any Member of the Opposition, or to any Member hostile to you in any way in your speech at that meeting? Practically, of course, one speech was, to a large extent, a repetition of another. At all these meetings, and especially at the Kempsey meeting, I drew what I thought was a comparison as to the relative merits, from my political point of view, between the two candidates. I touched upon the question of Federation; in fact, I dealt with it somewhat fully. I said that, from my point of view, the district would be better served by having as its representative one who had been against the Convention Bill and in favour of the amendments put forward by the Government rather than by one who had up to the 3rd June expressed himself as being entirely in favour of the Federation Bill, and who, subsequent to the 3rd of June, was of another opinion. I pointed out also that, from my point of view, at any rate, Mr. Barton would be a disturbing element in the matter of Federation. Passing from that question, I went on to deal with the claims of the present Government to the confidence of the people generally, and I detailed a number of public works which had been carried on throughout the country. I drew attention more especially to works which had been going on in connection with all the North Coast rivers. No doubt I referred specially to the works going on at the mouth of the Macleay and also to the bridge across the river at Kempsey. I went on to say that the result of the public works policy of the Government had been that the condition of the country had been largely improved; and I remember saying, as I said at plenty of other places, that I was in a position to speak of the condition of the country, because all the public works contracts of the Colony went through my hands. I said I knew that we were now paying a larger rate for contract work than we had done before. Passing on from that I no doubt said, with reference to Mr. Francis Clarke, to some extent what has been reported. It had been said and published throughout the district that Mr. Francis Clarke had said at different meetings which he had held throughout the electorate that if Mr. Barton were elected he, Mr. Clarke, would do what is called local work for the district; that whereas Mr. Barton would identify himself entirely with matters in the House, all other matters, such as roads and bridges expenditure, which Members had to look after for their constituents,

J. H. Young. constituents, he, Mr. Clarke, would continue to look after as he had done in the past. I pointed out that it would be utterly unreasonable to expect that Mr. Clarke could do so even, if the arrangement referred to had not been made; Mr. Barton (I daresay I used the words that he was suffering from big-head) would think himself too big a man to attend to local matters, and also that his time would be largely taken up with his professional work as a barrister. I ridiculed the idea that Mr. Francis Clarke could do this work for him—referring to the local work—in anything like a satisfactory way. I told them, no doubt, that when Mr. Clarke lost or gave up the right to use the magic letters M.P. after his name, he would have no more influence with the Government, or with any Department of the Government, than any other elector in the country. Then I went on to say, further, that from my long knowledge of Mr. Sydney Smith, and from the fact that we had been connected with one another so long in a friendly way, it would be much more pleasant for me to act with him as the representative of an adjoining constituency than with a stranger, or anyone less friendly to me than Mr. Smith. I absolutely deny that I said one word from which anyone would have a right to infer that I intended to do more for Mr. Smith in the way of public works because he was an old colleague and an old friend than I would do for anyone else.

5 Dec., 1898.

1007. That is an outline of your speech at Kempsey;—as to the meetings at Frederickton and Gladstone, which you addressed on the following day, were your speeches at those places similar to that which you have already outlined? They were practically the same; you will understand that I spoke at every meeting after Mr. Sydney Smith, and it is probable that if at any one of the meetings he took up and dwelt upon some of the points which I myself had used in my first speech I should in those cases lay more stress upon other portions of that speech when speaking after him at another place; but practically I delivered at Frederickton and Gladstone the same speech that I delivered at Kempsey.

1008. And throughout the electorate? Yes.

1009. Having addressed some twelve meetings all in pretty much the same language, you are fairly confident as to your recollection of what you said throughout the electorate? Absolutely confident.

1010. Is there anything you said at any meeting which would bear the construction which appears to have been placed upon your words by the witnesses who were examined by this Commission in the first instance? I do not think so. No doubt I made some remarks as to what had been said about Members on the Government side of the House complaining. It is well known that there has been a frequent complaint that Members on the Opposition side have been treated better by me than Members on the Government side. I dwelt upon that question at some length at some of these meetings.

1011. You say that that complaint has come from Members on the Government side of the House? Yes. I dwelt upon that question at all these meetings at some length. I pointed to the very works on the Macleay—the works at the mouth of the river and the works at Kempsey—as showing that any statement which had been made to the effect that I favoured Members on the Government side of the House could not possibly have any truth in it.

1012. Did you explain why? I do not want to blow my own trumpet here whatever I may do before a constituency; but no doubt I did say that I believed myself to be a just man, and that whenever a public desire for public work was put before me, it mattered not to me whether the application came from friends or enemies, I would grant the public desire or wish, if the circumstances warranted me in so doing. I do not know that I qualified the statement in the way that has been suggested, but it is possible that I qualified it by saying that it would naturally give me greater pleasure to work with the Member for the adjoining constituency, with whom I had been so friendly, as I had been with Mr. Sydney Smith, and that if I continued to be Secretary for Public Works I should be better pleased to receive communications from the constituency through him, but I certainly did not lead them to suppose that I would act unduly in their favour, even if they returned Mr. Sydney Smith.

1013. Did you refer to the fact that work which you mentioned in the Hastings-Macleay electorate had been carried out during its representation by Mr. Clarke? As to the bridge, I remember stating—and Mr. Dangar was present at the time—that possibly if any one man more than another should take credit to himself for the building of that bridge it was Mr. Otho Dangar, because in and out of season, when he was the representative of the electorate, he had continually urged the work upon the consideration of the Public Works Department. As to the other works, I do not know that I pointed out that they had been done during Mr. Clarke's representation of the constituency, but it was patent to all that he had represented it since 1893, and everyone knew of their own knowledge that the works had been commenced within that time.

1014. Mr. Hart has sworn that you used these words at Kempsey. Will you say whether you remember having used them. The words are: "That Mr. Smith, being an ex-Minister of the Crown, an old colleague and personal friend of his, it was only natural that he would give more attention to his representations, whereas Mr. Barton would only be an ordinary Member sitting with the Opposition." Do you remember using those words? I did not make use of any such expression; I possibly did say that Mr. Sydney Smith's representations would be more effective than the representations of Mr. Francis Clarke, whom I characterised as a stranger.

1015. The same witness also attributes these words to you: "He said, of course the people all knew the vast amount of money that was being spent at the entrance to the Macleay, and also the vast amount of other money spent on public works in the district." Do you remember using those words? It is quite likely I said that.

1016. Did you speak of that district to the exclusion of other districts? I scarcely think I did. I believe I mentioned all the North Coast rivers I could bear in mind at that time. I remember especially that I drew attention to the fact, that whereas during the occupancy of the office of the previous Government all the expenditure on the Northern rivers had been concentrated upon the Richmond and Clarence, the Government of which I was a member had distributed the public expenditure on those rivers, providing various amounts for all the rivers on the North Coast.

1017. Another witness, Mr. Kendall, speaking of your meeting at Kempsey, said that you said that it would be only reasonable or natural that you would give more consideration to representations regarding local wants made by Mr. Smith than you would to those made by any unfriendly Member? I absolutely deny making any such statement.

1018. Another witness, Mr. Lawlor, made much the same statement; he says that you said, "If you return my old friend and late colleague, Mr. Smith, he will have more influence in the office than an unfriendly Member"? I never made use of any such expression.

1019.

1019. Then the witness Wright says that you said, "That Mr. Smith was a good Minister for Agriculture, and that if he were returned it was only reasonable to suppose that you would do more for an old friend and colleague than you would for a stranger";—do you remember that you made that remark in any part of your speech? I quite remember detailing Mr. Smith's claim to consideration in consequence of what he had done as Minister for Agriculture, but I absolutely deny making the further statement referred to.

J. H. Young.
5 Dec., 1898.

1020. The same witness goes on to say, "He further said that he had represented the other end of the electorate for, I think, fourteen years, and that if Mr. Smith were returned to Parliament, as he had been so long associated with the district, he would do all he could to assist Mr. Smith in getting our requirements";—do you remember saying that? That is not so. When I was speaking of Mr. Smith as a good local representative, I said I would be glad to work shoulder to shoulder with him as the Member for an adjoining electorate. What I had in my mind was that if at any time I were no longer Secretary for Public Works we could both work together in the local interest.

1021. The witness Winney quotes the following statement as having been made by you: "Is it not more reasonable to suppose that I would pay attention to representations made by a gentleman who is a particular friend of mine, and an ex-colleague, rather than to representations made by another gentleman who would be in opposition and an unfriendly Member"? I did not make use of any such expression.

1022. Passing from the Kempsey meeting to the Frederickton meeting, did you at that meeting, to your recollection, use these words: "That if the electorate returned Mr. Sydney Smith he would work hand-in-hand with him, and it was only natural that he would do more for an old colleague than for a Member of the Opposition"? The first part of the statement is perfectly true as I said just now. I said it would be pleasant for me to work with the representative of an adjoining electorate who was an old friend—that it would be pleasanter to me to work with such a person in that capacity than with a perfect stranger.

1032. Did you say that you would do more for him than for a Member of the Opposition? I did not.

1024. Did you at the meeting at Frederickton use this expression: "Let me tell you, that if you elect Mr. Sydney Smith, my old friend and colleague, it is only reasonable to suppose that I would pay more attention to his representations than I would to those of Mr. Barton if you elect him"? No, I am sure I did not. Any comparison I made was with Mr. Francis Clarke and not with Mr. Barton.

1025. Another witness, Mr. Bridson, speaking with reference to the Gladstone meeting, says, "I heard Mr. Young during his speech say he thought it was an insult to the electors of the Hastings and Macleay for Mr. Barton to put forward that Mr. Frank Clarke would assist him and attend to the wants of the electorate, and that he could tell them that as far as Mr. Frank Clarke was concerned when the magic letters M.P. were taken from his name he would have no more influence than Jack Frost"? No doubt I used those words as nearly as possible.

1026. The witness also attributes these words to you, "he also said further that it was only natural to suppose that Mr. Smith being an ex-Minister of the Crown, would receive more consideration at the hands of the Ministry of which he had been a member than a comparative stranger like Mr. Edmund Barton, and as far as his Department was concerned he would see that it would be so"? I did not use those words.

1027. There was a reference at the Gladstone meeting or at some of the meetings to the state of the Swamps at Darkwater? My recollection is that after the meeting Mr. Hibbard asked Mr. Sydney Smith and myself if we would both go down to see the swamp, and for my part I absolutely declined to go. I cannot remember the exact words I used. I should not like to say that I used the precise words which Mr. Hibbard says that I used but it is very likely that I did.

1028. Was that after the meeting? After the meeting.

1029. Did you go to the swamp? I did not. I did not go to Gladstone at all again.

1030. Mr. Egan speaking with reference to your remarks at the Gladstone meeting, says, "he said it was not usual to divulge Cabinet secrets but he could tell them this much—that all the money spent by the Public Works Department had to go through his hands and that it was only natural to suppose that he would (I would not swear he said he would rather do more for Mr. Smith than he would do for a Member opposed to him) but he said it came a lot easier (to the best of my belief) to grant a favour to a friendly Member than to a Member who sat on the opposite side of the House."? The part about divulging Cabinet secrets is an absurdity in that connection. It is quite possible that I used the words as to Cabinet secrets but the context has entirely passed from my memory now. The remark as to Cabinet secrets could not have had reference to the matter referred to by the witness. It could have had no reference to the words "All the money spent by the Public Works Department had to go through his hands and it was only natural to suppose that he would rather grant a favour to a friendly Member than to a Member who sat on the opposite side of the House." I am quite satisfied that if I used the words about all the money passing through my hands it was in connection with the statement which I have already said I made at the Kempsey meeting.

1031. You mean the observation as to your having a special knowledge of the progress of the country? Exactly, as to the latter part of the statement attributed to me it is possible I may have said that it would be more pleasant to me—even though I would grant what was just to the electorate to anybody—to grant requests to one with whom I was in friendly association. It is quite possible that I said that, although I cannot call the exact words to mind.

1032. Another witness, Mr. Gralton, says that you said that "if Mr. Smith was returned that gentleman could approach him and get our wants attended to far more readily than any Oppositionist"? I am quite sure I did not say that.

1033. The same witness says that "you said that Mr. Smith would be able to do more, being a supporter of Mr. Reid, for the district than any Oppositionist"? I am sure I did not say that either.

1034. Mr. Salmon, speaking of the Gladstone meeting, says that you said, "If you return Mr. Smith I will do all that lies in my power to assist Mr. Smith in any local matter"; also that you used these words, "If you return Mr. Smith for an adjoining electorate to mine I will only consider it a pleasure to do all that lies in my power for him, as an old and tried friend, in preference to any other man"? Any words I used, or anything approaching the statement, would apply, as I have stated before, namely, that it would be a pleasure to me to do what I could to help Mr. Smith as the Member for an adjoining electorate generally without reference to the particular office I myself might hold. As nearly as I can remember now the effect of the words I used was this—that it would naturally afford me pleasure, Mr. Smith being a personal friend

J. H. Young. friend to assist him as the Member for an adjoining constituency. I said that quite irrespective of the position I now hold.

5 Dec., 1898. 1035. I will pass from the meetings to the question of your conversations on the Green at Port Macquarie—it is alleged to have taken place on the 17th September;—do you remember the circumstances of that conversation? I remember the circumstances.

1036. Will you give them in your own words as nearly as you can recollect them? I do not know who was with me, and, but for the fact of Mr. Bain mentioning Mr. Nicoll, I should not know the name of any person who was near at the time. With one or two others I was walking down from the hotel where I was staying to meet Mr. Reid, whom we expected to land at any moment. Passing along the Green I met Mr. Bain.

1037. You have known him for some time? I was going to say I had known him since he was a boy. At all events, I have known him for forty years.

1038. You always pass the time of day with him? We have been friendly for a long time, and we are not enemies now, but he has taken a turn away from me in politics for the last ten years, and since then I have had a sort of chaffing acquaintance with him whenever public matters are in question. I generally reply to what he has to say with some chaffing expression. On this occasion he mentioned something about the decision I had already given as to the location of a punt on the Hastings River. He had taken an active part in trying to get the ferry put at a higher point on the river. Knowing the locality well, seeing also that there was a request from a great many persons living lower down on the river, and also that it would save a large sum of money—the amount was fully £1,000, if I remember rightly—I decided against what Mr. Bain wished. That is all that took place between Mr. Bain and myself. I am quite prepared to accept his statement as to the mention of the bridge at Cameron's Crossing; but my recollection is this: that I said, in reply to Mr. Nicoll, without knowing who he was, and in order to say something of a chaffing nature to Mr. Bain, who was also present. "You have two such big men before you now as candidates that whichever of them is elected you will probably get all the bridges you want." I should not like to swear as to the exact words. That is my full remembrance of what took place, and I think I may say that Mr. Nicoll is prepared to substantiate it. I am much obliged to Mr. Bain for mentioning the name of Mr. Nicoll, because had he not done so I should have had no one on my side at all.

1039. As a matter of fact, when you were in the electorate, had you, prior to the 17th September, or on that day, any knowledge that a petition was being prepared in the district in support of the erection of a bridge at Cameron's Crossing? I had no such knowledge. I represented the district until the end of 1894. I was not Secretary for Public Works, but I was the Member for the district, and this particular part of it formed part of my old electorate of the Hastings and Manning. It was, therefore, represented by me from 1880 up to the end of 1894. During the whole time I was Member for the district no word was ever said by way of request for such a bridge. In consequence of what was said at this Commission, I caused a search to be made in the records of the Department, and I found that there was no application for a bridge at any time since Captain Cook landed here up to the present.

1040. There is no application in the Department now? No.

1041. Did you find that there were any representations on the subject? No.

1042. You see the announcement [*Exhibit "B"*] I hand you in this newspaper in favour of Mr. Sydney Smith;—had you anything to do with the insertion of it? Not in the slightest degree. I was not consulted in reference to any advertisements or the issue of any posters. I made speeches throughout the electorate, but I undertook no responsibility whatever in connection with the election. I was not asked my opinion as to the conduct of the election in any way.

1043. During the whole of the election did you make any promise in regard to any work being done in the electorate, or having any work carried out? I did not. I did not promise the expenditure of a sixpenny piece, directly or indirectly, whether Mr. Barton or Mr. Sydney Smith were elected. I absolutely deny that I made the slightest hint that any expenditure would take place in consequence of my visit there. In regard to the deputation which waited upon me, I did say, and it appears in the newspapers, that the work appeared to me to be a matter more of private than of public concern, but that if those interested could show me that the Department was in any way connected with it I might listen to an application for the subscription of £1 by the Department of Works for every £2 subscribed locally. That, however, had nothing to do with the election. It was a question whether a Department of which I had control was interested to the extent of one-third. That is the only thing I said which could be construed into a promise of expenditure from the day I entered the electorate until I came away.

1044. You are referring now to the deputation at Kempsey? Yes, the only one.

1045. You did not promise the use of any influence in the Department? I said that the matter might belong to my Department. I think reference was made to some road which might be affected. I said that if it were so I might listen to a proposal on the part of the Department to expend £1 for every £2 subscribed for the work locally.

1046. *His Honor.*] I understand from what you say that you took no part in this election except that you made speeches in favour of Mr. Sydney Smith at these different places? That is all I did.

1047. You were not upon any committee or upon any body of that kind for him? No.

1048. Is your memory good as to what you said at the meetings? It is fairly good. Of course, I do not bind myself to remember every possible word, but I remember the spirit of what I said.

1049. I have never attended any election meetings myself, but I have read accounts of them in the newspapers, and I gather that persons who are addressing meetings sometimes become a little excited if questions are put to them? No doubt that is so; but these meetings were not of an exciting character until I had finished my speech. I remember that another thing cropped up which had nothing to do with this Commission, but someone asked a question about the McSharry case. Then a little excitement began, but prior to that there was absolutely no excitement.

1050. You were not interrupted by questions? Not from anyone.

AFFIDAVIT OF WILLIAM TRIM:

NEW SOUTH WALES, }
TO WIT. } In the matter of the Royal Commission appointed to inquire into certain allegations concerning the conduct of the Honorable James Henry Young, during the recent election for the Hastings and Macleay Electorate, and into the proceedings and circumstances of such election generally.

W. Trim.
Affidavit.

On this fifth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight, William Trim, of Port Macquarie, in the Colony of New South Wales, publican, being duly sworn, maketh oath, and saith as follows:—

1. I am a publican, residing at Port Macquarie aforesaid, and am acquainted with the Honorable James Henry Young, Minister for Public Works of the said Colony, and Duncan Bain, of Wauchope, Hastings River, in the said Colony, farmer.

2. I remember the late election for the Hastings and Macleay Electorate, and on the seventeenth day of September last, while such was in progress, I was present on the green at Port Macquarie aforesaid, in the afternoon, when the said James Henry Young and the said Duncan Bain were engaged in conversation, and I overheard the same. At the termination of such conversation an opinion was expressed by one of the party present that a bridge should be built over the Hastings River aforesaid, at Cameron's Crossing, as such was in a dangerous condition. The reply of the said James Henry Young thereto was made in a jocular spirit, and not otherwise. I did not, during the said conversation with reference to Cameron's Crossing aforesaid—the whole of which I heard—understand the said James Henry Young to hold out any inducement in the way of public works to those present to vote for the candidate he was supporting.

And I desire to state further that Mr. Bain evidenced a vindictive spirit towards Mr. J. H. Young.

Sworn by the deponent on the day first before mentioned, }
at Port Macquarie, before me,— }

W. J. TRIM.

E. W. ELLIS, J.P.

EXHIBITS.

Exhibit A.

The Honorable James Henry Young to Mrs. Woodland,—
Dear Mrs. Woodland,

Huntingdon, Monday, 19 September.

I intended to go out to your place on Saturday, but had to go to Port Macquarie to meet Mr. Reid instead, so write to say that I hope all your sons will do what they can for my friend, Mr. Sydney Smith, at the present election, and vote for him without fail on Friday next, the 23rd September.

I was very sorry indeed to hear of the death of your good husband, and am sure if he was living he would vote for my friend as readily as he would do for myself. I hope your sons will do so also, more especially as Mr. Smith is as good a man as they can possibly have, and voting for him means that they will be voting for keeping me in power for some time longer, whereas voting for Barton will mean doing their best to pull me down.

Mrs. Woodlands, Bellangry.

Yours truly,
J. H. YOUNG.

Exhibit B.

A copy of the *Macleay Chronicle* of September 15, 1898, was produced, in which the following notice appeared:—

VOTE FOR

HON.

SYDNEY SMITH,

Ex-Minister for Agriculture,

AND THE TRUE FRIEND OF THE FARMERS.

The Reid Government is certain to remain in office for some time, and if returned Mr. Smith will be able to do more than one opposed to the Government.

Mr. Clarke requires all local matters to be referred to him, but he will have no more influence in the Works, Lands, or Roads Departments than other electors.

Ask Mr. Barton why he took a brief against the Government of which he was Attorney-General, and then had to retire from the Ministry?

APPENDIX.

"A."

THE following advertisement was inserted in the *Sydney Morning Herald* on the 18th and 29th October, *Sydney Daily Telegraph* on the 18th and 29th October, *Evening News* on the 18th and 29th October, *Australian Star* on the 18th and 29th October, *Macleay Argus* (Kempsey) on the 22nd and 29th October, *Macleay Chronicle* (Kempsey) on the 27th October, *Port Macquarie News* on the 22nd and 29th October:—

"Whereas a Royal Commission has issued, appointing the Honorable William Owen, one of the Judges of the Supreme Court of New South Wales, to make a full and diligent inquiry into certain allegations which have been made to the effect that the Honorable James Henry Young, Secretary for Public Works, who visited the electorate of the Hastings and Macleay in support of the candidature of Sydney Smith, Esquire, during the recent election, did, whilst in the said electorate, during the said election, abuse the powers of his office, and did corruptly endeavour to influence the electors to record their votes in favour of the said Sydney Smith; and also to make diligent and full inquiry into the circumstances and proceedings of such election generally.

"Now, therefore, the Commissioner requests that any person, or persons, desirous to give evidence, or to call witnesses in reference to this inquiry, or having any cause of complaint in reference to the doings or sayings during the said election of the said Honorable James Henry Young, as such Secretary for Public Works, to come forward and assist the Commissioner in his inquiry by sending to the Secretary, Mr. H. Dalrymple Wood, at the Chief Secretary's Office, Sydney, without delay, their names and addresses, and the names and addresses of their witnesses, if any, together with a short statement of the substance of their proposed evidence.

"The sitting of the Commission has been adjourned until Monday, the 7th November, to proceed with the examination of witnesses.

"Judge's Chambers, Supreme Court, Sydney,
"17th October, 1898."

"WM. OWEN, J.,
"Commissioner.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FRANKING LETTERS AND TELEGRAMS FOR MEMBERS OF PARLIAMENT.

(MINUTE BY MR. SPEAKER, AND INFORMATION ON THE SUBJECT OF.)

Printed under No. 17 Report from Printing Committee, 15 December, 1898.

I HAVE to inform the House that I have been frequently appealed to by Honorable Members since I have been Speaker in reference to concessions in favour of Members of the Legislature who desire to post letters or to forward telegrams upon "public business"; and in September last I directed the Clerk of the Assembly to make inquiries as to the practice in reference to the same matters in the other Australasian Colonies. Such information has been obtained, and Mr. Webb, C.M.G., the Clerk of the Legislative Assembly, has furnished me with the accompanying *précis* of the information supplied, which I place upon the Table of the House, as similar concessions can only be made in this Colony by Parliament or the Executive.

J. P. ABBOTT,
Speaker.

14 December, 1898.

By direction of Mr. Speaker, the following letter was addressed by the Clerk of the Legislative Assembly to the Clerks of the respective Legislative Assemblies of the Colonies named hereunder, with the result that the appended information has been obtained in reply thereto:—

"Sir,

"Legislative Assembly Office, Sydney, 6 September, 1898.

"I have the honor to request that you will favour me with a copy of any Postal or Telegraphic Regulations (or information relating thereto), which give concessions to Members of the Legislature of _____, in the transmission of letters, papers, and messages.

"I have, &c.,

"F. W. WEBB,

"Clerk of the Legislative Assembly."

Précis of concessions to Members of Parliament in the various Australasian Colonies (other than New South Wales) in the matter of postage and telegraphic messages.

Victoria.

Postage.—Letters and papers forwarded by Members to the Parliamentary Library for transmission by post have the requisite amount in stamps placed thereon, and are forwarded to the General Post Office by the Librarian, who keeps an account of them, provision being made under the Vote for the Library for purchase of the stamps thus used.

Telegrams.—No concessions are given.

South Australia.

Postage.—"Service" stamps are placed on letters handed to the Clerk of either House by Members, upon their stating that such letters are on "Public Service"; and Parliamentary documents up to 2 lb. weight are sent unstamped, the Member simply signing his name and letters "M.P." on the wrapper covering the document.

Telegrams.—Telegrams are sent free by Members if endorsed by one of the Officers of the House as being on "Public Service." They are then charged to the Legislative Departments, and paid for out of Vote for "Telegrams, &c."

Tasmania.

Postage.—Members are allowed to “frank” all the year round “on Public Service only”; and during the Session to “frank” all their private correspondence, and to receive all letters addressed to them without postage.

Telegrams.—Members are allowed to “frank” telegrams during Session.

Queensland.

Postage.—No special exemption from postage is allowed to Members of Parliament.

Telegrams.—No privileges are granted in connection with the transmission of messages from or to Members of Parliament; but the special rate of 6d. per half mile, or fraction of half mile, for portage on messages addressed to places outside a radius of 1 mile from the receiving office is not charged.

New Zealand.

Postage.—No concessions are granted in the matter of Members' letters, except that Ministers and Officers of the House frequently frank the same when they are assured that they are “on Public Service only.” As regards Parliamentary Papers, Bills, &c., printed wrappers, stamped by the Legislative Departments, are kept in the Bill and Paper Office, and the Library, where Members can have such documents as above-wrapped up and conveyed by mail free of charge.

Telegrams.—Members can have telegrams, restricted to domestic, public, or Parliamentary business, during the Session, or within fourteen days of the commencement or termination thereof, and during the remainder of the recess, restricted to Parliamentary business entirely, sent at 6d. for first thirty-six words, or part thereof, and 1d. for every four words additional, instead of 6d. for first twelve words or less, and 1d. for every additional word.

Western Australia.

No information received.

13 December, 1898.

F. W. WEBB,
Clerk of the Legislative Assembly.

1898.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PARLIAMENTARY PRINTING
(RETURN RESPECTING.)

Printed under No. 14 Report from Printing Committee, 1 December, 1898.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 26th October, 1898, That there be laid upon the Table of this House,—

“A copy of any communication upon the question of Parliamentary Printing and Parliamentary Printing Committees, furnished to the Premier by Mr. F. Ironside, late Principal Reader at the Government Printing Office, together with any minutes or reports following upon the same.”

(*Mr. McGowen.*)

F. Ironside, Esq., late Principal Reader, Government Printing Office, to The Colonial Treasurer.

Parliamentary Printing and Printing Committees.

“Cromwell House,” 123, Flinders-street, 11 October, 1897.

I CONCLUDE from a local paragraph which appeared in a late issue of the *Sydney Morning Herald* that the question of Parliamentary printing, so far as it affects the Departmental Reports, is likely to engage Ministerial attention. As late Principal Reader at the Government Printing Office, from which position I was lately retired, I have much pleasure in offering you the benefit of my forty years' up-to-date experience, and nearly all having to do more or less with the progressive stages of Parliamentary printing.

2. The changes which have during the past few years been brought about by the appointment of the Parliamentary Printing Committee, and by this body insisting upon having the MSS. first submitted to it prior to same being put into type, brings with it serious inconvenience and objection, and how I will endeavour to explain.

3. Under the old procedure three separate and distinct benefits accrued—

- (1.) The convenience of the Department issuing its Report;
- (2.) The allowance to the printer of reasonable time to put MSS. into type; and
- (3.) The facility of publication.

At the period named, and during the Parliamentary recess, it was the universal custom, if the MSS. were ready, to put these reports into type, thus enabling their presentation in this shape to Parliament at its opening. The obvious result of this old method was that an early issue was facilitated both to the public press and to the public in general. In fact, in many instances these Reports were issued without being first laid before Parliament, an existing resolution of both Houses providing for this contingency when Parliament was out of Session. One other benefit arising from this so-called “interval printing” was the fact of the printing office being enabled periodically to furnish proofs, and so ensuring a greater likelihood of accuracy before the document went through the Government press.

4. Now, the laying upon the Table of the House these Departmental Reports in MS., as required by the Printing Committee, when contrasted with the old-time system (as explained in preceding paragraph), brings with it a very strong objection of sending on to the printer, if not simultaneously, at least very near it, of these documents. This, in reality, means severely taxing the resources of the printing office to meet the demands of each Ministerial or other head, each being, of course, naturally interested in the early issue of his own particular Departmental Report.

5. Again, as to any advantage gained in this particular direction by the Printing Committee having the MSS. of Reports first laid before it, this can scarcely be contended touching these particular documents, inasmuch as there is very seldom any departure from them as originally emanating from the Department. Further, an examination of the various weekly reports brought up by the Printing Committee shows that at least two-thirds of the other documents ordered by it not to be printed have, in fact, been already printed, either as supplements or as notices in the Gazettes in main. While statute law always provided merely for “presentation only” of these last-named papers to Parliament, custom permitted, up to within a few years back, of their being reintroduced, being laid upon the Table, ordered to be printed, and then, after being reprinted, appearing in the sessional volumes. The outcome of this was to encumber the sessional volumes of both Houses and multiply the publisher's stock copies. In my then capacity as Chief Reader at the Government Printing Office, I pointed out the actual fallacy of this “secondary stage” to the then Government Printer, and that gentleman falling in with my views, things eventually ended in this mass of quasi reprinting being discontinued.

211—

[270 copies—Approximate Cost of Printing (S.L.) (labour and material), 8s. 6d.]

6.

6. Reference to the Printing Committee's schedule will show that while the minor documents referred to in the preceding paragraph are very properly eliminated, the main saving effected in printing actually lies in papers coming more particularly under the headings of "Returns to Addresses" or "Returns to Orders," very often bulky in their nature. Even as to these a very pertinent question, however, arises, thus:—

If these last-named papers pass the customary ordeal of (1) by vote of the House being laid upon the Table, of (2) being collated, and of (3) perhaps entailing a vast amount of clerical labour in their preparation, surely they are deserving of some more extended notice other than the condemnatory line "Not to be printed," meaning it might be the bringing to light of some personal or aggravated grievances.

7. In conclusion, the suggestions following explain in substance the basis of my communication:—

Suggestion 1.—That the system, as existed in former years, of putting into type the Departmental—*i.e.*, the Ministerial—Reports be conformed to, whether in or out of Session, and for the reasons stated.

Suggestion 2.—That all correspondence embodied in "Returns to Addresses or Orders" or other documents take one of two forms, either in the shape of a *précis* or be printed in full.

8. Trusting that my long experience in connection with Parliamentary printing might be accepted as an excuse for this communication.

I have, &c.,

F. IRONSIDE,

Late Principal Reader, Government Printing Office.

Mr. Robberds, acknowledge, please.—F.K., 13/10/97. Acknowledged.—C.E.F.R., 14/10/97.
The Government Printer for report.—F.K., 17/10/97.

Minute by The Government Printer.

Subject:—Parliamentary Printing.

22 October, 1897.

I HAVE considered the enclosed letter from Mr. Ironside, and beg to submit the following report on the present position of this matter:—

I think suggestion No. 1 might be partly adopted by so far extending the scope of the present Sessional Order as to give authority for my printing the annual Ministerial Departmental Reports without their Appendices before they are laid upon the Table of the House, and I have therefore the honor to submit for consideration the schedule attached, which would, I think, meet the necessities of the position,—leaving the decision as to the printing of the Appendices with the Printing Committee. This would, I am sure, be a convenience to the Heads of Departments, and I beg to attach herewith papers from which it will be noted that I have previously tried to give effect to this position.

As at present arranged, I find the authority of the Printing Committee a strong, useful, and steady check, materially assisting me in keeping down the printing of unnecessary documents; and the custom of referring many matters for Treasury authority is a further valuable resource, and strengthens my position.

I have not found the position irksome as producing a glut of work in my Department, nor have I received any complaints to that effect.

I take it that paragraph 6 must be construed that a certain amount of clerical labour having already been expended on the production of the papers referred to—many of which are only of ephemeral interest—further labour should of necessity be incurred to print them—a position to which I regard the appointment of the Printing Committee of the House as the reply.

As to the number of documents said to be already printed when laid before the Printing Committee, of this Session—covering 297 papers referred to them by Sessional Order—only twenty-eight are noted as being already printed, consisting of Departmental Reports, Reports of Royal Commissions, Parliamentary Standing Committee Reports, and Minutes of Conferences, printed from time to time under Sessional Order or Ministerial authority.

W. A. GULLICK,

Government Printer.

LIST of Annual Reports presented to Parliament.

Public Service Commissioners.
Chief Secretary.
Department of Public Instruction.
Commissioners for Railways.
Postmaster-General.
Government Statistician on Vital Statistics.
Comptroller-General of Prisons.
Inspector-General of Police.
Metropolitan Board of Water Supply and Sewerage.
Department of Lands.
Department of Mines and Agriculture.
Board of Health.
Labour and Industry.
Fire Brigades Board.
Department of Public Works.
Registrar-General.

1898.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF THE GOVERNMENT OF NORFOLK ISLAND.

(RETURN (IN PART) RESPECTING.)

Printed under No. 17 Report from Printing Committee, 15 December, 1898.

RETURN in part to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 6th December, 1898, Praying that His Excellency may be pleased to cause to be laid upon the Table of this House,—

“ All papers, reports, &c., in connection with the Administration of the
“ Government of Norfolk Island.”

(*Mr. Sleath.*)

Papers *re* Norfolk Island Matters.

As it came to be thought expedient to have an inspection made into the Norfolk Island accounts, Mr. G. E. Brodie, Chief Inspector of Public Accounts, was, during the present year, authorised to visit Norfolk Island officially, the scope of his instructions being limited to the following matters:—

A conference with the Chief Magistrate (in view of the state of the finances) as to a successor to the Registrar of the Magistrate's Court, and Collector of Customs (Mr. Warner Spalding), the acceptance of whose resignation, when tendered, is to be accepted, subject to an examination of his books and accounts; the question of payment of Mr. W. Spalding's passage to Sydney or Auckland, and the granting to him of a gratuity being deferred until the receipt of such report.

An examination of the accounts of any official at the Island dealing with Government moneys, including the Chief Magistrate.

An investigation of the system of book and account keeping and audit at the Island, and the placing of the whole matter in working order; and the issue of necessary instructions, in writing, to the officers concerned, and the supplying of a copy of such instructions to the Department of Lands.

Investigation of the school account.

An inquiry into terms of trust of £100 credit to Dr. Metcalfe, in Savings Bank of New South Wales.

Inspection and report on books kept by Chief Magistrate.

Inquiry why attested accounts were not forwarded, as required by regulations, and generally as to observance of such regulations by all officials.

Inquiry as to the class of food biscuit used by the Melanesian Mission upon which duty is paid and refunded.

On the 18th March, 1898, the Chief Magistrate of Norfolk Island was informed that the Secretary for Lands had deputed Mr. Brodie to visit Norfolk Island for the purpose of inspecting, and placing upon a proper basis, the public accounts and book-keeping of all Government officials of the Island, including the Chief Magistrate's accounts and records, and that he was authorised to see all books and documents relating to these matters. The Chief Magistrate was further informed that Mr. Brodie had been instructed to inquire into the matter of filling the position of Registrar and Collector of Customs, and any other matters affecting the conduct of Government business at the Island, and was requested to afford Mr. Brodie any information and assistance in his power, and to facilitate Mr. Brodie's inquiries.

Mr. Brodie furnished separate reports on certain matters relating to Norfolk Island, and a general report, dated the 28th June, 1898, which included some of the same subjects dealt with in his separate reports.

The following is a schedule of the papers which have been so far copied, and which relate to the more important matters connected with the Island:—

Mr. Brodie's report of 17th May, 1898, on the Chief Magistrate's accounts, and papers relating thereto.

Mr. Brodie's general report of the 28th June, 1898.

Mr. Brodie's report that the Chief Magistrate acted as private agent for Mr. R. W. Lenchan, solicitor for the plaintiffs in certain cases, and papers relating thereto.

Papers *re* appointment and retirement of the Chief Magistrate.

Mr. Brodie's report of the 17th May, 1898, on the accounts of W. E. Spalding, Registrar, &c., and papers relating thereto.

Papers *re* payment of certain fees paid to the Registrar of the Magistrate's Court as perquisites.

Papers *re* employment and termination of Constable Knuckey's services.

Papers *re* claim by ex-Constable Knuckey, for an amount of £12 as salary.

Petition of W. Kendall and others, presented by Mr. Craig, and papers relating thereto.

Petition of A. Quintal, A. B. Quintal, and others, *re* Norfolk Island matters.

Papers *re* Mr. Waterhouse's complaint that Constable Collins used profane language.

Complaint by R. S. Waterhouse that in a certain Small Debts case solicitor's fees were allowed.

Papers *re* the case Council of Elders *v.* Waterhouse, for £3 16s.

Papers *re* repairs to police quarters contracted for by R. S. Waterhouse, and payment thereof.

Petition by R. S. Waterhouse dealing with the administration of justice by the Chief Magistrate.

Petition presented by R. S. Waterhouse that Mr. Brodie's report be laid on the Table of the House.

Papers *re* board and lodging of Constable Collins by R. S. Waterhouse.

Papers, *re* Educational matters, School, Norfolk Island.

Letter from O. M. Quintal *re* Colonel Spalding's administration.

Papers *re* appointment of Mr. Twine as Collector of Customs, &c.

INDEX.

	PAGE.		PAGE.
Mr. Brodie's instructions to visit Norfolk Island ...	3	Exhibit AA.—Fuel licenses—dead wood.....	159
Mr. Brodie's comprehensive report on Island affairs, viz., Exhibit A.....	6	Exhibit BB.—Council of Elders.....	161
		Exhibit CC.—Storage of gunpowder.....	171
<i>Items embraced in Report.</i>		<i>Items not included in Report.</i>	
Exhibit B.—Regulations for the guidance of Collectors of Revenue.....	13	1. Extract from private letter from O. M. Quintal to Minister, testifying to judgment and good intentions of Chief Magistrate	177
Exhibit C.—Accounts of Chief Magistrate (Colonel Spalding).....	15	2. Mr. Twine's appointment as Collector of Customs and Registrar of the Magistrate's Court	178
Exhibit D.—Fees to Registrar—perquisites	22	3. J. H. Knuckey, salary (£12), September, October, November, 1897; <i>re</i> sum £9 5s., borrowed from Waterhouse to pay passage to Sydney	182
Exhibit E.—Misappropriations by Registrar of Court	29	4. <i>Re</i> Colonel Spalding's engagement and termination of services—Letters to him and Dr. Metcalfe	186
Exhibit F.—R. S. Waterhouse <i>v.</i> Council of Elders	31	5. Petition by R. S. Waterhouse as to administration of justice by Chief Magistrate	189
Exhibit G.—Suits moneys—Baynes, Lenchan, and others, as to Colonel Spalding acting as a private agent	37	6. R. S. Waterhouse—Complaint against Constable Collins for using profane language.....	204
Exhibit I.—Ex-Constable Knuckey's case	50	7. Waterhouse, as to awarding professional costs...	205
Exhibit K.—Accounts of Registrar of Court and Collector of Customs (W. E. Spalding).....	55	8. R. S. Waterhouse—Claim of £2 10s. for board and lodging for Constable Collins	206
Exhibit L.—Statistical Register	61	9. R. S. Waterhouse—Repairs to police quarters...	218
Exhibit M.—Accounts—Registrar of Lands	61	10. Petition No. 1—W. D. Craig, expressing certain people's opinion of Colonel Spalding	224
Exhibit N.—Registrar of Lands.....	61	11. Petition No. 2, by A. Quintal and others, complaining that Chief Magistrate has failed (1) to improve morals of Island, (2) to make people pay their debts, (3) to enforce laws effectually...	228
Exhibit O.—Schoolmaster's Account	62	12. Petition No. 3—Presented by R. S. Waterhouse, asking that Mr. Brodie's report be laid on Table of the House, and stating Colonel Spalding not fit to hold his present position ...	230
Exhibit P.—Postmaster	65		
Exhibit Q.—Registration of Births, Deaths, and Marriages	67		
Exhibit R.—Medical Adviser.....	80		
Exhibit S.—The School	87		
Exhibit T.—Trust Account, Saving Bank—Queen Victoria Scholarship Fund	114		
Exhibit U.—Attested accounts (generally)	117		
Exhibit V.—Food biscuits	135		
Exhibit W.—Tariff	135		
Exhibit X.—Bonded store or warehouse.....	135		
Exhibit Y.—Banking facilities	138		

ADMINISTRATION OF THE GOVERNMENT OF NORFOLK ISLAND.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

[Confidential.]

Opposing appointment of Postmaster or any other Island official to position of Registrar and Clerk of Court, &c.—If Islander appointed would be regarded by section of community as a triumph and sign of weakness on part of authorities.—Postmaster not recommended.

98/344, N.I.

Sir,

Government House, Kingston, 5 February, 1898.

In reply to your confidential memo. of the 13th January last, asking my views with regard to the appointment of the Postmaster to the position of Clerk and Registrar of the Magistrate's Court, and Collector of Customs, &c., I have the honor to say my views are strongly opposed (especially at the present time) to the appointment of any available resident of the Island to the positions in question. 74/98, N.I., Chief Magistrate's No.

No one of the Norfolk Islanders proper can command sufficient respect, or carry sufficient weight, to enable them to exercise in an efficient manner the duties of these responsible officers, even if they were not influenced by those family ties which formerly rendered the administration of justice on the Island an absolute farce. I say especially at the present, when the question of the ownership of the Government buildings is disputed, the proposed change in the management of the public school, and conveyance of mails unsettled. The majority here, unfortunately, place the very worst construction upon any acts done by the Government for the public benefit. The appointment of an Islander to the positions previously referred to would at once be treated by a very considerable section of the people as a sign of weakness on the part of the authorities, and a triumph for those opposed to good and honorable government and management of affairs. With special reference to the gentleman acting as Postmaster—although I regard him as an honourable and well-intentioned man—his management of the postal service leaves room for improvement, and does not justify my recommending his appointment to any other responsible official position.

In conclusion, I would respectfully advise that if possible no change should be immediately made, but that Mr. Spalding might, if dismissed, be retired in (say) six months' time.

I write this with some difficulty, being ignorant, perhaps, to a large extent of reports adverse to Mr. Spalding which have reached the ears of the Government.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

I would recommend this letter for favourable consideration, and venture also to urge that at the present time no steps be taken towards the removal of the Registrar, but that the first opportunity be taken to have the books and system of accounts examined by an expert—preferentially an Audit Office inspector—after which it might be determined whether Mr. Spalding's services should be retained or not. As a matter of policy, it is suggested that any change just at present would be unadvisable.—W. HOUSTON, Under Secretary, 25/2/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Mr. W. E. Spalding's resignation unconditional.—Suggesting that his passage be paid from Norfolk Island, &c., if he cannot be given a position in New South Wales.—His duties, on the whole, satisfactorily performed, and accounts audited to 27th January, 1898, and found correct.

98/345, N.I.

Sir,

Government House, Kingston, 5 February, 1898.

Mr. W. E. Spalding, Clerk and Registrar of the Magistrate's Court and Collector of Customs, 73/98, N.I. learning from me that it is preferable that these appointments should be occupied by a married man, is willing in every respect to conform to the wishes of the Government, and if the authorities are still of the same opinion, it may be assumed that Mr. Spalding's resignation is unconditional, and that he is only holding office until his relief arrives. In the event of Mr. Spalding's resignation being accepted, I recommend that as Mr. Spalding's duties, both as Clerk and Registrar of the Court and Collector of Customs, having, on the whole, been satisfactorily performed, especially considering he was the first to fill these positions on the Island, and had unusual difficulties to contend with, that the whole of his accounts having been examined by the auditor (Dr. Metcalfe) up to the 27th ultimo, and beyond some slight overpayment to the Chief Magistrate found correct, that if possible he should be transferred to some similar position in New South Wales. If this is not practical, that on the arrival here of his successor, he (Mr. Spalding) should be granted a free passage to Sydney, and a slight gratuity.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

Vide minute of this day's date on the accompanying paper.—W.H., 25/2/98. See type written memo. of to-day's date.—W.H., 10/3/98. This covers the instructions to Mr. Brodie, and appoints him to visit the Island.—H.L.T., 25/6/98.

From

From Sydney to The Hon. J. H. Carruthers, Melbourne, Victoria.

98/345.

Post Office Telegraphs, Victoria.

PLEASE withhold decision *re* Mr. W. E. Spalding; further information expected.

W. E. HOUSTON,

Time lodged, 1.42. Time received, 2.20.

U.S. for Lands.

Wire sent Minister. Out of town until late this afternoon.—28/2/98.

Minute by The Under Secretary for Lands.

Recommending acceptance of W. E. Spalding's resignation when received, subject to examination of the accounts by Audit Office Inspector.—G. E. Brodie appointed by Minister to go.—Matter of Mr. Spalding's passage, &c., deferred pending such report.—Chief Magistrate and Inspector to confer *re* successor.—Accounts of all officials to be examined.—Mr. G. E. Brodie's instructions as to matters to be inquired into during his appd. visit to Norfolk Island.

98/380, N.I.

FROM information which has recently come to me, I desire to modify my minute on 98/74 herewith, and to submit the following recommendations:—

1. That Mr. Spalding's resignation (which, however, has not actually been tendered by him) be accepted when received—subject to an examination of his books and accounts by an Audit Office Inspector, who could leave for Norfolk Island by steamer on the 25th instant.
2. That the question of payment of Mr. Spalding's passage either to Sydney or to Auckland and the granting of a gratuity be deferred until the receipt of the Inspector's report.
3. That, in view of the state of the finances, the Inspector and Colonel Spalding be directed to confer as to a successor to Mr. Spalding. The Chief Magistrate has, as a matter of fact, indicated a person who he thinks to be qualified for the position.
4. That the Inspector be directed also to examine the accounts of any official at the Island dealing with Government moneys, including the Chief Magistrate.
5. That the Inspector be directed to investigate the system of book and account keeping and audit at the Island, and place the whole matter in working order, giving the necessary instructions in writing to the officers concerned, and supply a copy of such instructions to this Department.

I would suggest that, if possible, the services of Mr. Brodie (who is an officer of great general experience and capacity) be obtained for this purpose.

W. HOUSTON, 10/3/98.

Approved.—J.H.C., 11/3/98.

See Report,
dated 17/5/98,
and 28/6/98.

Memorandum,
dated 31/5/98,
and Report,
dated 28/6/98.

See Report,
dated 17/5/98,
and 28/6/98.

In addition to the items referred to in my report of the 10th instant, the Inspecting Officer detailed to visit Norfolk Island should also give attention to the following matters:—

1. Investigate School Account.
2. Inquire into terms of trust of £100 credit to Dr. Metcalfe in Savings Bank of New South Wales.
3. Inspect and report on books kept by Chief Magistrate.
4. Inquire why attested accounts not forwarded as required by Regulations, and generally as to observance of these Regulations by all officials.
5. Inquire as to the class of food biscuit used by the Melanesian Mission upon which duty is paid and refunded.

W. HOUSTON,
Under Secretary, 17/3/98.

Papers left with the Auditor-General—from 1 to 8 are unregistered—17/3/98.

1. Under Secretary's minute *re* Mr. Spalding's resignation matter—Mr. Brodie's visit to Island.
2. Letter from Chief Magistrate stating Mr. Spalding's resignation unconditional.
3. Letter from Chief Magistrate opposing appointment of Postmaster or any other official to Mr. Spalding's positions.
4. As to filling Mr. Spalding's vacancy—Mr. Robinson suggested.
5. J. P. Arthur recommending Mr. Francis Nobbs as Collector of Customs and himself as Registrar.
6. Memo. by H.L.T. *re* Mr. Arthur.
7. Unregistered memo. *re* other matters. Inspector.
8. To investigate,—School account; terms of trust of £100 Dr. Metcalfe's credit; books kept by C.M.; why attested accounts not forwarded; general observance of regulations by all officers.
9. Inquire as to class of food biscuits Melanesian Mission, 97-645.
10. Bonded store—collection of duties at Norfolk Island, 98-149.
11. Banking facilities, 98-467.
12. Tariff papers, 97-136.
13. Education—papers *re* school, 98-170.

Submitted that the Chief Secretary be asked to consent to Mr. Brodie acting as desired—if agreeable to the Auditor-General.—W. HOUSTON, 18/3/98. Approved.—J.H.C., 18/3/98. The Principal Under Secretary.—H.L.T., for Under Secretary, B.C., 18/3/98. Urgent. Submitted for approval.—C.W., 18/3/98. Approved.—J.N.B., 18/3/98. I have no objection.—E.A.R., 18/3/98. Principal Under Secretary. The Under Secretary for Lands.—C.W., 18/3/98.

[Enclosure,

[Enclosure, 98/380, N.I.]

Confidential Papers—not to be registered.

- Not recd., 31/5/98. Now
recd.; registered as 98/380
N.I., 8/7/98.
Herewith, 31/5/98. 98/345.
Herewith, 31/5/98. 98/344.
Herewith, 31/5/98. 98/343.
Put away, 7/6/98.
Herewith, 31/5/98. 98/342.
Put away, 7/6/98.
Herewith enclosure to
98/342. 31/5/98. Put away,
27/6/98.
1. Under Secretary's minute *re* Mr. Spalding's resignation matter—
Mr. Brodie's visit, &c.
 2. Letter from Chief Magistrate stating Mr. Spalding's resignation
unconditional.
 3. Letter from Chief Magistrate opposing appointment of postmaster
or any other official to Mr. Spalding's positions.
 4. As to filling Mr. Spalding's positions; Mr. Robinson suggested.
 5. J. P. Arthur recommending Mr. Francis Nobbs for the position of
Collector of Customs and himself as Registrar.
 6. Memo. as to Mr. Arthur, by H.L.T.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

Sir,

Department of Lands, Sydney, 18 March, 1898.

I have the honor to inform you that the Secretary for Lands has deputed Mr. G. E. Brodie to visit Norfolk Island for the purpose of inspecting and placing upon a proper basis the public accounts and book-keeping of all Government officials of the Island, including your own accounts and records, and that he is authorised to see all books and documents relating to these matters.

Mr. Brodie, who will present this letter to you, has also been instructed to inquire into the matter of filling the positions of Registrar and Collector of Customs, and any other matters affecting the conduct of the Government business at the Island.

The Secretary for Lands desires that you will afford Mr. Brodie any information and assistance in your power, and facilitate his inquiries.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Intimating instructions *re* Mr. Brodie's visit will be carried out.

98/229, N.I.

Sir,

Government House, Kingston, 13 May, 1898.

I have the honor to acknowledge receipt of your letter of 18th March last, handed to me by Mr. G. E. Brodie, Chief Inspector of Public Accounts, and to inform you that the instructions contained therein have been fully carried out by me.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

Seen, 27. Mr. Brodie has reported comprehensively on Island affairs, *vide* 98-381, N.I. Put this paper away, the letter (copy herewith) to which it is a reply having been written on verbal instructions.—H.L.T., 8/7/98.

In returning these papers to note Col. Spalding recommending free passage and gratuity to his son, and an appointment in N.S.W. Service. In view of recent developments it is interesting to note the recommendation for a gratuity, free passage to Sydney, and transfer to some similar position in the New South Wales Service for the Registrar, by the Chief Magistrate of Norfolk Island. I agree with No. 3 on the other side. No. 4, a most decided objection to. No. 5, the gentleman named would not do for Customs. Papers now returned.—G.E.B., 31/5/98. The U.S. for Lands.

All papers referred herewith except the first.—H.L.T., 31/5/98. Ask Mr. Brodie. Obtain and return.—4/6/98. Now registered as 98/380, N.I.—5/7/98. The various matters herein referred to have been dealt with as required, and except for 98/380, 345, and 344 are not now herewith.—H.L.T., 8/7/98.

General report submitted herewith for the information of the Hon. the Secretary for Lands.—G. E. BRODIE, A.A.-G., Audit Department, 28/6/98. The Under Secretary for Lands.

EXHIBIT A.

Special Case.—Comprehensive Report on Norfolk Island Affairs.
(Mr. Brodie.)

LIST OF PAPERS ATTACHED TO THIS CASE, VIZ., 98/400.

- 98/408, N.I.—Minister's Minute, acknowledging the good work done by Mr. Brodie, but expressing regret that he has not confined himself to the matters he was deputed to inquire into.
- 98/381, N.I.—Comprehensive report by Mr. Brodie on Norfolk Island affairs inquired into on the occasion of his approved visit to the Island.
- 98/380, N.I.—List of matters Mr. Brodie desired to inquire into, with copy of letters to the Chief Magistrate on the subject, and introducing Mr. Brodie officially.
- 98/345, N.I.—*Re* Mr. W. E. Spalding's resignation; the Under Secretary's first proposal in regard thereto referred to in 98/380.
- 98/344, N.I.—Chief Magistrate opposing appointment of any Island official to Mr. W. E. Spalding's positions.

NOTE.—These papers form a case in themselves, and should therefore be preserved intact under cover of 98/408, N.I.

Minute by The Under Secretary for Lands.

Minister directing that Mr. Brodie be informed his report, 28/6/98, shows careful and good work. Regret not confined to instructions. * Recommendations for future administration outside range of his duties.

98/408, N.I.

98/381, N.I.

THIS is a general report received from Mr. Brodie, which summarises matters already communicated to the Department, which have already been dealt with, or are now submitted for consideration on separate extracts from the report.

The only item of the report not so dealt with is that contained in the last few paragraphs indicated by red pencilling.

12/7/98.

W. HOUSTON,
Under Secretary.

I think that Mr. Brodie might be informed that his reports on Norfolk Island—on the matters that he was deputed to inquire into—are very valuable, and show careful and good work; but as Minister in charge of Norfolk Island affairs, I regret that he has not confined himself to those matters. His references to His Excellency the Governor, and his recommendations for the future administration of the Island, are quite outside the range of his duties; they are the particular functions of a Minister of the Crown until specially deputed to an officer of the Service, under Commission.—J.H.C., 12/7/98.

G. E. Brodie informed, 13/7/98.

The Under Secretary for Lands to The Chief Inspector of Public Accounts.

98/408, N.I.

Sir,

Department of Lands, Sydney, 13 July, 1898.

I have the honor to inform you that your report of the 28th ultimo, relating to Norfolk Island, was placed before the Secretary for Lands, who wrote the following memorandum upon it:—"I think that Mr. Brodie might be informed that his report on Norfolk Island—on the matters he was deputed to inquire into—are very valuable, and show careful and good work; but as Minister in charge of Norfolk Island affairs, I regret that he has not confined himself to those matters. His references to His Excellency the Governor, and his recommendations for the future administration of the Island, are quite outside the range of his duties; they are the particular functions of a Minister of the Crown until specially deputed to an officer of the Service, under Commission."

I have, &c.,
WM. HOUSTON, U.S.

Comprehensive

Comprehensive Report, dated 28th June, 1893, of matters inquired into by Mr. G. E. Brodie, on the occasion of his approved visit to the Island.

98/381, N.I.

[Extracts have been made of the items yet to be dealt with, and their registered numbers appear in the margin of the report for reference purposes. Several other of the items have already received attention, and their numbers are also noted in the margin. The only item left which now requires perusal is that contained in page 34.]

Sir,

Department of Audit, 28 June, 1898.

Having inspected the accounts of all the Government officials at Norfolk Island, and inquired into the various matters referred to in your memorandum of 10th March last, and letter of 18th idem addressed to the Chief Magistrate, I have now the honor to submit the following general report for the information of the Honorable the Secretary for Lands:—

REGULATIONS FOR THE GUIDANCE OF COLLECTORS OF REVENUE.

Preliminary.

Under regulations issued by the Department of Lands, the Chief Magistrate is required to see that—

All collections are entered in the prescribed books, and handed over to him each day by the several Collecting Officers.

The Chief Magistrate is to sign his name in the books against the total sums paid over to him, and obtain receipts from the Registrar of the Court for sums payable by law to informers and suitors.

All receipts must be issued in numerical order from a book of prescribed forms. Any forms spoiled or cancelled must not be removed from the book, but turned down and marked "cancelled." Any departure from this rule, the regulations state, will lead to summary dismissal.

These, the more important regulations dealing with the collection of revenue, I found wholly disregarded by the Chief Magistrate.

CHIEF MAGISTRATE.

Accounts.

The accounts of the Chief Magistrate I found kept in a very unbusiness-like manner, necessitating my writing-up a portion of the Cash-book and Ledger, and by example showing how the account should be kept in future. Dealt with on 98/306, N.I.

In a special report, dated 17th May, 1898, from Norfolk Island, and handed to you on the 27th idem, it was shown that the Chief Magistrate, contrary to the Norfolk Island laws and regulations, and without the sanction of the Minister for Lands, paid to the Registrar of the Court, as perquisites, £8 14s. out of Court fees, and that the Chief Magistrate did not report the non-payment to the Lands Department, or take proper measures for the prompt collection and remittance of the following fees:— Dealt with on 98/306, N.I.

	£	s.	d.
Slaughtering fees	2	14	0
Gun fees, Birds Protection Act...	1	3	9
Barristers' and Solicitors' fees	8	8	0
	£12 5 9		

It was further shown that by inattention to the regulations, and lax supervision, on the Chief Magistrate's part, facilities were afforded the Registrar of the Magistrate's Court and Collector of Customs for the misappropriation of the sum of £31 3s. 5d. Dealt with on 98/306, N.I.

The following sums have been wrongly paid out of Court fees that should have been paid out of contingencies:—

	£	s.	d.
Jurors' Fees	10	0	0
Fencing Government House grounds	3	0	0
Lime whitewashing	0	4	6
Cleaning Court-room, half-year's salary to 30th June	0	10	0
Lights, Court-room	0	3	7
Do	0	2	6
Messenger	0	3	0
	£14 3 7		

The revenue should be re-credited in the books of the Lands Department with £14 3s. 7d., and the expenditure debited with a like amount.

BENCH-BOOK SUITORS.

The following cases, in which judgments were given in favour of the plaintiffs, were unrecorded in the Bench-book:— Dealt with on 98/306, N.I.

25 November, 1897	...	Nobbs v. Knuckey, damage £250, fees paid £1.	
25 November, 1897	...	McCoy v. Knuckey, damage £50, fees paid £1.	

The Chief Magistrate should have seen that these cases were entered in the Bench-book, as he is required to affix his signature to the judgment to be recorded therein. Dealt with on 98/306, N.I.

The Court fees in these cases, amounting to £2, were misappropriated by the Registrar.

JUDGMENT.

JUDGMENT.

Council of Elders v. R. S. Waterhouse, claim £3 16s., and costs 3s. 6d.

Dealt with on
93/306, N.I.

In this case the Chief Magistrate gave a judgment for the plaintiff, being for value of public work, &c., claimed against Mr. Waterhouse by the Council of Elders, although the Chief Magistrate knew no by-laws had been approved by him on which such claim could be based. The claim was made on 4th February, 1898, and the by-laws are dated 12th February, 1898. This is the subject of a special report.

SUITORS' MONEY.

Dealt with on
93/333, N.I.

January, 1897 ... *R. B. Baynes v. C. C. R. Nobbs*. Judgment for plaintiff, £398.
January, 1897 ... *Holdsworth, Macpherson & Co. v. C. C. R. Nobbs*.

Judgment for plaintiffs, £35.

In these cases the Chief Magistrate accepted 6s. 8d. in the £ as a settlement, and received a large sum of money from the Department without passing it through his books or the books of the Registrar. The Chief Magistrate appears to have acted as a private agent for the plaintiff's attorney in these cases, which are referred to in a special report furnished to you and dated 16th instant.

SUMMONS AND CHARGE BOOK.

Dealt with on
93/306.

Several important cases on which the Chief Magistrate has adjudicated, and to which his signature was required to be attached, were omitted from this important book, and in one case—*Waterhouse v. Waterhouse*—a charge of serious assault, or attempted murder, the papers could not be found.

On 27th July, 1897, F. W. Pearson proceeded against Constable J. H. Knuckey for using obscene and profane language. The policeman was fined 20s. and costs, and allowed to retain his position as constable.

Dealt with on
93/322, N.I.

On the 26th May, 1897, H. Menges, captain of the Bounty Cricket Club, wished to lay an information against Constable Knuckey for stealing one cricket bat and one ball, a present from His Excellency Lord Hampden, but the Registrar informed him that a summons could not be issued against the constable in the manner required.

The information states that the constable was seen playing cricket with the prisoners with the articles alleged to have been stolen, which up to date have not apparently been handed over to the club.

REGISTRAR OF MAGISTRATE'S COURT ACCOUNTS.

Dealt with on
93/272, N.I.

I found that no Cash-book had been kept for recording the collection of fees, fines and licenses, or for suitors' moneys. A record of the fees and fines paid was kept in a fragmentary sort of way in the Bench-books. The Registrar wilfully destroyed the Timber Charge Book.

Receipts for timber permits and suitors' moneys had been issued in manuscript forms on slips of paper, instead of out of the type numbered Official Receipt Book, necessitating my sending out over one hundred notices to suitors and timber-cutters.

After receiving replies from a great many and making a most careful investigation, defalcations, amounting to £26 4s. 8d., were disclosed in the Registrar's accounts.

BENCH BOOKS.

Summons and Charges and Suitors.

These books were badly kept.

Dealt with by
93/272, N.I.

Where defences had been lodged in Small Debt cases no notations were made in the Bench-book. The notice of Defence-book type numbered could not be found, and the fees collected therein were embezzled by the Registrar.

Dealt with on
93/306, N.I.

The papers (Notices of Defence) were missing from the Court Records. None of the books had been checked by the Chief Magistrate.

LOCK-UP AND GAOLER'S BOOKS.

Had not been kept in the proper way by the Registrar.
It was the constable's duty to keep these books.

COLLECTOR OF CUSTOMS.

Accounts.

The Cash-book was neatly kept up to the 31st December, 1897, but, owing to a number of Customs entries being missing, the collections were difficult to check, this more particularly refers to dutiable goods not shown on the manifests as shipped to consignees.

Dealt with on
93/298-315, N.I.

The butt of receipt No. A 690,001 I found blank and marked "cancelled." I have since ascertained that Captain Garth held the receipt which shows that on the 4th February, 1898, he paid to the Collector of Customs at Norfolk Island, £2 2s. 5d. that have not been accounted for. Defalcations have been found in the accounts of the Collector amounting to £4 13s. 9d.

Warner Edward Spalding held the dual position of Registrar of the Magistrate's Court and Collector of Customs. His total defalcations, so far as can be discovered, amount to £31 3s. 5d.

STATISTICAL REGISTER.

Dealt with on
93/356, N.I.

This book was altogether in arrears, and instructions should be issued to the present Collector of Customs to complete the entries as well as he possibly can. It will be a difficult task. In future an abstract of the Cash-book and the Customs entries should be forwarded to this Department for the purposes of audit.

REGISTRAR OF LANDS.

Accounts.

No proper Cash-book has been kept. This officer has received deposits on applications for land for which he has issued receipts in manuscript.

The Chief Magistrate, I was informed, had never seen the Registrar's books.

All

All deposits received by the Registrar were handed over to the Chief Magistrate, and have been remitted to the Department of Lands.

The Registrar has also received transfer fees, &c., under the law for "Conveyance of and other dealings with land in Norfolk Island."

I opened a cash-book and gave the Registrar an official receipt book.

Land Registers.

The land registers and records for years past have been very neatly kept by the Registrar, but when it has been decided how the unalienated Crown lands are to be dealt with, whether by lease or sale, new registers must be prepared, something similar to those used at the Head office. Dealt with on 98/385, N.I.

Gazette Notice, 6th August, 1897, No. 628.

It must be specially brought under notice that the present Registrar of Lands is not Registrar of the Magistrate's Court, neither is his office at the Court-house, but at his private residence at Burnt Pine. Dealt with on 98/401, N.I.

If it can be arranged the present officer should be allowed to continue to act as Registrar of Lands, and as he has a private safe, be allowed to retain charge of the registers.

SCHOOLMASTER.

Accounts.

These accounts on the whole have been kept in a satisfactory and careful manner. Dealt with on 98/403, N.I.

It has been the practice of the Chief Magistrate to pay the salaries of the pupil-teachers out of the school fees. I gave instructions for the discontinuance of this practice and for all fees in future to be remitted to Sydney. The teachers to be paid by order to be drawn by the Chief Magistrate on the Minister for Lands, Sydney.

POSTMASTER.

This officer receives no money. Although the Postmaster has an assistant, I found that in the sorting and delivery of letters, members of the public were allowed to enter the sorting-room. Several complaints have been made in regard to letters going astray, but nothing definite has transpired. I severely censured the Postmaster for allowing the public to assist him in the sorting of the letters, and have obtained your approval for one central office, instead of the inadequate boxes at the Cascade and Kingston. I do not anticipate any further complaints; if there are, the present Postmaster should be removed. Dealt with on 98/225, N.I.

REGISTRAR OF BIRTHS, DEATHS, AND MARRIAGES.

This officer has only collected a few shillings. Dealt with on 98/357, N.I.

The registers were all neatly and correctly entered up to date.

The Registrar should be furnished with a small cash book, similar to that supplied by the Registrar-General to his country officers, and a receipt book.

None of the births, deaths, and marriages at the Melanesian Mission are recorded by the Registrar.

MEDICAL ADVISER.

Dr. Metcalfe has informed me that when he was appointed Medical Officer for Norfolk Island, he was informed by His Excellency the Governor that each family of the Pitcairn Islanders should contribute the sum of 15s. annually in lieu of medical fees. Dealt with on 98/358, N.I.

On the proclamation of the New Laws, on the 14th November, 1896, the Governor wrote:—

"I consider that Dr. Metcalfe is at liberty to continue this arrangement with the families of the Pitcairn Islanders, or others, as he may see fit, and to charge the ordinary medical fees in other cases."
"HAMPDEN"

Dr. Metcalfe was allowed drugs not to exceed £40 per annum, but the average expenditure for the last fifteen years, I am informed, has been under £30.

Dr. Metcalfe does not charge anything beyond 15s. per annum for the original Islanders. All drugs for these people are kept at Kingston at the dispensary, and dispensed and distributed free. The doctor has a private stock of drugs, &c., which is kept distinct from the Islanders' stock.

I am further informed, that during the year 1895, the doctor's visits (with salary and the 15s. rate) averaged about 11d. per visit. This was exclusive of dentistry and midwifery cases, fractures, minor operations, and vaccinations.

The outstanding fees for attendance amount to between £60 and £70.

A very careful record is kept of all issues of medicines, drugs, &c., but no stock book.

I do not think a stock book is necessary in view of the very careful management by Dr. Metcalfe, and the very reasonable expenditure incurred and paid out of the Norfolk Island funds.

The Government has supplied one case of brandy and one case of gin not yet opened. Information is required what the charge is per bottle from which medicinal quantities will issue.

GENERAL INSTRUCTIONS.

I have issued written instructions to all of the Government officials at Norfolk Island for their future guidance, copies of which I have furnished to you. See 98/306, N.I.

SPECIAL INQUIRIES.

The School.

The arrears of school fee amount to £5 3s. 3d. Dealt with on 98/297, N.I.

Owing to schools having been established at Longridge and Kingston, the attendance at the Public School is very small, there being only an average attendance of between forty and fifty children daily.

Until a law is passed compelling the children to attend a school controlled by a certificated master, I would recommend that the matter of sending a teacher down to Norfolk Island from Sydney be held in abeyance.

The children at the private schools at Longridge and Kingston are taught by uncertificated teachers.

I attach herewith a paper from the public schoolmaster, Mr Gustav Quintal, which I obtained for your information.

With

With a few exceptions, the children at the Public School are anything but bright and intelligent like Australian children at their lessons. They read and write very well, but are only fairly good at simple arithmetic.

The present master, who is uncertificated, is very painstaking, and supported by his two assistants, I think they meet all present requirements.

I would suggest that arrangements be made for a local inspection of all the schools. I feel certain that the Venerable Archdeacon Palmer would co-operate, and a report could be furnished to the Minister for Lands.

TRUST ACCOUNT SAVINGS BANK, BARRACK-STREET, SYDNEY.

Queen Victoria Scholarship Fund.

This fund was inaugurated in the early part of 1887.

One hundred and three pounds were forwarded to Lord Carrington on the 16th April, 1898, for investment; £105 7s. 6d. were collected on the Island, but £2 7s. 6d. retained to aid in paying scholarships for the year 1888.

The honorary treasurers are P. H. Metcalfe and F. M. Nobbs, and there is a committee of nine, including three of the clergy at the Melanesian Mission.

A letter was received from Mr. E. W. Wallington, Private Secretary to Lord Carrington, dated 29th May, 1898, acknowledging letter enclosing £103 on behalf of the Jubilee Committee, endowing three Queen Victoria scholarships, and stating that the money had been deposited in the Savings Bank of New South Wales.

The whole of the money was locally subscribed, the largest subscriber being the late Bishop Selwyn.

Scholarships:—Two seniors, one boy and one girl, £2 each to be expended in school fees for the following year, the balance for purchase of books; one junior, £1 to be expended in school fees for the following year.

These were paid every year up to 30th June, 1895.

The Committee decided that no scholarships were to be paid for the year 1896, and there were no examiners during 1897, when the school was partly broken up by the private schools being started, namely, at Longridge and Kingston.

Dr. Metcalfe informed me that they are waiting for a good public school when the scholarship arrangements will be reverted to, the interest on the capital of £103 to be used for that purpose.

In addition to the £103, Dr. Metcalfe holds £1 15s., balance of scholarship money not paid in 1895.

The local committee have sole arrangement of this fund, and the interest has been paid to Dr. Metcalfe's private account, City Bank Head Office, Sydney.

ATTESTED ACCOUNTS.

Under clause 5 of the Regulations for the guidance of Collectors of Revenue, each collector must furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by him, such account to be attested by the auditor, Norfolk Island.

This regulation has not been observed by the whole of the officials, and an emphatic letter should be forwarded to all of the collecting officers, who should be informed that their attested accounts must be forwarded *direct* to the Under Secretary for Lands, not *through* the Chief Magistrate.

FOOD BISCUITS.

This is a staple food of the Melanesians quartered at Norfolk Island. It is a square hard biscuit commonly known as ship's cabin biscuit. It is the only bread food of the Melanesians, and I think a duty should not be levied, particularly as there is no duty on flour.

The annual consumption is about nine or ten thousand pounds.

The item should be removed from the tariff.

BONDED STORE.

I cannot recommend any alteration in the present arrangements for the collection of Customs duties.

No one suffers any great hardship under the existing arrangements, and the revenue is better protected by the payment of duties at the port of shipment.

TARIFF.

I recommend that food biscuits be removed from the tariff.

I cannot suggest, in view of the present circumstances of the Islanders, consequent upon a bad whaling season last year and losses on produce, any further additions to the present tariff.

The duty received from tobacco up to the present has been very little, owing to a large supply being on the Island before the Customs duties came into operation. This, however, has now been exhausted, and the revenue from tobacco should now begin to come in.

BANKING FACILITIES.

The Savings Bank at Norfolk Island answers all present requirements. I do not recommend the introduction of the money order or postal note system just yet. In remitting to Sydney the people exchange their cash for the cheques of others who have banking accounts at Auckland or Sydney.

GENERAL.

Occupation of Government Buildings.

In dealing with this question it should not be forgotten that the present occupiers have kept the Government cottages at Norfolk Island in repair for years, otherwise they would have become ruins.

Considering the people have so long looked upon these cottages as their permanent homes, and believing they were given to their community by the Imperial Government on their agreeing to have their homes at Pitcairn, it is hard for the Pitcairners and their descendants, the present occupiers, to believe that they now should be expected to vacate. If it is determined by the Government that some of the present occupiers must vacate their present dwellings, fair notice should be given them and concessions made for the cost of removal of their effects in consideration of the present good condition of the buildings.

Dealt with on
98/396, N.I.

Dealt with on
98/388, N.I.

Dealt with on
98/390, N.I.

Dealt with on
8/391, N.I.

Dealt with on
98/390, N.I.

Dealt with on
98/392, N.I.

Dealt with on
98/395, N.I.

I would suggest that of the present occupiers, the original Pitcairners should be allowed to reside in the cottages as long as they live, rent free, on condition that the residences are kept in decent repair, and that at their death a rental shall be paid as determined by the Government.

Those occupiers who are not original Pitcairners should be given six months' notice to quit, or some concession offered to vacate immediately if required. If not required by the Government to vacate at the end of six months, occupation to be renewed by payment of such rent as may be determined by the Government after the date thereof.

If some such arrangement as that suggested is entered into I do not think the Government will experience any further trouble in regard to the cottages.

Land.

A number of applications have been submitted for arrears of land at Norfolk Island. Some of the applicants have lodged deposits with the Registrar which have been remitted through the Chief Magistrate to the Lands Department, Sydney.

Although these applications have not yet been dealt with, some of the applicants have fenced in the area applied for, and made minor improvements. Lieutenant-Colonel Spalding has erected a barbed wire fence around one of the allotments he has applied for, some of the palm trees have been cut down, which is contrary to the law, and about 5,000 young coffee plants have been put in, besides Irish potatoes, kumeras, yams, and bananas. Dealt with on 98/394, N.I.

The people of Norfolk Island are very anxious to have the land question settled, so that they may know definitely what to do.

I would urge the desirability of pushing on with the settlement of this question as speedily as possible.

Some of the applicants are under the impression that grants will issue on condition of their making certain improvements. This was the old order of dealing, and they do not want to think otherwise; but others are ready and willing to pay for the land, and work it to the best advantage.

There are a few agitators on the Island who assert what they call their right to the land. The agitators are men who have visited some of the large cities, are fairly well educated, and exercise an influence over the others, and they will continue to do so until the land question is absolutely settled by an official notification of the terms of the Government.

The land at Norfolk Island is alleged to be the richest in the world, but before it can be utilised to its fullest extent means must be available for the prompt disposal of the perishable goods, with a steamer's freight and a market of a character to give some return.

In answer to the question, "Why do you not cultivate more of your land?" the reply invariably is, "We cannot get rid of what we already grow, and sometimes lose on what we send away on the charges for freight and commission."

The first trip of the steamer "Ysabel" running the new mail service was unfortunate, being nine and a half days' from Sydney to Norfolk Island, and eight days in the return.

All the oranges from Norfolk Island were condemned, and a large quantity of bananas spoilt, by the seas that broke over the boat.

This constituted the whole of the consignment from the Island, with the exception of a small quantity of palm seeds.

There is an opening on the Island for a few small capitalists, men who will go in for fruit-growing, butter making, poultry farming, bacon and fish curing, and jam-making. They must also understand something about agriculture, and be able to introduce a profitable stock of poultry, pigs, and cattle, the present stock having deteriorated very much.

It is hoped that there is a future for the Island in coffee-growing.

The quality of that now grown is excellent, and it is a question whether it cannot be grown in sufficient quantities to give good returns. A quantity of the locally ground coffee is at present being used on the Island, and has been pronounced by experts to be of the first quality.

Personally I am doubtful if coffee can be grown in large quantities at Norfolk Island, as it requires the richest of the soil, plenty of moisture, and shelter. I am afraid many of the valleys are too exposed, on account of the ground being cleared.

A coffee plantation takes three or four years to develop at Norfolk Island.

Fuel Licenses—for dead wood only.

It was pointed out to me that the Islanders were forced to permit the wild tobacco bush to spread for fuel purposes, because of the introduction of this license fee. Dealt with on 98/393, N.I.

Attention is drawn to the few fuel licenses taken out during the time the timber laws have been in force, and timber revenue in general.

COUNCIL OF ELDERS.

Although public work continued after the proclamation of 14th November, 1896, no by-laws were approved by the Chief Magistrate until the 12th February, 1898. Dealt with on 98/400, N.I.

The roads are in a bad condition in parts, and unless some immediate attention is paid to the central portion of the pier at Kingston the heavy seas that come rolling in in heavy weather will do considerable damage. Some of the heavy blocks of stone have been shifted at the base, and large fissures are opening at the sides, through which the water from each wave rushes, dislodging the cement and concrete.

The Islanders seem to feel the want of a proper man to direct them in this matter, which is a threatened danger to the community.

Public work at Norfolk Island is done in a very perfunctory manner. I pointed out to the President of the Council of Elders that by levying a cash rate on the lines of our municipal general rate, or by reducing the 4s. assessment to 2s. in the case of absentees from public works, a better result would accrue.

Those who happened to be engaged on a job, when called for public work, would willingly forfeit and pay 2s. a day to earn 4s., which appears to be the current rate of labourers or farm wages. This would give the Council some revenue for the purchase of material, &c, clerical assistance, and stationery, instead of which it is left to the absentees from public work to find substitutes at a lesser rate even than 2s. per diem. The

The President, who is the local attorney, agreed that once the roads were in good order three good and constant maintenance men, with horses and carts, could keep them in proper condition, as it is all light traffic.

Yet it now takes 116 men twenty-one days a year to do the same amount of work, and which, according to the value of the work as assessed by the Council of Elders, is equal to £4 4s. per man, or £487 4s. per annum, whilst three labourers, at, say, 30s. each per week with horses and carts, would cost about half as much. As there is some difficulty in collecting an all round cash rate on New South Wales municipal lines, I recommended to the President the advisability of a 2s. assessment for public work and the exemption therefrom, by right, men who have reached 60 years of age.

CARELESS STORAGE OF GUNPOWDER.

I cannot too strongly condemn the reckless and careless storage of nearly 2 tons of blasting and sporting powder in the old magazine, which is situated in close proximity to the Church of England, and in the Public School yard.

The door was most insecure, and the outer roof of old wooden shingles, although the inner roof was of concrete. There is no lightning conductor.

Children have been known to light fires near the magazine. In any case, with a wooden roof the gunpowder should not have been allowed to be stored in it in the condition I found it in.

The old building adjoining the schoolroom is inhabited. One never knows when a fire will break out, and in such an event the result of an explosion from such a quantity of powder can hardly be imagined.

I do not know whether the Chief Magistrate reported to the Lands Department the quantity of powder that was stored in the magazine. One thing is very certain, he did not take proper or necessary precautions for securing the safety of the residents from an explosion.

Precautionary measures have, since my representations, been taken by the Chief Magistrate and the Lands Department.

Unless there is some reason unknown to me, I do not think Norfolk Island will ever be of any benefit to New South Wales.

It is too far away from our shores for pleasure folk, too small for trade, and there are no proper facilities for shipping.

The pier at Kingston may go at any time in the rough weather, and then assistance must be given to the Islanders, which will mean more expense to this country. As compared with the revenue the cost of administration is too high.

The people are more in touch with New Zealand than Australia, and I venture to think overtures might be made with the Government of that country to take over the control of Norfolk Island.

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

[Enclosure, 98/381, N.I.]

Sir,

Norfolk Island, 7 May, 1898.

In reply to yours of the 29th ultimo, I have the honor to lay before you the following reasons for the falling-off in numbers in the Norfolk Island Public School:—

1. The absence of coinage on the Island.
2. The existence of other schools on the Island; and
3. The hours of the Public School are kept on later than the other schools.

The absence of coinage is due to a great extent to—

1. The almost total failure in 1897 of one of the main resources of a large majority of the community, that of the whaling industry. Last season being an exceptionally bad one, only one of the four companies engaged were fortunate enough to meet expenses.
2. For the last sixteen months or so, very few of the people were able to dispose of their bananas, kumeras, and other farm produce for cash. Formerly the Melanesian Mission took a large quantity of kumera from the people, but of late the Mission has been able to grow their own.
3. The Court cases, in which Messrs. Hordern Bros. obtained judgment, have been an awful drain to those who were unfortunate enough to get into their clutches, several of whom were supporters of the Norfolk Island Public School.

2. The existence of other schools is another disadvantage to contend with. The Longridge School was started some five or six years previous to my taking charge of the Public School, and was built by the co-operation of parents and others who now send their children to that school. The Methodist School was started in February, 1897; but, as the teachers of these two schools are paid principally in labour and produce, several have withdrawn their children, and send them to the Longridge and Methodist Schools for fear of falling into arrears and being pulled into court, thereby incurring more liabilities by court expenses, and not being able to meet them.

3. The third reason was offered to me by some of the parents, and that is, the longer hours of the Public School. The other two schools are over at 2 p.m., and on Wednesdays at 12. As this is an agricultural community, this means a great deal, especially to those living in the town, as the Public School is not over until 3 p.m. on each school-day, consequently the parents consider it a loss to a certain extent.

And now, with regard to steps taken to secure regular attendance, and prevent falling off, I have spoken to each of those who have withdrawn their children since 14th November, 1896, and pointed out to them the necessity of giving their children the best education obtainable, as we are coming more into contact with the outside world, and that the elementary education of the parents could never do for the children of to-day. I also offered to pay the school-fees of some of the children, and succeeded in two or three instances in getting parents to let their children remain in the Public School.

I have, &c.,

GUSTAV QUINTAL,
Head Master.

G. E. Brodie, Esq., A.A.G.

EXHIBIT

EXHIBIT B.

Regulations for the guidance of Collectors of Revenue.

1. The fees and fines authorised to be received shall be as have been already or may hereafter be set forth in the Laws proclaimed by His Excellency the Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies and Governor of Norfolk Island. Fees to be received.
2. All collections must be entered under their respective headings in the prescribed books supplied for the purpose, and must be paid to the Chief Magistrate each day. The Chief Magistrate will sign his name in the books against the total sum so paid over, and such shall be an effectual discharge to the collecting officer. Proper books to be kept.
3. The full amount of collections must be paid over to the Chief Magistrate *without any deductions whatever*—with the exception of sums payable by law to informers and suitors, for which receipts must be produced to the Chief Magistrate each day, and produced for the purposes of audit to the auditor whenever required. Collections.
4. The Chief Magistrate will prepare and transmit to the Under Secretary for Lands, Sydney, by each mail despatched for Sydney, or by first available opportunity, a voucher on Form No. 2, showing the collections and the purposes for which such have been collected; and such vouchers shall be made up to the latest date possible prior to the despatch of the said mail. Vouchers for remittances.
5. Each collector of revenue will be required to furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by him, and a duplicate thereof to the auditor, Norfolk Island. The form to be used shall be Attested Account, Form No. 1. Such accounts shall be duly attested by the auditor, Norfolk Island. Attested vouchers.
6. The receipts for sums paid to informers and others must accompany the attested accounts. When any property is sold by auction by order of the Court, the auctioneer's account sales should also be sent, and the net proceeds included in the attested accounts. Informers' and other receipts.
7. The costs due to suitors and amounts awarded to informers, that have been for three clear months unclaimed, must be remitted immediately thereafter *per* the Chief Magistrate to the Under Secretary for Lands by the first mail. Unclaimed costs.
8. In cases where *no* revenue is collected, the attested accounts must still be furnished duly completed by the accounting officer and his signature attested by the auditor, the word "Nil" being written in the place for inserting particulars. Nil returns—Attested accounts.
9. All receipts shall be issued in numerical order from a book of prescribed forms. Any forms spoiled or cancelled must not be removed from the book, but turned down and marked "*Cancelled*." Any departure from this rule will lead to summary dismissal. Receipts.
10. The duties to be collected by the Collector of Customs shall be as proclaimed from time to time by His Excellency the Governor. Duties to be received.
11. All books, documents, vouchers, receipts, &c., pertaining to collections, shall at all times be open to the inspection of the Chief Magistrate, auditor, or other duly appointed person. Books to be open to inspection.
12. The auditor will be required to audit and inspect the accounts of all officials, including the Chief Magistrate, and shall sign a certificate in the form following, in the cash-book kept by the Chief Magistrate:— Inspection of accounts by auditor.
- I hereby certify that I have duly examined the accounts of [naming each collecting official], and have counted the cash in the custody of the Chief Magistrate, and found the same to agree with the amount collected by the officials before named; and I further certify that receipts from the Department of Lands, Sydney, have been produced for all remittances, except those made on [state date, mail, and amount].
- Signed (Auditor)*
Date
- A copy of the above certificate, signed by the auditor, shall be sent each mail *by the auditor*, addressed to the Under Secretary for Lands, Sydney.
- When more than one audit has taken place in the interval between despatch of mails, one certificate, giving the several dates of audit, will suffice.
13. The Chief Magistrate will be held responsible for the safe custody of public money as soon as it shall come into his possession, and all officers are enjoined to exercise due precaution to safeguard the revenue, and see to the security of all money that may come to their hands in the course of public business. Safe custody of money.
14. The Chief Magistrate is authorised and empowered to regulate the hours and days during which public offices shall be open for the receipt of money and despatch of public business. Office hours.
15. Collectors are authorised to accept cheques and orders provisionally, and receipts given shall state that "the payment is accepted provisionally upon cheques or orders being paid on demand." Cheques and orders should, as far as practicable, only be accepted when drawn upon a bank or firm established in Sydney, New South Wales. Payment by cheque or orders on firms.
16. Each officer collecting or being responsible for the collection of public money shall, on demand, lodge, with the Under Secretary for Lands, a policy of an approved society or public company, for such amount as may be required, as a fidelity guarantee. Fidelity guarantee.

[For use by the Chief Magistrate.]

Norfolk Island,

Sir,

189 .

I have the honor to remit herewith the sum of _____ pounds _____ shillings _____ pence, being the amount received by me from the various Collectors of Revenue, more particularly described in the voucher on the other side.

I have the honor to be,

Sir,

Your obedient servant,

The Under Secretary for Lands.

Chief Magistrate.

Particulars of Remittance.	£	s.	d.
Notes			
Gold			
Silver			
Copper			
Cheques or Orders as hereunder specified.....			

Norfolk Island,
 Head of Revenue or Receipt
 STATEMENT of all Sums handed over to the Under Secretary for Lands in payment of the under-mentioned Collections, by
 Receipt Voucher No.

Period— from _____ to _____ 189 .

Particulars of Sums Received.	Total.		
Total...£			

Amounting in all, to

(Signature of Chief Magistrate.)

Paid to Norfolk Island Account,
 on the _____ 189 .
 Receipt issued (No. _____)

Accountant,
 Department of Lands.

[For use by Collectors of Revenue.]

Attested Account Form (No. 1).

ACCOUNT of all Moneys collected by _____ as _____ from the _____ to the _____ 189 , both days inclusive.

From whom received.	Amount.		
Received from sundry persons under the following Heads of Receipt, viz. :—			
Total.....£			

SETTLEMENT OF THE ABOVE COLLECTIONS WITH THE CHIEF MAGISTRATE.

Date of Payment or Remittance.	Particulars of Collections handed over or on hand.	Amount.		
	Notes			
	Gold			
	Silver			
	Copper			
	Cheques or Orders, as specified hereunder			
	Cash in hand due to Informers and others			
	Total.....£			

I, _____ do solemnly and sincerely declare that the above is a true and faithful account of all moneys collected by me, as _____ from the _____ to the _____ 189 , both days inclusive; and that I have paid over the whole amount to the Chief Magistrate; and I make this solemn declaration conscientiously believing the same to be true. Made and Signed before me at _____ this _____ day of _____ 189 ; and I certify that I have counted the cash in hand, and compared the same with the books and receipts, and found the particulars herein given correct.

Signature of Auditor

EXHIBIT C.

Mr. Brodie's Report on Colonel Spalding's accounts.

Re Warner Spalding, Lt.-Col., Chief Magistrate, Norfolk Island.

98/306, N.I.

I RECOMMEND that Colonel Spalding for his grave neglect of duties, resulting in the bad administration by his subordinate, Warner Spalding, of his duties as Collector of Customs and Registrar, &c., and the defalcations of certain sums of money, the property of the Government of Norfolk Island, be fined £50, to include therein the amount of the defalcations not yet recovered, and be informed further that the continuance of his official position will depend on the better performance by him of his duty, and that the question of re-employing him will be considered in the light of his services from now to the termination of his present agreement.

J. H. CARRUTHERS.

1 June, 1898.

The Private Secretary to His Excellency the Governor.—W. HOUSTON, U.S., Lands, B.C., 1/6/98. Approved.—HAMPDEN, 2/6/98. Col. Spalding informed in terms of this minute.—2/6/98. The Accountant. Noted.—VICTOR COHEN, Acct., 4/6/98. The accompanying receipt for £6 9s. 6d., being for amount received from Mr. Inspector Brodie, should be forwarded to the Chief Magistrate.—V.C., 4/6/98. Forward and return to me.—W.H., 6/6/98. The Chief Magistrate accordingly, 6/6/98.

The Under Secretary for Lands to Colonel Spalding, C.M.G., Chief Magistrate.

98/306, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

I am directed by the Secretary for Lands to inform you that in view of your grave neglect of duties, resulting in the lax administration by your subordinate officer, Mr. W. E. Spalding, of his duties as Collector of Customs and Clerk and Registrar of the Magistrate's Court, and the defalcations of certain sums of money, the property of the Government of Norfolk Island, His Excellency the Governor has decided to fine you in the sum of fifty pounds (£50), to include the amount of defalcations not yet recovered.

I am also directed to inform you that His Excellency has decided that the continuance of your services in your present official position will depend upon the better performance by you of your duties, and that the question of re-employing you will be considered in the light of your services from now to the termination of your present agreement.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/306, N.I.

Sir,

Department of Lands, Sydney, 6 June, 1898.

I have the honor to forward herewith a receipt for the sum of £6 9s. 6d. received from you per Mr. G. E. Brodie, on account of amounts recovered, and to be credited towards deficiencies in accounts of the Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island.

I have, &c.,

WM. HOUSTON, U.S.

The Chief Inspector of Public Accounts to The Under Secretary for Lands.

98/379, N.I.

Sir,

Norfolk Island, 17 May, 1898.

Having made an inspection of the accounts of the Chief Magistrate of Norfolk Island in compliance with your instructions dated 18th March last, I have the honor to submit the following report for the information of the Honorable the Secretary for Lands.

These accounts I found kept in a very imperfect manner.

After counting the cash in hand and rewriting a part of the cash-book, and comparing the Chief Magistrate's receipts with the books of the Registrar of the Court, it was seen that £1 8s. 8d., fees of the Court, collected by the Registrar during the period from 14th November, 1896, to 31st August, 1897, were short-remitted to the Lands Department. This amount now forms part of defalcations by the Registrar (*vide separate report*). See 98/306, N.I.

It was further seen that the Chief Magistrate had, without authority, paid to his Registrar small debts fees amounting to £8 14s. as perquisites:—

	£	s.	d.
10th December, 1896	...	...	1 8 0
18th January, 1897	...	...	4 2 0
4th August, 1897	...	...	3 4 0
	£8 14		0

Under clause 20 of the laws of Norfolk Island, proclaimed on the 14th November, 1896:—"All fees, fines, and penalties shall be paid to the Chief Magistrate or to any person appointed by him in that behalf, and shall be accounted for by the Chief Magistrate to the Governor"; and under the official scale of fees exhibited in the Magistrate's Court, a copy of which I attach marked A, it is seen that no fees are refundable or can be considered as perquisites of the Registrar. Moreover,

Moreover, the Registrar's notice of appointment makes no mention of fees as perquisites (*vide Appendix B*).

The Chief Magistrate informed me, in explanation, that he paid the fees to the Registrar under the Schedule to the Act Victoria 10 (copy marked C herewith) until he received the Lands Department code of regulations in August, 1897 (see clause 3 of copy herewith, marked D).

It must also be pointed out that whilst the Chief Magistrate illegally allowed his Registrar these perquisites, the Bailiff of the Court, who would be entitled to fees under the Act 10 Victoria No. 10, for services of summons, was exempted, and did not receive one penny. The procedure of the Chief Magistrate was most extraordinary, and he must be held liable for the sum of £8 14s.

Special attention must now be invited to the evasive reply of the Chief Magistrate to the Under Secretary for Lands' letter of December last in regard to the disposal of moneys received for Court fees.

In addition to the foregoing, it is shown in a separate report on the accounts of the Registrar of the Court and Collector of Customs, whose duty it was to hand over all collections daily to the Chief Magistrate, that the latter officer has exercised absolutely no supervision over the Registrar's accounts, and in consequence facilities were afforded for the misappropriation of the large sum of £29 1s.

In several instances I found that important cases adjudicated upon by the Chief Magistrate were not entered in the Court registers, and a knowledge of these cases was only obtained from an outside source.

In two instances revenue fees were chargeable as under:—

25 November, 1897.—Nobbs *v.* Knuckey. Damage. £250. Fees paid, £1.

25 November, 1897.—McCoy *v.* Knuckey. Damage, £50. Fee paid, £1.

Waterhouse *v.* Waterhouse. Assault. No papers.

From what I can gather the charge against Waterhouse was attempted murder, but there was really no case against the accused (male).

The fees (£1 each), although collected by the Registrar, were not accounted for, and form part of that officer's misappropriations.

Further, in the case of the Council of Elders *v.* Waterhouse, the adjudication by the Chief Magistrate was so unsound that the Government might have become involved in actions for damages for wrongful distraint. His case is dealt with on a separate paper, and is of a very peculiar character.

Judgment against William Kendall.

Kendall *v.* No. 4 Whaling Syndicate.—Claim, £20 13s. : Breach of Contract.

Verdict for defendants, with costs of Court, 10s.; witnesses' expenses, 10s.; attorney's costs, £3 3s.; total, £4 3s.

Mr. Kendall strongly protested, and still protests, against the attorney's costs being given against him in the above case, and as the Chief Magistrate subsequently learned from the Crown Solicitor he had no power to impose such costs, he should have obtained a refund from Mr. O. M. Quintal, the local attorney, which he has not done, and then refunded the amount to Mr. Kendall.

The following fees, which the Chief Magistrate should have collected and remitted long since, I have given directions to be paid forthwith:—

	£	s.	d.
Mr. Moriarty, barrister's fee	2	2	0
Mr. Lenehan,	2	2	0
Mr. O. M. Quintal	2	2	0
" " (1896-7)	2	2	0
" " (1897-8)	2	2	0
	£8	8	0

I have communicated with these gentlemen, and Mr. Quintal has paid £2 2s.

The sum of £2 14s. for slaughtering fees, and £1 3s. 9d. fees under the Birds Protection Act, I learnt had been collected by a person appointed by the Chief Magistrate, and wrongly handed over by that person to the President of the Council of Elders.

The Chief Magistrate should have insisted upon these fees being paid over to him, as prescribed by the law, or taken necessary action for the prompt recovery thereof from the collecting officer whom he appointed to receive them.

The President of the Council of Elders was communicated with under my direction, and the sum of £3 18s. 3d. has since been paid to the Chief Magistrate under protest, and subject to the decision of the Minister for Lands, to whom the matter will be specially referred by me.

The Chief Magistrate neglected to report this important matter to the Lands Department.

Petty Cash.

The Petty Cash Advance of £20 being too large, I requested the Chief Magistrate to remit all but £5 by this mail to Sydney, which has been done.

Deposits on application for land.

A number of deposits on applications for land were held in hand for some time, but this has already been referred to in communications from the Chief Magistrate to the Lands Department. Other applications have been submitted, on which no deposits have been lodged.

School Fees.

It has been the practice to pay the salaries of the two pupil-teachers out of the school fees. I have taken the necessary steps for the discontinuance of this practice, and in future all salaries will be paid by orders on the Minister for Lands, Sydney, to prevent any confusion in the account.

Owing to neglect and laxity of supervision on the part of the Chief Magistrate, the Registrar of his Court and Collector of Customs has embezzled a large sum of money belonging to the Revenue. Court fees have been disbursed by the Chief Magistrate to the Registrar without authority and under very peculiar

peculiar circumstances, and the joint reports upon the accounts of the Chief Magistrate and Registrar of the Court and Collector of Customs show that the sum of £50 Os. 9d. was outstanding at date of my visit as under:—

	£	s.	d.
Defalcations by late Registrar of Court	26	4	8
Collector of Customs	2	16	4
Small debts fees paid to Registrar by Chief Magistrate, to be refunded	8	14	0
Barristers' fees, uncollected	8	8	0
Slaughtering fees, uncollected	2	14	0
Gun fees (Birds Protection), uncollected	1	3	9
	£50	0	9

Of this amount Colonel Spalding has handed me

£	s.	d.	
3	0	0	in cash, which he obtained from the late Registrar, subsequent to the date of that officer's suspension.
2	2	0	paid by Attorney Quintal.
3	18	3	refunded by President of Council of Elders, Slaughtering Fees, &c.
3	9	6	Orders on Minister for Lands, salary due to Registrar and Collector of Customs up to date of suspension.
12	9	9	
37	11	0	Balance unadjusted.
50	0	9	

The balance unadjusted (£37 11s.) Colonel Spalding has promised to make good, less amount due to the Collector of Customs for forage, which, I am informed, amounts to about 30s.

No proper prison records have been kept, and I have ascertained that prisoners have been allowed by the late constable to play cricket within the precincts of the Government House grounds, and go fishing with him off the pier and rocks.

In connection with this matter a complaint was made, of which I have proof, to the Chief Magistrate, that the policeman and prisoners were using cricketing material abstracted from a parcel left at Government House, to be presented to the Norfolk Island and Bounty Cricket Clubs, being a present from Lord Hampden.

Other matters of a grave character can be quoted if necessary.

I have left instructions for the guidance of the various officers, as requested in your memorandum of 18th March last; and hand you herewith copies for the information of the Honorable the Minister for Lands.

In a comprehensive report, which I will submit as early as possible, I will deal with matters relating generally to the affairs of Norfolk Island.

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts for the Colony of New South Wales.

[Enclosure.]

(A.)

MAGISTRATE'S COURT, NORFOLK ISLAND.

98/379, N.I.

Court Fees.

Particulars.	In cases not exceeding				All others.
	£5.	£10.	£20.	£100.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For Filing every plaint, issuing summons, and other proceedings to judgment.....	0 3 6	0 6 0	0 10 0	1 0 0	1 0 0
Issuing every writ of execution.....	0 2 0	0 2 6	0 5 0	0 5 0	0 7 6
Issuing every subpoena.....	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0
Bailiff's notice of execution.....	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0
Issuing every <i>ca. sa.</i> summons.....	0 1 0	0 1 0	0 2 6	0 5 0	0 5 0
Every certificate of judgment.....	0 2 6	0 2 6	0 2 6	0 2 6	0 3 6
Filing every notice of defence, special defence.....	0 1 0	0 1 0	0 1 0	0 2 0	0 2 0
Filing every affidavit.....	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0
Every search.....	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6
Every copy.....	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6
Every order.....	0 1 0	0 1 0	0 1 0	0 1 0	0 2 0

Bailiff's Fees.

Particulars.	Amount.
	£ s. d.
For Keeping possession under a writ of <i>fi. fa.</i> each day.....	0 2 6
Making levy where the sum levied for shall not exceed £20.....	0 2 0
Making levy where the levied for shall exceed £20, the like sum for the first £20, and for every £ over that sum.....	0 0 3

Magistrate's Court.—Attorney's Costs.

Particulars.	Amount.
	£ s. d.
For drawing and copying plaint, with the particulars	0 2 6
For summons, with the particulars	0 1 0
For defence or set-off, with the particulars	0 2 6
For an Advocate's fee in a case not exceeding £10, not more than.....	1 1 0
For an Advocate's fee in a case exceeding £10, not more than	3 3 0
Letter before action	0 5 0
Instructions for declaration or other pleadings	0 5 0
Drawing all pleadings, per folio 72 words	0 0 8
Copies or engrossing, do do	0 0 4
Entries on the roll, do do	0 0 4
Every common attendance	0 2 6
Drawing special affidavits, per folio.....	0 0 8

Norfolk Island, 29 April, 1898.

I HEREBY certify that the above is a correct statement of fees exhibited in the Magistrate's Court, Norfolk Island.

F. WALTER PEARSON,
Acting Registrar.

(B.)

The Under Secretary for Lands to Mr. W. E. Spalding.

97/126, N.I.

Sir,

Department of Lands, Sydney, 9 April, 1897.

I have the honor to inform you that His Excellency the Governor has approved of your temporary employment as Clerk and Registrar of the Magistrate's Court, Norfolk Island, with salary at the rate of £40 per annum,—to take effect from the date you entered upon the duties.

I have, &c.,

W. HOUSTON,
Under Secretary.

(C.)

SMALL DEBTS RECOVERY ACT, 10 VICTORIA No. 10.

Fees to be paid to the several officers undermentioned on the several occasions set against the same.

	£	s.	d.
To the Registrar on entering every plaint and cause for trial	0	1	0
" for drawing plaint and particulars if requested by plaintiff	0	1	0
" for copy of summons to be served on defendant	0	1	0
" for every inspection of the record	0	0	6
" for drawing and issuing every writ or execution or attachment	0	1	0
" for every subpoena	0	0	6
" for filing every defence or plea... ..	0	1	0
" for drawing same if requested by defendant	0	1	0
To the Bailiff for serving summons or subpoena at request of plaintiff or defendant or making affidavit of service if service be made	0	2	0
" for every levy or caption	0	1	0
" for every mile or fraction of a mile over 2 miles from the Court which he may have to travel to serve summons or execute other process of the Court, but not counting the return journey	0	0	6
" for possession money, by the day	0	3	6

Attorney's Costs.

For drawing and copying plaint, with the particulars	0	2	6
For summons, with the particulars	0	1	0
For defence or set-off, with the particulars	0	2	6
For an Advocate's fee in a case not exceeding £10 not more than	1	1	0
" " less than £10 nor exceeding £30 not more than... ..	3	3	0

(D.)

REGULATIONS FOR THE GUIDANCE OF COLLECTORS OF REVENUE.

1. The fees and fines authorised to be received shall be as have been already or may hereafter be set forth in the Laws proclaimed by His Excellency the Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies and Governor of Norfolk Island.

2. All collections must be entered under their respective headings in the prescribed books supplied for the purpose, and must be paid to the Chief Magistrate each day. The Chief Magistrate will sign his name in the books against the total sum so paid over, and such shall be an effectual discharge to the collecting officer.

3. The full amount of collections must be paid over to the Chief Magistrate *without any deductions whatever*—with the exception of sums payable by law to informers and suitors, for which receipts must be produced to the Chief Magistrate each day, and produced for the purposes of audit to the auditor whenever required.

4. The Chief Magistrate will prepare and transmit to the Under Secretary for Lands, Sydney, by each mail despatched for Sydney, or by first available opportunity, a voucher on Form No. 2, showing the collections and the purposes for which such have been collected; and such vouchers shall be made up to the latest date possible prior to the despatch of the said mail. Vouchers for remittances.

5. Each collector of revenue will be required to furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by him, and a duplicate thereof to the auditor, Norfolk Island. The form to be used shall be attested account Form No. 1. Such accounts shall be duly attested by the auditor, Norfolk Island. Attested vouchers.

6. The receipts for sums paid to informers and others must accompany the attested accounts. When any property is sold by auction by order of the Court, the auctioneer's account sales shall also be sent, and the net proceeds included in the attested accounts. Informers' and other receipts.

7. The costs due to suitors and amounts awarded to informers, that have been for three clear months unclaimed, must be remitted immediately thereafter *per* the Chief Magistrate to the Under Secretary for Lands by the first mail. Unclaimed costs.

8. In cases where *no* revenue is collected, the attested accounts must still be furnished duly completed by the accounting officer and his signature attested by the auditor, the word "Nil" being written in the place for inserting particulars. Nil returns--attested accounts.

9. All receipts shall be issued in numerical order, from a book of prescribed forms, any forms spoiled or cancelled must not be removed from the book, but turned down and marked "Cancelled." Any departure from this rule will lead to summary dismissal. Receipts.

10. The duties to be collected by the Collector of Customs shall be as proclaimed from time to time by His Excellency the Governor. Duties to be received.

11. All books, documents, vouchers, receipts, &c., pertaining to collections, shall at all times be open to the inspection of the Chief Magistrate, auditor, or other duly appointed person. Books to be open to inspection.

12. The auditor will be required to audit and inspect the accounts of all officials, including the Chief Magistrate, and shall sign a certificate in the form following, in the cash-book kept by the Chief Magistrate:— Inspection of accounts by auditor.

I hereby certify that I have duly examined the accounts of [naming each collecting official], and have counted the cash in the custody of the Chief Magistrate, and found the same to agree with the amount collected by the officials before named; and I further certify that receipts from the Department of Lands, Sydney, have been produced for all remittances, except those made on [state date, mail, and amount].

Signed (Auditor)

Date

A copy of the above certificate, signed by the auditor, shall be sent each mail *by the auditor*, addressed to the Under Secretary for Lands, Sydney.

When more than one audit has taken place in the interval between despatch of mails, one certificate, giving the several dates of audit, will suffice.

13. The Chief Magistrate will be held responsible for the safe custody of public money as soon as it shall come into his possession, and all officers are enjoined to exercise due precaution to safeguard the revenue and see to the security of all money that may come to their hands in the course of public business. Safe custody of money.

14. The Chief Magistrate is authorised and empowered to regulate the hours and days during which public offices shall be open for the receipt of money and despatch of public business. Office hours.

15. Collectors are authorised to accept cheques and orders provisionally, and receipts given shall state that "the payment is accepted provisionally upon cheques or orders being paid on demand." Cheques and orders should, as far as practicable, only be accepted when drawn upon a bank or firm established in Sydney, New South Wales. Payment by cheque or orders on firms.

16. Each officer collecting or being responsible for the collection of public money shall, on demand, lodge, with the Under Secretary for Lands, a policy of an approved society or public company, for such amount as may be required, as a fidelity guarantee. Fidelity guarantee.

Form No. 2.

[For use by the Chief Magistrate.]

Norfolk Island,

189

Sir,
I have the honor to remit herewith the sum of _____ pounds _____ shillings _____ pence, being the amount received by me from the various Collectors of Revenue, more particularly described in the voucher on the other side.

I have the honor to be,
Sir,
Your obedient servant,

Chief Magistrate.

The Under Secretary for Lands.

Particulars of Remittance.	£	s.	d.
Notes			
Gold			
Silver			
Copper			
Cheques or Orders as hereunder specified			

Norfolk Island,
Receipt Voucher No.

Head of Revenue or Receipt

STATEMENT of all sums handed over to the Under Secretary for Lands in payment of the under-mentioned Collections, by

Period—from _____ to _____ 189 .

Particulars of Sums Received.	Total.		
Total...£			

Amounting in all, to

(Signature of Chief Magistrate.)

Paid to Norfolk Island Account,
on the _____ 189 .
Receipt issued (No. _____)

Accountant,
Department of Lands.

[For use by Collectors of Revenue.]

Attested Account Form (No. 1.)

ACCOUNT of all Moneys collected by _____ as
from the _____ to _____ 189 , both days inclusive.

From whom received.	Amount.		
Received from sundry persons under the following Heads of Receipt, viz. :-			
Total.....£			

SETTLEMENT OF THE ABOVE COLLECTIONS WITH THE CHIEF MAGISTRATE.

Date of Payment or Remittance.	Particulars of Collections handed over or on hand.	Amount.		
	Notes			
	Gold			
	Silver			
	Copper			
	Cheques or Orders, as specified hereunder			
	Cash in hand due to Informers and others			
	Total.....£			

I, _____ do solemnly and sincerely declare that the above is a true and faithful account of all moneys collected by me, as _____ from the _____ to the _____ 189 , both days inclusive; and that I have paid over the whole amount to the Chief Magistrate; and I make this solemn declaration conscientiously believing the same to be true.

Made and signed before me at _____ this _____ day of _____ 189 ; and I certify that I have counted the cash in hand, and compared the same with the books and receipts, and found the particulars herein given correct.

Signature of Auditor.

(E.)

The Chief Magistrate to The Chief Inspector of Public Accounts.

58/379, N.I.

Dear Sir,

Government House, Norfolk Island, 4 May, 1898.

With reference to cases *A. Nobbs v. Knuckey*, *C. M'Koy v. Knuckey*—having full notes of the evidence—I have placed them with the Court's records, *R. Wife v. Waterhouse*, which was a public case, and dismissed after hearing. I hope to have the records shortly complete. The late Registrar has informed me in writing that he "is unable to account for these papers going astray, and until so informed by you believed them to be in our court-room." Steps have been taken to collect the following fees:—

C. M. Quintal, prosecuting, &c., as solicitor and attorney, £4 4s.

Mr. Cornelius Quintal—

Fees—Birds Act;

" Slaughtering Act;

but certain formalities must be gone through prior to any legal endeavour to collect these sums having any chance of success.

Yours, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

(F.)

The Chief Magistrate to The Chief Inspector of Public Accounts.

148/97, N.I.

Norfolk Island.

Sir,

Government House, Kingston, 25 April, 1898.

In reply to your letter of 22nd instant with reference to fees collected under the Slaughtering and Birds Protection Regulations, I have the honor to inform you that the regulations mentioned in their original wording as proposed by the Council of Elders on the 14th December, 1896, were approved of by me on the 5th February, 1897, and published in the usual manner. I enclose for your perusal the original regulations. You will observe that clause 6 of the regulations regarding the Slaughtering of Cattle directs the payment to the "Treasurer of the Council of Elders" two shillings for every license. With regard to the "Birds Protection Regulations," clause 3 directs the fee of one shilling shall be paid to Mr. Cornish Quintal at the Council Chambers.

There is no doubt in my mind that at this period it was intended that the revenue derived from both the Acts referred to was to be locally expended on the advice of the Council of Elders, and with the approval of the Chief Magistrate, in such manner as might have been found necessary to carry out the provisions of those regulations. As a matter of fact, I have approved of no such expenditure, nor have I been requested to do so.

On the 24th February, 1897, I forwarded both the regulations to His Excellency the Governor, and recommended their confirmation. On the 13th April, 1897, Supplements to the *New South Wales Government Gazette* No. 281 of 7th April, 1897, containing Proclamations of the "Birds" and "Slaughtering Acts," were received by me from the Under Secretary of Lands, New South Wales, and published here on the 17th of the same month, on which date a copy of the *Gazette* was forwarded for the information of the Council of Elders. Mr. Cornish (Cornelius) Quintal was at this period a member of the Council of Elders.

Observing that the "Slaughtering Act" as proclaimed rendered it (*vide* clause 8) necessary that all fees, &c., imposed should be paid to the Registrar of the Magistrate's Court, I directed that this official to so inform Mr. Quintal, and to obtain a statement of accounts. The Registrar subsequently informed me he had so applied to Mr. Quintal without definite results.

I several times spoke to Mr. Quintal on the subject, and informed him that he was collecting the fees under the Birds Act under my authority (which he admitted), and required from him an explanation of accounts, which he promised, but did not furnish. On an auditor (Dr. Metcalfe) being appointed by the Government, I informed that gentleman of these accounts, and he arranged to audit them. This was done, but the auditor required some information which Mr. Quintal was to obtain. On the 7th instant I wrote to Mr. Quintal (as per copy attached marked A), and received a reply on the 9th instant from Mr. C. M. Quintal, President, dated Council Chambers, 9th instant, as per copy attached marked B.

Having in view certain circumstances which have recently occurred in which Mr. C. Quintal was involved, I have taken no further action up to date, but shall now do so, and notify to you the result.

I have, &c.,

WARNER SPALDING,
Chief Magistrate, N.I.

[Enclosures.]

(A.)

The Chief Magistrate, Norfolk Island, to Mr. C. Quintal.

105/98, N.I.

Sir,

Government House, Kingston, Norfolk Island, 7 April, 1898.

I have the honor to request that you will at once account to me for all fees collected by you under the "Birds Protection" and "Slaughtering Acts." The Registrar of the Magistrates' Court has frequently written you with regard to fees under the "Slaughtering Act," requiring the same to be handed over to him, as directed by the Act itself; with this request you failed to comply. I have personally pointed out to you the requirements of the law, without result.

I have, &c.,

True copy,—WARNER SPALDING, Cl.,
Chief Magistrate, 25/4198, N.I.WARNER SPALDING, Colonel,
Chief Magistrate.

(B.)

(B.)

Mr. C. M. Quintal, President, to The Chief Magistrate.

98/379, N.I.

Sir,

Council Chambers, Norfolk Island, 9 April, 1898.

In reply to your letter of the 7th instant to Mr. Cornelius Quintal, and by him handed to me this day, I beg to state that, in reference to the accounts mentioned therein, Mr. Quintal was directed by the auditor, Dr. Metcalfe, to separate the two accounts, so that the "Slaughter-house fees" may be dealt with as directed by law (hence the delay). The accounts are now in a fair way of being completed, and will be forwarded to you in the course of a few days.

True copy.—WARNER SPALDING, Cl.,

I have, &c.,

Chief Magistrate, 25/4/98, N.I.

C. M. QUINTAL,
President.

EXHIBIT D.

Fees to Registrar.—Perquisites.

The Crown Solicitor to The Under Secretary for Lands.

As to applicability of Statute 50 Vic. No. 32 to N.I.—No. ; matters not, as Law 20 requires fees, &c., to be paid C.M. Mr. W. E. Spalding not entitled to retain them, though from papers his belief seems *bonâ fide*.

98/420, N.I.

Sir,

Crown Solicitor's Office, Sydney, 18 July, 1898.

I have the honor to return herewith the papers relating to the irregularities in W. C. Spalding's accounts, Norfolk Island; and with reference to the point on which I am asked to advise, namely, as to the applicability of the Statute 50 Vic. No. 32 to Norfolk Island, to state that by the local law, section 4, subsection 2, the provisions of the Acts 10 Vic. No. 10 and 45 Vic. No. 27 relating to Courts of Petty Sessions in New South Wales, and of such enactments as amend or are ancillary in that Colony to the exercise of the jurisdiction and powers conferred by those Acts are declared to be subject to those laws, and, so far as applicable in the circumstances of the Island, . . . shall be followed by the Chief Magistrate.

The 50 Vic. No. 32 provides for the payment of all fees received by Clerks of Petty Sessions into the Consolidated Revenue Fund.

The first question is, does it amend the 10 Vic. No. 10? It certainly does in this Colony, by taking away from the Registrar the fees paid under the Act. Secondly, is it applicable in the circumstances of the Island? In my opinion it is not, but whether it is so or not is of little moment, as Law No. 20 enacts that all fees, fines, and penalties shall be paid to the Chief Magistrate, or to any person appointed by him in that behalf, and shall be accounted for by the Magistrate to the Governor.

It is clear, therefore, that under this law Mr. Spalding was not entitled to retain for his own use any fees received by him as Registrar of the Court.

I may add that as far as I can gather from the papers, Mr. Spalding seems to have *bonâ fide* believed that he was entitled to the fees. If this is so, he would not of course be guilty of any wrongdoing.

I have, &c.,

GEO. COLQUHOUN,
Crown Solicitor.

I concur with this view and do not think the deficiency, if it can be so called, should be charged to Colonel Spalding as defalcations of the Registrar.—W. HOUSTON, Under Secretary, 25/7/98.

Seen. I do not think there should be any mistaken leniency.—J.H.C., 26/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/291, N.I.

EXPLAINING re-payment of £8 14s. to Registrar of Court, similar fees paid officials in N.S.W., and not aware had been abolished by "William's Act" mentioned by G. E. Brodie. Revenue received, from which fees paid Registrar, who informed same discontinued when Chief Magistrate believed he was not entitled to them.

Subject :—Registrars of Magistrate's Court fees, &c.

98/441, N.I.

Sir,

Government House, Kingston, 12 July, 1898.

With reference to the payment of certain fees to the Registrar of the Magistrate's Court on the under-mentioned dates, made by me under authority of the Small Debts Recovery Act, 10 Victoria No. 10, viz. :—

10 Dec., 1896.—Fees <i>vide</i> Schedule A—(1) After entering 14 plaintiffs and cause for trial, at 1s. ; (2) for copy of summons to be served on the defendant, 14 at 1s.	...	...	...	...	...	£1 8 0
18 Jan., 1897.—Do	do	in plaintiffs, 15 to 56	...	...	...	4 2 0
4 Aug., 1897.—Do	do	do 57 to 86	...	...	...	3 4 0
Total						£ 8 14 0

the payments were made in pursuance of the Schedule A quoted, and section 40 of the Act itself, which is the only Act in force in this Island, or in my possession, or to which I could have referred bearing on this point. I was aware that such fees had been paid officials holding an equivalent position in New South

South Wales, and it was not until Mr. Brodie called my attention to these payments that I became aware that an Amending Act—termed by Mr. Brodie “Williams’ Act”—had abolished the Registrar’s fees in the Courts of New South Wales; even yet I do not possess a copy of this Amending Act.

Now I would explain why I ceased to continue the payment of these fees to the Registrar. I recollect sending to you a statement of Court fees receipts and expenditures soon after my last payment of the fees to the Registrar in August, 1897. In the same way in which from time to time I forwarded you a statement of the School and other accounts. Unfortunately I have no press copy, but on 11th November, 1897, 255-97, N.I., in reply to your letter of the 11th October, 1897, 79-510, N.I., I enclosed a statement of revenue to 11th November, 1897. In this I show that £45 10s. 4d. had been received under the head of Court revenue—£22 12s. 9d. remitted to you, and £22 17s. 7d. paid by the Chief Magistrate. Although not defined here, this payment included the fees, previously named, paid to the Registrar. I state this to show there was nothing like concealment contemplated, for if you had demanded items of these payments, details would have been sent.

On 7th July, 1897, I received draft of proposed Regulations for the guidance of Collectors of Revenue, bearing date 9th June, 1897, 97-265, N.I. In these Regulations you will observe in clause 3 it is affirmed “the full amount of collections must be paid over to the Chief Magistrate without any deductions whatever,” and then makes certain exceptions in which the Registrar is not mentioned. I take this special clause to mean that it being known from me that the Registrar had been receiving certain fees he was no longer to do so. I informed the Registrar, and although the last payment was made of these fees to the Registrar on 4th August, 1897, the fees were on account of plaints, &c., issued and determined prior to the 7th July, 1897.

On 29th May, 1897, 46-97, N.I., in reply to your letter of 22nd April, I enclosed a scale of Court fees which had been in use since November, 1896, and it was from the fees received under this scale that the Registrar had been paid as previously stated. I enclosed also a scale of Bailiff’s fees—these being additional to the main fees, and only required under certain conditions.

These fees, notwithstanding what may have been said to the contrary, have, as far as the possession money of 3/6 per diem is concerned, been paid to the acting-bailiff by the Registrar. I am not so clear the fee for levying has been so paid, but I have it from ex-Constable Knuckey and Constable Collins that they both received possession money at 3/6 per day. These fees are paid to the Registrar, and never came into my possession as Chief Magistrate.

There is certainly no ground for assuming that I paid the Registrar fees under 10 Vic. No. 10, and refused to pay or to authorise the payment of the bailiff’s fees under the same Act.

I regret, sir, I have found it impossible to write more briefly, but I am sure my statement will receive your careful consideration, which is all I require.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Mr. Cohen can perhaps throw some light on this matter.—W.H.

On the 11th October, 1897, the Chief Magistrate (97-510) was written to, asking for a full statement of collections received since his appointment. In reply he sent a statement (*vide* 97-563). This disclosed £45 10s. 4d. to have been received for Court fees, £22 12s. 9d. of which had been remitted to Sydney, and £22 17s. 7d. unaccounted for, but which on further inquiry was ascertained to have been disbursed at Norfolk Island, as shown by 98-90 paper; 97-563 will show that I was unable to pass the item £22 17s. 7d., and the Chief Magistrate was written to on the 13th December, 1897, and asked a definite question, “What do these amounts represent?” On the 12th January, 1898 (98-90), he replied, without giving details, “Amounts paid by the Chief Magistrate on the Island.” The first disposal of the matter was then deferred, pending the contemplated inspection of the accounts, and I handed the papers to Mr. Brodie, with instructions to look into this and the question of the School fees, which also could not be reconciled. The Chief Magistrate states that, had a demand been made for items, details would have been given. As before stated, he was asked to state what the sum of £22 17s. 7d. represented. The clause 3 of the Regulations is explicit in its terms as to all collections being paid over without any deductions whatever, and certainly does not exclude the Registrar, except in so far as Suitors’ and Informers’ money is concerned. It was not known here that the Registrar had been allowed to retain fees.—VICTOR COHEN, Accountant, 8/8/98.

I do not think Colonel Spalding acted otherwise than *bonâ fide* in the matter. The amount, although it should be made good by the Colonel, should not fall under the category of defalcations by the Registrar.—W. HOUSTON, Under Secretary, 10/8/98.

I concur with the U.S.’s views.—J.H.C., 15 Aug., 1898. The Accountant.—H.L.T., 16/8/98.

The Chief Inspector of Public Accounts to The Under Secretary for Lands.

Re School Fees Account and Savings Bank Trust Account.

98/295, N.I.

Memorandum.

The Chief Magistrate’s reply to Lands letter of 13th December last does not cover the accountant’s memo. to the Under Secretary for Lands, dated 13th December, 1897, in regard to the disbursement of £22 17s. 7d., Court fees, which have been disposed of as under, and requires adjustment:—

£	s.	d.	
8	14	0	fees (perquisites) to Registrar.
10	0	0	fees paid to jurymen.
0	4	6	lime.
3	0	0	wire.
0	10	0	cleaning Court-room.
0	9	1	sundries.

£22 17 7

The item £8 14s. has been referred to in a special report, dated 17th May, 1898, and is to be recovered from the Chief Magistrate. When recovered, the £22 17s. 7d. must be credited to revenue, and £14 3s. 7d. charged to expenditure.

The

Approval of this scale of fees notified to Chief Magistrate in your letter, 16th February, 1898. 98/9, N.I.

For Mr. Brodie.

98/295, N.I.

Original papers *re* School Accounts.

N.I.—98-90, 97-563, 97-510, 97-346.

See separate memo. on the subject of difference of 2d. in statements, and as to balance of fees held by the Chief Magistrate. See memo. attached.

The Chief Magistrate's reply to Lands' letter of 13th December last is very unsatisfactory.

The 2s. for timber revenue has been carried forward to next remittance to Lands.

The £22 17s. 7d. is made up as under, and which the C.M. does not explain.

	£	s.	d.
Fees (perquisites) to Registrar	8	14	0
Jury Fees wrongly paid	10	0	0
Lime	0	4	6
Wire	3	0	0
Cleaning Court-house	0	10	0
Sundries	0	9	1
	£22	17	7

The difference of 2d. in School Accounts will be adjusted in next statement.

For Mr. Inspector Brodie.

School Account, N. I., 97/510-563, 98/90.

The Chief Magistrate, according to the statements received, should have in hand £4 17s. 11d., and there is due by parents £6 14s. 1d., instead of, as shown, £4 18s. 1d. and £6 13s. 11d. respectively. An error of 2d. occurs in the addition of statements 98-90, under column "Amounts received by Chief Magistrate." Explained.

All fees should be remitted to Sydney, and teachers paid by orders on Minister for Lands; under any circumstances, until otherwise directed. Mr. Brodie will please also inquire into a Trust Account of £100, in name of Dr. Metcalfe, lodged in Government Savings Bank, Barrack-street. Directions given to this effect.—G.E.B., 31/5/98.

1. Where is Bank pass-book?
2. How interest is being disposed of?
3. Any Deed of Trust?

Original papers 97-510, 563; 98-90 N.I., are herewith to be returned.

V.C., Acct., 23/3/98. See memo. attached.—G.E.B., 31/5/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

224/98, N.I.

Ford. letters from late Registrar (W. E. Spalding) *re* irregularities in accounts reported by Mr. Brodie.

Sir,

Norfolk Island, 17 May, 1898.

I have the honor to forward letters from the late Registrar, on the subject of irregularities stated by the Chief Inspector of Accounts to exist in the books and other financial records. 98/243, N.I.

With reference to the amount of fees under the Schedule 10 Vic. No. 10, not accounted for by the Registrar, it appears that under the Schedule quoted he was entitled to these fees in a similar manner as the bailiff is. Mr. Brodie, C.I. of Accounts, has informed me that an amending Act, termed Williams' Act, withdrawing these fees from being the property of the Registrar of a Court, but such Act does not apply to Norfolk Island, and, as a matter of fact, I was not aware of its existence. 98/420, N.I.

The Registrar, Mr. W. E. Spalding, is proceeding by the "Ysabel" to Sydney, and will communicate his address to you, in order he may personally explain to any officer you may appoint all matters concerned in the matter of the reported loss of revenue. I have been much pressed with work, and have only been in possession of a rough statement supplied by Mr. Chief Inspector Brodie of the deficiencies due to the Registrar's irregularities a few days.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Urgent. Would the Crown Solicitor kindly advise me as to the applicability of the Statute in question to N. Island, *vide* marked paragraphs of this letter?—W. HOUSTON, B.C., 27/5/98. The Crown Solicitor.

Mr. W. E. Spalding to Chief Magistrate, Norfolk Island.

98/243, N.I.

Sir,

Norfolk Island, 11 May, 1898.

I have the honor to draw your attention to certain costs charged against me by Mr. Brodie, Chief Inspector of Public Accounts, in list handed me by you. I should, however, first wish to point out that Mr. Brodie has had the keys of Court-room since 20th April, and all books, documents, and that I have had no opportunity allowed me of going through them with him, and consequently have to write from memory only. 8th December, 1896, according to the Auditor, amount not shown *re* William Kendall, Nos. 5 and 8, £1. This amount was handed to you and entered by you in your book (shown to me this afternoon). As regards pleas of defence and subpoenas, I have already dealt with under separate letter.

216—D

May 28.

May 28.—J. Knuckey, costs self and Waterhouse, 6s. No such case is entered in any of the books, as I have never had any case against anyone on the Island, and Mr. Brodie has been wrongly informed. The facts are as follows:—Knuckey charged Waterhouse with being drunk on Kingston Pier; the case was in due course dealt with by you and dismissed. This being a police charge and the case not proven no costs were made against constable or Waterhouse.

September (no date given).—Mr. Brodie shows C. C. R. Nobbs charged with larceny, costs 5s. 10d.—this again could never have been got from the books as Mr. Nobbs was never so charged.

July 27.—F. W. Pearson and J. H. Knuckey, costs of subpoenas for seven witnesses, 7s. In referring to the charge book it will be found that the verdict did not include the costs of subpoenas, and when returning Mr. Pearson his costs I gave him back his 7s. for subpoenas.

September, 1897.—C. C. R. Nobbs, two complaints *re* Alfred Nobbs *v.* Knuckey, Christian McCoy *v.* Knuckey, costs of each summons, £1, was paid to you, the receipt of which I have.

In reference to Hordern Bros., costs and suitors' moneys, the information is so vague that without being allowed to see the books I am unable to answer in a satisfactory manner, and as I shall shortly be leaving the Island I hope Mr. Brodie will give me the opportunity of examining them. A little while ago, just before Dr. Metcalfe was appointed Government Auditor, in sending a return to Sydney, I got this gentleman and Mr. Robertson, Registrar of Births, Deaths, and Marriages, to go into these accounts with me, and sent a certified return to the Under Secretary for Lands, and, as no moneys have been paid into Court by suitors since then, I am at a loss to account for the deficiency now stated to be by Mr. Brodie. I am informed verbally by you that Dr. Metcalfe states he did not see all the books. I remember quite well showing the two books, and, I believe, in a few instances, he marked them in red ink—I would particularly refer to that of Stephen Christians. I took them to his private house, and a few days afterwards Dr. Metcalfe brought them down to me in his carriage to the Court-room.

I have, &c.,
WARNER E. SPALDING.

Mr. W. E. Spalding to Chief Magistrate, Norfolk Island.

98/243, N.I.

Sir,

Norfolk Island, 11 May, 1898.

I have the honor to draw your attention to the fact of alleged deficiencies in Court books as submitted to you by Mr. Brodie; that in the list I am charged for all subpoenas and pleas of defence to the amount of £6 17s. 6d.; which, under 10 Vic. No. 10, section 40, the Act in force at Norfolk Island, it clearly shows that certain fees, Schedule A, shall be taken by the Registrar and Bailiff for their respective services; and, on reference to the Clerk of Petty Sessions Manual and Magistrates' Book, these fees, together with others, go to the private account of the different officers mentioned; and I, therefore, respectfully request that these charges be withdrawn.

I have, &c.,
WARNER E. SPALDING.

Mr. W. E. Spalding to the Chief Magistrate.

134/98, N.I.

Sir,

Norfolk Island, 6 May, 1898.

Having been told by the Government Inspector of Accounts that certain moneys collected by me whilst Registrar of the Court were the property of the Government, I would respectfully wish to point out to you, sir, that this is not the case, and that these fees, according to Schedule A, section 40 of 10 Vic. No. 10, are the perquisites of the issuing officer, and I, therefore, protest against making any moneys good collected in this way.

With regard to the Plaintiff Book, reported by the Inspector as missing, I beg leave to say that I reported the matter to the Government Auditor some months ago; however, I went through the "Cause List" with the Inspector, which would supply the details wanting from the missing book.

With regard to the said missing book I know nothing about it, and that I could have no object in making away with it, as I believed, and still believe, the fees belong to the Registrar.

I have, &c.,
WARNER E. SPALDING.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/90., N.I.

For a Statement of Accounts for Public School for half-year ended 31st December, 1897 (£17 18s. 1d.). Replying to questions asked in letter of 13th December, 1897, *a, b, c, d, re* money matters. Save money retained *pro tem.*, as the letter would go in unsealed bags through French post-office, New Caledonia.

Sir,

Government House, 12 January, 1898.

In reply to your letter of the 13th ultimo, N.I., 97-563, I have the honor to inform you—

- (a) Statement of School Accounts for the six months ending 31st December, 1897, attached, marked A.
- (b) The heading, inadvertently omitted, should have been "Amounts paid by the Chief Magistrate" on the Island.
- (c) It was only received on the 10th November last, and was remitted on 3rd December, being part of the 6s. 4d., timber revenue, as per receipt voucher 22 of 4th November to 3rd December; previous voucher of 4th November covered all sums received on account of timber.
- (d) This letter goes through the French post-office in New Caledonia. Mails cannot be sent by this route in sealed bags, as in the case of those sent direct to Sydney or *via* New Zealand. As a matter of precaution I retain this money until an opportunity occurs of remitting it with greater safety.

I have, &c.,
WARNER SPALDING, Col.,
Chief Magistrate, N.I.

22/93, N.I.

The Accountant
W.H., 21/1/98.

PUBLIC

PUBLIC SCHOOL, NORFOLK ISLAND.

98/90, N.I.

Statement of Accounts for half-year ending 31 December, 1897.

Fees due by Parents, &c.		Amounts received by Chief Magistrate.		Amounts paid by Chief Magistrate.	
	£ s. d.		£ s. d.		£ s. d.
On account of half-year ending 30 June, 1897.....	2 19 6	In hand on account of half-year ending 30 June	3 6 6	12 August—Salaries, July...	2 3 4
On account July	1 13 9	12 August.....	0 19 9	1 Sept., „ Aug...	2 3 4
„ August	2 8 9	1 September	1 14 0	5 Oct., „ Sept...	2 3 4
„ September	4 8 0	5 October	2 13 3	2 Nov., „ Oct...	2 3 4
„ October	3 7 9	2 November	1 6 3	3 Dec., „ Nov...	2 3 4
„ November	3 6 6	17 November (2d. excess paid by Schoolmaster)	1 16 7	4 Jan., 1898 „ Dec...	2 3 4
„ December	3 1 3	3 December	2 6 3	Cash in hand	4 18 1
		4 January	3 15 6		
	£21 5 6		£17 17 11		£17 18 1

Rates of Salaries per month.—

Miss Rossitter.....	£1 0 0
Miss Nobbs.....	0 13 4
Mr. C. Buffett	0 10 0
	£2 3 4

£6 13s. 11d. due by parents, &c., on account of 1897. 2d. excess paid by Schoolmaster, to come off next account.—G.E.B., 21/4/98.

12/1/98.

WARNER SPALDING, Col.,
Chief Magistrate.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/563, N.I.

Enclosing Statement of Revenue received, Land Revenue, Deposits, Application Fees, School Fees, Timber Revenue, Court Revenue, Customs Revenue.

Sir,

I compliance with request contained in your letter, N.I., 79/510, of 11th ult., I have the honor to enclose the statement desired.

I have, &c.,

WARNER SPALDING, Col.,
Chief Magistrate, N.I.

The Accountant.—W.H., 23/11/97.

This statement corresponds with the amounts received on the following heads:—

	£ s. d.
Land revenue	20 0 0
Timber revenue	3 10 0
Court fees	22 12 9
Customs	56 2 6

In respect to the above, the Chief Magistrate appears to have retained 2s. for timber revenue, and £22 17s. 7d. is entered in a column without heading. I infer it is in the hands of the Registrar, or paid away to suitors, informers, &c. I cannot verify the amount for school fees. Correspondence has taken place showing salaries and incidentals to have been paid from the fees received, but it cannot be reconciled. Further information is necessary, and it is submitted the Chief Magistrate be written to in terms of letter herewith.—VICTOR COHEN, Accountant, 11/12/97.

NOTE.—A sum of £13 8s. has been retained by the Chief Magistrate for deposits on applications for land, but under the regulations it should be forwarded to Sydney.

Write accordingly.—W.H., 11/12. Chief Magistrate informed.—V.C., 13/12/97. Note and await reply.

NORFOLK ISLAND.

252/97, N.I.

Statement of Revenue.

	Total Amount received.	Amounts paid on the Island by the Chief Magistrate (98-90).	Remitted to Under Secretary for Lands, Sydney.	In hand.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Land revenue.....	20 0 0	20 0 0	Nil.	Vide my letter.
„ deposits (application fees)...	13 8 0	.....	.....	13 8 0
School fees	24 4 9	22 18 4	.....	1 6 5
Timber revenue.....	3 12 1	.....	3 10 1	0 2 0
Court „	45 10 4	22 17 7	22 12 9	.....
Custom „	*56 2 6	.....	56 2 6	.....
	162 17 8	45 15 11	102 5 4	14 16 5	

* Includes £12 remitted directly by Collector of Customs.

11/11/97.

WARNER SPALDING, Col.
and Chief Magistrate, N.I.
Salaries,

97/510, N.I.

Salaries, Norfolk Island.

Order posted in receipt book as discharge for salary of Spalding, Knuckey, and Adams.—V.C.

Orders have been received for the salaries of the undermentioned persons:—

W. E. Spalding, clerk and registrar, for month of June, 1897	...	...	...	£	s.	d.
"	"	"	July, 1897	3	6	8
				3	6	8
Payable to G. J. Waterhouse				...	...	...
				6	13	4
John Knuckey, constable, for month of June, 1897				...	...	...
" " " July, 1897				5	0	0
" " " July, 1897				5	0	0
Payable to the order of the Government of N.I.						
William Adams, gaoler, for month of July, 1897				...	...	...
				1	5	0
Payable as above				...	...	...
				11	5	0

97/563, N.I.

Cheques Nos. (58,370) £6 13s. 4d. and (58,371) £11 5s. herewith for signature.
The three last orders were received as part remittance by Col. Spalding on account of Customs duties from 14th November, 1896, to 31st July, 1897.—J. W. BARNES, Sub. Acct., 7/9/97.
The Chief Magistrate has been written to for a full statement of collections made since his appointment, in order to avoid the confusion that has arisen and is likely to arise in the accounts.—V.C., Acct., 11/10/97. Await reply.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/346, N.I.

Sir,

Court-house, Kingston, 14 July, 1897.

I have the honor to enclose a statement of the Public School accounts for the half-year ending I have, &c.,

75/97, N.I.

92/90, N.I.

30th ult.

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

Submitted. Might perhaps be sent to the Accountant, as teachers' salaries are to be paid pending provision being made by Mr. Garrard. The papers are with the Department of Public Instruction.—H. L. THOMPSON, 31/8/97. Yes.—W.H., 1/9/97. The Accountant.—H.L.T., 2/9/97.

NORFOLK ISLAND.

Statement of Public School Fees due, and amount actually received on account of half-year ending 30 June, 1897.

1897.	Due.	£	s.	d.	Received.	£	s.	d.		
January —140 at 3d. per child	1	15	0	February—pass Schoolmaster	1	15	0		
February—309 " "	3	17	3	March — " "	3	10	9		
March —350 " "	4	7	6	April — " "	3	15	3		
April —211 " "	2	12	9	May — " "	2	4	6		
May —284 " "	3	11	0	June — " "	2	13	0		
June —350 " "	4	7	6	July — " "	3	13	0		
					Balance due*	2	19	6		
Total	£	20	11	0	Total	20	11	0

* Chiefly sums under 5s.

16 July, 1897.

Correct,—

WARNER SPALDING, Colonel,
Chief Magistrate.

97/346, N.I.

PUBLIC SCHOOL, NORFOLK ISLAND.

Statement of Receipts and Expenditure on account of half-year ending 30 June, 1897.

Receipts.	£	s.	d.	1897.	Expenditure.	£	s.	d.
As per Statement A	17	11	6	8 March—Miss Rossitter (Jan. and Feb.)	2	0	0	
				8 " —Miss Nobbs " "	1	6	8	
				8 " —Mr. C. Buffett " "	1	0	0	
				7 April —Miss Rossitter (March)	1	0	0	
				7 " —Miss Nobbs " "	0	13	4	
				7 " —Mr. C. Buffett " "	0	10	0	
				4 May —Miss Rossitter (April)	1	0	0	
				4 " —Miss Nobbs " "	0	13	4	
				4 " —Mr. C. Buffett " "	0	10	0	
				4 June —Miss Rossitter (May)	1	0	0	
				4 " —Miss Nobbs " "	0	13	4	
				4 " —Mr. C. Buffett " "	0	10	0	
				6 July —Miss Rossitter (June)	1	0	0	
				6 " —Miss Nobbs " "	0	13	4	
				6 " —Mr. C. Buffett " "	0	10	0	
				4 June —Dwight Allen, repairs to school windows	1	5	0	
Total	£	17	11	6	Cash in hand	3	6	6
				Total	£	17	11	6

16 July, 1897.

Correct,—

WARNER SPALDING, Colonel,
Chief Magistrate.

EXHIBIT E.

EXHIBIT E.

Misappropriations by Registrar of Court.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

270/98, N.I.

Sir,

Norfolk Island, 30 June, 1898.

I have the honor to acknowledge the receipt of your letter of the 17th instant, numbered N.I., 98/470, N.I. 98/298, upon the subject hereunder mentioned.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of letter:—Irregularities, &c., of late Registrar, and informing me of the total amount of defalcations ascertained up to date.

Submitted. These papers might be sent to the Accountant, and, after his action has been completed, the receipt handed in by Captain Garth (A 690,001) might be returned to him as promised.—H. L. THOMPSON, 5/8/98.

Yes.—W.H., 16. The Accountant.—H.L.T., 16/8/98. Done with.—V.C., 2/9/98.

98/315, N.I.

Captain Garth to The Under Secretary for Lands,

Stating that duty paid by him for cargo per "Oscar Robinson," stranded at N.I., was £2 2s. 5d., as per receipt from Collector of Customs, N.I., A 690,001.

Sir,

Sydney, 6 June, 1898.

I have the honor to acknowledge receipt of your favour of 2nd instant with enclosure as 98/470, N.I. stated, for which I thank you.

The amount of duty paid by me at Norfolk Island was £2 2s. 5d., per receipt No. A 690,001, signed by Collector of Customs.

I have, &c.,

W. G. GARTH.

Forward to Mr. Brodie.—W.H., 6/16/98. Mr. Brodie.—H.L.T. (for U. Sec.), 6/6/98. Dealt with by Mr. Brodie on 98/298, N.I., herewith. Send to Mr. Cohen to see.—H. L. T., 23/6/98. Noted.—V.C., Accountant, 27/6/98.

Mr. Brodie states the deficiency in Warner E. Spalding's accounts to be £29 1s., plus £2 2s. 5d., in all gross, £31 3s. 5d., *vide* N. I. 98/298. By a statement herewith received prior to the report as to the £2 2s. 5d., the deficiency is reported to be £21 1s. 6d. net. Apparently, £7 19s. 6d.—the difference—is accounted for by the forage allowance, salary, and cash recovered, for which Mr. Brodie has given credit in the one account and not in the other. The matter should be made clear, however, and Mr. Brodie might be asked.—VICTOR COHEN, Acct., 19/7/98.

Forward to Mr. Brodie.—W.H., 20. Mr. Brodie accordingly.—H. L. THOMPSON (for U. Sec.), B.C., 20/7/98.

	£	s.	d.
Total defalcations discovered to date	31	3	5
Credit—			
Salary, Registrar of Court and Collector of Customs	3	9	6
Forage allowance	1	10	0
Cash paid by Chief Magistrate (Stated to have been obtained from Registrar subsequent to date of suspension)...	3	0	0
	7	19	6
Amount to be recovered from Col. Spalding	23	3	11
Plus £8 14s. Fees illegally paid to Registrar as perquisites	8	14	0
Defalcations.	3	11	11
Fees wrongly paid.	8	14	0
	£31	17	11

The Under Secretary for Lands.

G. E. BRODIE, A.A.G., 20/7/98.

Norfolk Island Court-house, 4 February, 1898.

RECEIVED from Captain Garth the sum of two pounds two shillings and five pence sterling on account of goods dutiable.

98/315, N.I.

£2 2s. 5d.

WARNER EDWARD SPALDING,

No. A690,001.

Collector of Customs, N.I.

Intd.

I hereby certify that this is a correct copy of the original exhibited by Captain Garth to me.—H.L.T., 6/6/98.

Re Customs Duties. Captain Garth, master, late "Oscar Robinson."

MEMORANDUM.—The late Collector of Customs, Norfolk Island, has not accounted for the duty alleged to have been paid in the accompanying paper. Captain Garth should be requested to state how much he paid. I have asked him several times. Then his reply and these papers should be referred to the Collector of Customs for him to state whether he considers Captain Garth's statement satisfactory.

The accompanying statement was made out by the Acting Collector at Norfolk Island, and signed 98/315, N.I. by Captain Garth.—G. E. BRODIE, 30/5/98. The Under Secretary for Lands.

Write.—W.H., 81.

Captain Garth accordingly, 2/6/98. Await reply.

The

The Under Secretary for Lands to Captain W. C. Garth.

98/298, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

I have the honor to forward herewith copy of the statement made by you in reference to the outward manifest prepared for clearance of the schooner "Oscar Robinson," on the 18th January, 1898, stranded that day at Norfolk Island, and to request that you will be good enough to inform me of the amount paid to you as duty thereon.

I have, &c.,

WM. HOUSTON,

Under Secretary.

In reference to the deficiencies disclosed in the accounts of Warner E. Spalding, late Registrar, Magistrate's Court at Norfolk Island, amounting to £29 1s., the further sum of £2 2s. 5d. is to be added, making the late Registrar's total defalcations discovered to date £31 3s. 5d. The butt of the receipt A690,001 was blank, and marked cancelled. Colonel Spalding has agreed to pay the late Registrar's deficiencies, and he should be notified of this last discovery.—G. E. BRODIE, Chief Inspector Public Accounts, B.C., Audit Department, 17/6/98. The Under Secretary for Lands.

For approval.—W. HOUSTON, 17/6/98. Approved.—J.H.C., 17/6/98. The C.M. informed, 17/6/98. The Accountant, 23/6/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/305, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

I am directed by the Secretary for Lands to inform you that a Memorandum has been received from Mr. Inspector Brodie on the subject of the case "Council of Elders *versus* R. S. Waterhouse," claim £3 16s., costs 3s. 6d., upon which you gave judgment in favour of the Council, and, in view of the circumstances therein explained, to request you to be good enough not to take any further action towards issuing an execution against Mr. Waterhouse without directions from this Department.

I have, &c.,

WM. HOUSTON,

Under Secretary.

98/298, N.I.

Court-house, May, 1898.

STATEMENT by Captain Garth made in reference to the outward manifest prepared for clearance of the schooner "Oscar Robinson," on 18th January, 1898, stranded that day.

Ship's Stores.—Out of the original stores I left Sydney with, shown on my clearance dated 18th December, 1897, viz. :—

Warehouse, A over 915, 2 cases whisky, each 2 gallons = 4 gallons.

Drawback, B over 1 in diamond, 7 bags sugar, 4.1.14.

X, 1 box sultanas, 30 lb.

20 lb. currants out of case.

Original, 14 lb. tobacco. Of the

Sugar :—I sold two bags, each 70 lb. = 140 lb., at Lord Howe Island; I used two bags, each 70 lb. = 140 lb., for the ship; I landed two bags and 60 lb. at Norfolk Island; the balance of 10 lb. was used also on the ship.

Whisky :—One case used on passage; two bottles stolen from other case during transit from schooner to shore; one bottle given to crew of whaleboats; nine bottles removed to bond and reshipped (less one not accounted for) per "May Howard," and disposed of on voyage to Auckland amongst passengers. I understand the doctor gave an order for one bottle to Champion on shore out of bond.

Sultanas and Currants :—I landed 10 lb. only of sultanas, which got damaged by salt water in landing, and 10 lb. currants. I cannot say from memory whether I paid any duty on either.

Tobacco :—I used 8 lb. on trip down, and the balance, 6 lb., was stolen on board. No duty paid.

Kerosene :—One cp. brought ashore from the wreck; one ullaged tin also landed; salt water damaged the oil. Duty paid on one case.

I have further to add that as I was unwell at the time I could not give attention to my business, but duty was paid to Collector of Customs, Norfolk Island, on all goods (dutiable) landed, and entries passed accordingly. I signed the outward manifest the day before the wreck, viz., 17th January. I cannot say whether a receipt for duty was given by Collector, as my agent, Mr. E. S. Lake, did all the work in connection with the trip, and my books are at present in his possession in Sydney.

W. G. GARTH,

Master, late "Oscar Robinson."

Norfolk Island, 12th May, 1898.

One box tea, 10 lb., landed. Duty paid in Sydney.

Audit Department.

Dr. ship with duty on all stores, except what was consumed on board during passage, and 6 lb. of tobacco said to have been stolen :—

	Duty.
	£ s. d.
2 bags sugar, each 70 lb. = 1 cwt. 1 qr., sold at Lord Howe Island, c. 5s. ...	0 6 3
2 bags sugar, each 70 lb. and one at 60 lb. = 1 cwt. 3 qr. 4 lb., c. 5s. ...	0 8 11
10 lb. sultanas, at 1d. ...	0 0 10
10 lb. currants, at 1d. ...	0 0 10
1 case kerosene, 8 gallons, at 3d. ...	0 2 0
1 full case of whisky = 2 gallons, at 16s. 5d. ...	1 3 8
	2 2 6

2 bags

	Duty.		
	£	s.	d.
2 bags sugar at 70 lb. and one at 60 lb. = 1 cwt. 3 qr. 4 lb., at 5s. ...	0	8	11
10 lb. sultanas	0	0	10
10 lb. currants	0	0	10
8 gallons kerosene... ..	0	2	0
Whisky—2 bottles stolen			
1 bottle given to whaleboat crew	} 5 bottles, at 2s. 4d.		0 11 8
1 bottle to "May Howard"			
1 bottle to Champion			
	<hr/>		
	1	4	3
Amount paid... ..	£2	2	5
	1	4	3
	<hr/>		
	0	18	2
Duty on 6 lb.	0	18	0
	<hr/>		
Tobacco, at 3s.			

The Chief Inspector of Public Accounts to The Under Secretary for Lands.

Deficiencies in Account of the Registrar of Magistrate's Court and Collector of Customs at Norfolk Island:—

	£	s.	d.	£	s.	d.
Registrar of Court	27	7	8			
Collector of Customs	2	16	4			
	<hr/>			30	4	0
So far as ascertained.						
Salary, Registrar, 1-19 April, 1898	2	2	3			
Salary, Collector of Customs	1	7	3			
Cash	3	0	0			
	<hr/>			6	9	6
Forage allowance				1	10	0
Cr. part of remittance to Under Secretary for Lands, 4th August, 1897, timber licenses				1	3	0
By balance due by Registrar and Collector of Customs to be paid by Colonel Spalding				21	1	6
	<hr/>			30	4	0

31st May, 1898.

G. E. BRODIE, A.A.G.

EXHIBIT F.

R. S. Waterhouse v. Council of Elders.

Chief Magistrate not to take further action towards issuing execution against R. S. Waterhouse.

98/305, N.I.

MR. BRODIE'S contention that the amount in question could not be recovered from Mr. Waterhouse in the absence of by-laws approved by the Chief Magistrate is certainly correct.

The Chief Magistrate, who it appears confounded some public notice issued by the Council of Elders with the by-laws required by the Act, gave an obviously wrong decision, and the part taken by Mr. Quintall in the affair is alike discreditable to his intelligence as an attorney and to his position as President of the Council of Elders.

What the actual position of affairs is now I do not know. Perhaps the Chief Magistrate should be directed to take no further action towards issuing an execution against Waterhouse, and the matter be allowed to drop.

W. HOUSTON, 1/6/98.

Approved.—J.H.C., 1/6/98.

The C.M. informed, 1/6/98.

98/575, N.I.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/305, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

I am directed by the Secretary for Lands to inform you that a memorandum has been received from Mr. Inspector Brodie on the subject of the case "Council of Elders *versus* R. S. Waterhouse," claim, £3 16s.; costs, 3s. 6d., upon which you gave judgment in favour of the council; and in view of the circumstances therein explained, to request you to be good enough not to take any further action towards issuing an execution against Mr. Waterhouse without directions from this Department.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Memorandum

Memorandum by The Chief Inspector of Public Accounts.

98/269, N.I.

Council of Elders, Norfolk Island, v. R. S. Waterhouse; claim, £3 16s., and costs, 3s. 6d.

Memorandum.

THIS is a very peculiar case, in which the Government might have been involved in an action for damages for wrongful distraint had I not requested the Chief Magistrate to suspend the issue of an execution against the goods of R. S. Waterhouse that had been applied for by the Council of Elders on a judgment given by the Chief Magistrate.

The facts are as follows:—On the 4th February, 1898, the Council of Elders proceeded against R. S. Waterhouse for £3 16s. and 3s. 6d. costs of Court, he, it was alleged, being absent certain days from public work valued at 4s. per diem.

Judgment was given against the defendant for £2 5s. 6d., which included costs of Court, and one witness.

The Chief Magistrate gave judgment against Mr. Waterhouse in face of the fact, which was submitted to him by the defendant, that no by-laws had been approved by the Chief Magistrate under the new administration.

No by-laws having been approved of by the Chief Magistrate, he should have known that the Council of Elders could not take legal proceedings for the recovery of rates or for the value of public work, and he should have struck the case out instead of giving a verdict for the plaintiff carrying costs.

The President of the Council of Elders, who is the only attorney on the Island, must have known he had no case.

31st May, 1898.

G. E. BRODIE.

P.S.—The other case referred to in papers, that of McCoy, is settled.—G.E.B.

(A.)

Mr. R. S. Waterhouse v. Council of Elders.

1897.				£	s.	d.
Feb. 13—	To 3½ days absent from public work on town pier,	at 4s. per day	... ..	0	14	0
" 20—	" " " " lime-kiln,	" "	... ..	0	14	0
March 5—	" " " " Taylor's Road,	" "	... ..	0	14	0
June 5—	" " " " town pier,	" "	... ..	0	14	0
Dec. 11—	To 5 bags of lime, at 4s. per bag	... ..	... ..	1	0	0
				£3 16 0		

I shall be glad to receive this amount.

Norfolk Island, January 11th, 1898.

R. M. QUINTALL,
President.

(B.)

Court-house, 2 February, 1898.

Council of Elders v. R. S. Waterhouse.

PLEA of defence: Not indebted as follows:—

1st. 6½ days public work done in 1897, but not allowed for in account.

2nd. Counsel owe me contra account of 8s. 6d.

3rd. That any arrears of public work for 1897 had been arranged for before the summons was taken out.

R. S. WATERHOUSE.

Mr. R. S. Waterhouse to G. E. Brodie, Esq.

Case.—Council of Elders v. R. S. Waterhouse.

Norfolk Island, 18 April, 1898.

Marked "A."

Marked "B."

ON 4th February, 1898, I was sued by Macey Quintall, as President of the Council of Elders, for £3 16s. 0d., and 3s. 6d. cost of summons, as per account attached. I put in a plea of defence (copy herewith). I proved that out of the 14 days public work I had done 6½ days, that there was an overcharge of 2s. on the lime, and that the Council owed me a contra account of 8s. 6d.; these were allowed, and a verdict carrying levy and distress was entered against me, being made up as follows:—

		£	s.	d.
7½ days public work at 4s.	... ..	1	10	0
4½ bags of lime at 4s.	... ..	0	18	0
		2 8 0		
Less contra account	... ..	0	8	6
		1 19 6		
Costs of court	... ..	0	3	6
Cost of witness	... ..	0	2	6
		2 5 6		

Mr. Macey Quintall, being duly sworn, produced a document he swore was the original by-law of Council, upon which I was sued. Upon my examining same, I discovered that it bore no date, and neither the name of the President or Secretary of the Council, nor even of the Chief Magistrate himself; the document was handed by me to the constable, and by him to the Chief Magistrate.

The document was thus valueless, and I therefore asked for a nonsuit. This was not allowed.

I therefore asked the Chief Magistrate to impound the document, but have reason to believe this was not done, and that Mr. Macey Quintall gained possession of it.

I then wished to question Mr. Quintall on the laws, more particularly law No. 8, but was not allowed to do so by the Chief Magistrate, as I had put in no plea of defence relating to the laws.

The

The public work closed on 5th June, 1897; but I received no notification that I was in arrears until I received the account on which I was sued, dated 11th January, 1898. After receipt of same, I saw Mr. Byron Adams and Mr. Fairfax Quintall, two members of the Council, who agreed to make up any arrears of work that I was owing; also, that at the first Council meeting, they promised to inform the President of their agreement with me, this was before the summons was taken out; I had them in the witness-box and they confirmed my statement, and stated they were then ready to do the work. Mr. Byron Adams also swore that during his terms of office as Chief Magistrate, I had faithfully performed my share of public work, and for eight years I had done it without any trouble or interference from the authorities. However, in the face of this, a verdict was given against me carrying levy and distress.

I contend from time to time I should have been notified by the Council of any arrears of work, which could have been arranged for, that it should not have been allowed to run on for seven months, and then sued for without the option given me of making the arrears up, which has always been the custom on the Island.

I would also point out that I was absent from the Island from 4th January to 11th February, 1897, and that if any by-laws were exhibited, as provided by law, I did not see them, and that I have no means of seeing them. Also, that I had a schooner here discharging and loading from 11th to 23rd February, 1897, and could not attend to her and do public work at the same time; also, that the list of names for public work are made out several days before being posted up—that, being absent from the Island until 11th February, my name did not appear on the list when posted up.

I also take exception to the amount of 14s. charged for not helping burn stone for lime on 26th February; this, I believe, was never sanctioned by the Chief Magistrate, but even if it were, the lime was not for the construction of the public roads.

In the witness-box, Mr. Macey Quintall had to acknowledge this particular kiln of lime, for which I am sued for 14s., belonged conjointly to the Church of England, the Methodist Church, the Adventist Church, and the Council, that it was not used on the roads, and that the Council had disposed of and been paid for the following:—

Mr. C. C. R. Webb	8 sacks at 4s.
Mr. R. S. Waterhouse... ..	4½ „ 4s.

I therefore consider the account should be reduced by the 3½ days on 13th February, and the 3½ days on 26th February.

This would then make the account due—		£	s.	d.
One half-day's work		0	2	0
4½ bags of lime		0	18	0
		<hr/>		
		1	0	0
Less contra account		0	8	6
		<hr/>		
		0	11	6
Costs of Court		0	3	6
		<hr/>		
Total		0	15	0

instead of the verdict (45s. 6d.), as given; or if the number of days as sued for are allowed, I should have the option of making up the number of days, without being called upon to pay the amount in cash or levy and distress. The lime I am willing to pay cash for, and when I got it, wrote to the President (Mr. Macey Quintall), stating I would pay him for it upon his sending me an account for it, which has never been done.

R. S. WATERHOUSE.

Mr. R. S. Waterhouse to G. R. Brodie, Esq., Norfolk Island.

Sir,

Norfolk Island, 19 April, 1898.

As I understand you are representing the Lands Department, on Executive power of this Island, I take the liberty of bringing under your notice two cases against me, tried in the Small Debts Court here on 4th February last, in which verdict was given against me, which, to my mind, do not savour of British justice. They were:—Council of Elders *v.* myself; Philip McCoy *v.* myself.

When in Sydney I laid these two cases before Mr. Houston, but not as fully as I do to you. Before leaving, Mr. Thompson told me I would hear the result of them and the decision of the Government respecting them upon my return to the Island. I therefore addressed a letter to the Chief Magistrate (copy enclosed, marked AA), asking for certain information, and I enclose his reply (BB). Thinking probably you may have some instructions respecting these cases, I have written out for your information my version of them, and trust it will be in your province to go into the matter before leaving.

At your convenience I am prepared to meet you with the Chief Magistrate, and to produce the witnesses I called at the time the cases were heard.

I only want what is just and right, and nothing but British justice.

I may state the Court-house was pretty well filled by the public; and outside gentlemen, such as W. D. Craig, Esq., and others, no doubt can inform you pretty accurately of what transpired.

I believe in these cases, and in other small-debt cases, the evidence, although taken on oath, is not taken down by the Registrar, which, to my mind, should be done.

I am also of opinion there should be a Court of Appeal against the Chief Magistrate's decision; but I hear such is not the case. I am also informed the plaintiffs are being urged, against their will, to apply for Executive orders against me. Such a course is unnecessary. I am prepared to act upon your advice, either to pay the amounts into Court—of course, under protest—or to hand the amount to you, to be retained by you on behalf of the Government until you have been able to investigate the matter, or until you have had the opportunity of laying your report on same before the Minister of Lands, in Sydney. I do not wish to shirk any liability of payment, but simply think an error in judgment has been made in the verdicts given, which, no doubt, could and should be fairly adjusted before any payment is demanded.

Trusting you will be able to go into these matters.

I have, &c.,

R. S. WATERHOUSE.

[Enclosures.]

AA.—R. S. Waterhouse's letter to Chief Magistrate.
 BB.—Chief Magistrate's reply to R. S. Waterhouse.
 R. S. Waterhouse's statement *re* Council of Elders' claim.
 R. S. Waterhouse's statement *re* Philip McCoy's claim.

AA.

Mr. R. S. Waterhouse to The Chief Magistrate.
Re "Council of Elders" *v.* Self.
Re Philip McCoy *v.* Self.

Sir,

Norfolk Island, 18 April, 1898.
 I have the honor to inform you that whilst in Sydney I laid these two cases before the Government, together with the summons forms and accounts upon which I was sued. Before leaving they informed me I would hear the result upon my return to the Island.

As I am prepared and willing to settle these matters, would you kindly inform me if you have any advice from the Government as to their decision in these cases; also, if they have returned my documents to you.

I have, &c.,

R. S. WATERHOUSE.

The Chief Magistrate, Norfolk Island, to Mr. R. S. Waterhouse.

141/98, N.I.

Sir,

Norfolk Island, 18 April, 1898.
 I have the honor to acknowledge receipt of your letter of this date, numbered N.I., upon the subject hereunder mentioned, and have no communication to make to you on the subject.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate.

Subject of letter :—Small Debts Court. Council of Elders *v.* R. S. Waterhouse. Philip McCoy *v.* R. S. Waterhouse.

The Chief Magistrate, Norfolk Island, to Mr. W. Kendall, Bullock's Hut, Norfolk Island.

184/98, N.I.

Sir,

Norfolk Island, 9 May, 1898.
 I have the honor to acknowledge receipt of your letter of the 7th instant, numbered 130/98, N.I., upon the subject hereunder mentioned, and have nothing to add to the communication made to you by the Registrar in letter of 2nd instant.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate.

Subject of letter :—Attorney's costs. *You v. No. 4 Whaling Syndicate.*

This is the matter in which the Chief Magistrate awarded attorney's costs against William Kendall in the case *Kendall v. No. 4 Whaling Syndicate*, and referred to in my report on the Chief Magistrate's accounts, dated 17th May instant. The Chief Magistrate had no power to award these costs, and Mr. Kendall should recover them from the Chief Magistrate, who has paid the amount £3 3s. over to the attorney, O. M. Quintal.—G. E. BRODIE, A.A.G., 17/5/98. The Under Secretary for Lands.

This matter is, I think, under reference to the Crown Solicitor on other papers.—W.H., 31/5/98.

Mr. W. Kendall to Colonel Warner Spalding, C.M.G., Chief Magistrate of Norfolk Island.

Sir,

Bullock's Hut, Norfolk Island, 7 May, 1898.
 I know no law in which you can award a barrister fees to the amount of three guineas as you did against me on June 15 last in the Bench Land Case *v. No. 4 Syndicate of Norfolk Island*. And I ask you to refund the three guineas, or I shall send the case on to Mr. Carruthers, Minister of Lands.

I have, &c.,

WILLIAM KENDALL.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Returning papers 98-125 *re* case of *McCoy v. Waterhouse*, and explaining case clearly established chiefly by defendant's own witnesses.

161/98, N.I.

Sir,

Norfolk Island Government House, Kingston, 3 May, 1898.
 I have the honor to return papers in connection with the following cases heard in the Magistrate's Court of this Island.

P. McCoy v. Waterhouse.

It was clearly established, chiefly by the defendant's own witnesses, that the plaintiff had worked for the defendant for the number of days claimed for. The rate of the plaintiff's daily wage awarded, viz., 4s., was based on the evidence of one of the defendant's witnesses, who claimed to be an expert in the trade the plaintiff was engaged to work at.

Council of Elders v. Waterhouse.

Public notices, signed by the President of the Council of Elders, and approved by me as Chief Magistrate, were exhibited in Court, detailing the defendant to perform certain public labour on specified dates.

In assessing the amount awarded the plaintiff the defendant was allowed for two days' work he did to the road in front of his own residence and store, although he had not been directed by any authority to do so, and other parts of the public roads were much more urgently in need of repair.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, N.I.

Norfolk

Norfolk Island Matters.—Interview with Mr. Waterhouse.

98/125, N.I.; 100/98, N.I.

At 11:30 this morning (Friday, 4th March, 1898) Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

Mr. Houston: Are you a brother of Mr. Waterhouse, at Waverley? Yes.

You wish to see me about several matters? Yes; I want to see you about some verdicts given by the Colonel, at Norfolk Island, which, I think, are not quite according to law. Not anticipating this visit, I wrote a letter upon the matter and sent it to the Department through the Colonel.

I will send for the papers. In the meantime, how long have you been at Norfolk Island? Nine years.

Have you always followed the occupation of storekeeper? Yes.

You also take contracts—repairs to buildings, and such like? Yes, sometimes.

I have now the papers regarding the verdicts. I notice there are two cases: *McCoy v. Waterhouse*, and *Council of Elders v. Waterhouse*.

The Council of Elders are suing you for non-performance of public work? Yes.

And in the other, *McCoy* sues you for wages? Yes. I can prove that from the 3rd to the 8th he was never near the work. I think the Colonel should only have given a verdict for the eleven days that could be proved, and not for seventeen days.

I will go into these documents and see what can be done.

* * * * *

There is no appeal from the ruling of the Chief Magistrate, and it is well there is not.

Perhaps this paper may be forwarded to the Chief Magistrate for any comments he may desire to make.

Papers to be returned to this office.

W. HOUSTON.

7 March, 1898.

The Chief Magistrate, Norfolk Island, B.C., 8th March, 1898. To be returned.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

R. S. Waterhouse, asking for interview *re* cases *P. McCoy v. R. S. Waterhouse*, and *Council of Elders v. R. S. Waterhouse*, and other matters, enclosing summons received.

Sir,

Norfolk Island, 5 February, 1898.

I herewith wish to bring under your notice the following two cases against myself, tried before Colonel Spalding, Chief Magistrate, yesterday.

First—Philip McCoy v. R. S. Waterhouse.

Claim, £4 15s., as per summons herewith.

I proved that the plaintiff had not worked from the 3rd to 8th of January, as sued for; however, a verdict was given against me for those six days, which I consider is not proper justice, and which I now appeal against.

Second—Council of Elders v. R. S. Waterhouse.

Claim, £3 16s., as per summons herewith.

This was for public work. The President of the Council during his sworn evidence produced in Court a document which, he stated, was the original by-law providing for public work, and was the document upon which I was sued. Upon examining it I found that it was not signed by the President or Secretary of the Council, or by the Chief Magistrate, and also bore no date; however, upon this document a verdict was given against me, which carried levy and distress.

It was useless my appealing against the Magistrate's verdict. I however requested that the document be impounded, as I intended bringing the matter before the authorities in Sydney.

On 14th November, 1896, His Excellency Lord Hampden, in his speech, stated the change in the constitution of the Island was partly due to the maladministration of justice. The above cases, I consider, were not properly administered.

If you would kindly grant me an interview I could explain these matters more fully, and also bring under your notice other matters connected with the Island.

I have, &c.,

R. S. WATERHOUSE.

Mr. Waterhouse informed that the Under Secretary will see him any office day between 11 and 3 o'clock, 3/3/98.

98/109, N.I.

The Under Secretary for Lands to R. S. Waterhouse, Esq.

Sir,

Department of Lands, Sydney, 3 March, 1898.

In reply to the request contained in your letter, received on the 28th ultimo, I have to inform you that I shall be glad to see you to inform you between the hours of 11 a.m. and 3 p.m. any day upon which this Department is open to the public.

I have, &c.,

WM. HOUSTON,

Under Secretary.

Copy of Summons.

In the Court of Petty Sessions for the District of Kingston, Norfolk Island.

98/257, N.I.

Norfolk Island.

You are hereby summoned to appear in this Court, at Kingston, on Friday, the 4th day of February, 1898, at 10 o'clock in the forenoon of the same day, precisely, to answer the following plaint of Macey Quintal nominal plaintiff, Council of Elders, for that you are indebted unto him in the sum of £3 16s., as per particulars annexed hereto, otherwise, upon proof of the due service of a copy of this summons, the cause, when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award. And take notice, that if

you

you intend to defend upon any matter of set-off or excuse, you must file particulars of the same in the office of the Registrar, two clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set-off cannot be admitted.

Dated this 2nd day of February, 1898,—

		By the Court.	
Claim	...	£3	16 0
Costs paid	...	0	3 6
Total		£3	19 6
WARNER EDWARD SPALDING, Registrar			
Verdict for Plaintiff—			
7½ days work at 4s....	...	£1	10 0
4½ bags lime...	...	0	18 0
Total...		£2	8 0
Less contra account	...	0	8 6
Total...		£1	19 6
Costs of Court	...	0	3 6
1 witness	...	0	2 6
Total...		£2	5 6
levy and distress.			

Mr. R. S. Waterhouse, in a/c with the Council of Elders of Norfolk Island.
1897.

February 13—To 3½ days absent from public works, at 4s. per day ...	...	£0	14 0
26— " " lime kiln, " "	...	0	14 0
March 26— " " Taylor's Road, " "	...	0	14 0
June 5— " " town pier, " "	...	0	14 0
December 11—5 bags of lime at 4s. per bag ...	...	1	0 0
		£3	16 0

Norfolk Island, 11th January, 1898.

Court-house, Norfolk Island, 2 February, 1898.

Council of Elders v. R. S. Waterhouse.

Not indebted for amount sued for.

1st. 6½ days public work done in 1897, not allowed for in account.

2nd. The Council owe me contra account of 3s. 6d.

3rd. Any arrears of public work due by me for 1897, had been arranged for, before summons was taken out.

R. S. WATERHOUSE.

Copy of Summons.

Norfolk Island.

In the Court of Petty Sessions for the District of Kingston, Norfolk Island.

To Roland S. Waterhouse of Taylor's Road, Norfolk Island,—

You are hereby summoned to appear in this Court, at Kingston, on Friday, the 4th day of February, 1898, at 10 o'clock in the forenoon of the same day, precisely, to answer the following plaint of Philip McCoy for that you are indebted unto him in the sum of £4 15s., for work done and hire of tools as per particulars annexed hereto, otherwise, upon proof of the due service of a copy of this summons, the cause, when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award. And take notice that if you intend to defend upon any matter of set-off or excuse, you must file particulars of the same in the office of the Registrar, two clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set-off cannot be admitted.

Dated this 2nd day of February, 1898,—

By the Court.

Claim	...	£4	15 0
Costs paid	...	0	3 6
Total		£4	18 6

WARNER E. SPALDING,
Registrar.

Verdict for Plaintiff—

17 days' work at 4s. 6d.	...	£3	16 6
Less contra account	...	2	2 5
Total		£1	14 1
Costs of Court	...	0	3 6
Total		£1	17 7

Norfolk

Norfolk Island, 1 February, 1898.

Mr. R. S. Waterhouse, N.I., Dr. to Philip McCoy.

1898.

January 8. To seventeen days' labour, from 17th December, 1897; to 8th January, 1898, as under:—
 17th, 18th, 22nd, 23rd, 24th, 27th, 28th, 29th, 30th, 31st, December, 1st, 3rd, 4th, 5th 6th,
 7th, and 8th January, 1898, @ 5s. per day £4 5 0

February 1. To hire of tools, as under:—

Stone-cutter, lime-sieve, set of trowels, mortar holder, water cask,
 saw horse, ladder, &c. 0 10 0

Total £4 15 0

Court-house, Norfolk Island, 2 February, 1898.

P. McCoy v. R. S. Waterhouse.

Plea of Defence.

I AM not indebted to Mr. P. McCoy, for the following reasons:—

- 1st. For the seventeen days as sued for.
- 2nd. For the hire of tools.
- 3rd. Mr. McCoy owes me a contra account of £2 2s. 5d.

R. S. WATERHOUSE.

EXHIBIT G.

Suitors' Money—Baynes, Lenehan, and Others.

Minute by Under Secretary for Lands.

Mr. G. E. Brodie's Report that Colonel Spalding had acted as a Private Agent.

98/662, N.I.

WITH his report of the 16th June last Mr. G. E. Brodie, Chief Inspector of Public Accounts, enclosed several papers having reference to two cases which Colonel Spalding had adjudicated on as Chief Magistrate of Norfolk Island, and which, he considered, showed that he, in contravention of the spirit of the laws of Norfolk Island, had been acting as private agent for a solicitor to the plaintiffs in the cases.

It appears from the report and enclosures:—

- (1.) That the Chief Magistrate gave judgments in January, 1897, in favour of the plaintiffs, as against C. C. R. Nobbs, the defendant, for sums amounting, in all, to £433, and that the plaintiff's solicitor was Mr. R. W. Lenehan, of Sydney, who was a guest of Colonel Spalding while at Norfolk Island.
- (2.) That, subsequently, an arrangement was entered into whereby C. C. R. Nobbs was allowed to make a compromise of 6s. 8d. in the £, by consent of Mr. Isaac Robinson (Registrar of Births, Marriages, and Deaths, &c., at Norfolk Island, paid by fees, and Consular Agent), agent for Mr. Lenehan.
- (3.) That Colonel Spalding received from Mr. I. Robinson in notes and gold the sum of £65—part of the £144 agreed to be paid by Nobbs.
- (4.) That the Chief Magistrate did not pass this money through his official books.
- (5.) That one of the plaintiffs informed Mr. Brodie that Mr. Lenehan had informed him that the only sum he had received from Colonel Spalding was £45 19s.
- (6.) That the remittance of this sum was by Government of Norfolk Island cheques, as follows:—
 In favour of Constable Knucky, on account of salary, £20; in favour of Byron Adams, on account of "work in Government House Ground—award," £25 19s.
- (7.) That Colonel Spalding had virtually arranged the settlement with C. C. R. Nobbs.—*Vide* Annexures to Reports A, B, and I.

On the 22nd June the Report and Enclosures were forwarded to the Chief Magistrate, in answer to which he wrote the accompanying letter, dated 15th July. The following epitome of this letter correctly conveys the substance of his explanation so far as the facts referred to in Mr. Brodie's report are concerned:—

- (1.) He infers that Mr. Brodie, by insinuations, has questioned the honesty of his decisions in the cases mentioned. He says it is true Mr. Lenehan was a guest at Government House; that, in addition to this gentleman having been an officer of the Artillery Brigade, which he commanded for seven years, he was a personal friend of himself and family, but that this gentleman never at any time attempted in any way to influence him as Chief Magistrate or as a private person, either in the cases mentioned or in any other cases in which he, as a solicitor, appeared, nor would he, for one moment, have listened to him, or anyone else, had he made such an attempt.
- (2.) He states that, after Mr. Lenehan's departure from the Island, he simply gave what he considered to be honest, straightforward, and disinterested advice to those persons who consulted him with regard to the settlement of the matter as between Mr. C. C. R. Nobbs and the parties represented by Mr. I. Robinson, as agent for Mr. Lenehan; that he gave interviews at the request of Nobbs and Robinson; that he received no reward, and none was offered; would not have accepted any, either directly or indirectly, for what were friendly services; informed Robinson that any decision as to terms of agreement with Nobbs was to be mutually arranged between them, and that he himself had no authority from Mr. Lenehan to accept or decline any agreement entered into; and lastly, he was not Mr. Lenehan's agent. (3.)

- (3.) That the moneys received from Mr. Robinson he simply took at his request for safe custody and transmission to Mr. Lenehan.
- (4.) He has stated that the transaction was purely a private one, and (while not particularly referring to Mr. Brodie's statement that "no portion of the amounts have been passed through the Chief Magistrate's books of account, as it should have done") no doubt considered the statement referred to a sufficient answer to Mr. Brodie's inference that it was an official one.
- (5.) Respecting the amount of money remitted to Mr. Lenehan, he merely says, "all the moneys I have received have been remitted to Mr. Lenehan."
- (6.) With reference to the remittances of the two Government cheques of £25 19s. and £10, he explains that he cashed them for Byron Adams and Knucky respectively, at their request; that there are no banks or large places of business on the Island where orders for such large sums (as they are considered at Norfolk Island) could be cashed, and not being Government money, and there being no safer way of remitting money than in the form of orders, the cheques were remitted as before indicated, besides it is not policy to withdraw coin in circulation on the Island.
- (7.) That he did not arrange the settlement with C. C. R. Nobbs; that he informed Mr. Robinson that the decision as to terms of agreement with Mr. Nobbs must be mutually arranged between them.

Referring to the 15th paragraph of Mr. Brodie's report of the 16th June last, I deem it only fair to the Chief Magistrate to point out that the transaction he refers to has no relevant significance, and should not have been put in the report. As it stands, it might be inferred by anyone not cognisant with the facts, that the Chief Magistrate had held the money for a considerable time after he had advised that he had paid it away. The paragraph reads as follows:—

"Although a letter dated the 30th May, 1897, was received in the Lands Department on the 10th June, 1897, notifying the payment of the £25 19s., a properly acquitted voucher was not to hand until the 30th August, 1897."

Now, unless the object was to make it appear that there was some doubt as to the Chief Magistrate's statement that he had paid the money at the time he said he had, where was the necessity for mentioning the matter?

Mr. Brodie has had before him all the papers in reference to this matter, and was aware that the Chief Magistrate not only stated that all the persons who submitted claims (in connection with repairs to Government House grounds award) had been paid with Byron Adams' consent; but that he had enclosed in his letter of the 30th May, 1897, a certificate by Byron Adams that he had "paid the whole amount of the award" (of which the £25 19s. was part) "either by orders on storekeepers or by cash to those persons entitled to receive the same." The acquitted voucher was received by the return mail that carried this Department's letter requesting it to be forwarded. There has not been the slightest suspicion, nor did Mr. Brodie hint at any in his report on the Norfolk Island accounts that the Chief Magistrate had improperly withheld this money.

Mr. Brodie, having been given the opportunity of perusing Colonel Spalding's letter, has written the accompanying letter, dated the 9th September, 1898. As there are portions which are apt to lead to a confused or erroneous view of the case, it is necessary to review this letter in the same manner as the original report.

In paragraph 2, Mr. Brodie says: "It was shown in my report that the sum of £124 6s. 8d. had been paid by C. C. R. Nobbs as under:—

	£	s.	d.	£	s.	d.
" To Colonel Spalding (March, 1897)				65	0	0
" „ Isaac Robinson (June, 1897)	39	0	0			
P.N.... ..	13	6	8			
P.N.... ..	7	0	0			
	59	6	8			
				£124	6	8

In paragraph 5 he writes: "Colonel Spalding does not deny receiving the moneys from C. C. R. Nobbs and Isaac Robinson, but he simply says on page 9: 'All the moneys I have received have been remitted to Mr. Lenehan.'"

Now, from this it might easily be inferred, without most carefully going over the whole ground, that it had been stated Colonel Spalding had received the whole of the £124 6s. 8d., viz., the £65 from C. C. R. Nobbs, and the £59 6s. 8d. from Isaac Robinson; but it must be pointed out that Mr. Brodie's first report with annexures only show that he received £65—a cheque which the Chief Magistrate says was handed to him by Isaac Robinson for safe keeping, subsequently handed to Nobbs for cash.

In paragraph 10, he says: "It was no part of the Chief Magistrate's duty to receive any suitors' moneys—they are payable to his Registrar, * * * but having received such moneys, he should have issued an official receipt therefor and passed the amounts through his books of account, as he did a sum of 14s. 6d. irregularly received from Gustav Quintal on account of Hordern Bros."

Now, assuming that the Chief Magistrate had simply received the money for safe custody, by request of Isaac Robinson, as he said he did, it is clear, in view of the circumstances surrounding him as Chief Magistrate at Norfolk Island, that there could not possibly have been any objection to such a transaction. The real point is, has Colonel Spalding spoken the truth in saying he simply took the £65 for safe custody, remitted it to Mr. Lenehan at Robinson's request, and that he had no interest in the matter in one way or the other. Mr. Brodie, in designating the money as "Suitors' money," is not correct. The parties had ceased to be suitors at the close of the suit. The plaintiff agreed to a settlement of the judgment in the ordinary course of business, and therefore the money which passed was not payable to the Registrar of the Court, as Mr. Brodie says it was, and this stands good to show that Mr. Brodie's statement in paragraph 11, that Colonel Spalding made no mention to him of having received any moneys in Baynes & Co.'s and Holdsworth, Macpherson, & Co.'s cases, should have no real significance.

In connection with the Chief Magistrate's relations with Robinson and Nobbs, it is immaterial whether or not the audience and advice is reckoned as having been afforded in an official or a private capacity, so long as the advice or information given was honest and disinterested. Passing

Passing by Mr. Brodie's interpretation of the laws of Norfolk Island as bearing on the obligations of the Chief Magistrate (*vide* paragraph 22 of this report), the statement (contained in same paragraph) that any moneys received by Colonel Spalding in his official capacity should have passed through the books of account is, of course, correct. Indeed, this goes without saying, in view of the requirements of the Regulations for the guidance of officials responsible for the collection of revenue.

As before mentioned, however, I do not think this money could be regarded as suitors' money, and Mr. Brodie in bracketing it with the 14s. 6d. alleged to have been irregularly received (*vide* paragraph 10 of the letter of 9th September) does not deal fairly with the question.

I am at a loss to know why it is stated that this amount (14s. 6d.) was irregularly received. It was not "suitors' money," as it was not sued for either by Hordern or any other person. As a matter of fact, it was deducted from the salary of the schoolmaster under instructions from the Minister (papers 98-84 herewith), and Mr. Brodie, seeing it was collected last August, a considerable time after he had left the Island, unless he has been in communication with the Registrar, cannot possibly know whether it has been entered through the Registrar's books or not, and seeing that it was not paid to the Registrar it would not be entered, but having been paid to the Chief Magistrate and duly accounted for the inference is that it has passed through the books of that officer in the proper way, this is confirmed by the attested account, certified to by the Auditor.

The essence of the whole matter seems to me whether or not Colonel Spalding was an interested party to the settlement of the judgments he gave as Chief Magistrate.

According to an extract from a letter [Enclosure B] purporting to be from Colonel Spalding to Mr. Lenehan, the former states, that he had arranged a settlement with Nobbs, which he hoped would be satisfactory, that he had accepted 6s. 8d. in the pound, &c., held Mrs. Metcalfe's cheque (for £65, subsequently returned in exchange for cash and notes), and had possession of the agreement. To say the least of it, if Colonel Spalding acted honestly towards Nobbs in giving the advice (whatever it was), it is unfortunate that he did not return the money to Robinson (to remit to Mr. Lenehan), and that he should have written to Mr. Lenehan in such a way as to make it appear that he had acted on his behalf—as a partisan rather than a mediator.

The terms of this letter are certainly such as an agent might be expected to use in writing to his principal.

In a letter to Mr. Lenehan [Enclosure A] dated a few days later than that written by Colonel Spalding, Mr. Isaac Robinson wrote: "I have handed the cheque (for £65) to the Colonel whose advice and approval I got on every step that has been taken in the matter."

In a letter signed by Mr. C. C. R. Nobbs on the 14th June last, and addressed to Mr. Brodie on the subject of the compromise before referred to, it is stated that when the offer of £100 was made to Mr. Robinson, the latter stated that, although he was willing to accept the offer, still he would not accept without first consulting Colonel Spalding. That, getting this gentleman's consent thereto as the result of such consultation, Nobbs was informed at an interview with Robinson and Colonel Spalding that the Colonel did not think the offer was big enough, but that he was prepared with the Colonel's approval to accept £144, as settlement in full.

Colonel Spalding in his letter of the 15th July has not referred to Mr. Nobbs, Mr. Robinson's, nor his own letter in which the foregoing appear. This is rather peculiar as these contain the strongest evidence which Mr. Brodie has obtained in support of his contention that Colonel Spalding had acted as agent for Mr. Lenehan.

It may be pointed out here, however, that the following appears in his letter:—"I was not Mr. Lenehan's agent and had no authority from him to accept or decline any agreement entered into." This is not at all consistent with that portion of his letter to Mr. Lenehan wherein he states: "I have arranged a settlement, &c.," and "I have accepted 6s. 8d. in the pound, &c."

This is not all. Colonel Spalding has not explained what he did with the balance of the £65, viz.:—£19 1s., as the amount of the two cheques remitted by him to Mr. Lenehan amounted to £45 19s. only. Colonel Spalding does not say in his letter what amount he received, he simply says "the moneys I received from Mr. Robinson—Mr. Lenehan's representative here—I simply took at Mr. Robinson's request for safe custody and transmission to Mr. Lenehan. Perhaps in this, I now perceive it would have been wiser for me to have declined, but I then could not foresee how my reasonable action would be twisted to envelop me in a net."

All the moneys I have received have been remitted to Mr. Lenehan.

It appears that Nobbs paid Robinson £39 to take up the two mortgages lodged with the latter. This makes £104 as having been paid by Nobbs. Of this Mr. Brodie says he has traced £45 19s. as having been remitted to Mr. Lenehan in Sydney. The difference between £104 and the amount of the settlement of £144 Mr. Robinson has practically stated, in his letter of the 12th July last, has been remitted to Mr. Lenehan. Mr. Brodie says, that notwithstanding this, Mr. Lenehan's clients have not received their proceeds.

With regard to Isaac Robinson, Mr. Brodie, in his confidential report of the 16th June, says, "Mr. Robinson's reputation is very shady"; but as he has not put forward any evidence in support of this rather bald statement, it cannot be noticed. Respecting Robinson's transactions as Mr. Lenehan's representative in the matter referred to herein, I do not see what good could result in requesting him to say what moneys he received from Nobbs, and how he disposed of them. If he has not satisfactorily accounted to his principal for them, it is for Mr. Lenehan to take the initiative; and, of course, the same applies to Mr. Baynes and Messrs. Holdsworth, Macpherson, & Co. if their solicitor, Mr. Lenehan, has not dealt in a business-like way with them. These are matters outside the scope of the Government.

In conclusion, I am constrained to say that so far Colonel Spalding's explanation cannot be accepted as satisfactory.

A serious charge has been made against him, and, although he has been given full opportunity of explaining away the different points in Mr. Brodie's report, I regret to say he is silent as regards the most damaging evidence, viz., the letters of the 13th and 19th February, 1897, addressed to Mr. Lenehan by himself and Mr. Robinson respectively. It must also be pointed out that Mr. Brodie's report and annexures were in Colonel Spalding's possession from the 13th July until about the 12th instant, so he had ample time to make a supplementary explanation, to follow his letter of the 15th July, if he had so desired.

I might add that it would have been more satisfactory, too, if Colonel Spalding, instead of saying in an offhand manner that he had forwarded to Mr. Lenehan all the moneys he had received, had stated exactly what amounts he had received, and how they were remitted to Mr. R. W. Lenehan. Although he was not specifically desired to furnish this information, he should have given it in view of the fact that Mr. Brodie, in the last paragraph of his report (which was forwarded to him for a "full explanation"), suggested he should be requested to give it.

W. HOUSTON,
Under Secretary.

27/9/98.

The explanation by Colonel Spalding is not satisfactory. It appears to me that he has acted as agent for Mr. Lenehan, perhaps with honest and good intentions, but by his action he has placed himself as Chief Magistrate in a false position. I am still of opinion that from his want of judgment Colonel Spalding is not likely to give satisfaction in the future, and his engagement cannot be renewed.—J.H.C., 29/9/98.

The Private Secretary to His Excellency the Governor, B.C., 7/10/98. W.H., U.S. Lands. Appd.—HAMPTON, 20/10/98. Noted.

The Chief Inspector of Public Accounts to The Under Secretary for Lands.

Re case Baynes v. Nobbs, and *re* receipt issued by C.M. to G. Quintal (schoolmaster) for 14s. 6d., on account stores supplied by Hordern Bros.

98/665, N.I.

Sir,

Department of Audit, Sydney, 26 September, 1898.

In reply to your letter of this date in reference to the case of Baynes v. Nobbs, I have the honor to inform you that an official receipt—No. A 689,772,* dated 1st July, 1898—was issued by the Chief Magistrate, Norfolk Island, to G. Quintal, for 14s. 6d., on account of stores supplied by Hordern Brothers, 3rd January, 1896, by order of Byron Adams, Chief Magistrate.

The amount should have been paid to the Registrar under Rule 14, to carry out the provisions of 10 Victoria No. 10 and 45 Victoria No. 27, adopted by the laws of Norfolk Island.

The Chief Magistrate having received money in this case—*although irregularly*—issued his official receipt therefor. He should have acted similarly under the circumstances in regard to moneys in the cases Baynes v. Nobbs, Holdsworth, Macpherson, & Co. v. Nobbs.

I am informed by both of these firms that they have not received the whole of their money yet, although judgments were given in December, 1896, and £104 paid by Nobbs at 30th June, 1897.

The balance on judgments, £40, making in all £144, has been paid on dates unknown to me by C. C. R. Nobbs.

I have, &c.,

G. E. BRODIE,
C. I. of Public Accounts.

Request Mr. Brodie to return the whole of the official papers sent to him with the receipt.—W.H., 26/9/98.

* Receipt to be returned to Chief Inspector of Accounts.

Minute by Chief Inspector of Public Accounts.

98/661, N.I.

Sir,

Department of Audit, 9 September, 1898.

I have carefully read Colonel Spalding's reply to my report dated 16th June last, in regard to the disposal of the sum of £144 to be paid under agreement in the following suits, heard by him as Chief Magistrate at Norfolk Island, in December, 1896:—

R. B. Baynes & Co. v. C. C. R. Nobbs—judgment	£398	0	0
Holdsworth, Macpherson, & Co. v. Nobbs—judgment	35	0	0
	<u>£433</u>	<u>0</u>	<u>0</u>

Amount accepted—6s. 8d. in the £ on £433, equal to £144.

2. It was shown in my report that the sum of £124 6s. 8d. had been paid by C. C. R. Nobbs as under:—

To Colonel Spalding—March, 1897	£65	0	0
To Isaac Robinson—June, 1897	£39	0	0
P.N.	13	6	8
A/c P.N....	7	0	0
	<u>59</u>	<u>6</u>	<u>8</u>
	<u>£124</u>	<u>6</u>	<u>8</u>

3. Of the £124 6s. 8d., Mr. Richard Baynes informed me by letter that he had only received £24 3s., less expenses, being his *pro rata* share of £45 19s., the amount which Mr. Lenehan had informed him had only come to hand, which left £82 3s. 6d. to be accounted for.

Colonel Spalding was asked to state what amounts he received, and how remitted to Mr. Lenehan, as Messrs. R. B. Baynes & Co. and Holdsworth, Macpherson, & Co. had been kept out of a large sum of money.

5. Colonel Spalding does not deny receiving the moneys from C. C. R. Nobbs and Isaac Robinson, but he simply says, on page 9: "All the moneys I have received have been remitted to Mr. Lenehan." The point is—*How received*, and *when received*, and when remitted to Mr. Lenehan, and let Mr. Lenehan verify the statement by producing the records required by your letter of 16th June last.

6. The other points in my report are very clear.

7. Colonel Spalding states, on page 7, "I was not Mr. Lenehan's agent." Your attention is invited to the extract of his letter to Mr. Lenehan, dated 19th February, 1897, in which he states: "I have arranged a settlement with C. C. R. Nobbs, which I hope will be considered fairly satisfactory. I have accepted 6s. 8d. in the £ as follows:—

" Cash represented by Mrs. Metcalfe's cheque	...	...	...	...	...	...	...	...	£65	0	0
" Mortgages on land	...	...	...	...	...	...	...	...	39	0	0
" P.Ns. at 9, 12, and 16 months	...	...	...	...	...	...	...	...	40	0	0
									£144			0		0"	

8. See also Isaac Robinson's letter to R. W. Lenehan, dated 23rd February, 1897.

9. The laws of Norfolk Island precluded Colonel Spalding from identifying himself in any way with principals in any suits or matters that came before him magisterially (*vide* clause 2, subsection 3), and he had no right to accept any money in the cases herein referred to, or act as agent for the plaintiff's solicitor.

10. It was no part of the Chief Magistrate's duty to receive any suitor's moneys—they are payable to his Registrar (*vide* clause 14 of Rules for carrying out provisions of Act 10 Vic. No. 14, adopted by the laws of Norfolk Island), but having received such moneys he should have issued an official receipt therefor, and passed the amounts through his books of account as he did a sum of 14s. 6d., irregularly received from Gustav Quintal on account of Hordern Brothers.

11. Colonel Spalding made no mention to me of having received any moneys in Baynes & Co. and Holdsworth, Macpherson, & Co.'s cases when I was at Norfolk Island, as he should have done, when I was checking his cash, and more particularly when he knew I was inquiring so closely into the late Registrar's accounts regarding Hordern's cases.

12. His reply to my report of 16th June last absolutely evades the following:—

1. What amounts received by him from Isaac Robinson or C. C. R. Nobbs.
2. When received.
3. When remitted by Chief Magistrate to R. W. Lenehan, solicitor, Sydney.
4. How remitted by the Chief Magistrate to Mr. Lenehan in the following cases:—R. B. Baynes & Co. v. C. C. R. Nobbs; Holdsworth, Macpherson, & Co. v. Nobbs.

13. I am quite content to leave the other matters in the hands of the Secretary for Lands.

14. R. B. Baynes can prove the authenticity of the letters referred to in your memorandum if necessary.

15. The annexures to my report are not complete, having been forwarded by the Department to Norfolk Island and not returned—D to K are missing.

I have, &c.,
G. E. BRODIE.

Mr. G. E. Brodie asked for further particulars *re* the sum of 14s. 6d. "irregularly received."—
26/9/98.

The Under Secretary for Lands to The Chief Inspector of Public Accounts.

98/503, N.I.

Sir,

Department of Lands, Sydney, 10 August, 1898.

Referring to your memorandum of the 6th instant, forwarding a receipt issued by the Chief Magistrate at Norfolk Island to Mr. Gustav Quintal for the sum of 14s. 6d. due by him to Messrs. Hordern Brothers, for stores supplied, together with an extract from a letter addressed to you by a resident of the Island in regard to the alleged action of the Chief Magistrate in the matter, and suggesting that a full explanation be obtained from Colonel Spalding, I am directed by the Secretary for Lands to inform you that this Department cannot act on anonymous statements, and to ask if you will be good enough to furnish the name of your informant.

Mr. Carruthers also desires me to say that it would be well if, in future, you were to direct your correspondent to make complaint to this Department.

I have, &c.,
W. HOUSTON,
Under Secretary.

Office Memo.—U.S.—*Re* payment of account, 14s. 6d., due by G. Quintal, Headmaster, N.I., to Hordern Brothers, for stores supplied.

N.I., 98/504.

THIS paper was received between 11 and 12 o'clock to-day, with the suggestion that it be sent to the Chief Magistrate by the steamer then about to leave.

In the circumstances, I do not think this course should be taken without the concurrence of the Minister, inasmuch as I have some doubts as to the propriety of recognising the method adopted in this case.

All that can at present be inferred is, that Mr. Brodie is the recipient of some communication with which this Department has not been favoured.

It might be a reasonable thing for the Chief Magistrate, if he is to be called upon for an explanation, to expect the name of the informant against him.

No communication has been received at this office from Mr. G. Quintal.

As an individual case the matter may not be of any great importance, but the prospect of Mr. Brodie becoming a general channel through which complaints might be got to the Minister or myself is one that promises to place all concerned in a very anomalous position, and one which, at least, the Minister should not be asked to occupy.

Apart from this, although I do not question Mr. Brodie's good intentions, it would, as it seems to me, have been sufficient had he furnished the Department with the extract from the letter without dictating any course of action.

6th August, 1898.

98/661, N.I.

W. HOUSTON.

Chief Inspector of Public Accounts to The Under Secretary for Lands.

Forwarding receipt, G. Quintal, and extract of letter from resident, N.I., re payment of account of, 14s. 6d., due by G. Quintal to Hordern Brothers for stores supplied.

Extract from a letter of a Resident, 14th July, 1898.

N.I., 98/503

Norfolk Island.

"When Gustav Quintal, Headmaster Public School, went to draw his salary for the month of June, the Chief Magistrate informed him that there was an amount of 14s. 6d. due by him (G. Quintal) to Hordern Bros. which had to be paid, and threatened to deduct that sum from salary due unless he would promise to pay up that amount immediately on getting the cheque or order cashed." * * *

Mr. Quintal paid the 14s. 6d. to the Chief Magistrate. *Vide* receipt A689772 herewith.

The rules refer to
suits' money. --
W.H.

Under clause 14, Rules for carrying out the Provisions of the Act 10 Vic. No. 10, &c., adopted by the laws of Norfolk Island, it was the Registrar's duty to receive this money if paid into Court, *not the Chief Magistrate's*.

No money could be demanded unless under order of Court or judgment applied for through the Court.

A full explanation should be obtained from Colonel Spalding.

G. E. BRODIE,

Chief Inspector of Public Accounts.

Audit Department, 6th August, 1898.

98/504, N.I.

This Department cannot act on anonymous statements. Will Mr. Brodie give the name of his informant to the Department. It will be well too if, in future, he will direct his correspondent to make complaint to the Department of Lands.—J.H.C., 8/8/98. W.H., 9/8/98. G. E. Brodie asked, 10/8/98. Await reply, 10/8/98.

N.I., 98/503.

Norfolk Island,

No. A689772.

Kingston, 1st July, 1898.

RECEIVED from G. Quintal the sum of fourteen shillings and sixpence sterling, on account of stores supplied by Hordern Bros., 3rd Jan., 1896, by order of Byron Adams, Chief Magistrate.

WARNER SPALDING, Colonel,

(Office) Chief Magistrate.

£0 : 14 : 6.

Entd.

(Paid under protest.—G.Q.)

Mr. W. Robinson to The Under Secretary for Lands.

Forwarded Certificates of Character from Ven. Archdeacon Palmer, Dr. Metcalfe, and Byron Adams, late Chief Magistrate.

N.I., 98/468.

Sir,

Norfolk Island, 18 July, 1898.

I have taken the liberty of enclosing herewith copies of testimonials obtained by me two or three years ago when applying for, or rather when asked to take the position of, agent for an insurance company, who wished to establish a branch business here. Although appointed to the position the business was never established, as there was nothing to be done here much in life insurance.

My reason for enclosing the testimonials are that I have been given to understand that my character has been represented to you in a wrong light.

I am, &c.,

ISAAC ROBINSON.

Norfolk Island, 19 March, 1895.

I HAVE much pleasure in stating that I have known Mr. Isaac Robinson for over twenty-five years, and known him as a man of strict honour and integrity.

(Signed) JOHN PALMER,

Archdeacon of S. Melancia.

Waveney Cottage, Norfolk Island, 21 March, 1895.

I HAVE much pleasure in stating that I have known Mr. Isaac Robinson, of this Island, for upwards of sixteen years, and that during that period he has held several very responsible offices with satisfaction to his friends and great credit to himself. At the present time he is Acting Consul for the United States of America and Public Registrar of the Island.

He is most methodic and apt in business matters, and would, I conscientiously believe, make an excellent agent for any insurance company. I have, too, a high opinion of his integrity.

(Signed) P. HERBERT METCALFE,

N.I., 98/468.

Government Medical Officer and Public Auditor for the Island, &c., &c.

Norfolk Island, 23 March, 1895.

I HAVE much pleasure in stating that I have known Mr. Isaac Robinson ever since he has been on the Island—very nearly thirty years—and known him to be a man of honour and integrity; indeed, he has been as my private secretary during my three years in office as Chief Magistrate.

(Signed) BYRON ADAMS,

Chief Magistrate.

N.I., 98/468.

Receipt may be acknowledged, and Mr. Robinson informed that the testimonials submitted by him have been noted, and will receive due consideration should occasion arise.—W. Houston, U.S., 4/8/98. N.I., 98/504. Approved.—J.H.C., 5/8/98. Submit next mail. Mr. Robinson informed, 5/5/98.

N.I.,

98/468, N.I.

The Under Secretary for Lands to Mr. Isaac Robinson.

Sir,

Department of Lands, Sydney, 5 August, 1898.

I am directed by the Secretary for Lands to acknowledge receipt of your letter of the 18th ultimo, enclosing testimonials dated March, 1895, from the Venerable Archdeacon Palmer, Doctor P. H. Metcalfe, and Mr. Byron Adams, and to inform you that such documents have been duly noted, and will receive due consideration should occasion require.

I have, &c.,

WM. HOUSTON.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Colonel Spalding explaining G. E. Brodie's statement *re* his alleged acting as agent for R. W. Lenehan—
Case R. B. Baynes *v.* C. C. R. Nobbs; Holdsworth, Macpherson, & Co. *v.* C. C. R. Nobbs.

N.I., 303/98 (Confidential.)

Sir,

Government House, Kingston, 18 July, 1898.

I have the honour to acknowledge receipt of your B.C. communication of the 22nd ultimo, received on the 13th instant. I have had a press of work since that date, but will now endeavour to reply to Mr. Brodie's confidential letter to you, dated 16th ultimo, as fully as time will permit of.

The report itself savours of persecution on the part of Mr. Brodie towards myself, and appears to me that Mr. Brodie not being satisfied with the result of his report on my official life here, that is, not having yet attained the ends which is currently reported here he was seeking, in respect to filling the position of official of this Island, in accordance with his views, and being completely failed to substantiate (as you will learn from other documents) the defamatory statements, he perhaps has rather hinted than said, with respect to the honesty of conduct of the affairs of the league, has now adopted a system—as shown by his letter—of prying into my private affairs under the cloak of apparent duty, with the view to accomplish his bitter ends.

My official life has now extended over more than thirty-six years. During this period I have held positions of great trust, especially during my twenty-five years' service under the Government of New South Wales, where I have had large sums of public and regimental funds passing through my hands, as Officer Commanding Artillery. I was responsible to the Government for the value of £1,000,000, and whilst Acting Commandant of the New South Wales Forces (which I was for some six months) for three or four times this amount. I have also had control of large regimental funds, without one shadow of dishonourable conduct on my part being ever hinted at. It remained for Mr. Brodie, either directly or by innuendo, to attempt his blackening of my character. The honesty of purpose of my decisions, either in the Military Forces or on Norfolk Island, have never been questioned. It remained for Mr. Brodie, by insinuation, to attack the honesty of my decision in the cases, Baynes *v.* C. Nobbs; Holdsworth, Macpherson *v.* C. Nobbs. With reference to which Mr. Brodie writes:—"Mr. Lenehan was a guest at the Chief Magistrate's house at the time of the hearing of these cases"—the implication being obviously that Mr. Lenehan influenced me, as Chief Magistrate, with regard to the decisions I gave in these cases. This insinuation of so foul a charge is worthy of the author. It is true that Captain Lenehan, who was an officer of the Artillery Brigade which I had the honour to command for some years, and who was also a personal friend of myself and my family, stayed as my guest whilst here, but this gentleman never, at any time, attempted in any way to influence me as Chief Magistrate or as a private person, either in the cases mentioned or in any other cases in which he, as a solicitor, appeared for either plaintiff or defendant, nor would I for one moment have listened to him or anyone else who had made such an attempt.

After Mr. Lenehan's departure from the Island I simply gave what I considered to be honest, straightforward, and disinterested advice to those persons who consulted me, with regard to a settlement of the matter between Mr. C. C. R. Nobbs and the parties represented by Mr. I. Robinson, as agent for Mr. Lenehan. I did not act or give this advice as Chief Magistrate, and told both Mr. Nobbs and Mr. Robinson so on all occasions. I had interviews, or rather gave interviews, at their request, to these gentlemen. I received no reward, nor was any offered, nor would I have accepted any either directly or indirectly for what were friendly services. I have no interest either in Mr. C. C. R. Nobbs, or Messrs. Baynes, or Macpherson and Co.'s business. I informed Mr. Robinson that his decision as to terms of agreement with Mr. Nobbs must be mutually arranged between them.

I was not Mr. Lenehan's agent, and had no authority from him to accept or decline any agreement entered into.

The clause of the laws of Norfolk Island, viz., 2, subsection 3, is as follows:—"He (the Chief Magistrate) shall also preside at the Magistrate's Court and administer justice therein to all persons, without fear or favour, affection, or ill-will, and in the administration of justice, or in the conduct of any inquiry authorised by these laws, he may administer oaths to junior witnesses and others."

I challenge Mr. Brodie to show that I have not adhered strictly to both the spirit and letter of this clause.

The moneys I received from Mr. I. Robinson (Mr. Lenehan's representative here) I simply took at Mr. Robinson's request for safe custody and transmission to Mr. Lenehan.

Perhaps in this, I now perceive it would have been wiser for me to have declined, but I then could not foresee how my reasonable action would be twisted to envelope me in a net.

All the moneys I have received have been remitted to Mr. Lenehan.

Now with regard to the Government orders—or rather the orders on the Government, paid away by me by authority—with reference to which implication is made by Mr. Brodie that in some way I have been guilty of wrongdoing—I must first explain that when Mr. Robinson lodged with me for safe keeping a cheque signed by Mrs. Metcalfe; he asked me to hold it for a short time, as Mr. C. Nobbs (Mrs. Metcalfe's brother) desired to have the privilege to replace its value by cash. This was done. In the meantime a Government order of the value of £25, drawn in favour of Mr. Byron Adams arrived. This order could not have been cashed here, unless I had done so from moneys I held. I cashed this order, and the money was paid away in small sums by Mr. Byron Adams and a complete acquittance forwarded to you. I also, for the convenience of the constable, cashed an order (Government) drawn in his favour for £20, and as the money by which these orders were cashed were not Government moneys,

but

A statutory declaration (marked C, and herewith), made by Mr. Charles Ray Nobbs, shows that Isaac Robinson, of Norfolk Island, was appointed and duly authorised by Mr. R. W. Lenehan, solicitor, of Sydney, to act as his agent in the matter of these judgments, and that Mr. Nobbs made an offer to Mr. Robinson of £100 in cash in full settlement of all claims against him in respect of the said judgments.

Mr. Robinson consulted Colonel Spalding, and at an interview between the Chief Magistrate, Mr. Robinson, and Mr. Nobbs, it was agreed that £144 should be accepted in full settlement, as per agreement marked E, dated the 22nd February, 1897, and to be paid in the manner therein mentioned.

Mr. Nobbs declares that, in terms of the agreement, he gave Robinson a cheque for the £65, which was handed to Colonel Spalding (see Appendix C). Subsequently—a few weeks afterwards—Mr. Nobbs gave Colonel Spalding £60 in gold and a £5 note in place of the cheque, which was then returned.

Mr. Nobbs further declares that he paid Mr. Robinson £39, which amount included a cheque signed by the Rev. Cullwick, of the Melanesian Mission, drawn on the Union Bank, Auckland, and took over the mortgages.

It further appears that Mr. Nobbs made arrangements for the taking up of two of the promissory notes, one of which is referred to in the declaration, marked "C," the other verbally intimated to me.

On the judgments against Mr. Nobbs, viz.,—

R. B. Baynes	£398
Holdsworth, Macpherson, & Co.	35
	£433

It appears that the following amounts have been paid, viz.,—

	£	s.	d.
To Colonel Spalding	65	0	0
„ Isaac Robinson for return of mortgages	29	0	0
„ Isaac Robinson for one P.N.	13	6	8
Due as debt by Colonel Spalding as a set off against P.N.	7	0	0
	£124	6	8

Of the amount of £124 6s. 8d., Mr. Richard Baynes informs me that he has only received £42 3s., less expenses, being his *pro rata* share of £45 19s. only, and that Mr. Lenehan informed him that this was the only amount remitted to him by Colonel Spalding.

I find, from further inquiries, that the remittance of £45 19s. was made up as under, viz.,—

Cheque drawn, City Bank, Sydney, dated 9th April, 1897, in favour of Constable John Knuckey	£	s.	d.
	20	0	0
Cheque drawn City Bank, Sydney, dated 9th April, 1897, in favour of Byron Adams	25	19	0
	£45	19	0

These cheques were remitted by the Under Secretary for Lands to the Chief Magistrate of Norfolk Island, and have passed through Mr. Lenehan's account at the Bank of Australasia, Pitt-street, Sydney, on 11th June, 1897.

The cheque for £20 was to pay the constable's salary for the period from 1st December, 1896, to the 31st March, 1897. Voucher for same received at Lands Department on 17th May, 1897.

The cheque for £25 19s. was balance of claim for work performed by labourers in improving the grounds about Government House, at Norfolk Island.

Although a letter dated the 30th May, 1897, was received by the Lands Department on the 10th June, 1897, notifying the payment of the £25 19s., a properly acquitted voucher was not to hand until the 30th August, 1897.

From a copy of an abstract of a letter from Colonel Spalding to Mr. R. W. Lenehan, dated the 19th February, 1897, and Mr. Nobbs' letter to me dated the 14th June, 1898, it appears that £65 in cash was handed over to Colonel Spalding in March last on account of the judgments against Mr. C. C. R. Nobbs.

Mr. Nobbs also states that the following sums were paid by to Mr. Isaac Robinson, as agent for Mr. R. W. Lenehan, solicitor for plaintiff:—

For release of two mortgages	£	s.	d.
	39	0	0
Per Promissory Note	13	6	8
Due by Colonel Spalding and arranged to be paid	7	0	0
	59	6	8
Cash to Colonel Spalding	65	0	0
	£124	6	8

The amount therefore to be accounted for is £124 6s. 8d., out of which Mr. R. B. Baynes has only received £42 3s., instead of £114 5s. 8d.

Messrs. Holdsworth, Macpherson, and Co. inform me that they have received nothing (*vide* letters herewith, marked G.), although their dividend should be £10 1s.

Mr. Isaac Robinson is the Registrar of Births, Deaths, and Marriages, as well as being the American Consular Agent, and does a great deal of business with Colonel Spalding.

Mr. Robinson's reputation on the Island is very shady.

The laws of Norfolk Island preclude Colonel Spalding from identifying himself in any way with principals in any suits or matters that come before him magisterially (*vide* clause 2, subsection 3), and he had no right to accept any money in the cases herein referred to, or act as agent for the plaintiff's solicitor. Any moneys received by Colonel Spalding in his official capacity should have been passed through his books of account.

I am informed that Mr. Lenehan was a guest at the Chief Magistrate's House at the time of the hearing of these cases.

I have seen Mr. Lenehan, who declines to give me any information regarding any amounts he may have received from Colonel Spalding, although requested to do so by your letter dated the 16th instant, marked "H."

It would seem by agreement marked "C" that two payments are noted thereon, £65 and £39, making a total of £104, and that Warner Edward Spalding witnesses the document—not Colonel Spalding.

Appendices A, B, and C, conclusively show that Colonel Spalding was an active agent in the matter, and it is evident that he knew that by withholding his signature from the agreement referred to he should not appear so.

Briefly the papers show that £124 6s. 8d. have been paid on account of the judgments against Mr. C. C. R. Nobbs, and that only £42 3s. have been paid to Mr. R. B. Baynes, and nothing to Messrs. Holdsworth, Macpherson, and Co.

The balance, £82 3s. 8d., has therefore to be accounted for, and Colonel Spalding, Mr. Robinson, or Mr. Lenehan is responsible for it.

Colonel Spalding's transactions in the matter require from me no comment. He should, however, be requested to state what amounts he has received from Mr. Robinson, and how remitted to Mr. R. W. Lenehan, Solicitor, Sydney.

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

I think the proper course is to put this report to Colonel Spalding for a full explanation.—W. Houston, 22/6/98. Approved.—Explanation by return mail is required.—J.H.C., 22/6/98. The Chief Magistrate, Norfolk Island.—H. L. THOMSON (for U.S.), B.C., 22nd June, 1898. To be returned please, with reply. U.S. Lands. Returned; inadvertently retained last mail.—WARNER SPALDING, Col., Chief Magistrate, N.I., 12th September, 1898.

Mr. W. R. Lenehan to be asked to produce to Mr. G. E. Brodie any documents received from Chief Magistrate, Norfolk Island, and to show him, by books, what moneys he has received in connection therewith.

N.I., 98-335.

Write to Mr. W. R. Lenehan, Solicitor, Sydney, and ask him to allow Mr. G. E. Brodie to peruse any papers, letters, or correspondence he may have from Colonel Spalding, Chief Magistrate, Norfolk Island, in connection with the cases Baynes & Co. v. C. C. R. Nobbs and Macpherson & Co. v. C. C. R. Nobbs, which came before the Magistrate's Court some time since; also, that he will show Mr. Brodie, by his books, what moneys he has received from Colonel Spalding in these matters.—W.H., 16/6/98.

Mr. W. R. Lenehan written to accordingly. Letter handed to Mr. Brodie, 16/6/98. Await reply. Put away. Mr. Brodie presented this letter in connection with the matter alluded to in 98-338, N.I.—H.L.T., 22/6/98.

N.I., 98/335.

Dear Mr. Houston,

16 June, 1898.

Colonel Spalding has been acting as agent for R. W. Lenehan, Solicitor for plaintiffs, in cases Baynes & Co. v. Nobbs and Macpherson & Co. v. Nobbs.

C. C. R. Nobbs has made a statutory declaration that £117 have been paid on account of judgments in these cases.

Richard Baynes informs me that he has only received £40 odd on account of his share, having £60 odd still due.

Colonel Spalding, Robinson, or Lenehan has this money; and I want you, therefore, to request Lenehan to produce to me any papers, letters, or correspondence from Colonel Spalding he has in relation to this matter, also to show me, by his books, what moneys he has received from Colonel Spalding in these matters.

If you authorise Mr. Curry to give me a letter to Lenehan to the foregoing effect it will do.

An agreement of settlement with Nobbs is witnessed by Warner Edward Spalding, the Colonel's son, to you; so, as the Colonel has been acting as agent, there is an attempt at concealment.

Lenehan was a guest at Government House at the time of the cases.

Sorry to hear that you are ill.

Yours, &c.,

G. E. BRODIE.

P.S.—This is urgent, as the schooner "Envy" sails on Saturday, and something must be done.

Memo.—Would Mr. Brodie be so good as to inform me from whence the exhibits A and B were obtained, especially the latter, as both of these exhibits are copies only.—W. Houston, 21/9/98.

The exhibits were handed to me by Richard Baynes, Esq., who obtained the same from Mr. Lenehan's office.—G. E. BRODIE, 21/9/98. W. Houston, Esq. P.S.—You may remember I showed you the original letter from Robinson.—G.E.B., 21. The enclosed two letters I forward for your private information. Please return them to me.—G. E. BRODIE, 21/9/98. W. Houston, Esq.

N.I., 98/335.

"A."

Dear Sir,

Consulate of the United States, Norfolk Island, 23 February, 1897.

I wrote you a long letter just after you returned home, giving you a day to day history of my proceedings; but alas! since the departure of the (s.) "Ovalan" until now there has been no chance to send a letter away, so, as the matter is settled, I have torn the epistle up.

After considerable trouble and negotiations, I have at last come to terms with Mr. C. C. R. Nobbs, and signed an agreement yesterday giving him a full discharge—that is, if the conditions therein contained are fulfilled, and I have not the slightest doubt they will be—*re* Baynes and Co., £398, and Holdsworth Macpherson,

Macpherson, & Co., £35, judgments against him. I have taken £144, one-third of the whole amount (6s. 8d. in the £), which, under the circumstances, ought to be extremely satisfactory, and I may say that Nobbs himself would not have been able to come to these terms even, had not his friends come forward (it was Mrs. Metcalfe's cheque for £65 that he paid me with). Had execution been taken out, not nearly this amount would have been netted I am sure, and the fellow would have been completely crushed.

I have handed the cheque and agreement over to the Colonel, whose advice and approval I got on every step that has been taken in the matter.

I write this, but we are expecting to see you and your steamer every moment. A copy of the agreement is enclosed. With regards,
 R. W. Lenehan, Esq., Solicitor, &c., Sydney. I remain, &c.,
 ISAAC ROBINSON.

N.I., 98/335

"B."

Extract of Colonel Spalding's letter, dated 19th February.

I HAVE arranged a settlement with C. C. R. Nobbs, which I hope will be considered fairly satisfactory. I have accepted 6s. 8d. in the £, as follows:—

	£	s.	d.
Cash represented by Miss Metcalfe's cheque	65	0	0
Mortgages on land	39	0	0
P.N. at nine, twelve, and sixteen months	40	0	0

To R. W. Lenehan, Esq.

£144 0 0

23 February,

"Dewdrop" sailed with Garth and Peacock on board this afternoon. R. and C. C. R. Nobb's terms of settlement are in writing, duly signed and witnessed. I hold Mrs. Metcalfe's cheque, waiting instructions. I have not posted it, as I expect you and Baynes hourly. I also have the agreements. Nobbs has settled without Garth's assistance, and will in future trade on his own account.

"C."

N.I., 98/335.

I, CHARLES CHASE RAY NOBBS, of Norfolk Island, trader, do solemnly and sincerely declare that:— On or about the first day of January, 1897, Colonel Spalding, Chief Magistrate of Norfolk Island aforesaid, gave judgment in the Magistrate's Court at Norfolk Island, in the case R. B. Baynes & Co. v. Myself, for the sum of three hundred and ninety-eight pounds (£398), and in the case of Holdsworth, Macpherson, & Co. v. Myself, for thirty-five pounds (£35). Mr. R. W. Lenehan, of Sydney, solicitor, was acting as the solicitor for the said R. B. Baynes & Co., and for the said Holdsworth, Macpherson, & Co., and Mr. Isaac Robinson, of Norfolk Island aforesaid, settler, was appointed and duly authorised by the said R. W. Lenehan to act as his agent in the matter of the judgments hereinbefore mentioned as having been given against me. On or about the twenty-second day of February, 1897, I made an offer to the said Isaac Robinson, as agent for the said R. W. Lenehan, to pay him the sum of one hundred pounds (£100) in cash in full settlement of all claims against me in respect of the said judgments. As a result of the offer so made, an interview was held between the said Isaac Robinson, Colonel Spalding aforesaid, and myself, and at this interview, and with the approval of the said Colonel Spalding, it was agreed that the sum of one hundred and forty-four pounds (£144) should be paid by me, which sum the said Isaac Robinson, as such agent as aforesaid, agreed to accept in full settlement of all claims in respect of the said judgments. The agreement then entered into was reduced to writing, and bears date 22nd February, 1897, and a true copy of such agreement (marked "A") is hereto annexed. Under that agreement I gave to the said Isaac Robinson a cheque for sixty-five pounds on the City Bank, Head Office, Sydney, and a few weeks after giving the said cheque I offered the said Isaac Robinson gold and Bank notes in exchange for the said cheque. The said Isaac Robinson thereupon informed me that he had handed the cheque to Colonel Spalding aforesaid, and I then went to the said Colonel Spalding, and paid to him sixty pounds (£60) in gold, and one five pound (£5) Bank note, and took up the cheque. About the twenty-first day of February last, and just prior to that date, I arranged with Colonel Spalding aforesaid that he should pay to the said Isaac Robinson an amount of money (about seven pounds sterling) that was owing to me by the said Colonel Spalding. This money was to be paid in respect of one of the promissory notes referred to in the agreement hereinbefore referred to. In or about the month of June, 1897, I paid to the said Isaac Robinson the sum of thirty-nine pounds (£39) in respect of the item of thirty-nine pounds referred to in the agreement hereinbefore mentioned as being secured on two mortgages of land. A part of the sum of thirty-nine pounds (£39) so paid as aforesaid—to wit, the sum of thirty pounds (£30)—was paid by a Melanesian Mission cheque, signed by the Reverend Cullwick, and drawn on the Union Bank, Auckland, New Zealand. And I make this solemn Declaration, conscientiously believing the same to be true, and in virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

C. C. R. NOBBS.

Made and signed before me, at the Water Police Office, }
 Sydney, this fifteenth day of June, A.D., 1896,— }

C. JENNINGS, Justice of the Peace.

"E."

N.I., 98/335.

IN consideration of the sum of one hundred and forty-four pounds, to be paid as follows, viz.:—Sixty-five pounds cash down, thirty-nine pounds secured on two mortgages—*i.e.*, one for £24 on eight acres of land owned by Sophia Evans, and the remainder on five acres of land owned by Abbey Louisa Tabor Quintal, both

both registered in the books of the Registrar of Lands, and which are to be transferred when called upon; and forty pounds in three promissory-notes, approved, of £13 6s. 8d., each payable from date hereof in nine, twelve, and fifteen months. I, the undersigned, on behalf of R. Baynes & Co. for £398, and Holdsworth, Macpherson, & Co. for £35, judgment creditors in the Court of Norfolk Island of C. C. R. Nobbs, agree to forego any further claim on the said C. C. R. Nobbs, and in their behalf to accept the said amount of one hundred and forty-four pounds in full settlement of the two claims: Provided, however, in the event of any of the conditions above mentioned being unfulfilled, then the agreement is null and void.

Dated at Norfolk Island, this twenty-second day of February, and signed and accepted by both parties in the presence of a witness.

Witness,—WARNER EDWARD SPALDING, 22/2/97.

C. C. R. NOBBS,
R. W. LENEHAN,
Attorney for Plaintiffs
(By his agent, ISAAC ROBINSON).

This is the copy of the agreement marked "K," referred to in the statutory declaration of Charles Chase Ray Nobbs, made before me this 15th day of June, 1898.—C. JENNINGS, J.P.

The sixty-five pounds mentioned above is hereby acknowledged to be received,—
ISAAC ROBINSON, Agent.

Received the sum of thirty-nine pounds (£39), as per within agreement,—
R. W. LENEHAN,
Attorney for Plaintiffs (by his agent, ISAAC ROBINSON).

We have this date compared this copy with the original agreement in the possession of C. C. R. Nobbs, produced at the Audit Office, and find the same true and correct in every particular.—WM. J. LANGLEY, 15/6/98. C. C. R. NOBBS, 15/6/98. G. E. Brodie, A.A.G., 15/6/98.

"F."

N.I., 98/335.

Dear Sir,

The City Bank of Sydney, Sydney, 13 June, 1898.

Referring to your inquiry respecting cheques of Government of Norfolk Island for £20 and £25 19s., paid at this office on 11th June, 1897, I have to inform you that they were received by the Bank of Australasia for credit of R. W. Lenehan.

Yours, &c.,

Mr. Brodie, Department of Audit, Sydney.

Manager.

N.I., 98/335.

"G."

Sir,

Sydney, 16 June, 1898.

In reply to your inquiry, we beg to say that although we understand a verdict has been obtained against C. C. R. Nobbs for portion of our claim, we have not up to the present received such sum, or any portion thereof.

Yours, &c.,

HOLDSWORTH, MACPHERSON, & CO.

The Chief Inspector of Public Accounts, Sydney.

(Per JOHN MACPHERSON).

"H."

The Under Secretary for Lands to R. W. Lenehan, Esq.

98/335, N.I.

Sir,

Department of Lands, Sydney, 16 June, 1898.

I have the honor to request that you will be so good as to allow the bearer, Mr. G. E. Brodie, to peruse any papers, letters, or correspondence you may have from Colonel Spalding, Chief Magistrate, Norfolk Island, in connection with the cases Baynes & Co. v. C. C. R. Nobbs and Macpherson, & Co. v. C. C. R. Nobbs, which came before the Magistrate's Court some time since; also that you will show Mr. Brodie by your books what moneys you have received from Colonel Spalding in these matters.

I have, &c.,

W. HOUSTON,

Under Secretary.

"I."

Mr. C. C. R. Nobbs to Chief Inspector of Public Accounts.

N.I., 98/335.

Sir,

Sydney, 14 June, 1898.

In compliance with yours of yesterday's date, I have the honor to inform you as follows:—On or about the 1st January, 1897, Colonel Spalding gave judgment against me in the Magistrate's Court, Norfolk Island, as follows:—R. B. Baynes & Co. v. Self, for £398, and Holdsworth, Macpherson, & Co. v. Self, for £35. On or about the 22nd February, 1897, I made an offer to Mr. Isaac Robinson, who had been appointed agent for plaintiff's attorney, of one hundred pounds (£100) cash in settlement of the claims in full. After discussing the matter with me he informed me that although he was willing to accept my offer, which under the circumstances he considered to be a fair one, still he would not accept such terms without first consulting Colonel Spalding, and getting his consent thereto. As a result of such consultation, I was informed at an interview held between Colonel Spalding, Mr. Robinson, and myself, that the Colonel did not think the offer was big enough, but that he was prepared, with the Colonel's approval, to accept one hundred and forty-four pounds (£144) as settlement in full. The Colonel having intimated to me that he was favourable to such terms of settlement, I then accepted the terms offered; the terms of the agreement were subsequently drawn up and duly signed by both parties (copy of agreement enclosed). The first item of sixty-five pounds (£65) cash referred to was paid by me to Mr. Robinson by cheque on Sydney. A few weeks after I went to Mr. Robinson, and offered to take up the cheque by paying gold and Bank note for same, when I was informed that the cheque had been duly handed over to Colonel Spalding. I then went to Colonel Spalding and took up the cheque, paying sixty pounds (£60) in gold and one (1) £5 Bank note.

I

I left Norfolk Island on 21st February last, and as one of the p.n.s. was falling due a few days after that date, I arranged with Colonel Spalding that he should pay to Mr. Robinson the amount owing by him to me, about seven pounds (£7), on account of the p.n. referred to above. I have not as yet heard from Mr. Robinson with reference to this matter, but will inquire as soon as I return to Norfolk Island.

I have, &c.,
C. C. R. NOBBS.

J.

Copy of Telegram from Mulgoa Station, addressed to G. E. Brodie, Audit Office, Bligh-street. 98/335, N.I.
TELEGRAMS just received. Will be with you to-morrow morning.—R. B. BAYNES, 2-30.

K.

The Chief Inspector of Public Accounts to R. B. Baynes, Esq.
98/335, N.I.

Department of Audit, 20 June, 1898.

Sir,
I have the honor to request that you will be good enough to inform me of the amount you received to date from R. W. Lenehan, solicitor, Sydney, on account of judgment in your favour given by the Chief Magistrate at Norfolk Island against C. C. R. Nobbs, and also to inform me whether you have received any moneys on the above account from any other person.

		I have, &c.,		
		G. E. BRODIE.		
		£	s.	d.
20th June, 1898.—	I have received	42	3	0
	Less Mr. Lenehan's charges, &c.	11	11	5
		<hr/>		
		£30	11	7

I have received no moneys from any other person in the above suit.
The Assistant Auditor-General.

R. B. BAYNES.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 121/97. 98/354.

Sir,
Re payment made for repairs to roads, &c., Government House grounds, £72 4s. Norfolk Island, Court-house, Kingston, 26 July, 1897.

I have the honor to forward, in accordance with request contained in your letter, N.I., 97/267, of 19th ult., receipts signed by the men on account of payments made by Mr. Byron Adams on account of settlement of the award for work done to Government House grounds.

I had previous to this receipt of your letter informed Mr. Byron Adams that the Government could not acknowledge any further claim in this matter.

I have again formally notified him to this effect and have informed him of the payment of the amounts of the orders endorsed to Captain Garth.

I have, &c.,
WARNER SPALDING, Col.,
Chief Magistrate, Norfolk Island.

The Accountant.—W.H., 31/8/97. Recd. I presume these papers may be put away now?—
H.L.T., 21/9/97. Mr. Cohen. I do not further require them.—V.C., 23/9/91. Mr. Thompson.

N.I., 97/267.

Subject:—Forwarding Crown Solicitor's letter expressing the opinion that the two orders given by Byron Adams in favour of F. W. Pearson and C. C. R. Nobbs for £12 5s. and £20 respectively may be paid to Captain Garth, the present holder of the order.

This paper is connected in the book with 97/354, N.I., herewith, but it is not herewith.
The documents herein received by me to-day—books not.—H.L.T., 22/6/97. 97/354, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 97/27. 97/206.

Sir,
Norfolk Island, Court-house, Kingston, 5 May, 1897.

In reply to your letter, N.I., 97/105 and 84/55 dated 9th ult., I have the honor to acknowledge the receipt of a cheque for £25 19s. drawn in favour of Mr. Byron Adams. I have requested Mr. Byron Adams to supply me with statement giving details of payments on account of the full amount of the award of £72 4s. I have also by public notice called on all persons having claims under the award to forward the same. Mr. Adams not having yet complied with my request, I am holding the cheque.

I consider it better to take no further action with regard to the orders held by Captain Garth until Mr. Byron Adams has explained accounts.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant.—W.H., 18/5/97.

EXHIBIT I.

Ex-Constable Knuckey's Case, 97-592.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/560, N.I.

Sir,

Court-house, Norfolk Island, 3 November, 1897.

0/7, N.I.

I have the honor to acknowledge receipt of your letter, N.I., 97-440, of 6th ultimo, and on the 1st instant informed Constable J. Knuckey that his services were dispensed with; but—having in view that in the interval between the dispatch of my report of 29th July last and my receipt of your despatch of the 6th instant Constable Knuckey had been suspended from duty on 20th September last, as reported in my subsequent letter of that date, to which there has been no opportunity of my receiving a reply, and further considering that Acting Constable Marsh Adams has been recommended for pay at the same rate as that approved for Constable Knuckey from the date of the ex-constable's suspension on the 20th September, and whilst performing the duty of constable—I considered it advisable to seek further instructions rather than to pay the amounts authorised. I have offered to pay the ex-constable up to the date of his suspension. This he refused to accept. I also considered it advisable to take advantage of the authority granted to offer to obtain for him and his family a free passage to Sydney or New Zealand in either of the two vessels now at anchor. He was granted three days to consider this, but, before the expiration of this period, informed me that he did not intend to leave the Island. I pointed out that the offer could not be kept open indefinitely, and that I should report his decision to the Government. The ex-constable merits no consideration from higher authority.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

98/537, N.I.

Minute by Under Secretary for Lands.

Further *re* case of Constable Knuckey.—Arrest by him of Messrs. A. Nobbs and C. McCoy.—Temporary appointment of Mr. Marsh Adams as constable.

/528, N.I.

In the accompanying letter, dated the 20th September last, the Chief Magistrate reports the arrest on the 18th idem, by Constable Knuckey, of Mr. Alfred Nobbs, the pastor of the Seventh Day Adventists, on the charge of assaulting and obstructing him in the execution of his duty, and the arrest of Mr. Christian McCoy on the charge of assaulting him (Knuckey) while conveying the prisoner (Nobbs) to the lock-up.

The Chief Magistrate states that on hearing of the arrest he proceeded to town and ordered the release of the accused on their own recognisances to answer the charges.

The cases came before the Court on the 20th September, and it was made clear by the constable's own evidence that Mr. Nobbs had not been guilty of assault or obstruction. The case was dismissed. The constable withdrew the charge against Mr. McCoy. The Court-room was crowded, and there was considerable excitement among the people.

Colonel Spalding adds that subsequent evidence was volunteered to the effect that Constable Knuckey had been habitually guilty of gross conduct before the Islanders, both men and women; and on the conclusion of the Court business he afforded Knuckey an opportunity of explaining his arrest of Messrs. Nobbs and McCoy. No good reason was forthcoming, nor had he anything to say in regard to the gross conduct referred to.

The Chief Magistrate then suspended the constable, and informed him that he would recommend his dismissal from the Service. Knuckey urged that he should be granted pay up to the date of notification to him of his dismissal, and that the passages of himself, wife and child should be paid to Sydney.

The Chief Magistrate does not recommend this course, as Knuckey brought his suspension upon himself.

It is pointed out that, on account of previous unsatisfactory conduct the Chief Magistrate was informed by letter, dated the 6th ultimo, that His Excellency the Governor had approved of Knuckey's services being dispensed with, and a month's notice given him, also an allowance at the usual rates for the passage of himself and family either to New Zealand or New South Wales, as he might elect.

This letter was sent by the steam yacht "Southern Cross," which left Sydney for the Island, *via* Auckland, New Zealand, on the date mentioned, and the trip would probably occupy about a week, as this vessel sails, whenever possible, to save coal. A few days' stay would, perhaps, be made in Auckland, and then the voyage continued to Norfolk Island, which would probably be reached in three days, say about the 20th October.

By the same mail the Chief Magistrate was advised of the appointment of Michael Collins as Constable and Crown Lands Ranger. Collins left Sydney by the schooner "Oscar Robinson," on the 14th October, *via* Lord Howe Island, and should have arrived at Norfolk Island about the 30th idem, so the agents advise.

This letter (97/528, N.I.) deals with events of prior date, it will be observed, to the arrival of the mail conveying the approval of Constable Knuckey's services being dispensed with, but in view of this report it may, perhaps, be a matter for consideration whether the approved allowance should now be paid for the passage of himself and family from the Island.

Of course it cannot be said what action the Chief Magistrate has taken on the Departmental letter of the 6th October, which directs him to give Knuckey a month's notice, but this is to be reported.

In another letter herewith (97/529, N.I.) the Chief Magistrate states that he has temporarily appointed Mr. Marsh Adams as Constable (*vice* J. Knuckey, suspended) with salary of £5 per month during the period of his employment, although, in his letter of the 29th July last, he reported there was no one on the Island suitable or qualified to perform a constable's duties.

Mr

Mr. Adams has been sworn in for three months, or until lawfully discharged, and is reported to be performing the duties satisfactorily. The Chief Magistrate is of opinion that it is good policy to employ Islanders in minor appointments provided they are suitable, and recommends Mr. Adams' engagement in the capacity on six months' probation.

As, however, Michael Collins has been appointed to the position, and has doubtless by this time taken up the duties, the Chief Magistrate will probably do what is necessary in regard to the cancellation of Adams' appointment.

The matter of combining the position of gaoler with that of constable, as now suggested in this letter by the Chief Magistrate, has already received consideration on other papers (97/447, N.I.), and need not, therefore, be further discussed at present.

The misconduct of which Knuckey was convicted obviously deserved severe treatment, and if, as may prove to be the case, the Chief Magistrate has in his discretion refrained from giving effect to the directions contained in the letter of the 6th October, I recommend Knuckey's dismissal, but it would probably be well, notwithstanding, to pay his passage from the Island.

W. HOUSTON,
Under Secretary.

15/11/97.

I concur with the Under Secretary in his views.—J.H.C., 17/11/97.

The Private Secretary to His Excellency the Governor, B.C., 20th Nov., '97.—W. HOUSTON,
U.S. Lands. Appd.—HAMPTON, 22/11/97. The U.S. Lands, B.C., 22/11/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/528, N.I.

Sir,

Court-house, Kingston, 20 September, 1897.

I have the honor to inform you that to-day I suspended Constable J. Knuckey from duty for ^{N.I., 212/97.} misuse of the authority entrusted to him. The circumstances which caused me to take this action are as follows:—Mr. Alfred Nobbs, the pastor of the Seventh Day Adventists—a man of good character and behaviour—had just left (on Saturday, the 18th inst.) the chapel where he had been conducting Divine Service, was in full view of the congregation arrested by Constable J. Knuckey, and locked up in one of the cells, and charged by the constable with assaulting and obstructing him whilst in the execution of his duty. The constable then arrested Mr. Christian McCoy, and charged him with assaulting him whilst conveying a prisoner (Mr. Nobbs) to the lock-up. I may here state a constable is authorised in arresting any person assaulting or obstructing him whilst executing duty, without warrant; but I must add that I had directed the constable not to arrest (except for serious offences) unless absolutely necessary, but to proceed as a rule by summons, there being no opportunity for a person to evade justice.

On receiving information of the arrests I returned to town and ordered the release of the accused on their recognizances to answer to the charges to-day.

On the case, *Police v. A. Nobbs*, being heard, it was made clear by Constable J. Knuckey's own evidence that Mr. Nobbs had neither been guilty of assault nor of obstruction. I dismissed the case. The constable withdrew the charge against Mr. McCoy.

The court-room was crowded, and there was considerable excitement amongst the people.

Subsequently evidence was volunteered to the effect that the constable had been habitually guilty of gross conduct before the Islanders, both men and women.

On the conclusion of the Court business I afforded Constable Knuckey an opportunity of explaining his arrest of Messrs. Nobbs and McCoy. He was unable to give me any good reason. I then asked him if he had anything to say with regard to his alleged beastly conduct: he had nothing to say on this head. I then suspended, and informed him I should recommend his dismissal from the Service, which I now do. The constable urged that he should be granted pay up to the date of the notification to him of his dismissal, and that the passages of himself, wife, and child should be paid by the Government to Sydney.

I do not recommend this being done, as his suspension has been brought on by his own misconduct.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/529, N.I.

Sir,

Court-house, Norfolk Island, Kingston, 30 September, 1897.

I have the honor to inform you that I have temporarily appointed Mr. Marsh Adams to be ^{N.I., 213/97.} Constable, vice John Knuckey, suspended (*vide* my letter, N.I. 212/97, of the 20th instant), the appointment bearing date the 20th instant. Mr. Marsh Adams I recommend to receive pay at the rate of £5 per month during one period of his employment.

I have sworn him in for three (3) months, or until lawfully discharged or removed.

Mr. Marsh Adams bears an excellent character, and so far has performed his duty satisfactorily. He has no knowledge of Police or Court work, but I believe he can be taught. I am, therefore, willing, should the Secretary for Lands approve, to give Mr. Adams a trial for six (6) months on probation as Constable and Gaoler, the more especially as I believe it good policy to employ Islanders in minor appointments, provided they are suitable. The combination of the duties of Constable and Gaoler will lead to a saving. If this be carried out, it will be necessary to inform Mr. W. Adams, Acting Gaoler, that his services are no longer required.

The question of uniform for Mr. Marsh Adams to stand over for the present.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Memorandum.

Memorandum.

If it is decided to take proceedings against Knuckey on the Island, a special Court will have to be appointed, as the Magistrate, being a party, cannot sit.

HUGH POLLOCK,
Secretary, Attorney-General, 2/12/97.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/440, N.I.

Sir,

Department of Lands, Sydney, 6 October, 1897.

Referring to your letter of the 29th July last, reporting that Constable Knuckey was convicted and fined £1 at the Magistrate's Court, Norfolk Island, for using obscene and profane language in a public place, and stating that for certain specified reasons you refrained from suspending him, although the officer has lost the respect of respectable persons, I am directed by Mr. Secretary Carruthers to inform you that His Excellency the Governor has approved of the Constable's services being dispensed with, and a month's notice given him, and an allowance, at the usual rates, for the passage of himself and family, either to New Zealand or to this Colony as he may elect, of which you should advise me.

The date upon which Mr. Knuckey is given notice should be duly reported.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Under Secretary for Lands to The Private Secretary.

97/440, N.I.

Memorandum as to dispensing with the services of Constable Knuckey, of Norfolk Island, who was convicted and fined for using obscene and profane language in a public place.

The accompanying papers relating to the conviction of Constable Knuckey for using obscene and profane language in a public place, for which he was fined £1 and costs in the Chief Magistrate's Court, Norfolk Island, and the proposals of Mr. Secretary Carruthers in the matter, are forwarded, with the request that you will be so good as to submit them for the consideration and pleasure of His Excellency the Governor.—W. HOUSTON, Under Secretary, B.C., 16th September, 1897.

Case of Constable Knuckey, Norfolk Island.

97/440, N.I.

The Chief Magistrate reports that Constable Knuckey has been convicted of using "obscene and profane language in a public place," and fined £1 and costs, and further that he has previously had occasion to caution Knuckey on account of his objectionable demeanour and language.

The Chief Magistrate it appears for certain reasons (given at length in the within letter) refrained from suspending the constable from duty, although he reports the officer has "lost the respect of respectable persons."

Considering, amongst other reasons, the remoteness of the settlement and the racial peculiarities of the Islanders, it is of manifest importance that the officers of the Government should be beyond the chance of reproach, and I venture to think an error has been committed in the treatment of Constable Knuckey.

It is accordingly submitted for consideration whether it would not be advisable to dispense with the constable's services. If so, a month's notice might be given him, and an allowance, at the usual rates, for the passage of himself and family, either to New Zealand or this Colony, as he may elect.

I am unable to find any record of the terms of Knuckey's engagement, but it appears he was formerly a member of the artillery force of New South Wales, and was appointed constable at Norfolk Island on the recommendation of Colonel Spalding.

I am informed there will not be any great difficulty in filling the position, and in this connection would recommend that the constable should also fulfil the duties of Crown Lands Ranger and of Gaoler.

The latter position is at present held by W. Adams, whose services the Chief Magistrate reports (97/341) it is not necessary to retain—*vide* also previous correspondence respecting Adams herewith.

If this course also be approved, Adams may be given a month's notice—to date from the arrival of the new constable at Norfolk Island.

The salary suggested for the combined offices is £65 per annum (with quarters), but as the officer should be married it may become necessary to increase the amount.

13/9/97.

W. HOUSTON,
Under Secretary.

Approved.—J.H.C., 15 Sept., 1897. Approved.—HAMPTON, 18/9/97. The Chief Magistrate informed and asked to report date of notice and of entry upon duty of new constable.—6th October, 1897. The Accountant to note, please, and return. Await letter from the Chief Magistrate.—H.L.T., 12/10/97.

Copy from Norfolk Island Blue Book, page 37.

No. 35.

Governor Viscount Hampden to Mr. Chamberlain.

(Received 4 January, 1897.—Answered by No. 36.)

Sir,

Government House, Sydney, 28 November, 1896.

I have the honor to inform you that I returned to Sydney on Saturday, November the 21st, from an official visit to Norfolk Island.

Leaving Sydney in H.M.S. "Katoomba" on November the 10th, I arrived off Norfolk Island on the morning of the 14th November, and immediately gave instructions to Mr. Byron Adams, late Chief Magistrate,

Magistrate, to call a meeting of all male inhabitants for 3 o'clock p.m. on that afternoon. At that meeting I proclaimed the new Laws and Regulations for Norfolk Island, copies of which are enclosed for the assent of Her Majesty, if you approve and deem such assent necessary.

I also formerly installed Colonel Spalding as Resident Magistrate of the Island.
Colonel Spalding, with my consent, made the following appointments:—

Lieutenant Warner Spalding to be Clerk of the Court; Mr. John Knuckey to be Sergeant of Police; and Mr. F. Nobbs and Captain Bates were confirmed in their offices of Postmaster and Registrar of Lands, respectively.

I have, &c.,
HAMPDEN.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/341, N.I.

(Copy—to remain with 97/440, N.I.)

NORFOLK ISLAND.

Wm. Adams, gaoler—that his services not at present required—no prisoners.

Sir,

Court-house, Kingston, 23 July, 1897.

As there are no prisoners confined in the gaol, I have informed Mr. W. Adams, the Acting Gaoler, that the question of his receiving salary after the end of this month must be referred to the Administrator of the Island affairs, whose decision I seek. In my opinion there is no present necessity to longer retain Mr. Adams' services. I may add that he has satisfactorily discharged his duties.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Submitted. Mr. Adams was appointed temporarily as gaoler at £15 per annum from the 27th March last for six months, and thereafter on further approval, terminable at any time on one week's notice. The Chief Magistrate states in his letter that there is no present necessity for retaining his services, and raised the question of paying him salary after the end of July last.—H. L. THOMPSON, 31/8/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/383, N.I.

Conviction of Constable Knuckey for using obscene and profane language—Fined £1, &c.

Sir,

Norfolk Island, Court-house, Kingston, 29 July, 1897.

I regret to inform you that Constable John Knuckey of this Island has been convicted on conclusive evidence of having used obscene and profane language in a public place, and fined £1 and costs. /138, N.I.

For some weeks past the constable's method of addressing people, and the language I had reason to believe he at times indulged in, has been the cause of some anxiety to me, and I had cautioned the constable.

On the determination of the charge against the constable it was necessary to seriously consider the position.

The police officer whose duty it was to preserve the peace had been guilty of using language likely to cause its being broken; he had been convicted of breaking the law, and by doing so lost the respect of respectable persons.

Had there been a second police officer here, I should have suspended Constable Knuckey at once, and recommended his dismissal.

I did not do so for the following reasons:—

- (1.) There being no person on the Island, likely to accept the position of acting constable, who has sufficient knowledge of police duties, or one whom I could rely to do police work without partiality, favour, or affection; or one whom I could depend on speaking the whole truth.
- (2.) The impossibility of maintaining law and order without a constable. Since the discharge from prison on the 20th instant of two men there have been several instances of petty larceny, &c.
- (3.) Had dismissal followed the receipt of my report, then additional expense would have almost certainly have been entailed, not only for any travelling expenses, uniform, &c., but on account of salary. Prior to Constable Knuckey's engagement, I had ascertained from the General of Police in Sydney that there was not in the New South Wales Police Force a single constable (whom the Inspector-General considered suitable) who would take the position here even at a considerably higher rate of salary to that paid Constable Knuckey.

On behalf of the constable there is to be said, that, excepting in demeanour and language, he has so far been a good and zealous officer, and in the face of some difficulties done his utmost to secure the punishment of evil doers.

After the conviction, I sent for the constable and pointed out the serious position he was in. The constable admitted to me he had used the expressions in some of them complained of, being at the time excited. He promised not again to do so, also to alter his manner of addressing the inhabitants.

I informed the constable I should bring the matter to the notice of higher authority, and reminded him, that at the period of his engagement, I had undertaken, if he performed his duty in an entirely satisfactory manner, at a suitable period, to recommend higher authority to consider the question of his being granted some increase of salary, this I told him he had now rendered impossible for me to do.

I have also warned the constable that in the event of any other serious charge being proved against him, even prior to my receiving a reply to this report, I shall suspend him at once.

I have now the honor to solicit the decision of the Secretary for Lands as to the retention or not of Constable Knuckey in the service.

Should his dismissal be decided on, then I ask that another constable may be sent here.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Ascertain the terms under which Knuckey was engaged.—W.H., 2/9/97. See copy taken from Blue Book; it is all the information we possess.—H.L.T., 3/9/97. Acknowledged, 3/9/97.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.
97/393, N.I.

Sir,

Department of Lands, Sydney, 3 September, 1897.

I have the honor to acknowledge receipt of your letter of the 29th July last, respecting the conviction of Constable Knuckey for using obscene and profane language, for which he was fined £1 (one pound), and to inform you that the matter will receive consideration.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.
233/97, N.I.

Sir,

Court-house, Kingston, 6 November, 1897.

I have the honor to acknowledge receipt of your letter (N.I., 97-386) of 30th September, 1897, and think it fair to Mr. Pearson to state that I believe it is untrue he was discharged by Captain Garth for drunkenness. It is certainly untrue he was brought before the Court for obstructing the police in the execution of their duty.

I beg to point out that Mr. Knuckey produced to me a good discharge from the New South Wales police, and on inquiry at the office of the Inspector-General I learned nothing against him. He was also recommended by Mr. Sydney Maxted, and produced good testimonials from various employers, prior to my recommending him for appointment as constable.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The man Knuckey is apparently a most unreliable character. It appears that his statements respecting Mr. Pearson are both untrue. After perusal the paper may, perhaps, be put away.—W. HOUSTON, 23/11/97.

Senior-constable Knuckey to The Collector of Customs, Sydney.
97/387, N.I.

Collector of Customs, Norfolk Island, and as to his authority to employ persons to assist him, to wit,
F. W. Pearson.

Court-house, Kingston, 27 July, 1897.

I would like to ask you for a little information in reference to the Customs down here. It seems to be carried on in an off-handed way. The Collector of Customs, W. E. Spalding, has appointed a man by the name of F. W. Pearson, who was discharged by Captain Garth for being drunk. There was a little court work over him to-day for obstructing the police in the execution of their duty, and while he was under cross-examination he produced authority, signed by the Collector of Customs, which was drawn up by Pearson, giving him authority to have a hand in the Customs. It is causing a great deal of trouble amongst us, and I would like to know if the Customs Officer can employ him for the Customs without receiving word from head-quarters; and, if so, is he to produce authority if demanded to do so by the police? I believe the authority was given to him about six weeks ago. It has a seal, but not the Customs. By doing so you will greatly oblige the police.

We have no say in the matter at all here, but are willing to do all we can for you.

JOHN HENRY KNUCKEY,

Senior-constable of Police.

Knuckey may be informed that any correspondence of an official nature should be forwarded through the Chief Magistrate, to whom his letter has been sent for comment. The Chief Magistrate may report as to whether there is any dissatisfaction with the course pursued by the Collector, and if so to suggest some desirable modification.—W. HOUSTON, 2/9/97.

It is idle to ask the Chief Magistrate for report. The man's action is irregular; and as he is evidently unfit for the position he should be removed in accordance with decision on another paper. At the same time, I am dissatisfied with Colonel Spalding nominating such a man for the position, and think he should be so informed, and of the fact of this letter.—J.H.C., 17/9/97.

Chief Magistrate informed accordingly, 30/9/97. Put away, 6/10/97.

EXHIBIT K.

Accounts—Registrar of Court and Collector of Customs.

W. E. Spalding's Case.

LETTER informing him of dismissal sent 1st June; recommended by Minister, 30th May; approved by Governor, 31st May. Date of Mr. Brodie's letter *re* irregularities in Registrar's accounts, 17 May, 1898.

The Under Secretary for Lands to The Auditor-General.

98/511, N.I.

Department of Audit, 98/1310.

FURTHER *re* item of 6s. deficiency in Registrar's accounts, being costs in case *Waterhouse v. Knuckey*. Amount was paid to Registrar.

Sir,

Department of Lands, Sydney, 6 August, 1898.

In a letter received from the Chief Magistrate of Norfolk Island, relating to the defalcations of the late Registrar of the Magistrate's Court, the Chief Magistrate states as follows:—"There is one item in list of deficiencies of late Registrar—handed to me by Mr. Brodie—which, it appears to me, the late Registrar is not responsible for, viz.—28th May, 1897, J. Knuckey, returnable costs, *Self v. Waterhouse*, 6s., as the late Registrar was not a party to the case, and did not even give evidence. The case was *Police v. Waterhouse*; but as the case was not established against *Waterhouse*, and costs are not required from the Police, no Court fees would be received by the Registrar."

I have the honor to ask the circumstances under which the amount in question was included by Mr. Brodie in the list.

I have, &c.,

W. HOUSTON.

This was a small debts case, *Waterhouse v. Knuckey*,—claim, £8 5s. 6d., in which the plaintiff recovered a verdict for £8 5s. 6d., with 6s. costs. Knuckey paid the whole amount, with costs, but *Waterhouse* only received £8 5s. 6d., the late Registrar appropriating the 6s.

The only case I remember against *Waterhouse* is one that the Chief Magistrate had failed to record in the Bench Book. (*Vide* Report, May, 1897.)

To avoid any after references I went very carefully over the defalcation statement with the Chief Magistrate, and where there was the slightest shadow of a doubt or dispute I struck the amount out.

G. E. BRODIE, A.A.G.

Forwarded for your information, B.C., Audit Department, 11th August, 1898.

R. A. RENNIE,

The Under Secretary for Lands.

Auditor-General.

Received.—H.L.T., 23/8/98. The Accountant.—W.H., 23/8/98. The Chief Magistrate should be informed in terms of Mr. Brodie's memo.—V.C., Accountant, 26/8/98. Informed, 27th August, /98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

N.I., 98/571; 298/98.

Sir,

Department of Lands, Sydney, 27 August, 1898.

I have the honor to acknowledge receipt of yours of 13th ultimo, in which you point out an item of 6s. in the list of discrepancies of the late Registrar, handed to you by Mr. Brodie, is one which appears to you the late Registrar is not responsible for.

The matter has been referred to Mr. Brodie, who states the 6s. is returnable costs in the case "Small debts case, *Waterhouse v. Knuckey*; claim, £8 5s. 6d.; in which the plaintiff recovered a verdict for £8 5s. 6d., with 6s. costs. Knuckey paid the whole amount with costs, but *Waterhouse* only received £8 5s. 6d., the late Registrar appropriating the 6s. The only case that I remember against *Waterhouse* is one that the Chief Magistrate had failed to record in the Bench Book. To avoid any after references I went very carefully over the defalcation statement with the Chief Magistrate, and where there was the slightest shadow of a doubt or dispute I struck the amount out."

If, therefore, the facts are as stated by Mr. Brodie it is evident the sum of 6s. must remain in the list.

I have, &c.,

W. HOUSTON,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 298/98; N.I., 98/436.

DENYING negligence in supervision of accounts of late Registrar (W. E. Spalding); frequently saw them; admit being deceived, and Auditor (Dr. Metcalfe) also, just prior to Mr. Brodie's examination of same accounts; one item of Registrar's deficiencies he is not responsible for—6s., *Police v. Waterhouse*, summoned for drunkenness.

Sir,

Government House, Kingston, 13 July, 1898.

I understand it has been stated by Mr. Chief Inspector G. Brodie that I have been negligent in the supervision of the accounts of the late Registrar of the Magistrate's Court. I beg respectfully to assert that I have not been negligent in this respect. I frequently saw the accounts. I must point out that the accounts for some months and during the first rush of Court business had to be recorded in such books

books as could be obtained locally, no official cash-books, ledgers, &c., being then available. I frequently saw the Registrar's accounts; that I was deceived I admit, but so was the Auditor (Dr. Metcalfe) just prior to Mr. Brodie's examination of the same accounts. This gentleman is, of course, more skilled in the investigation of accounts than I am. There are now printed instructions for myself and other collectors of revenue, and it is now an easy task, or comparatively so, to thoroughly examine accounts, and I anticipate no irregularities arising in future.

There is one item in the list of deficiencies of the late Registrar, handed to me by Mr. Brodie, which, it appears to me, the late Registrar is not responsible for, viz., May 28, 1897; J. Knuckey; returnable costs, *Self v. Waterhouse*, 6s.; as the late Registrar was not a party to the case, and did not even give evidence. The case was *Police v. Waterhouse*. Waterhouse was summoned for being drunk, but, as the case was not established against him, and costs are not required from the police, no Court fees would be received by the Registrar.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Auditor-General might be asked to request Mr. Brodie to state the circumstances under which he included the amount in the list of defalcations.—V.C., 5/8/98. Yes.—W.H. Auditor-General asked.—V.C., 6/8/98. Await reply.

The Under Secretary for Lands to The Auditor-General.

98/438, N.I.

Sir,

Department of Lands, Sydney, 6 August, 1896.

In a letter received from the Chief Magistrate of Norfolk Island relating to the defalcations of the late Registrar of the Magistrate's Court, the Chief Magistrate states as follows:—"There is one item in list of deficiencies of late Registrar—handed to me by Mr. Brodie—which it appears to me, the late Registrar is not responsible for, viz.—28th May, 1897, J. Knuckey, returnable costs, *Self v. Waterhouse*, 6s., as the late Registrar was not a party to the case, and did not even give evidence. The case was "*Police v. Waterhouse*," but as the case was not established against Waterhouse, and costs are not required from the police, no court fees would be received by the Registrar."

I have the honor to ask the circumstances under which the amount in question was included by Mr. Brodie in the list.

I have, &c.,

WILLIAM HOUSTON,
Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledged letter intimating dismissal of Mr. W. E. Spalding, and stating he left Island 17th May, and will not return.

N.I., 243/98; N.I., 98/365; N.I., 98/436.

Sir,

Government House, Kingston, 18 June, 1898.

I have the honor to acknowledge receipt of your letter of 1st instant, N.I., 98/272—informing me that His Excellency the Governor, had decided that Mr. Spalding be dismissed from the positions of Clerk and Registrar of the Magistrate's Court, and Collector of Customs, Norfolk Island.

Mr. Spalding left the Island on the 17th ultimo, and will not return.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. Put away.—W.H., 4/7/98.

Mr. W. Spalding to The Under Secretary for Lands.

Dear Mr. Houston,

Monday.

In the event of your wishing to see me on any matters, kindly address letters c/o Captain Anderson, Victoria Barracks, with whom I am at present staying. The report you have no doubt received from Mr. Brodie about myself is, I feel sure, anything but satisfactory, though, if opportunity is given me, I feel certain I can explain a good deal to your satisfaction, which was not given me at Norfolk Island. I should certainly have called, only for this report. Thanking you for all your kindness.

Believe me, &c.,

WARRY SPALDING.

Memo for Accountant.

WARNER E. SPALDING, Registrar, Magistrate's Court, Norfolk Island, has been suspended from 20th April last.

W. HOUSTON,

27/5/98.

Noted.—V.C., Acct., 27/5/98.

Minute by The Minister for Lands.

98/272, N.I.

Re W. E. Spalding, Norfolk Island.

I RECOMMEND the dismissal of this officer. If he desires to show cause against this action, then the simplest way to deal with the case will be prosecution.

Mr. Spalding should be asked to leave the Island, as his conduct there has tended to bring the Government into disrepute.

J. H. CARRUTHERS,
Minister for Lands.

30 May, 1898.

The Private Secretary to His Excellency the Governor.—W. HOUSTON, U.S. Lands, B.C., 30/5/98. Approved.—HAMDEN, 31/5/98, (noted), 98/365, N.I. The Under Secretary for Lands.—G.F., P.S., 31/5/98. Mr. W. E. Spalding and the Chief Magistrate informed, 1/6/98. The Accountant. Noted.—V.C., Accountant, 9/6/98. Put away.—H.L.T., 9/6/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/272, N.I.

Sir,

Department of Lands, Sydney, 1 June, 1898.

With reference to your letter of the 11th ultimo, intimating that in consequence of the grave irregularities in the accounts of Mr. W. E. Spalding, Clerk and Registrar of the Magistrate's Court, Norfolk Island, as disclosed to you by Mr. Inspector Brodie, you suspended Mr. Spalding from those positions, and that of Collector of Customs, from the 20th April last,—I am directed by the Secretary for Lands to inform you that the papers in the case were referred to His Excellency the Governor, who has decided that Mr. Spalding be dismissed from the positions mentioned.

I am also to inform you that Mr. Spalding has been requested to leave the Island as early as possible, as his conduct has tended to bring the Government into disrepute.

I have, &c.,
WM. HOUSTON,
Under Secretary.

The Under Secretary for Lands to Mr. W. E. Spalding.

98/272, N.I.

Sir,

Department of Lands, Sydney, 1 June, 1898.

With reference to your suspension from duty as Clerk and Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, in consequence of 'grave irregularities' in your accounts, as disclosed by the investigations of Mr. G. E. Brodie, Assistant Auditor-General and Chief Inspector of Public Accounts of New South Wales, the nature of which were conveyed to you in the presence of the Chief Magistrate, and no satisfactory explanation offered,—I am directed by the Secretary for Lands to inform you that the papers in the case were referred to His Excellency the Governor, who has decided that you be dismissed from the positions mentioned.

I am also to request you to leave the Island as early as possible, as your conduct had tended to bring the Government into disrepute.

I have, &c.,
WM. HOUSTON.

Minute by Under Secretary for Lands.

Investigation of the Accounts of W. E. Spalding, Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island.

98/271, N.I.

THE enclosed report of Mr. Brodie is at once discouraging and unsatisfactory, inasmuch as the Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, is definitely charged with dishonesty, and want of supervision is reported on the part of the Chief Magistrate so far as the accounts referred to are concerned. 98/272, N.I.

As Mr. Brodie speaks so very plainly of the nature of the transactions which have come under his notice, the question necessarily raises itself whether Mr. W. E. Spalding, before being called upon to show cause why he should not be removed from his positions, should not be prosecuted.

It is unnecessary for me to refer to the trouble and expense such a course of action would involve, though these, of course, would be subordinate to higher considerations; but, accepting Mr. Brodie's statement that any attempt to obtain a criminal conviction would probably be abortive, Mr. Brodie's recommendation that steps should be taken with a view to Mr. Spalding's dismissal will perhaps be considered as the wiser alternative in the circumstances.

I venture to submit, however, that Mr. Spalding should in the first instance be afforded an opportunity of explaining the charges which have been preferred against him.

28/5/98.

W. HOUSTON.

Memo. by Chief Inspector of Public Accounts.

98/270, N.I.

Sir,

Norfolk Island, 17 May, 1898.

I have the honor to inform you, for the information of the Honorable the Secretary for Lands, that a recent investigation of the accounts of Warner Edward Spalding, Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, disclosed right down fraud, and in consequence thereof I requested the Chief Magistrate to suspend the Collector and Registrar from duty as from the 20th

ultimo, under clause 4 paragraph 2 of the Laws, Rules, and Regulations made for the Government of Norfolk Island, proclaimed on 14th November, 1896, and published in the *Government Gazette* of New South Wales on 7th April, 1897.

After a conference with the Chief Magistrate, it was decided that Mr. F. W. Pearson, a gentleman of experience, should be appointed to act temporarily as Registrar of the Court and Collector of Customs until further arrangements were decided upon by the Secretary for Lands.

Mr. Warner Edward Spalding was then suspended.

The nature of the charges was conveyed to Mr. Spalding in the presence of the Chief Magistrate, and no explanation of a satisfactory character was offered.

No supervision appears to have been exercised over Mr. Spalding by the Chief Magistrate, who does not appear to have concerned himself whether the whole of the revenue derivable from Court fees, timber permits, or Customs duties, &c., were accounted for to him by the Registrar and Collector of Customs or not.

This is clearly seen from the fact that no proper record has been kept of the receipt and disbursement of suitors' moneys, Small Debts Court, and Witnesses' expenses; or of the receipt of fees for timber permits, subpoenas, defences and executions, small debts cases, and which have not been accounted for to the Chief Magistrate by the Registrar.

The Chief Magistrate possessed the means of acquiring a thorough knowledge of these items, and he should, therefore, have seen that they were all duly accounted for to him by his subordinate.

The book for the issue of "Notices to Defend," on which a fee of 2s. each had been charged, was missing; the record book of timber charges was mutilated by pages being torn out; several timber licenses were missing, as were also some Customs entries, and there is no doubt in my mind the Registrar wilfully destroyed these books to conceal his dishonest practices.

"Subpoenas" in small debts cases have been issued on informal forms, and in many instances receipts have been issued for instalments on judgments, small debts cases, in manuscript, as also have permits to cut pine trees, &c., although there was a receipt book containing 300 forms in the Court-house. Under these circumstances difficulties were presented in arriving at the total amount misappropriated by the Registrar and Collector of Customs, which is now shown to be, so far as can be ascertained, £29 1s., as per statement "C" herewith.

For the recovery of this amount, £4 19s. 6d. is due to the Registrar and Collector for salary, &c., up to the date of suspension, namely, 20th April, 1898.

Registrar of Magistrate's Court, 1-19 April, 1898, salary	...	...	...	£2	2	3
Do	do	forage	...	1	10	0
Collector of Customs, 1-19 April, 1898, salary	...	...	...	1	7	3
				£4 19 6		

The balance, £24 1s. 6d., Colonel Spalding has promised to pay, less £3 obtained from the Registrar subsequent to date of that officer's suspension, and handed to me.

Mr. Spalding appears only to have learnt sufficiently of the duties of his offices to enable him to act dishonestly. From one of the Islanders he demanded and obtained, under the protest of the man's friends, £1 1s. for legal costs never incurred, and which Mr. Spalding appropriated to his own use. In the event of default of payment of these costs Mr. Spalding threatened to proceed for the recovery of heavy damages for alleged slander. After inquiry into the matter I caused the £1 1s. to be returned.

There are no extenuating circumstances in regard to acts of palpable dishonesty. There are difficulties in the way of obtaining a conviction, if criminal proceedings were taken. I therefore recommend that Warner Edward Spalding be dismissed from the Service, and the offer of Colonel Spalding to make the deficiency good be accepted.

I further recommend that the attention of the General Officer Commanding the Military Forces be drawn to the papers marked "E" herewith, as it appears to me that Mr. Spalding used his military title with a view of intimidating and extorting money from one of the residents of Norfolk Island.

In regard to the very lax supervision exercised by the Chief Magistrate over the collection of revenue, I have only to add that this officer had exceptional facilities for the checking of the whole of the moneys to be accounted for to him by the Registrar of the Court, and if he had only exercised the most ordinary care not one penny of the Court fees or timber revenue could have been misappropriated.

For the inertia and apathy displayed by the Chief Magistrate in the supervision of the accounts of the Collectors of revenue of Norfolk Island no reasonable excuse can be offered, and in my opinion he is responsible for the delinquencies of the Registrar of his Court and the Collector of Customs.

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts for the Government of New South Wales.

98/272, N.I.

Enclosure marked A.

Enclosure marked B.

98/270, N.I.

Enclosure marked C.

Enclosure marked D.

98/270, N.I.

Enclosure marked E.

DEFALCATIONS OF W. E. SPALDING, Registrar of Magistrate's Court and Collector of Customs
at Norfolk Island.

Date of Payment.	Name.	Particulars.	Amount.
1896. Nov. to April, 1898	E. Courtois and others	Defences, Small Debts Court, 53 at 2s. each	£ 5 6 0
22 Dec.	C. C. R. Nobbs	Subpoena, Small Debts, 36/96	0 0 6
22 "	J. L. Hordern	Plaint, Small Debts, case 96/36, short entered	0 4 0
19 "	Mr. Bayly	Permit to cut one pine tree	0 5 0
8 "	Wm. Kendall	Balance Small Debts, fees 5 and 8/96	1 0 0
9 "	"	3 subpoenas, Small Debts, case Kendall v. Young	0 1 6
15 "	F. Quintal	1 pine tree	0 5 0
17 "	F. Christian	1 fuel license	0 2 6
1897. 2 Jan.	Fairfax Quintal	1 pine tree	0 5 0
26 "	D. Allen	1 fuel license	0 2 6
20 "	R. Christian	1 permit to cut 100 posts	0 1 0
5 "	R. Evans	1 " "	0 1 0
6 "	Fisher Christian	1 fuel license	0 2 6
20 "	C. A. C. Christian	1 permit to cut 100 posts	0 1 0
18 Feb.	Hordern Bros.	Execution, Small Debts, case 97/29	0 3 6
17 "	"	5 subpoenas, Small Debts, case 97/21	0 2 6
17 "	"	2 " " " 97/23	0 1 0
3 "	A. Buffett	1 permit to cut 30 rails and 6 posts	0 0 3
5 "	R. Evans	1 pine tree	0 5 0
17 Mar.	E. Christian	1 permit to cut 100 posts	0 1 0
8 "	Guildford Adams	1 pine tree	0 5 0
10 "	C. Rossiter	1 fuel license	0 2 6
1 "	Hordern Bros.	1 execution, Small Debts, 96/14, A. Quintal	0 3 6
— "	Fairfax Quintal	1 pine-tree	0 5 0
— "	"	1 permit to cut 150 posts	0 1 6
22 April ...	Hordern Bros.	Executions, Small Debts, case 96/21, F. Young, jun.	0 3 6
26 "	"	" " " 96/22, M. Quintal	0 3 6
3 "	"	10 subpoenas " " 97/33	0 5 0
14 "	George Bayley	1 pine-tree	0 5 0
— "	Hordern Bros.	Balance fees, Small Debts, case 97/33	2 0 0
6 "	H. C. Quintal	1 pine-tree	0 5 0
— "	F. Taylor	1 fuel license	0 2 6
— "	Robt. Quintal	1 pine-tree	0 5 0
10 May	Wm. Kendall	4 subpoenas, Small Debts, case 97/24	0 2 0
28 "	J. Knuckey	Returnable costs, Self v. Waterhouse, Small Debts	0 6 0
— "	G. Adams	1 fuel license	0 2 6
23 July	Mrs. Hebblethwaite	1 "	0 2 6
27 "	J. Knuckey	2 subpoenas, defence F. W. Pearson	0 1 0
22 "	F. W. Pearson	7 " " " Knuckey	0 7 0
— Sept.	C. C. R. Nobbs	2 plaints, Small Debts, case Nobbs and McCoy v. Knuckey ..	2 0 0
28 Oct.	F. Nobbs	Information, larceny	0 5 10
30 Nov.	R. S. Waterhouse	1 execution, J. T. Quintal, 96/50	0 3 6
1896. Dec. to 1 Feb. 1898.	.....	Subpoenas, Court of Petty Sessions	0 6 0
1 Feb. ....	.....	Suitors, Small Debts Court, due to Hordern Bros.	5 18 2
1 " .....	.....	" " " " " Fish Co., 10/96, costs	0 17 6
1 " .....	.....	" " " " " N. Quintal, 97/27	1 0 0
1 " .....	.....	" " " " " " .....	1 0 0
2 "	M. Quintal	2 subpoenas, Small Debts, case 98/2	0 1 0
5 "	Capt. Garth	5 " " " case	0 2 6
1896. Nov. to Feb., 1898.	.....	Small Debts fees not accounted for to C.M.	1 8 8
— June ...	Fred. Yager	650 posts, @ 1s. 6d.	0 9 9
— "	"	50 strainers	0 5 0
— "	"	Permit to cut timber	0 1 0
COLLECTOR OF CUSTOMS.			
29 Nov.	W. D. Craig	Duty, 20 lb. sugar	0 1 6
29 Oct.	F. Nobbs	" 1 bag "	0 2 6
29 "	"	" 7 lb. biscuit	0 0 7
29 "	"	" 2 tins syrup	0 0 2
20 "	A. Anderson	" 1 box candles	0 2 1
1898. — Jan. ...	Archdeacon Palmer	" 700-lb. biscuits—Cash, £4 12s., less £3 2s. 6d.	1 9 6
— April ...	W. J. Waterhouse	" Tobacco and cigarettes	1 0 0
			£30 4 0
Gross deficiency			£30 4 0
Less salary to 19 April, 1898			£3 9 6
" forage to 12 May, 1898			1 10 0
" 4 August, 1897, remittance, U.S. for Lands			1 3 0
" Cash obtained by C.M. from Registrar subsequent to date of suspension ..			3 0 0
			9 2 6
			£21 1 6

Norfolk Island, 17 May, 1898.

G. E. BRODIE,
Chief Inspector of Public Accounts.

D.

D.

The Chief Magistrate, Norfolk Island, to The Chief Inspector Public Accounts.

98/270, N.I.

Sir,

Government House, Kingston, 4 May, 1898.

In reply to your letter received this morning, and with reference to an interview on the subject, I have the honor to inform you that I am prepared to make good to the Government any and all deficiencies found to exist in the accounts of the Registrar of the Court (now under suspension) and to recoup the Government the fees I paid that official under the schedule of 10 Vic. No. 10 (I venture to think legally) if the Government require this to be done.

I have, &c.,

WARNER SPALDING, Colonel.

Chief Magistrate.

[Enclosures.]

E.

Lieut. W. E. Spalding to Arthur Buffett.

98/270, N.I.

Sir,

Kingston Court-house, Norfolk Island, 25 October, 1897.

Unless I receive a complete withdrawal and an apology in writing *re* our conversation of Saturday last, 23rd, on the "Longridge Lawn Tennis Clubs" ground, in the presence and hearing of many of its members, at which place you informed me "I must stay away until I disproved some alleged scandalous reports concerning myself, and which you further alleged was the talk of the Island, I shall immediately take proceedings against you in the Chief Magistrate's Court for libel, defamation of character, and ill-treatment received at your hands, laying the damages at twenty pounds (£20), which I need hardly remind you will be for you to prove the charge as hearsay is no evidence, &c. I give you until Friday, 29th instant, after which time I shall issue the necessary summons to compel you to attend the Court.

I am, &c.,

WARNER EDWARD SPALDING, Lieut.

Lieut. W. E. Spalding to Mr. Artie Buffett, Norfolk Island.

98/270, N.I.

Norfolk Island, 25 October, 1897.

TAKE NOTICE that I hereby demand from you forthwith, in writing, a most ample and unreserved apology for your base accusations, insinuations, and gross libel of my character as put forth by you to me on the "Longridge Tennis Ground," on Saturday last, 23rd October, and further take notice that if the said apology be not made by you and placed in my hands not later than Friday next, 29th instant, together with £1 1s. legal expenses incurred, proceedings will be taken through the Court for recovery of damages against you to the amount of twenty pounds (£20).

Kingston Court-house.

WARNER EDWARD SPALDING, Lieutenant.

(Official Notice.)

98-270, N.I.

Court-house, Norfolk Island, 27 October, 1897.

RECEIVED from Arthur Buffett the sum of £1 1s. for legal expenses incurred in case withdrawn by consent of Lieutenant Spalding on producing this day a written apology to his satisfaction.

WARNER E. SPALDING.

A.

98/146, N.I.

The Chief Magistrate to The Chief Inspector of Public Accounts.

Sir,

Government House, Kingston, 25 April, 1898.

I have the honor to inform you that I have this day appointed Mr. W. Pearson, of Norfolk Island, to be, temporarily, Clerk and Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, and have verbally requested this officer to give you such assistance as you may require.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, N.I.

B.

98/145, N.I.

The Chief Magistrate to The Chief Inspector of Public Accounts.

Sir,

Government House, Kingston, 25 April, 1898.

In reply to your letter of the 22nd instant, with reference to the very grave irregularities disclosed in the accounts of the Registrar of the Magistrate's Court, Norfolk Island, I have the honor to inform you that, immediately after the receipt of your communication, I suspended the official responsible for the irregularities from his position as Registrar of the Court and Collector of Customs. This suspension to date from the 20th instant.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate.

N. I.

98/190, N.I.

The Chief Magistrate to The Under Secretary for Lands.

Intimating suspension from 20th April, 1898, of Registrar and Clerk of Court and Collector of Customs, in consequence of grave irregularities in accounts of Registrar of Court—irregularities disclosed by Mr. Inspector Brodie.

Sir,

Government House, Kingston, 11 May, 1898.

I have the honor to inform you that, in consequence of the grave irregularities in the accounts of the Registrar of the Magistrate's Court of this Island, as disclosed to me by the Chief Inspector of Public Accounts (N. S. Wales) in the presence of the Registrar, I suspended that official from his positions as Registrar of the Court and Collector of Customs, suspension to date from the 20th ultimo.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, N.I.

Await Mr Brodie's report.—W.H.

EXHIBIT

EXHIBIT L.

Statistical Register.

Extract from Report by Chief Inspector of Public Accounts.

EXTRACT from comprehensive report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

* * * * *
98/386, N.I. STATISTICAL REGISTER.

THIS book was altogether in arrears, and instructions should be issued to the present Collector of Customs to complete the entries as well as he possibly can. It will be a difficult task.

In future an abstract of the cash-book and the Custom entries should be forwarded to this Department for the purposes of audit.

* * * * *
I have, &c.,
G. E. BRODIE,
Chief Inspector of Public Accounts.

Write accordingly.—W.H., 11/7/93 The Chief Magistrate informed, and asked for a full report, 15/7/98. Await same. Let the Accountant see this first.—H.L.T., 18/7/98. Noted.—V.C., 18/7/98. Await report.—H.L.T., 20/7/98.

EXHIBIT M.

Accounts, Registrar of Lands.

Extract from Report by Chief Inspector of Public Accounts.

EXTRACT from comprehensive report of 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

98/402, N.I. REGISTRAR OF LANDS.

Accounts.

No proper cash-book had been kept. This officer has received deposits on applications for land for which he has issued receipts in manuscript.

The Chief Magistrate, I was informed, had never seen the Registrar's books.

All deposits received by the Registrar were handed over to the Chief Magistrate, and have been remitted to the Department of Lands.

The Registrar has also received transfer fees, &c., under the law for "conveyance of and other dealings with land in Norfolk Island."

I opened a cash-book, and gave the Registrar and official receipt-book.

* * * * *
I have, &c.,
G. E. BRODIE.

For information.—W. Houston, Under Secretary, 11/7/98. Seen.—J.H.C., 12/7/98. The Accountant to see and return please.—H.L.T., 12/7/98. Seen.—V.C., Accountant, 18/7/98. Put away, 20.

EXHIBIT N.

Registrar of Lands.

Memo. by Chief Inspector of Public Accounts.

98/401, N.I.

EXTRACT from comprehensive report of 28th June, 1898, by Mr. G. E. Brodie on N. I. affairs, inquired into on occasion of approved visit to Island.

* * * * *
Gazette Notice of 6th August, 1897, No. 628.

It must be specially brought under notice that the present Registrar of Lands is not Registrar of the Magistrate's Court, neither is his office at this Court-house, but at his private residence at Burnt Pine.

If it can be arranged the present officer should be allowed to continue to act as Registrar of Lands, and as he has a private safe, be allowed to retain charge of the registers.

* * * * *
I have, &c.,
G. E. BRODIE,
Chief Inspector of Public Accounts.

I am not aware of any intention to dispossess Mr. Bates. What salary does he receive, and when approved?—W.H., 11/7/98.

Mr. Bates is paid a salary of £5 per annum, and was confirmed in his position on the 14th November, 1896, when His Excellency the Governor visited Norfolk Island. In view of the Proclamation of the 6th August last, herein referred to, His Excellency again confirmed the appointment.—H.L. THOMPSON, 12/7/98.

No action necessary.—W.H., 15/7/98. Put away.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/288, N.I.

Sir,

Norfolk Island, 11 April, 1898.

I have the honor to acknowledge receipt of your letter of the 25th of January last, numbered N.I., 97-626, mentioned.

I have, &c.,

WARNER SPALDING, Col.,
Chief Magistrate.

Subject of letter.—Confirmation of Mr. F. Bates as Registrar of Lands, with salary of £5 per annum. Seen. Put away.—W.H., 31/5/98., 98-401, N.I.

98/14, N.I.

Memorandum.—The accompanying papers are forwarded, with the request that you will be so good as to obtain the concurrence of His Excellency the Governor to the confirmation of Mr. Franklin Bates in his present position of Registrar of Lands, Norfolk Island, at his present rate of salary of £5 per annum, in view of the proclamation of the 6th August last, making provision for conveyance of and other dealing with land in Norfolk Island.

W. HOUSTON.

The Private Secretary to His Excellency the Governor, B.C., 21st January, 1898.

Approved.—HAMPDEN, 24/1/98. The Under Secretary for Lands—A.G., P.S., B.C., 24/1/98. Inform the Chief Magistrate.—H.M., 25/1/98. Informed, 25/1/98. The Accountant. Noted.—V.C., Accountant, 14/2/98. Mr. Thompson. The auditor, Dr. Metcalfe, should be informed and a copy of the *Gazette* notice, calling special attention to the fees payable to the Registrar.—V.C., 14. Not necessary.—W.H., 16. Put away.—H.L.T., 16/2/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Intimating that Mr. Franklin Bates, Registrar of Lands, wishes to be retained in position at £5 per annum, his present salary, in view of proclamation of 6th August last.—Very few transactions.—He is a reliable and careful officer.

98/626, N.I.

Sir,

Norfolk Island, Court-house, Kingston, 17 November, 1897.

I have the honor to inform you that Mr. Franklin Bates, Registrar for Lands, has applied to be retained in that position at his present salary of £5 per annum. It being indicated in the Proclamation of the 6th August last "To make provision for conveyance of and other dealing with land in Norfolk Island," that "Registrar" means Registrar of the Magistrate's Court, or any other officer for the time being appointed to act in his place. Very few land transactions have occurred during the year I have been here, but from the opportunities I have had I consider him a careful and reliable officer, and his books well kept.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Submitted. It is presumed Mr. Franklin Bates may be confirmed in his present position of Registrar of Lands at his present salary of £5 per annum.—W. HOUSTON, Under Secretary, 14/1/98. Approved.—J.H.C., 14/1/98. Memo. to His Excellency, 21/12/98.

EXHIBIT O.

Schoolmaster's Accounts.

Minute by The Chief Inspector of Public Accounts.

98/403, N.I.

Extract from comprehensive report, 28/6/98, by Mr. G. E. Brodie on Norfolk Island, affairs inquired into on occasion of approved visit to Island.

SCHOOLMASTER.

Accounts.

THESE accounts on the whole have been kept in a satisfactory and careful manner.

It has been the practice of the Chief Magistrate to pay the salaries of the pupil teachers out of School Fees. I gave instructions for the discontinuance of this practice, and for all fees in future to be remitted to Sydney. The teachers to be paid by orders to be drawn by the Chief Magistrate on the Minister for Lands, Sydney.

* * * * *

I have, &c.,

G. E. BRODIE.

Submitted for information.—W. HOUSTON, Under Secretary, 11/7/98. Seen.—J.H.C., 12/7/98. Put away.—H.L.T., 12/7/98.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/260, N.I.

Have paid G. Quintal salary to 31st April, 1898. Explained that school hours not increased, and salary cannot be further augmented.

Sir,

Norfolk Island, Government House, Kingston, 11 April, 1898.

I have the honor to acknowledge receipt of your letter of 12th ultimo, Norfolk Island, 98/123, and have to inform you that I have paid Mr. G. Quintal salary due to him up to the 31st inst., and have explained to Mr. Quintal that he is in error in stating the school hours have been increased, and informed him that the rate of salary under the circumstances cannot be further augmented.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Seen. Put away after being seen by the accountant.—H.L.T., 31/5/98. Seen.—V.C., Accountant, 6/6/98. Put away.

Mr. G. Quintal to Mr. R. S. Waterhouse.

98/145, N.I.

Re payment of £5 from G. Quintal's salary to R. S. Waterhouse.

Dear Sir,

Norfolk Island, 4 February, 1898.

With reference to what we spoke of the other day, to wit, my account with you *re* order signed by the Chief Magistrate, I saw him yesterday and asked him if I wrote an order for £5 (five pounds) against the salary due to me, payable to you in Sydney, whether he would also sign it and recommend that it be paid. He refused on the grounds that he had already written to Sydney about my salary, and if he complied with my request it might cause some trouble and delay at the other end. I am very sorry indeed, not only because I wish to pay my debt, but perhaps you will allow me a little more credit in your store, as my family is greatly in need of provisions, drapery, &c., &c.

As you are visiting Sydney shortly, and likely to see authorities, I wish you would kindly bring before their notice the inconvenience I am put to in not receiving my salary when due.

If after seeing them arrangements could be made whereby you could get the £5 (five pounds), I would be very glad indeed. As there are £35 (thirty-five pounds) due to me now, I do not see anything to prevent you getting the amount.

Hoping a favourable issue up yonder.

I remain, &c.,

GUSTAV QUINTAL.

NORFOLK ISLAND MATTERS.

98/136, N.I.

Interview with Mr. Waterhouse.

At 11:30 this morning (Friday, 4th March, 1898), Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

* * * * *

I have already referred to certain remarks you made in your letter which I think might have been left alone, but I would ask you to explain this sentence:—"I would express the hope that the Minister for Lands or someone in authority would ere long visit this Island as to matters of importance here which require looking into." What does that mean?

The school, for one thing.

You do not mean that as a reflection on Colonel Spalding?

Decidedly not. For instance, here is a letter I had from the Schoolmaster. He is unable to get his pay, and therefore can not pay us. Orders have been issued, but they only refer to the Constable and the Registrar. The Schoolmaster applied for an order, but the Colonel would not grant it.

That will be straightened up all right. We have made arrangements that will exactly suit what the Schoolmaster writes. We are only beginning to learn these things, you know, by degrees.

You can quite understand how it inconveniences them and the storekeepers too. If at the end of every month the Schoolmaster could make a draw it would help him and help us.

* * * * *

This should be placed with the papers containing Waterhouse's letter.—W.H., Under Secretary. The U.S. says place this with Schoolmaster's salary papers.—H.L.T., 8/3/98. Put away.—H.L.T., 16/3/98.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

Re Schoolmaster, Norfolk Island.

98/126.

38, Pitt-street, Sydney, 7 March, 1898.

REFERRING to Mr. Gustav Quintal's letter left with you, containing the request that you should pay me £5 on his account, I shall be glad if this amount can be paid to me in Sydney.

I have, &c.,

R. S. WATERHOUSE.

The Accountant.—W.H. As suggested in other cases, these orders should be issued by the Chief Magistrate, who might be authorised to pay Mr. Quintal in the same way as all other officers.—V.C., Accountant, 14/3/98. W.H., U.S. R. S. Waterhouse informed.—V.C., 15/3/98. 98/136, N.I.

Gustav

Gustav Quintal, Head Master, Norfolk Island, asking for increase of salary. Not recommended. Chief Magistrate suggesting payment of present salary monthly.

98/123, N.I.

MR. Gustav Quintal, Head Master of the Public School, Norfolk Island, applies for an increase of his salary of £60 per annum, on the ground that his hours have, under "the regulations" been increased from 2 p.m. to 3 p.m.

So far as the papers relating to school matters show, no such regulations have issued; indeed, Mr. Bent in his report on educational matters gives the school hours as from 9.30 to 12.30 p.m., and from 1.30 to 3 p.m., and, therefore, Mr. Quintal does not appear to merit consideration on that score; moreover, the Chief Magistrate does not recommend any increase pending settlement of the appointment of a qualified Head Master.

Colonel Spalding, however, asks for authority to pay Mr. Quintal the salary due to him, which, inclusive of the month of January, 1898, amounts to £35, and also to pay him monthly at the approved rate (£60 per annum—see copy of letter of 4th April, 1897, to Chief Magistrate), by order of the Minister for Lands.

98/123, N.I.

Mr. Quintal has, it seems, been paid up to the end of January, 1897, by cheque signed by the Minister.
H. L. THOMPSON, 24/2/98.

The Accountant, As to salary due in first instance.—H.L.T.

Mr. Quintal has been paid up to 30th June, 1897. Assuming he has been continuously employed since that date, there is now due up to 1st March proximo eight months' salary at £60 per annum, £40. There is not any objection to the Chief Magistrate paying him by orders drawn upon the Minister for Lands in like manner to other officers; indeed, it is a more satisfactory method, and should be adopted generally in regard to all officials working and resident on the Island, as the Chief Magistrate will know of all circumstances connected with them, and there is the danger of overpayment being made, by paying here, in the event of suspension or death. I suggest the Chief Magistrate be authorised.—VICTOR COHEN, Accountant, 26/2/98.

Submitted for approval.—W. HOUSTON, Under Secretary, 28/2/98. Approved.—J.H.C., 3/3/98.
The Accountant.—H.L.T. C.M. informed, 12/3/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/92, N.I.

Re a letter from Gustav Quintal for increase of salary—not recommended—suggesting authority to pay him salary due, to include 20th January, viz., £35, and to pay him monthly at approved rate of £60 per annum.

Sir,

Norfolk Island, Government House, Kingston, 1 February, 1898.

I have the honor to enclose a letter to the Minister for Lands by Mr. Gustav Quintal, Schoolmaster of the Public School. Pending settlement of the appointment of a qualified Head Master, I do not recommend any increase being made in the salary of Mr. Gustav Quintal.

I recommend that I may be authorised to pay Mr. Quintal the salary due to him, which, inclusive of the month of January, 1898, amounts to £35, and also pay him monthly at the approved rate of £60 per annum—by order on the Minister for Lands. Mr. Quintal has been paid by cheques signed by the Minister for Lands, up to the end of June, 1897.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

- (1.) Have we anything *re* this man's salary?
- (2.) Is he Head Master?
- (3.) What new regulations does he refer to?—

W.H., 21/2/98.

- (1.) Yes (see copy of letter to Chief Magistrate of 4th April, 1897, attached).
- (2.) It is understood he is Head Master.
- (3.) It is not clear; none are known of.—

H.L.T., 24/2/98.

Mr. G. Quintal to The Secretary for Lands.

98/92, N.I.

Sir,

Norfolk Island, 29 January, 1898.

I hereby apply to you, through the Chief Magistrate of Norfolk Island, that my salary as Head Master of the Norfolk Island Public School be raised.

My reasons for applying are:—

- (1.) When I undertook the duties of Head Master, the school hours were over at 2 p.m. on Mondays, Tuesdays, Thursdays, and Fridays, and on Wednesdays at 12 o'clock. Under the new regulations the hours are not over until 3 p.m. on each school day; consequently, I had more time to work in my garden to help to maintain my family, which consists of my wife and five children.
- (2.) I am living in my own private house, therefore am not an expense to the Norfolk Island Government in that respect.

I also wish to draw your attention to the inconvenience I am put to in not receiving my salary regularly. Our Island is so isolated, and communications with the outer world so uncertain, that it is extremely difficult at times to get supplies even from the storekeepers, who charge exorbitant prices for their goods, and for ready cash in most instances.

If arrangements could be made for the Chief Magistrate to pay me at the end of each month, as I understand other Island officials are paid by him, I would be greatly obliged, as then I could order supplies from Sydney direct, and make my salary go further towards the maintenance of my family and self.

I have, &c.,

GUSTAV QUINTAL,
The

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/88, N.I.

Sir,

Department of Lands, Sydney, 2 April, 1897.

With reference to your letter of the 12th January last, stating, that pending the appointment of a Head Master to the Public School at Norfolk Island, you have provisionally approved of the teachers previously engaged continuing their services at the school and receiving salaries at the same rate, viz.:—Mr. Gustav Quintal, £5 per month, or £60 per annum; Mr. Charles Burffett, 10s. per month, or £6 per annum; Miss Mary Rossiter, £1 per month, or £12 per annum; Miss Mildred Nobbs, 13s. 4d. per month, or £8 per annum; total, £7 3s. 4d. per month, or £86 per annum;—I am directed to inform you that in view of the peculiar circumstances of the case, the Secretary for Lands has approved of your action in the matter.

Mr. Carruthers desires me to state that upon no account is expenditure to be incurred without the approval of His Excellency the Governor (through the Secretary for Lands) being first sought and obtained; and that in all cases the rate of pay or salary is subject to the consideration of His Excellency and the Minister.

You should be careful to point this out, and impress upon any person accepting any office under these circumstances, that this arrangement is provisional only, and not necessarily involving permanent appointment, and that in all cases the rate of pay or salary is subject to the consideration of His Excellency and the Minister.

I have, &c.,

W. HOUSTON,

Under Secretary.

EXHIBIT P.

Postmaster.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/369, N.I.

MR. YAGER has agreed to repair old guard-room and divide it for post-office and police-station for £14. He has lodged £1 ls. deposit for due performance of work.

Sir,

Government House, Kingston, Norfolk Island, 18 June, 1898.

In reply to your letter of 2nd instant, N.I., 98/225, I have the honor to inform you that Mr. Yager, whose tender I had previously recommended for acceptance, has agreed to repair the old guard-room and divide it for use as a post-office and police-station for the sum of £14 sterling. The work to be completed within six weeks from this date.

Mr. Yager has lodged with me the sum of £1 ls. in accordance with your instructions of the 17th March last, N.I., 98/129.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

A sum not exceeding £15 was authorised to be expended in the conversion of the old guard-room into a post-office and police-station. The Chief Magistrate has arranged to have the work done by Mr. Yager for £14, within six weeks from the 18th of June. The necessary deposit (£1 ls.) has been lodged. Submitted for information; then to be seen by the Accountant.—H. L. THOMPSON, 4/7/98.

Approved. Seen.—W.H., 4/7/98. The Accountant.—H.L.T., 5/7/98. Noted.—V.C., 18/7/98. Await report from the Chief Magistrate as to progress or completion of the work.—H.L.T., 20/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/225, N.I.

Suggested expenditure of £17 for placing old guard-room in repair for a post-office. Building now used unsuitable. Mails arriving at night at mercy of any one. Letter registered and dated by Chief Magistrate opened whilst in custody of Island postal officials; found opened on arrival at Sydney. Local postmaster unable to exercise proper supervision as now situated.

Sir,

Norfolk Island, Government House, Kingston, 13 May, 1898.

I have the honor to acknowledge receipt of your letter of 17th January last, 97/629, N.I., and with reference to my letter of 23rd November last. I have now the honor to recommend that a sum not exceeding the amount of £17 originally asked for may be granted to place old guard-room, which, I may point out, is under the main roof span as the prison cells, in suitable repair for use as a post-office. The wooden huts, as they may be termed, now in use as post-offices are most unsuitable in every respect. In the event of mails arriving in the evening too late for distribution that night they are left in an unprotected hut, subject to easy access by any evil-disposed person.

I may add there is no reasonable doubt that a letter, sealed and registered by me, has been opened whilst in custody of the postal authorities of this Island, as it was found open on arrival in Sydney, and so marked by an official of the post-office of that city. Other irregularities have occurred. With the present inferior accommodation it is practically impossible for the postmaster to exercise proper supervision over the mails, or to prevent the abstraction of a letter by any evil-disposed person.

The establishment of a regular steam mail service. The stay of the steamer at this Island being limited to a few hours, it appears all the more necessary that a convenient office should be arranged to facilitate the receipt and issue of mail matters.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Mr. Brodie would perhaps be so good as to favour me with his opinion on the proposal.—W.H., 29/8/98.

The postal arrangements at Norfolk Island are very defective, as I pointed out to the Chief Magistrate, and will be dealt with in my general report. The old guard-room is the most suitable place, and may be divided so as to be used for a police-station and post-office. If approved, I recommend that the necessary expenditure for the work does not exceed £15 (fifteen pounds), which is ample.—G. E. BRODIE, 30/5/98. The Under Secretary for Lands.

In view of this report the expenditure may be authorised.—W. HOUSTON, 31/5/98. Approved.—J.H.C., 1/6/98. The Chief Magistrate informed, 2/6/98. The Accountant. Noted.—V.C., Accountant, 8/6/98. Await letter from Chief Magistrate on subject of the work.—H.L.T., 9/6/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/629, N.I.

Intimating having called for tenders for conversion of old guard-room (temporarily occupied by J. Adams) into a police-station. If Mr. Yagar's tender accepted, propose to ask for two sureties of £5 each for completion of work.

Sir,

Court-house, Kingston, Norfolk Island, 22 November, 1897.

The old guard-room, temporarily occupied by Mr. Josiah Adams and family, having now been vacated, I have the honor to recommend its being used as a police-station. It is very conveniently situated, being at the entrance to the yard surrounding the court-room, council chambers, public school, and adjoining the prison.

It is desirable that there should be a police-station, for obvious reasons.

In order to expedite matters, I have had specification of repairs absolutely necessary only prepared, and called for and obtained tenders.

I enclose a copy of the specifications and a schedule of the tenders.

You will observe they are alternative, one being for the repair of the room only, the other inclusive of table, pigeon-holes, &c.

As I have in view the possibility of these articles being obtained cheaper in Sydney; but having perused the tenders, I am of opinion that, taking into consideration freight and landing charges, they cannot.

I recommend the acceptance of Mr. Yagar's tender, which is the lowest. He is a sawyer by trade, and capable of carrying out the contract. Should it be accepted, I propose to ask for two sureties in the sum of £5 each to secure its being properly carried out.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

There is apparently no objection to the building being used temporarily for the purpose named by the Chief Magistrate, but I do not think the public funds should be taxed in the sum of £17 for the proposed repairs. The sum of £5 may be authorised to cover the cost of cleaning, &c.—W. HOUSTON, Under Secretary, 14/1/98.

Approved.—J.H.C., 14/1/98. The Chief Magistrate informed, 17/1/98. The Accountant. Noted.—V.C., Accountant, 21/1/98. Mr. Thompson. Put away.—H.L.T., 21/1/98.

97/629.

SPECIFICATION of work to be done and materials to be used in repairing that room immediately inside gateway of Court-house yard and known as the guard-room.

Note.—The contractor must supply all materials, tools, &c., required for the work.

Cleaning.—Brush underside of roof clean of all cobwebs and dust. Sweep chimney and clean out fireplace. Scrape old whitewash off walls, and take lath nails out of ceiling joists. Thoroughly clear the space under floor of all rubbish.

Floor.—Take out old floor and floor joists and lay a new floor of 6 in. x 1 in. or 8 in. x 1 in. dressed square-edged old hard pine, well seasoned; nailed with 2½ inch wire nails to 6 in. x 2 in. hard pine joists, spaced not more than 18 inch centres apart. Punch nails and clean off floor.

Window-frames.—Make and fix new wood sills of hard seasoned pine to the three window-frames, and supply any necessary stop-beads.

Window-boards.—Make and fix new window-board to windows.

Painter.—Paint door and door-frame, windows and window frames, with three coats white lead and oil, approved tints, glaze sashes with 16 oz. glass, and paint on door in white letters "police-station."

Sashes.—Make and fix three pairs of four light sashes to window openings, bottom sash movable, and fix on approved fastener to each window.

Door.—Repair door with one new style new lock rail and new bottom rail. Secure slip-bolt to door with two ¾ in. bolts.

Roof.—Cover hip and ridge of portion of roof over room with 16-inch galvanised iron capping secured to shingles with galvanised screws or lead-headed nails.

Table.—Supply combination table of the dimensions and constructed in the manner shown on attached sketch.

Hearthstone.—Fix a hearthstone 2 feet wide to fireplace.

Plaster and Whitewash.—Make good all plaster work of walls and whitewash ceiling joists and walls in approved colour.

Note.—Anything necessary for the proper finishing of the work, although omitted in Specification, will have to be done by contractor at his own expense.

The work must be done to the satisfaction of Colonel Spalding, Chief Magistrate, or anyone appointed by him.

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

With

With 279/97, N.I.

NORFOLK ISLAND.

Schedule—Tenders, Repairs Police Station.—(Closed noon, 20th November, 1897).

Name of Tenderer.	Profession, Trade, &c.	No. 1 Tender, with Table, &c.	No. 2 Tender, without Table.
		£ s. d.	£ s. d.
R. S. Waterhouse	Storekeeper	17 0 0	15 0 0
D. Allen	Carpenter	19 5 0	17 0 0
Gustav Quintall	Farmer	25 0 0	20 0 0
Cornish Quintall	"	19 10 0	17 10 0
F. Yager	Sawyer	x17 0 0	14 5 0

I recommend the acceptance of F. Yager's No. 1 Tender, marked x.

22nd November, 1897.

WARNER SPALDING, Colonel,
Chief Magistrate.

EXHIBIT Q.

Registration of Births, Deaths, and Marriages.

The Registrar-General to The Under Secretary for Lands.

98/688, N.I.

Sir,

Registrar-General's Department, Sydney, 7 November, 1898.

I have the honor to acknowledge receipt of your letter of the 1st instant, with reference to recording, in this Department, births, deaths, and marriages occurring at Norfolk Island, and to enclose herewith receipt for copies of registration received.

I have, &c.,

— WILLIAMS,
Registrar-General.

Seen. Put away.—W.H., 8/11/98.

[Enclosure.]

RECEIVED copies of the following registrations at Norfolk Island :—

Year 1896—

Two births, Nos. 19 and 20.

One death, No. 13, with medical certificates.

Three marriages, Nos. 10 to 12, with certificates (Schedule E).

Year 1897—

Thirty-two births, Nos. 1 to 33 (No. 8 cancelled).

Twelve deaths, Nos. 1 to 12, with medical certificates.

Ten marriages, Nos. 1 to 10, with certificates (Schedule E).

Year 1898—

Fifteen births, Nos. 1 to 15 (last registered 18th July, 1898).

Four deaths, Nos. 1 to 4, with certificates (last registered 3rd May, 1898).

Report from the Registrar (Isaac Robinson) that there were no marriages during the six months ending 30th June, 1898.

W. RIDLEY,

Deputy Registrar-General and Registrar of Vital Statistics.

Registrar-General's Department, Sydney, 4th November, 1898.

Supplement to the New South Wales *Government Gazette*; published by authority;
No. 281; Wednesday, 7 April, 1897.

PROCLAMATION.

New South Wales, } By His Excellency the Right Honorable HENRY ROBERT, VISCOUNT HAMPDEN,
to wit. } Governor and Commander-in-Chief of the Colony of New South Wales and its
(L.S.) HAMPDEN, } Dependencies.
Governor.

I, HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, do, in pursuance of the powers vested in me, declare and enact as follows:—

Pigeons.

1. No wild pigeon shall be shot or killed, or attempted to be shot or killed, nor shall its eggs be taken, on Norfolk Island prior to 20th December or after the last day of April in each year.

Pheasants.

Pheasants.

2. No pheasant shall be shot or killed, or attempted to be shot or killed, nor shall its eggs be taken, on Norfolk Island except during the months of May, June, and July in each year.

Permits for shooting Pheasants or Pigeons.

3. No person shall shoot or kill, or attempt to shoot or kill, any pheasant or wild pigeon on Norfolk Island unless he is the holder of a permit signed by the Chief Magistrate. Permits may be obtained from any person appointed in that behalf by the Chief Magistrate, on payment of the fee of one shilling.

Whale-birds.

4. No person shall shoot or kill, or attempt to shoot or kill, any whale-bird on Norfolk Island or the adjacent islands, or remove or destroy its eggs, until the 1st day of October of each year, or after such day as may be fixed by the Chief Magistrate, and notified by publication printed or written, and affixed on the Court-house.

Penalty.

5. Any person or persons contravening any provision of these laws shall be liable to a penalty not exceeding two pounds, recoverable in a summary way before the Chief Magistrate.

Exception in Special Cases.

6. Notwithstanding anything herein contained, the Chief Magistrate may grant permission at any time to any person or persons, subject to such conditions as he may think fit, to kill pigeons for the benefit of a sick person.

Commencement of Laws.

7. These laws shall have effect on and after the day when a copy thereof has been affixed, by direction of the Chief Magistrate, on or near to the Court-house, Norfolk Island.

Given under my hand and Seal, at Government House, Sydney, this seventh day of April, in the year of our Lord one thousand eight hundred and ninety-seven, and in the sixtieth year of Her Majesty's Reign.

By His Excellency's Command,

J. H. YOUNG.

GOD SAVE THE QUEEN!

PROCLAMATION.

New South Wales, } By His Excellency the Right Honourable HENRY ROBERT, VISCOUNT HAMPDEN,
to wit. } Governor and Commander-in-Chief of the Colony of New South Wales and its
(L.S.) HAMPDEN, } Dependencies.
Governor.

I, HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, do, in pursuance of the powers vested in me, declare and enact as follows:—

Imposition of Import Duties.

1. The import duties mentioned in the Schedule to these laws shall be paid in respect of the goods therein mentioned imported or shipped for the purpose of being imported into Norfolk Island for home consumption.

Inward Manifest.

2. The master of every ship arriving at Norfolk Island shall immediately make due report of the arrival of such ship to the Collector of Customs, and shall furnish the Collector with a list of all goods contained in his vessel.

Goods not reported.

3. Goods not duly reported, or which do not correspond with the description of the same in the list above mentioned, may be detained by the Collector and placed in any warehouse until explanation be made to his satisfaction. In the absence of such explanation the goods shall be forfeited, and may be sold.

Entries.

4. No goods shall be laden on board any ship or unladen from any ship until a warrant be issued by the Collector for the lading or unlading of such goods.

Outward Manifest.

5. Before any ship is cleared outwards the master thereof shall deliver to the Collector a list in duplicate of the goods on board such ship. The Collector shall then return one copy to the master, with a certificate of clearance attached.

Appointment of Warehouses.

6. With the approval of the Chief Magistrate, the Collector may appoint any building or premises to be a warehouse for the purpose of these laws, and may permit the owner of such warehouse to charge storage on goods deposited therein according to the rates levied on goods deposited in the Queen's Warehouse at the Port of Sydney, New South Wales.

Bonding of Goods.

7. Dutiable goods may be secured in any warehouse appointed by the Collector, and shall not be removed therefrom without his authority.

Weighing

Weighing and measuring Goods.

8. The Collector shall have power to weigh or measure any goods, and shall enter particulars of such weight or measurement in a book to be kept for that purpose, and duties shall be paid on the quantities so ascertained.

Examination of Goods.

9. The Collector of Customs, or any person authorised by him in that behalf, may, at any time, open and examine any packages of goods in a warehouse or on board ship, and intended to be landed.

Power to board a Ship.

10. The Collector of Customs, or any person authorised by him in that behalf, may board any ship arriving at Norfolk Island, and stay on board until all the goods have been duly discharged, and shall have access to all parts of the ship.

Strength of Spirits.

11. The strength of spirits shall be ascertained by Sike's hydrometer and Fahrenheit's thermometer, the hydrometer to be forwarded half-yearly to the Custom-house, Sydney, for the purpose of adjustment.

Drawback.

12. Drawback of duties will not be allowed on any goods exported from the Island.

Monthly Returns.

13. The Collector shall forward to the Collector of Customs, Sydney, a monthly statement, showing full particulars of all moneys collected by him.

Statistics.

14. The Collector shall keep a statistical register of all imports and exports, and shall forward a quarterly return of the same to the Collector of Customs, Sydney, on the forms supplied for that purpose.

Manufacture of Spirits, &c.

15. The manufacture of wines, spirits, beer, tobacco, cigars, cigarettes, snuff, and opium is prohibited on the Island, except with the permission of the Governor, and under such regulations as may be made by the Chief Magistrate, with the approval of the Governor.

Collection of Duties.

16. Duties, as imposed by the tariff for Norfolk Island, shall be paid at the port of shipment in Australia or New Zealand from which the goods are forwarded, to such persons as the Governor may appoint in that behalf, and a despatch note, in which such goods are described, shall be forwarded by such persons aforesaid to the Collector of Customs, Norfolk Island, by the ship conveying the goods. The duty on goods from other ports landed on the Island for home consumption shall be levied and collected at the Custom-house, Norfolk Island: Provided that if the master shows to the satisfaction of the Collector that the duty on any goods could not have been paid at the port of shipment to a person authorised to give a receipt for the same, the duty may be paid at the Custom-house, Norfolk Island.

Sydney Regulations.

17. The Rules and Regulations for the collection and protection of the revenue which obtain at Port of Sydney, New South Wales, as set forth in the Customs Hand-book of 1896, shall, so far as they may be applied to carry out the provisions of these laws, be observed by the Collector of Customs at Norfolk Island.

Smuggling.

18. If any goods liable to the payment of duties are unshipped from any ship or boat, or having been warehoused, are clandestinely or illegally removed without the Customs duties for the same having been first paid or secured, then in such case all goods, together with any goods found packed with or used in concealing them, shall be forfeited, and may be sold.

Any person who unships or is knowingly concerned in the unshipping of any goods liable to forfeiture, or who knowingly carries or conceals, or is concerned in the carrying or concealing, of any such goods, shall, on conviction thereof in a summary way before the Chief Magistrate, be liable to a penalty not exceeding twenty pounds.

Penalties.

19. Whosoever contravenes any of the provisions of these laws shall, on conviction thereof in a summary way before the Chief Magistrate, be liable to a penalty not exceeding two pounds.

Recovery of Penalties.

20. All penalties imposed under these laws shall be recoverable by distress, levy, and sale of the goods and chattels of the defendant, and in default of sufficient distress the defendant may be imprisoned for any term not exceeding three months.

Commencement of Laws.

21. These laws shall have effect on and after the day on which they are notified in the New South Wales *Government Gazette*.

SCHEDULE.
Import Duties.

Article.	Rate of Duty.	
	s.	d.
Spirits	per gallon proof	14 0
Wine—still	liquid	5 0
„ sparkling	„	10 0
Beer—in wood	„	0 6
„ in bottle	„	0 9
Tobacco—manufactured and unmanufactured—Australian leaf	per lb.	2 0
„ other leaf	„	3 0
Cigars and cigarettes	„	3 0
Tea	„	0 3
Coffee	„	0 3
Chicory	„	0 3
Oil—kerosene, naphtha, and gasoline	per gallon	0 3
Sugar	per cwt.	5 0
Molasses	„	3 4
Opium	per lb.	20 0
Biscuits	„	0 1
Candles	„	0 1
Confectionery	„	0 1
Dried fruits	„	0 1
Jams, jellies, and preserves	„	0 1

Given under my hand and Seal, at Government House, Sydney, this seventh day of April, in the year of our Lord one thousand eight hundred and ninety-seven, and in the sixtieth year of Her Majesty's Reign.

By His Excellency's Command,

J. H. YOUNG.

GOD SAVE THE QUEEN!

PROCLAMATION.

New South Wales, } By His Excellency the Right Honourable, HENRY ROBERT, VISCOUNT HAMPDEN,
to wit. } Governor and Commander-in-Chief of the Colony of New South Wales and its
(L.S.) HAMPDEN, } Dependencies.
Governor.

I, HENRY ROBERT, VISCOUNT HAMPDEN, Governor and Commander-in-Chief for the time being of the Colony of New South Wales, do, in pursuance of the powers vested in me, declare and enact as follows:—

Licenses for Slaughter-houses.

1. After a day to be notified by the Chief Magistrate, no person shall keep a slaughter-house or place for slaughtering cattle, except such house or place be duly licensed for that purpose in manner hereinafter provided.

Penalty.

If any person slaughters or causes to be slaughtered any cattle in any house or place (other than a public slaughter-house) which is not duly licensed as aforesaid, he shall be liable to a penalty not exceeding two pounds for every head of cattle so slaughtered.

Public Slaughter-houses.

2. It shall be lawful for the Chief Magistrate, when and as he may see fit, to appoint, by notification, one or more slaughter-houses within or near the town of Kingston to be a public slaughter-house or houses.

How Licenses to be obtained.

3. Every person desirous of obtaining a license for a slaughter-house or place for slaughtering cattle shall apply for such license to the Chief Magistrate, who may, if he considers that the applicant is of good character, and that the place is in a suitable situation, grant to such person a license under his hand in such form as he may think fit.

License for one year.

4. Every such license shall be in force for one year from the date thereof, and the person to whom the same is granted shall pay a fee of two shillings for every such license.

Power to visit and inspect Slaughter-houses.

5. It shall be lawful for the Chief Magistrate, the Government Medical Officer, or any constable authorised in that behalf by the Chief Magistrate by writing under his hand, at any reasonable time to visit any slaughter-house or place for slaughtering cattle, and inspect the same and any utensils and appliances used therein, and to give such directions concerning the cleansing of the same as to him may seem fit.

Penalty.

Any butcher or slaughterman, or any owner or occupier of such slaughter-house or place, who omits or refuses to comply with such directions within such period or extended period as may be named by the person giving the directions shall, for every such omission or refusal as aforesaid, be liable to a penalty not exceeding two pounds.

Power of entry to search for stolen Cattle.

6. It shall be lawful for the Chief Magistrate, or any constable authorised in that behalf by the Chief Magistrate by writing under his hand, to enter at any time of the day or night any slaughter-house or place for slaughtering cattle, or reasonably suspected of being used for slaughtering cattle, where there is good cause to suspect that stolen cattle have been or are about to be slaughtered, and to make such search and inquiry therein as may seem necessary or advisable for the discovery of the offence and of the offender.

Keeper

Keeper to enter particulars of cattle slaughtered, and report to President of Council.

7. Every keeper of a licensed house or place for slaughtering cattle shall keep a book in which he shall enter, or caused to be entered, a description of all cattle slaughtered in the house or place, specifying the colour, marks, and brands, also the sex and apparent ages of such cattle, and the day of slaughter, and if purchased, the name of the person from whom the cattle have been purchased. The keeper of the house or place shall produce the book for the information of the Chief Magistrate whenever so required, and shall transmit during the first week in each month to the President of the Council of Elders a report in writing under his hand, containing the above particulars of the cattle slaughtered in the house or place during the previous month.

Penalty.

If any such keeper contravenes or omits to perform any of the requirements of this section, he shall, for every such contravention or omission, be liable to a penalty not exceeding two pounds.

Recovery of Fees and Penalties.

8. All fees due and penalties imposed under this Proclamation may be recovered in a summary way in the Court of the Chief Magistrate, and shall be paid to the Registrar for the public uses of Norfolk Island.

Definition.

9. In this Proclamation, "cattle" means any bull, cow, ox, heifer, steer, or calf.

Given under my hand and Seal, at Government House, Sydney, this seventh day of April, in the year of our Lord one thousand eight hundred and ninety-seven, and in the sixtieth year of Her Majesty's Reign.

By His Excellency's Command,

J. H. YOUNG.

GOD SAVE THE QUEEN!

Minute by The Under Secretary for Lands.

98/680, N.I.

PROPOSED transfer of returns of births, deaths, and marriages at Norfolk Island to the Registrar-General, Sydney, for recording purposes.

In letter N.I., 98/521 herewith, the Registrar-General suggests the desirableness of recording in his office registrations of births, deaths, and marriages occurring in Norfolk Island, and proposes, in the event of such being decided upon, to have them bound with the returns from Lord Howe Island.

All matters relating to Norfolk Island are dealt with in this Department, but if the suggestion be given effect to, and I think it should be, any information respecting the returns could at all times be readily obtained from the Registrar-General, who has special facilities for arrangement, indexing, &c., while this Department would be put to considerable expense in procuring and opening books in which to make the proper entries.

The returns are obtained from Norfolk Island half-yearly, and could be transmitted to the Registrar-General as received from time to time; but should this be arranged it might be pointed out that, as Norfolk Island is a Crown Colony, with a constitution of its own, it might be advisable to keep the returns separately in preference to binding them, as proposed, with those from Lord Howe Island, which is part of New South Wales.

It may be mentioned that several returns have already come to hand, accompanied, in the death cases, by the doctors' certificates; and that since the administration of the affairs of the Island by the Secretary for Lands, a proclamation has issued, "To make provision for the celebration of marriages and registration of births, marriages, and deaths, for the succession to real and personal estate, and for wills in Norfolk Island," a copy whereof should be supplied to the Registrar-General should the Minister favourably entertain these proposals.

W. HOUSTON,
Under Secretary.

25/10/98.

Appd.—J.H.C., 26th Oct., /98. The Registrar-General accordingly, with all returns of births, deaths, and marriages received to date, and copy of proclamation, 1/11/98. Put away until again required.

The Under Secretary for Lands to The Registrar-General.

98/680, N.I.

Sir,

Department of Lands, Sydney, 31 October, 1898.

With reference to your letter of the 26th August last, offering to record in your office births, deaths, and marriages occurring at Norfolk Island, I have the honor to inform you that the Secretary for Lands, who is now administering the affairs of the Island, has accepted such offer, and approved of the returns, which are transmitted to this Department half-yearly, being sent to you as received from time to time.

Several returns have already come to hand, accompanied, in the death cases, by doctors' certificates, and these, together with a copy of the proclamation, "To make provision for the celebration of marriages and registration of births, marriages, and deaths, for the succession to real and personal estate, and for wills in Norfolk Island," are forwarded herewith.

I am to add that, as Norfolk Island is actually a separate colony, it might be desirable to record the returns separately in preference to binding them, as proposed in your letter, with those from Lord Howe Island, which is part of New South Wales. Acknowledgment of the returns is requested.

I have, &c.,

Under Secretary.

Registrar-General

The Registrar-General to the Under Secretary for Lands.

98/521.

SUGGESTING that Norfolk Island births, deaths, and marriages be recorded at the Registrar-General's Office, Sydney, and giving record of those entered so far in his books.

Sir,

Registrar-General's Department, Sydney, 26 August, 1898.

I have the honor to invite your attention to the desirability of obtaining copies of registrations of births, deaths, and marriages occurring at Norfolk Island, with a view to recording same in this office.

A complete set of books and forms, necessary for registration, was forwarded a few years ago, through His Excellency the Governor, for use in Norfolk Island, so that the system of registration is similar to that obtaining in this Colony. As I believe that copies of the current registrations are sent to the Honorable the Minister for Lands, periodically, I would therefore request that as they are received they may be forwarded to this office, where they will be bound with returns from Lord Howe Island, &c., and reference to each registration will be duly entered in the general Indices.

I should be glad also to obtain all returns of this nature that have been received in the past in order to complete the matter as far as possible.

Enclosed is a statement of all records for Norfolk Island in this office. It will be seen that these are Church records only, and that nothing has been received since the passing of the Registration Act in 1856.

Norfolk Island has been associated with New South Wales for over 100 years, and as it appears probable that there will be closer connection in future, it is desirable, in the interests of the public, that the records here should be complete.

I have, &c.,

A. PARRY LONG,
Registrar-General.

NORFOLK ISLAND.

The following records of births, deaths, and marriages are recorded at the Registrar-General's Office, Sydney, being copies of Registrations made by Clergymen of the Church of England at Norfolk Island.

Baptisms.—1st August, 1,797; 16th November, 1,806; 28th November, 1,836; 1st October, 1,805.

Burials.—10th June, 1,801; 26th July, 1,805; 8th October, 1,830; 2nd October, 1,854.

Marriages.—21st June, 1,801; 21st January, 1,806; 16th April, 1,838; 1st August, 1,854.

98/607, N.I.

Sent per C.M. Half-yearly return B. D., and M's. to 30th June, 1898. Have notified Melanesian Mission (Archdeacon Palmer) future births, deaths, and marriages among Melanesian residents at station must be recorded—deaths already registered, entries being made on Government Medical Officer's certificate; but births not so far recorded.

Mr. I. Robinson to The Under Secretary for Lands.

Sir,

Registrar of Births, Deaths, and Marriages, Norfolk Island, 5 September, 1898.

I have the honor to send you by this mail, through the Chief Magistrate, the half-yearly returns of births, deaths, and marriages to 30th June last, duly certified by the Government Auditor.

The Principal of the Melanesian Mission, Archdeacon Palmer, has been notified by me that in future all births and marriages among the Melanesian residents at the Mission Station must be registered at this office; the deaths are already, and have been for some time recorded, the entries in the books being made on the Government Medical Officer's certificate. The entries being useful for the calculation of the death-rate, but as for the births and marriages among this fleeting native population, these happenings were never thought of sufficient importance to keep a record of them.

I have, &c.,

ISAAC ROBINSON,
Honorary Registrar.

Forwarded.—WARNER SPALDING, Col., Chief Magistrate, B.C., 7/9/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/606, N.I.

Have forwarded to Registrar Births, Deaths, and Marriages cash and receipt books sent with letter 98-387, and drawn his attention to fact of non-registration of births, deaths, and marriages from Mission Station.

Sir,

Government House, Kingston, 15 August, 1898.

I have the honor to acknowledge receipt of your letter of the 15th ultimo, N.I. 98-387, and have received and forwarded to the Registrar of Births, Deaths, and Marriages the cash and receipt books mentioned in your letter.

I have also drawn the Registrar's attention to the fact that none of the births, deaths, or marriages at the Melanesian Mission are recorded by him.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. The Accountant should note the receipt of the books at the Island; then place with any other papers.—W.H., 4/9/98. The Accountant. Noted.—V.C., 6/10/98.

Extract from Report by Chief Inspector of Public Accounts.

98/387, N.I.

EXTRACT from comprehensive report (26/8/98) by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

Registrar of Births, Deaths, and Marriages.

This officer has only collected a few shillings.

The registers were all neatly and correctly entered up to date.

The Registrar should be furnished with a small cash-book similar to that supplied by the Registrar-General to his country officers, and a receipt book.

None of the births, deaths, and marriages at the Melanesian Mission are recorded by the Registrar.

* * * * *

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts.

The books may be supplied, and the attention of the Chief Magistrate directed to the fact reported by Mr. Brodie in regard to the non-registration of births, deaths, and marriages by the Melanesian community.—W. HOUSTON, U.S., 11/7/98.

Approved.—J.H.C., 12/7/98. The Accountant.—H.L.T., 12/7/98. Requisition to Govt. Printer.—A.C., 13/7/98.

The books are herewith for despatch. The receipt book is framed for use in this Colony, and the Registrar should be instructed to alter the rates of fees to those chargeable under the laws of Norfolk Island. Similar instructions should also be given as to the headings in cash-book.—VICTOR COHEN, Accountant, 14/7/98.

Approved.—W.H., 15/7/98.

The Chief Magistrate informed *re* the books, "District Registrar's Fee Receipts" (No. 1 to 150 inclusive), and cash-book, "Births, Deaths, and Marriages," and his attention called to Melanesian record matter, 15/7/98. Await reply.

The Registrar-General to The Under Secretary for Lands.

98/12, N.I.

Forwarded marriage certificate forms for Registrar, Norfolk Island.

Sir,

Registrar-General's Department, Sydney, 22 January, 1898.

I have the honor to acknowledge receipt of your letter of 20th instant, and to forward herewith, as requested, twenty-five forms of marriage certificates for transmission to the District Registrar of Births, Deaths, and Marriages at Norfolk Island.

I have, &c.,

A PARRY LONG,

Registrar-General.

Forward to the Island Registrar, as directed on 97/642, N.I.—H.L.T., 24/1/98. Forwarded to Registrar (*per* Chief Magistrate), 24/1/98. Put away.

The Registrar of Births, Deaths, and Marriages, Norfolk Island, to The Under Secretary for Lands.

98/642, N.I.

Acknowledging receipt of books and forms *re* Births, Marriages, and Deaths; asking for Marriage Certificate forms and a supply of Stationery.

Sir,

Registrar of Births, Marriages, and Deaths, Norfolk Island, 15 November, 1897.

I have the honor to acknowledge the receipt of your despatch dated 12th ulto., wherein you informed me that, under cover to the Chief Magistrate, certain books and forms had been forwarded to me, which in future were to be used in the work connected with this office, and I beg now to inform you that the goods as per list have reached me correctly and will be used as requested. As, however, the year is so near to its close I have thought perhaps that it would be better to finish the present year with the old books and commence on the 1st January with the new ones. It has generally been the custom to send yearly returns, but, however, after the next return, which must necessarily be for twelve months, they will be sent as you request, half-yearly. There were no marriage certificate forms in the list, I have only fourteen left, which may, perhaps, carry me through next year.

Might I ask you for a little stationery, some headed paper for official use, and some decent foolscap, notepaper, and envelopes, not very much of any, as I do not consume a great deal, and up to the present have found it at my own expense.

I have, &c.,

ISAAC ROBINSON,

Registrar of Births, Deaths, and Marriages.

Extract 97,647, N.I.—Obtain (say) twenty-five copies from the Registrar-General's Department and forward them to the Island Registrar.—W.H., 14/1/98. Copies asked for, 20/1/98. Await reply.

The Registrar of Births, Deaths, and Marriages, Norfolk Island, to The Chief Magistrate, Norfolk Island.

98/633.

Chief Magistrate forwarded acknowledgment from Registrar, Births, Marriages, and Deaths, of Books and Sheets for his use.

Sir,

Norfolk Island, 10 November, 1897.

I have the honor to acknowledge the receipt of the following books and sheets for the use of the Registrar of Births, Marriages, and Deaths, viz. :—

Register of Births	} Books.
„ Marriages... ..	
„ Deaths	
Indices thereto	4 books.
Returns of Births	15 sheets.
„ Marriages... ..	12 sheets.
„ Deaths	15 sheets.
Notices to register	Book
Declaration when registering birth, &c.	15 forms.
Clergymen's certificate of caption, &c.	15 forms.
Medical certificate of Death	Book.
Certified copies of Births	} Book.
„ Marriages... ..	
„ Deaths	
Cash-book for fees.	
Receipt book for fees.	

I have, &c.,

ISAAC ROBINSON,

Registrar of Births, Deaths, and Marriages.

The Under Secretary for Lands. Forwarded, 11/11/97.—WARNER SPALDING, Col., C.M.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/567, N.I.

Acknowledging receipt of Register, and Land, Marriages, Births, and Deaths, Wills, &c., forms forwarded by letter of 13th October.

Sir,

Court-house, Kingston, 11 November, 1897.

I have the honor to acknowledge receipt of your letter 97/329-456, N.I., of 13th ult., and of the register and forms, as stated in the list enclosed by you.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, Norfolk Island.

Seen. Put away.—W.H., 23/11/97.

The Government Printer to The Under Secretary for Lands.

97/532, N.I. Release of the type for printing forms *re* land-dealing, Norfolk Island.

Sir,

Government Printing Office, Sydney, 5 November, 1897.

I have the honor to request that you will be good enough to say if the type—now standing—used in the printing of the accompanying papers may be distributed.

I have, &c.,

W. A. GULLICK,

Government Printer.

Submitted. Perhaps the Printer may distribute the type.—H. L. THOMPSON, 10/11/97. Yes.—W.H. Mr. Thompson,—I think it will be a considerable time before a further supply of the forms will be required, and, therefore, the Government Printer may be informed that the type may be distributed.—F. M'KERN, 11/11/97. Government Printer informed.—16/11/97. Put away.

The Under Secretary for Lands to The Registrar of Births, Marriages, and Deaths, Norfolk Island.

97/329; 97/456.

Sir,

Department of Lands, Sydney, 12 October, 1897.

I have the honor to inform you that the books and forms mentioned in the accompanying list have been forwarded under separate cover, per the Chief Magistrate, for your use in connection with the law proclaimed on the 21st August last, making provision for the celebration of marriages and registration of births, marriages, and deaths in Norfolk Island.

You will be good enough to see that the forms and books are altered, before being used, to accord with the specimen form or page supplied in each case.

Returns of births, marriages, and deaths should be forwarded to me half-yearly.

I have, &c.,

W. HOUSTON,

Under Secretary.

Copy

Copy for Registrar.

1. Register of Births.
- " Marriages.
- " Deaths.
2. Indices thereto (4).
3. Returns of Births—15 sheets.
- " Marriages—12 sheets.
- " Deaths—15 sheets.
- (To be furnished to Department of Lands half-yearly.)
4. Notices to register (book).
5. Declaration when registering birth after 60 days—15 forms.
7. Clergyman's certificate of caption after registration of birth—15 forms.
7. Medical certificate of death (book).
8. { Certified copies of Births
 " " Marriages } (books).
 " " Deaths
9. Cash book for fees.
10. Receipt book for fees.

It will be necessary for the Registrar to alter all the abovementioned books and forms as shown by specimen page or form of each item.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/456, N.I.

Acknowledges copies of laws *re* dealings with Land, and making provision for Marriages, Registration of Births, &c.; *re* Real and Personal Estate (succession) and Wills—Norfolk Island.

Sir,

Court-house, Kingston, 21 August, 1897.

I have the honor to acknowledge receipt of your letter, 97/326, N.I., of 7th instant; also copies of laws made by His Excellency the Governor for the government of Norfolk Island, viz. :—

1. To make provision for conveyance of and other dealing with land on Norfolk Island.
2. To make provision for the celebration of marriages and registration of births, marriages, and deaths; for the succession to real and personal estate; and for wills in Norfolk Island.

These laws were exhibited in the usual place outside the court-room to-day.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Noted by me.—H.L.T., 29/9/97. Seen. Place with papers.—H.L.T., 29/9/97. Put away.—H.L.T., 1/10/97.

[Enclosure.]

Law making provision for the celebration of Marriages, and Registration of Births, Marriages, and Deaths, for the succession to Real and Personal Estate, and for Wills—Norfolk Island.

By letter of 7th August last the Chief Magistrate was advised that documents referred to in certain clauses would be forwarded on the first convenient opportunity.

I believe Mr. McKern has the matter of preparation of forms, books, &c., in hand.

H.L.T.

(Mr. Isaac Robinson is the Registrar.) He has not apparently been confirmed in appointment—he is referred to in Commissioner's report as having kept the books well.

Forms as per lists herewith forwarded for use of Chief Magistrate and Registrar of Births, Marriages, and Deaths (in a box) under cover of letter dated to-day, 12/10/97.

For Chief Magistrate.

1. Marriage Register.
2. Marriage Certificates (15 forms).
3. Declaration to authorise Marriage before Chief Magistrate (15 forms).
4. Form of Marriage before Chief Magistrate (15 forms).
5. Forms of Affidavit and Chief Magistrate's consent to marriage of minors (25 forms).
6. Consent of parents to marriage of minors (15 forms).
7. Information of death after inquest or inquiry (15 forms).

One of each of the above forms altered with the exception of No. 5; all the remaining forms should be in like manner altered.

For Registrar.

1. Register of Births.
- " Marriages.
- " Deaths.
2. Indices thereto (4).
3. Returns of Births—5 sheets.
- " Marriages—12 sheets.
- " Deaths—15 sheets.
- (To be furnished to Department of Lands half-yearly.)
4. Notices to register (book).
5. Declaration when registering birth after 60 days—15 forms.

6. Clergyman's certificate of Caption after registration of birth (15 forms).
7. Medical certificate of Death (book).
8. Certified copies of Births
- " Marriages } books.
- " Deaths }
9. Cash book for fees.
10. Receipt book for fees.

It will be necessary for the Registrar to alter all the above-mentioned books and forms as shown by specimen page of each item.

Memorandum by The Under Secretary for Lands.

97/329, N.I.

Norfolk Island—Marriages—Registration of Births, Deaths, and Marriages—Succession and Wills—
Dealing with Transfers—Age of Consent.

97/329, N.I.

THE accompanying papers relating to the above-mentioned matters are forwarded with the request that you will be so good as to submit them for the consideration and pleasure of His Excellency the Governor, drawing attention to the covering minute setting out the proposals in regard thereto, approved by the Secretary for Lands.

W. HOUSTON,
Under Secretary.

The Private Secretary, B.C., 5/8/97. Approved.—HAMPDEN, 6/8/97.

Both laws gazetted, 6th August, 1897, and twelve copies—two on strong paper for record purposes and exhibition—sent to Chief Magistrate, who is requested to report date of affixing Marriage Laws to the Court-house when they take effect, 7/8/97. The Accountant,—Then early return to me please.—H.L.T., 9/8/97. Mr. Thompson.—V.C., 4/10/97.

The Parliamentary Draftsman to The Under Secretary for Lands.

Dear Mr. Houston, Parliamentary Draftsman's Chambers, Sydney, 10 June, 1897.

I enclose the letter from the Chief Magistrate, Norfolk Island, to the Governor, dated 3rd February, 1897. Of the matters mentioned there laws have been drafted and sent on to you dealing with the celebration of marriage by the Registrar, and the registration of dealings with land. The other matter treated of is the proposed lowering of the age of consent. This is a matter purely of policy, to be determined by the authority administering the affairs of the Island.

I have, &c.,
J. L. WATKINS.

The Parliamentary Draftsman to The Under Secretary for Lands.

Dear Sir, Parliamentary Draftsman's Chambers, 21 February, 1897.

By desire of Mr. Watkins, I beg to forward herewith final draft laws of Norfolk Island, relating to celebration of marriages, registration, succession, and wills, prepared by him according to instructions.

I am, &c.,
G. C. ADDISON.

[Enclosure.]

The Crown Solicitor to The Private Secretary.

97/329, N.I.

Sir,

Crown Solicitor's Office, Sydney, 27 November, 1898.

Referring to my late interview with His Excellency upon several subjects in connection with Norfolk Island, I beg to submit for His Excellency's consideration some remarks thereon, and shall be pleased to carry out any instructions that His Excellency may be pleased to give in order the better to carry into effect his wishes touching the matters considered.

Marriage Laws.

There is no doubt that marriages solemnised before or after the proclamation of the new laws by a priest of the Church of England are good and valid for all purposes.

It would, however, be advisable to provide for marriages before the Registrar, or before the Chief Magistrate, and that inquiries should be made whether any marriages have taken place before any person not in Holy Orders, with the view of setting at rest any doubts by the passing of a validating law.

Age of Consent.

By section 41 of the Criminal Law Amendment Act carnal knowledge of a girl under the age of 10 years is a capital offence, and an assault with intent is punishable with penal servitude for fourteen years.

By section 42 carnal knowledge of a girl of or above the age of 10 years and under the age of 14 years is punishable with penal servitude for ten years; and an assault with intent is punishable with penal servitude for five years; and the consent of the girl is no defence under these two sections.

These sections are incorporated in the laws of Norfolk Island, and if it is desired to raise the age of consent, it can only be done by passing an amending law. Whether that is necessary or desirable is of course for His Excellency's determination, but I should think from the origin of the people and the nature of the climate that girls in Norfolk Island would arrive at maturity earlier than in this country.

Transfers.

I think it would be very desirable to pass laws giving legal effect to short forms of conveyance, mortgages, and leases of land, such as are contained in the Imperial Conveyancing Act, 1881, and our Leases Facilitation Act.

I have, &c.,
GEO. COLQUHOUN,
Crown Solicitor.

The Chief Secretary,—As the transfer of administration only awaits the formal proclamation of an Order in Council, I forward this for your information and for your advice.—HAMPDEN, 1/12/96.

The

The Parliamentary Draftsman to The Under Secretary for Lands.

Dear Sir,

Parliamentary Draftsman's Chambers, Sydney, 9 June, 1897.

Mr. Watkins desires me to forward a further and final revise (4) of the laws providing for the celebration, &c., of marriages in Norfolk Island.

The difference between this and the last revise sent you is only in respect of small drafting matters.

I am, &c.,

G. C. ADDISON.

The Under Secretary for Lands to The Parliamentary Draftsman.

Dear Mr. Watkins,

11 June, 1897.

It appears that there are no regulations in respect of the registration of births or deaths at Norfolk Island. Could the law you have drawn relating to marriages be expanded in order to provide for compulsory registration of births and deaths?—(see Mr. Bingle's note).

This officer accompanied Mr. Oliver to the Island last year. No periodical return has been made of the births, deaths, and marriages so far as I can ascertain.

Yours, &c.,

W. HOUSTON.

[Enclosure.]

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/329, N.I.

Extract from 97/265, N.I.

Sir,

Norfolk Island, Court-house, Kingston, 31 May, 1897.

In reply to your letter of the 21st ultimo, received on the 11th instant. * * *

No fees are charged for the registration of either births, marriages, or deaths. I enclose copies of the forms in use for your information, marked C.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Registration of Births, Deaths, and Marriages.

THE Registrar (Mr. Isaac Robinson) was absent in Sydney, Mr. Walter Pearson acting as his *locum tenens*. The records are kept in books obtained from New South Wales, and similar to those in use in that Colony. The particulars seemed to be correctly filled in. From what I could gather from Mr. Robinson (in an interview prior to his leaving Sydney) registration of births, deaths, and marriages is not compulsory, and he obtains the necessary particulars from the church registers.

I venture to suggest that some regulation is desirable, compelling people to go to the Registrar within a specified period and register births, &c., and sign the register, somewhat in accord with the practice followed in New South Wales.

W.D.B.

Minute by The Under Secretary for Lands.

97/326, N.I.

Norfolk Island.—Marriages—Registration of Births, Deaths, and Marriages—Succession and Wills—Dealing with Transfers—Age of Consent.

ON 27th November, 1896, the Crown Solicitor addressed a letter to the Private Secretary to His Excellency submitting for the consideration of the Governor remarks upon several matters which had formed the subject of a recent interview, the letter deals with the—

1. Marriage laws.
2. Age of Consent.
3. Transfers.

With respect to the marriage laws, the Crown Solicitor was of opinion that marriages solemnised before or after the proclamation of the new laws by a priest of the Church of England are good and valid for all purposes, but that it would be advisable to provide for marriages before the Registrar or Chief Magistrate, and that inquiries should be made whether any marriages have taken place before any person not in Holy Orders, with a view of setting at rest any doubts by the passing of a validating law.

Inquiries have since been made, and it is reported by the Chief Magistrate that no such marriages have taken place.

In this connection a draft proclamation (A) is now submitted for consideration providing for (1) the celebration of marriages, (2) the registration of births, deaths, and marriages, (3) succession, (4) wills.

The Proclamation authorises the Chief Magistrate to celebrate marriages, and applies the New South Wales Marriage Act to Norfolk Island.

Similarly the law in force in this Colony is applied to the registration of births, deaths, and marriages.

In regard to succession to real and personal estate the law embodied in the Proclamation assimilates with that in force in this Colony and incorporates the Probate Act and Law of Inheritance, 3 and 4 Wm. IV, chapter 106, adopted by 7 Wm. IV No. 8.

With respect to wills, the Wills Act and other small Amending Acts in force in New South Wales have been applied. No rights are affected by the proposed new enactment.

In dealing with the question of "Age of Consent," in the letter before mentioned the Crown Solicitor points out that certain sections, 41 and 42 of the Criminal Law Amendment Act, are incorporated in the laws of Norfolk Island. These clauses make it punishable to carnally know a girl under the age of 10 or 14 years, even though consent be given, and that if it be desired to raise the age of consent it could only be done by passing an amending law. This

This is a matter in which there is an absence of definite information, the suggestion for a change being limited merely to an expression of opinion from the Council of Elders. As a change would involve the amendment of the Code of Laws first passed, I venture to suggest that at present an alteration would be unadvisable.

The Crown Solicitor also considered it advisable to pass laws on the lines of the Imperial Conveyancing Act of 1881 and the Lease Facilitation Act of New South Wales, so as to render dealings with transfers most simple and effective.

This has been done, the Draft Law (copy, B, herewith), in which there is no wide departure from the practice obtaining in the Island, having already received the approval of the Minister.

W. HOUSTON,
Under Secretary,
4/8/97.

Approved.—J. H. CARRUTHERS, 5/8/97.

The Chief Magistrate, Norfolk Island, to His Excellency The Governor.

Subject: "Laws."

98/26, N.I.

My Lord,

Norfolk Island, 3 February, 1897.

With reference to the Crown Solicitor's letter of the 27th November last, a copy of which was supplied to me, I have the honor to report that I have furnished the Bishop of Melanesia with a copy of the paragraph referring to marriages solemnised by priests of the Church of England.

I understand from the bishop that on occasions he has reluctantly given his sanction to certain persons being married by the ministers under his control, on account of the relations before marriage between the persons concerned, and that he would welcome the introduction of the law advised by the Crown Solicitor regarding civil marriages.

I recommend your Excellency to appoint the Chief Magistrate to carry out the law should it be introduced.

I have made full inquiry, but failed to find an instance of persons having been married at Norfolk Island by any one not in Holy Orders.

Age of Consent.

I have consulted with the Council of Elders, who are of opinion that the ages stated by sections 42 and 43 of the Criminal Law Amendment Act might be reduced by two years in each case. In these views I agree for the reasons assigned by the Crown Solicitor.

Transfers.

This appears desirable, but I would direct the Crown Solicitor's attention to the forms now in use on the Island. These forms are given at pages 12 and 13 of the Hon. J. H. Carruthers' and Mr. Charles Oliver's report on land matters of the Island in March or April, 1896. It may be that these forms will suffice.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Register, acknowledge, and resubmit.—W.H. Registered and acknowledged, 24/3/97.

Would the Crown Solicitor kindly have drafted whatever may be necessary to authorise the Chief Magistrate to solemnise marriages? With regard to the proposed alteration of the age of consent, the Crown Solicitor would perhaps be so good as to advise. Colonel Spalding appears to have misunderstood the Crown Solicitor's letter of the 27th November on this subject. Mr. Parry Long has kindly undertaken to put together some simple Regulations for dealing with land, which will, it is presumed, include "forms."—W. HOUSTON. B.C., Crown Solicitor, 29/3/97.

[Enclosure.]

97/26, N.I.

The Crown Solicitor to The Private Secretary.

27 November, 1896.

Sir,
Referring to my late interview with His Excellency upon several subjects in connection with Norfolk Island, I beg to submit for His Excellency's consideration some remarks thereon, and shall be pleased to carry out any instructions that His Excellency may be pleased to give in order the better to carry into effect his wishes touching the matters considered.

Marriage Laws.

There is no doubt that marriages solemnised before or after the proclamation of the new laws by a priest of the Church of England are good and valid for all purposes.

It would, however, be advisable to provide for marriages before the Registrar or before the Chief Magistrate, and that inquiries should be made whether any marriages have taken place before any person not in Holy Orders, with the view of setting at rest any doubt by the passing of a validating law.

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By section 41 of the Criminal Law Amendment Act carnal knowledge of a girl under the age of 10 years is a capital offence, and an assault with intent is punishable with penal servitude for fourteen years.

By section 42, carnal knowledge of a girl of above the age of 10 years and under the age of 14 years is punishable with penal servitude for ten years; and an assault with intent is punishable with penal servitude for five years; and the consent of the girl is no defence under these two sections.

These

These sections are incorporated in the Laws of Norfolk Island, and if it is desired to raise the age of consent it can only be done by passing an amending law. Whether that is necessary or desirable is of course for His Excellency's determination, but I should think from the origin of the people and the nature of the climate that girls in Norfolk Island would arrive at maturity earlier than in this Colony.

Transfers.

I think it would be very desirable to pass laws giving legal effect to short forms of conveyance, mortgages, and leases of land, such as are contained in the Imperial Conveyancing Act of 1881, and our Leases Facilitation Act.

I have, &c.,
GEO. COLQUHOUN,
Crown Solicitor.

97/330—456, N.I.

Law making provision for Conveyance and other dealing with Land in Norfolk Island.

By letter of the 7th August last the Chief Magistrate was advised that documents referred to in certain clauses would be forwarded on the first convenient opportunity.

I believe Mr. McKern has the matter of preparation of forms, books, etc., in hand.

H.L.T., 7/10/97.

Mr. F. Bates is Registrar, confirmed in appointment by His Excellency on 14th November, 1896.

Forms as per list herewith forwarded to Registrar of Lands, per Chief Magistrate (in a box), under cover of a letter dated to-day, 12/10/97.

For Registrar of Lands.

1. Index to Dealings	...	...	...	...	...	Page 1 has been altered to accord with Proclamation. All succeeding pages must be so altered.
2. Absolute Sale or Conveyance	...	...	...	75	forms in trip.,	225.
3. Mortgage with Transfer and Discharge endorsed	...	...	...	75	do trip.,	225.
4. Lease with Transfer and Surrender endorsed	...	...	...	75	do quod.,	300.
5. Surrender of Life Interest	...	...	...	40	do trip.,	120.
6. Partition	...	...	...	40	do trip.,	120.

97/330, N.I.

Norfolk Island—Enactment dealing with Land.

I submit herewith for the consideration of the Minister a draft enactment relating to dealings with land in Norfolk Island.

It will be observed that no provision is made in this draft for wills or succession of real or personal estate. Mr. Watkins, however, has this in hand, and it is thought it may be made the subject of a separate proclamation.

W. HOUSTON,
Under Secretary,
12/6/98.

Appd.—J.H.C., 97/329, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/278, N.I.

Extract from 97/265, N.I.

Sir,
Norfolk Island, Court House, Kingston, 31 May, 1897.
In reply to your letter of the 21st ultimo, received on the 11th instant, * * *

Mr. Bent, Inspector of Schools, I am informed by the Registrar for Lands, took sample sheets of the Registrar's books to you by the last mail. * * *

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

I think these were sent to Mr. Watkins, in connection with the enactment for registration of dealings with land. May be asked for at first convenient opportunity.—W.H., 11/6/97. Place with papers.—H.L.T., 13/10/97.

EXHIBIT R.

Medical Adviser.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/348, N.I.

Sir,

Norfolk Island, 29 August, 1898.

I have the honor to acknowledge receipt of your letter of the 20th July, numbered 98/398, N.I., upon the subject hereunder mentioned, and have notified the Government Medical Officer.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of letter:—Decision to supply medicine free of cost.—Seen. The Accountant.—W.H., 21/9/98. To await report from the Medical Superintendent as to details of system in operation.—V.C., 5/10/98. Mr. Thompson.

Extract from Report of Chief Inspector of Public Accounts.

98/381, N.I.

EXTRACT from comprehensive report, 28/6/98, by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

* * * * *

Medical Adviser.

98/398, N.I.

Dr. Metcalfe has informed me that when he was appointed Medical Officer for Norfolk Island he was informed by His Excellency the Governor that each family of the Pitcairn Islanders should contribute the sum of 15s. annually in lieu of medical fees.

On the proclamation of the new laws on the 14th November, 1896, the Governor wrote:—"I consider that Dr. Metcalfe is at liberty to continue this arrangement with the families of the Pitcairn Islanders or others as he may see fit, and to charge the ordinary medical fees in other cases.—HAMPDEN."

Dr. Metcalfe was allowed drugs not to exceed £40 per annum; but the average expenditure for the last fifteen years, I am informed, has been under £30.

Dr. Metcalfe does not charge anything beyond 15s. per annum for the original Islanders. All drugs for these people are kept at Kingston, at the dispensary, and dispensed and distributed *free*. The doctor has a private stock of drugs, etc., which is kept distinct from the Islanders' stock.

I am further informed that during the year 1895 the doctor's visits (with salary and the 15s. rate) averaged about 11d. per visit. This was exclusive of dentistry and midwifery cases, fractures, minor operations, and vaccinations.

98/614, N.I.

The outstanding fees for attendance amount to between £60 and £70.

A very careful record is kept of all issues of medicines, drugs, etc., but no stock book. I do not think a stock book is necessary, in view of the very careful management of Dr. Metcalfe and the very reasonable expenditure incurred and paid for out of the Norfolk Island funds.

The Government has supplied one case of brandy and one case of gin not yet opened. Information is required what the charge is per bottle from which medicinal quantities will issue.

* * * * *

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

The Accountant *re* information referred to, which I think has already been given. Have any instructions issued *re* stock book?—W.H., 11/7/98.

8/398, N.I.

The information is given on 98/233 herewith. The brandy cost 70s. per dozen and gin 42s. per dozen; as, however, it has been decided to issue medicine without fees, it cannot matter what the spirits cost. The decision should be, however, communicated. There has not been any instructions as to stock book. I asked Mr. Brodie to look into this prior to his departure for Norfolk Island.—V.C., Accountant, 18/7/98.

Inform of decision.—W.H., 20. The Chief Magistrate informed, 20/7/98. The Accountant. Noted.—V.C., 26/7/98. Put away until required.—H.L.T., 26/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Have informed Dr. Metcalfe that cost of supplying water should be reduced. Islanders do not pay for medicine dispensed.

98/132, N.I.

Sir,

Government House, Kingston, 12 April, 1898.

98/232, N.I.

I have the honor to acknowledge receipt of your letter of 17th January last, 97/620, N.I.,—on the subject of the dispensary—and have informed Dr. Metcalfe that the cost of supply of water should for the future be reduced. The Government Medical Officer informs me that the Islanders do not pay for the medicines dispensed.

98/593, N.I.

I note that the specifications for repairs to the dispensary have been submitted to the Government Architect for advice.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Accountant.—W.H.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledges letter intimating approval of Minister to withdrawal by R. S. Waterhouse of tender for repairs to surgery, and covering instructions as to deposits to be charged in future.

166/98, N.I.

Sir,

Government House, Kingston, 3 May, 1898.

I have the honor to acknowledge receipt of your letter of the 17th March last, Norfolk 98/254, N.I. Island, 98/129, informing me that the Secretary for Lands has approved of Mr. R. S. Waterhouse withdrawing his tender for repairs to the surgery, and enclosing instructions with regard to deposits required 98/262, N.I. to accompany future tenders.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Place with papers.—W.H., 30/5/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledges one case of brandy and gin for medical purposes handed over to Government Medical Officer to be dealt with under law. Asking cost for doctor's information and guidance. None of liquor dispensed up to 13th May, 1898; cost of other drugs not recovered.

194/98, N.I.

Sir,

Government House, Kingston, 13 May, 1898.

I have the honor to acknowledge receipt for medicinal purposes of one case gin and one case 98/233, N.I. of brandy by s. "Ysabel" on 4th ultimo, referred to in your letter, 14th March, Norfolk Island, 98/91, which have been handed over to the Government Medical Officer, and dealt with according to laws relating to spirituous liquors.

In order that the Government may be recouped for the cost of the liquor, it will be necessary that I should be supplied with its cost, for the information and guidance of Dr. Metcalfe, who informs me that up to the present, none of the liquor has been dispensed, also that costs of other drugs are not 98/398, N.I. recovered.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Accountant.—W.H., 27.

The brandy cost 70s. per doz., and gin, 42s. per doz., to which has to be added freight and insurance, 6s., and cost of landing (say 1s. 6d.) at Norfolk Island. The Chief Magistrate should be asked to so inform Dr. Metcalfe. Submitted as to whether the costs of dispensing and supplying drugs is to be demanded, or whether the whole might be looked upon in the same way as an hospital, that is the administration provided a doctor and drugs for the general benefit of the community free of cost.—VICTOR COHEN, Accountant, 30/5/98.

I think for the present the latter alternative should be adopted.—W. Houston, Under Secretary, 1/6/98. Approved.—J.H.C. See 98/399, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

STATING that Dr. Metcalfe explains the cost of water for surgery, viz., £1 per quarter includes labour of cleaning dispensary, and cannot be reduced. Also intimating despatch of voucher for £2 paid on same account for six months ended 1st October, 1897. Islanders do not pay fees for medicine received.

180/98, N.I.

Sir,

Government House, Kingston, 9 May, 1890.

I have the honor to acknowledge receipt of your letter of 17th January last, 97/620 N.I. I 98/231, N.I. have advised Dr. Metcalfe that the order for £5 16s. on account of rent incurred in connection with the dispensary has been lodged to his credit in the City Bank, Sydney. Dr. Metcalfe explains that the cost of water, viz., £1 per quarter, includes labour of cleaning the dispensary, and cannot be reduced. I have paid Dr. Metcalfe £2 on account of water purchased for the six months ending 1st October last, and enclose vouchers duly signed with my letter of this date, N.I., 177/98.

Dr. Metcalfe informs me the Islanders do not pay for medicines dispensed.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Acct.—W.H., 27. Since the claim was made for water used in dispensary, Dr. Metcalfe, per the Chief Magistrate, states that the cost includes cleaning the dispensary. The amount involved is £4 per year. This has not been approved yet. Dr. Metcalfe has been paid for six months, however, and authority is sought to cover expenditure. If approved, Dr. Metcalfe should furnish receipts from the persons carting water and cleaning dispensary; though if a tank is provided there should not be, in ordinary seasons, any necessity for carting water.—VICTOR COHEN, Acct., 30/5/98.

May be approved until the arrangements are made for supplying the dispensary with water.—W. Houston, Under Secretary, 1/6/98. Appd.—J.H.C. Noted.—V.C., 18/7/98.

NORFOLK ISLAND.

Issue an order on F. Bolton, Australian Bond, to ship per "Ysabel" for Norfolk Island in bond—1 case 98/193, N.I. brandy, 1 case gin, to be addressed to the Chief Magistrate "for medicinal purposes only." The "Ysabel" will be at Kethel's Wharf on Wednesday next.—VICTOR COHEN, 21/3/98.

Order No. 95 issued per Mr. S. Colin.—H.C., 21/3/98. The Accountant.—H.L.T., 4/4/98. 98/236, N.I.

Place with 98/81.

Repairs to Surgery.—R. S. Waterhouse's tender.

98/129, N.I.

1. The Chief Magistrate, Norfolk Island, was authorised on the 9th October last, 97/495, N.I., to call for tenders for repairs and putting up of fitments to the surgery, and he accordingly did so, the result being that Mr. R. S. Waterhouse's tender was recommended.

2. The Government Architect approximately estimated, from the specification transmitted to him, that the work could be done for £26 10s., and therefore advised that Mr. Waterhouse's tender of £14 9s. 6d. was reasonable.

3. This was approved by the Minister, but his acceptance has not yet been communicated to the Chief Magistrate or Mr. Waterhouse.

4. In letter N.I., 98/80, received by the last mail, Colonel Spalding encloses a letter from Mr. Waterhouse withdrawing his tender on the following grounds:—

1st. When tendering there was no stipulation the matter should be recommended to Sydney.

2nd. According to your letter, N.I., 98/2, of 10th instant, respecting a progress payment for Engineer's Office you state "you have no authority from Sydney to make payments on this account," therefore I take it you have no authority to call for or accept the surgery or any tender until specially sanctioned from Sydney.

3rd. The unnecessary delay and obstruction one has to put up with in getting payment for work done. The Chief Magistrate suggests that in future no tender from Mr. Waterhouse be considered.

98/231, N.I.

23/2/98.

H. L. THOMPSON.

After reference to the Works Department, it seems there is no option but to permit withdrawal of this tender.

Tenders received in that Department are always accompanied by deposits on a graduated scale as per copy of regulations herewith, and it would perhaps be wise to adopt a similar course in regard to tenders for work at Norfolk Island.

The deposits of unsuccessful tenderers should be at once returned to them, but that of the successful tenderer should be retained until fulfilment of his contract to satisfaction.

In the event of any tenderer failing to take up his tender, or failing to proceed with the contract within the specified time, or withdrawing his tender after it has been opened, whether such tender has been accepted or not, his deposit should become forfeited and paid into the Norfolk Island Fund.

If the proposal be accepted, delays in executing necessary work will probably be avoided. Submitted for consideration, and as to whether or not some reference should be made to Mr. Waterhouse's remarks as to the Chief Magistrate's authority to call for tenders—see part underlined on page 1.

2/3/98.

H. L. THOMPSON.

This course may be approved, and the following scale for deposits on tenders adopted, viz.:—

	£	s.	d.
For amounts up to £25, inclusive deposit	1	1	0
„ exceeding £25 inclusive and up to £50	1	10	0
„ „ £50 „ „ £75	2	2	0
„ „ £75 „ „ £100	2	10	0
„ „ £100 „ „ £500	4	4	0

W. HOUSTON, 4/4/98.

Appd.—J.H.C., 7/3/98.

The C.M. informed.—H.L.T., 17/3/98.

The Accountant to sec.

Noted.—V.C., Acct., 18/3/98.

Mr. Thompson.

Put away until required.—H.L.T., 18/3/98.

The Under Secretary for Lands to

98/129, N.I.

Sir,

Department of Lands, Sydney, 17 March, 1898.

I have the honor to inform you that the Secretary for Lands has approved of Mr. R. S. Waterhouse withdrawing his tenders for repairs to the surgery, Norfolk Island; but, as it is obviously undesirable that such a course should again be taken, it has been decided to require future tenders to be accompanied by a deposit of the following scale, viz.:—

For amounts up to £25, inclusive deposit	£1	1	0
„ exceeding £25, inclusive deposit, and up to £50	1	10	0
„ „ £50, „ „ £75	2	2	0
„ „ £75, „ „ £100	2	10	0
„ „ £100, „ „ £500	4	4	0

The deposits lodged by the unsuccessful tenderers will be at once returned to them, but that lodged by the successful tenderer will be retained until fulfilment of his contract to satisfaction.

In the event of any tenderer failing to take up his tender, or failing to proceed with the contract within the specified time, or withdrawing his tender after it has been opened, whether such tender has been accepted or not, the deposit lodged will become forfeited, and paid into the Norfolk Island Fund.

You will be good enough to give full publicity to this arrangement when calling for tenders for any public work in the future.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Forwarded letter from Mr. Waterhouse withdrawing his tender for repairs to surgery; Chief Magistrate recommends that in future no tender be accepted from Waterhouse.

34/98, N.I.

Sir,

Government House, Kingston, 15 January, 1898.

With reference to my letter of the 4th instant, N.I., 300/97, enclosing schedule of tenders for 98/80, N.I. the repairs of the surgery, and recommending acceptance of Mr. R. S. Waterhouse's tender, I have the honor to inform you Mr. Waterhouse withdraws his tender, *vide* his letter of the 12th instant, N.I., 28/98, which I enclose for your perusal. I recommend that, in future, no tender from Mr. R. S. 93/123, N.I. Waterhouse be considered.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

[Enclosure.]

Mr. R. S. Waterhouse to The Chief Magistrate, Norfolk Island.

28/98, N.I.

Sir,

Norfolk Island, 12 January, 1898.

Herewith I beg to return copy of tender for surgery, and hereby withdraw my tender for this 98/80, N.I. work, also my tender for fencing, for the following reasons:—

1st. When tendering there was no stipulation the matter should be recommended to Sydney.

2nd. According to your letter, N.I., 2/98, of 10th instant, respecting a progress payment for Engineer's Office, you state, "You have no authority from Sydney to make payments on this account," therefore, I take it, you have no authority to call for or accept the surgery or any tender until specially sanctioned from Sydney.

3rd. The unnecessary delay and obstruction one has to put up with in getting payment for work done.

Under a separate cover I hand you a letter addressed to the Under Secretary for Lands, Sydney, and would ask you to please forward it by this mail, together with any comments you deem necessary. At the same time I beg to inform you I am sending a copy of it to my agent in Sydney, requesting him to obtain an interview with the authorities there, and explain matters fully to them.

I have, &c.,

R. S. WATERHOUSE.

The Under Secretary for Lands to The Under Secretary for Public Works and
Commissioner for Roads.

Inquiry Office, Department of Public Works. Received, 21 January, 1898. Public Works, N.S.W.,
Department Architect, No. 457/350, 21 January, 1898.

Government Architect reporting that R. S. Waterhouse's tender for repairs to surgery, Norfolk Island, 98/31, N.I. is reasonable.

Sir,

Department of Lands, Sydney, 17 January, 1898.

I am directed by the Secretary for Lands to forward herewith papers, 97/619, N.I., covering a 97/620, N.I. specification of certain work said to be required at the Dispensary, Norfolk Island, and to request that you will be good enough to transmit the same to the Government Architect for the benefit of his advice.

I have, &c.,

W. HOUSTON,
Under Secretary.

Mr. Vernon.—J.P. (per U.S.), 25/1/98. Mr. Brindley.—W.L.V., 27/1/98. 98/80, N.I.

Repairs to dispensary, Government House, Norfolk Island. I have gone over the specification, and approximately estimate the work to be done at £26 10s. The tender of R. S. Waterhouse, of £14 19s. 6d., being the lowest, is, therefore, recommended for acceptance.—A. T. BRINDLEY, 21/1/98, Assistant Architect.

The tender of £14 19s. 6d. appears, so far as can be judged, to be reasonable.—W.L.V., 2/2/98. The Under Sec. P.W. The Under Secretary for Lands.—W.H., 4/2/98. Under Secretary for Public Works and Commissioner for Roads. In view of these reports the tender may, it is presumed, be accepted.—W. HOUSTON, Under Secretary, 7/2/98. Approved.—J.H.C., 9/2/98. The Accountant.—H.L.T., 10/2/98.

The Chief Magistrate, Norfolk Island, to the Under Secretary for Lands.

Intimating having paid Dr. Metcalfe £3 16s., on account expenses incurred for rent, removal of fittings, and water for dispensing, and enclosing voucher. Requests authority to pay £2 due for water 1st October, 1897 (cost being £1 per quarter), and such other liability in this account until a tank is fixed.

275/97, N.I.

Sir,

Government House, Kingston, 22 November, 1897.

With reference to your letter, N.I., 97/485, of 9th ultimo, I have the honor to inform you 98/620, N.I. that I have paid Dr. Metcalfe the sum of £3 16s., on account of expenses incurred for rent, removal of fittings, and water for dispensing. I enclose voucher, giving details, signed by Dr. Metcalfe.

The cost of supplying water for dispensing is £1 per quarter. Dr. Metcalfe informs me that £2 1 voucher is due for the six months ending 1st ultimo. I request authority to pay this amount, and such other enclosed. liability as may be incurred on this account, until such time as a tank, etc., has been provided. 98/81, N.I.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Order

Order for £3 16s. taken up by cheque D82475 and lodged to Dr. Metcalfe's credit in City Bank of Sydney. Voucher filed as a receipt. The cost of water, £1 (20s.) per quarter, seems excessive, but this will cease, it is assumed, when the tank is fixed. The Chief Magistrate may, perhaps, be authorised to pay the £2 due for the six months, and advised that the rate is too high and should be reduced. It is not known whether the Islanders pay for the medicines dispensed, and if they do what becomes of the proceeds; if they do pay, and the amounts are retained by the Medical Officer, then it is considered there should not be any claim upon the Government for water used in dispensing. The specification for repairs to the dispensary might be referred to the Government Architect for advice.—V.C., Accountant, 3/1/98. Mr. Thompson.

For approval.—W. Houston, Under Secretary, 13/1/98. Approved.—J.H.C., 14/1/98. The Chief Magistrate informed, and 97/618 sent to the U.S., Works, for Govt. Archt., 20/1/98. The Accountant, then to await reply. Seen.—V.C., Acct., 21/1/98. Mr. Thompson. Await reply.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Intimating amount of rent paid for surgery by Dr. Metcalfe is £1 6s.

276/97, N.I.

Sir,

Government House, Kingston, 22 November, 1897.

In reply to your letter, N.I., 97/381, of 13th ultimo, I have the honor to inform you that the amount of rent for surgery, paid by Dr. Metcalfe, is £1 6s., *vide* my letter N.I., 75/97 of this date.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

97/619, N.I.

97/620, N.I.

NORFOLK ISLAND.

Stephen Christian's claim for shingling house occupied by Dr. Metcalfe, Government Medical Officer, payment to be restricted to cost, less rent paid by the doctor.

It appears that Christian has already been paid rent by Dr. Metcalfe. It is therefore understood that the payment will be restricted to cost of repairs, less rent paid by Metcalfe.—W.H., 11/10/97.

97/650, N.I.

Appd.—J.H.C., 11/10/97. Chief Magistrate informed.—V.C., 13/10/97.

97/620.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

300/97, N.I.

Forward tenders for repairs, &c., to surgery as directed, and recommending that of R. S. Waterhouse for £49 12s. 6d.

Sir,

Norfolk Island, 4 December, 1897.

In compliance with instructions contained in your letter N.I., 97/485, of 9th October last, I have the honor to enclose schedule of tenders received for repair, &c., of surgery, and also a copy of specifications for the same, which I should like to be returned, having no second copy. I recommend that the tender of R. S. Waterhouse, which appears reasonable, be accepted (marked x).

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Tenders for fencing not being satisfactory are called for again, and will be sent on in due course.

NORFOLK ISLAND.

97/618, N.I. Enclosure.

With 300/97.

Schedule of Tender for repair of Surgery.

Opened 4 Dec., 1897.

Name of tenderer.	Calling.	Residence.	Amount of tender.	Remarks.
Patterson Quintal.....	Farmer	Norfolk Island...	£ s. d. 49 12 6	Recommended for acceptance.
Cornish Quintal	"	"	30 10 0	
R. S. Waterhouse	Storekeeper	"	14 19 6	
Dwight Allen.....	Carpenter	"	29 12 0	

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Surgery.

SPECIFICATION of work to be done and materials required in repairing portion of building known as the dispensary, in fitting up one room with counter, cupboards, and shelves, and in erecting fence.

Materials on hand.—Intending contractors will be shown certain materials now in building, of which will be taken what is perfectly sound, and used in the construction of counter and shelving. All other materials, tools, &c., must be furnished by contractor.

Counter and Shelving.—Make and fix, where directed, a counter 8 feet long x 2 ft. 2 in. wide x 3 feet high, with cupboards underneath 4 feet wide in centre of cupboard and 2 feet deep, having one shelf 2 feet wide, 18 inches from floor, and one shelf 9 inches wide midway between wide shelf and counter top,

top, glue joints in counter top. Make and fit to cupboards two ledge doors, hung with 3-inch butt hinges. Secure one door with wooden button inside to upright support dividing the two doors, and supply and fit to other door one approved 3-inch cupboard lock. Provide and fix suitable knobs to doors.

Construct shelving on top of counter the full length of counter, and whatever width the single boards will make. There are three shelves required, spaced as follows:—1st shelf 16 inches clear from counter top, the other two 13 inches apart.

A sketch of counter accompany this.

Cupboards in Chimney-corner.—Supply and fix to cupboards in chimney-corner one 3-inch cupboard lock to each, and do any repairs necessary.

Doors.—Repair doors of two front rooms and hall (no other portion of the inside of house is touched by this specification), and put locks in working order, supplying keys where they are wanted.

Windows.—Repair windows, and supply and fix approved sash-fasteners to each.

Fireplace.—Sweep chimneys, clean out fireplace, patch up neatly, and give inside of fireplaces a coat of approved distemper colour.

Internal Wall and Ceilings.—Scrape old whitewash off walls and ceilings of two rooms and hall, take out all nails, and neatly make good all holes and faulty portions of plaster-work. Give ceilings a coat of limewash, and walls a coat of limewash in approved tint.

External Walls.—Patch up plaster-work of front and end walls, and give them a coat of limewash in approved tint.

Ridge-capping.—Cover hips and ridge with 16-inch galvanised iron capping, secured with sufficient lead-headed nails.

Chimneys.—Carefully flash chimneys with 5-lb. lead, and make perfectly weatherproof.

Fascia.—Remove present fascia-board from front and eastern eaves, and supply and fix to those two eaves a 6 x 1½ fascia-board.

Gutter.—Supply and fix to front and eastern eaves of house a 5-inch O.G. galvanised iron gutter, secured to fascia with spikes and tubes 3 feet apart. Make connections of 3-inch downpipe, with tank in verandah.

Tank.—Supply one 400 gallons galvanised corrugated 24-gauge iron tank, three sheets high, with service-pipe (¾ inch) going through wall where directed, fitted with ¾-inch plug, bibcock, &c., with overflow downpipe and manhole.

Tank-stand.—Construct tank-stand of 4 in. x 3 in. bearers, 5 in. x 2 in. joists, and floor of 6 in x 1 in., all hard, dry pine. Give stand two coats of coal-tar, and set on stone piers high enough to get cock 14 inches from floor.

Verandah Floor.—Take up and relay about 100 feet of verandah pavement on eastern corner.

Verandah Posts.—Supply and fix to verandah new posts throughout of 4 in. x 4 in. hard, dry pine; close in western verandah with 3 in. x 1 in. pickets, 3 feet high, nailed to 4 in. x 2 in. rails morticed into verandah posts.

Closet.—Fit up stone building in rear as a dry-earth closet. Fill in hole in ground, and pave floor with large flat stones. Roof with 4 x 2 rafters, spaced not more than 2 feet centres apart, secured to 4 in. x 3 in. plates, 3 x 1 shingles batters, and cover in weatherproof with hard pine shingles. Make and fix door-frames of 4 in. x 2 in.; make ledge-door hang with 14 in. T hinges, and fasten with button. Patch up plaster-work of walls.

Closet Seat.—Make a box 2 ft. long x 19 in. wide x 17 in. deep, of 1-inch hard pine, in the strongest manner and perfectly watertight, with batten handles and top as closet seat, to lift off and on. Box must be made of full-width boards.

Painting and Glazing.—Paint all wood-work in rooms and hall with two coats lead and oil, in approved colours. Paint window-frames and sashes outside, also front door two coats of approved colour. Paint and sand-in two coats of verandah posts and plates. Paint on wall where directed the word "Surgery," in 4-in. black letters. Replace all faulty glass in windows with full panes, and fill sashes.

NOTE.—The contractor must undertake to supply at his own expense all materials and labour necessary for the proper completion of the work, although not mentioned in foregoing specification.

NOTE.—The whole of this work must be done in a thorough and efficient manner, and to the entire satisfaction of Colonel Spalding, C.M.G., or anyone approved by him.

WARNER SPALDING, Colonel,
Chief Magistrate.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

245/97, N.I.

Acknowledges letter conveying application of Chief Magistrate calling for and submitting tender in repairs and putting up of fitments to office of Government Medical Officer.

Sir,

Court-house, Kingston, 9 November, 1897.

I have the honor to acknowledge receipt of your letter of 9th ult., N.I., 97/485, and to inform you steps are being taken to carry out your instructions. Further report will be made.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. Await a further letter.—W.H., 23/11/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

191/97, N.I.

Forwarding letter from Government Medical Officer, applying for refund of expense incurred in removing and fitting up afresh from Government House to priest's house, £9 4s. and £10.

Sir,

Court-house, Kingston, 31 August, 1897.

I have the honor to forward a letter from the Government Medical Officer, applying for a refund of expense incurred in removing surgery from room at Government House to building known as the priest's house, vide my letter, N.I., 137/97, of 28th July last, asking for refund of rent paid. On this

this head I have to say that I informed Dr. Metcalfe in April last that payment of rent should cease, as the building occupied was the property of the Government. I therefore cannot advise the payment for rent should be made after the 30th April last.

97/671, N.I.

With regard to this question of repairs and putting up of fittings, I recommend that I may be authorised to call for tenders and accept the same, provided the amount appears to be reasonable.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Submitted that the Chief Magistrate's recommendation in regard to this matter be acted upon.—
W. HOUSTON, Under Secretary, 30/9/97. Appd.—J.H.C., 30/9/97. The Accountant.—H.L.T., 30/9/97.
Chief Magistrate informed on special terms.—V.C., 9/10/97. Place other papers herewith and await a further letter from the Chief Magistrate; see copy of letter sent to him (herewith).—H.L.T., 12/10/97.

235/97, N.I.

Dr. Metcalfe to The Chief Magistrate, Norfolk Island.

Sir,

Norfolk Island, 28 August, 1897.

97/486, N.I.

When I was appointed Medical Officer to this Island in 1879 I was guaranteed "furnished quarters," in addition to a very small salary of £150 per annum (see letters from Governor, dated May 31, 1879, and July 14, 1879).

I was instructed that one-half of Government House was to be my official residence. (Letter, June 3, 1880.)

Last year I was informed by the Governor, Lord Hampden, that Government House would be required for a Resident Magistrate, and that I should be provided with other quarters.

I removed to the only rooms I could then get, the Government surgery and fittings, at my own cost, and since that date I have had to pay 2s. a week rent for the same, as well as £1 per quarter for water, as there is no water supply to the house.

The roof is defective, and the dampness of the walls is very injurious to the medicines.

There are no conveniences for dispensing, no cupboards in which I can place anything under lock and key, which, with poisons under my charge, is most necessary.

As my temporary quarters seem to be the only ones available, I venture to ask you—

1. To have them made over as the official residence of the Government Medical Officer.
2. To have the necessary repairs done to make them waterproof.
3. To provide fittings for the surgery, or to have those of the old surgery put up again.
4. To provide a water supply for dispensing by means of a tank and spouting, or to allow me £4 per annum to pay for water being brought to the surgery.
5. To see that the sanitary surroundings of the building and the fence are put in order, and a roof put to the closet.

I also have the honor to enclose an account of the expenses I have incurred, which, I trust, will be allowed me, and an estimate of the cost of carrying out the suggested repairs.

I have, &c.,

P. HERBERT METCALFE,

Government Medical Officer in Charge.

Expenses incurred.		£	s.	d.
To removal of fittings, &c.	... ..	0	10	0
To four quarters' rent, nearly forty-seven weeks	... ..	4	14	0
" water supply	... ..	4	0	0
		<hr/>		
		£9	4	0
		<hr/>		
Estimate of expenses of refitting, &c., surgery and repairs.		£	s.	d.
Making roof watertight...	... ..	2	0	0
Refitting shelves, &c., inside, and putting locks	... ..	1	10	0
Roofing closet	... ..	0	10	0
Tank and freight, 800 gallons (can be made here if material be sent, tap, &c.)	... ..	6	0	0
		<hr/>		
		£10	0	0

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/885, N.I.

Sir,

Department of Lands, Sydney, 9 October, 1897.

Referring to your letter 191, enclosing a letter from the Medical Officer on the subject of expenses incurred in removing surgery from Government House, I have the honor to inform you that your recommendation that the rent should be paid up to the 30th April last has been approved. As it is not known here from what date Dr. Metcalfe went into occupation of the rooms now used, I am unable to forward a cheque, but you are authorised to hand a draft on the Minister for Lands to Dr. Metcalfe for the sum due as rent to 30th April, for the cost of removal of fittings, 10s., but no allowance can be made for water supply, except for such used for dispensing, which it is thought cannot be very much, and hardly worth taking into account.

In regard to the expense of refitting shelves and effecting repairs and supplying tank, you are authorised to call for tenders, which, however, must first be submitted for approval before acceptance. It is considered that the conditions of the tender, in so far as they relate to the tank, should be of an alternative character, that is—(1) for labour and material, (2) for labour only, as possibly it will be more economical to send the material from here.

I have, &c.,

WM. HOUSTON,
Under Secretary.

.The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

137/97, N.I.

Surgery and Consulting Room for Dr. Metcalfe.—Timber obtained for repairs to house proposed for purpose utilised for Government House stables, and no expense therefore necessary.—S. Christian's claim for shingling present house.

Sir,

In despatch dated 19th December last, His Excellency the Governor authorised the then Chief Magistrate, Mr. Byron Adams, to incur expense up to a sum of £20 for the purpose of procuring two rooms in town for use by the Government Medical Officer, Dr. Metcalfe, as a dispensary and consulting room. In February last Mr. Byron Adams forwarded an account for £11 15s. 3d. for timber obtained on his authority when Chief Magistrate, certifying to the correctness of the charge, and asking me to arrange for the payment of the person who supplied the timber. I requested Mr. Byron Adams to forward me his authority. On the 5th March last His Excellency's despatch was sent me. In company with Mr. Byron Adams I inspected the old building, some distance from the town, which it was contemplated by Mr. Byron Adams to put in repair. The foundations only were standing, and it was at once apparent the necessary work and material to render the building suitable for use by the Medical Officer could not be provided for the amount available. Mr. Adams admitted this, and suggested I should ask His Excellency for a further sum, which I declined to do.

I then inspected the rooms in use by the Medical Officer, which are the two front rooms in the "priest's house" (No. 41 on the tracing attached to my letter, N.I., 111/97, of 20th instant). These rooms appeared most suitable for the purpose they were being used, and were in need of no repair of any importance. On inquiry I ascertained they were in some way claimed as belonging to Mr. Stephen Christian, who resided elsewhere, and let them to Mr. C. C. R. Nobbs, a storekeeper, who sublet them to Dr. Metcalfe. I should mention Dr. Metcalfe was away from the Island at this time, and that Dr. Williams, of the _____ who knew nothing of the circumstances, was acting for him.

I ascertained that Mr. Stephen Christian based his claim on the grounds of his having some two or three years before reshingled the house. He did not claim any right to occupy the house for himself, but informed me it belonged to Mr. Jacob McCoy, a young unmarried man, who, it appears, resides with and works for Mr. Stephen Christian. Mr. Jacob McCoy has a house and land in the country, which he lets. On the return of Dr. Metcalfe, in April last, he expressed himself as satisfied with the rooms he occupied, and it was arranged that payment of rent should cease. Mr. Stephen Christian considers he has a claim for compensation, on account of the work he had done, to the amount of about £7; but as the building is the property of the Government, and the repairs carried out were evidently for the purpose of obtaining rent, I cannot recommend the payment.

The question of the payment of Mr. James Taylor for wood delivered then arose, but fortunately the Minister having approved of the expenditure of a sum not exceeding £25 for the repair of stables attached to my quarters, I was able to arrange matters with Mr. James Taylor so that the timber should be utilised in the stables, which are now completed. Thus the expenditure of any sum for the provision of a surgery and consulting room is unnecessary, unless it is considered advisable to pay any portion of Mr. Stephen Christian's claim.

I trust my action will meet with approval.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant in first instance.—W.H., 5/9/97.

The only question to be decided is whether any payment should be made to Christian in respect of the alleged expenditure of £7 by him in reshingling the house occupied by Dr. Metcalfe. Legally he is not entitled to any payment, but as it appears that owing to the building having been rendered habitable, and an expenditure authorised by the Governor to procure two rooms in town is, for this reason, not now necessary, perhaps the amount may be allowed, less any sums received by Christian from time to time as rent.—J. H. BARNES, Sub-Acct., 7/9/97. Submitted.

Submitted the house is "spoken of" according to Col. Spalding's report (97/385) as owned by one Jacob McCoy, although at one time S. Christian received rent for it. It seems to me that Christian's claim should be dismissed.—W. HOUSRON.

I think that whilst Christian has no legal claim it may be wise to pay him (say) £5.—J.H.C., 15/9/1897.

EXHIBIT S.

The School.

Extract from Report by Chief Inspector of Public Accounts.

Department of Public Instruction, 19 July, 1898.

Extract from comprehensive report, 28/6/98, by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

98/397, N.I.

SPECIAL INQUIRIES.

The School.

The arrears of school fees amounted to £5s. 5s. 3d.

Owing to schools having been established at Longridge and Kingston, the attendance at the public school is very small, there being only an average attendance at between forty and fifty children daily.

Until

Until a law is passed compelling the children to attend a school controlled by a certificated master, I would recommend that the matter of sending a teacher down to Norfolk Island from Sydney be held in abeyance.

The children at the private schools at Longridge and Kingston are taught by uncertificated teachers.

I attach herewith a paper from the public schoolmaster, Mr. Gustav Quintal, which I obtained for your information.

With a few exceptions, the children at the public school are anything but bright and intelligent, like Australian children at their lessons. They read and write very well, but are only fairly good in simple arithmetic.

The present master, who is uncertificated, is very painstaking, and, supported by his two assistants, I think they meet all present requirements.

I would suggest that arrangements be made for a local inspection of all the schools. I feel certain that the Venerable Archdeacon Palmer would co-operate, and a report could be furnished to the Minister for Lands.

* * * * *
The Under Secretary for Lands.

I have, &c.,
G. E. BRODIE,
Chief Inspector of Public Accounts.

This had better be forwarded for the information of the Secretary for Public Instruction, who has the educational question (as regards N.I.) in hand.—W. HOUSTON, Under Secretary, 11/7/98. Approved.—J.H.C., 12/7/98. The Under Secretary for Public Instruction.—H. L. THOMPSON (for U.S., Lands), B.C., 12/7/98.

Submitted.—A teacher and his wife have been waiting to go to Norfolk Island since last October, but the local authorities and residents are not yet ready to receive them. Judging from the report furnished by Mr. Brodie, who has recently visited the Island, this Department cannot with advantage take further action at present, and it is submitted that his recommendation, "that the matter of sending a teacher from Sydney be held in abeyance," be adopted.—J.M., 19/7/98. Approved.—J.E., 21/7/98. J.M.G., 21/7/98. Submitted for information.—W. HOUSTON, 26/7/98. Seen.—J.H.C., 26/7/98. The Under Secretary for Public Instruction.—H. L. THOMPSON (for the U.S. for Lands), B.C., 26/7/98.

Mr. G. Quintal to Chief Inspector of Public Accounts.

98/397, N.I.

Sir,

Norfolk Island, 7 May, 1898.

In reply to yours of the 29th ultimo, I have the honor to lay before you the following reasons for the falling off in numbers in the Norfolk Island public school:—

1. The absence of coinage on the Island.
2. The existence of other schools on the Island.
3. The hours of the public school are kept on later than the other schools.

The absence of coinage is due to a great extent to—

- (a) The almost total failure in 1897 of one of the main resources of a large majority of the community, that of the whaling industry, last season being an exceptionally bad one; only one of the four companies engaged were fortunate enough to meet expenses.
- (b) For the last sixteen months or so very few of the people were able to dispose of their bananas, kumeras, and other farm produce for cash. Formerly the Melanesian Mission took a large quantity of kumera from the people, but of late the Mission has been able to grow their own.
- (c) The Court cases in which Messrs. Hordern Bros. obtained judgment have been an awful drain on those who were unfortunate enough to get into their clutches, several of whom were supporters of the N.I. public school.

2. The existence of other schools is another disadvantage to contend with. The Longridge school was started some five or six years previous to my taking charge of the public school, and was built by the co-operation of parents and others who now send their children to that school. The Methodist school was started in February, 1897, but as the teachers of these two schools are paid principally in labour and produce, several have withdrawn their children and sent them to the Longridge and Methodist schools for fear of falling into arrears and being pulled into Court, thereby incurring more liabilities by Court expenses and not being able to meet them.

3. The third reason was offered to me by some of the parents, and that is the longer hours of the public school. The other two schools are over at 2 p.m., and on Wednesdays at 12. As this is an agricultural community, and the children are great helps on the farm, this means a great deal, especially to those living in the town, as the public school is not over until 3 p.m. on each school-day, consequently, the parents consider it a loss to a certain extent.

And now with regard to steps taken to secure regular attendance and prevent falling off. I have spoken to each of those who have withdrawn their children since 14th November, 1896, and pointed out to them the necessity of giving their children the best education obtainable, as we are coming more in contact with the outside world, and that the elementary education of the parents could never do for the children of to-day. I also offered to pay the school fees of some of the children, and succeeded in two or three instances in getting parents to let their children remain in the public school.

I have, &c.,
GUSTAV QUINTAL,
Head-master, N.I.P.S.

Mr.

Mr. S. Bent to The Under Secretary of Public Instruction.

NORFOLK ISLAND.

Opinion as to abolishing fees, and recommending same.

N.I., 98/170.

Superior Public School, Balmain, 2 March, 1898.

Colonel Spalding's communication, dated 29th January last, recommending the abolition of school fees, and making education absolutely free at Norfolk Island. Asking for an expression of my views on this matter.

I FULLY concur with Colonel Spalding's opinion that if the payment of school fees is abolished, most of the children at present attending the Longridge and Methodist Schools would attend the Public School in preference. Though Colonel Spalding does not so state, yet I believe that the eight children who were transferred at the beginning of the present year from the Public School to the Methodist and Longridge Schools, were removed by their parents in consequence of their insistence of a cash payment of fees.

In my report on the condition of education at Norfolk Island handed to the Honorable the Minister for Public Instruction, in May last, I stated, "that in consequence of the fact that, many of the parents on the Island scarcely ever see money, they find it difficult to pay fees in cash, and recommended that those parents who can satisfactorily show that they are unable to pay fees in cash should be granted exemption." I further stated "that there are genuine cases in which the parents are absolutely unable to pay fees in cash," and expressed the opinion that this fact was the primary cause of the opening of the Methodist School.

In another part of my report, I say "I have no hesitation in believing that the Methodist School would close at once if the difficulty about the payment of fees in cash could be satisfactorily arranged."

At the time of my visit there were arrears of fees on the books amounting to over £80.

In view of the above facts I believe that the question of fees will be a constant source of irritation to the parents, and will act as a hindrance to the whole of the children on the Island being taught together in one school under an efficient teacher. The other schools could not continue to exist against the combined advantages of free education and greater efficiency in the Public School. I would, therefore, in the circumstances advocate the abolition of school fees.

S. BENT.

Submitted. If fees were abolished, an addition of £30 to £40 would have to be made to the teacher's salary.—J.M., 14/3/98. To grant free education means an increased cost to this Department of £30 or £40 per annum, and would be giving privilege to the people of Norfolk Island that is not granted to residents of N.S.W.—J.E., 19/3/98. The Under Secretary for Lands.—J.C.M., 21/3/98. Norfolk Island School Fees.—Submitted. Mr. Bent favors the abolition of school fees, but his Department does not. Mr. Brodie, who is visiting the Island, intimated he would be glad to have these papers.—H. L. THOMPSON, 22/3/98. Mr. Brodie may have the papers.—H. CURRY, Acting Under Secretary, 22/3/98. Approved.—J.H.C., 23/3/98. See 98-397, N.I.

School Fees—Abolition advocated.

N.I., 96-98.

Department of Public Instruction.

Herein the Chief Magistrate strongly advocates the abolition of school fees, and making education free. He explains that while the additional cost to the Government would, at the present rates of assistant teachers' salaries, only amount to £1 10s. per month, the material advantage would shortly ensue of the children, or most of them, being sent to the Public School, where, even under its present master, the instruction is more regular, and up to standard, than that of the Longridge and Methodist Schools. Colonel Spalding, at the same time, considers that an efficient head-master should be sent to the Island, but this matter is in abeyance pending settlement of the question of quarters for him. Mr. Bent, of the Public Instruction Department, who visited the Island, expressed the opinion that both the Methodist and Longridge Schools would be closed if the matter of school fees was satisfactorily arranged, and superior attractions and inducements offered by the Public School. For instruction in the Methodist School, payment is made partly in cash and partly in giving labor, and, apparently, the like applies to the Longridge School. Fees only are required by the Public School. Mr. Bent says there are some cases in which parents are absolutely unable to pay in cash.

H. L. THOMPSON, 23/2/98.

This is a matter, which, under arrangement, is to be dealt with by the Department of Public Instruction. Forward papers to that Department.—W.H., 23/2/98. The Under Secretary for Public Instruction.—H. L. THOMPSON, for Under Secretary. B.C., 23/2/98. Memo. to Mr. Bent. Will you kindly express your views on this matter.—J.C.M., 25/2/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Reporting that fifty-eight children attend public school—thirteen left end of 1897; three over age of 14; six go to Longridge school; two to Methodist, and two left Island. No proper supervision or check of schools named. Desirable head-master be sent to Island. Advocate abolition of school fees. Additional cost to Government of £1 10s. per month, and better results follow.

98/91, N.I.

Sir,

Norfolk Island, Government House, Kingston, 29 January, 1898.

I have the honor to inform you that only fifty-eight children attend the public school. Thirteen left at the close of the last half year, of whom three are over the age of 14; six go to the Longridge school, two to the Methodist school, and two have left the Island. Over the Longridge and Methodist schools there is no proper supervision, and no check on the attendance of either teachers or children, but the parents are able to arrange for the payment of school fees in produce, in lieu of cash required at the public school.

247—M

Whatever

Whatever may be finally determined as regards the sending of an efficient head-master (which is most desirable) to take charge of the public school here, I strongly advocate the immediate abolition of school fees, making education free. The additional cost to the Government would only amount at the present rates of assistant teachers' salaries to £1 10s. a month, and the material advantage would shortly ensue of the children or most of them being sent to the public school, where, even under its present master, the instruction is more regular and up to standard, than that of the Longridge and Methodist schools.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Schoolmaster's Residence, Norfolk Island.

97/474, N.I.

Sir,

Court-house, Kingston, 27 August, 1897.

* * * * *
Last night (26th instant) a public meeting was held to consider the question of Mr. Buffett's vacating the house he resides in, in pursuance of the selected head-master of the public school. I am informed by the police that the meeting lasted until after midnight, and that many speeches were made with the result that a petition or letter (the particulars of which I am ignorant of) on the subject of their assumed rights to their houses was largely signed. One statement seriously made was that the Chief Magistrate was turning people out of their houses, in order they might be forced into purchasing (paying royalty) timber from the Government.
* * * * *

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

Letter sent to Chief Magistrate on the 8th October, 1897, on subject of schoolmaster's residence and other matters—a separate case numbered 97/506, N.I. No action can be taken on these papers pending reply.—H.L.T., 12/10/97.

Public Schoolmaster's residence.—Appointment, &c., papers. The within papers which were borrowed from the Department of Public Instruction are now returned by the Under Secretary's directions.—H. L. THOMPSON (for U.S. for Lands), B.C., 12/10/97.

NORFOLK ISLAND.

School Fees—proposed amendment of law. Shall law be enforced pending decision?
97/441, N.I.

1. Herein the Chief Magistrate requests a decision in the matter of school fees required to be paid under clause 13 of the laws of Norfolk Island.

2. He points out that the only person he has authorised to receive the fees is the public schoolmaster, who duly accounts for them monthly to him.

3. There are two private schools, one known as the Longridge school, and the other conducted in the Methodist chapel, and payment in kind is accepted by the teachers in lieu of money.

4. The Chief Magistrate does not favour the application of this principle to the public school (this matter was referred to in the school papers now at the Department of Public Instruction).

5. The Chief Magistrate states there is room for only one school in the Island, and even then the fees obtained would not suffice to pay even present salaries, which are comparatively small, of the teaching staff.

6. The Committee of the Longridge school is willing that in future their school should be examined at any time by examiners appointed by authority.

7. The Chief Magistrate asks for instructions, whether or not he is to strictly enforce the law, and should he do so, that he be invested with discretionary powers with regard to enforcement of payment of school fees, as there are some parents without money at times, who would pay when the whaling results became available.

8. A petition was received by the Chief Magistrate requesting a meeting of the Council of Elders to consider a suggested alteration of the clause mentioned which would remove from the Chief Magistrate all responsibility connected with children, other than those who attend voluntarily the public school.

9. On paper 97/358, the Chief Magistrate reported that the meeting decided to await the result of Mr. Bent's recent investigation, and this paper was sent to the Department of Public Instruction on the 2nd instant, to which perhaps these documents should also be forwarded.

H. L. THOMPSON,
6/9/97.

May be forwarded for the consideration of the Minister for Public Instruction in connection with other correspondence on the subject.—W. HOUSTON, Under Secretary, 11/9/97. Approved.—J.H.C., 15/9/97. The Under Secretary for Public Instruction.—H.L.T. (for Under Secretary), B.C., 16/9/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

School fees—proposed amendment on law. Shall law be enforced in meantime pending decision in matter? N.I., 97/384.

Sir,

Norfolk Island, Court-house, Kingston, 14 July, 1890.

I have the honor to request decision in the matter of school fees under the circumstances herein stated. Under clause 13 of the laws of Norfolk Island, it is laid down, that the father or other person having the custody or care of a child (not being a child under the care of the Melanesian Mission) between the ages of 7 and 14 years, shall pay to the Chief Magistrate or any person authorised by him in respect to each such child as aforesaid, the sum of 3d. weekly for schooling, &c., and goes on to provide a penalty if this is not done.

The only person I have authorised to receive the school fees as stated above is the public school-master, who duly accounts for them monthly to me.

There are two other schools on the Island—one known as the Longridge School, the other conducted by Mr. Cornish Quintal, in the Methodist Chapel. The Longridge School has been established for some time. The question of its being continued was referred in 1894 to His Excellency the then Governor. His Excellency, in despatch dated 10th May, 1894, held that the then laws did not compel the attendance of children at any particular school.

In November last, on the proclamation of the new laws by His Excellency, Lord Hampden, His Excellency was waited on by the President of the Longridge School Committee. The reply stated to have been made by His Excellency is given in the attached letter, signed by the President and Committee of the school; this letter also sets forth the expenses they have gone to for buildings, &c.

There are about twenty-five children attending this school.

The school held by Mr. Cornish Quintal has been established in the last few months—the children attending number over twenty—having been drawn from the Public School for the most part. The reason assigned for their withdrawal being that the parents are unable to pay school fees.

I may here say that up to the date of these children being removed, no application had been made to me for a remission or suspension of fees—nor has any person yet been sued on account of such fees not having been paid.

I understand that the teachers of both the Longridge and Mr. Cornish Quintal's school receive payment in produce or work in lieu of money. I fear the application of any such system to the Public School would be.

No person connected with either school has applied for authority to receive school fees.

As to the standard of education maintained I know nothing, as the Government have no supervision—with the exception that Mr. Inspector Bent, from the little he was able to observe of the Longridge School, informed me he did not consider it of equal educational value to the Public School.

There is only room on this island for one school; even then the fees obtained would not suffice to pay even present salaries, which are comparatively small, to the teaching staff.

The Committee of the Longridge School assure me that if the children are still permitted to attend their school—they will for the future be willing their school should be examined at any time by examiners appointed by authority.

I now ask for instructions as to whether or not I am strictly to enforce the law. Should it be so determined, then I request I may be given discretionary powers with regard to the enforcement of payment of school fees. There are undoubtedly some parents who at times are actually without cash, and who would pay subsequently—say, on the declaration of a dividend by the Whaling Company in which they are interested.

Since commencing this letter a petition has been forwarded me through the Council of Elders. The petition is signed by Mr. W. H. A. Quintal and twenty-six other elders of the inhabitants—requesting a meeting of the Council should be assembled to consider a suggested alteration to Law No. 13.

The amendment proposed would remove from the Chief Magistrate all responsibilities connected with children other than those who attend voluntarily the Public School.

I have asked the President of the Council to ascertain a date convenient to the members (who are now nearly all engaged in whaling), in order that in accordance with Law 10 a meeting may be duly summoned.

I will inform you of the result by first opportunity.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island,

Acknowledged.—3/9/98.

To the Chief Magistrate,—

Norfolk Island, 2 July, 1897.

Sir,

In response to your request we beg to submit the following with regard to the Longridge School.

The school was started some four or five years ago in consequence of the dissatisfaction of a few parents and guardians of some children attending the Public School, concerning the carrying out of the school curriculum by the then head-master. After starting the school the matter was referred to at public meetings, and it was sought to compel the parents and guardians of such children attending the Longridge School to send them to the Public School. The matter was referred to Lord Jersey who was then Governor, and his reply thereto is, I presume, amongst the despatches now in your possession. In the year 1894 the subject was again brought forward at a public meeting, and it again sought to compel all children attending other than the Public School to attend the Public School. The matter was again referred to the late Sir Robert Duff, who was then Governor, and his reply thereto, I presume, is among the despatches now in your possession. As you are aware when the present Governor, Lord Hampden, was here in November last, our President, W. H. A. Quintal, in company with Mr. O. M. Quintal, interviewed His Excellency as to how the present School Act affects the Longridge School; his reply was, "If you give the children the necessary education, and see that they attend school regularly, that is all that is required."

We

We may point out to you that in consequence of the favourable conditions as affecting private school as contained in the despatches already referred to, the parents and guardians of the children attending the Longridge School decided to build a substantial and commodious building for their school. This building is, as you are now aware, completed and is in use, and I may add that it was built at very great cost of labour and means, when it is borne in mind that it was done by the parents and guardians of the children attending the Longridge School.

The school is managed by a committee chosen annually by the parents and guardians, and consists of a president and three members, whose duty it is to see that the school rules and regulations are carried out. Before concluding we wish to draw your attention to the School Law by which the parents and guardians of children attending the Longridge School are liable to be called upon to pay 3d. weekly by the Chief Magistrate or such persons as he may appoint to receive such fees, and we need hardly add that as we engage and pay our own teachers, and provide all school utensils, we consider that it would be hardly fair to compel the parents and guardians to pay the said fee of 3d. weekly, and we trust that you will so amend the law so as to remove such liability.

We beg, &c.,

W. H. A. QUINTAL, President,
A. BUFFETT,
JAMES TAYLOR,
HAYWARD QUINTAL, } Committee.

This report was rejected by the Governor.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Awaiting determination of the Government with regard to the Teaching Staff, and Mr. Bent's Report.

358/97, N.I.

Sir,

Kingston, Norfolk Island, 29 July, 1897.

In continuation of my letter N.I., 76/97, of the 16th inst., I have the honor to inform you that I presided at a meeting of the Council of Elders on the 26th instant.

The President of the Council, Mr. O. M. Quintal, moved (I understand formally) the amendment of Law No. 13, by the insertion in line three after the words "Melanesian Mission" and before the word "between" the words "and attending the Public School".

After debate it was decided to adjourn the Council until the determination of the Government was known with regard to the teaching staff of the Public School, and the report of Mr. Inspector Bent. Also to afford the members of the Council an opportunity of considering the arguments both in favour and against the motion.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

May be referred to the Department of Public Instruction.—W. HOUSTON, 1/9/97. The Under Secretary for Public Instruction.—B.C., 2nd September, 1897.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/357, N.I.

(Extract from N.I. 97/437.)

Sir,

Court-house, Kingston, Norfolk Island, 28 July, 1897.

I have the honor to draw your attention to the fact,

1. The schoolmaster has received no salary this year, and that up to the end of June £30 is due to him.

* * * * *

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

97/358, N.I.

The Accountant.—W.H., 3/8/97. £20 was remitted by cheque dated 3rd August, being salary 1st January to 30th April, 1897. It is submitted that a cheque for £10, salary due to June, should be remitted by first opportunity.—V.C., 11/9/97. Approved, if payment has been authorised? Where are papers?—W.H., 13/9/97. Approved.—J.H.C. Papers are with the Department of Public Instruction. Cheque for £10 herewith for signature.—V.C., Accountant, 14/9/97. Cheque sent by letter to Chief Magistrate.—V.C., 5/10/97. Mr. Thompson.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/357, N.I.

Dear Sir,

Department of Lands, Sydney, 7 October, 1898.

I have the honor to forward herewith a cheque in favour of Mr. Gustav Quintal, being for salary as schoolmaster from 1st May to 30th June, 1897; and have to request that you will obtain Mr. Quintal's signature to the accompanying voucher, which should be returned to me by first return mail.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Two enclosures:
Cheque, £10;
vouchers.

The

The Under Secretary for Public Instruction to The Under Secretary for Lands.

Stating Mr. E. Arnold, B.A., selected as teacher, N.I.; asking by what steamer he would go, and whether teacher's residence is ready for occupation.

97/323

Sir,

Department of Public Instruction, Sydney, 28 July, 1897.

With reference to the proposed readjustment of the educational system of Norfolk Island by the appointment thereto of a trained teacher in the employ of this Department, I have to acquaint you that a suitable officer, Mr. Edwin Arnold, B.A., has now been selected for the position.

Mr. Arnold is a married man, and possesses all necessary qualifications. He is ready to proceed to the Island at once.

It is requested that you will be good enough to state when the teacher's residence will be ready for occupation, and also by what steamer Mr. Arnold should leave Sydney.

I have, &c.,

J. C. MAYNARD,

Under Secretary.

This letter from the Department of Public Instruction is submitted for the information of the Minister. It is proposed to communicate with the Chief Magistrate in terms of draft herein, but before doing so the concurrence of His Excellency the Governor should perhaps be obtained in regard to the proposed arrangements.—W. HOUSTON, Under Secretary, 4/8/97.

Approved.—J.H.C., 4/8/97. The Private Secretary to His Excellency the Governor.—W.H., 4/8/97. Approved.—HAMPTON, 4/8/97. The Chief Magistrate written to accordingly.—4/8/97. Papers now returned to the Under Secretary for Public Instruction for further action required to be taken. W.H., 5/8/97.—B.C., Lands. To be returned, please.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/323, N.I.

Sir,

Department of Lands, Sydney, 4 August, 1897.

I am directed by the Secretary for Lands to inform you that a qualified married officer of the Department of Public Instruction of this Colony has been selected to fill the position of head-master of the Public School at Norfolk Island, and that he is ready to proceed there as soon as a suitable residence is prepared for him.

In this connection, Mr. Bent, Inspector of Schools, stated in his report on the educational requirements of the Island that there is a stone cottage, containing four large rooms, kitchen, and outhouses, which would answer the purpose, but that it needs thorough repairing. The Minister having approved of the cottage being so appropriated, and of the repairs actually required being made, I am to request you to be good enough to give the present occupant (whose name Mr. Bent could not ascertain) the necessary notice to quit, and arrange for the repairs to be effected as speedily as possible, paying strict regard to economy, and furnish me with a detailed report of what you have done in the matter, and when the cottage will be ready, so that the head-master may be instructed when to leave for the Island.

I am to add that the cottage is understood to be a Government building, and therefore no compensation for resuming possession of it can be allowed, but a small sum will be granted to the present occupant towards cost of removal, and in this connection you may suggest an amount for consideration.

I have, &c.,

Under Secretary.

Minute by The Under Secretary for Lands.

87/88.

NORFOLK ISLAND.

As to reopening of School.

THE subject of education is in the hands of the Minister for Public Instruction.

Colonel Spalding's letter is submitted for the consideration of the Minister, and it is difficult to suggest any other course than that the proposed arrangements be approved pending permanent provision to be effected by Mr. Garrard. Colonel Spalding should, perhaps, be informed that upon no account is expenditure to be incurred without the approval of His Excellency through the Secretary for Lands being first sought and obtained, and that should at any time an appointment of an urgent nature be necessary such an appointment must only be of a temporary character subject to ultimate approval. Colonel Spalding should be careful to point this out, and to impress upon any person accepting an office under these circumstances that his engagement is provisional only, and not necessarily involving permanent appointment, and that in all cases the rate of pay or salary is subject to the consideration of His Excellency and the Minister.

W. HOUSTON,

Under Secretary,

24/8/97.

Approved.

Approved. It is urgently necessary to have the educational system of the Island reformed. New ordinances will be required introducing a system of compulsory education and fixing fees.—J. H. CARRUTHERS, 27/3/97. Chief Magistrate informed.—H.L.T., 2/4/97. The Accountant then for other action.—V.C., 9/4/97. Referred to the Under Secretary for Public Instruction to place with paper 97/122 N.I. transmitted 8th inst.—H.L.T. (for U.S.) B.C., 3 May, '97.

The Chief Magistrate, Norfolk Island, to His Excellency the Governor.

97/34.

Subject: Teachers' Salaries.

Norfolk Island, 12 January, 1897.

My Lord,
Pending the settlement of the question of the appointment of a head-master to the public school, Norfolk Island, and having in view the importance of the school being reopened at an early date, I have provisionally approved of the teachers previously engaged continuing their services temporarily at the school, and receiving salaries at the same rates, viz. :—

	Per Month	or	Per Annum.	
	£	s.	d.	£
Mr. Gustav Quintal	5	0	0	60
Mr. Charles Buffett	0	10	0	6
Miss Mary Rossiter	1	0	0	12
Miss Mildred Nobbs	0	13	4	8
	<hr/>			
	£7	3	4	£86

Against this expenditure school fees amounting to about £1 4s. a week may be received, but it is doubtful, regarding the present pecuniary condition of the inhabitants, the almost certainty of the failure or partial failure of the Kumera crops due to the want of rain, if these can in many cases be collected.

School reopened
18th Jan., 1897.

The Acting Government Medical Officer reports that he is at present of opinion the school may be reopened in about ten (10) days as sickness is abating.

I have the honor to submit Your Excellency to approve of my action.

I may add that during the last twelve (12) months, on account of the epidemic of typhoid fever, whooping cough, &c., very little instruction has been given the children.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/88, N.I., encl.

Sir,

Department of Lands, Sydney, 2 April, 1897.

With reference to your letter of the 12th January last, stating that pending the appointment of a head-master to the public school at Norfolk Island, you have provisionally approved of the teachers previously engaged continuing their services at the school, and receiving salaries at the same rate, viz. :—

Mr. Gustav Quintal, £5 per month or £60 per annum.
Mr. Charles Buffett, 10s. " £6 "
Miss Mary Rossiter, £1 " £12 "
Miss Mildred Nobbs, 13s. 4d. " £8 "

Total, £7 3s. 4d. per month or £86 per annum.

I am directed to inform you that in view of the peculiar circumstances of the case, the Secretary for Lands has approved of your action in the matter. Mr. Carruthers desires me to state that upon no account is expenditure to be incurred without the approval of His Excellency the Governor (through the Secretary for Lands) being first sought and obtained, and that should at any time an appointment of an urgent nature be necessary, such appointment must be of a temporary character subject to ultimate approval.

You should be careful to point this out, and impress upon any person accepting any office under these circumstances that this arrangement is provisional only and not necessarily involving permanent appointment, and that in all cases the rate of pay or salary is subject to the consideration of His Excellency and the Minister.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Minute by The Under Secretary for Lands.

97/287.

EDUCATION, NORFOLK ISLAND.

AN interesting report on the state of education in Norfolk Island, with recommendations for an improved system, has been made by Mr. S. Bent, of the Public Instruction Department.

A copy of the report has been forwarded to this office, and is now submitted for the consideration of the Minister.

Except by way of elucidation of some of the points referred to there is but little left to be said on the matter

The

The existing staff of teachers and salaries are :—

Head-master	... ..	£60 per annum.
Female assistant	... ..	£12 "
" "	... ..	£8 "
Male assistant	... ..	£6 "

It is understood the teachers are acting temporarily in anticipation of other arrangements being shortly introduced. Their stipends are, it is believed, paid for the most part from the fees.

The staff proposed by Mr. Bent and estimated cost are :—

Head-master (married)	... ..	£140 per annum, with fees and quarters.
Female assistant	... ..	£48 per annum.
Female pupil-teacher	... ..	£24 "

The assistants can be supplied locally, but there is no one at the Island possessing the requisite qualifications for the post of head-master.

As regards the suggestion for the erection of a new school-house, there is no doubt great force in Mr. Bent's remarks, at the same time the matter is scarcely of the same pressing nature as is the reorganisation of the teaching staff—which seems to deserve first consideration.

Notwithstanding the Island laws having made it compulsory on parents to pay school fees the ordinance appears to have been one "more honored in the breach than in the observance," as on looking over copies of correspondence from the year 1882 upward I find that complaints were continually being made as to the remissness of the people in paying the fees.

This laxness was in fact severely commented upon by successive Governors of Norfolk Island, and in 1895 His Excellency the Lieutenant-Governor deemed it necessary to pass a law disqualifying persons who had not paid the school fees from voting at the elections for the Chief Magistrate or Councillors.

The attached statement relating to the public school account was, I believe, supplied to Mr. Oliver on the occasion of his recent visit to the Island.

I am informed by Mr. Bent that the arrears for fees now amount to about £80.

W. HOUSTON,
Under Secretary.
9/6/97.

Mr. Reid and the Cabinet agree that New South Wales should provide for the educational necessities of the Island as its share of the expense of the government of the Island. I desire therefore to submit to the Minister for Public Instruction that he should nominate a principal teacher for the school and provide his salary, &c. New school buildings cannot be provided. I concur with the Under Secretary *re* house for the teacher, and action must be taken to get possession of same, giving a trifle for cost of removal of occupant.—J.H.C., 10 June, 1897.

Mr. Bent's report may be carried out in all respects save building. School holidays should be granted on Court days. The payment of fees in "kind" may be reconsidered later on.—J.H.C., 16/6/97. The Under Secretary of Public Instruction.—B.C., 25th June, 1897. Submitted.—J.C.M., 28 June, /97.

Statement—Public School Account—Norfolk Island.

Balances owing.—31st December, 1892	... ..	£117 0 0
" 30th June, 1893	... ..	116 0 0
" 31st December, 1893	... ..	90 0 0
" 30th June, 1894	... ..	77 0 0
" 31st December, 1894	... ..	62 0 0
" 30th June, 1895	... ..	87 0 0
" 31st December, 1895	... ..	105 0 0
" 18th February, 1896	... ..	67 0 0

Of this last sum £52 10s. are owing by seven persons only. These figures are approximate.

Report on Education in Norfolk Island.

THIS paper, which will be a brief Education Report on the Island called Norfolk Island, was undertaken at the request of the Commission appointed in February, 1896, by His Excellency the Governor of New South Wales to inquire into the state of the said Norfolk Island.

97/287 enc.

PAST HISTORY OF EDUCATION ON NORFOLK ISLAND.

Melanesian Mission, Norfolk Island, 25 February, 1896.

By a wise provision made by the Imperial Government, a qualified schoolmaster, Mr. Thomas Rossiter, was sent out from England in 1858, to take charge of the education of the community. Mr. Rossiter was engaged by the Government for six years, and during that period he received an income of £300 per annum.

For some reason, which I have been unable to find out, at the end of this period of six years Mr. Rossiter ceased to receive a salary from the Imperial Government. Having, however, acquired a grant of land, he continued to reside on the Island as schoolmaster, but from henceforth was paid by the community, and not by the Imperial Government as heretofore.

Mr.

Mr. Rossiter, in this way, in spite of many difficulties that would have discouraged a less energetic man, at no time receiving adequate payment due to him for his services, continued, with one or two interruptions, to be the leading spirit in the education of the Island, until from broken-up health he finally resigned in 1884.

Since then the school has been continually running down, and there has been no means available to wind it up, or set it in good going order again.

It is deplorable to think how the youth of this Island have, as regards their education, been fed with stones and not bread.

From the very nature of the case it had to be so. How could the blind lead the blind? Where all are ignorant who can learn?

The school degenerated into a huge playroom or nursery where boys and girls came together, and did not learn virtue but learnt vice.

This was not the fault of the teachers. They taught what they knew and kept what discipline they could, and lived professedly religious lives themselves; but teaching and discipline and moral tone alike were, as regards the pupils in the school, becoming about as low as well could be.

Appliances for teaching there were none. The schoolroom was an old somewhat dilapidated upper room which was used in convict days as a mess-room for Her Majesty's soldiers.

The out-buildings in connection with the school were as public as well might be. Boys and girls went indiscriminately to the same water-closet—that is if they went at all. Such a state of things alone could not but be fraught with moral disaster and degradation to the community as a whole.

It seems almost incredible that the parents should have been content to let their children attend such a school, and yet they were.

When in August last year the Melanesian Mission took over the control of the school the state of things was as I have described, though it was not till the new head-master had been teaching for several months that he found out the rotten foundation—if you can call it a foundation at all—on which the school system was built up.

To enforce discipline and good behaviour he at first administered severe corporal punishment to boys and girls alike. He also checked as far as he could the former indiscriminate mixing of the sexes.

School begins at 9 a.m., yet when first the Melanesian Mission took charge of the school, half the pupils, if not more, thought to be an hour late was a trivial offence, and the masters shared the same view and came late themselves.

Moreover some boys took holidays to eat guavas and water-melons, which sometimes were not their own.

The schoolmaster being related to most of the children they trusted to his family feeling to escape punishment.

Also before last year they had no home lessons; now they have, and they are much better for being thus employed.

This new order of things could have been brought about by any qualified teacher endowed with earnestness and energy.

The school had got so low from neglect.

The exercise books, text books, pens, &c., sent last year by the Governor have been a great help, but more are needed.

To educate each child in the Government schools in Canterbury costs the people of New Zealand £3 12s. per annum. If this were so in Norfolk Island the grant to the school here with 118 pupils would be £424 16s. per annum. Instead of that, the community pays its four teachers as follows:—

Head-master	...	...	...	...	...	£60 per annum.
Second master	...	...	...	...	...	40 "
First pupil-teacher	...	...	...	...	...	10 "
Second pupil-teacher	...	...	...	...	...	6 "
Total expenditure						£116 "

I am in a position to say that the actual amount paid in cash in previous years to their schoolmaster was on a high average. Head-master, £8 per annum; second master, £5 per annum; the rest, if paid at all, was paid by bartering produce or by working for the schoolmaster.

If the number of children attending school was 116, each child would pay 5s. per quarter, and thus meet the whole expenditure, viz., £116 per annum.

Just before the Melanesian Mission found a master for the school the fee was 7s. per quarter per child; it is now approximately 5s. The greater fee was the result of a smaller number attending school.

And here a difficulty is met with. The people of this community claim that any person or persons, however ignorant or immoral, have yet the Governor's permission to set up separate schools. Thus the main school is drained by three or four pseudo-schools, which are now patronised by people who want to pay as they like, or when they like, or not at all if they like. This is an unmitigated evil, and the children are thus made lazy and idle, and all the time they might be receiving sound education in the main school under a qualified teacher. These old Sarums should be done away with—they are a crying evil. If they are to be kept it should be enforced that they have qualified teachers.

A further question arises. Some of the most well-to-do Norfolkers have no children at all, and some others none attending school. Yet it seems only right that these should contribute in some way to the support of the school with which the future of the community as a whole is involved. A modified school tax system might meet this, though any taxation would be perilous to such a monetarily poor community unless they were allowed to pay in produce or work, as the Melanesian Mission allows them to do at present, in lieu of paying cash to their head-master.

At all events it is highly necessary that the control of the school be taken away from the community, and it would be an incalculable good if in any way the Government could in the future interests of this people renew in part the old grant of £300 per annum made to Mr. Rossiter, but since 1864 left in abeyance.

A good schoolmaster could train the most talented of his pupils in such a way that they could be in the school as regards teaching almost his second self when he was gone. In this way a training department for teachers might be provided.

It would be well to put the schoolmaster on the same footing as the doctor, drawing part of his salary from the people and part from Government beneficence—the Melanesian Mission to have an inspector's power.

A schoolmaster left to the devices of the community would soon be worried to death.

A rigorous yearly syllabus of work should be drawn up, and an examination should be held every year and reported on to His Excellency the Governor of Norfolk Island.

EFFECT OF THE SCHOOL ON THE MORAL TONE OF THE ISLAND.

In conclusion I would like to state briefly what appears to me to be at the root of the low moral tone of this Island.

It is the immorality the children learned at school.

What is the cause of their lawlessness?

They were never taught in school to obey, but always did just as they liked. There is a trite but true saying,

“The child is father of the man.”

True and lasting reform must begin with the children. I cannot—not only as a missionary, but also as a man—speak too strongly on the pitiable and deplorable state of the school on Norfolk Island, as I found it last year. Our heathen boys here from Malanta and Guadalcanar less needed reform. Yet the Government seemed to have forgotten them.

An outside magistrate would do a great deal for this community, yet a tried schoolmaster would do more.

This is a people with kind hearts, sensitive feelings, quick and sudden emotions, knowing no self-control, obeying solely inherited instincts, sinning over and over again against themselves.

In the struggle for existence they have not the elements that would enable them to compete with even the lowest of the English race. In stability of purpose, and in persistence of character, they signally fail. Their love of ease and comfort—I speak now generally, there are, of course, exceptions—lead them to untruthfulness and practised concealment; their lack of self-control, or of will power, makes them disregard purity as a virtue.

The very fertility of their soil is against them. They can live without industry, and so they reap not the blessing of toil. Being almost one family, the lazy ones are fed by the workers, and they know it, and continue lazy. Cut off from contact with the outside world, they have no interests apart from their own, no patriotism, no wish to make a name in the world for their Island, or for themselves and their children. Given plenty to eat, enough sleep, and free scope to their lower nature to enjoy itself—they are quite happy and contented. They live in a half Lotos-land, and they die as they live.

The rush of civilised life—its steam-cars, its steam-engines, its steam-boats, cannot be brought here. The severe competition of our great cities, which stings men into action, can never lend energy to this people.

Our large public schools and colleges must be closed to those who dwell in this lonely spot. Our newspapers and books of the day, with their educative power—unpurified and uncrystallised enough at times, yet still educative—these, too, never appeal to the majority of this people.

One thing is possible to be done for them. The great English qualities of self-respect, self-control, self-reverence, self-culture—all of them can be only taught by an efficient school and efficient schoolmaster. Some one to give such teaching as this is at present the great need of this community on Norfolk Island.

APPENDIX A.

As regards the mental qualities of the children.

Their memories are as good as English children's, though they do not exhibit the same tenacity of what is learned. This is in some degree owing to the fact that pure English is to them almost a new language, taught as they are by their mothers a mixed lingo of Tahitian and bad English, which a stranger would at first utterly fail to understand.

The children of white men who have settled on the Island and married Norfolk wives, show a mental power distinctly above the other children.

This must not all be put down to heredity, as part of it is owing to improved home training. The home influence among the majority of the people on the Island is no influence at all.

In conclusion, I might mention the case of Mr. Gustav Quintall, grandson of the late Mr. G. H. Nobbs, and at present second master in the Norfolkers' School. Anyone with a clearer head for facts, or with better perceptive qualities it has seldom been my lot to meet. To this he combines a character that for industry and uprightness and purity of life might well be an example to any true-born Englishman. I speak from a year's personal knowledge and close intimacy with Mr. Quintall.

This people has plenty of ability, but it sadly wants directing into right and useful channels. England has subjects here she might well turn to some account.

APPENDIX B.

The approximate population of the Norfolkers, including seven English families (two of them storekeepers) and twice as many half-English families, is 700.

Of these 118 attend the main school, rather more than 30 the pseudo-schools I have spoken of before; and there are a few who ought to be at school and don't come because there is no compulsion.

The whole number of “families” on the Island is, according to latest returns, 103. (A “family” may mean a married couple with no children.)

If one school were formed for the whole Island, it ought to begin with a roll of between 150 and 160, more than one-fifth of the population.

Mr. G. J. Goschen to The Chief Magistrate.

Sir,

Sydney, 25 March, 1891.

I am directed by His Excellency the Governor to inform you that it seems most desirable that religious teaching should be given to the children of school age without offending the consciences of the parents, and it is impossible for such teaching to be given according to the tenets of more than one denomination. His Excellency thinks, therefore, that half an hour at the end or at the beginning of the morning school time should be set aside daily for instruction according to the Church of England Catechism.

Provision, however, must be made for the withdrawal of all those children whose parents may object to the teaching of the Church of England Catechism during the said half-hour; and it must be understood that such children shall not, by reason of their withdrawal, forfeit any of the privileges of the school.

I have, &c.,

G. J. GOSCHEN.

The Private Secretary to The Chief Magistrate.

Sir,

28 September, 1897.

In reply to your letter of 12th September, I am directed to inform you that His Excellency would suggest that you should summon a meeting so as to discover the wishes of the people upon the subject of the school superintendency, as to whether Mr. Thorman should be merely a visitor or otherwise, and law 34 might be amended to meet the requirements of the case.

I have, &c.,

E. W. WALLINGTON,

Private Secretary.

The Private Secretary to The Chief Magistrate.

Sir,

Sydney, 22 June, 1888.

I am directed by His Excellency * * * * *
With regard to the appointment of a School Board, His Excellency directs me to say that the names of Bishop Selwyn, Dr. Metcalfe, and Mr. Bice, as suggested by the meeting, meets with his entire approval and satisfaction, but it should be clearly understood that this Board is to be merely an examining board, elected for the purpose of examining in His Excellency's name the Island School, and not for the purpose of managing the school, as some persons might be led to suppose from the term "School Board."

I have, &c.,

E. W. WALLINGTON,

Private Secretary.

The Private Secretary to The Chief Magistrate.

Sir,

Sydney, 7 December, 1886.

I am directed by His Excellency the Governor to acknowledge the receipt of the School Committee's report for the year ending the 30th September.

With regard to the note from the teachers stating their intended resignation at the end of the year, unless a larger salary can be paid them, I am to refer you to my letter of the 25th October, in which His Excellency issued a law giving you the power to distrain on the goods and property of those who had not paid the school fees.

His Excellency will be glad to hear that this law has been carried into effect, and that the teachers have thereby been induced to retain their positions as heretofore.

I have, &c.,

E. W. WALLINGTON,

Private Secretary.

to The Chief Magistrate.

Sir,

Sydney, 26 February, 1887.

I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 18th January * * * * *
and to inform you that the law with regard to debts as mentioned in my previous letter of the 25th October, has reference only to school and public debts.

I have, &c.,

The Private Secretary to The Chief Magistrate.

Sir,

Sydney, 25 October, 1886.

I am directed by His Excellency the Governor to inform you that owing to the fact that the salaries that are due to the schoolmasters have not been paid he has reason to believe that they will be compelled to resign their offices at the end of this year.

The Magistrate is supposed to collect the school fees and to pay the salaries, but as there are no legal means by which he can enforce the payment of debt, he has the same difficulty in making the people pay the school fees as he has in exacting a fine.

To remedy this defect His Excellency has issued the following law, which he desires you will carry into effect at once.

In the event of debts not being paid, the Magistrate shall have power to distrain on the goods and property of the debtor, subject to the approval of the Governor or such person he may appoint.

As Mr. Wilkinson is at present appointed by His Excellency to act as a Special Commissioner to inquire into all matters relating to the Island, it would be well if you were to report to him in all cases of breach of the laws so long as he resides among you, and if necessary to avail yourselves of his advice, until such time as His Excellency may be enabled to visit the Island.

At the same time His Excellency does not desire that Mr. Wilkinson should in any way interfere with the magisterial power.

I have, &c.,

E. W. WALLINGTON,

Private Secretary.

Mr.

Mr. H. A. Unwin to

16 December, 1884.

Sir,

I am directed by His Excellency to acknowledge the receipt of your letters of 27th September, 2nd October, and 4th November.

In reply His Excellency sanctions the admittal of Mr. William Coates as a member of the community of Norfolk Island.

The new regulations will be duly forwarded, revised, and printed, if possible, by this opportunity.

* * * * *

His Excellency sanctions article 33 referring to school payments, but throws the entire responsibility on the Chief Magistrate as to the teacher's salary.

* * * * *

On the report of the Arbitration Committee with regard to Mr. Buffett's deficiencies of payment, he must pay up the balance due both on the liquor account and school account within three months from the decision given, failing which His Excellency will order a levy to be made on his goods and chattels.

I am further desired to point out to you that you were not empowered to pay Mr. C. Nobbs, £1 1s., for his acting on the Commission to revise Mr. Buffett's accounts, when you should have selected the Auditor of Accounts, Dr. Metcalfe, for that duty, who would have acted gratuitously by virtue of his office.

* * * * *

I have, &c.,

H. A. UNWIN.

to The Chief Magistrate, Norfolk Island.

Sir,

10 December, 1884.

I am directed by His Excellency the Governor to forward to you two letters from Mr. Buffett with reference to *deficiencies* in the liquor account and Public School account, but it is utterly impossible to make head or tail of the statements contained therein, I am therefore instructed to request that you will submit

Sir,

Sydney 5 May, 1884.

I am directed by His Excellency the Governor to acknowledge the receipt of your letter of 15th December, 1883, and to express surprise that Mr. J. Buffitt has not made good the deficiency in his account of last year in conformity with the report of the Commissioners, and of the jury, whose decision in such matters is final.

There are no grounds for absolving Mr. Buffett from restoring the deficiency in the liquor account, and he must be held responsible for it, as also for the deficiency of £12 15s. in the school account.

The half of the sum total must be paid to the Chief Magistrate by Mr. J. Buffett within three months of his receiving present notification, and the balance within six months, dating from the same period.

With reference to the question of enforcing payment of fines, I will send you instructions when I have received the opinion of my legal advisers in this Colony.

I have, &c.,

to The Chief Magistrate.

Sir,

Sydney, 29 June, 1884.

I have received your report, dated 2nd May, 1884, enclosing to me copy of a law to be substituted for laws 32 and 33 of the existing code referring to attendance of school children.

I do not entirely approve of the terms in which that law is drawn up, as they are too vague and undetermined, nor do I see any necessity for rescinding clause No. 33 of the Code of Laws.

To meet the wishes of the Elders in regard to extending the age of children attending school, I approve of that portion of the proposed law relating thereto, I enclose you herewith copy of the new clause (to which I am prepared to assent), to be substituted for clause No. 32; clause No. 33 is to remain unchanged in the Code of Laws.

* * * * *

I am, &c.,

32. It shall be compulsory for all persons to send their children to school when they have attained the age of 7 (seven) years, and to cause them to attend regularly until they have reached the age of 14 years. No excuse for non-attendance will be admitted except that of sickness or family bereavement; and if for sickness for more than two days, or for any lengthened term, the doctor must certify to the fact.

33. This clause will remain in force as now existing.

A new clause to be added No. 50.

The Private Secretary to The Chief Magistrate, Norfolk Island.

Sir,

Sydney, 10 May, 1894.

1. (a) With regard to your letter of the 5th April, His Excellency the Governor directs me to inform you that "the Laws and Regulations for the Government of Norfolk Island," established by Sir William Denison, and which received the Royal Assent in October, 1857, are still in force.

(b) They provide that children between the ages of 6 and 14 shall attend school, but there is nothing in the law which compels attendance at any particular school.

(c) As His Excellency understands on the vast majority of the people belonging to the Church of England, and he thinks it would be conducive to the general harmony, as well as to the cause of education, if the schoolmaster of the public school were a member of the Established Church. His Excellency does not say that his not being so is an absolute disqualification, but looking to all the circumstances of the case he thinks in future it would be desirable, when a new appointment is made, to secure the services of a gentleman whose religious views are in sympathy with those of the majority of the people.

(d)

(d) The question of religious teaching should be governed by a conscience clause, providing that such instruction should be given at a regular stated period either before or after secular instruction, and that no child should be compelled to attend such religious instruction.

Free access should, however, be given at these stated times to clergymen of all recognised denominations to impart such religious instruction as the parents or guardians of the children may desire.

(4.) As the question about school attendance is of general interest, His Excellency desires you will make known to the public, and especially to the chaplain, under whose general superintendence the schoolmaster is placed, as well as to the examiner of the public school, Dr. Metcalfe, who has written to His Excellency about the whole affair.

I have, &c.,

ARTHUR GALTON,

Private Secretary.

The Private Secretary to Dr. Metcalfe, Norfolk Island.

Sir,

24 September, 1895.

I am directed by His Excellency the Governor of Norfolk Island for the time-being, to acknowledge the receipt of, and to thank you for your letter of the 3rd September, which came to his hands on Saturday evening the 21st instant.

His Excellency regrets very much that you should have had so much difficulty with regard to your fees.

He has given the subject of your fees, as also the subject of school fees, much consideration, and has now made a law that no one should be allowed to vote for Chief Magistrate or Councillors, or at any public meeting, so long as he is in arrears in payment of those fees,—following the law of this Colony that no person within a Municipality is permitted to vote unless the rates are fully paid up.

His Excellency directs me to enclose you a copy of the law now made.

I have, &c.,

C. BAYLY MACARTHUR,

Private Secretary.

The Private Secretary to Registrar of Births, Norfolk Island.

Sir,

15 March, 1894.

His Excellency the Governor directs me to acknowledge your letter of the 6th February, containing the Public Accounts, the accounts of the schoolmaster and the surgeon, and the statistics of the population.

2. With regard to the Public Accounts, His Excellency is pleased to see that you close the year with a balance in hand, though a very small one.

3. The fees owing to the schoolmaster and surgeon are so large that His Excellency orders me to report his dissatisfaction with those items of your report.

4. The account of the population would be more valuable if you would always add a column to every statement, showing the numbers of the population at the close of the previous year, so that the annual progress of the island may be understood at once.

5. His Excellency is pleased with the neatness and order of your reports.

6. The Census returns which you sent to the Registrar-General of New South Wales has been seen and approved of by His Excellency. These returns should always be sent to Government House, and addressed to the Private Secretary, who will forward them to the proper department.

You have no right to communicate directly to or with any official of the New South Wales Government.

I have, &c.,

Private Secretary.

Mr. C. J. B. Macarthur to The Chief Magistrate, Norfolk Island.

Sir,

24th September, 1895.

I am directed by His Excellency the Governor for the time-being of Norfolk Island to acknowledge the receipt of your despatch of the 31st August, and which reached his hands on Saturday evening, the 21st instant.

His Excellency regrets very much that, from the shortness of time, he is unable to send forward the school requisites, a list of which was enclosed in your letter, but hopes to do so by the first opportunity following this letter.

His Excellency was very pleased to hear that you had arrived safely at the Island from Sydney, and that you had enjoyed your visit to that place.

His Excellency has had constant complaints as to the non-payment of school fees and medical fees, and noticed how much these were in arrear in the accounts you laid before him. He is of opinion that persons who do not pay these fees ought not to have the privilege of voting at the elections for Chief Magistrate or Councillors,—just as in this colony persons who live within the Municipalities are debarred from the right of voting for aldermen, unless they have paid up all rates due.

With the view then of enforcing due payment of these fees, His Excellency has framed a law that no person shall be entitled to vote at the election of a Chief Magistrate or Councillor, or at any public meeting, unless all fees of a public school and medical fees, as also fines, have been duly paid prior to such election.

This law has been duly made and recorded at Government House; a copy of it is now sent to you in order that the same may be duly promulgated within the Island.

His Excellency sincerely hopes that it may not be necessary to put this law in force, and that it will serve its purpose if it only acts as a reminder to the people of what their duty is.

His Excellency is of opinion that the inhabitants ought not to allow these fees to fall into arrears, but should take interest in seeing that the master who teaches their children and the doctor who attends to their health are duly recognised for their services; and that they should consider that any member of the community who failed in this respect was not doing his duty as a citizen, and shall while in default be deprived of those rights which it is the pride of all citizens who take an interest in the welfare of their country to possess.

I have, &c.,

C. J. BAYLY MACARTHUR.

Interview

7 June, 1897.

Interview between Mr. Bent, of the Public Instruction Department, and The Under Secretary for Lands.

Under Secretary: I have read your excellent report, and there are one or two matters I would like to ask you about.

Mr. Bent: I have made it as full as I could.

Under Secretary: In regard to the proposal for quarters for a married teacher, you say a comfortable stone cottage can be obtained for a moderate sum as compensation to the present occupier;— can you tell me who is the present occupier?

Mr. Bent: No. The Colonel told me he had three under offer, but he did not want it talked about.

Under Secretary: Some of these people think they are the owners of the Government buildings, but they are not. I want to know who the occupier is, what compensation is proposed, and who is to pay it?

Mr. Bent: The Government will have to pay.

Under Secretary: Do you know what is the moderate sum asked?

Mr. Bent: About £40.

Under Secretary: You say it will take £40 or £50 to put the building in repair as well?

Mr. Bent: Yes. They are all in a bad state of repair.

Under Secretary: I see you were informed that there was a school reserve of 40 or 50 acres in the centre of the Island. There is no such reserve.

Mr. Bent: Everyone, even the doctor and the missionaries, said there was one for church and school purposes.

Under Secretary: In regard to funds. Your suggestions involve an expenditure of £260 or £212 per annum without repairs to the cottage. At present it only costs £86 for the Teaching Staff.

Mr. Bent: These teachers have only taken it as temporary work. Miss Rossiter could not, she told me, continue at her present salary. The scale is much lower than that adopted in this Colony.

Under Secretary: Could not these amounts be reduced?

Mr. Bent: You might reduce Miss Rossiter by £12, but I would not advise the reduction of the £24.

Under Secretary: Do you not think that much of the interest displayed to you is simulated?

Mr. Bent: I don't think so.

Under Secretary: Well, why is it the people don't pay their school fees?

Mr. Bent: They have no money, and according to the law of the Island they are compelled to pay in cash. The law was made about March last.

Under Secretary: There is no such law. When Sir F. Darley was Acting-Governor he thought he would get over the difficulty of getting in school fees by passing a law debaring those who were in arrear from voting at elections, but he said nothing about the payment being in cash.

Mr. Bent: Well, they say the law is they must pay in cash. It was made since March last.

Under Secretary: That cannot be. We have had the administration since then, and no such law is in existence under the Governor's authority. The school fees were always in arrears in 1896, and the amount was £60 odd.

Mr. Bent: I believe it is now about £80.

98/250, N.I.

The Under Secretary for Public Instruction to S. Bent, Esq.

Mr. Inspector Bent reporting upon the Educational Requirements of Norfolk Island.

Sir,

Department of Public Instruction, Sydney, 9th April, 1897.

The Minister has authorised you to visit Norfolk Island in order to report upon the best means of providing for the education of the children residing there. He would be glad if, amongst other matters, you would make yourself acquainted with and report upon:—

- (a) The general wish of parents in regard to education.
- (b) The kind and number of teachers that should be employed; whether any living in the Island should be engaged; and, if so, at what salaries.
- (c) The accommodation provided for (1) scholars, and (2) married teacher.
- (d) The existing state of education as tested by examination.
- (e) The number of available pupils.
- (f) The hindrances, if any, to united action on the part of the parents in regard to school matters.

In addition to these points, the Minister wishes you to give frank and full information on everything pertaining to this subject that you consider of importance, and to make such recommendations as, if adopted, will place the Island in a satisfactory state in regard to education.

I have, &c.,

J. C. MAYNARD,

Under Secretary.

Submitted that this report (which should be treated as semi-confidential) be referred to the Under Secretary for Lands. It will be seen that Mr. Bent suggests the appointment of a married teacher from New South Wales and two local assistants. The salary given in this Colony to a teacher of the sixth class is £195 and a house rent free. As the people of Norfolk Island have been accustomed to pay their teachers by fees, it would be well to let this practice continue, and to make the head teacher's salary £140 and fees, which appear to be worth £30 or £40. It would, I think, be a mistake to interfere with the existing school regulations of the Island in regard to fees, fines, attendance, or religious instruction. These are matters that the people have adjusted to their own wants and circumstances, and certainly, as regards regularity of attendance both at school and Church, they have secured results which none of these colonies can approach. Interference in these details could only be mischievous.—J.C.M., 1/6/97.

Forwarded to the Hon. J. H. Carruthers.—J.G., 1/6/97. The Under Secretary for Lands.—J.C.M., B.C., 1/6/97. Ask the U.S. for P.I. if it would be convenient for Mr. Bent to see me on Monday.—W.H., 4/6/97. U.S. for Public Instruction asked, 5/6/97. 97/287, N.I.

[Enclosure.]

[Enclosure.]

97/250, N.I.

REPORT UPON THE STATE OF EDUCATION IN NORFOLK ISLAND.

The Honorable the Minister for Public Instruction, Sydney,—

Balmain, 17 May, 1897.

Sir,

I have the honor to herewith submit my report upon the best means of providing for the education of the children residing at Norfolk Island.

In your letter of instruction, dated the 9th April ultimo, I am requested to make myself acquainted with and report upon:—

(a) The general wish of Parents in regard to Education.

The inhabitants of the Island, without exception, so far as I have come into contact with them, exhibit considerable interest in the education of their children, and cause them to attend school most regularly and punctually. Every person with whom I spoke on the matter expressed a desire that the school would be made as efficient as the schools in New South Wales. Several of the leading residents expressed regret that their children who had ceased to reside on the Island had not been able to obtain an education superior to that obtainable at the local school, in order that they might have had the same educational advantages as other youths educated in Australia possessed.

The school age prescribed by the Island laws is between (7) seven years and (14) fourteen years. There are no children on the Island between these ages who are not attending school, but there are a few between the ages of 6 years and 7 years who do not attend. One of the Island laws imposes a fine of 6d. per diem on parents who keep their children from school, "unless good cause be shown to the schoolmaster for the absence of the child."

Unanimous satisfaction was expressed at the action of the Minister in sending an officer to inquire into the educational affairs of the Island, and the fervent desire was expressed that my visit would result in an improved state of matters in connection with the management of their school.

2568. The School.

13. The father, or in case of his death or absence from the Island, the mother or other person having the custody or care of a child (not being a child under the care of the Melanesian Mission) between the ages of 7 and 14 years shall pay to the Chief Magistrate, or any person authorised by him, in respect of each such child as aforesaid, the sum of 3d. weekly for schooling, and shall be responsible for the regular attendance of the child at school, except good cause be shown to the schoolmaster for the absence of the child, and shall be liable to a fine of 6d. for every day that the child is absent from school, unless for good cause."

(b) The kind and number of Teachers that should be employed; whether any living in the Island should be engaged, and if so, at what salaries.

It is the unanimous wish of the residents of the Island that a trained teacher should be sent from Sydney. I am confident that this course would not only give the most satisfaction to the parents, but that it would also be the only way to put the school upon an equality with the schools of New South Wales as regards efficiency and usefulness. The Bishop of Melanesia, Archdeacon Palmer, and Colonel Spalding urge this course. They also stated their opinion of the absolute desirableness, from various specified reasons, of sending a married teacher.

If a trained teacher can be sent from Sydney I am of the opinion that the rest of the staff could be completed by engaging persons living on the Island.

The present average attendance is 68. This attendance would entitle the school to rank as a sixth class.

If the school is made more efficient the attendance would probably be about 90, as it is my impression that one of the two rival schools would be closed. The number of the children on the Island who are below 14 years of age was, on the 31st March last, 111 males and 122 females; total, 233.

In the event of a head-master being sent from Sydney, I would recommend that the teaching staff consist of—

- (1.) Head-master, at salary paid for sixth-class school.
- (2.) A female assistant, at £48 per annum.
- (3.) A female pupil-teacher, at £24 per annum.

I would strongly recommend the appointment of Miss Mary Rossiter to the position of assistant. She is the daughter of the late Mr. Rossiter, who for many years filled the office of schoolmaster and storekeeper on the Island. She is, in my opinion, the most suitable person for the position that can be obtained there as regards educational fitness. She is 24 years of age, of very respectable appearance, very refined in manner, and can teach music and needlework well. She was educated for two years at the Girls' High School in Auckland, New Zealand. She at present fills the position of mistress. She has had no training. One sister is married to Dr. Welshman, one of the clergy attached to the Melanesian Mission, and another to Captain Bolgard, the captain of the "Southern Cross."

Miss Mildred Nobbs, a daughter of Mr. Francis Nobbs, late Chief Magistrate of the Island, might be temporarily employed as pupil-teacher, pending the training of one of the pupils in the school. She is at present employed as a teacher in the new school.

(c) The Accommodation provided for (1) Scholars and (2) a Married Teacher.

The school is at present carried on in two rooms on the second floor of a large three-story building, formerly occupied by the military when the Island was a penal settlement. Each room is 42 feet long and 30 feet wide and about 10 feet high. These dimensions give about 25,200 cubic feet of space in the two rooms. In the centre of each room there is a large table in good condition, about 21 feet long and about 4 feet wide. In one room there are eight double desks, capable of seating about ninety-six children. Each room is well lighted with windows back and front, is well ventilated, and the site of the building is healthy.

Parents are responsible for attendance of children at school, and shall pay school fees.

healthy. The basement floor of the building is used as a court-house. The buildings used for a lock-up and gaol are in the school-yard. This constitutes a grave objection to the present site, inasmuch as on Court days numbers of men are hanging about the door through which the children enter the school, while, in passing through, the proceedings of the Court can be seen by the children.

I am informed that there is a reserve of about 50 acres, centrally situated on the Island. Many of the inhabitants with whom I have spoken think it would be better to have a new school-house erected there. I understand that the people would provide the labour free if the Department would supply windows, doors, locks, nails, &c. The timber, lime, and stone would be provided by the people themselves.

(2.) *A Married Teacher.*

A comfortable stone cottage, containing four large rooms with kitchen and outhouses, and having a wide verandah on three sides, with a good-sized piece of ground attached, can be obtained for a moderate sum as compensation to the present occupier. It would require between £40 and £50 to put it into a state of thorough repair. It is situated about a quarter of a mile from the school.

(d) The existing state of Education as tested by Examination.

The condition of the school, as tested by examination, is annexed hereto.

(e) The Number of Pupils available.

The number of pupils at present enrolled in the Public School is 37 boys, 35 girls; total, 72. Of these, 68 were present at examination. There are two private schools on the Island—one at Longridge, with an enrolment of 18 boys, 13 girls, total, 31; the other is at the Settlement, and has an enrolment of 6 boys, 19 girls, total, 25. The school at Longridge is taught by a lady with small qualifications for the position; that on the Settlement is taught by a man with no qualifications. If all these children were in attendance at one school, there would be a total enrolment of 126 children, with a possible average attendance of about 116. The lowest percentage of attendance to enrolment here is about 93 per cent. There are about 107 children below the age of 7 years.

(f) The hindrances, if any, to united action on the part of Parents in regard to School matters.

Between five and six years ago the then head-master of the Public School, Mr. Alfred Nobbs, joined the sect known as Seventh Day Adventists. After this he refused to teach the Church of England Catechism to the pupils, and a fear arose on the part of the parents that he might endeavour to instil what they regarded as erroneous doctrines into the children's minds. Some strong sectarian feeling was engendered in consequence, and a number of parents removed their children from the Public School. They appointed a teacher from among themselves, and opened a school in a small cottage at Longridge, about $1\frac{1}{2}$ miles from the Settlement. This building has since been replaced by a weatherboard school-house, 50 feet long by 26 feet wide. The school is conducted on purely Church of England principles, and may be regarded as an essentially Denominational School. The majority of the children who attend are young.

The other school is conducted on the Settlement in a building known as the Free Methodist Church. I am informed that this school came into existence solely from the fact that an order was given by the Chief Magistrate of the Island that the parents of the pupils should, in future, pay fees in cash. In consequence of the scarcity of currency among the people, this action caused some dissatisfaction, as well as irritation, among a section of them. They accordingly requested the leading member of the Free Methodist Church, Mr. Cornish Quintal, to open a school in the church building. They arranged to pay him his fees partly in cash and partly by giving him their labour. He charges 5s. per quarter for each child.

I have no hesitation in believing that this school would close at once if the difficulty about the payment of fees was satisfactorily arranged. This opinion is generally concurred in by the residents. It came into operation on 7th March last.

There is no doubt that the school at Longridge would also be closed if a popular teacher from Sydney were in charge of the Public School, though the patron of the school expressed some doubt on this point. He said that the parents of the children attending this school believed thoroughly in teaching religion in the day school, and, as they had now built the present school building, he did not think it at all likely that the school would ever be closed. This opinion is not generally concurred in, though most persons think it would take some considerable time, and would only be closed in consequence of superior attractions and inducements offered by the Public School.

"In addition to these points, the Minister wishes you to give frank and full information upon everything pertaining to this subject that you may consider of importance."

Money on the Island is exceedingly scarce. The people there have very few opportunities of earning any money excepting during the whaling season. There are four whaling companies. I am assured that, after paying all expenses incurred for gear, &c., the dividends payable to each member of the companies do not average more than about £6, excepting in favourable seasons, when a possible dividend of £15 per man may be received. On the arrival of a ship the people are paid at the rate of 8s. per ton for conveying the loading to and from the pier to the ship, which is usually anchored about half-a-mile away. They are also paid 4s. per day per man for loading and unloading the mission vessel "Southern Cross." This occurs about six times per year. A vessel bound for Sydney or Auckland may take away some produce for which the consignees may, or may not, receive some return. These shipments have frequently resulted in a loss. Opportunities for shipping produce are very rare. An interval of several months sometimes occurs between the arrival and departure of a vessel. Most transactions among the people themselves are done by way of an exchange of commodities or "trade" as they express it. It will be thus seen that many parents scarcely ever see money, and consequently find it difficult to pay fees in cash. In view of the above facts, I would recommend that those parents who can satisfactorily show that they are unable to pay fees in cash should be granted exemption. Certificate forms could be forwarded to the Chief Magistrate, Colonel Spalding, who could sign them after satisfying himself that the parents are unable to pay cash. His personal knowledge of the people's circumstances would enable him to prevent any abuses in this connection. There are arrears of fees on the books amounting to £80. There

There is not the slightest doubt that a number of the inhabitants do not exhibit as much industry in working their farms as they might do, but I am informed there are genuine cases in which the parents are absolutely unable to pay fees in cash. I have previously stated that this was the primary cause of the opening of the school in the Free Methodists' Church. The arrears of fees for 1897 amount to about 30s. There are no free children enrolled.

It is the custom, and has been from time immemorial, to open and close the school with prayer and the singing of a hymn. I would recommend that this practice be not interfered with, as the people would, I am sure, resent it as a grave interference with their old established customs. As sixty-five out of the seventy-two children enrolled belong to the Church of England no objection would be likely to be raised. Colonel Spalding concurs in this view.

As an alternative to sending a married teacher to take permanent charge, I would respectfully suggest that a trained teacher from Sydney be sent to the Island to take temporary charge for, say, six or nine months. He could in that time thoroughly organise the school, and train the other teachers in the modern methods of imparting instruction; the keeping and compiling of records, and in the best means of securing and maintaining order and discipline.

As a further alternative, I would suggest that the present master be brought to Sydney to obtain a three or six months' training and experience at one of the Metropolitan schools. In this case his expenses would have to be paid by the Government. The return fare to Norfolk Island is £10. He would require about £7 per month to maintain him while in New South Wales. The present staff would have to temporarily carry on the school.

Neither of these alternatives would be so acceptable to the inhabitants as the sending of a trained teacher from Sydney would be.

The selection of a teacher would have to be made with considerable care. He would require to be a member of the Church of England, and one who would pay some outward respect to the ordinances of religion. The residents would have no confidence in, nor respect for, a teacher who would go fishing or shooting on a Sunday. He would also require to possess tact, and be a man who, while upholding the dignity and maintaining the respect due to his position, could be affable and courteous in his intercourse with the people. Such a man would be treated with the utmost deference and respect.

I have, &c.,
S. BENT.

ANNEXURE A.

CONDITION of the Public School at Norfolk Island, as elicited by examinations on the 15th, 22nd, and 23rd April, and 3rd May, 1897.

The school was in operation during 1896 for only four and a half months. It was closed from the beginning of April until September, and again from about the second week in November till January of the present year.

On the first occasion it was closed on account of an epidemic on the Island of typhoid fever, and on the second in consequence of the prevalence of whooping cough.

The present staff, and salary paid to each respectively:—

Mr. Gustave Quintal, head-master, 38 years of age, salary £60 per annum; Miss Mary Rossiter, assistant, 24 years of age, salary £12 per annum; Miss Mildred Nobbs, assistant, 21 years of age, salary £8 per annum; Mr. Charles Buffet, assistant, 40 years of age, salary £6 per annum.

The subordinate teachers stated that they could not continue to teach for these salaries. They had merely accepted them at the request of Colonel Spalding, pending future arrangements. No one of these teachers is trained. The head-master is of respectable appearance, speaks correctly, but with the accent peculiar to the Islanders, and is much respected by the residents. The Melanesian Bishop and Clergy, together with Colonel Spalding, speak highly of his personal character. He has a very fair knowledge of music, and is employed as church organist and choir-master at the Church at the Settlement. He is a descendant of one of the "Bounty people." He appears to have had a very fair plain education. He says he has some knowledge of algebra. His manner is refined, and his intelligence above that of the majority of the other Islanders. He is married, but is not assisted by his wife. He has been employed on the Island as a teacher during the past nine years. He has received no training.

Organization.

The school-work commences at 9:30 a.m., and continues till 12:30 p.m., with the usual recess of ten minutes. Work is resumed at 1:30 p.m., and is continued till 3 p.m., when it is dismissed. A large number of the pupils have to travel between 3 and 4 miles to reach school.

One of the clergy attached to the Melanesian Mission attends every Friday morning from 11:15 to 12:30 to give special religious instruction.

There are no programmes of lessons, nor is any attempt made to teach in accordance with any standard of proficiency. About the most crude specimen of a time-table I have seen was discovered after some search, but it was quite obsolete so far as any present use to which it was put. It had been drawn up by a former head-master. "Recitations" seemed to occupy about a third of the time.

From what I could gather, the present head-master told his subordinates each morning what lessons they were to teach on each day. One of the assistants informed me that the following was about a typical day's work. From 9:30 a.m. to 10 Bible talk; 10 to 11 a.m. arithmetic; 2:30 p.m. to 3 writing, singing, sewing, or some other subject. The whole school were taught the same lessons at the same time, throughout the school. Sewing is regularly taught from 1:45 p.m. to 3 p.m. every Friday.

The only entries made in the roll book are the names of the children, the attendance for each school day marked thus... and the total number of days in attendance for the quarter. I was in consequence unable to ascertain the time in class or half-year of enrolment. I obtained the average ages by asking the pupils themselves for their ages.

Geography, drawing, object lessons, history, and the compound rules of arithmetic are not taught. The pupils do not write in copy books. All writing on paper is done in exercise books.

I made a number of suggestions to the teacher, and instructed him how to draw up a time-table and a programme of lessons. He is now working the new time-table, and has promised to teach the compound rules of arithmetic.

Classification.

There seems to be no regular system of classification. It seems to be chiefly determined by age and the progress of the child in any particular class. *Method.*

Method.

Oral teaching is rarely ever practised, and modern methods are unknown. The teaching throughout the school is mechanical, listless, and wanting in thoroughness. Text-books and the memoriter system are most favoured. The absence of regular and systematic mental training is painfully apparent when under examination. The brightness and eagerness to answer seen in the pupils in our schools are wanting. The necessity for the mental culture of the children is not realised by the teachers. Questions on the subject-matter of the reading lessons are rarely given, nor are they taught much of the meaning of words, consequently the vocabulary of the pupils is limited, and they find it difficult to express themselves. One teacher explained that "it was hard to teach them, because they did not know much about the English language."

Discipline.

The school movements are loose and slovenly. When the school-bell rings, the pupils walk into the school in the most promiscuous manner, and go to their respective classes anyhow. As every child, without exception, is shoeless, there is not so much noise made as would otherwise be the case. While in school the order is fairly satisfactory. The fact of the head-master having been born and reared among them detracts somewhat from the respect and deference for their teacher which our own teachers exact from their pupils.

At my suggestion the children are now made to fall in and are inspected as to their cleanliness before being marched into school. I also caused an improvement to be made in the improvements when in school. On the whole, the discipline may be regarded as fairly satisfactory, and the demeanour of the children as respectful and subdued.

The pupils are fairly well, but in some cases scantily, clad. Their clothes are, almost without exception, clean.

Efficiency.

The highest class, consisting of boys and girls whose average is 13 years and 3 months, is reading only in the third book of lessons. There are only a few fifth classes in New South Wales, whose average age is much above this.

The subjects taught are limited to reading, writing, arithmetic, dictation, scripture, sewing, singing, grammar (in highest class only); geography has now been added.

The average proficiency of each class is as follows:—

First class (highest)	50 per cent.
Second class (next highest)	50 per cent.
Third class (next highest)	40 per cent.
Fourth class (next highest)	40 per cent.

Dictation has apparently been much neglected. Of sixty-two pupils examined, there were thirty failures. Arithmetic and notation are weak subjects. Reading and writing are the strongest subjects. The highest class in the school are doing about lower-third work, with the exception of a few of the older pupils.

S. BENT.

ANNEX B.

Report on the school at Norfolk Island, April 15th–26th, 1897.

First Class (highest).

Average age:—13 3/12 years. Number present, 8 boys, 12 girls; total, 20.

Reading.—A.S.S., Book III, page 58, 5, 6, tolerable to fair.	100	56
Oral spelling.—4, 2.	10	4
Dictation.—Book III, page 61, when-spade, 13/13 and 7 failures 5, 8, tolerable to fair, x.	100	68
Notation.—40, 008, 260, 4/20; 7368542 x 1896, 10/20. How many four pences are there in £780 0s. 8½d., 0/20. Find L.C.M. of 15, 4, 20, 15, 10/20. Find greatest C.M. of 7866 and 147 10/20. Add together 1/4 x 1/5 x 4/15 x 7/60, 1/27–6/14.	10	2
Result (omitting notation) 4, 8 moderate to tolerable, x.	100	48
Writing on paper.—6, 9 very fair.	100	69
Parsing.—Moderate to tolerable, analysis tolerable, accidence of noun, tolerable.	70	33
Scripture.—Moderate (four pupils did fairly).	60	24
Sewing.—Making underclothing, hemming, oversewing, gathering and button holes, very good.	60	64
Attention, good. Mental effort, about tolerable. Mental culture, small. General proficiency, tolerable, x 5, 7.	610	348

The compound rules are not taught in all the classes. They are taught to sing hymns only. There is no attempt made to teach part singing.

Second Class (next highest).

Number present:—Boys, 10; girls, 8; total, 18. Average age, 12 2/12 years.

Reading.—Book II, A.S.S., page 52, 4, 5.	100	45
Oral Spelling.—10/18, 5, 5. Meanings, 4.	20	9
Dictation.—17/7 and 11. Failures, 5, 6.	100	56
Notation.—10005040, 0/18; 400340 0/18.	10	0
Simple Addition.—6 addends by 5 17/18.		
7865401—768634 9/18.		
7865057 ÷ : 2 8/18.		
13687542 ÷ : 189 3/10.		
In £786 13s. 10½d. how many halfpence are there 4/4? Result, 6, omitting notation.	100	64
Writing on paper.—96/16 6.	100	60
Scripture (omitted through oversight).		
Sewing.—Oversewing, felling, hemming. Good.	60	48
Mental Arithmetical Tables.—14/17 add 12 x 18 x 6—10/17 (included above). V. fair. Attention,	490	282
fair. Mental effort, about tolerable. Mental culture, small. General proficiency, fair, 5, 7.		

Third Class (next highest).

		Number present:—Boys, 11; girls, 5; total, 16. Average age, 9 10/12 years.
100	47	Reading.—Book I, A.S.S., page 42, 4, 7.
10	5.7	Oral Spelling.—8, 14, 5, 7.
		Dictation.—Third Book, page 17. "The poor—close by him."
100	16	Five children had 17 mistakes; 11 failures. Result, 1, 6 failures.
		Simple Addition.—5 addends by 5 12/15.
100	50	1008345-569879, 5/15.
		306874 x 308, 2/8.—Tolerable.
60	36	Sewing, Oversewing, Running, Felling.—Fair.
100	57	Writing on slates.—5, 7.
70	14	Geography.—Small.
540	225.7	Mental effort, fair. Mental culture, small. Attention, fair. General proficiency, moderate x 4, 2.

Fourth Class (lowest).

		Number present:—4 boys, 9 girls; total, 13. Average age, 7½ years.
100	40	Reading.—Primer, part 1, page 14. Lessons 30 to 33 (4), moderate.
10	9.3	Oral Spelling.—12/13. Very good x.
100	55	Writing on slates.—5, 5. Tolerable to fair.
100	80.1	Dictation.—Primer, part 1, page 12. Lesson 26: 12 selected words, 1 failure, 8. 1.
10	0	Notation.—Failure.
		Mental Arithmetic.—Tables, two and three times, 10/18, 5. 5. Tolerable to fair. Adding, moderate (2 x 3 x 5, take away 4).
100	10	Arithmetic.—786) 42) 5) 429) 98) 6) 876)-1/9 67)-0/4 8)-0/4 543) 85) 7) 836) 49) 3)
60	36	Sewing, Oversewing, Hemming.—Fair.
480	230.4	Mental effort, moderate. Mental culture, bad. Attention, fair. General proficiency, tolerable, 4. 7.

Beginners.

Average age, 7½ years. Number present:—4 boys, 2 girls; total, 6.
 Reading.—Primer, part 1, page 2. Lesson 1, 3, 2.
 Writing on slates.—Able to make letters of the alphabet only very indifferently.
 Arithmetic.—Small; can scarcely make figures from dictation. These children had been in the class only since the commencement of the present year.

ANNEX C.

Stock, Apparatus, &c.

The supply of reading-books is not sufficient. There are twelve maps, some of which have never been used, and the number of blackboards is sufficient for present requirements. The last stock received consisted of (say) six dozen slates, nine bottles of ink, twelve dozen exercise books, pen-nibs, and pen-holders.

The cost of the stock hitherto supplied has been defrayed from the Island Fund.

A supply of the undermentioned articles is urgently needed, viz.:—Slates, chalk, ink, pens, pencils, pencil-holders and pen-holders, Scripture Lessons, Primers, A.S.S. Books I and II; and some reading-cards, some boards for time-table, programmes, &c., are needed.

ANNEX D.

PRIVATE SCHOOL AT LONGBRIDGE.

I visited this school on two occasions. On my first visit I examined the pupils, at the request of the patron of the school, in scripture, grammar, and geography, which were supposed to be fairly strong subjects. I estimated the scripture as moderate, the grammar as moderate to tolerable, and the geography below moderate. The memoriter system and the use of text-books are much favoured. The writing on paper of the highest class is about tolerable. Work in this school commences at 9 a.m. and is continued till 11 a.m. It is resumed at 12 and closes at 2 p.m. There is a half-holiday every Wednesday afternoon.

There are four children enrolled who are over 14 years, and two below 7 years. The average age is about 10 years. The teaching of the Church of England catechism and general religious instruction are prominent subjects in the school.

There seems to be no system of supervision, nor any tests employed as to the progress of the pupils. The teacher is paid no salary, but retains the fees paid by the pupils. The fee is 3d. per week.

There are no desks in the school, and only one make-shift for a blackboard. Maps are not used in teaching geography. The pupils are taught from text-books. I saw no time-table, nor does the teaching seem to be regulated by any standard of proficiency. During my visits the children were orderly and attentive, but listless under examination. There are only two classes in the school.

The teacher seems to be an intelligent person, but her attainments are not very high. She seemed to be anxious to obtain my opinion as to the best text-books to be used in the school.

ANNEX E.

Name.	M.	F.	Above 21.		Above 14.		Under 14.		Total.
			M.	F.	M.	F.	M.	F.	
Chapman John	1	1	...	...	1	2	3	2	10
Christian Allen	1	1	...	...	1	14	3	3	10
Ansten	1	1	...	...	...	...	...	...	2
Benjamin	1	1	...	...	...	...	...	...	2
Driver	1	1	3	2	1	2	...	...	10
Ernest	1	1	...	...	...	...	...	1	3
Ephriam	1	1	1	...	1	1	...	1	6
Eustace	1	1	...	...	...	...	...	1	3
Edwin	1	1	...	...	...	...	...	1	3
Fisher	1	1	...	...	...	...	3	...	5
Godfrey	1	1	...	...	...	...	1	4	7
Howard	1	1	...	...	...	...	...	...	2
Christian Holder	1	1	...	...	...	...	1	...	3
Hunt	1	1	...	...	...	1	3	2	8
Julius	1	1	...	...	...	...	1	...	3
Leonard (w)	1	...	...	...	1	...	3	3	8
Leonard (o)	1	...	...	...	...	...	...	...	1
Reuben	1	1	...	...	...	...	3	1	6
Stephen	1	1	1	2	...	1	...	...	6
Jemima (w)	...	1	...	...	...	...	...	...	1
Isabel (w)	...	1	...	1	...	1	...	...	3
Miriam (w)	...	1	...	1	...	...	...	...	2
Parkins	1	1	1	...	...	1	2	1	7
Chrichton H.	1	1	...	...	...	...	2	2	6
Totals	54	47	17	16	19	25	47	51	276
Duffy W. F.	1	1	...	...	...	2	1	3	8
Evans Charles	1	1	...	...	...	...	...	...	2
Frank	1	1	...	...	...	...	1	2	5
Fuller	1	1	...	...	...	...	1	1	4
George (w)	1	...	1	2	...	...	3	3	7
Rowland	1	1	...	...	...	...	3	2	7
Hodson	1	1	1	...	...	1	3	...	7
Edwards J. H. (w)	1	...	...	1	...	...	...	...	2
R. T.	1	1	...	...	...	...	...	...	2
Everet H.	1	1	...	...	...	...	1	...	3
Fish Mary (w)	...	1	...	...	...	...	1	2	4
Hebblethwaite Alice (w)	...	1	...	...	1	...	...	...	2
Jackson John	1	1	...	...	1	1	3	3	10
Kendall Wm. (o)	1	...	...	...	...	...	...	...	1
Laing E. B.	1	1	...	...	1	1	2	1	7
McCoy Michie	1	1	...	...	...	...	...	1	3
Mary Ann	...	1	...	...	...	...	...	...	1
Phillip, senior	1	1	...	1	2	...	1	2	8
Phillip, junior	1	1	...	...	...	...	...	...	2
Christian	1	1	...	...	...	...	1	...	3
Stanley	1	1	...	...	...	...	1	1	4
Mallett T. H.	1	1	...	...	...	...	...	2	4
Menges H.	1	1	...	...	1	1	4	5	13
Metcalfe P. H.	1	1	...	...	...	...	3	1	6
Nobbs Alfred (w)	1	...	...	...	2	2	...	...	5
Alexander (w)	1	...	...	...	...	...	...	1	2
C. C. E.	1	1	...	...	...	...	1	4	7
Christian	1	1	...	...	...	...	...	1	3
Edgar (w)	1	...	...	...	...	...	...	...	1
F. C.	1	1	...	1	1	...	...	...	4
F. M.	1	1	1	1	...	2	...	...	6
George	1	1	...	...	...	...	2	3	7
Johnstone (w)	1	...	2	1	1	1	...	...	6
Maurice	1	1	...	...	...	...	...	2	4
Sarah (w)	...	1	...	...	...	...	...	...	1
Sidney	1	1	...	...	...	...	...	1	3
Quintal A. B.	1	1	2	2	...	...	...	...	6
Naomi (w)	...	1	...	...	...	...	...	...	1
Arthur, senior (w)	1	...	2	1	...	...	...	...	4
Arthur, junior	1	1	...	...	...	...	3	1	6
Atkins	1	1	...	...	...	...	1	1	4
Cornish (w)	1	...	1	1	...	2	...	...	5
Douglas	1	1	...	...	...	...	...	...	2
Edward	1	1	1	...	1	1	2	1	8
Fairfax	1	1	...	...	...	...	...	1	3
Fletcher	1	1	...	...	...	...	1	...	3
Geo. W.	1	1	...	...	...	...	...	4	6
Greg	1	1	...	...	1	1	3	1	8
Gustav	1	1	...	...	1	...	...	3	6
Harry Cornish	1	1	...	...	...	...	...	...	2
H. Freemantle	1	1	...	...	2	2	1	1	8
Hen. Joe	1	1	...	...	...	...	1	...	3
Heywood	1	1	...	...	...	...	4	1	7
James	1	1	1	...	...	...	1	...	4
John Tono	1	1	2	...	...	...	...	...	4
Robert	1	1	...	...	...	...	...	2	4
Jane (w)	...	1	...	...	...	...	...	...	1
Johnny (w)	1	...	...	...	...	...	...	...	1
Totals	52	48	14	11	15	17	46	57	536

Name.	M.	F.	Above 21.		Above 14.		Under 14.		Total.
			M.	F.	M.	F.	M.	F.	
Quintal Joseph	1	1	2	...	1	1	4	1	11
Masey (w)	1	...	...	...	...	...	1	1	3
Mary Ann (w)	...	1	...	...	...	...	2	2	3
Patteson	1	1	...	...	2	1	2	1	8
Percy	1	1	...	...	...	...	...	1	3
Taber (w)	...	1	2	...	1	2	...	2	8
Wilfred (o)	1	...	...	...	...	...	...	...	1
William (o)	1	...	...	...	...	...	...	...	1
Albert	1	1	...	...	...	...	...	...	2
Robinson Isaac	1	1	2	3	...	...	1	1	9
Rossiter Charlotte (w)	...	1	2	2	...	...	...	...	5
Satterfield Nat. (o)	1	...	...	...	...	...	...	...	1
Snell Pardon	1	1	2	...	1	1	1	...	7
Taylor James	1	1	2	...	...	3	2	...	9
Wm., senr.	1	1	1	...	...	...	...	...	3
Timothy Annie (w)	...	1	...	...	...	...	1	...	2
Yager F.	1	1	...	...	...	1	2	2	7
Young F., senr.	1	1	2	3	...	...	...	...	7
F., junr.	1	1	...	...	...	...	1	1	4
John F.	1	1	...	...	1	2	1	3	9
Waterhouse	1	1	...	...	...	1	1	1	5
Spalding W., Colonel	1	1	1	...	...	...	1	2	6
Knuckey J.	1	1	...	...	...	...	...	1	3
Daly Mrs. (w)	...	1	...	2	...	...	...	...	3
Belden and wife	1	1	...	...	...	...	...	...	2
Arthur J. P. (o)	1	...	...	...	...	...	...	...	1
Miller A. C. (o)	1	...	...	...	...	...	...	...	1
Pearson F. W. (o)	1	...	...	...	...	...	...	...	1
	23	21	16	10	6	12	19	18	661
First Column	54	47	17	16	19	25	47	51	...
Second Column	52	48	14	11	15	17	46	57	...
	129	116	47	37	40	54	112	126	...

Norfolk Island, 6th May, 1897.

ISAAC ROBINSON,
Registrar of Births, Marriages, and Deaths.

(a) Absent from the Island. (w) Widow or widower. (o) Unmarried men or women.

TOTAL POPULATION AS AT 31st DECEMBER, 1896.

Norfolk Island community	647
Melanesian Mission	222
	869

Recapitulation.

Married couples, 100; widows, 15; widowers, 19; unmarried men, 10; woman, 1	Males. 129	Females. 116
Above the age of 21 years	47	37
Under " 14 years	40	54
	112	126
Absent from Island	328	333
	12	2
Totals	316	331

647

Melanesian Mission.

Whites	Males. 11	Females. 8
Blacks...	157	46
Totals	168	54

222

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/201, N.I.

As to School Accommodation, Material, &c.

Sir,

Court-house, Kingston, 5 May, 1897.

In reply to your letter of the 24th March last, received on the 14th ultimo, I have the honor 97/33, N.I. to state—

1. The two (2) rooms used for school purposes are on the first floor of the Government building now known and used as a Court-house, but formerly a part of the military barracks. The dimensions of the rooms are as follows:—Length, 38 feet; width, 29 ft. 3 in.; each room contains (3) three windows 3 Enclosures. on each wall (front and back), or a total of six (6). The rooms are lofty, well lit, and airy. The situation

is

is not now central, and there are other reasons why it is very desirable the school should be removed. It is contemplated to construct a suitable building, at what is known as the "Middle Gate," as soon as circumstances will permit.

2. At present there is no residence for the teachers, as they reside either in their own houses or with their families. Should a certificated master be appointed, quarters could be provided, *vide* my letter to His Excellency the Governor, 101/96, dated 20th December last.

3. Head-master, Gustav Quintal; age, 37½ years; qualifications, certificate (copy) attached; married; wife takes no part in teaching.

Assistant, Mary Rossiter; age, 25½ years; qualifications, copy of certificate attached; single.

Assistant, Mildred Kezia Nobbs; age, 22 years; qualifications, no special; single.

Assistant, Charles H. Buffett; age, 42 years; qualification, no special; single.

4. One hundred and sixty-six (166).

5. List attached.

6. The assistant teachers are at present paid from the school fees; the head-master, I believe, from the Norfolk Island Fund, but he has not yet received any salary for 1897. The following rates have been approved:—

	Month.			Year.		
	£	s.	d.	£	s.	d.
Mr. Gustav Quintal	5	0	0	60	0	0
Miss Mary Rossiter	1	0	0	12	0	0
Mr. Charles Buffett	0	10	0	6	0	0
Miss Mildred Nobbs	0	13	4	8	0	0

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Acknowledged, 18/5/97. Submitted for information, and that this letter be sent to the Department of Public Instruction.—H. L. THOMPSON, 18/5/97. Approved.—W.H., 18/5/97.

[Enclosure.]

List of School Materials on Change at Public School, Norfolk Island.

5 May, 1897.

Reading Books—Australian series—primers I, about 20 in use; primers II, about 18 in use; primers III, 50; first reading books; second reading books; third reading books; fourth reading books; fifth reading books.

Slates—75, nearly all in use.

Pencils—700.

Copy-books—none.

Ink—3 jars.

Pens—2 gross.

Maps—12—The World, Europe, Asia, Africa, America, Australia, New Zealand, Eastern Hemisphere, Western Hemisphere, Palestine, New South Wales, Pacific Ocean.

Black-boards—2.

Crayons—1 box.

Desks—8 double desks, accommodate 10 each.

Forms—24.

Geography book—1 (Hughes).

History books—18 (Royal School Series for junior classes).

WARNER SPALDING, Colonel,
Chief Magistrate.

Salisbury Theological College, Salisbury, England, 5 February, 1897.

THIS is to certify that Mr. Gustav Quintal, who was second master at the time I was head-master of the Norfolk Island Public School (1895–1896), is from my own personal knowledge capable of teaching up to the matriculation standard, as set forth in the calendar of the N.Z. University. His moral character is of the very highest, and his influence with children calculated to be for their highest good. I have known Mr. Quintal for the past two years intimately, and speak from personal experience.

EDGAR SIMMONS BUCHANAN,

M.A., B.Sc., N.Z., late Head-master, High School, Ashburton, Member of the Melanesian Mission.

True copy.—WARNER SPALDING, Col., 5/5/97.

Theological College, Salisbury, 5 February, 1897.

THIS is to certify that Miss Mary Rositter taught as mistress in the Norfolk Island Public School while I was head master (1895–1896). I consider she is eminently fitted to teach up to the matriculation standard, as set forth in the Statutes of the New Zealand University. She was under my daily observation when teaching, and I can speak from experience, and say I consider her influence with the scholars would be good in every way.

EDGAR SIMMONS BUCHANAN,

M.A., B. Sc., late Head Master High School, Ashburton, N.Z., Member of the Melanesian Mission.

I hereby certify this to be a true copy.—G. A. R. QUINTAL, Head-master, N. I. P. Sch.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/201, N.I.

Sir,

Department of Lands, Sydney, 18 May, 1897.

I have the honor to acknowledge receipt of your letter of the 5th instant, respecting the questions of school accommodation, materials, teachers, &c.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Telegram from Adelaide, addressed to W. Houston, Under Secretary for Lands.

97/122, N.I.

APPROVE of Mr. Garrard's proposal in inspector going Norfolk Island under circumstances.

J. H. CARRUTHERS,

Minister for Lands.

Date, 8/4/97; Time, 10:31.

97/120, N.I.

WIRE sent to Mr. Carruthers as follows:—Have seen Mr. Garrard; and submitted your views to His Excellency as directed. Mr. Garrard adheres strongly to his proposal of 6th instant; and His Excellency desires me to say that he thinks it would be better, in view of the absence at present of reliable information, to yield to Mr. Garrard's suggestion. "Katoomba" now leaves Friday. Do you approve? Mr. Garrard pays inspector's salary.—W.H., 7/4/97.

Telegram sent, 7/4/97; folio, 13, N.I. The U.S. for Public Instruction.—H.L.T. (for U.S.), B.C., 8/4/97. Urgent. N.I., 97/122.

[Enclosure.]

The Hon. Minister for Education, Bridge-street,—

Sir,

Sydney, 6 April, 1897.

I beg to inform you that our s.s. "Katoomba" will sail on Friday next, at 10 p.m., for Norfolk Island, taking cargo and passengers.

I understand that you will have a passenger or some passengers from your Department, therefore I bring the sailing of the vessel under your notice.

I have, &c.,

JOSEPH MINHEN,
for Burns, Philp, & Co. (Limited).

NORFOLK ISLAND—EDUCATION OF THE CHILDREN.

97/112, N.I.

Minute by the Under Secretary for Education.

MR. GARRARD thinks it would be well to send an experienced officer to the Island to report. He can arrange to send one by the "Katoomba" on Friday next, and will pay his salary if Mr. Carruthers will pay all other expenses. Could you, early to-morrow, let us know if your Minister approves of this?—J.C.M., 6/4/97.

Please wire above. Urgent.—W.H., 6/4/97. Wire.—6/4/97. Folio 8, N.I. 97/14, N.I.

TELEGRAM to Adelaide, South Australia, addressed to Hon. J. H. Carruthers, Minister for Lands of New South Wales.

(Rush, O.S.)

MR. GARRARD thinks it well to send an experienced officer to Norfolk Island to report on wants of people regarding education. He can arrange to send one by the "Katoomba" on Friday next, and will pay his salary if you will pay all other expenses. Mr. Garrard requests a reply early to-morrow morning.

W. HOUSTON,

6 April, 1897.

Under Secretary for Lands.

The Treasury, Sydney, 18 March, 1897.

THE Cabinet having decided that the educational work at Norfolk Island shall be conducted by the Department of Public Instruction, I shall be glad if my colleague the Minister of Public Instruction, Labour, and Industry will give effect to the arrangement.

Mr. Carruthers, as Minister for Lands, is entrusted with the administration of the affairs of the Island, and I would ask my honorable colleague to consult him at once on this matter: he states two teachers will be required, as the scholars number about 110.

G. H. REID.

N.I., 97/111.

TELEGRAM from Adelaide, addressed to W. Houston, Under Secretary for Lands.

I THINK it unnecessary to send officer Norfolk Island to merely report; better send capable teacher at once, with instructions to report, and to take up necessary work as principal teacher; funds will not permit expense of Inspector's visit, with subsequent expense of teachers to follow; better, however, submit my views to His Excellency, after seeing Mr. Garrard.

J. H. CARRUTHERS,

Minister for Lands.

Date, 7 April, 1897. Time, 4:48. N.I., 97/122.

EXTRACT

EXTRACT from the shorthand notes of an interview between the Under Secretary and Mr. Champion, of Norfolk Island.

97/44, N.I.

Education of the Children.

Mr. Champion.] The education of the children is going on quite briskly.

The Under Secretary.] Who are the teachers now—are they duly qualified?

Mr. Champion.] They have not passed any examination. Mr. Buchanan has taken the school over. He is a good teacher; teaches music, &c. Mr. A. Nobbs is the other teacher, but he refused to give Bible lessons, and certain members of the community objected. He has changed his religion several times. There are two schools—one at Long Ridge and the other in the town. A young lady teaches at Long Ridge; she is a daughter of one of the residents. The teachers are paid by the community, the first master £60 a year, and the second £40 a year. Then there are three or four pupil-teachers getting from £16 to £20 a year. There is a great number of girls on the Island. About 110 children attend the town school and a good many the other school.

Connected with 97-122, N.I. Noted.—U.S., Instruction, 8/4/97. This information is not in accordance with facts.—S.B., 17/5/97.

97/30, N.I.

Write to the Chief Magistrate of Norfolk Island that Mr. Carruthers would be glad to be informed as to the number of persons at present engaged in teaching there, and the system under which they are employed and paid; also—

1. Size of school buildings?
2. Is there a residence for teachers, and what size?
3. Age, name, and qualifications of the teachers; are they married, and do their wives take any part in the teaching?
4. The number of children between 4 and 14 able to attend?
5. What school materials are there on the Island?
6. How are the present teachers paid, and what amounts?

W.H., 24/3/97.

Chief Magistrate asked.—24/3/97. 97/44.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/30, N.I.

Sir,

Department of Lands, Sydney, 24 March, 1897.

In view of certain contemplated action with reference to the educational work at Norfolk Island, Mr. Carruthers would be glad to be informed as to the number of persons at present engaged in teaching there, and the system under which they are employed and paid; also—

1. Size of school buildings?
2. Is there a residence for teachers, and what size?
3. Age, name, and qualifications of the teachers; are they married, and do their wives take any part in teaching?
4. The number of children between 4 and 14 able to attend?
5. What school materials are there on the Island?
6. How are the present teachers paid, and what amount?

I have, &c.,

WM. HOUSTON,

Under Secretary.

[Enclosures.]

From The Chief Magistrate to His Excellency the Governor.

Subject :—Closing the Public School.

My Lord,

Norfolk Island, 30 November, 1896.

In consequence of the prevalence of whooping-cough in the Island, on the advice of the Government Medical Officer, I have issued directions to temporarily close the public school.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Chief Magistrate to His Excellency the Governor.

R. 101/96.

Subject :—Schoolmaster.

My Lord,

Norfolk Island, 20 December, 1896.

Your Excellency is aware of the importance of a certificated schoolmaster being appointed to Norfolk Island.

The Bishop of Melanesia, I understood from your Excellency, is to have the nomination to the appointment.

The Bishop informs me that a suitable person cannot be obtained for less than £120 per annum, with free quarters.

The average attendance of children at the public school is nearly 100.

The school fees, therefore, at the rates fixed, viz., 3d. per week for each child, should bring in a revenue of about 25s. a week, or £50 per annum, omitting holidays at Easter and Christmas.

In addition to the schoolmaster in charge, it will be necessary to employ two teachers, one for the boys and one for the girls, who should receive some remuneration.

I understand the assistants could be found for £20 and £15 per annum respectively.

A certain amount, say £10 per annum, would be required for incidental expenses, such as the purchase of books, slates, &c.

The

The balance, therefore, left in hand from the school fees would be, after payment of the assistant teachers and incidentals, very small.

I therefore recommend that your Excellency should approve of a sum of £10 a month being paid from the Norfolk Island fund or from the revenue of the Island, to the schoolmaster, from the date of his landing on the Island.

The residence can be provided in one of the Government buildings.

I view this matter as one of urgency. Many of the children cannot even speak intelligible English. The Island teachers have not the necessary qualifications to render the selection of one of them, as chief schoolmaster, desirable.

The school is at present closed, waiting a cessation of the whooping-cough, signs of which, I am glad to say, are evident.

It is anticipated the school can be reopened in January next. It is most desirable, therefore, that the improved system of teaching should be introduced as early as possible.

The Lord Bishop of Melanesia has asked me to inform your Excellency that he is prepared to nominate a qualified married gentleman on receiving authority to do so.

With regard to the teacher's quarters, I have ascertained that several of the occupants of buildings of a superior class whose residences would be suitable for official quarters, are willing to give them up, provided they receive some compensation. The buildings in question your Excellency has passed, they are situated on the main road from Government House. These buildings are probably Crown property; but the occupants may have some sort of claim to continue in occupation. I have reason to believe that the Crown could at once enter into undisputed possession of one or more of these houses on payment to the present occupants of sums in no case exceeding £100 (probably if I was empowered to treat less would suffice) as compensation for removal.

By this means the Crown would secure valuable property at a comparatively small cost, and the buildings, some of which are not maintained in proper repair, will be preserved from going to rapid decay, as has been the case in too many instances.

I have, &c.,
 WARNER SPALDING, Colonel,
 Chief Magistrate.

The Chief Magistrate to His Excellency the Governor.

Subject:—Schoolmaster.

My Lord,

Norfolk Island, 20 December, 1896.

Your Excellency is aware of the importance of a certificated schoolmaster being appointed to Norfolk Island.

The Bishop of Melanesia, I understood from your Excellency, is to have the nomination to the appointment.

The Bishop informs me that a suitable person cannot be obtained for less than £120 per annum, with free quarters. The average attendance of children at the Public School is nearly 100. The school fees, therefore, at the rates fixed, viz., 8d. per week for each child, should bring in a revenue of about 25s. a week, or £50 per annum, omitting holidays at Easter and Christmas.

In addition to the schoolmaster in charge, it will be necessary to employ two teachers, one for boys and one for girls, who should receive some remuneration. I understand the assistants could be found for £20 and £15 per annum respectively. A certain amount, say £10 per annum, would be required for incidental expenses, such as the purchase of books, slates, &c.

The balance, therefore, left in hand from the school fees would be, after payment of the assistant teachers and incidentals, very small; I therefore recommend that your Excellency should approve of a sum of £10 a month being paid from the Norfolk Island fund, or from the revenue of the Island, to the schoolmaster from the date of his landing on the Island. The residence can be provided in one of the Government buildings.

I view this matter as one of urgency. Many of the children cannot even speak intelligible English. The Island teachers have not the necessary qualifications to render the selection of one of them as chief schoolmaster desirable.

The school is at present closed, waiting a cessation of the whooping-cough, signs of which, I am glad to say, are evident. It is anticipated the school can be reopened in January next. It is most desirable, therefore, that the improved system of teaching should be introduced as early as possible.

The Lord Bishop of Melanesia has asked me to inform your Excellency that he is prepared to nominate a qualified married gentleman on receiving authority to do so.

With regard to the teacher's quarters, I have ascertained that several of the occupants of buildings of a superior class, whose residences would be suitable for official quarters, are willing to give them up, provided they receive some compensation. The buildings in question your Excellency has passed. They are situated on the main road facing Government House. These buildings are probably Crown property; but the occupants may have some sort of claim to continue in occupation. I have reason to believe that the Crown could at once enter into undisputed possession of one or more of these houses, on payment to the present occupants of sums in no case exceeding £100 (probably, if I was empowered to treat, less would suffice) as compensation for removal.

By this means the Crown would secure valuable property at a comparatively small cost, and the buildings, some of which are not maintained in proper repair, will be preserved from going to rapid decay, as had been the case in many instances.

I have, &c.,
 WARNER SPALDING, Colonel,
 Chief Magistrate.

Acknowledged, and submitted for consideration of Ministers.—12/1/97.

Extract from a minute by the Secretary for Lands, dated 16th March, 1897.

NORFOLK ISLAND.

* * * * *
The Cabinet to-day decided that the Department of Public Instruction should take over the educational work of the Islanders, and the Premier may be asked to sign a minute thereon, and the Department of Public Instruction asked to carry same out. I consider it will be necessary to at once appoint two teachers.
* * * * *

J. H. C.—16/3/97.

As Mr. Garrard will be at his office in about three days, this matter may be then submitted to him.—J.W.G., 23/3/97.

Under Secretary, Lands Department,—Mr. Garrard thinks it would be well to send an experienced officer to the Island to report on the wants of the people in regard to education. He can arrange to send one by the "Katoomba," on Friday next, and will pay his salary if Mr. Carruthers will pay all other expenses. Could you, early to-morrow, let us know if your Minister approves of this.—J.C.M., 6/4/97.

Please wire at once.—W.H., 6/4/97. Urgent. Wire, 6/4/97, fol. 8, N.I.

Interview with Mr. Garrard, 7/4/97.—Mr. Garrard states that he has no information as to the conditions he is required to meet in regard to the educational wants of Norfolk Island; that a head teacher, to take charge of 100 children, would be paid in this Colony £206 per annum; and that any teacher of standing could not be expected to divorce himself from the Colony and from his prospects of advancement in the service to go to Norfolk Island. He also understands that the Bishop of Melanesia has already been consulted in the matter, and his views might be of assistance. Mr. Garrard adheres strongly to his suggestion of 6th instant, and considers that by ascertaining the precise state of affairs, and that it is necessary to provide for, both money and trouble will be saved in the long run.

Consult Mr. Young on all school matters. Await return of minute from the Premier.—W.H., 19.

EXHIBIT T.

Trust Account, Savings Bank—Queen Victoria Scholarship Fund.

Dr. Metcalfe to The Under Secretary for Lands.

98/704, N.I.

Sir,

Norfolk Island, 8 November, 1898.

In reply to your letter, N.I., 98-4, October, alluding to the Queen Victoria Scholarship Fund, to which I replied in part, 19th August, 1898, I have the honor to now inform you that I have to-day written to the Managing Trustee of the Savings Bank of New South Wales, requesting him to invest the sum now in my name, of £106 9s. 6d., to the credit of the Queen Victoria Scholarship Fund of Norfolk Island, and I have informed him, in accordance with your wish, the committee who control the fund have appointed as joint trustees thereof the Venerable Archdeacon John Palmer and Mr. Francis Mason Nobbs, both of Norfolk Island. In order more fully to meet the wishes of the Minister for Lands, I refused, although pressed, to act as a trustee any longer.

I may add that only this year have I learnt that the money was invested by Lord Carrington solely in my name, and I had always previously forwarded notices of withdrawal to the Governor for his signature to be appended.

I have, &c.,

P. HERBERT METCALFE.

The Accountant.—W.H., 22.

Dr. Metcalfe to The Under Secretary for Lands.

98/583, N.I.

Sir,

Norfolk Island, 10 September, 1898.

In respect to your letter of the 8th ultimo, referring to the Victoria Scholarships, I have the honor, in reply to it, to inform you that, in accordance with the wishes of Mr. Carruthers, the fund will be invested by two trustees, and that they will be duly elected by the committee connected therewith, as soon as particulars and dates relating to the fund can be obtained from the Savings Bank in Sydney.

His Excellency Lord Carrington invested the money in my name in 1888, and it was with his approval that the annual interest was paid to my account in the City Bank, as being the quickest way to get the money here.

I have, &c.,

P. HERBERT METCALFE.

Seen. Send to the Accountant.—W.H., 23. The Accountant.—H.L.T., 23/9/98. End of year.—V.C., Accountant, 6/10/98. Mr. Dickie.—H.L.T., 6/10/98.

Dr.

Dr. Metcalfe to The Under Secretary for Lands.

98/530, N.I.

Sir,

Norfolk Island, 19 August, 1898.

I have the honor to acknowledge the receipt of your letter of 6th August, N.I., 98-464, and to inform you that I have communicated with Mr. F. M. Nobbs respecting the Scholarship Fund, and I will see that the instructions of the Minister for Lands are carried out.

The only reason that the payments have been made to my account in the City Bank is that by that means the money was most easily obtained, as I have annually advanced it, and it has never been paid to my account until I have paid it first to the authorities here, except this year.

I have, &c.,

P. HERBERT METCALFE.

Salary of Mr. De Mouncey, late Clerk to the Private Secretary to His Excellency the late Sir Robert Duff. 98/519, N.I.

THE earlier papers are with the Treasury, and as it is proposed to place a sum on the Estimates of expenditure to provide for payment of the salary, and its being paid over to the fund to meet, in part, the defalcations which have been discovered. In order that the Minister may be fully seized of the facts when the Estimates are being considered by the Cabinet, the following facts are stated:—In the course of an investigation in November, 1895, it was discovered that Mr. De Mouncey had appropriated to his own use the sum of £149 7s. 11d., belonging principally to the Norfolk Island Fund. At the same time, £33 6s. 8d. was due to him for salary which has not been paid, His Excellency Viscount Hampden, who had succeeded Sir Robert Duff, made a claim on behalf of the Government of Norfolk Island for the amount of the unpaid salary, but this claim was subsequently withdrawn. The Audit Act Amendment Act then came into force, and under its provisions the unexpended salary lapsed into the general revenue. Portion of the misappropriation was interest (£15) which had accrued upon a deposit in the Savings Bank of New South Wales, and was to have been applied towards Prizes for school children at Norfolk Island. This sum was made good out of the Norfolk Island Fund, and this, as well as the fact that the sum at the disposal of the Government for general purposes is insufficient, has led to a revival of the claim to the unappropriated salary.

The Under Secretary for Finance and Trade to

98/519, N.I.

Sir,

The Treasury, New South Wales, Sydney, 20 August, 1898.

In reply to your letter of 6th instant, N.I., 98/464, I am directed to acquaint you that your request that the amount of salary due to the late Clerk to the Private Secretary to His Excellency the Governor may be paid over to the Norfolk Island Fund in the City Bank of Sydney will be considered when the Estimates for the current financial year are prepared.

I have, &c.,

F. KIRKPATRICK,

Under Secretary for Finance and Trade.

The Under Secretary directs that these papers be sent to the Accountant, who is to be requested to specially hand them to Mr. Houston.—H.L.F., 22/8/98.

The Chief Inspector of Public Accounts to The Under Secretary for Lands.

Trust Account, Savings Bank, Barrack-street, Queen Victoria Scholarship Fund. Trustees: Dr. R. H. Metcalfe and others, Norfolk Island.

98/464, N.I.

MEMORANDUM.—This is a private fund, and outside the control of the Government of Norfolk Island. The defalcations by W. A. De Mouncey were made good out of the Norfolk Island Funds. Reference should be made to the Treasury for amount of salary due to De Mouncey, but it must be revoked before the amount can be credited to the Norfolk Island Fund.

29th July, 1898.

G. E. BRODIE.

Mr. Cohen.—W.H., 3. I cannot confirm Mr. Brodie's statement from the books of account. He should be asked to furnish information as to the dates the defalcations were made good.—VICTOR COHEN, Acct., 3/8/98.

On further investigation I find that £15 was paid to Dr. Metcalfe on 22nd October, 1895, as the interest appropriated by Dr. De Mouncey. The details are not given as fully as might have been in the cash-book, and it was on referring to the butt of cheque-book I have ascertained the facts. The amount should be recouped as far as possible to the fund by asking the Colonial Treasurer to hand over the amount of Mr. De Mouncey's salary unpaid. Though perhaps, strictly speaking, the scholarship is a private matter, it is administered by Dr. Metcalfe as one trustee, who is a public officer; and it might be pointed out to him and his co-trustee that it would be a strictly correct course to adopt to place the principal and interest to a joint trust account in preference to the private account of one of their number.—VICTOR COHEN, Acct., 3/8/98.

Submitted for approval of Accountant for action suggested.—W. HOUSTON, Under Secretary, 4/8/98. Approved.—J.H.C., 5/8/98. U.S. Finance and Trade and Dr. Metcalfe informed, 6/8/98a. Await reply.

Extract from Report by the Chief Inspector of Public Accounts.

Extract from comprehensive report (28/6/98) by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

* * * * *
98/396, N.I.

Trust Account, Savings Bank, Barrack-street, Sydney, Queen Victoria Scholarship Fund.

THIS fund was inaugurated in the early part of 1887.

£103 were forwarded to Lord Carrington on the 16th April, 1898, for investment. £106 7s. 6d. were collected on the Island, but £2 7s. 6d. retained to aid in paying scholarships for the year 1888.

The Honorary Treasurers are P. H. Metcalfe and F. M. Nobbs, and there is a committee of nine, including three of the clergy at the Melanesian Mission.

A letter was received from W. E. Wallington, Private Secretary to Lord Carrington, dated 29th May, 1888, acknowledging letter enclosing £103 on behalf of the Jubilee Committee, endowing three Queen Victoria Scholarships, and stating that the money had been deposited in the Savings Bank of New South Wales.

The whole of the money was locally subscribed, the largest subscriber being the late Bishop Selwyn. Scholarships.—Two seniors, one boy and one girl, £2 each; to be expended in school fees for the following year, the balance for purchase of books. One junior, £1, to be expended in school fees for the following year.

These were paid every year up to 30th June, 1895.

The committee decided that no scholarships were to be paid for the year 1896, and there were no examiners during 1897, when the school was partly broken up by two private schools being started, namely, at Longridge and Kingston.

Dr. Metcalfe informed me that they are waiting for a good public school, when the scholarship arrangements will be reverted to, the interest on the capital of £103 to be used for that purpose.

In addition to the £103 Dr. Metcalfe holds £1 15s.—balance of scholarship money not paid in 1895.

The local committee have sole management of this fund, and the interest has been paid to Dr. Metcalfe's private account, City Bank, Head Office, Sydney.

* * * * *

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts.

The arrangements respecting the public school at Norfolk Island are in abeyance owing to the action of the colonists with respect to the public buildings.—W. HOUSTON, Under Secretary, 15/7/98. Seen, and inform those concerned. Tell the Chief Magistrate to take action to obtain the building requested for the schoolmaster.—J.H.C., 18/7/98.

I cannot reconcile the statements as to interest being paid to Dr. Metcalfe's private accounts with the entries made by Mr. Brodie in the Norfolk Island Account Book, which was kept at Government House, Sydney, prior to the transfer of administration. These entries are to the effect that the interest was collected by Mr. de Mouncey (6th June, 1894, £5; 28th June, 1894, £5; and 10th January, 1895, £5), and appropriated to his own use, and are noted as "Defalcations—W. A. de Mouncey." It is a matter for consideration whether these sums should not be recovered from the New South Wales Treasury, as salary due to Mr. de Mouncey is held there; and some decision should perhaps be arrived at as to the propriety of allowing the interest to be placed to a private account."—VICTOR COHEN, Accountant, 25/7/98.

Explain the facts to Mr. Brodie, and ask him for a further report on the matter, also as to the propriety of the private account.—W.H., 26. Forwarded to Mr. Brodie, who will perhaps look into this.—W. HOUSTON, U.S. (per V.C.), Department of Lands, 28/7/98.

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

98/3, N.I.

Sir,

The Treasury, New South Wales, Sydney, 13 January, 1898.

With reference to your letter of 13th ultimo, No. 97/161, N.I., inquiring if any arrangements have been made to pay the salary due to W. A. de Mouncey, late clerk to the Private Secretary to the late Sir Robert Duff, to the Norfolk Island Funds, I have the honor to request the return of Treasury papers No. 96/6,712, &c., forwarded to you on 26th March, 1897.

I have, &c.,

F. KIRKPATRICK,

Under Secretary for Finance and Trade.

Papers 97/161 and attachments forwarded to Treasury by letter, 20/1/98. Await reply. Submitted as to whether any action is necessary in this matter. The papers are still with the Treasury.—H.L.T., 6/6/98. No action necessary.—W.H., 6/6/98. Put away.

EXHIBIT U.

Attested Accounts (generally).

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.
98/738, N.I.

Sir,

Norfolk Island, 11 October, 1898.

I have the honor to acknowledge receipt of your letter of the 30th ultimo, numbered 98/588, ^{98/418, N.I.} N.I., upon the subject hereunder mentioned.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of Letter:—Forwarding Statement Forms (Advanced Account).

Submitted for information.—H.L.T., 22/11/98. Seen. Put away.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Pointing out that any moneys held by Registrar of Court due to Informers, &c., would, after certain lapse of time be paid into revenue, and if Chief Magistrate held these moneys he could not declare remittances. Asking if attested accounts to bear mention of this or if to be dealt with as separate papers.

98/588, N.I.

Sir,

Norfolk Island, Government House, Kingston, 5 September, 1898.

With reference to altered Account Form No. 2 for use by the Chief Magistrate, enclosed ^{98/336, N.I.} with your letter of 26th July last, N.I., 98/383, under the head "Particulars handed over or in hand," I observe item "Cash in hand due to Informers and others," and beg to point out that as long as such accounts are due to Informers, &c., they would be in the hands of the Registrar of the Magistrate's Court; after the lapse of a certain period they would be paid in to me as revenue, in the same way as unclaimed suitors' moneys; also that if I did have these moneys, then I could not declare that I had remitted them by the whole amount to you.

I have also to ask if I am to show in any way on the attested account amount to the credit in my books of the Advance Account—or to deal with such account on a different paper?

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Submitted.—Perhaps this and the accompanying papers in which the Accountant may require to take some action may be sent to him accordingly.—H. L. THOMPSON, 19/9/98. Yes.—W.H., 21/9/98. The Accountant.—21/9/98.

There is a possibility of suitors' money being paid over to the Chief Magistrate during the intervals between mails, or from some unforeseen circumstance, in such a case the entry would be necessary. If it should happen that the Chief Magistrate has to hold the money, then the declaration could be amended to meet the circumstances.

Any money in hand for the advance should not be included, but a statement in the following form should be transmitted each mail.

<i>Petty Cash Advance.</i>			
DR.			CR.
189 .		189 .	
	Balance as per last Statement ...		By Expenditure, as per Voucher duly received herewith ...
	Further Advance from U.S. for Lands		Balance brought forward to next account

Chief Magistrate.

I certify I have counted the Petty Cash in the custody of the Chief Magistrate, and declare the amount to be as shown by the balance carried forward.

Norfolk Island,

189 .

Auditor.

It is suggested that a few of these forms be printed; in the meantime the Chief Magistrate could write them.—VICTOR COHEN, Accountant, 27/9/98. For approval.—W. HOUSTON, Under Secretary, 27/9/98. Approved.—J.H.C., 27/9/98. Requisition to Government Printer for 100 copies.—V.C., 28/9/98. Mr. Thompson,—Please forward the enclosed forms, and send letter in terms of minute.—V.C., Accountant, 29/9/98. The Auditor should also be furnished with a copy of the letter and form.—V.C., 30/9/98. The C.M. and Auditor informed (and with forms).—30/9/98. The Accountant. Noted.—V.C., 6/10/98. Put away until required.—H.L.T., 6/10/98.

The

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/588, N.I.

Sir,

Department of Lands, Sydney, 30 September, 1898.

With reference to your letter of the 5th instant, inquiring if you are to show in any way in the attested accounts, amounts in your books to the credit of the Advance Account, or to deal with such account in different papers, I am directed by the Secretary for Lands to inform you that in the event of suitors' moneys being paid over to you during the interval between mails, the entries would be necessary, but should it happen from some unforeseen cause that you had to hold the moneys, then the declaration would require to be amended accordingly. Any moneys in hand for the advance should not be included but a statement in the form herewith, copies of which are forwarded to you under separate cover, should be transmitted each mail.

I have, &c.,

Under Secretary.

The Under Secretary for Lands to Dr. P. H. Metcalfe.

98/588, N.I.

Sir,

Department of Lands, Sydney, 30 September, 1898.

I have the honor to inform you that, in reply to a letter received from the Chief Magistrate inquiring if he is to show in any way in the attested accounts, amounts in his books to the credit of the Advance Account, or to deal with such account in different papers, that officer has been advised that, in the event of suitors' moneys being paid over to him during the intervals between mails, the entries would be necessary, but should it happen from some unforeseen cause that he had to hold the moneys, that the declaration would require to be amended accordingly; also that any moneys in hand for the advance should not be included, but a statement in the form herewith should be transmitted each mail.

I have, &c.,

Under Secretary.

Collection of Revenue—Instructions—Case.

Papers 98/630, 629, 628, 627, 626, 625, 624, N.I.

They should remain under the first named as a cover.—H.L.T., 19/9/98.

Note.—Attested A/c. case (98/623) is connected in the books and in the papers with 98/630, the Collection of Revenue Cases—Original instructions Case is 98/431, herewith. The papers may be sent to the Accountant, perhaps.—H.L.T., 19/9/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands,

98/630, N.I.

Enclosing receipts from collectors of revenue, N.I., &c.—Instructions sent with letter 98/431, N.I. Noted.—None sent for Registrar Births, Deaths, and Marriages.

NORFOLK ISLAND.

Sir,

Government House, Kingston, 15 August, 1898.

I have the honor to acknowledge receipt of your letter of the 30th ultimo (98/341, N.I.), and to inform you that only *one* copy of approved instructions for the guidance of officials reached me, and not *two*, as stated in your letter.

These approved instructions have been forwarded to the several officials named in your letter, whose receipts are attached.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

It is noted *no* copy of Regulation has been sent for Registrar Births, Deaths, and Marriages.

Enclosures.
Receipts.
1. Chief Magistrate.
2. Auditor.
3. Registrar of Court.
4. Collector of Customs.
5. Registrar of Land.
6. Postmaster.
7. Schoolmaster.

98/588, N.I.

Should another copy be sent to the Chief Magistrate, or shall he be instructed to request each of the Collectors to make a transcript of those already supplied? I am strongly under the impression that two copies were sent to the Chief Magistrate. With respect to the Registrar of Births, Deaths, and Marriages, he collected only 3s., and will perhaps suffice if he receives a general instruction to hand over any money collected to the Chief Magistrate on the same day as collected, and that receipts must be issued on the prescribed form. I assume he has already had instructions as to keeping proper books for registration purposes.—VICTOR COHEN, 24/9/98.

Acknowledged Copy of Instructions for guidance of Chief Magistrate, N.I.—Collection of Revenue.

98/629, N.I.

Norfolk Island, 13 August, 1898.

RECEIVED from the Under Secretary for Lands one copy of approved Instructions for the guidance of the Chief Magistrate, Norfolk Island.

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Mr.

Mr. F. M. Nobbs, Postmaster, to The Chief Magistrate, Norfolk Island.

98/628, N.I.

Acknowledgment of copy of Instructions for guidance of Postmaster, N.I.—Collector of Revenue.

Sir,

Post-office, Norfolk Island, 15 August, 1898.

I have the honor to acknowledge the receipt from you of a copy of "Instructions for the guidance of the Postmaster at Norfolk Island," for which I beg to tender my thanks.

I have, &c.,

F. M. NOBBS,

Postmaster.

Mr. G. Quintal to The Chief Magistrate, Norfolk Island.

98/627, N.I.

Acknowledging copy of Instructions for guidance of Schoolmaster.—Collector of Revenue.

Sir,

Norfolk Island Public School, 30 August, 1898.

I have the honor to acknowledge the receipt of a copy of Instructions for the guidance of Schoolmaster, Norfolk Island.

I have, &c.,

GUSTAV QUINTAL,

Head Master.

Mr. F. Bates, Registrar of Lands, to The Chief Magistrate, Norfolk Island.

98/626, N.I.

Acknowledging copy of Instructions for guidance of Registrar of Lands.—Collector of Revenue.

Dear Sir,

I have the honor to acknowledge the receipt of a letter dated 26th of July from the Department of Lands containing forms for collection of revenue and instructions regarding collecting.

I have, &c.,

FRANKLIN BATES,

Registrar of Lands, Norfolk Island.

Acknowledging copy of Instructions for guidance of Registrar of Magistrate's Court and Collector of Customs.—Collector of Revenue.

98/625, N.I.

Norfolk Island, 5 September, 1898.

RECEIVED from the Chief Magistrate one copy of approved Instructions for the guidance of the Registrar of Magistrate's Court, and one copy of approved Instructions for the guidance of the Collector of Customs, Norfolk Island.

FRED. W. TWINE,

Registrar of C. M.'s Court and Collector of Customs.

Dr. Metcalfe to The Chief Magistrate, Norfolk Island.

98/624, N.I.

Acknowledging copy of Instructions for guidance of Auditor, N.I.—Collector of Revenue.

Sir,

Norfolk Island, 29 August, 1898.

I have the honor to acknowledge the receipt from you on August 15th of a copy of "Instructions for the guidance of the Auditor of Norfolk Island." I will see that the same is fully carried out.

I have, &c.,

P. HERBERT METCALFE,

Government Auditor.

Attested Account Cases.

98/630, N.I.

Papers 98/623, N.I.; 98/622, N.I.; 98/621, N.I.; 98/620, N.I.; 98/619, N.I.

THEY should remain under the first-named as a cover.—H.L.T., 19/9/98.

NOTE.—The Attested Accounts Case (original) with this batch is 98/388.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/623, N.I.

Inquiring if necessary for forward each mail Form 2 as attested accounts (Form 2) required to be sent.

Sir,

Norfolk Island, Government House, Kingston, 5 September, 1898.

I have the honor to inquire if it will be necessary for me in future to forward to you by each mail Form No. 2 (for use by the Chief Magistrate), showing and remitting amounts received from Collectors of Revenue, now that, as directed in your letter of 26th July last, N.I., 98/398, I am required to forward an attested account (Form 2, for use by Chief Magistrate).

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, Norfolk Island.

Inform that the two forms are required, though possibly they might be amalgamated later on, but he will be advised later.—VICTOR COHEN, Accountant, 24/9/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/622, N.I.

Attested accounts.—Have withheld letter of instructions *re* collection of revenue to Crown Lands Ranger, officer not at present being a Collector of Revenue.

Sir,

Norfolk Island, Government House, Kingston, 5 September, 1898.
In connection with my letter of 15th August last, N.I., 3/9/98, and with reference to your letter of the 30th July last, N.I., 98/431, enclosing a letter dated 26th July last (circular), addressed to the Crown Lands Ranger on the subject of attested accounts, I have the honor to inform you that, pending further instructions, I have held the letter and attached forms, as this officer is not a Collector of Revenue.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Was a circular addressed to the Crown Lands Ranger? I see no mention of it in 98/431.—
V.C., 24/9/98. Mr. Thompson.

Mr. F. W. Twine, Registrar of Chief Magistrate's Court and Collector of Customs, Norfolk Island, to The Under Secretary for Lands.

No. 98/621, N.I.

[Forwarded through the Chief Magistrate.]

Attested accounts.—Chief Magistrate forwarded letter from Collector of Customs and Registrar of Court, acknowledging receipt of instructions to Collectors of Revenue.

Sir,

Norfolk Island, Court-house, Kingston, 15 August, 1898.
I have the honor to acknowledge the receipt of your letter, dated 26th July, 1898, inviting my attention to clauses 5 and 8 of the Regulations for the guidance of Collectors of Revenue, and reminding me that it is important the requirements therein set out should be strictly adhered to, &c.

A letter of the above purport has been addressed to me as Registrar of Court, and a similar one to me as Collector of Customs at Norfolk Island, the receipt of which I am requested to acknowledge.

I beg to say, in reply, that I have duly noted the instructions contained in the above-mentioned letters, which will receive my careful attention.

I have, &c.,

FRED. W. TWINE,
Registrar of Chief Magistrate's Court, and Collector of Customs.

Under Secretary, Lands. Forwarded.—WARNER SPALDING, Col., Chief Magistrate, B.C., 16/8/98.

Mr. G. Quintal to The Under Secretary for Lands.

98/620, N.I.

Attested accounts.—Acknowledging letter of 26th July, 1898, drawing attention to clauses 5 and 8 of Regulations for guidance of Collectors of Revenue.—Instructions will be followed.

Sir,

Public School-house, Norfolk Island, 15 August, 1898.
I have the honor to acknowledge the receipt of your letter, dated 26th July, 1898, drawing my attention to clauses 5 and 8 of the Regulations for the guidance of Collectors of Revenue, &c., &c., &c.

I may here state that the instructions set forth in said Regulations, and also in your letter for my guidance, will be followed out to the best of my ability.

I have, &c.,

GUSTAV QUINTAL,
Head Master.

Mr. F. M. Nobbs to The Under Secretary for Lands.

98/619, N.I.

Attested accounts.—Intimating not having received copy of Regulations for guidance of Collectors of Revenue, particularly to clauses 5 and 8.—Chief Magistrate having given him one, will observe instructions.

Sir,

Norfolk Island, Post Office, 16 August, 1898.
I have the honor to acknowledge the receipt (through the Chief Magistrate) of your despatch of the 26th ultimo, covering one dozen forms for revenue returns.

In your letter you said, "I again invite your attention to clauses 5 and 8 of the Regulations for the guidance," &c. I humbly beg to state that I have received no copy of the Regulations referred to by you, from your Department, and not until to-day, on my representing the matter to the Chief Magistrate, he kindly supplied me with a copy. Due consideration will be paid to the clauses referred to.

The instructions contained in the last paragraph of your letter will be carefully carried out by me.

I have, &c.,

F. M. NOBBS,
Postmaster.

The Under Secretary for Lands.—WARNER SPALDING, Colonel, Chief Magistrate, B.C., 30th August, 1898.

Acknowledgment

Acknowledgments of Attested Account Revenue Forms.

Under cover of 98-596, N.I.; 98-595, N.I.; 98-594, N.I.; 98-593, N.I.; 98-592, N.I.
Papers to remain with batch under 98/630, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/596, N.I.

Acknowledging letter 98/388, desiring Chief Magistrate in future to forward an attested account, and enclosing copy of attested account for all the officers, which have been forwarded to them.

Sir,

Norfolk Island, Government House, Kingston, 15 August, 1898.

I have the honor to acknowledge receipt of your letter N.I., 98/388, of the 26th ultimo, requiring me in future to forward an attested account, and enclosing one copy of attested account for all the officers, which have been forwarded to them. I enclose receipts.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Receipts enclosed.—1 Collector of Customs, 1 Registrar of Court, 1 Registrar of Lands, 1 Postmaster, 1 Schoolmaster.

Mr. F. Bates to The Under Secretary for Lands.

98/595, N.I.

Acknowledging letter *re* Instructions to Collector of Revenue with Forms *re* Attested Accounts.

Dear Sir,

Norfolk Island, 1 September, 1898.

I have the honor to acknowledge the receipt of yours of the 27th of July, containing instructions regarding the collection of revenues, enclosing forms for use in so doing, and instructions to forward direct to you the attested accounts. The last attested account was forwarded to you and not through the Chief Magistrate. I will do my best to carry out your instructions.

I have, &c.,

FRANKLIN BATES,
Registrar of Lands, Norfolk Island.

Mr. F. W. Twine, Registrar of Court and Collector of Customs, to The Under Secretary for Lands.
98/594, N.I.

Acknowledging letter containing Instructions *re* Attested Accounts.

Sir,

Norfolk Island, Government House, Kingston, 5 September, 1898.

I have the honor to acknowledge receipt of your letter of July, 1898, forwarded to me by the Chief Magistrate on the 13th August last, containing instructions to me relative to my attested accounts, which I have duly noted.

I have, &c.,

FRED. W. TWINE,
Registrar of Court and Collector of Customs.

Mr. G. Quintal to The Chief Magistrate.

98/593, N.I.

Acknowledging letter *re* Attested Accounts.

Sir,

Public School, Norfolk Island, 6 September, 1898.

I have the honor to acknowledge the receipt of U.S. Lands' letter of July, 1898 *re* instructions relative to attested accounts.

I have, &c.,

GUSTAV QUINTAL,
Head Master.

Mr. F. M. Nobbs to The Chief Magistrate, Norfolk Island.

98/592, N.I.

Acknowledging letter *re* Attested Accounts.

Sir,

Post Office, Norfolk Island, 9 September, 1898.

I have the honor to acknowledge the receipt of one dozen copies of the "Attested Revenue Forms" for revenue purposes and instructions thereon.

I have, &c.,

F. M. NOBBS,
Postmaster.

Dr. Metcalfe to The Under Secretary for Lands.

98/529, N.I.

Acknowledging letter 98/388 *re* instructions to Collector of Revenue, and asking how to act in matters of Audit should he be called upon to act as Deputy Chief Magistrate at any time.

Sir,

Norfolk Island, 19 August, 1898.

I have the honor to acknowledge your letter (No. 98/388, N.I. Government) and the attested account forms Nos. 1 and 2, together with copies of "Instructions to the several Collectors of Revenue," as well as the letter addressed to them *re* forwarding their attested forms to you directly.

Will you please inform me if, should I at any time be called upon to fill the duties of Chief Magistrate, an auditor is to be temporarily appointed during such period, and how I am to act in the matter.

I have, &c.,

P. HERBERT METCALFE,
Government Auditor.

Inform that it would be desirable, in the event mentioned, for a temporary appointment to be made in which he has the power under section of the General Laws. It would be well if he were to inform me in the first instance of the person whom he considers eligible for such a position.—W.H., 28/9/98. Dr. Metcalfe informed, 28/9/98. Place with 98/588 when to hand.

The Under Secretary for Lands to Dr. P. H. Metcalfe.

98/529, N.I.

Sir,

Department of Lands, Sydney, 28 September, 1898.

With reference to your letter of the 19th ultimo, asking, if an auditor is to be temporarily appointed during any period you may be called upon to fill the duties of Chief Magistrate, how you are to act in the matter, I have the honor to inform you that it would be desirable, in the event mentioned, for a temporary appointment to be made, in which you have the power under section 2 of the General Laws; but it would be well if you were to advise me in the first instance of the persons whom you consider eligible for such a position.

I have, &c..

W. HOUSTON,

Under Secretary.

Instructions for the Guidance of the Chief Magistrate, Auditor, and Officers
collecting Revenue at Norfolk Island.

98/431, N.I.

HEREWITH I beg to submit a draft code of instructions as supplementary to the Regulations issued in August, 1897.

Mr. Inspector Brodie, on his recent visit of inspection at Norfolk Island, formulated a set upon which those now submitted have been founded. Instructions were issued to the several officials to observe those left by Mr. Brodie until such time as they were directed otherwise. The instructions now submitted relate to the following officers:—

1. The Chief Magistrate.
2. The Auditor.
3. The Collector of Customs.
4. The Registrar of the Magistrate's Court.
5. The Schoolmaster.
6. The Postmaster.
7. The Registrar of Lands.

It is submitted that if the code meets with your approval that the same be submitted for the approval of the Minister and sanction of His Excellency the Governor.

VICTOR COHEN,

Accountant.

The Under Secretary, 29/7/98.

The different sets of instructions, as drawn up by Mr. Brodie, have been amended in certain respects to suit requirements. As the original instructions (general) to which these are to be supplemental were approved by His Excellency, these may also, perhaps, be forwarded for formal approval.—W. HOUSTON, Under Secretary, 29/7/98.

Approved.—J.H.C., 29th July, 1898. The Private Secretary to His Excellency the Governor.—W. HOUSTON, U.S. Lands, B.C., 30th July, 1898. Approved.—HAMPDEN, 2/8/98. The Under Secretary for Lands.—H. G. FIELDEN, P.S., B.C., 2/8/98. The Accountant.—W.M., 3/8/98. Copies sent to the Chief Magistrate for delivery to officers, and copy also sent to Auditor.—V.C., Accountant, 4/8/98. May be put away for the present. B.C., 4/8/98.

[Enclosure.]

INSTRUCTIONS FOR THE GUIDANCE OF THE CHIEF MAGISTRATE OF NORFOLK ISLAND.

THE Regulations issued by the Minister for Lands, and received by you in August, 1897, must be strictly adhered to, and read in conjunction with the following instructions. Any wilful infringement thereof reported to the Minister will require the fullest explanation, and be dealt with as His Excellency the Governor, with the advice of the Minister, may determine.

1. You will see that all moneys are collected at Norfolk Island, as required by the Laws and Regulations made from time to time. It will be your duty to see that all moneys collected by the revenue officers are handed over to you, as prescribed by the Regulations; and you will exercise every reasonable check over all officers collecting and dealing with revenue. In order to give due effect to this instruction, it will be incumbent upon you to, at reasonable intervals, call for the production of such books of accounts, receipt books, manifests, despatch notes, and any other necessary books or papers, to enable you to make an examination sufficient to satisfy you that care is being exercised. At the termination of each and every examination you will report the result to the Under Secretary for Lands, Sydney.

2. On taking over the day's collections from a collecting officer and finding the same correct, you will forthwith issue from your Current Official Receipt-book a receipt for the full amount received, and will immediately enter the particulars in your Cash-book. You will likewise enter in the officer's Cash-book the number of your receipt against the total sum paid over to you, signing your name against such entry, as provided by the clause 2 of the Regulations for the guidance of Collectors of Revenue.

3. Under no circumstances must a receipt be issued by you, or any official, on any other than the official form. If a receipt is cancelled, it must be attached to the butt, and the word "cancelled"; legibly written across the face of the receipt and butt thereof. The date of cancellation and the initials of the officer cancelling the receipt must also be placed thereon.

Public Moneys, Suitors' and Returnable Costs.—Magistrate's Court.

4. Receipts for suitors' moneys and returnable costs must always be issued on the proper official receipt form provided for that purpose. Full particulars must be recorded in the body of the receipt and butt thereof.

5. You will see that all suitors' moneys, returnable costs, and other moneys due to the public, are entered in the Registrar's Public Moneys Cash-book, and proper vouchers obtained for the disbursement thereof, or signature obtained in the Public Moneys book therefor.

6. A statement showing the receipts and disbursements of suitors' moneys, returnable costs certified to by the Auditor, must be sent by you each mail to the Under Secretary for Lands.

Magistrate's

Magistrate's Court.

7. All informations and complaints must be carefully drawn up. Cases must be duly and correctly entered in the Court Registers, and the proper fees charged and paid thereon.

8. All your decisions must be carefully recorded in the Court Registers in the proper columns, and each must be signed by you.

9. Each case must bear a distinct number, beginning with number one, and all papers must be filed in order of issue. The number of adjourned cases must be carried forward in red ink, and marked "adjourned case."

10. Summons and charge cases must be kept separate from suitors' cases, and bear their own numbers.

11. You will see that all fines are promptly paid, or that the alternative of imprisonment is imposed as directed.

12. The scale of Court fees must be exhibited in the Court for general information.

General.

13. No excuse can be accepted for the non-remittance to the Under Secretary for Lands of collections, without any deductions, as required by the General Regulations. Suitors' money and returnable costs are not to be remitted except they remain unclaimed for the prescribed period.

14. Whenever required by the Auditor, or other duly-authorized officer, you will produce all cash in hand, books of account, receipts, vouchers, or other documents in your possession, required in connection with the examination or audit of your accounts. You will afford the Auditor, or any officer duly authorized, all and every information that may be required, and will not in any way obstruct any audit or examination, and shall depute any officer to assist in clerical duties if such assistance is required by the Auditor or duly-authorized officer.

15. You will make yourself conversant with these and all instructions issued to the several officers at Norfolk Island which are now or hereafter may be in force; and anything omitted in the "Regulations for the Guidance of Collectors of Revenue," or in these instructions, in so far as they relate to the proper supervision of the accounts and the due accounting for all moneys received by you from accounting officers, or for the filing of papers and proper records of applications for land, registration, and probate of wills, Court processes, or the safe custody of papers, will be no excuse for any neglect upon your part to take reasonable steps for the prevention of any irregularity on the part of any officer.

INSTRUCTIONS FOR THE GUIDANCE OF THE REGISTRAR OF LANDS, NORFOLK ISLAND.

1. The Regulations issued by the Minister for Lands for your guidance must be strictly adhered to, and the following are to be observed by you in carrying out the duties of Registrar of Lands.

2. Immediately on the receipt of any money, you will issue your official receipt, and enter the amount in your Cash-book. The particulars in the butt of the receipt must agree with the particulars as shown in the receipt.

3. In the event of any receipt being cancelled by you, it must be attached to the butt thereof. All receipts must be issued from the current official Receipt-book. Any departure from these instructions will lead to summary dismissal.

4. All applications for land must be entered in the Register, and dealt with as hereafter to be directed.

5. You must hand over to the Chief Magistrate daily the total amount of your collections, for which the Chief Magistrate will issue to you his official receipt.

6. All mortgages, transfers, and other dealings must be carefully and correctly registered in the proper books.

7. No fees must be collected other than those prescribed by the laws of Norfolk Island.

8. No refund of deposits on application for land can be made unless properly authorised.

9. Anything omitted in the Regulations issued by the Minister for Lands, or in these instructions, will be no excuse for the non-collection or non-accounting of any moneys due to the Government of Norfolk Island, unless a reasonable explanation is submitted.

10. Under Regulation 5 for the guidance of Collectors of Revenue, you must furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by you, and a duplicate thereof, to the Auditor, Norfolk Island. In the event of no money being received, clause 8 of the Regulations shall be complied with. The form to be used shall be attested account No. 1; such accounts shall be duly attested by the Auditor, Norfolk Island.

11. It will be your duty to be courteous and polite to all who may have occasion to see you on official business, and to assist all who may require your advice in any matter so far as relates to the drawing up or preparation of applications for lands.

12. You will provide for the safe custody of all books, documents, records, official papers, &c., that are in your keeping, and will only permit access to them by a duly appointed official, or as authorised by the Laws and Regulations.

INSTRUCTIONS FOR THE GUIDANCE OF THE COLLECTOR OF CUSTOMS, NORFOLK ISLAND.

1. The Regulations issued by the Minister for Lands and Collector of Customs, approved by the Minister, for your guidance, must be strictly adhered to, and these instructions are to be read in conjunction therewith.

2. Immediately on the receipt of any moneys, you will issue your official receipt and enter the amount in your Cash-book.

3. The particulars in the butt of the receipt must agree with the particulars as shown in the receipt.

4. In the event of any receipt being cancelled by you, it must be attached to the butt thereof. On no account must you issue a receipt other than out of the current official Receipt-book.

5. Regulations 5 and 8 of the "Regulations for Guidance of Collectors of Revenue" must be observed in their entirety. Any departure from this of the foregoing instructions will lead to summary dismissal.

6. You must hand over to the Chief Magistrate daily the total amount of your collections, for which the Chief Magistrate will issue to you his official receipt.

7. No credit must be allowed for Customs duties.

8.

8. All ship's papers, Customs entries, dispatch notes, &c., required to be kept in your office must be carefully filed for reference.

9. You must be very careful in the checking of ship's stores to see that no articles are landed that are subject to duty without the duty being paid.

10. You will strictly observe the terms of the letter from the Under Secretary for Lands, dated the 25th July, 1898, relating to articles appearing on manifests as "Trade."

11. In the checking and collection of Customs duties you are enjoined to do so firmly and in such a way that no recrimination can follow.

12. Anything omitted in the Regulations issued by the Minister for Lands, or in these instructions, will be no excuse for the non-collection or non-accounting of any moneys due to the Government of Norfolk Island, unless a reasonable explanation is submitted.

13. It will be your duty to be courteous and polite to all who may have occasion to see you on official business, and to assist all who may require your advice in any matter of Customs so far as they relate to the drawing up or preparation of any entry, warrant, &c.

INSTRUCTIONS FOR THE GUIDANCE OF THE SCHOOLMASTER, NORFOLK ISLAND.

1. The Regulations issued by the Minister for Lands for guidance must be strictly adhered to.

2. Any infringement of the Regulations will be severely dealt with.

3. In addition to the Regulations referred to, you will observe the following until otherwise directed by the Minister for Lands.

4. The Roll-book must be carefully entered up, and the attendance of scholars noted each day.

5. All fees collected must be entered in the Cash-book, and paid over to the Chief Magistrate in accordance with the Regulations.

6. The accounts with the parents or guardians of children for fees must be carefully posted into the Ledger. A separate line must be shown in the Ledger account of the guardian or parent for each child.

7. No school fees should be allowed to get into arrear if it can possibly be prevented, and the schoolmaster will be expected to keep arrears down to the lowest possible limit without causing the children to leave the school.

8. Every effort should be made to ensure the largest attendance at the school.

9. You will submit your books for the inspection or audit of any authorised officer, and render such officer such assistance as he may require in an audit or inspection of your accounts.

General Remarks.

Every effort should be made by you to advance the knowledge of the children committed to your care; to impart to them such advice as will be most useful and beneficial to them in after years, not only in the community of Norfolk Island but any other community they may desire to settle in; and instil into their minds the necessity for observing the Rules, Laws, and Regulations made from time to time for the peace and good government of the Island.

INSTRUCTIONS FOR THE GUIDANCE OF THE AUDITOR, NORFOLK ISLAND.

The following instructions are furnished for your guidance in auditing the accounts of the Collectors of Public Revenue, Norfolk Island, and are to be read in conjunction with the "Regulations for the Guidance of Collectors of Revenue":—

1. Full instructions have been furnished to each collecting officer as to the mode of collecting revenue and accounting for same.

2. You must see that the instructions are carried out so far as they relate to the accounts.

3. Any breach of the instructions must be reported by first mail to the Under Secretary for Lands, Sydney.

4. Any suggestions you may have to offer for the safeguard of the revenue, or the more efficient audit of the accounts, you will refer direct to the Under Secretary for Lands for consideration.

5. In no circumstances must any revenue-collecting officer be allowed to mix his private cash up with the public revenue or the moneys received by him by virtue of his office.

6. If any irregularity of a serious nature is discovered in the accounts of any collecting officer, you will report the same forthwith to the Chief Magistrate and likewise to the Under Secretary for Lands by the first mail thereafter.

7. Any cash deficiency must be reported by you by first mail to the Under Secretary for Lands.

INSTRUCTIONS FOR THE GUIDANCE OF THE REGISTRAR OF THE MAGISTRATE'S COURT, NORFOLK ISLAND.

1. The Regulations issued by the Minister for Lands for your guidance must be strictly adhered to. The following instructions are to be read in conjunction therewith:—

2. Immediately on the receipt of any money, you will issue your official receipt and enter the amount in your Cash-book.

3. The particulars in the butt of the receipt must agree with the particulars as shown in the receipt in every particular.

4. In the event of any receipt being cancelled by you, it must be attached to the butt thereof. Any departure from this instruction will lead to summary dismissal.

5. On no account must you issue a receipt other than out of the current official Receipt-book. Any departure from this instruction will be followed by your instant dismissal.

6. No Court fees must be collected by you other than those shown on the official scale, which must be exhibited in a conspicuous position in the Court-room.

7. No fee must be received as a perquisite for any official work. Any officers offending in this regard will be dismissed from the Service.

8. The police and gaoler's books must be compared by you with the Bench-books so as to ascertain that the term of imprisonment has been served where a pecuniary penalty has not been paid.

9. You will be held responsible for the collection of all fines where there is no imprisonment.
10. You must hand over to the Chief Magistrate daily the total amount of your collections, for which the Chief Magistrate will issue to you his official receipt.
11. Any licenses to cut pine trees, poles, or to remove timber, must be issued out of the proper books; any departure from this instruction will lead to instant dismissal.
12. The Court Registers must be kept neatly written up, and all Court papers filed in their proper numerical order. Adjourned or remanded cases must be brought forward in red ink, and marked, "Adjourned or remanded cases."
13. You will see that the Chief Magistrate's signature is obtained in the Court Registers for the record of every adjudication or judgment.
14. In no circumstances must credit be allowed for Court fees, licenses, or any process whatsoever.
15. If the Chief Magistrate is satisfied that any person cannot pay the fees, he may allow them to proceed *in forma pauperis*; but such fees must be recovered if a verdict or judgment is given in favour of complainant or plaintiff.
16. In cases where processes are issued *in forma pauperis*, the Chief Magistrate must initial the butt, which must be specially marked.
17. All Court records must be carefully filed for reference.
18. No member of the public must be admitted to the Court-room in the absence of the Chief Magistrate, except on business. A strict observance of this instruction is required.
19. In drawing up of informations or complaints, you must exercise the greatest care, as any careless wording therein is likely to seriously affect the decision of the Court.
20. So far as applicable, you may be guided by MacNiven's Manual for the Guidance of Clerks of Petty Sessions (N.S.W.), a copy of which you have.

General.

Anything omitted in the Regulations for the guidance of Collectors of Revenue not in these instructions will be no excuse for the non-collection or non-accounting of any moneys due to the Government of Norfolk Island unless a reasonable excuse is offered.

It will be your duty to be courteous and polite to all who may have occasion to see you on official business, and to assist all who may require your advice in any Court matters, so far as they relate to the drawing up or preparation of any Court process or application for licenses.

You will exhibit and keep constantly in some conspicuous place in your office, the following notice:—

Notice.

Official receipts will be issued in the form hereunder for all payments (excepting for licenses, suitors, or returnable costs) made to this Department, and persons paying are requested to see that such is given. Receipts on the official form will only be recognised:—

GOVERNMENT OF NORFOLK ISLAND.

RECEIVED FROM	the	sum	pounds	Norfolk Island, shillings and	pence, sterling, on account of	, 189 .
				(Officer)		

Officers are authorised to decline the acceptance of cheques.

INSTRUCTIONS FOR THE GUIDANCE OF THE POSTMASTER AT NORFOLK ISLAND.

1. Any instructions that may be, or have been, received by you for the proper conduct of the postal business of Norfolk Island, must be strictly observed. Any departure therefrom reported to the Minister for Lands will be dealt with summarily.
2. On the receipt of mails you will at once proceed to sort them, in which you may be aided by, if circumstances require, an assistant, as provided by clause 9 hereof.
3. Under no circumstances must any person other than such assistant be allowed to enter the mail-room. Any breach of this instruction will be followed by dismissal.
4. No registered letter must be handed out without a receipt from the person entitled thereto, or some agent authorised in writing in his or her behalf; and such authority shall be filed and produced by you whenever required.
5. Any person registering a letter must fill in the proper form, particulars of which must be recorded in the butt thereof.
6. You will render the public every assistance in the receipt and despatch of mails.
7. All letter bills, time bills, and other documents required to be made out or completed by you must be written neatly and carefully in ink.
8. Any omission in these or any other instructions will be no excuse for the dereliction of duty on the part of yourself or any assistant appointed for the time being.
9. You are required to make a declaration before the Chief Magistrate in the form herewith prescribed, and you are empowered to employ anyone to assist you, provided you are responsible for their integrity and honesty. Any person so employed shall, before entering upon duty, make a similar declaration. These declarations must be forwarded to the Under Secretary for Lands, and in the case of the employment of an assistant, shall set forth the circumstances rendering such employment necessary.

NORFOLK ISLAND.

Post Office Declaration—For Postmaster.

I, _____, do solemnly and sincerely declare, that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom such letter or packet shall be directed, or by an express warrant in writing for that purpose, under the hand of the Governor, or except in pursuance and under the authority of any of the provisions of any Law or Regulation, now or hereafter to be in force, relating to the Post Office.

Declared before me, the Chief Magistrate in and for Norfolk Island, day of _____, —

NORFOLK

NORFOLK ISLAND.

Post Office Declaration.—For an Assistant.

I, Assistant to Postmaster at _____, do solemnly and sincerely declare that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom such letter or packet shall be directed, or by an express warrant in writing for that purpose under the hand of the Governor, or except in pursuance and under the authority of any of the provisions of any Law or Regulations now or hereafter to be in force relating to the Post Office.

Declared before me, the Chief Magistrate in and for Norfolk Island, _____ day of _____

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/377, N.I.

Sir,

Norfolk Island, 16 June, 1898.

I have the honor to acknowledge receipt of your letter of the 2nd instant, numbered N.I., 98/312, upon the subject hereunder mentioned. Your instructions have been carried out.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of letter:—Chief Inspector Brodie's instructions to the various officers of the Government of Norfolk Island.

Seen. Place with papers.—W.H., 4/7/98. Papers herewith.—D.D., 5/7/98. Return to the Accountant, from whom borrowed for the purpose.—H.L.T., 6/7/98.

I have roughly reviewed these instructions, and recommend that, in the first instance, they be printed as revised, then such as are necessary referred to the Collector of Customs, Under Secretary for Public Instruction, Crown Solicitor, and Deputy Postmaster-General, for any revision, alteration, or suggestions, before submitting them for approval to the Minister and Governor.—VICTOR COHEN, Accountant, 19/7/98.

Mr. Brodie's instructions to be carried out as far as practicable where they do not conflict with the Rules and Regulations. Chief Magistrate to convey instructions to officers concerned, who to understand that Regulations for guidance of Collectors of Revenue are to be observed in their entirety. Mr. Brodie having forwarded to me copies of instructions prepared by him in reference to the duties of the officials upon the Island, and which have been left with them for their guidance, it would be as well to instruct them, through the Chief Magistrate, that they are to observe these instructions as far as practicable, and to carry them out where they do not conflict with the Laws, Rules and Regulations proclaimed and made for the government of Norfolk Island. As there is not sufficient time to write to each officer, the Chief Magistrate should be directed to convey these instructions to the officers concerned. Each officer should distinctly understand that the "Regulations for the Guidance of Collectors of Revenue" are to be observed in their entirety.—W.H., 2/6/98.

98/312, N.I.

The Chief Magistrate informed, 2/6/98. The Accountant.

Extract from Report of Chief Inspector of Public Accounts.

Extract from comprehensive Report, 28/6/98, by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

98/388, N.I.

Attested Accounts.

UNDER clause 5 of the Regulations for the Guidance of Collectors of Revenue, each collector must furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by him, such account to be attested by the auditor, Norfolk Island.

This Regulation has not been observed by the whole of the officials, and an emphatic letter should be forwarded to all of the collecting officers, who should be informed that their attested accounts must be forwarded *direct* to the Under Secretary for Lands, not through the Chief Magistrate.

* * * * *

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

Mr. Cohen would perhaps draft a letter in suitable terms.—W. HOUSTON, 11/7/98. Draft letter herewith. It will be observed that the collectors were instructed to transmit these forms, and having failed to do so, Mr. Brodie was directed by me to inquire as to the omission.—V.C., Accountant, 19/7/98. Letter herewith has been approved, and letters accordingly sent to the several officials concerned with copies of forms.—V.C., 26/7/98. Put away.—H.L.T. V.C., 26/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Code of Instructions for Collection of Revenue.—Intimating that all officers concerned notified and supplied with copies of Code of Instructions for Collection of Revenue.

98/458, N.I.

Sir,

Court-house, Kingston, 21 April, 1897.

I have the honor to acknowledge receipt of your letter, N.I., 97/320, of 3rd instant, notifying that His Excellency the Governor has approved of a code of instructions for the guidance of Collectors of Public Revenue. I have now to report that all officers concerned have been duly notified, and supplied with a printed copy of the Regulations.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. Place with papers.—W.H., 29/9/97. Papers now herewith. The Accountant might see them.—H.L.T., 9/12/97. Not further required by me.—V.C., 9/12/97. Mr. Thompson. Put away.—H.L.T., 10/12/97.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Collectors' of Revenue Instructions.

98/379, N.I.

Sir,

Court-house, Kingston, 9 August, 1897.

In continuation of my letter 97/135 of 28th ultimo, I would further remark that the Regulations for guidance of collectors, as suggested in your letter N.I., 97/265, might be further amended, as it appears to me from further experience in the remission of revenue to Sydney that the system proposed would be cumbersome, and rather delay than promote the dispatch of business.

The chief source of revenue is the Customs. Already very carefully-prepared returns on the forms of the New South Wales Customs are forwarded by me to the Under Secretary for Lands from the Collector of Customs, showing collections in detail. I can see no advantage in the collector forwarding any further attested vouchers.

The only other revenue is that derived from the Court and timber, and a small sum for slaughtering licenses.

I consider that the Auditor should inspect all books quarterly or monthly if desired, and forward himself to the Under Secretary for Lands a certificate he has done so, and state with what result. It would often be a cause of delay in remission of revenue if I had to wait for an inspection of accounts by an auditor prior to sending money to Sydney. A steamer calls unexpectedly, and stays at the most four hours. During this period mails have to be landed and opened, Custom work attended to, &c., mails closed. It is clear to me that it would frequently result in delay.

I therefore advise that a periodical inspection of books should be made by an auditor, who should report direct to Sydney, which would be preferable for reasons already given, and that it would render Collectors of Revenue communicating directly with officials in Sydney (passing the Chief Magistrate) unnecessary.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant.—W.H., 3/9/97. Acknowledged, 3/9/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/370, N.I.

Sir,

Court-house, Kingston, Norfolk Island, 13 July, 1897.

I have the honor to acknowledge the receipt of letter N.I. 97/265, 14th June last, which will have my attention.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant re-attached papers, 31/8/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/359, N.I.

Sir,

Norfolk Island, Court-house, Kingston, 28 July, 1897.

I have the honor to acknowledge receipt of your letter, N.I., 97/265, of 9th ultimo, enclosing a draft copy of Regulations for the guidance of Collectors of Revenue, and have circulated them as requested.

I also acknowledge the receipt of two books of receipt forms.

I enclose herewith my remarks on the several clauses of the Regulations, &c.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant, 31/8/97. Please see marginal remarks made by me against the Chief Magistrate's suggestions.—VICTOR COHEN, Accountant, 4/10/97. Act as approved.—W.H., 5/10/97. Urgent.

[Enclosure.]

REGULATIONS FOR THE GUIDANCE OF COLLECTORS OF REVENUE.

1. No remark.

2. This is not always possible. There are sometimes two vessels taking in or discharging cargo at the same time (this has already happened more than once). The Collector of Customs has to be present whilst this is being done, in order import and export returns may be correctly kept, shipping, &c., entries passed, duties collected, &c. These duties may and have lasted all day long for from one to three days consecutively; therefore the books cannot be made up on such occasions daily, but duties collected can be daily paid to the Chief Magistrate, who would give an interim receipt, the books being made up as soon as possible, and signed by the Chief Magistrate.

(I scarcely think there can be, judging from the Collector's returns already received, a very great amount of work, but it will suffice if the money is handed over as suggested by the Chief Magistrate; but care should, of course, be exercised in dealing with provisional receipts—that is to say, when the full receipt is given, the provisional one should be cancelled and destroyed by the Auditor. The receipt should be clearly marked "Provisional"; but this style of issue should be avoided if possible, and I think the occasion should seldom arise for their issue.—V.C., 4/10/97. Approved.—W.H., 5/10/97.)

3. Except fees payable by law to the several officers of the Magistrate's Court (See Victoria 10, No. 10, Schedule A), I would also suggest a monthly statement should be made by the Registrar of the amount of sums payable to suitors or informers in his hands, on the last day of each month, showing also balance in his hands at the commencement of the month, amounts received and amounts paid, during the month.

(There is no objection to this being approved.—V.C., 4/10/97. Approved.—W.H., 5/10/97.)

4. No remarks as to transmission of vouchers as stated; but I advise that for the purposes of meeting unforeseen expenses—payment of jury fees, and incidental expenses—that the Chief Magistrate retains in case in the money safe the sum of not less than £5, open to inspection by the Auditor.

(I do not think it is advisable to complicate the remittances of collections by allowing the Chief Magistrate to make deductions from the revenue. The better course would be to allow the Chief Magistrate sufficient sum as an advance to be accounted for. The Auditor could, of course, have an inspection, and should be advised of any advances made.—V.C., 4/10/97. Approved. Submit amount on separate paper, with details, &c.—W.H., 5/10/97.)

5 to 6. No remarks.

I would point out for consideration that this system would result in coin being sent out of the Island, a limited quantity of which is in circulation, and that, as salaries and other Government payments are made by cheque, the stock of coin would in time be inconveniently diminished. In order to obviate this—I suggest, always provided it be considered workable, that all payments authorised by the Government to officials, or on account of any other authorised liability, should be made as far as possible from the coin received on account of revenue. A statement showing receipts and expenditures to be prepared by the Chief Magistrate, duly audited, and transmitted by each mail to the Under Secretary for Lands.

(At the present time the Chief Magistrate is authorised to pay salaries by orders on the Minister for Lands; there can be no objection to these orders being exchanged for coin, and remitted in payment of collections. This has already been done by the Chief Magistrate.—V.C., 4/10/97. Approved.—W.H., 5/10/97.)

28 July, 1897.

Memorandum by The Under Secretary for Lands to The Private Secretary.

97/320, N.I.

REGULATION FOR THE GUIDANCE OF COLLECTORS OF REVENUE, NORFOLK ISLAND.

THE accompanying code of instructions for the collection and remittance of revenue from Norfolk Island has been prepared by direction of the Secretary for Lands, and is forwarded with the request that you will be so good as to submit it for the consideration and pleasure of His Excellency the Governor.

W. HOUSTON.

B.C., 27th July, 1897.

Approved.—HAMPDEN, 28/7/97. The Under Secretary for Lands.—A.F., P.S., 28/7/97. Seen by the Under Secretary.—H.L.T., 29/7/97. The Accountant. Chief Magistrate informed of the approval of code of instructions, and to instruct officers concerned accordingly that, if possible, copy will be sent by outgoing mail to-morrow, 3/8/97. Printed Regulations received, and 100 copies sent to the Chief Magistrate *per* schooner "Oscar Robinson."—V.C., 6/8/97.

Regulations for the guidance of Collectors of Revenue.

1. *Fees to be received.*—The fees and fines authorised to be received shall be, as have been already or may hereafter be, set forth in the laws proclaimed by His Excellency the Governor and Commander-in-Chief of the Colony of New South Wales and its dependencies and Governor of Norfolk Island.

2. *Proper books to be kept.*—All collections must be entered under their respective headings in the prescribed books supplied for the purpose, and must be paid to the Chief Magistrate each day. The Chief Magistrate will sign his name in the books against the total sum so paid over, and such shall be an effectual discharge to the Collecting Officer.

3. *Collections.*—The full amount of collections must be paid over to the Chief Magistrate, without any deductions whatever, with the exception of sums payable by law to informers and suitors, for which receipts must be produced to the Chief Magistrate each day, and produced for the purposes of audit to the Auditor whenever required.

4. *Vouchers for Remittances.*—The Chief Magistrate will prepare and transmit to the Under Secretary for Lands, Sydney, by each mail despatched for Sydney, or by the first available opportunity, a voucher on Form No. 2 showing the collections and the purposes for which such have been collected; and such vouchers shall be made up to the latest date possible prior to the despatch of the said mail.

5. *Attested Vouchers.*—Each Collector of Revenue will be required to furnish to the Under Secretary for Lands, Sydney, by each mail, an attested account of moneys received by him, and a duplicate thereof to the Auditor, Norfolk Island. The form to be used shall be Attested Account Form No. 1. Such accounts shall be duly attested by the Auditor, Norfolk Island.

6. *Informers' and other Receipts.*—The receipts for sums paid to informers and others must accompany the attested accounts. When any property is sold by auction, by order of the Court, the auctioneer's account sales should also be sent, and the net proceeds included in the attested accounts.

7. *Unclaimed Costs.*—The costs due to suitors and amounts awarded to informers that have been for three clear months unclaimed must be remitted immediately thereafter, *per* the Chief Magistrate, to the Under Secretary for Lands by the first mail.

8. *Nil Returns, Attested Accounts.*—In cases where no revenue is collected, the attested accounts must still be furnished duly completed by the Accounting Officer, and his signature attested by the Auditor, the word "Nil" being written in the place for inserting particulars.

9. *Receipts.*—All receipts shall be issued, in numerical order, from a book of prescribed forms; any forms spoiled or cancelled must not be removed from the book but turned down and marked "Cancelled." Any departure from this Rule will lead to summary dismissal.

10. *Duties to be received.*—The duties to be collected by the Collector of Customs shall be as proclaimed from time to time by His Excellency the Governor.

11. *Books to be open to inspection.*—All books, documents, vouchers, receipts, &c., pertaining to collections, shall at all times be open to the inspection of the Chief Magistrate, Auditor, or other duly appointed person.

12. *Inspection of Accounts by Auditor.*—The Auditor will be required to audit and inspect the accounts of all officials, including the Chief Magistrate, and shall sign a certificate in the form following, in the cash-book kept by the Chief Magistrate:—

I hereby certify that I have duly examined the accounts of (naming each collecting official), and have counted the cash in the custody of the Chief Magistrate, and found the same to agree with the amount collected by the officials before named; and I further certify that receipts from the Department of Lands, Sydney, have been produced for all remittances, except those made on (state date, and mail, and amount).

(Signed)

Auditor.

Date.

A copy of the above certificate, duly signed by the Auditor, shall be sent each mail by the Auditor, addressed to the Under Secretary for Lands, Sydney.

When more than one audit has taken place in the interval between despatch of mails, one certificate, giving the several dates of audit, will suffice.

13. *Safe custody of money.*—The Chief Magistrate will be held responsible for the safe custody of public money so soon as it shall come into his possession, and all officers are enjoined to exercise due precaution to safeguard the revenue, and see to the security of all money that may come to their hands in the course of public business.

14. *Office hours.*—The Chief Magistrate is authorised and empowered to regulate the hours and days during which public offices shall be open for the receipt of money and despatch of public business.

15. *Payment by cheque or orders on firms.*—Collectors are authorised to accept cheques and orders provisionally, and receipts given shall state that “the payment is accepted provisionally upon cheques or orders being paid on demand.” Cheques and orders should as far as practicable only be accepted when drawn upon a bank or firm established in Sydney, New South Wales.

16. *Fidelity guarantee.*—Each officer collecting or being responsible for the collection of public money shall on demand, lodge with the Under Secretary for Lands a policy of an approved society or public company for such an amount as may be required as a fidelity guarantee.

[Enclosure.]

97/320, N.I.

NORFOLK ISLAND.

Receipt Voucher No.

Head of revenue or receipt

STATEMENT of all sums handed over to the Under Secretary for Lands in payment of the under-mentioned collections, by

Period—From	to	189	Total.		
Particulars of Sums received.					
Total			£		

Amounting in all to

Signature of Chief Magistrate.

Paid to Norfolk Island Account on the Receipt issued (No.).

, 1897.

Accountant, Department of Lands.

Norfolk Island,

, 189

Sir,

I have the honor to remit herewith the sum of _____ pounds _____ shillings pence, being the amount received by me from the various Collectors of Revenue, more particularly described in the voucher on the other side. I have the honor to be,

Sir,
Your obedient servant,
Chief Magistrate.

The Under Secretary for Lands.

Particulars of Remittance.	£	s.	d.
Notes			
Gold			
Silver			
Copper			
Cheques or Order as hereunder specified.....			

ACCOUNT of all moneys collected by _____ as _____
 from the _____ to the _____, 18 _____, both dates inclusive.

From whom received.	Total.		
Received from sundry persons under the following Heads of Receipts, viz. :—			
Total	£		

SETTLEMENT OF THE ABOVE COLLECTIONS WITH THE CHIEF MAGISTRATE.

Date of Payment or Remittance.	Particulars of Collections handed over or on hand.	Amount.		
	Notes			
	Gold			
	Silver			
	Copper			
	Cheques or Orders as specified hereunder			
	Cash in hand due to Informers and others			
	Total	£		

I, _____ do solemnly and sincerely declare that the above is a true and faithful account of all moneys collected by me, as _____ from the _____ to the _____ 18 _____, both days inclusive; and that I have paid over the whole amount to the Chief Magistrate; and I make this solemn declaration, conscientiously believing the same to be true.

Made and signed before me at _____ this _____ day of _____ 18 _____; and I certify that I have counted the cash in hand and compared the same with the books and receipts, and found the particulars herein given correct.

Signature of Auditor.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/265, N.I.

Enclosing Statement showing the only sources from which Revenue is at present obtained other than the Customs.

Sir,

Court-house, Kingston, 31 May, 1897.

In reply to your letter of the 21st ult., received on the 11th inst., I have the honor now to enclose a statement exhibiting the only sources other than the Customs from which revenue is at present obtained.

The revenue likely to be received from either of these sources will be but small, and it was contemplated to expend them in the following manner :—

1. Revenue from timber in replanting and fencing suitable trees in various selected positions, such as the Longridge Avenue where gaps exist, breakwinds to the township, &c. All trees so planted must be fenced to preserve them from destruction by cattle.
2. The preservation and introduction of suitable game birds.
3. Revenue for the Council of Elders, to be expended only with the approval of the Chief Magistrate.

The Council of Elders are now considering the advisability of recommending the imposition of a scale of wharfage rates—also of a dog tax.

I consider that a considerable additional revenue could be obtained if Norfolk Island possessed postage and stamps, and was admitted to the postal union. In addition to local demands, collectors would probably purchase extensively.

Mr. Francis Nobbs informs me the question was discussed in 1890, but from the then Governor soon after quitting New South Wales the matter was never dealt with finally. The cost of preparing dies, it is thought, would not exceed £40 per stamp. The only stamps necessary are one of the value of twopence and one of a halfpenny. Suggested designs for the former being a Norfolk Island pine tree, with the Queen's head; and for the latter, a whale-boat (as on the Great Seal) with the Queen's head—Norfolk Island to be printed at the top of the stamp, and its value across the lower end. The total cost attached to the preparation and issue of these stamps it is estimated would not exceed £120—and the revenue obtained (less cost of transmission of mails proportionably considerable). There are no books in use in connection with the revenue—other than Customs—except a book of my own, which I have ruled and use as a ledger. I have applied for books. The permits granted to wood cutters are those used in New South Wales, amended to suit the timber, &c.

I enclose a New South Wales form of "Mail Despatch," amended to suit Norfolk Island, and suggest that a book may be printed for use by the Postmaster of the Island. I should mention there is no revenue from the Postal Department, as there being no stamps in use, coin sufficient to cover is placed in the mail-bags with the letters, the value of each stamp being marked by the Norfolk Island Postmaster on each envelope. Marked B.

Mr. Bent, Inspector of Schools, I am informed by the Registrar for Lands, took sample sheets of the Registrar's books to you by the last mail. No fees are charged for the registration of either births, marriages, or deaths. I enclose copies of the forms in use for your information (marked C).

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Letter acknowledged, and Chief Magistrate asked again to embrace one subject only in each letter.—11/6/97.

Colonel Spalding should, perhaps, be informed that all revenue must be remitted, and that any expenditure required must be in all cases reported, and authority obtained therefor before contracted.—J. W. BARNES, Sub-Accountant, 12/6/97.

Submitted for approval.—W. HOUSTON, Under Secretary, 16/6/97. Approved.

Colonel Spalding omits, I think, to mention Court fees on the Court business, and I understand a considerable sum has been paid already in that respect. He may be asked to furnish accounts of all receipts from all sources, and to at once remit same here. Ascertain from Hordern what he has paid in Court fees already. Approved.—J.H.C., 16/6/97.

The Chief Magistrate has referred to the fees of Court by letter of 29th May, No. 97-261. The instructions for Collectors of Revenue deal fully with the disposal of money.—V.C., Accountant, 19/6/97.

Draft code of instructions have been sent to the Chief Magistrate, with letter of 19th June. It was intimated they were to be acted on pending further directions. They are now submitted for approval, and if approved, for printing and supply of forms.—VICTOR COHEN, Accountant, 4/7/97.

The code of instructions relating to the collection and remittance of revenue from Norfolk Island may, perhaps, be forwarded to the Private Secretary for the consideration and pleasure of His Excellency.—W. HOUSTON, U.S., 16/7/97.

Approved.—J.H.C., 19 July, 1897. Memo. and code proposed, and now sent to the Private Secretary.—27/7/97.

A.

SOURCES from which revenue is derived on Norfolk Island.

Particulars.	Amount.
For cutting pine trees on Crown lands, per tree.....	0 5 0
For cutting hardwood posts for rails, per 100.....	0 2 0
For cutting hardwood posts for wire, per 100.....	0 1 0
For cutting rails, posts, for wire, per 100.....	0 0 6
For cutting fuel only, per month.....	0 2 6
For cutting fuel only, per quarter.....	0 5 0
For cutting fuel only, per annum.....	1 0 0
For gun license, shooting pigeons, pheasants, &c., per annum.....	0 1 0
For license for slaughter-house, each, per annum.....	0 2 0

WARNER SPALDING, Colonel,
Chief Magistrate.

31st May, 1897.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/372, N.I.

Acknowledging letter as to instructions left with Chief Magistrate by Mr. Brodie for his guidance.

Sir, Norfolk Island, Government House, Kingston, 18 June, 1898.

I have the honor to acknowledge receipt of your letter of 2nd instant, N.I., 98/223, 98/314, with enclosure, and have noted, and will act on the instructions therein conveyed.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Seen ; place with the papers.—W.H., 4/7/98. Papers herewith.—D.D., 5/7/98. Returned to the Accountant, from whom borrowed for the purpose.—H.L.T., 6/7/98.

Instructions

Instructions given to Chief Magistrate, Norfolk Island, for his guidance by Mr.
Inspector Brodie.

98/310, N.I.

THE Chief Magistrate, Norfolk Island, by letter of the 13th ultimo, forwards the instructions given to him by Mr. Inspector Brodie for his guidance, and states that he has had no intimation that Mr. Brodie was authorised by the Government to give him such instructions; and although accepting his advice as regards the system of regulating the accounts of the Collectors of Revenues, he states he cannot, as a matter of precedent, accept instructions from him. He has also raised certain points in connection with them.

The Chief Magistrate may be informed that the time between the arrival and despatch of mails has been too brief to admit of full consideration being given to the important points raised by him, and by the instructions Mr. Brodie has sent him.

Pending a further communication on the subject, it will be sufficient for him to observe the several Regulations sent him in August last, and, as far as practicable, such portions of the instructions received from Mr. Brodie as do not in any way conflict with the Laws, Rules, and Regulations, which have been made and proclaimed for the government of Norfolk Island. These Laws (clause 2 of Proclamation, S.G. 280, 7th April, 1897) provide for the exercise of a general supervision over the affairs of the Island, and the collection of, and proper accounting for, all revenues.

It may not, however, be necessary to carry that supervision so far as to trench upon the functions of an Auditor, or to exercise so detailed a check as Mr. Brodie's instructions appear to require; but at the same time he will be held responsible, and directly answerable, for any laches on the part of officials, should it appear, on investigation, such resulted from laxity of supervision on his part.

The management and administration of the legal business pertaining to the Magistrate's Court must in a great measure rest with the Chief Magistrate, and it is thought that the details set out in Mr. Brodie's instructions, as covered by 14 to 19, are for the Registrar to carry out, and are repeated in order that the Chief Magistrate, as head of the Court, should exercise a wholesome supervision, and insure that the Registrar is properly performing his duties.

With respect to clause 20, I am advised that it is the duty of the Chief Magistrate to see that any verdict or judgment upon a matter affecting the community is enforced; but where it is a matter between parties it must be left to those interested to move the Court in the manner prescribed by the laws having force in the Island.

He may further be advised that on the subject of appeal—there is no appeal from the decision of the Chief Magistrate; but he will be further communicated with upon this point. As possibly he may require to refer to Mr. Brodie's instructions, a copy may be forwarded to him, and advised that any instructions given to him will always require the approval of the Minister, unless otherwise directed by His Excellency the Governor.

28 June, 1898.

W. HOUSTON.

Approved.—J.H.C. The Chief Magistrate (with copy), 2/6/98. The Accountant.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/310, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

Referring to your letter of the 13th ultimo, forwarding the instructions given to you for your guidance by Mr. Inspector G. E. Brodie, and stating that you cannot, as a matter of precedent, accept instructions from him, and also raising certain points in connection with the same, I am directed by the Secretary for Lands to inform you that the time between the arrival and despatch of mails has been too brief to admit of full consideration being given to the important points raised by you and by the instructions Mr. Brodie has sent you; but, pending a further communication on the subject, it will be sufficient for you to observe the several Regulations sent you in August last, and, as far as practicable, such portions of the instructions received from Mr. Brodie as do not in any way conflict with the Laws, Rules, and Regulations which have been made and proclaimed for the government of Norfolk Island. These Laws (clause 2 of the Proclamation, S.G. 280, 7th April, 1897) provide for the exercise of a general supervision over the affairs of the Island and the collection of and proper accounting for all revenues. It may not, however, be necessary to carry this supervision so far as to trench upon the functions of an Auditor, or to exercise so detailed a check as Mr. Brodie's instructions appear to require; but at the same time you will be held responsible and directly answerable for any laches on the part of officials should it appear, on investigation, such resulted from laxity of supervision on your part.

The management and administration of the legal business pertaining to the Magistrate's Court must in a great measure rest with you, and it is thought that the details set out in Mr. Brodie's instructions, as covered by 14 to 19, are for the Registrar to carry out, and are repeated in order that you, as head of the Court, should exercise a wholesome supervision and insure that the Registrar is properly performing his duties.

With respect to clause 20, I am advised that it is the duty of the Chief Magistrate to see that any verdict or judgment upon a matter affecting the community is enforced; but where it is a matter between parties it must be left to those interested to move the Court in the manner prescribed by the Laws having force in the Island.

In connection with the subject of appeal, I have to state that at present there is no appeal from the decision of the Chief Magistrate; but you will be further communicated with on this point.

As you may require to refer to Mr. Brodie's instructions, I enclose a copy for your information, but have to point out that any instructions given to you will always require the approval of the Secretary for Lands, unless otherwise directed by His Excellency the Governor.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Chief

Chief Magistrate, Norfolk Island, to

Forwarded original instructions received from Mr. G. E. Brodie, 11th May, 1898.—Chief Magistrate considers he is to be saddled with duties of Auditor and a great deal more.—While accepting Mr. Brodie's advice as to system of accounts, seems cannot accept instructions from that officer.—In view of Island laws, Regulations, same *ultra vires*.

98/223, N.I.

Sir,

Government House, Kingston, 13 May, 1898.

I have the honor to forward original "Instructions for the Guidance of the Chief Magistrate of Norfolk Island," received from Mr. Chief Inspector Brodie on the 11th inst. for consideration, &c., and to ask for instructions thereon. As you are aware, I have already received from you Regulations for the Guidance of Collectors of Revenue, which are being carried out. Your letter to me of the 18th March last, referring to Mr. Chief Inspector Brodie's visit to this Island, does not anywhere indicate that I am to carry out the instructions given by him, or that he has been authorised to give me instructions by the Government.

Although accepting Mr. Chief Inspector Brodie's advice with regard to the system of regulating the accounts of the Collectors of Revenue, it appears to me that as a matter of precedent I cannot accept instructions from that officer.

As to the details of the Regulations, your departmental officers would be better able to judge than I can; but it appears to me that under these instructions I should have to fulfil the duties of Auditor and a good deal more. There is already an Auditor of Public Accounts here, Dr. Metcalf. I also point out, that with regard to sec. 20 of Chief Inspector Brodie's Regulations, I am directed to see that all fines are promptly paid, or that the alternative of imprisonment is enforced where directed.

There is no general law or Statute limiting the time for issuing execution upon a summary conviction of Justices, and, indeed, if there be no corrupt motive, the Justice may postpone issuing the warrant for some considerable time; and I think that such discretionary power should not be interfered with, especially under the circumstances of the people of this Island. There is no appeal from the decision or judgment of the Chief Magistrate under the laws and Acts applicable; therefore, Regulations, &c., secs. 21-23 are, in my opinion, *ultra vires*.

Sec. 24, Scale of Court Fees, have always been exhibited.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

It is probable that the actual inspection of affairs at Norfolk Island renders Mr. Brodie's suggestions necessary. However, I want the Accountant to go into the matter, consult the Crown Solicitor if necessary, and see me not later than Tuesday, as instructions must go by the steamer on the 1st prox.—W.H., 27/5/98.
The Accountant, 28/5/98. Urgent.

INSTRUCTIONS FOR THE GUIDANCE OF THE CHIEF MAGISTRATE OF NORFOLK ISLAND.

135/98, N.I.

THE Regulations received by you in August, 1897, and issued by the Minister for Lands for your guidance, must be strictly adhered to. Any wilful infringement thereof reported to the Minister will require the fullest explanation, and be dealt with as the Minister may determine.

In addition to the Regulations above referred to, you will observe the following until otherwise directed by the Minister for Lands:—

Revenue.

1. You will see that all moneys are collected at Norfolk Island as required by the Laws and Regulations made from time to time.

2. It will be your duty to see that all moneys collected by the Revenue Officers of Norfolk Island are handed over to you, as prescribed by the Regulations issued by the Minister for Lands, and to check the same into their cash-books, with the butts of receipts, licenses, law processes, ships manifests, despatch notes, entries, and by any other means available.

3. On taking over the day's collections from a collecting officer, and finding the same correct, you will forthwith issue your official receipt for the full amount handed to you, and immediately enter the necessary particulars in your cash-book.

4. In no circumstances must a receipt be issued other than on the proper official form. If any receipt is cancelled, it must be attached to the butt, and the word "Cancelled" written across the face of the receipt and butt thereof. The date of cancellation, together with your initials, must also be placed thereon.

5. Court Fees are only to be received other than in summons and charge cases, according to scale approved by the Minister. In summons (other than suitors') cases, and police charge cases, you will be guided by the fees as set forth in the Schedule to the Act 4 Wm. 4, No. 4.

Customs.

6. You will check all Customs dues paid to the Collector as shown by his cash-book, with the receipt-butts, entries, manifests, despatch notes, and by any other means at your disposal.

Deposits on Land.

7. You will check all land payments made to the Registrar of Lands as shown by the entries in his cash-book with the receipt-butts, application register, applications, transfer and mortgage register, and by any other means at your disposal.

PUBLIC

PUBLIC MONEYS.

Suitors', Magistrate Court, and Returnable Costs.

8. Receipts must always be issued on the proper official form for suitors' moneys and returnable costs. Full particulars must be recorded in the body of every receipt issued, and on the butt thereof.
9. You will see that all suitors' moneys, returnable costs, and other moneys due to the public are entered in the Registrar's Public Moneys Cash-book, and proper vouchers obtained for the disbursement thereof, or signatures obtained in the Public Moneys Book thereof.
10. A statement, showing the receipt and disbursement of suitors' moneys and returnable costs certified by the Auditor, must be forwarded by you each mail to the Under Secretary for Lands.
11. No excuse can be accepted for the non-remittance of all collections without any deductions to the Under Secretary for Lands by each mail.
12. When required by the Auditor or other officer authorised by the Minister, you will produce all your books of account, receipts, vouchers, or any documents required in an examination of your accounts.
13. You will render the Auditor or other officer authorised by the Minister such assistance as may be required.

Magistrate's Court.

14. All information and complaints must be carefully drawn up.
15. You will see that all cases are duly and correctly entered in the Court Registers, and that the proper fees are charged thereon.
16. All of your decisions must be carefully recorded in the Court Registers in the columns provided for the purpose, and your signature attached thereto.
17. Each case must bear a distinctive number, beginning with No. 1, and all papers must be filed therein in order of issue.
18. The number in adjourned cases must be carried forward in red ink and marked "adjourned case."
19. Summons and charge cases must be kept separate from suitors' cases and bear their own numbers.
20. You will see that all fines are promptly paid, or that the alternative of imprisonment is enforced where directed.
21. In cases of appeal a deposit of £2 must be lodged with the Registrar, placed to Public Moneys Account, and an official receipt issued therefor.
22. You must forward all papers in the case, with the appeal, to the Under Secretary for Lands, with a full report thereon.
23. If the appeal is sustained the £2 will be refunded to the appellant, if otherwise the deposit will be forfeited to the revenue of Norfolk Island.
24. The scales of Court fees must be exhibited in the Court-room for general information.

General.

Anything omitted in the Regulations for the guidance of collectors of revenue, or in these Instructions, in so far as they relate to the proper supervision of the accounts, and the due accounting for all moneys received by you from accounting officers required to be remitted to the Under Secretary for Lands, by each mail, or in the proper keeping of the accounts, or the filing of papers connected with applications for land registration, and probate of wills, Court processes, or the safe custody of ship's papers and Customs entries will be no excuse for any neglect on your part to take reasonable steps for the prevention of any irregularity on the part of any officer of the Government of Norfolk Island.

G. E. BRODIE,

Assistant Auditor-General for the Government of N.S.W.

Norfolk Island, 10th May, 1898.

EXHIBITS V, W; X.

Food—Biscuits. Tariff—Bonded-store or Warehouse.

Memorandum from The Collector of Customs to The Under Secretary for Lands.
N.I., 98/675.

Subject :—Customs duties, Norfolk Island.

Custom-house, Sydney, 7 October, 1898.

WHEN I suggested that, as far as practicable, the duties on goods imported into Norfolk Island should be paid at the ports of shipment, Sydney or Auckland, I had in view the fact that there was no person on the Island having any experience of Customs business, and that it was not anticipated the funds available would permit of the employment of a competent officer.

We now have an intelligent and experienced officer at the Island, and I would suggest that he be asked to express an opinion,—First, as to the operation of the present tariff; and, secondly, as to the expediency of continuing to collect a portion of the duties at Sydney and Auckland.

He might also be invited to offer any suggestions for the better protection of the revenue, and with regard to any possible improvement in other directions of the present method.

Although his tenure of office has been brief, I have no doubt that the practical experience he has already acquired will enable him to make some useful suggestions.

N. LOCKYER,
Collector of Customs.

This may be done. I am rather afraid that Mr. Twine, who is aged, is holding the position against the views of his family, and possibly, therefore, we shall not be able to retain his services for long.—W. Housron, Under Secretary, 10/10/98.

Approved.—J.H.C., 11/10/98. The Collector of Customs (per the C.M.) asked, 21/10/98. Await reply.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 98/737.

Sir,

Norfolk Island, 11 October, 1898.

I have the honour to acknowledge receipt of your letter of the 28th ultimo, numbered N.I., 98/646, upon the subject hereunder mentioned.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of letter :—Collection of import duties at Norfolk Island. Seen. Await expected report.—W.H., 25/11/98.

N.I., 98/646.

26 September, 1898.

In October, 1897 (97/552), the Chief Magistrate forwarded a letter from Messrs. Nobbs, Waterhouse, and Pearson, urging the collection of duties at Norfolk Island instead of at the port of shipment, and it was decided, on the 7th December, that no change in the system of collection of duties could then be made, but that the matter would be reconsidered in about six months' time, and the Chief Magistrate, Messrs. Nobbs, Waterhouse, and Pearson were so informed.

On the 8th March, 1898 (98/149), the question of a bonded-store and collection of the duties at Norfolk Island was referred for the report of Mr. G. E. Brodie, who was visiting the Island on the 28th June, 1898.

That officer advised (98/391) that he could not recommend any alterations in the arrangements for the collection of duties, but the Minister, on the 12th July, 1898, decided to refer the matter to the Collector of Customs, Sydney, particularly as a new and competent Collector of Customs had been appointed.

Mr. Lockyer advised the establishment of a warehouse, and that, under certain restrictions and conditions, the Islanders be permitted to purchase goods on board trading ships calling at the Island. The Minister approved, and the Collector of Customs, Chief Magistrate, and Messrs. Burns, Philip, & Co., were communicated with accordingly (98/391).

By the last mail a letter, dated 8th instant (98/578), was received from Mr. C. C. R. Nobbs, pointing out that he, with Messrs. Pearson and Waterhouse, received a communication some time ago intimating that in about six months' time the whole matter of collection of duties at the Island would be reconsidered, and this he urges again.

As will be seen from the foregoing, the question has received consideration, and there seems no need, at present, at any rate, for anything further, and certainly not until it is known—after a trial—how the new arrangement is working.

H. L. THOMPSON.

For approval.—W. Housron, Under Secretary, 26/9/98. Approved.—J.H.C., 27/9/98. In letter 27. The Chief Magistrate informed, 28/9/98. Await report on the present arrangements—say, on 22nd November.

The Under Secretary for Lands to the Chief Magistrate, Norfolk Island.

N.I., 98/646.

Sir,

Department of Lands, Sydney, 28 September, 1898.

With reference to your letter of the 10th instant forwarding a communication from Mr. C. C. R. Nobbs urging that the matter of payment at the port of shipment of duties on goods imported into Norfolk Island be now reconsidered in view of a promise to that effect made to Messrs. Waterhouse, Pearson, and Nobbs some time since, I am directed by the Secretary for Lands to inform you that the matter received attention accordingly, with the result that it was decided not to make any alteration in the direction indicated, but to establish a warehouse, and under certain restrictions and conditions, of which you were duly advised, to permit the Islanders to purchase goods on board trading ships calling at the Island.

As this arrangement has but recently been arrived at it must be given a proper trial before any other can be entertained.

I have, &c.,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 98/578.

Sir,

Norfolk Island, Government House, Kingston, 10 September, 1898.

With reference to the decision contained in your letter of 9th December last (N.I., 97/552), on the subject of the collection of import duties at this Island. I have now the honor to forward a letter from Mr. C. C. R. Nobbs, storekeeper, dated the 8th instant (N.I., 247/98), on the subject for consideration.

I have nothing to add to my previous communication except that there is now an experienced Collector of Customs officiating here, and that there is a suitable store for use as the "Queen's Warehouse."

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, N.I.

Mr. C. C. R. Nobbs to the Chief Magistrate, Norfolk Island.

N.I., 98/578.

Sir,

Norfolk Island, 8 September, 1898.

I have the honor to bring under your notice the matter of payment of duties on goods imported into Norfolk Island. Some months ago a letter was addressed to you on the subject by Messrs. Waterhouse, Pearson, and myself, and a reply was sent to us intimating that in about (6) six months' time the whole matter would be reconsidered. I need not here state the reasons why I urge that the present system be changed, as these were set forth in the letter referred to above. I have no doubt that after due consideration of this matter by the Government, the reasonableness and equity of such request will be admitted, and the necessary steps taken to make the alteration in the present system. I have therefore to ask that you again submit this matter to the Government.

I have, &c.,

C. C. R. NOBBS.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

N.I., 98/569.

Sir,

Norfolk Island, Government House, Kingston, 30 August, 1898.

I have the honor to acknowledge the receipt of your letter of the 29th ultimo (N.I. 98-391), and beg to inform you that the building selected as a warehouse for goods in bond at Norfolk Island is built of good rubble stone, with a shingled roof and a stone-flagged floor:—

Length	...	...	...	...	...	...	...	18ft. 6in.
Width	...	...	...	...	...	...	...	9ft. 6in.
Height of wall	...	...	...	...	...	...	...	9ft.

One door with bolts and lock. The building is dry, and is situated immediately in the rear of the constable's quarters, in the Court yard, which is enclosed with a high stone wall, through which there is a door, up which a cart can be taken. This door is only separate from the warehouse by the width of the yard.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Seen. Put away.—W.H., 20.

Messrs. Burns, Philp, & Co., to Department of Lands, Sydney.

N.I., 98/432.

Gentlemen,

Sydney, 29th July, 1898.

We have the honor to acknowledge receipt of your favour of 28th instant regarding the requirements of the trade at Norfolk Island, and beg to thank you for the consideration and decision given to this matter.

We are acquainting our supercargo on the steamer of the arrangement, and further instructing him, in addition to the captain, that they must at all times do everything in their power to facilitate matters as much as possible for the Collector of Customs at Norfolk Island.

Again thanking you,

We have, &c.,

P. BURNS, PHILP, & CO., Ltd.,
JOSEPH MITCHELL.

Seen. Place with papers.—W.H., 30/7/98.

See action on 98/391.

The Under Secretary for Lands to Messrs. Burns, Philp, & Co.

(Draft.)

Gentlemen,

25. July, 1898.

I have the honor to inform you that, in order to meet the requirements of trade at Norfolk Island it has been decided that under certain restrictions and conditions the Islanders may be permitted to purchase goods on board trading ships calling at that place, and this may be allowed under the following arrangements:—

The goods so disposed of must consist of articles appearing on the manifest as trade, and although manifested for the last port of call, are really intended for sale at any port where a market offers.

When goods are thus sold and landed at Norfolk Island, the Sydney manifest may be amended by their addition at the foot all the goods, whether dutiable or free, must be first placed in a Government store under the control of the Collector of Customs, at Norfolk Island, and delivered on duty or free entries, as required by the purchasers, at any future time, no charge being made for storage.

Goods intended for trade must be stored in a separate part of the vessel, to be known as the "trade room," and the supercargo or other responsible officer on board must afford the Collector of Customs every facility and the fullest information to enable him to obtain an accurate inventory of the quantities sold. The supercargo or other responsible officer must also arrange for the sales to be effected in the presence of the Collector of Customs if that officer consider it necessary.

I have to add that any further arrangements necessary in his opinion have been left to the discretion of the Collector of Customs.

The Under Secretary for Lands to The Collector of Customs, Norfolk Island.

98/391., N.I.

Sir,

Department of Lands, Sydney, 25 July, 1898.

In order to meet the requirements of trade at Norfolk Island, it is desired that, under certain restrictions and conditions, the Islanders be permitted to purchase goods on board the trading ships calling at place.

This may be allowed under the following arrangements:—

The goods so disposed of will consist of articles appearing on the manifest as "trade," and although manifested for the port of call, are in reality intended for sale at any port where a market offers.

When goods are thus sold and landed at Norfolk Island, the Sydney manifest may be amended by their addition at the foot, all the goods, whether dutiable or free, must be first placed in a Government store under your control, and delivered on duty or free entries, as required by the purchasers, at any future time, no charge being made for storage.

This will apply chiefly to Burns, Philp, & Co.'s line of steamers, and as the goods intended for trade are stored in a separate part of the vessel known as the "trade room," you will experience no difficulty in obtaining an accurate inventory of the quantities sold.

This can be obtained from the supercargo or other responsible officer on board, who must afford you the fullest information, and who, if you consider it necessary, must arrange that the sales are effected in your presence.

Should boarding be impracticable, then the strictest supervision will be necessary over the landing of the goods, in order that they are all duly forwarded to and secured in the store set apart for that purpose. Any further arrangements necessary for the protection of the revenue are left to your own discretion.

I would be glad of a report upon the proposed arrangements after your first practical experience.

I have, &c.,

W. HOUSTON,

Under Secretary.

Extract from Report by Chief Inspector of Public Accounts.

EXTRACT from comprehensive report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

* * * * *

98/391, N.I.

BONDED STORE.

I cannot recommend any alteration in the present arrangements for the collection of Customs duties.

No one suffers any great hardship under the existing arrangements, and the revenue is better protected by the payment of duties at the port of shipment.

* * * * *

I have, &c.,

C. E. BRODIE,

Chief Inspector of Public Accounts.

I think it would be well to ask the advice of the Collector of Customs on this matter, particularly as the present Collector at Norfolk Island is a competent Customs officer formerly in the employ of the New South Wales Government.—W. HOUSTON, Under Sec., 11/7/98.

Approved.—J.H.C., 12/7/98. The Collector of Customs, Sydney.—H. L. THOMPSON (for U. Sec.), B.C., 12/7/98

PROPOSED CUSTOMS BOND OR WAREHOUSE, NORFOLK ISLAND.

A REPRESENTATIVE of Burns, Philp, & Co. called and explained the desire of the company in the matter. It appears that their ships are practically floating stores, and it would be a convenience to all concerned if sales to the Islanders were permitted to be made on board. Under ordinary circumstances that would be a very undesirable practice, but the case is an exceptional one, and I am now inclined to think that

with the assistance of Mr. Twine, a plan may be found to remove some of the difficulties. The establishment of a Customs bond or warehouse would prevent the excuse for a good deal of annoyance and irritation, and presents no difficulties. I would recommend, as an experiment, that next trip sales of goods to the Islanders be permitted on board under the express condition that delivery of the goods, whether dutiable or otherwise, be only made from the ship to the Collector, and that all goods found being taken ashore other than under the arrangement be treated as uncustomed goods. I understand that there is a suitable building which might be utilised as a bond, and from which the Collector may distribute the goods upon payment of duty. If I am correctly informed, there is only one practicable landing place in the Island, and, therefore, there should be no trouble in exercising the necessary supervision. The Collector may be empowered to arrange whether it is preferable for him to take delivery of the goods on board or ashore; in either case the ship being responsible for their due delivery, and if the suggestion is approved of he might also be called upon to report whether the practice may be safely continued.—N.I., 13/7/98. Indexed. The Under Secretary for Lands.

I am aware that Mr. Lockyer has given this matter a good deal of attention, and I think, viewing the representations of persons residing at the Island, and the apparent advantage that will ensue from the course proposed, Mr. Lockyer's suggestion might be acted upon, and as this Department has no practical knowledge of the working of the system, that Mr. Lockyer be asked to forward drafts of the instructions which will be necessary to give effect to the arrangement.—W. HOUSTON, Under Secretary, 15/7/98.

Approved.—J.H.C., 18/7/98. The Collector of Customs, Sydney.—H. L. THOMPSON (for Under Secretary), B.C., 18/7/98. To be returned, please. Draft instructions herewith enclosed.—N.I., 25/7/98. The Under Secretary for Lands. The Collector of Customs, Norfolk Island (*per* Chief Magistrate) and Messrs. Burns, Philp, & Co. *inf.*, 25/7/98 and 28/7/98 respectively. The Chief Magistrate asked to give particulars of the building selected for a warehouse.—H.L.T., 29/7/98. The Accountant to see and return, please. Noted.—V.C., 30/7/98. Await report as to how the change operates.—H.L.T., 4/8/98.

BONDED STORE AND COLLECTION OF DUTIES, NORFOLK ISLAND.

98/149, N.I.

It will be observed from the papers that this matter has been under consideration already, and that it was decided to defer action for six months.

This period has almost expired, and I am inclined to think there is some reasonable ground for the request.

I would suggest that the matter be entrusted to the arrangement of the Inspecting Officer (whom I have elsewhere recommended be sent to the Island) and Colonel Spalding; that is if, after conferring, these officers consider the proposal both practicable and advantageous.

W. HOUSTON,
Under Secretary, 8/3/98.

Appd.—J.H.C., 15/3/98. Referred to in a general report furnished to you this day. Cannot recommend at present.—G. E. BRODIE, A.A.G., 28/6/98. The Under Secretary for Lands. See extract herewith, registered as 98/391, N.I.—H.L.T., 7/7/98.

NORFOLK ISLAND MATTERS.

98/148, N.I.

(Interview with Mr. Waterhouse.)

At 11:30 this morning (Friday, 4th March, 1898), Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

I wish also to say something about collecting the revenue down there instead of at Sydney. On 2 tons of sugar I would have to pay duty here of £10. Now that sugar would last me a long time, and if I could take it down and place it in bond and take it out as I wanted it, it would be a big saving to me. And then in the case of a vessel being lost there would be no need of reinsurance.

Is there any place that would be sufficiently large and secure for a bond? Yes, the back portion of the Engineer's office.

At the time this matter was dealt with things were rather uncertain, in fact they are still uncertain, and I think I will have to send an officer down there, who perhaps could make these alterations.

Place with papers.—W.H., 7/3/98. Mr. C. C. R. Nobbs also brought this matter under notice.—W.H., 8/3/98.

NORFOLK ISLAND MATTERS.

98/148, N.I.

(Mr. C. C. Nobbs' interview.)

At noon on Thursday, 3rd March, 1898, Mr. C. C. Nobbs, of Norfolk Island, called on the Under Secretary for Lands (Mr. Houston), when the following conversation took place:—

Mr. Nobbs then referred to the Customs duties. We thought that these should be collected at Norfolk Island and not in Sydney. A letter signed by himself, Waterhouse, and Pearson (also a store-keeper) *re* this matter was sent to the Government in October last.

You admit that there must be some means of raising the revenue? Of course, but the duties should be collected at the Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/43, N.I.

Sir,

Norfolk Island, 11 December, 1898.

I have the honor to acknowledge receipt of your letter of the 9th ult., numbered N.I. 97/552, upon the subject hereunder mentioned.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Subject of Letter :—Collection of Import Duties.

Seen ; submit 1st May.—W.H., 21/2/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/552, N.I.

Sir,

Norfolk Island Court-house, Kingston, 23 October, 1897.

I have the honor to enclose a letter, dated 18th instant, signed by Messrs. Nobbs, Waterhouse, and Pearson, storekeepers, representing that for reasons given in their letter, it would be more convenient to the public and themselves for Customs duties to be collected at the Island.

As I consider there would be no difficulty in the collection of duties here, and such a change would tend to reduce the cost of dutiable goods to the consumer, I recommend the application to favourable consideration.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

This is a proposal that payment of duty imposed on certain goods imported into Norfolk Island for home consumption should be made at Norfolk Island instead of at the port of shipment, and the reasons are set out in the letter attached hereto. Clause 16 of the Norfolk Island tariff requires the duty to be paid at the port of shipment in Australia or New Zealand, and the request could not be met unless that regulation were amended. Submitted.—H. L. THOMPSON, 22/11/97.

Referred to the Collector of Customs, who will perhaps kindly favour me with his advice on the views expressed in letter of 18th ultimo.—W. HOUSTON, B.C., 23/11/97.

I would suggest that the present arrangement continue in force for twelve months from its inception—say, for another five months. By that time the officials at the Island should have acquired sufficient experience to take over the whole of the Customs business.—N.L., 30/11/97. The Under Secretary for Lands.

The writers of the letter of the 18th October may be informed, through the Chief Magistrate, that no change in the system of collecting the duties can at present be made, but it is intended to reconsider the matter in about six months' time.—W. HOUSTON, Under Secretary, 2/12/97.

Ald.—J.H.C., 7/12/97, in letter 7. The Chief Magistrate informed, and asked to advise Messrs. Nobbs, Waterhouse, and Pearson accordingly, 9/12/97. Submit, 1st May, 1898.

Messrs. Nobbs, Waterhouse, and Pearson to The Chief Magistrate, Norfolk Island.

97/552, N.I.

Sir,

Norfolk Island, 18 October, 1897.

We have the honor to respectfully bring under your notice the question of the payment of duties imposed on certain goods imported into Norfolk Island for home consumption. The tariff is, at present, collected at the port of shipment, whereas it would be more convenient to us, the storekeepers principally and the public generally, were payment of same to be made at this end, for the following reasons, viz. :—

- 1st. The amount of duty, where necessary, has by law to be paid before the ship clears the Customs, which, in most instances, means several weeks before arrival and delivery of the said goods at Norfolk Island.
- 2nd. If the duties were collected at this end, the money otherwise paid on account of duties of stores, instead of being virtually "locked up," as is the case now, through having to make provision for payment so long before the goods arrive.
- 3rd. The inconvenience to small capitalists.
- 4th. The duty being paid (say) in Sydney is collected on goods that have not been actually landed on Norfolk Island, and it is possible, although fortunately not often the case, the goods might never come to hand through shipwreck, jettison, or other causes.
- 5th. That such dutiable goods as are not immediately required by consignees could be "bonded" and taken out at the convenience of consignees.

Trusting the above remarks may meet with your favourable consideration, and that the Government may see its way to grant the request contained herein.

We are, &c.,

C. C. R. NOBBS,
R. J. WATERHOUSE,
F. WALTER PEARSON.

The Secretary and Inspector, Trade and Customs, New Zealand, to The Secretary for Lands, Sydney.

97/324, N.I.

Sir,

Department of Trade and Customs, Wellington, New Zealand, 23 July, 1897.

I have the honor to acknowledge the receipt of your letter of the 9th instant, and to inform you, in reply, that the Collector of Customs at Auckland has been instructed to use his best exertions to secure payment of Norfolk Island duty before vessels are cleared for that place. He will remit the collections to you at the end of each month, accompanied by a schedule supported by copies of export entries. In the event of any exporter refusing to pay duty the fact will be notified in the clearance.

I am not very sanguine as to the working of this arrangement in Auckland, but, no doubt, if shippers consider it an advantage in competition with Sydney, their acquiescence will be gained.

I shall be glad if you will, as soon as possible, forward to me (say) twenty copies of the Proclamation in your *Gazette*, No. 281, of 7th April last. I forward herewith a copy of the letter of instructions sent to the Collector at Auckland.

I have, &c.,

W. T. GLASGOW,

Secretary and Inspector.

Submitted that this letter be acknowledged, the copies of the tariff asked for supplied, and that the papers be referred to the Collector of Customs, Sydney, for his information.—H. L. THOMPSON, 5/8/97. Yes.—W.H., 5. Letter acknowledged and twenty copies of laws sent, 5/8/97. The Collector of Customs, Sydney.—H.L.T., for U. Secretary, B.C., 6/8/97. To be returned, please. Noted and returned.—N.L., 12/8/97. The Under Secretary for Finance and Trade, &c. The Accountant will require to note these papers, I think.—H.L.T., 13/8/97. See note on 97/317 as to bringing forward papers. Mr. Thompson.—V.C., Acct., 4/10/97. End of year, 5/10.

The Secretary and Inspector to The Collector of Customs, Auckland.

23 July, 1897.

REFERRING to my letter of the 3rd May last, I have to forward for your information copy of a letter to the Secretary for Lands, Sydney, and of his reply thereto. In the letter the New South Wales Government expressed its desire that the proposal in the first letter should receive trial for six months, and I have therefore to request you to use your best exertions to secure the object aimed at. The reference made to the absence of difficulty in collecting the Norfolk Island revenue at Sydney is, of course, no indication as to how New Zealand importers may look on the matter; but, no doubt, the latter will not object if they find payment of duty to be in their interest in competition with Sydney. The New South Wales Government has, as you will see, been made aware of the fact that there is no power in New Zealand to compel payment of the duty. In the event of any exporter refusing, nothing more can be done than to see that he is made acquainted with the whole circumstances, and the Norfolk Island authorities advised on the clearance. I think it will be sufficient for the present to pay all receipts into your deposit account and make a remittance at the end of each month, forwarding a schedule of the amount collected under each head, supported by copies of export entries containing goods liable to duty in Norfolk Island. In the case of all vessels loading for Norfolk Island it will be necessary for you to require export entries to be passed before clearance is granted.

If any entry shows goods liable to duty in Norfolk Island a copy should be required for attachment to the clearance, having thereon certified particulars of the duty paid.

In the event of any exporter refusing to pay the duty the clearance should contain a notification of the fact.

I have written to the Secretary for Lands, Sydney, for a number of copies of the Norfolk Island tariff. Meantime I forward for your guidance the copy sent to me.

When experience for six months is gained I will make a recommendation as to a charge to be made. I consider your suggestion of 5 per cent. a reasonable one.

It is desirable that you should at once notify all persons who are known to you as exporters to Norfolk Island; also the owners or agents of vessels trading to that place.

W. T. GLASGOW,

Secretary and Inspector.

COLLECTION OF DUTIES ON NORFOLK ISLAND—IMPORTS IN NEW ZEALAND.

97/254, N.I.

No reply has been received from the Colonial Treasurer, Wellington, New Zealand, to the letter on this subject sent to him on the 7th April last. A reminder should be sent.

H. L. THOMPSON, 23/6/97.

Yes.—W.H., 23/6/97. Sent Colonial Treasurer, Wellington, N.Z., 25/6/97. Await reply.

The Collector of Customs to The Under Secretary for Lands.

97/322, N.I.

Sir,

Custom-house, Sydney, 29 July, 1897.

I have the honor to forward herewith, for your information, copies of letters forwarded to the Commissioner of Trade and Customs, Wellington, New Zealand, the Collectors of Customs, Melbourne, Adelaide, Brisbane, and Hobart, and copy of a circular to Customs' Officers at the coastal stations in New South Wales, requesting that a letter of advice be forwarded with each shipment of dutiable goods to Norfolk Island, describing the lines upon which duty has been paid.

Such letter of advice is necessary to assure the Collector at Norfolk Island of payment of duty at the port of shipment, and to enable him to identify the goods.

I have, &c.,

N. LOCKYER,

Collector of Customs.

Acknowledged, 30/7/98. Seen.

The

The Collector of Customs, Sydney, to The Commissioner of Trade and Customs, Wellington, New Zealand.
97/322, N.I.

Sir,

Custom-house, Sydney, 27 July, 1897.

Referring to yours of 19th June last to the Secretary for Lands, in which you were good enough to intimate your willingness to collect duties in New Zealand under the Norfolk Island tariff, for a period of six months, I beg to say that, in order to identify the goods forwarded as "Duty-paid Goods," it is desired that dispatch-note or letter of advice be forwarded with each shipment to the Collector of Customs, Norfolk Island, showing particulars necessary for identification. Will you kindly issue instructions accordingly?

I am also forwarding by this mail twenty copies of the *Gazette* containing the Proclamation relative to the collection of duties under the Norfolk Island tariff. Will you be good enough to forward them to your officers where you may deem necessary?

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Collector of Customs, Sydney, to The Collector of Customs, Melbourne, Victoria.
97/322, N.I.

Sir,

Custom-house, Sydney, 27 July, 1897.

Reverting to your kind co-operation in collecting duties under the Norfolk Island tariff, I now have the honor to request that you may be pleased to instruct your officers to forward a dispatch-note or letter of advice to the Collector of Customs, Norfolk Island, with each shipment, showing particulars of marks and quantities duty paid.

This is necessary to enable the Collector to identify the goods, and to assure him of the payment of duty at the port of shipment.

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Collector of Customs, Sydney, to The Collector of Customs, Adelaide, South Australia.
97/322, N.I.

Sir,

Custom-house, Sydney, 27 July, 1897.

Reverting to your kind co-operation in collecting duties under the Norfolk Island tariff, I now have the honor to request that you may be pleased to instruct your officers to forward a dispatch-note or letter of advice to the Collector of Customs, Norfolk Island, with each shipment, showing particulars of marks and quantities duty paid.

This is necessary to enable the Collector to identify the goods, and to assure him of the payment of duty at the port of shipment.

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Collector of Customs, Sydney, to The Collector of Customs, Brisbane, Queensland.
97/322, N.I.

Sir,

Custom-house, Sydney, 27 July, 1897.

Reverting to your kind co-operation in collecting duties under the Norfolk Island tariff, I now have the honor to request that you may be pleased to instruct your officers to forward a dispatch-note or letter of advice to the Collector of Customs, Norfolk Island, with each shipment, showing particulars of marks and quantities duty paid.

This is necessary to enable the Collector to identify the goods, and to assure him of the payment of duty at the port of shipment.

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Collector of Customs, Sydney, to The Collector of Customs, Hobart, Tasmania.
97/322, N.I.

Sir,

Custom-house, Sydney, 27 July, 1897.

Reverting to your kind co-operation in collecting duties under the Norfolk Island tariff, I now have the honor to request that you may be pleased to instruct your officers to forward a dispatch-note or letter of advice to the Collector of Customs, Norfolk Island, with each shipment, showing particulars of marks and quantities duty paid.

This is necessary to enable the Collector to identify the goods, and to assure him of the payment of duty at the port of shipment.

I have, &c.,

N. LOCKYER,

Collector of Customs.

GOODS FOR NORFOLK ISLAND.

97/322, N.I.

Custom-house, Sydney, 27 July, 1897.

UPON the shipment of any goods from your port of Norfolk Island, it will be necessary to forward a letter of advice, by the ship conveying the goods, to the Collector of Customs, Norfolk Island. In your letter full particulars must be given of marks, numbers, and quantities, that the goods may be identified.

N. LOCKYER,

Collector of Customs.

The Officer of Customs, Newcastle, Clarence Heads, Eden, Tweed River, Bateman's Bay, Bellambi, Port Kembla, Wollongong, Port Stephens, Richmond River, Kiama, Shoalhaven, Macleay River, Bellinger River, Nambucca River, Port Macquarie, Manning River.

The Collector of Customs to The Under Secretary for Lands.

97/317, N.I.

Sir,

Custom-house, Sydney, 19 July, 1897.

I have the honor to acknowledge receipt of yours of 16th instant, enclosing copy of letter from the Department of Trade and Customs, New Zealand, relative to the collection of Customs duties under the Norfolk Island tariff in New Zealand. I also note that the Secretary for Lands has approved of the proposal being tried for six months.

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Accountant to see papers herewith.—H.L.T., 20/7/97. This should be brought forward end of the year so that a statement of collection of duties by other colonies may be prepared.—V.C., Accountant, 31/7/97. Mr. Thompson.

The Secretary and Inspector, Trade and Customs, New Zealand, to The Secretary for Lands, Sydney.

97/304, N.I.

Sir,

Department of Trade and Customs, Wellington, 19 June, 1897.

I am directed by the Commissioner of Trade and Customs to inform you that your letter of the 7th April last, addressed to the Colonial Treasurer, has been referred to him for reply.

The Commissioner instructs me to say that while the New Zealand Government would gladly aid the Government of New South Wales in any matter such as that proposed, he is of opinion that it is not at all likely that exporters in this Colony would be willing to pay duty in New Zealand according to the Norfolk Island tariff, and in the absence of any authority compelling them to do so, the Commissioner considers that it would be futile for the New Zealand Government to enter into the proposed arrangements.

I am, however, to add that if your Government is anxious, notwithstanding, to give the proposed arrangement a trial, say for six months, instructions will be issued accordingly. The question of expense can be postponed in the meantime.

I have, &c.,

W. T. GLASGOW,

Secretary and Inspector.

The arrangements proposed should be given a trial of six months as suggested by the New Zealand authorities. It may be pointed out to the Commissioners for Trade and Customs that no difficulty has as yet been experienced in regard to the collection of Customs duties from exporters in this Colony.—W. HOUSTON, Under Secretary, 2/7/97.

Approved.—J.H.C., 6/7/97. The Secretary and Inspector, Trade and Customs Department, New Zealand. Informed, 9/7/97. Collector, Customs, Sydney, supplied with a copy of this letter, and informed that as six months that as suggested is to be given, 16/7/97. The Accountant.—H.L.T., 20/7/97.

Collection in South Australia of Duties on Norfolk Island imports.

97/254, N.I.

3 June, 1897.

I HAVE interviewed Mr. Bethune, of the Customs Department, Sydney, in reference to this matter. He advises that a letter be written to the Collector of Customs, Adelaide, intimating that it will be sufficient if he will forward remittances monthly to the Collector of Customs, Sydney, together with the usual entry papers, and a statement of the amounts collected; that it should be pointed out that the sections of the laws (which were sent for information only), quoted in the letter under answer, apply particularly to the Collector at Norfolk Island, and that the correspondence which has taken place is sufficient evidence of the appointment as Collector of the Revenue alluded to.

H. L. THOMPSON.

Submitted. Write.—W.H., 3/6/97. Collector of Customs, Adelaide, informed, 7/6/97.

The Collector of Customs, Adelaide, to The Under Secretary for Lands, Sydney.

97/249, N.I.

NORFOLK ISLAND DUTIES.

Sir,

Custom-house, Port Adelaide, 28 May, 1897.

I have the honor to acknowledge the receipt of your letter, dated the 3rd instant, together with its enclosures, which shall have my best attention. I have given notice at the Customs House in regard to these duties, and will forward any amounts that may be received. I shall be glad, however, to know whether you require remittances immediately after collection or otherwise, and whether any particular forms are to be used in connection with the returns and statistics mentioned in clauses 13 and 14 of the proclamation. Will you also be good enough to advise me, in connection with clause 16, whether the correspondence that has taken place is sufficient evidence of my appointment to act for you in this matter, or whether some more formal advice is required to enable me to collect the revenue in question?

I have, &c.,

Collector, H.M. Customs.

Telegram sent to the different Colonies.

7 April, 1897.

UNDER proposed Customs Regulations for Norfolk Island, payment of duties will be made at port of shipment to persons authorised by the Governor. Will you kindly consent to your Collector of Customs being authorised, so far as goods shipped from Queensland to the Island are concerned, and account for such collections to Customs Department, Sydney? The extra work would be nominal.

Mr.

Mr. H. S. P. Wollaston to The Under Secretary for Lands, Sydney.

97/176, N.I.

Sir,

Department of Trade and Customs, Melbourne, 6 May, 1897.

I have the honor to acknowledge receipt of your letter of the 3rd instant, No. 97/1,164, N.I., forwarding ten copies of the laws relating to the imposition of import duties on goods shipped to Norfolk Island, and beg to state that the officers of this Department have been directed accordingly.

I have, &c.,

H. S. P. WOLLASTON.

Seen. Await reply from Wellington.—11/5/97.

Telegram from Adelaide Station, addressed to The Hon. the Premier, Sydney.

[Copy of Telegram, copied for the information of the Under Secretary for Finance and Trade.]

WE have much pleasure in consenting to our Collector of Customs acting for you in receiving payment for duties on goods shipped from South Australia to Norfolk Island, as requested in your telegram of 7th instant.

C. KINGSTON,

Premier.

Acknowledge please with thanks.—F.K., 20/4/97. Mr. Robberds. Done.—C.E.R., 20/4/97. The Collector of Customs.—F.K., 21/4/97. Noted and returned.—N.L., 23/4/97. Records. The Under Secretary for Finance and Trade, &c., &c. Ten copies of Customs laws sent to Collector of Customs, Adelaide, to-day.—H.L.T., 3/5/97. Await reply from Wellington.

The Acting Premier, Victoria, to The Hon. the Colonial Treasurer, Sydney.

97/164, N.I.

Sir,

Melbourne, 22 April, 1897.

I have the honor to state that I have, with pleasure, consented to the Collector of Customs for this Colony being authorised to receive payment of duties under the proposed Customs Regulations for Norfolk Island, as requested by your telegram of the 7th instant.

The Collector has been directed accordingly.

I have, &c.,

N. W. HEST,

Actg. Premier.

Acknowledge please with thanks.—F.K., 27/4/97. Mr. Robberds. Acknowledged.—C.E.R., 28/4/97. The Collector of Customs.—F.K., 28/4/97. Ten copies of the Customs laws sent to Collector of Customs, Melbourne, to-day. Mr. Lockyer advised.—H.L.T., 3/5/97.

Telegram from Brisbane Station, addressed to Chief Secretary.

97/162, N.I.

COLLECTOR of Customs, Brisbane, authorised to collect duty payable on goods shipped from Queensland to Norfolk Island, and account as suggested in Mr. Young's telegram of 7th instant.

HORACE TOZER.

Refer to Lands.—M.B., 22/4/97. The Under Secretary for Lands.—C.W., P.U.S., B.C., 24/4/97. Twenty-five copies of Customs laws sent by Mr. Lockyer to Collector of Customs, Brisbane.

Telegram from Adelaide Station, addressed to Colonial Treasurer.

97/142, N.I.

DUTY on exports from Tasmania for Norfolk Island shall be collected and accounted for as requested.

P. O. FYSH.

The Principal Under Secretary.—F.K., 10/4/97. Refer to Lands.—C.W., 13/4/97. The Under Secretary for Lands.—C.W., P.U.S., B.C., 14/4/97. Await other replies.—15/4/97. Ten copies of Customs laws sent to Collector of Customs, Tasmania, to-day. Mr. Lockyer advised.—H.L.T., 3/5/97.

Telegram from Adelaide Station, addressed to William Houston, Under Secretary for Lands, Sydney.

97/129, N.I.

LETTER for New Zealand Treasurer received to-day, signed by Minister, and posted to you. No cable sent.

WALTER D. BINGLE,

Secretary, Minister for Lands, N.S.W.

Received and sent to P.U.S. to forward first mail, 9/4/97. Awaiting replies to 97/117, herewith.

The Secretary for Lands, N.S.W., to The Hon. the Colonial Treasurer, Wellington, N.Z.

Sir,

Department of Lands, Sydney, 7 April, 1897.

I have the honor to inform you that His Excellency the Governor of New South Wales and of Norfolk Island has recently approved of certain regulations for the better government of Norfolk Island, and to ask that your Department will be so good as to afford its kind co-operation in giving effect to the same.

With

With a view of raising revenue to meet expenses in connection with the government of the Island, it is proposed to levy duties on certain articles in accordance with a simple tariff, a copy of which is enclosed.

It is thought desirable to collect the duties on goods exported to the Island at the port of shipment, and as the bulk of the trade is carried on with Sydney and Auckland, it is chiefly in connection with the collection of these duties that your co-operation is sought.

It is proposed that duties be collected by your Customs authorities on goods forwarded from colony to Norfolk Island, and the amounts so received be remitted monthly to the Collector of Customs, Sydney, with the entries representing the amount. The trade is very small, and would impose but little extra work on your officials, the estimated total revenue for this year being only about £700. Any expense incurred would, of course, be reimbursed from here, and I may add that, so far as this Colony is concerned, it is not intended to charge the Island with the cost of collection of duties.

I shall esteem it a favour if you will kindly let me know by cable whether you can see your way clear to concur in this proposal.

I have, &c.,

J. H. CARRUTHERS,
Secretary for Lands.

97/117, N.I.

Wire.—Under proposed Customs Regulations for Norfolk Island payment of duties will be made at port of shipment to persons authorised by the Governor. Will you kindly consent to your Collector of Customs being authorised so far as goods shipped from Victoria to the Island are concerned? The extra duties would be nominal.—W.H., 6/4/97.

Same to Queensland, South Australia.—W.H.

Telegrams sent to the Hon. the Chief Secretary, Melbourne, the Hon. the Chief Secretary, South Australia, the Hon. the Chief Secretary, Queensland (Brisbane), and Hon. Chief Secretary, Tasmania, 7/4/97. The Colonial Treasurer, Wellington, N.Z., by letters, 7/4/97.

97/104, N.I.

Wire.—Draft letter *re* Customs for New Zealand Treasurer posted to-day for signature if desirable, but in view of delay you will perhaps consider expediency of cabling.

Please inform me what you do.—W.H., 3/4/97.

To The Honorable the Colonial Treasurer, Wellington, New Zealand.

97/104, N.I.

Sir,

Department of Lands, Sydney, 2 April, 1897.

I have the honor to request your co-operation in giving effect to certain regulations for the better government of Norfolk Island which have recently been assented to by His Excellency the Governor of this Colony.

With a view to meet expenses in connection with the government of the Island, it is proposed to levy duties on certain articles in accordance with a simple tariff, a copy of which is enclosed herewith.

As the chief trade of Norfolk Island is done with Sydney and Auckland, it is proposed to collect the duties on goods exported to the Island at the port of shipment, and it is chiefly in connection with the collection of these duties that your co-operation is sought.

It is desired that duties be collected by your Collector on goods forwarded from your Colony to Norfolk Island, and the amounts so received be forwarded monthly to the Collector of Customs, Sydney, with the entries representing the amount.

The trade is very small, and would impose but little extra work on your officials, the estimated total revenue for the year being only about £700.

Any expense incurred would, of course, be met by the executive office at this port. I may add, so far as this Colony is concerned, it is not intended to charge the Island with cost of collection of duties.

Your consent by cable would be esteemed a favour.

I have, &c.,

Extract from Report of Chief Inspector of Public Accounts.

Extract from comprehensive report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

* * * * *

98/390, N.I.

TARIFF.

I RECOMMEND that food biscuits be removed from the tariff.

I cannot suggest, in view of the present circumstances of the Islanders, consequent upon a bad whaling season last year and losses on produce, any further additions to the present tariff.

The duty received from tobacco up to the present has been very little, owing to a large supply being on the Island before the Customs duties came into operation. This, however, has now been exhausted, and the revenue from tobacco should now begin to come in.

* * * * *

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

As the duty on biscuits (food) is being refunded, there is no absolute necessity to interfere with the tariff, which can be done only by proclamation. I am not aware that any addition to the existing tariff has been in contemplation.—W. HOUSRON, Under Secretary, 11/7/98.

Appd.—J.H.C., 12/7/98. Put away.—H.L.T., 18/7/98.

Tariff

TARIFF.

Norfolk Island matters. Interview with Mr. Waterhouse.

At 11:30 this morning (Friday, 4 March, 1898), Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

* * * * *

About the Customs duties—what are your ideas? I think they are rather too heavy.
 You think the tariff is rather too high? Yes.
 What would you suggest? I think it is too high on tobacco, to start with. Three shillings is too much. Of course the 14s. on spirits and that kind of thing does not matter.
 Tobacco, you say, is too high? Yes. They are all poor people, and they all smoke; and it will come very hard on them. It has not hitherto, because there has not been any tobacco imported since the tax was put on. But the stock is now about used up.
 Are there any other lines on which you could make any suggestion;—it is the same tariff we have here, you know—the lowest ever known here? Threepence on tea is too high. There is a great quantity of tea consumed. The £5 on sugar is rather high.
 The duty on tea, sugar, and tobacco you think rather high? Yes.
 Nothing else? No, excepting that question as to admitting biscuits as food biscuits.
 You think that the duty on tea, sugar, and tobacco is too high? Yes. Of course we would not feel it so much if the money was spent down there.
 The money is spent down there? Indirectly, in the way of salaries; it is, but we would like to see it spent on the roads. The system of taxation down there is very bad. People will not work for nothing. If the revenue was expended on the roads the people could afford to work for a very small wage—about 2s. 6d. a day.

* * * * *

Place with papers concerning the tariff, and re-submit.—W.H., 7/3/98. Referred to in general report furnished to you this day.—G. E. BRODIE. A.A.G., 28/6/98. The Under Secretary for Lands. See extract herewith, registered as 98/390, N.I.—H.L.T., 7/7/98.

TARIFF PAPERS.

97/136, N.I.

I SEND herewith a copy of a proclamation giving effect to the decision relative to Customs duties, Norfolk Island. This proclamation will be signed by the Governor this evening.

There was no time to refer the regulations for your personal consideration, as the "Katoomba" leaves to-morrow; and I now ask your formal approval of the code which has been drawn up with the advice of the Collector of Customs, and will probably meet all requirements; if not, it can be readily amended.

W. HOUSTON.

7/4/97.

Appd.—J.H.C., 9/4/97. The Accountant.—H.L.T., 13/4/97. Mr. Cohen. Put away until required.—28/4/97.

NORFOLK ISLAND.

(Confidential.)

97/96, N.I.

Re Revenue and Expenditure, Norfolk Island.

I ENCLOSE herewith Schedule "A," a proposed Imports Tariff, Norfolk Island, and Schedule "B," the approximate Annual Revenue and Expenditure for the government of the Colony. The tariff is drawn up by Mr. Lockyer, who has taken for the basis of the estimated collections the imports into Norfolk Island during the year 1895. It was found that the Deas-Thomson tariff would not give anything like the revenue required, and the proposed tariff is really the existing tariff in New South Wales with the addition of the items tea, coffee, and chicory. It will be observed that a duty of 3s. per lb. is proposed on tobacco. This is the same amount as under the New South Wales tariff, but may be considered a hardship by the Islanders. If, however, this duty were reduced to 2s. per lb., there would be a decrease in the estimated revenue of about £200. It is also pointed out that candles, confectionery, jams, dried fruits, &c., can be eliminated, but certainly every penny of the revenue from Customs duties will be required. Mr. Lockyer further informs me that the revenue can be collected from this end, in which case probably the greater part of it will be realised, and it may be possible to arrange with the New Zealand Government to collect also from their end.

The articles enumerated in the proposed tariff are obtained from a list of goods actually imported into the Island during 1895. Colonel Spalding, in his letter of the 8th December last, herewith proposes a duty of 6d. per gallon on kerosene oil, and this might, perhaps, be included. Mr. Lockyer is prepared to draw up a simple code of regulations for the collection of these duties; and I think the duty of Customs officer of Norfolk Island might very well be performed by the postmaster, Mr. Nobbs (who, I understand, is an intelligent and trustworthy person), for, say, £10 a year in addition to his pay as postmaster. I venture to think that it would be advisable at once to settle the tariff (which, I presume, must be given effect to by proclamation under the hand of His Excellency), inasmuch as I hear a vessel is leaving this port early next week with a considerable cargo of mixed goods, upon which duties should, if possible, be levied. Mr. Lockyer thinks he could obtain a guarantee from the shippers that they would pay any duties imposed provided that the same were authorised prior to the landing of these goods on Norfolk Island.

Adverting to the item £241, interest on debentures and inscribed stock, it is pointed out that this amount is dependent on the £2,100—referred to in yesterday's letter, and which has been partly drawn upon for current expenditure—being made good.

It will be observed that no allusion is made to revenue derivable from Crown lands by the way of rent or the investment of the proceeds of possible sales.

W. HOUSTON, 26/5/97.

I approve of the proposed tariff, which should be submitted to His Excellency for his approval prior to notification under his hand and seal.—J.H.C. Approved.—HAMPDEN, 7/4/97. Approval noted. Copies of Tariff Laws sent to Collector of Customs, N.I.; to Chief Magistrate, to exhibit at the Court-house; and to Mr. N. Lockyer, of Customs Department, Sydney. Copy posted to Mr. Carruthers (at Adelaide), 8/4/97.

Mr. Watkin will send amended draft to printer. It has been arranged that—

1. Additional clauses to give power to board a ship as to imposition of penalties for contravention of laws, &c., for examination of goods.

Regulations 1 and 4, "Appointed form," to be struck out.

"Instigation of Collector," goes out of Regulation 5.

"Absolutely" goes out of Regulation 12; after "except" add "with the permission of the Governor, and under such Regulations, &c."

In Regulation 13 "paid" will be inserted instead of "collected."

Australia or New Zealand is left in.

"On any goods" is struck out.

Proviso added:—Provided that the master shows to the satisfaction of the Collector that the duty could not be paid at the port of shipment to a person authorised to give a receipt for the same, the duty may be paid at the Custom-house, Norfolk Island.

Might go with other papers.—W.H.

CUSTOMS REGULATIONS.—NORFOLK ISLAND.

96/96, N.I.

Inward Manifest.—The master of every ship arriving at Norfolk Island shall immediately make due report of the arrival of such ship to the Collector of Customs, and shall furnish the Collector with a list in the appointed form, of all goods contained in his vessel.

Goods not reported.—Goods not duly reported may be detained by the Collector, and placed in any warehouse until explanation be made to his satisfaction. In the absence of such explanation the goods shall be forfeited.

Entries.—No goods shall be laden on board any ship or unladen from any ship until a warrant be issued for the lading or unloading of such goods by the Collector.

Outward Manifest.—Before any ship shall be cleared outwards the master thereof shall deliver to the Collector a list in duplicate of the goods on board such ship in the form appointed. The Collector shall then return one copy to the master with a certificate of clearance attached.

Appointment of Warehouses.—With the approval of the Chief Magistrate the Collector may appoint any building or premises to be a warehouse for the purpose of these regulations, and may permit the owner of such warehouse to charge storage on goods deposited therein at the instigation of the Collector according to the rates levied on goods deposited in the Queen's warehouse at the port of Sydney, New South Wales.

Bonding of Goods.—Dutiable goods may be secured in any warehouse appointed by the Collector, and shall not be removed therefrom without his authority.

Examination of Goods.—The Collector shall have power to weigh or measure any goods, and shall enter particulars of such weight or measurement in a book to be kept for that purpose, and duties shall be paid on the quantities so ascertained.

Strength of Spirits.—The strength of spirits shall be ascertained by Sike's hydrometer and Fahrenheit's thermometer; the hydrometer to be forwarded half-yearly to the Custom-house, Sydney, for the purpose of adjustment.

Drawback.—Drawback will not be allowed on any goods exported from the Island.

Monthly Returns.—The Collector shall forward to the Collector of Customs, Sydney, a monthly statement showing full particulars of all moneys collected by him.

Statistics.—The Collector shall keep a statistical register of all imports and exports, and shall forward a quarterly return of the same to the Collector of Customs, Sydney, on the forms supplied for the purpose.

Manufacture of Spirits, &c.—The manufacture of wines, spirits, beer, tobacco, cigars, cigarettes, snuff, and opium absolutely prohibited on the Island, unless and until regulations in that behalf be made by the Chief Magistrate.

Collection of Duties.—Duties as imposed by the tariff for Norfolk Island shall be paid at the port of shipment in Australia or New Zealand from which the goods are forwarded, and a despatch note in which such goods shall be described shall be forwarded to the Collector of Customs, Norfolk Island, by the ship conveying the goods. The duty on goods from other ports landed on the Island for home consumption shall be levied and collected at the Custom-house, Norfolk Island.

Sydney Regulations.—The rules and regulations for the collection and protection of the revenue which obtain at the port of Sydney, New South Wales, as set forth in the Customs Handbook of 1896, shall be observed as far as applicable by the Collector of Customs at Norfolk Island.

[First Draft Customs Regulations, Norfolk Island.]

The Under Secretary for Lands to The Private Secretary.

97/96, N.I.

Sir,

Department of Lands, Sydney, 6 April, 1897.

I have the honor, by direction of the Secretary for Lands, to forward herewith papers relating to imposition of certain duties at Norfolk Island, and to ask that you will be so good as to bring them before His Excellency with the view to his consideration and approval of the proposed duties.

I have, &c.,

W. HOUSTON,

Under Secretary.

The Under Secretary for Lands,—His Excellency has approved of the proposed import duties.—
G. GATHORNE-HARDY, P.S., 9/4/97.

NORFOLK ISLAND.—ESTIMATE OF WAYS AND MEANS.

Account of Estimated Revenue and Expenditure.

To Estimated Expenditure for Salaries—

	£	s.	d.	£	s.	d.
Chief Magistrate	300	0	0			
Medical Officer	150	0	0			
Constable	60	0	0			
Registrar and Clerk of Court	40	0	0			
{ Postmaster	15	0	0			
{ Collector of Customs	10	0	0			
Registrar of Lands... ..	5	0	0			
Gaoler	8	0	0			
Signalman	1	0	0			
Schoolmaster ... ..	.....				
Auditor	3	0	0			
Total Salaries				592	0	0

To Estimated General Expenses—

Prisoners' rations	50	0	0			
Stationery	5	0	0			
Drugs	25	0	0			
School materials	20	0	0			
Repairs to Government buildings, furniture, plate and roads, landing-places and other incidental and unforeseen expenses	200	0	0			
Purchase of Law books	5	0	0			
To maintain Sinking Fund Account— Debentures invested	13	5	0			
Total General Expenses... ..				318	5	0
To Estimated Expenditure for Mail Subsidy and salary of Schoolmaster				300	0	0
Total Annual Expenditure... ..				1,210	5	0

By amount of Estimated Revenue—

Taxation— Customs				850	0	0
Receipts for services rendered and general receipts from Dog and Stock Tax, Timber, Quarrying, and Auctioneering Licenses, Land Registration Fees, Wharfage dues, Fees, Fines and Forfeitures, &c., &c., &c.				150	0	0
By interest on Debentures and Inscribed Stock				241	0	0
Total Estimated Revenue				1,241	0	0
Revenue				1,241	0	0
Expenditure				1,210	5	0
Excess of Revenue over Expenditure				30	15	0

Department of Lands, Sydney, 26 March, 1897.

Seen.—J.H.C.

A.
IMPORT TARIFF, NORFOLK ISLAND.
Specific Duties.

N.I., 97/96.

Custom-house, 25 March, 1897.

Article.	Rate of duty.	Estimated collection.
Spirits	Per gallon, proof, .....14s.	£ 36
Wine	" liquid, .....5s.	5
" sparkling.....	" " 10s.	2
Beer, in wood	" " 6d.	.....
" in bottle	" " 9d.	1
Tobacco, cigars, and cigarettes	Per lb.	3s. 600
Tea	" 	3d. 20
Coffee	" 	3d. 3
Chicory	" 	3d.
Sugar	Per cwt.	5s. 100
Molasses	" 	3s. 4d. 3
Opium	Per lb.	20s.
Biscuits	" 	1d. 60
Candles	" 	1d. 7
Confectionery	" 	1d. 1
Dried fruits	" 	1d. 9
Jams, jellies, and preserves	" 	1d. 1
Estimated collection.....	.....	£850

Approved, with addition of duty of 3d. per gallon on kerosene.—J.H.C.

Submit scheme for raising revenue. Better look all that up. My idea is to bring our tariff into operation—duty on tea. Ask Mr. Reid to lend you Lockyer to frame tariff for Norfolk Island. See Mr. Lockyer.

Deas-Thomson Tariff.

Population Norfolk Islander,	594
Melanesian Mission,	238
	832

Exports, 1895 — £2,425	{	Whale oil and whalebone ...	£1,500
		Onions and potatoes ...	225
		Bananas and oranges ...	550

Expenditure, Melanesian Mission £500

Imports, 1898—£3,207 10s.—Tea, sugar, drapery, tobacco, &c., wire (barbed).

The Chief Magistrate, Norfolk Island to His Excellency the Governor.

97/95, N.I.

Subject:—Revenue.

My Lord,

Norfolk Island, 8 December, 1896.

Having in view the desirability of obtaining some revenue from the Island, and the fact that there is but little money in circulation, although the inhabitants generally cannot but be regarded as being in comfortable circumstances, I respectfully suggest to your Excellency that, by the imposition of specific duties on a few articles in general use, revenue might be obtained in the easiest and most practical mode through the Custom-house.

I consider, my Lord, that the present time is opportune for decision as to the manner revenue is to be obtained. The inhabitants on the Island expect to be called on to contribute in some way or other to the Treasury, and it appears desirable that their minds should be set at rest as to the manner of their contributions as soon as possible.

Specific duties are easy of collection, and will not involve any serious cost to the revenue in doing so. There are buildings available which might be used as a custom-house, store, &c. Should your Excellency approve, I recommend duties should be levied on tobacco, tea, kerosene oil, coffee, and chicory, as follows:—

Tobacco,	}	2s. per lb.
Cigars,		
Cigarettes,		
Tea, 3d. per lb.		
Coffee, mixed with chicory, 6d. per lb.		
" essence of, 6d. per lb.		
" " with milk and chicory, 6d. per lb.		
" extract of, 6d. per lb.		
Chicory, 3d. per lb.		
Oil, kerosene, 6d. per gallon.		

The duties in the items tea, coffee, chicory, and kerosene oil are similar to those collected in New South Wales up to a comparatively late date. On tobacco the duty recommended is less than in New South Wales.

Calculations

Calculations of the amount of revenue estimated to be obtained from the proposed duties on tea, coffee, chicory, and tobacco are based upon information given in Coghlan's "Wealth and Progress of New South Wales, 1892."

In New South Wales the following amounts are annually required by each member of the community:—Tea, 7·8 lb.; coffee, 11·5 oz.; tobacco, 2·91 lb.

The population of Norfolk Island, exclusive of the Melanesians, is about 600 souls.

Estimating the consumption of tea on the Island at the rate of 7 lb. per head, of coffee at 8 oz., of tobacco 2½ lb., the following would be the total consumption of each article and the revenue obtained:—

Norfolk Island.—Estimated consumption of certain articles and probable revenue to be obtained.—
Population taken at 600 souls.

Consumption per head.	Total consumption.	Tax.	Revenue.
Tea, 7 lb.	42,000	3d.	£ s. d. 52 10 0
Coffee, ⅓ lb.	300	6d.	7 10 0
Tobacco, 2½ lb.	1,500	2/-	150 0 0
Total .....	.....	.....	209 0 0
Add oil (say).....	.....	.....	50 0 0
Total .....	.....	.....	£259 0 0

I have no data on which to formulate amount of duty obtainable for kerosene oil, but I believe it would not fall short of £50 per annum.

I may add that there is a fair consumption of tobacco by the boys of the Mission. This amount has not been included in my rough estimate, but would yield an additional revenue.

I would look for further revenue from a tax on stock, wharfage rates, dog tax, timber and quarry licenses. As regards the chief one, viz., the stock tax, which is not unconnected in this Island with the question of the future of Crown lands, I prefer, prior to making any recommendation, to take a little longer time to go thoroughly into the question.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Minute for The Honorable the Premier.

97/94, N.I.

I RESUBMIT these papers for the consideration of my advisers. Such a decree as that set down by Mr. Byron Adams, in his letter of the 20th April, 1891, must be deemed to be invalid by reason of the fact that the Chief Magistrate was not vested with requisite power to frame such an order, which should, prior to its recognition by the Customs authorities, have been sanctioned by the then Governor of Norfolk Island. It might, moreover, be pointed out that the adoption of the course suggested by Mr. Kirkpatrick, in his minute of 28/1/97, would tend to lead to undesirable complications and delays on account of the few opportunities which occur for communicating with the Island.—HAMPDEN, Governor, 8th March, 1897.

The Collector of Customs to The Under Secretary for Finance and Trade.

Exportation of Beer, Wine, Spirits, and Tobacco to Norfolk Island.

97/73, N.I.

MEMORANDUM.—There are no duties of Customs collected at Norfolk Island; but a control has been exercised by the Customs Department here, over the exportation to that place from New South Wales of beer, wine, spirits, and tobacco. The practice has been to insist upon the production of the Chief Magistrate's certificate before permitting shipment from the port of Sydney.

In view of the recent change of administration it will be necessary to obtain an instruction from His Excellency the Governor as to our practice in the above respect pending the time when Norfolk Island shall be proclaimed a dependency of New South Wales.

N. LOCKYER.

Customs Department, 25th January, 1897.

Papers herewith. The papers might be referred for the consideration of His Excellency the Governor. I think the certificate of the officer-in-charge should be produced before shipment.—F.K., 28/1/97. • Approved.—M.B., 28/1/97. The Private Secretary, &c., Government House.—F.K., 28/1/97.

The Chief Magistrate, Norfolk Island, to The Collector of Customs.

97/92, N.I.

Sir,

Norfolk Island, 20 April, 1891.

I beg to acknowledge the receipt, *via* Auckland, on the 29th ult., of your letter of the 24th February last, with reference to the importation of spirits and tobacco on the Island.

With regard to spirits, the Island law is absolutely prohibitory, and, except for medical purposes, which I may add remain in my own or the doctor's hands, none is allowed to be imported, with, however, this exception—leave was granted by The Right Honorable the Secretary of State for the Colonies, in, I think, Sir H. Robinson's time, to the clerical staff of the Melanesian Mission to import, through the Bishop, such liquor as they required for their needs, they at once declaring the value thereof to the Island officials, and paying to them 5 per cent. duty thereon; and Bishop Selwyn has always been extremely strict in the carrying out of this arrangement.

As

As to tobacco, we have no law against its importation, and as a matter of fact tobacco has been landed from time to time from Auckland solely, I am informed and believe, for Island use, but I hold that the Magistrate's certificate is required, and for lawful purposes it will never be withheld, so that the Island may not become a depôt for illegal traffic, which, with unrestricted importation of the article, might possibly happen, and which I would greatly deplore.

Thanking you for your courtesy, and appending a copy of "Code 35" of our laws.

I have, &c.,

BYRON ADAMS,

Chief Magistrate.

[From Laws and Regulations of Norfolk Island.]

Code 35 (as amended).—"No beer, wine, or spirituous liquors of any kind shall be landed upon the Island, excepting such as may be wanted for medical purposes, and they shall be placed in charge of the Magistrate—the Magistrate in no case to issue any without a written order from the Surgeon; all issues to be noted in the register."

18th September, 1874.

HERCULES ROBINSON.

The Chief Magistrate, Norfolk Island, to The Collector of Customs.

97/92, N.I.

Sir,

Please permit Mr. R. S. Waterhouse to ship to the Island, through his agent in Sydney, two boxes of tobacco.

Norfolk Island, 26 January, 1891.

I have, &c.,

BYRON ADAMS,

Chief Magistrate.

The Principal Under Secretary to The Collector of Customs.

97/91, N.I.

Sir,

In acknowledging the receipt of your letter of the 8th instant, I am directed by the Chief Secretary to inform you that no Proclamation has yet been issued handing Norfolk Island over to New South Wales.

Chief Secretary Office, Sydney, 12 January, 1897.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

Messrs. Hordern Brothers, Sydney, to The Collector of Customs.

97/91, N.I.

Dear Sir,

We have the honor to apply to you for the following information:—Is there an officer of Customs stationed at Lord Howe Island, and are the same rates of duty charged as in New South Wales? Thanking you in anticipation of this favour.

203-211, Pitt-street (Only),

Sydney, New South Wales, 5 May, 1896.

We have, &c.,

HORDERN BROTHERS.

Mr. Burton,—Please write and ask the Principal Under Secretary if he will be good enough to inform me whether Norfolk Island has yet been proclaimed under the control and subject to the laws of New South Wales.—N.L., 6/1/97.

The Collector of Customs to Messrs. Hordern Brothers, 203-211, Pitt-street.

97/91, N.I.

Gentlemen,

In reply to your letter of the 5th, I beg to inform you there is no Customs station at Lord Howe Island, and that Customs duties are not collected at that place.

Custom-house, Sydney, 6 May, 1896.

I have, &c.,

N. LOCKYER,

Collector of Customs.

The Collector of Customs to The Chief Magistrate, Norfolk Island.

97/91, N.I.

Sir,

I have the honor to forward copies of the correspondence on the subject of shipments of spirits and tobacco to Norfolk Island.

Custom-house, Sydney, 8 January, 1894.

On the 18th April, 1891, Mr. Byron Adams wrote to me declaring the importation of spirits prohibited according to the Island law, and informing me that although no law existed prohibiting the importation of tobacco it was held by him that the Magistrate's certificate should be required before shipment.

I have acted strictly upon the letter above quoted, and have required from shippers of spirits, tobacco, wine, and cigars, a permit before accepting the required shipping documents.

Lately I have received a general permit from you in favour of Dr. Metcalfe, and a letter allowing Messrs. Learmonth, Dickinson, & Co. to ship whatever tobacco they may desire.

Will you kindly inform if it is intended to abrogate previous instructions; also, if I am to understand that you will issue special orders for spirits, tobacco, cigars, and wine from Sydney, in each instance, when the same may be required.

From a revenue point of view, I think it highly desirable to control shipments to Norfolk Island, and I venture to recommend that such shipments be controlled by your authority.

I have, &c.,

N. LOCKYER,

Collector of Customs.

No. 123.

No. 123.

NOTICE TO OFFICERS OF CUSTOMS.

Goods to Norfolk Island.

ENTRIES for the shipment of beer, wine, spirituous liquors, and tobacco are not to be received unless accompanied by a requisition certificate, signed by the Chief Magistrate of the Island, permitting the importation of such articles.

Custom-house, Sydney, 24 April, 1891.

JAMES POWELL,
Collector of Customs.

97/91, N.I.

DICKENSON & Co. to ship whatever tobacco they may desire.

Will you kindly inform if it is intended to abrogate previous instructions; also, if I am to understand that you will issue special orders for spirits, tobacco, cigars, and wine from Sydney, in each instance, when the same may be required.

From a revenue point of view, I think it is highly desirable to control shipments to Norfolk Island, and I venture to recommend that such shipments be controlled by your authority.

I have, &c.,

Collector of Customs.

Telegram from Adelaide Station, addressed to The Under Secretary for Lands, Sydney.

97/89, N.I.

TELEGRAM received. Do as Lockyer suggests.

J. H. CARRUTHERS,
Minister for Lands.

The Collector of Customs to The Under Secretary for Lands.

97/87, N.I.

Dear Mr. Houston,

Custom-house, 31 March, 1897.

I have the Norfolk Island matter in hand, and will frame regulations and instructions.

Did you raise the question of the duty on tobacco—3s. or 2s.? If it is not too late, I would suggest that Australian-manufactured leaf be charged 2s. and the American 3s., leaving cigars at the latter amount. A good deal of the tobacco is of an inferior character, and it will lessen the tendency to smuggling.

I am having the tariff printed, and will send you proof copies.

I am, &c.,

N. LOCKYER.

Please draft wire to Mr. Carruthers for approval.—W.H., 1/4/97. Drafted wire; sent.—H.L.T., 1/4/97. Vol. 1, folio 4.

Telegram from The Under Secretary for Lands to The Hon. J. H. Carruthers, Esq., Secretary for Lands, N.S.W., Parliament House, Adelaide, South Australia.

97/87, N.I. (O.S.)

NORFOLK Island tariff, *re* tobacco duty, Mr. Lockyer suggests that Australian-manufactured tobacco be charged 2s., American, 3s., and cigars, 3s. He says much of the tobacco is of inferior quality, and this will lessen the tendency to smuggling. If you approve, kindly wire to-day.

W. HOUSTON,

Under Secretary for Lands.

1st April, 1897.

Telegram from Adelaide Station, addressed to Wm. Houston, Esq., Under Secretary for Lands, Sydney.

97/86, N.I.

DOCUMENTS sent yesterday; also wired you approving of proposed tariff. Draw up proclamation and tariff, and submit to the Governor.

J. H. CARRUTHERS,

Minister for Lands.

Telegram from Adelaide Station, addressed to Wm. Houston, Esq., Under Secretary for Lands, Sydney.

PAPERS *re* tariff were posted 30th ultimo. If not received, please wire. Another box leaving to-day.

J. H. CARRUTHERS,

Minister for Lands, Sydney.

Information obtained by Telephone from Railway Department.

Re Norfolk Island, 97/86, if parcel were despatched by the express from Adelaide it would reach Sydney by the Melbourne express to-day, but, if sent by "ordinary" from Adelaide, it would not arrive in Sydney till 2nd April by the express from Melbourne. N.S.H., 31/4/97.

For the Under Secretary's information. Seen. The Under Secretary directs that a wire be sent, stating that papers *re* tariff, referred to in wire of 31st as having been sent previous day, have not arrived by box just received.—H.L.T., 1/4/97. Wire, 1/4/97. Fol. 5, N.I.

97/76, N.I.

Wire to Mr. Carruthers.

Re Customs Duties. Vessel left here full cargo yesterday. Arranged with Lockyer to get guarantee before clearance that duties will be paid if proclamation issues before the goods are landed at Island. Necessary documents in hand to give effect to tariff. Please return papers specially for confirmation by Governor. W.H., 31/3/97.

Wire sent, 31 March, 1897. Fol. 3, N.I. Book.

Telegram

Telegram from Adelaide Station, addressed to Wm. Houston, Esq., Under Secretary, Lands Department, Sydney.

97/75, N.I.

I APPROVE of the tariff for Norfolk Island, with additions of three pence per gallon for kerosene; I think regulations will be required to provide for collection of customs in Sydney and elsewhere; Lockyer might frame these, but in the meantime it might be sufficient if the Governor will issue an authority to the Collector of Customs to collect duties on imports to the Island leaving New South Wales as exports to the Island. The Chief Magistrate should be notified of the tariff, and the proclamation, or a copy, sent to him for general information. Instruct him (Lockyer) to appoint Nobbs collector on the Island, and to frame local regulations, and take action *re* New Zealand collecting duties.

J. H. CARRUTHERS,

Minister for Lands, N.S.W.

Please supply Mr. Lockyer with a copy, and return to me.—W.H., 31/3/97.

Medical Account—Norfolk Island.

	£	s.	d.	
Balances owing—31 December, 1892	69	4	8	
„ 30 June, 1893	85	4	4	
„ 31 December, 1893	76	6	7	
„ 30 June, 1894	45	3	9	} F.M.N.'s year.
„ 31 December, 1894	33	4	4	
„ 30 June, 1895	56	19	11	
„ 31 December, 1895	39	3	6	} New law
„ 18 February, 1896	28	11	11	

Amount payable per annum under £80.

Public School Account—Norfolk Island.

	£	s.	d.	
Balances owing—31 December, 1892	117	0	0	
„ 30 June, 1893	116	0	0	
„ 31 December, 1893	90	0	0	
„ 30 June, 1894	77	0	0	} F.M.N.'s year.
„ 31 December, 1894	62	0	0	
„ 30 June, 1895	87	0	0	
„ 31 December, 1895	105	0	0	
„ 18 February, 1896	67	0	0	

Of this last sum, £52 10s. are owing by seven persons only.
These figures are approximate.

Particulars of Marriages and Deaths at Norfolk Island.

Year.	Marriages.	Total.	Year.	Deaths.	Total.
1883	Number of Marriages	6	1883	Number of Deaths	3
1884	„	3	1884	„	5
1885	„	2	1885	„	2
1886	„	3	1886	„	4
1887	„	6	1887	„	3
1888	„	2	1888	„	9
1889	„	4	1889	„	5
1890	„	1	1890	„	4
1891	„	4	1891	„	5
1892	„	6	1892	„	4
1893	„	5	1893	„	6
1894	„	2	1894	„	10
1895	„	5	1895	„	16
Grand total	...	49	Grand total	...	76

Norfolk Island.

Particulars of Stock on Norfolk Island made up from returns handed in by the Sergeant of Police, 27th February, 1896.

Number of Cattle	...	817
„ Horses	...	301
„ Sheep	...	400

Population of Norfolk Island taken from a Report, dated 23rd March, 1895.

Total inhabitants	...	832
Attached to the Mission	...	238
Community proper	...	594

IMPORTS FOR 1895.
Hordern Bros.—Norfolk Island.

	£	s.	d.
Flour, 55 tons	550	0	0
Sugar, 11 tons	165	0	0
Tea, 1,600 lb.	80	0	0
Soap, 2 tons	26	0	0
Oil stores (preserved meats, fish, jams, salad oil, mustard, and groceries)	170	0	0
Barbed wire, 3 tons	45	0	0
Drapery	920	0	0
Hardware... ..	145	0	0
Drays	25	0	0
Harness and saddlery	38	15	6
Rice, 4 tons	42	10	0
Tobacco, 484 lb.	31	4	6
Biscuits, 480 lb.	4	0	0
Sundries... ..	45	0	0
Total... ..	£2,287	10	0

Norfolk Island, 20 February, 1896.

Estimated imports into Norfolk Island by the undersigned for the year 1895, valuation at invoice price.

	£	s.	d.
Flour	40	0	0
Sugar	35	0	0
Boats	20	0	0
Drapery	150	0	0
Tea	25	0	0
Ironmongery	90	0	0
Groceries... ..	110	0	0
Tobacco	30	0	0 (say) 500 lb. weight.
Total... ..	£500	0	0

C. N. J. Oliver, Esq., Special Commissioner, Norfolk Island.

R. J. WATERHOUSE.

EXPORTS FOR THE YEAR 1895.

	£	s.	d.	£	s.	d.
Whale oil... ..	1,400	0	0			
Whalebone	100	0	0			
				1,500	0	0
Onions and potatoes				225	0	0
Bananas and oranges				550	0	0
Wool				40	0	0
Hides				75	0	0
Fungus				10	0	0
Horses				25	0	0
Total... ..				£2,425	0	0

Norfolk Island.

Value of Goods imported during year 1895, by C. C. R. Nobbs.

	£	s.	d.
Boots and shoes	13	13	0
Barbed wire	10	1	3
Crockery	32	7	8
Candles	2	1	8
Drapery	119	15	7
Flour	45	0	0
Ironmongery	22	1	1
Kerosene	4	11	8
Sugar	25	15	0
Salt	5	0	0
Rice	5	5	0
Soap	8	0	0
Tea	10	7	0
Tobacco	17	0	0
Sundries	100	0	0
Total... ..	£420	18	11

Customs Duties, Norfolk Island—Food Biscuits.

98/669, N.I.

The tariff provided for payment of duty of 1d. per lb. on "biscuits," and on the representation of the authorities of the Melanesian Mission that a certain class of biscuits constituted the staple food of the students, it was decided to refund the duty paid thereon, and at a later date to amend the tariff so as to make the duty payable on *fancy* biscuits.

Several refunds have under authority been made to the mission, and lately applications have come to hand from other sources. It therefore seems opportune to suggest the amendment of the tariff, and as it is possible that the Collector of Customs, Sydney, may have some propositions to make—I understand in respect to the collection of duties at Norfolk Island in place of the port of shipment—it is submitted the matter be referred to Mr. Lockyer.

VICTOR COHEN,
Accountant, 29/9/98.

There are other papers about this matter, I think.—W.H., 29/9/98. Papers 98/389, N.I., herewith (*re* food biscuits).—H.L.T., 4/10/98.

It has been decided on more than one occasion not to interfere with the tariff but to refund the duty where paid. This practice may be continued for the present, and the reference proposed to the Collector of Customs authorised; but it is not thought that there should be any alteration in respect of the collection of duties until the system approved on 98/646 herewith is given a trial.—W. HOUSTON, U. Secy., 4/10/98.

Approved.—J.H.C., 5/10/98. The Collector of Customs.—H. L. THOMPSON (for U.S.), B.C., 6/10/98.

Extract from comprehensive report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to the Island.

98/389, N.I.

* * * * *

Food Biscuits.

This is a staple food of the Melanesians quartered at Norfolk Island. It is a square, hard biscuit, commonly known as ship's cabin biscuits. It is the only bread food of the Melanesians, and I think a duty should not be levied, particularly as there is no duty on flour.

The annual consumption is about 9,000 or 10,000 pounds.

The item should be removed from the tariff.

* * * * *

I have, &c.,

G. E. BRODIE,
Chief Inspector of Public Accounts.

Seen by the Under Secretary. On the papers relating to the tariff (98/390) is written, "As the duty on biscuits (food) is being refunded there is no absolute necessity to interfere with the tariff, which can be done only by proclamation.—H.L.T., 18/7/98. Put away until required.

On 97/186 herewith, the Collector of Customs, Sydney, when suggesting, in May, 1897, that a refund on food biscuits imported into Norfolk Island be made, also recommended that at a later date the tariff might be amended to refer to *fancy* biscuits.

Food Biscuits.

97/645, N.I.

Extract, 97/643, N.I.

Dear Sir,

Norfolk Island, 2 November, 1897.

* * * * *

I enclose form showing due receipt of cheque for £8/14/2.

* * * * *

Yours, &c.,

CECIL WILSON,

Bishop.

The Under Secretary, Department of Lands, Sydney.

See refund certificate attached to 97/487.—H.L.T., 29/12/97. The Accountant. Referred certificate filed as a receipt.—V.C., Acct., 30/12/97. Mr. Thompson. Place with papers in proper place.—H.L.T., 31/12/97. This has been done. Put away.—H.L.T., 3/1/98. General report furnished this day.—G. E. BRODIE, A.A.G., B.C., Audit Dept., 28th June, 1898. The Under Secretary for Lands. See extract herewith registered as 98/389, N.I.—H.L.T., 7/7/98.

The Bishop of Melanesia to The Under Secretary for Lands.

97/530, N.I.

Sir,

Norfolk Island, 4 October, 1897.

I beg to acknowledge your communication, dated 1st February, 1897, containing the information that food biscuits, used so largely by the Melanesian Mission, will be admitted free of duty.

I have, &c.,

CECIL WILSON,

Bishop of Melanesia.

This acknowledgment is submitted for information; it is not quite in the terms of the letter sent from the Department, but that is not of much moment, perhaps. A receipt for the £8 12s. 2d., the refund of duty paid on imported food biscuits, sent to the Bishop on the 8th instant, should be awaited.—H. L. THOMPSON, 10/11/97.

Seen—W.H. Await receipt—H.L.T., 12/11/97.

Downing-street,

97/539, N.I.—New South Wales, No. 117.

My Lord,

Downing-street, 15 November, 1897.

I have the honor to transmit to you, for the consideration of your Ministers, a copy of the letter noted in the subjoined schedule respecting the duty levied upon biscuits imported into Norfolk Island.

I have, &c.,

EDWARD WINGFIELD,

For the Secretary of State.

The Officer Administering the Government of New South Wales.

Date.	Description of Document.
1897. 15th October	Bishop Selwyn to Colonial Office.

The Minister for Lands.—HAMPTDEN, 18/11/97.

Submitted. It has been already arranged that the duty paid on food biscuits imported into Norfolk Island is to be refunded.—H. L. THOMPSON, 22/11/97. Please place herewith the papers relating to the remission of the duty.—W.H., 27/11/97. Herewith.—H.L.T., 29/11/97.

The communication of the "Chairman of the Melanesian Committee" comes somewhat late in the day, inasmuch as upon it becoming known that the form of biscuit referred to was a staple food of the Melanesians quartered at Norfolk Island, His Excellency, in June last, approved of a refund of the duty paid or levied on food biscuits.

It may be explained, for the information of the Secretary for State, that when an opportunity presents itself it is intended to revive the existing tariff, when it is probable this particular duty will be abolished altogether, or materially reduced; further, that the tariff is of the simplest form, and designed merely to supplement the funds requisite for the government of the Island. To designate the duties as "crushing" (the term used by Bishop Selwyn) is inaccurate and misleading.—W. HOUSTON, Under Secretary, 4/12/97. Appd.—J.H.C., 7th Dec., '97. The Private Secretary to H. E., infd., 10/12/97. Put away.

The Private Secretary.

97/539, N.I.

Sir,

Department of Lands, Sydney, 9 December, 1897.

With reference to the letter dated 18th ultimo, from the Secretary of State to His Excellency the Governor, enclosing a communication from Bishop Selwyn, Chairman of the Melanesian Committee, relative to the charge of 1d. per pound levied on biscuits imported into Norfolk Island, a copy of which correspondence was forwarded by His Excellency to this Department, I am directed by the Secretary for Lands to inform you that the communication from the Chairman of the Melanesian Committee comes somewhat late in the day, inasmuch as upon it becoming known that the form of biscuit alluded to was a staple food of the Melanesians quartered at Norfolk Island, His Excellency, in June last, approved of a refund of any duty paid or levied on food biscuits. It is thought it may be explained to the Secretary of State, and may be pointed out that when a fitting opportunity presents itself it is intended to revive the existing tariff, when it is probable this particular duty will be abolished altogether, or materially reduced. To designate the duties as "crushing" (the term used by Bishop Selwyn) is inaccurate and misleading.

Perhaps you would be so good as to bring this letter under the notice of His Excellency, with the view to the Secretary of State being advised in such terms as may be His Excellency's pleasure.

The Chairman of the Melanesian Committee to The Right Honorable the Secretary of State for the Colonies.

97/539, N.I.

Sir,

Selwyn College, Cambridge, 2 October, 1897.

I have just heard in a letter from Norfolk Island that under the new system of government a charge of 1d. a lb. is levied on all biscuits imported into that Island.

The Melanesian Mission has always imported a considerable quantity of ship's biscuits for the maintenance of its scholars, as it is unable to grow corn with any certainty on the Island, and it is found that it was more economical to import bread in this form.

The price of biscuits when I had charge of the Mission was from £14 to £14 10s. a ton as far as I can recollect, so that this duty works out at nearly 65 per cent. *ad valorem*.

I trust, sir, that you will make inquiries, and ascertain whether the facts are as I have stated them.

For I feel confident that when Her Majesty's Government handed over the Island to New South Wales it had no intention that such crushing duties should be levied. It is in fact a tax levied on the Melanesian Mission, as the body most able to pay on the Island.

You will observe that the irony of the case is considerable. The Government of England, which prides itself on the abolition of the Corn Laws, hands over a wretched little island to the tender mercies of the great freetrade state of Australasia, with the result that the Island is taxed nearly 65 per cent. on its breadstuffs.

I hope, sir, that you will find that I am mistaken; but the case as stated appears so monstrous that I deem it my duty to lay it before you.

I am, &c.,

J. R. SELWYN,

Bishop, Chairman of the Melanesian Committee.

Mr.

Mr. J. Bramston to The Right Reverend Bishop Selwyn.

97/539, N.I.

Right Reverend Sir,

Downing-street, 15 October, 1897.

In reply to your letter of the 2nd instant, I am directed by the Secretary of State for the Colonies to inform you that there is no information in this office as to the scale of Customs duties adopted in Norfolk Island; but that assuming it to be the same as for New South Wales, which is probably the case, the duty of 1d. per lb. on biscuits will be reduced to $\frac{1}{2}$ d. per lb. on the 1st July next, and will disappear altogether on the 1st July, 1900.

A copy of your letter, will, however, be sent to the Governor of New South Wales for the consideration of his Ministers.

I am, &c.,

JOHN BRAMSTON.

The Collector of Customs, Norfolk Island, to The Under Secretary for Lands.

97/487, N.I.

Sir,

Custom-house, Norfolk Island, 26 August, 1897.

I have the honor to acknowledge receipt of your letter N.I. 97/302, dated 20th July, 1897, informing me that His Excellency the Governor has approved of the duty payable on food biscuits imported into Norfolk Island for the Melanesian Mission being refunded, and enclosing letter of instructions addressed to me by the Collector of Customs, Sydney, together with the requisite forms to enable me to take the necessary action in the matter, contents of which have been duly recorded:

I now beg to enclose application for a refund of the sum of £8 14s. 2d. on the prescribed form, being amount of duty paid by the Mission on 26th July last, enclosed in my remittance £32 17s. 2d. per my letter of 5th August.

I have, &c.,

WARNER E. SPALDING,

Collector of Customs, Norfolk Island.

Mr. Bethune.—N.L., 5/10/97.

Forwarded.—WARNER SPALDING, Colonel, Chief Magistrate,

21/8/97. Submitted. These papers might be referred to the Collector of Customs, Sydney, and afterwards noted by the Lands Accountant.—H.L.T., 29/9/97. Approved.—W.H., 30/9/97. The Collector of Customs, Sydney. B.C., 30/9/97.—H. L. THOMPSON (for Under Secretary). To be returned please. Noted.—W. BETHUNE, 7/10/97. The Accountant, as to forwarding the amount to be refunded.—£8 14s. 2d.—W.H., 7/10/97. Noted. Cheque £8 14s. 2d. herewith for signature and despatch to Bishop Melanesia, and Collector of Customs, Norfolk Island, informed.—V.C., Accountant, 8/10/97. Await receipt for the money by the Bishop, per the Collector of Customs, Norfolk Island.—H.L.T., 12/10/97.

No. 9. Imports.

24 August, 1897.

In the "Southern Cross," from Auckland, Archdeacon Palmer, importer.

97/487, N.I.

Marks and Numbers.	Produce.	Value.	Duty.
MM.....	90 lb. Navy biscuits (British)	£ s. d. 0 14 0	£ s. d. 0 7 6
.....	2,000 lb. „	17 10 0	8 6 8

Refund for £8 14s. 2d. passed, 26/7/97.

JOHN PALMER.

Noted on Customs copy.—W. BETHUNE, 7/10/97. Wharf, British.

The Under Secretary for Lands to The Private Secretary.

Memorandum.—Imposition of Duty on Biscuits under Norfolk Island Tariff.

97/302, N.I.

THE Bishop of Melanesia represents that the duty on biscuits will press hardly on the Melanesian Mission, and asks for its remission on several grounds, the principal of which is that these biscuits form one of the staple articles of food of the Melanesians, and large quantities are stored as a food reserve in case of failure of crops or famine. The Collector of Customs reports on the matter as follows:—"The duty on biscuits will probably realise £60 per annum; of this it is stated that the Melanesian Mission will contribute £50; and it is also pointed out that the biscuits constitute the staple food of the Melanesian students. This, of course, was not known when the tariff was framed, and at the present juncture I think it would be unwise to make any amendment, since it would probably lead to many applications for concessions in other similar directions by the Islanders. I would suggest that His Excellency the Governor be recommended to authorise a refund of duty paid on food biscuits imported to Norfolk Island, and that at a later date the tariff be amended so that it may refer only to fancy biscuits."

The Secretary for Lands views the above suggestion favourably, and I forward herewith the papers in the case with the request that you will be so good as to submit them for the consideration and pleasure of His Excellency the Governor.

W. HOUSTON,

Under Secretary for Lands.

B.C., 25th June, 1897. Approve refund of duty as proposed.—HAMPDEN, 29/6/97. Bishop of Melanesia informed, 2/7/97. The Under Secretary for Lands.—A.F., P.S., B.C., 30/6/97. Will the Collector of Customs be good enough to note, and take the necessary steps to give effect to this approval?

approval?—W.H., 2/7/97. B.C., Lands. Letter and instructions herewith enclosed for transmission to the Collector of Customs, Norfolk Island.—N.L., 7/7/97. The Under Secretary for Lands. Seen. Forward document.—W.H. Forwarded under cover of a letter, 20/7/97. The Accountant. Seen.—V.C., Accountant, 31/7/97. Mr. Thompson. Put away until required again.—H.L.T., 9/8/97. Collector of Customs, Norfolk Island, informed that the approval of refund on "food biscuits" applies to every instance in which they are imported into Norfolk Island.—H.L.T., 8/10/97.

The Collector of Customs, Sydney, to The Collector of Customs, Norfolk Island.

Memorandum.—*Subject* :—Duty on Biscuits.

97/302, N.I.

His Excellency the Governor having authorised a refund of duty paid on "food biscuits" imported to Norfolk Island, it will be necessary that you observe the following mode of procedure in connection with the same:—

The duty must be paid on all biscuits at time of landing or delivery, in accordance with the tariff, and the money forwarded to Sydney in the regular way. The importer will then make application for refund on the form attached. You will satisfy yourself that the application applies to *bona fide* "food biscuits" and not fancy biscuits, endorse it, obtain the counter signature of the Chief Magistrate, and forward to the Collector of Customs, Sydney. The money will be forwarded to the importer through you by return mail, accompanied by refund certificate; you will obtain receipt at foot of same, and return it to the Under Secretary for Lands, Sydney.

You will also note amount and date of refund on face of the duty entry, as on specimen copy herewith.

N. LOCKYER,
Collector of Customs.

Custom-house, Sydney, 7th July, 1897.

The Bishop of Melanesia to The Honorable the Minister for Lands.

97/186, N.I.

Re Norfolk Island Import Duties.

Sir,

The Melanesian Mission, Norfolk Island, 24 April, 1897.

I beg to draw your attention to one article in the above schedule of duties, viz., biscuits, the duty on which will fall undeservedly heavy on the Melanesian Mission, and I am sure when the facts are explained, His Excellency the Governor will see fit to relieve the Mission of what appears to us an unintentional injustice.

It is assumed that "biscuits" in the above schedule does not exclusively apply to fancy and expensive kinds.

The following are the facts submitted for your consideration:—

- (1.) That biscuits, or what is commonly called cabin bread, are imported by the Melanesian Mission only, and therefore the duty is an unequal burden.
- (2.) That they are consumed by the Melanesians only.
- (3.) That they are not a luxury, but are the coarsest form of biscuit.
- (4.) That it forms one of the staple articles of food for the Melanesians, and is stored in large quantities as a food reserve in case of failure of crops or famine, demanded by the isolated situation of the Island.
- (5.) That the duty of 1d. per lb. is really prohibitive, being 50 per cent. on the cost price. If the Mission continued to import biscuits on the present scale, Customs duties upon this one article alone would amount to £50 a year.

It is requested that in taking into consideration the remission of this duty the purely voluntary word of the Mission should be taken into account, especially as its sphere lies among the islands contiguous to the Australian coast carrying on an exclusive direct trade with New South Wales.

I have, &c.,
CECIL WILSON,
Bishop of Melanesia.

Acknowledged.—18/5/97. Submitted that an expression of opinion be obtained from the Collector of Customs, Sydney.—W. Houston, Under Secretary, 19/5/97. Approved.—J.H.C., 20/5/97. The Collector of Customs.—B.C., 20/5/97. W.H. To be returned please.

The duty on biscuits will probably realise £60 per annum. Of this it is stated that the Melanesian Mission will contribute £50, and it is also pointed out that the biscuits constitute the staple food of the Melanesian students. This, of course, was not known when the tariff was framed, and at the present juncture I think it would be unwise to make any amendment, since it would probably lead to many applications for concessions in other similar directions by the Islanders. I would suggest that His Excellency the Governor be recommended to authorise a refund of duty paid on food biscuits imported to Norfolk Island, and that at a later date the tariff be amended, so that it may refer only to fancy biscuits.—N. Lockyer, 28/5/97. The Under Secretary for Lands.

The report of the Collector of Customs is submitted for favourable consideration.—W. Houston, Under Secretary, 3/6/97. Received.—J.H.C., 24/6/97.

EXHIBIT Y.

Banking Facilities.

20. Mr. Brodie—Banking Facilities, 98/392, N.I.; outside number, 98/392.
MONEY order or postal note system not recommended at present.

Extract from Report by The Chief Inspector of Public Accounts.

98/381, N.I.

EXTRACT from comprehensive report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

(Government of Norfolk Island, 392, July 7, 1898.)

BANKING FACILITIES.

THE Savings Bank at Norfolk Island answers all present requirements. I do not recommend the introduction of the money order or postal note system just yet. In remitting to Sydney the people exchange their cash for the cheques of others who have banking accounts at Auckland or Sydney.

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts.

Submitted for information and approval.—W. HOUSTON, Under Secretary, 11/7/98. Seen.—
J.H.C., 12th July, 1898. Put away.—H.D., 12/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

BANKING FACILITIES, NORFOLK ISLAND.

As to banking facilities on Island—Savings Bank on Island probably have to be closed—Bank hardly required on Island, though Money Order Office might have advantages.

(Government of Norfolk Island, 467, 28 Sept., 1897.)

Sir,

Kingston, 25 August, 1897.

In reply to your letter, N.D., 97/327, of 5th instant, I have the honor to report that the only facilities for banking existing on the Island is afforded by a Savings Bank, managed by Mr. Bates and committee; it was established in 1832. There are 120 depositions, with a total amount of £316 14s. 9d., at a fixed deposit in the Auckland Branch of the Union Bank of Australia. The rate of interest all round being stated to be 8d. in the £1 per annum.

It is stated by the manager (who receives no remuneration for his services) that in all probability it will soon be necessary to close the account, and pay each person the amount due to them; and in this I concur, having in view the up-to-date failure of the whaling industry, and there being no suitable sea transport for their perishable produce.

There are no ready means to enable the Islanders to make remittances; and if a Money Order Office could be economically established here it would be of some advantage; but the people generally are not at present likely to avail themselves of it except very occasionally, as most of their business is done through the storekeepers, in whose hands a very considerable number are, having virtually mortgaged to them their possible catchment of oil, onion crops, &c.; a few who are in more flourishing circumstances have banking accounts either in Sydney or Auckland. At present when money is sent away it is in the form of orders or cheques, endorsed in registered letters.

In conclusion I may say, although all I have spoken to on the matter consider it would be a good thing to have both a Government Savings Bank and Money Order Office established on the Island, they are of opinion the transactions would be few.

I have, &c.,

WARNER SPALDING,

Colonel, Chief Magistrate.

The Accountant to see me.—W.H.

Office Memorandum.

Department of Lands.

REMARKS.—NORFOLK ISLAND.

Facilities for banking and transmission of money, &c.

(Government of Norfolk Island, 327, 6 Aug., 1897.)

In the course of an interview with Captain Garth, who, I understand, has been trading to Norfolk Island during a period of about thirty years, I inquired of him what facilities the Islanders had for purchasing their requirements on the Island apart from barter, and for banking their savings. He explained that, as far as money was concerned, there was sufficient currency for their purposes. There are two stores on the Island, and the masters of vessels trading, in dealing with the storekeepers (through whom the bulk of the trading is done), take with them specie as well as goods to pay for the produce taken on board.

Respecting the transmission of money to Sydney there does not appear to be any very satisfactory facilities. Those desiring to remit either have to run the risk of doing so by post (if the sum be small) or arranging with the masters of trading vessels to pay the required amounts thereon their accounts. There certainly

certainly seems to be a necessity for the inauguration of some convenient and safe method; but as a great deal depends upon the extent to which such a method would be availed of, it appears to be a matter which the Chief Magistrate should be requested to report upon.

As to the banking of savings, &c., by the Islanders, Captain Garth informed me that there is at present a branch of a New Zealand Savings Bank on the Island.

J. W. BARNES,
Sub.-Acct.

3/8/97.
The Accountant.

The Chief Magistrate might in the first place be asked to report. I took the opportunity last week of speaking to Mr. Dalgarno, the Deputy Postmaster-General, and I understood from him that there would not be much difficulty in introducing a postal note system. A reserve of notes could be supplied, provided payment was made for them from the Norfolk Island Fund, and the postmaster at Norfolk Island could sell them on terms similar to those in existence in this Colony. As to a Money Order System, that would need some consideration, as there would necessarily be the transmission of money between the places.—VICTOR COHEN, Acct., 5/8/97. Letter to Chief Magistrate, 6/8/97. Await reply.

This is a matter which I venture to suggest might receive consideration at the hands of the inspecting officer, who, I have recommended on other papers, should be sent to Norfolk Island.—W. HOUSTON, Under Secretary, 5/3/98. Referred to in a general report furnished to you this day.—G. E. BRODIE, A.A.G., 28/6/98. The Under Secretary for Lands. See extract herewith registered as 98/392.—N.I. H.L.T., 7/7/98.

EXHIBIT AA.

Fuel Licenses.—Deadwood.

The Principal Under Secretary to The Under Secretary for Lands.

98/17,286, N.I.

Sir,

Chief Secretary's Office, Sydney, 29 September, 1898.

In reply to your letter of the 23rd instant, I am directed to state, for the information of the Secretary for Lands, that the Chief Secretary has approved of the Government Botanist making a botanical survey of Norfolk Island, and furnishing the Government of the Island with a report on the timber growth.

I have, &c.,

CRITCHETT WALKER,
Principal Under Secretary.

Seen. Place with papers.—W.H., 6/10/98. Please see minute of the 19th instant from Mr. Maiden on 98/657, N.I., continued herewith.—H.L.T., 22/11/98. Put away now.—H.L.T., 23/11/98.

The Government Botanist to The Under Secretary for Lands.

98/657, N.I.

Intimating having obtained specimen of wild tobacco plant of Norfolk Island. No injurious properties. Could be exterminated. Hardly suitable for firewood.

Sir,

Botanic Gardens, Sydney, 30 September, 1898.

With reference to former correspondence, I have the honor to inform you that I have obtained a specimen of the plant known as wild tobacco on Norfolk Island. Its botanical name is *Solanum auriculatum*, Ait. It is a tall slender shrub, native of the East Indies, and now grows wild in a few places about Port Jackson; also in north coastal New South Wales and Queensland. It is propagated by birds, which eat the fruits. It has no injurious properties, and could be exterminated by concerted action if desired.

I have, &c.,

J. H. MAIDEN,
Government Botanist.

I think it exceedingly unlikely that a shrub of this character can be utilised (except to the extent of a few sappy sticks) for a timber supply.—J.H.M.

Submitted for information. I am afraid that the "Islanders," in informing Mr. Brodie that they were compelled to allow this weed to grow for fuel on account of the introduction of the license fee in connection with timber, were perpetrating a joke which they had no idea would form the subject of an official report. Of course such a weed would scarcely burn, and its spread is due to indifference and neglect on the part of the colonists.—W. HOUSTON, Under Secretary, 6/10/98.

Seen. Better let Mr. Brodie see this.—J.M., 11 Oct., 1898. Mr. Brodie accordingly.—H. L. THOMPSON, (for U. S.), B.C., 20th October, 1898. To be returned please.

The wild tobacco grows to a height of 15 ft. at Norfolk Island. The trunk of the tree is 30 in. to 40 in. in circumference, and it throws off many branches. It is very useful for fuel purposes. I shall be glad to point out a tree 15 ft. high with a trunk about 30 in. through growing at Croydon. For the information of the Secretary for Lands.—G. E. BRODIE, 11/11/98. The Under Secretary.

I am inclined to think Mr. Brodie must be mistaking some other growth for the "tobacco" plant. Perhaps Mr. Maiden might give some further information on the subject.—W.H., 11/11/98. B.C., Lands.

Wrote Mr. Brodie, 16/11/98.—J.H.M.

The Under Secretary for Lands,—I wrote to Mr. Brodie asking to be favoured with flowers or fruits of the plant at Croydon. I have received them, and it is the same species as the Norfolk Island plant. I have made a note of the matter, and will not fail to inquire into the wild tobacco question on my visit to Norfolk Island.—J.H.M., 19/11/98. Put away.—W.H.

The Government Botanist to The Under Secretary for Lands.

Offering to undertake Botanical Survey of Norfolk Island during visit proposed end of year and to furnish Report on the timber growth.

N.I., 98/495.

Sir,

Botanic Gardens, Sydney, 3 August, 1898.

In reply to your letter of the 26th ult., I beg to say that I hope to go to Norfolk Island towards the end of the year, that being the time most favourable for botanical investigations. I will undertake a botanical survey, and will furnish you with a report on the timber growth.

I am taking steps to acquaint myself with the scientific botanical literature of Norfolk Island, and in order that my stay there, which must be brief, may be as fruitful of practical results as possible, I have the honor to request that during (say) the next two months, you will be pleased to cause me to be furnished with any information which you may deem of assistance to me in carrying out the object of my visit. I particularly desire to peruse any reports bearing on the resources of the Island.

I have, &c.,

J. H. MAIDEN,

Government Botanist.

Submitted. Perhaps as it has now been ascertained that the Government Botanist is willing to assist this Department in the direction indicated, the Chief Secretary's concurrence should be obtained to the proposal.—H. L. THOMPSON, 5/8/98. For approval.—W. HOUSTON, Under Secretary, 16/8/98. Approved.—J.H.C., 31/8/98. The Principal Under Secretary asked, 23/9/98. Await reply.

Office Memo. (Mr. Hay), returning papers and memo. from Government Botanist re Wild Tobacco Plant, said by Mr. G. E. Brodie to be permitted by Islanders to grow for fuel because license fee introduced.

98/393, N.I.

The Government Botanist's remarks on the so-called wild tobacco plant of Norfolk Island are submitted for perusal.

As Mr. Maiden intends to visit the Island in the near future, I would suggest that, for future reference purposes, he might be officially invited to undertake a botanical survey and to furnish a report upon the timber growths there.

22 July, 1898.

R. D. HAY.

Mr. Thompson.

For approval. It would be an advantage if Mr. Maiden could obtain specimens of the wild tobacco, and favour this Department with a report.—W. HOUSTON, Under Secretary, 25/7/98. Approved.—J.H.C., 26/7/98. The Government Botanist asked, 26/7/98. Await reply.

Extract from Report by Chief Inspector of Public Accounts.

98/2,074, Botanic Gardens.

Extract from comprehensive Report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

98/393, N.I.

FUEL LICENSES—FOR DEAD WOOD ONLY.

It was pointed out to me that the Islanders were forced to permit the wild tobacco bush to spread for fuel purposes, because of the introduction of this license fee.

Attention is drawn to the few fuel licenses taken out during the time the timber laws have been in force, and timber revenue in general.

I have, &c.,

G. E. BRODIE,

Chief Inspector of Public Accounts.

I think Mr. Brodie was being deceived by some person. What is the nature of the wild tobacco plant—would it burn under any circumstances? Ask Mr. Hay to inquire.—W.H., 11/7/98. Mr. Hay, Forest Branch.—H.L.T., 12/7/98. The Government Botanist.—R. D. HAY (for the U.S. Lands), B.C., 12/7/98.

The Under Secretary for Lands.—I regret that I cannot inform you with certainty as to the name of the plant which goes by the name of "wild tobacco" on Norfolk Island. The botanical literature of Norfolk Island is in a very scattered state, and no officer of the Botanic Gardens has been on the Island since 1857. The vegetation of the Island is of the highest, and I hope at no very distant date to visit it, and bring our knowledge up to date, as I have done in the case of Lord Howe Island. My paper is in the Printer's hands; a brief abstract is herewith. If the present inquiry is not pressing I could write to a correspondent on the Island and obtain botanical specimens of the so-called "wild tobacco."—J.H.M., 21/7/98. Forests, 22/7/98.

Under Secretary for Lands to The Government Botanist.

Sir,

With reference to your blank cover communication of the 21st instant, intimating your willingness to obtain botanical specimens of the so-called wild tobacco plant from Norfolk Island, I am directed by the Secretary for Lands to inform you that it would be an advantage if you would do so, and favour this Department with a report thereon.

I am at the same time to ask whether, in the event of your visiting the Island as contemplated, you would also undertake a botanical survey and furnish me with a report on the timber growth.

I have, &c.,

W. HOUSTON.

EXHIBIT

EXHIBIT BB.

Council of Elders.

The Chief Magistrate, Norfolk Island, to _____

Explaining Pier at Kingston in serviceable condition.—Repaired from time to time from material in Government store.—Repairs in progress when Mr. G. E. Brodie leaving Island.

376/98, N.I.

Sir,

Government House, Kingston, 31 August, 1898.

I have the honor to acknowledge receipt of your letter of the 18th ultimo, N.I., 98/400, and ^{98/574, N.I.} have to report that the pier at Kingston has been repaired at intervals ever since I have landed on this Island, and that the importance of maintaining it has never been lost sight of; and any damage caused by heavy seas has been invariably made good as soon as the weather permitted.

At the time Mr. Brodie left for Sydney the repairs were being carried out. Blocks of stone moved by the seas have been relaid in cement, and surface fissures have been filled up. I found it necessary to issue from the Government store a certain amount of material, and I have the following material and stores and tools still on charge, viz. :—

1 winch,
28 bags cement,
8 „ coal,
10 bars 1½-in. square iron,
3 „ 1½-in. round „
1 bar ½-in „ „
1 „ 1½-in. square steel,
2 small spauling and hammers,
3 napping hammers,
5 handles,
About half-roll sheet lead.

The pier is now in a serviceable condition.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Submitted for information as regards the repairs to the pier at Kingston.—W. Houston, Under Secretary, 20/9/98. Approved.—J.H.C., 21/9/98. In six months.—H.L.T., 31/9/98.

Extract from Report by Chief Inspector of Public Accounts.

Extract from comprehensive Report, 28/6/98, by Mr. G. E. Brodie, on Norfolk Island affairs, inquired into on occasion of approved visit to Island.
98/381, N.I.

* * * * *

COUNCIL OF ELDERS.

Although public work continued after the Proclamation of 14th November, 1896, By-laws were ^{98/400, N.I.} not approved by the Chief Magistrate until the 12th February, 1898.

The roads are in a bad condition in parts, and unless some immediate attention is paid to the central portion of the pier at Kingston, the heavy seas that come rolling in in heavy weather will do considerable damage. Some of the heavy blocks of stone have been shifted at the base, and large fissures are opening at the sides, through which the water from each wave rushes, dislodging the cement and concrete.

The Islanders seem to feel the want of a proper man to direct them in this matter, which is a threatened danger to the community.

Public work at Norfolk Island is done in a very perfunctory manner. I pointed out to the President of the Council of Elders that by levying a cash rate on the lines of our municipal general rate, or by reducing the 4s. assessment to 2s. in the case of absentees from public work, a better result would ^{98/574, N.I.} accrue.

Those who happened to be engaged on a job when called for public work, would willingly forfeit and pay 2s. a day to earn 4s., which appears to be the current rate of labourers' or farm wages. This ^{98/400, N.I.} would give the Council some revenue for the purchase of material, and clerical assistance and stationery, instead of which it is left to the absentees from public work to find substitutes at a lesser rate even than 2s. per diem.

The President, who is the local attorney, agreed that once the roads were in good order, three good and constant maintenance men, with horses and carts, could keep them in proper condition, as it is all light traffic. Yet it now takes 116 men twenty-one days a year to do the same amount of work, and which, according to the value of the work, as assessed by the Council of Elders, is equal to £4 4s. per man, or £487 4s. per annum, whilst three labourers, at, say, 30s. each per week, with horses and carts, would cost about half as much. As there is some difficulty in collecting an all-round cash rate on New South Wales municipal lines, I recommended to the President the advisability of a 2s. assessment for public work, and the exemption therefrom by right, men who have reached 60 years of age.

* * * * *

I have, &c.,
G. E. BRODIE,
Chief Inspector of Accounts.

It is useless to talk about levying a rate in a community that is practically without money. There is no doubt that the Council of Elders has not applied itself to its proper function, but has rather thwarted the administration in every important step it has taken for the betterment of the colony of Norfolk Island. The Chief Magistrate may be asked to report on the alleged disrepair of the landing place, and asked whether the material and appliances forwarded some time ago might not be utilised to prevent further damage.—W. HOUSTON, Under Secretary, 15/7/98. Approved.—J.H.C., 18/7/98. The Chief Magistrate asked accordingly, 18/7/98. A wait reply.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.
203/98, N.I.

Stating repairs to landing places proceeded with as occasion allows. Heavy seas and rains damage same again. Impossible under present arrangements to do more. Great demand for labour owing to bad weather damages. Proposed improved supervision and repairs to roads not adopted by Council. Part of stores sent by Government used; others stored in locked store and issued by Constable on Chief Magistrate's approval.

Sir,

Government House, Kingston, 15 May, 1898.

In reply to your letter of the 15th March last, N.I., 98/135, I have the honor to inform you, that many attempts have been made to repair the damage done to the landing place at the Cascade, but owing to the intermittent system adopted by the people here in executing public works, the work done at intervals has been more or less swept away by gales occurring at various dates. It is impossible under the present management of the public labour to secure continuity, regularity, or efficiency. Owing to the roads being left for the last six months of the year to fall into disrepair, it necessarily entails much needless expenditure of labour during the first half-year. It is true, however, that during the last eighteen months more than ordinary demands have been made for labour, owing to the heavy seas which have severely damaged the wharf at Kingston, as well as the landing place at the Cascade, and the unusually heavy rains which have swept away one bridge at what is known as the Cockpit and severely injured blocks of bridge near the Cemetery, Kingston; the roads too suffered much.

The bridge swept away is being rebuilt with masonry piers, but it will probably be months before it is completed.

I have endeavoured, without success, to convince the Council of the advisability of adopting an improved system of superintendence and repairs of roads.

The President of the Council and other members arranged to really carry out the scheme approved by the Engineer-in-Chief of New South Wales, for the improvement of the landing place at the Cascade, but unfortunately heavy weather set in, and the time which would have been occupied in the way proposed had to be taken to do other work.

A certain quantity of the stores sent by the Government have been expended, in securing the wharf, &c., from destruction and repairing the Cascade. The stores are all in my charge and kept in a locked store from whence they only are issued by the Constable, on requisition of the President of the Council of Elders, approved by me. The wharf at Kingston has within the last few days been considerably damaged by the unprecedented (in the opinion of the Islanders) heavy seas which swept over it, brought up by a westerly gale.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Re-submit when next mail arrives from Norfolk Island.—W.H., 6/6/98.

Re Government Stores sent to Island to repair damage by gale in January, 1897.

NORFOLK ISLAND MATTERS.

Interview with Mr. Waterhouse.

At 11:30 this morning (Friday, 4th March, 1898) Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

* * * * *
Then there is another thing, with reference to those Government Stores sent down. That which has been on the pier ever since it has been sent down; it is going to ruin. The cement too is still stuck down there, and is nearly perished.

Mr. Thompson: Colonel Spalding made a report *re* this matter. He said that owing to urgent matters, repairs had not been effected, and that he would furnish a further report later on.

Mr. Houston: We had a great trouble to get those things down in time.

Mr. Waterhouse: They have never been used. Of course we did the pier in our own way. As to the work proposed to be carried out down there, I think it would be well not to do it. The winch I speak of is, I believe, under the charge of the Council. It certainly should be put somewhere where it would not go to rack and ruin. A half ton roll of lead went down at the same time. I wanted some for the Engineer's Office, but the Colonel said it belonged to the Government and would not give me any. Now I have to buy it here and take it down with me.

* * * * *
Is there any report from the Chief Magistrate as to the work?—W.H., 7/3/98.

Yes—herewith. The Chief Magistrate reported on the 6th November last, that in consequence of bad weather after arrival of the stores, followed by the opening of the whaling season, it was considered desirable to refrain from carrying out the complete repairs, &c., to the landing places until January, 1898, but that such repairs as were actually necessary had been made from time to time. Colonel Spalding at the same time promised to report on completion of the repairs; but, as he has not written so far, apparently the work has not progressed to that extent.—H. L. THOMPSON, 9/3/98.

Remind and say that any stores or implements not used should be carefully housed for protection.—W.H., 9/3. The Chief Magistrate reminded and informed.—10/3/98. A wait reply.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Intimating that repairs to landing place, except those absolutely necessary, postponed to January next in view of bad weather and approach of whaling season. Report promised.

97/239, N.I.

Sir,

Court-house, Kingston, 6 November, 1897.

In reply to your letter (N.I., 97/224) of 10th September last, I have the honor to inform you that, in consequence of the bad weather which occurred here shortly after the arrival of the stores, followed by the opening of the whaling season, it was considered desirable to refrain from carrying out the complete repairs, &c., to the landing places until January next. Such repairs as were actually necessary have been made from time to time. On completion of repairs I will report further.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. Re-submit end of January.—W.H., 24/11/97. No further mail has come to hand, so far. These papers may await one.—H.L.T., 2/2/98. Yes.—W.H., 2.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledging letter enclosing shipping receipts, per "Katoomba," of tools, &c. Tools stored in shed free. Repairs to the jetties to be started on departure of "May Howard" and "Southern Cross."

4/97, N.I.

Sir,

Court-house, Kingston, 21 April, 1897.

I have the honor to acknowledge the receipt of your letter (N.I., 97/97), dated 9th April, 1897, enclosing two shipping receipts for goods sent per s.s. "Katoomba"; also, invoice giving list of tools and their values. The goods arrived in good order, and have been landed by the Islanders and placed in a secure store—without any charge being incurred. I note arrangement made with the Department of Public Works, and will return all not required.

It is satisfactory to learn from you that Mr. Darley, Chief Engineer for Public Works, considers the suggestion I made to repair the landing jetty the proper course.

On the despatch of the s. "May Howard," and the mission s.s. "Southern Cross," from the Island, repairs of both jetties will be commenced.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Accountant.—W.H., 18/5/97.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledges letter intimating despatch of tools and stores, and saying record of those not returned will be kept and forwarded. Whaling company informed no compensation can be allowed for loss of boat.

5/97, N.I.

Sir,

Court-house, Kingston, 21 April, 1897. 97/223, N.I.

I have the honor to acknowledge your letter (N.I., 97/97), dated 5th instant, informing me that tools and stores, asked for in my letters of the 30th January and 12th February last, will be forwarded by s.s. "Katoomba," and that the Island account will be debited with the value of such of the stores as may not be returned. A record of the stores will be kept, and a copy will be forwarded to you.

I have informed the whaling company concerned that the Minister cannot allow any compensation on account of the destruction of their whale boat, there being no funds from which to grant it.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant.—W.H., 18/5/97. 163 is a receipt for money paid to Burns, Philp, and cannot be connected.—VICTOR COHEN, 1/7/97. Mr. Thompson. Received. Await report from Chief Magistrate in matter as to progress of the work and return of tools.—H.L.T., 4/8/97. The C.M. should be asked to report as to the progress made with the work, if not completed.—W.H., 9/9/97. Chief Magistrate asked.—10/9/97. Await reply.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledges receipt of Spalling hammers in good order.

8/97, N.I.

Sir,

Court-house, Kingston, 21 April, 1897.

I have the honor to acknowledge the receipt of your letter (N.I., 97/64), dated 9th instant, enclosing a shipping receipt for four each—7 lb., 3½ lb., and 2 lb.—Spalling hammers. The hammers have been received in good order.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Accountant.—W.H., 18/5/97.

May be put away.—V.C., 19/5/97.

The Chief Magistrate, Norfolk Island, to His Excellency the Governor.

[Extract from 97/62, N.I.]

97/64, N.I.

My Lord,

Subject:—Roads.

Norfolk Island, 15 February, 1897.

Seven days' work has been done to the roads by all men between 18 and 60 years of age, out of a total of twenty-one days for which they are liable, with the result that the roads have been materially improved. No work had been done on many roads for many years previously. The main roads under 16 feet wide have been extended to that measurement. Several culverts have been constructed. The Islanders have worked well on the whole. I have suggested for adoption to the Council of Elders an improved system of control and responsibility, by which the roads will in future be saved from falling into bad condition. It is desired to remetel a portion of the roads, more especially one or two of the hills rising from the township, and I propose employing prison labour to prepare the metal, but as there are no stone-breaking hammers on the Island, perhaps your Excellency would cause some of various weights (large, medium, and small) to be sent here.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Acknd.—31/3/97. For the information of the Minister. May send some hammers.—J.H.C., 5/4/97. The Accountant.—H.L.T., 7/4/97. Mr. Chalmers, order from Macintosh & Sons, Pitt-street, 4 7-lb. spalling hammers, 4 3½-lb. spalling hammers, 4 1½-lb. spalling hammers—chisel head at one end; handles for same, if supplied, to be packed ready for shipment, addressed to Colonel Spalding, Chief Magistrate, Norfolk Island, per "Katoomba." Ordered.—A.C., 8/4/97. Colonel Spalding, with shipping receipt.—V.C., 9/4/97. Macintosh & Son's account paid; papers not further required by me.—V.C., 21/9/97. Mr. Thompson. Put away.—H.L.T., 21/9/97.

[Enclosures.]

Lands Department, Account Branch, Sydney, 8 April, 1897.

Bought of J. Macintosh & Sons.

	£	s.	d.	
4 mason's hammers, ea. 3½ and 7 lb... } 52½ lb.—8d.	...	1	15	0
4 spalling hammers, 2 lb. ... }	...	0	8	0
1 doz. 36" hammer handles—8s. ... }	...	0	8	0
	£2	3	0	

Address—Colonel Spalding, C.M.G., Chief Magistrate, Norfolk Island.

Sir,

Sydney, 9 April, 1897.

Enclosed please find ship's receipt for goods per "Katoomba" to Norfolk Island. We very much regret the delay which was occasioned through the carter omitting to leave the receipt with us; in consequence, we have had our lad chasing him all over town.

Yours, &c.,

Accountant, Lands Department.

J. H. MACINTOSH & SONS.

Shipping receipt received (copy attached) and forwarded to Chief Magistrate, and a letter, this day.—V.C., Accountant, 9/4/97.

Australasian United Steam Navigation Coy. (Ltd.), Sydney, 8 April, 1897.

PLEASE receive, subject to the terms, conditions, and exceptions endorsed on the back hereof (which form part of the contract), from J. Macintosh & Sons, to be forwarded per s.s. "Katoomba," or any other steamer to Norfolk Island, consigned to Colonel Spalding, C.M.G., the following goods, viz.:—1 canvas parcel, delivery to be taken from ship's sling; average, if any, according to York-Antwerp Rules of 1890. In accepting this shipping note, the owners of the goods and the shippers accept and agree to all its stipulations. Freight paid, 5s.

Memorandum from the Engineer-in-Chief to The Manager, Burns, Philp, & Co.

Sydney, 6 April, 1897.

PLEASE ship to Norfolk Island, consigned to the Chief Magistrate, fifteen bags small coal (10 cwt.).

J.C.

Public Works, N.S.W.

(for E. J. H. BROAD, for Engineer-in-Chief).

THE Lands Office has been ringing up through the telephone for this shipping receipt, saying they must have it this evening.

E.J.H.B., 9/4/97.

The Accountant, Public Works.

Received, 10/4/97.—Acc. Accountant.—J.T.W., 10/4/97. Might be sent to Lands.—T.K.S., 10/4/97. The Under Secretary for Lands. JNO. P. (for Under Secretary for Public Works and Commissioner for Roads), 10/4/97.

Australasian

Australasian United Steam Navigation Company (Limited), Sydney, 9 April, 1897.
 RECEIVED, subject to the terms, conditions, and exceptions endorsed on the back hereof (which form part of the contract), from Fitzroy Dock, Department of Public Works, to be warehoused until shipment, and forwarded per "Katoomba," consigned to the Chief Magistrate, the following goods, viz.:—Fifteen bags coal (10 cwt.) ; delivery to be taken from ship's sling; average, if any, according to York-Antwerp Rules of 1890. In accepting this shipping note the owners of the goods and the shippers accept and agree to all its stipulations. Freight, £1, 2/c. Address.

Australasian United Steam Navigation Company (Limited), Sydney, 9 April, 1897.
 RECEIVED, subject to the terms, conditions, and exceptions endorsed on the back hereof (which form part of the contract), from Fitzroy Dock, Department of Public Works, to be warehoused until shipment, and forwarded per "Katoomba" or any other steamer to Norfolk Island, consigned to the Chief Magistrate, the following goods, viz.:—Fifteen bags coal (10 cwt.) ; delivery to be taken from ship's sling; average, if any, according to York-Antwerp Rules of 1890. In anticipation of bill of lading. Address.
 Public Works, N.S.W., 1113—9/4/97. T. R. MILLER.

The Under Secretary for Public Works to The Under Secretary for Lands.

97/97, N.I.

Sir,

Public Works Department, Sydney, 1 April, 1897.

With reference to your letter of even date, in which you ask whether this Department could supply certain machinery and stores to be despatched to Norfolk Island, I have the honor to inform you that steps will be at once taken to procure the articles named in the list forwarded with your communication.

I have, &c.,

ROBT. HICKSON,

Under Secretary and Commissioner for Roads.

(per Jno. P.)

Seen. I made personal inquiry in this matter, and was informed that the matter is now in hand, and will be ready in time for the "Katoomba," on the 5th instant.—H.L.T., 5/4/97. 97/187, N.I.

In connection with this matter, the Engineer-in-Chief for Public Works telephoned to me to-day that only 50 lb. weight of gunpowder could be shipped by steamer, and I advised him to ship that quantity and the balance by first sailing vessel. Mr. Darley considered this the best course to follow, as the 50 lb. would enable the work to proceed and be sufficient until the balance arrived. Submitted for the information of the Under Secretary.—VICTOR COHEN, Acct., 6/4/97.

Seen. I arranged at the Works Department to-day that the cement, tools, &c., be shipped to-day, and that the carter's receipts should be delivered here to enable the freight notes to be prepared, &c.—J. H. BARNES, Sub. Accountant, 7/4/97. See action taken on 97/79, N.I., last sheet.

97/97, N.I.

	£	s.	d.
Double purchase C Winch, heavy	11	18	0
30 casks cement, 12/-	18	0	0
90 bags, at -/6... ..	2	5	0
10 bars 1½-in. sq. iron, say 10 cwt., 8/6	4	5	0
14 ft. ¾-in. sq. iron, say 20 lb., 8/6	0	1	6
7 cwt. lead, 14/5½	5	1	2
18 ft. 1-in. Oct. cast steel, say 56 lb., 2/6/8... ..	1	3	4
10 ft. double shear steel (1 in.) 28 lb., 2/2/4	0	10	7
2 crowbars, 6 ft. long (1½ in., -/2), say 3 qrs., at 8/6	0	7	10
1 crowbar, 4 ft. long (1½ in., -/2), say 14 lb., at 8/6, say	0	1	6
¼ ton slack coal, say	0	10	0
30 ft. ½-in. chain, 2 qrs. 14 lb., at 17/10½	0	11	6
1 3-sheave iron block (6 in.)... ..	0	9	6
1 2-sheave iron block (7 in.)... ..	0	10	2
1 snatch iron block (7 in.)	0	10	2
1 coil 3-in. Europe rope (say 2 cwt., 1/11/4)	3	2	8
1 bar ½-in. rod iron, 14 ft. (say 14 lb., 8/6)... ..	0	1	1
4 bars 1½-in. rod iron, 56 ft. (say 2 cwt., 8/6)	0	17	0
2 cast steel hammers, 16 lb., at -/10... ..	0	13	4
2 cwt. Hall's blasting powder, -/6	5	12	0
12 coils fuse, -/7½	0	7	6
	£54	13	10

G.E.B.

Minute Paper.

Subject:—Repairs to Landing Place and Roadway, Norfolk Island.

97/79, N.I.

Department of Public Works, Sydney, 25 March, 1897.

I HAVE carefully perused Colonel Spalding's report, which very clearly sets out the nature of the damage done, and works necessary for repairs, and I am of the opinion that his suggestion to blow down a portion of the overhanging cliff and repair the jetty with the material thus obtained is the proper course to adopt. The question is how best to carry out the work.

There appears to be plenty of suitable labour available there, but I doubt if there can be a man with sufficient experience in large works to direct operations in the most skilful and economical manner. I would, therefore, suggest selecting a really good foreman from our works and sending him down with all necessary plant and supplies of powder and cement.

We

We can lend steel drills, hammers, quarry picks (which are certainly necessary, but not included in the list), and other plant, as well as the stone mentioned, and upon completion of the work, if our tools are returned, no charge need be made for them. But provision would have to be made for the purchase of cement, powder, rope, &c.

The value of the plant, &c., enumerated in Colonel Spalding's list is £54 13s. 10d., but I would suggest the advisableness of sending rather more of both cement, powder, and fuse; probably £60 would cover all the stores, &c., required. The wages of Foreman Trickett, whom I would propose sending, is 15s. a day, but some allowance (say 4s. a day) should be made to him to cover expenses. I am satisfied if the work were placed in Trickett's hands he would carry it out in a manner satisfactory to all concerned.

C. W. DARLEY,
Engineer-in-Chief for Public Works.

The suggestion of Mr. Darley is evidently the only course to adopt. It would be impossible to give an estimate of the work to be done, and Foreman Trickett is a most reliable man, and would know what to do and how to do it.—H.M., 25/3/97. Under Secretary for Public Works and Commissioner for Roads. Under Secretary, Lands.

Submitted for consideration. I am unable to endorse the proposal to send a foreman from Sydney to superintend the proposed repairs—(1) because of the state of the finances; (2) Colonel Spalding has intimated his intention to personally supervise the work; (3) the work does not appear to require much technical knowledge for efficient supervision. Irrespective of the pay of the foreman, the expenditure would, I estimate, reach about £80, including freight—that is, if tools could be borrowed from the Department of Public Works. Mr. Darley has not expressed an opinion on what seems to me the only questionable suggestion contained in Colonel Spalding's letter—that is, the deposit of stones to seaward of the landing place for its protection, and I think that part of the proposal might stand over for the present.—W. HOUSTON, 25/3/97.

It will be sufficient if Colonel Spalding's request be complied with in regard to stores and tools, and inform him that the Island account will be debited with the value of the stores not returned. Expedite sending them. No compensation can be granted to the whaleboat owners, as there is no fund to grant such from.—J.H.C., 27/3/97.

Recd., 31/3. Letter to U.S., Works, as per approval of, 27/3/97. Awaiting reply early. The Accountant.—Please return to me in time for letter to Chief Magistrate as to matter of compensation whaleboat owners.—H. L. THOMPSON, 1/4/97. Letter sent to Chief Magistrate *re* whaleboat, 5/4/97. Returned to the Accountant. Letter sent Chief Magistrate *re* tools and materials with two shipping receipts and list of stores and tools.—V.C., 9/4/97.

The Under Secretary for Lands to The Under Secretary for Public Works.

97/79, N.I.

Sir,

Department of Lands, Sydney, 1 April, 1897.

With reference to your memorandum of the 25th ultimo in reply to my request for an expression of opinion as to the practicableness of certain proposals submitted by the Chief Magistrate, Norfolk Island, for repairing the damage done by the recent gale, and for a rough estimate of the cost of material alleged to be necessary for the repairs; also as to whether your Department could supply or loan the appliances mentioned by Colonel Spalding as necessary for the work, I have the honor to inform you that the Secretary for Lands has read the papers in the matter and decided that there is no need to send anyone to the Island to superintend the operations.

Mr. Carruthers has, however, approved of the tools and stores asked for by the Chief Magistrate being supplied, and of the Island account being debited with the value of the stores not returned.

I am, therefore, to ask if you will be so kind as to supply them as per list herewith, and to say that as it is desired to send them by the s.s. "Katoomba," which leaves Sydney for Norfolk Island on the 8th instant, it would be greatly appreciated if you would place the matter in hand at once, and advise me when the articles will be ready for shipping, so that I may have time to arrange therefor.

I may add that as landing at the Island is often a matter of difficulty, owing to its exposure to wind and weather, the packages should be made up as far as possible in such a way as to admit of easy handling.

I have, &c.,

WM. HOUSTON,
Under Secretary.

May I ask the Under Secretary for Public Works to kindly favour me with an expression of opinion on the practicableness of the proposals submitted by Colonel Spalding for repairing the damage done at Norfolk Island by the recent gale, and particularly with reference to the protection of the landing place, which is a natural formation. With the limited means and knowledge at the disposal of the Islanders it has occurred to me that the latter proposal might result in more harm than good, in the event of a gale from the same direction as that which has recently visited the Island. Would the Under Secretary also supply a rough estimate of the cost of material alleged to be necessary for repairs, and on what terms the Works Department could supply the appliances—or even the loan of these appliances—enumerated in the list subjoined to Colonel Spalding's despatch. The papers have only been received from His Excellency to-day, and the matter is somewhat pressing, as no expenditure can be incurred without the authority of the Secretary for Lands, for which purpose the papers must be forwarded to Adelaide.—W.H. The Under Secretary for Public Works, B.C., 24/3/97.

The Accountant, Public Works Department, to The Under Secretary for Lands.

97/78, N.I.

Sir,

Department of Public Works, Accountant's Office, Sydney, 8 April, 1897.

Referring to your requisition of 97/1,048, 162, 189, I have to inform you that an order has been issued, as follows:—

Date, 3/4/1897; order, No. 8,344; from whom ordered, Briscoe, Drysdale, & Co.; particulars, 18 ft. 1 in. oct. cast steel, 10 ft. 1-in. d'ble shear steel.

(0/8,345.) Fitzroy Dock—10 cwt. slack coal.

(0/8,346.) Potts & Paul—1 coil 3-inch Europe tarred rope.

Should these not be received promptly, please report, to enable me to take action in the matter. You will also inform me if the goods or articles are not of satisfactory quality, and you should also ascertain if the correct weights and quantities are delivered.

Yours, &c.,

THOMAS R. STEEL,
Accountant, Public Works.

97/78, N.I.

Sir,

Department of Public Works, Accountant's Office, Sydney, 8 April, 1897.

Referring to your requisition of 97/1,048, 162, 189, I have to inform you that an order has been issued, as follows:—

Date, 3/4/1897; order, No. 8,341; from whom ordered, J. Keep and Sons; particulars, 100 corn sacks; 7 cwt. sheet lead; 2 cwt. blasting powder; 12 coils fuse.

(0/8,342.) Mr. Grimshaw—30 casks cement, in bags.

(0/8,343.) Brown and Brown—18 bars, 1½ sq. iron; 14 ft. ¾ rd. iron; 1 bar, ⅝ rd. iron, 14 ft.; 4 bars, 1½ rd. iron, 56 ft.; 90 bags cement.

Fitzroy Dock—½ ton coal; 1 keg powder; 1 keg J.R., 50 lb.

John Keep—1 piece lead; 1 parcel of fuse.

Briscoe—3 bars steel; 1 winch and handles complete; 2 hammers; 3 crowbars; 1 piece of chain; 3 blocks; tarred rope; bar iron.

Burns, Philp, & Co. (Limited), Sydney, 7 April, 1897.

RECEIVED, subject to the terms, conditions, and exceptions endorsed on the back hereof (which form part of the contract), from Lands Department, to be forwarded per "Katoomba" or any other steamer to Norfolk Island, consigned to Chief Magistrate, the following goods, viz.:—

- 1 Treble block iron.
- 1 Double block iron.
- 1 Snatch block iron.
- 2 Heavy crowbars.
- 1 Piece chain (30 feet).
- 2 Hammers and handles.
- 1 Large winch and handles.
- 1 Light crowbar.

10—unprotected at shipper's risk.

Delivery to be taken from ship's sling. Average, if any, according to York-Antwerp Rules of 1890.

In accepting this shipping note the owners of the goods and the shippers accept and agree to all its stipulations.

Freight, £3 12s. a/c. Add., W. R. Miller, O.H.M.S.; all second hand.

Shipper's Receipt.

Australasian United Steam Navigation Co. (Ltd.), Sydney, 7 April, 1897.

RECEIVED, subject to the terms, conditions, and exceptions endorsed on the back hereof (which form part of the contract), from Public Works Department, to be forwarded per "Katoomba" or any other steamer to Norfolk Island, consigned to Colonel Spalding, the following goods, viz.:—

90 bags Cement (no mark), tied at mouth. Delivery to be taken from ship's slings. Average, if any, according to York-Antwerp Rules of 1890. In anticipation of bills of lading.—C.J.

In accepting this shipping note the owners of the goods and the shippers accept and agree to all its stipulations.

Invoice

Invoice of Goods shipped per "Katoomba," and referred to in letter of 9th April, N.I., 97/97.

		£	s.	d.	£	s.	d.
Two Shipping Receipts herewith...	{	1 treble block iron	0	9	6		
		1 double "	0	10	2		
		1 snatch "	0	10	2		
		2 heavy crowbars	0	7	10		
		1 light crowbar	0	1	6		
		1 piece chain, 30 feet	0	11	6		
		2 hammers and handles	0	13	4		
		1 large winch and handle	11	18	0		
		90 bags cement	18	0	0		
		90 bags containing above, each 6d....	2	5	0		
					35	7	0
Shipped by John Keep and Sons...	{	1 keg powder, 50 lb., 6d.*	1	5	0		
		1 piece lead, 7 cwt.	5	1	2		
		1 parcel fuse, 12 coils, 7½d.	0	7	6		
					6	13	8
Shipped by Brown and Brown ...	{	18 bars 1½ in. square iron	4	5	0		
		14 feet ¾ in. rod iron	0	1	6		
		1 bar ¾ in. rod iron, 14 feet	0	1	1		
		4 " 1½ in. rod iron 56 feet	0	17	0		
					5	4	7
Shipped by Briscoe, Drysdale ...	{	18 feet 1 in. oct. cast steel	1	3	4		
		10 " 1 dble. shear-steel	0	10	7		
					1	13	11
Shipped by Potts & Paul		1 coil 3 in. Europe rope, tarred	3	2	8		
Shipped by Fitzroy Dock		10 cwt. slack coal, ½ ton	0	10	0		
					3	2	8
					0	10	0
					£52	11	10

* 2 cwt. of blasting powder is under order, but all that the steamer is permitted to take is 50 lb.; the balance will be sent by first opportunity; 50 lb. now charged for at 6d.

The Chief Magistrate to His Excellency the Governor.

97/23, N.I.

Subject :—Repairs to Wharfs, &c.

My Lord,

Norfolk Island, 12 February, 1897.

In continuation of my letter of the 30th ultimo, I have now the honor to forward—

- (1.) Rough survey of Cascade landing.
- (2.) List of stores and material required to carry out repairs, &c., at the Cascade.
- (3.) List of stores, &c., required to repair the wharf at Kingston.

Cascade Bay.

I have very carefully considered the question of repairing the sea-wall supporting the roadway, and the causeway connecting the landing-rock, and rendering both as capable as possible to resist the action of the surf.

The sea-wall, which is being now partially rebuilt of comparatively light material, by small boulders from the beach, cannot in its present condition stand the surf. There is not sufficient loose stone on the beach even to complete the sea-wall.

Each large boulder removed from the beach, now acting more or less as a break to the sea, exposes the wall still more to the action of the waves. I propose to obtain material by blowing down stone from the upper part of the overhanging cliffs, removing at the same time the danger which now exists of heavy stones falling on the road. The stone thus acquired would not only be used for completing the sustaining wall of the road, but the larger blocks thrown down to seaward of and touching the wall at an angle of about 45° (as per margin) for a distance of about 8 chains along the road—I to K. on the plan.

By such means I believe that even a violent surf would be broken and the road protected.

The Causeway.

The chief reason of the destruction of the Causeway was undoubtedly due to the violent uplifting power of the surf, divided by the landing rock rushing in the direction indicated by the arrows and meeting somewhere about the centre of the sea passage between the rock and the mainland, as shown by the heavy boulders displaced by the recent surf. To prevent this for the future, it is proposed filling in with as large blocks of stone as can be obtained, and moved with such appliances as may be available, the portion shaded and marked H on the plan. No attempt would be made to build up a wall; the stone would be thrown into the sea (which is here comparatively shallow) and allowed to find its own position.

This breakwater would extend eastward to the sunken rock L, and would be completed to several feet above high-water line; the stone to be obtained from the cliff. The rocks and boulders forming the faces of the causeway, E F, would, as far as may be practical, fastened together with iron dogs leaded in, so as to make one solid mass; the surface to be macadamised.

Kingston Pier.

For many years this pier has never been thoroughly repaired. It is constructed of roughly squared stone-facing, with rubble centre. Many of the facing stones have been displaced, with the result that the sea has play inside the facing, drawing out the rubble, and displacing more of the stone facing. The pier, which had been shaken before, suffered considerable damage during the recent storm, and it is not improbable that the first heavy sea which sets in will destroy a large portion of it. To repair it effectually a portion of the facing wall will have to be taken down and rebuilt, and the stones secured to each other with iron clamps, and the whole surface covered with concrete.

With

With regard to the material required, both for the work at the Cascades and at Kingston, I have consulted Mr. Bailey, ironworker, &c., and Mr. W. Taylor, stonemason. The work of repair can be carried out by Island labour without cost, under my immediate supervision, beyond (say) £10 for skilled labour.

I respectfully direct your Excellency's attention to —

- (1.) The impossibility of any satisfactory permanent repairs being carried out without tools or materials.
- (2.) The advisability of proper repairs being carried out as early as possible, in order to guard against additional and more serious damage ensuing, especially to the jetty at Kingston, should heavy seas set in.

In order to provide funds for the future repair and maintenance of wharfs, &c., I will submit for your Excellency's consideration, at an early date, a proposal of wharfage dues suitable to the Island.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

A Report on the Condition of the Cascade Landing-place, Norfolk Island.

97/23, N.I.

Norfolk Island, 6 February, 1897.

By request of the Chief Magistrate, Colonel Spalding, we have inspected the Cascade landing-place and the road leading to the same.

Both are seriously damaged by a very heavy surf, and a portion of the road destroyed. There are no stones available to repair it, but the cliff above can furnish any amount of stones to make the road secure. Blasting powder is necessary to bring it down below, and also iron is required to key the stones together at the landing-place.

We are of opinion that the articles mentioned below is sufficient to repair the damage, viz. :—

- 6 bars of iron, 1½ in. square, not less than 12 feet long each.
- 1 " " ½ in. round.
- 4 " " 1½ in. round, 10 feet long each, for jumpers.
- 1 " " 1 in. octagon cast steel, 12 feet long, for drills.
- 6 feet of double shear-steel.
- 2 cast-steel hammers, 8lb. each in weight.
- 3 cwt. of old lead.
- 2 cwt. of blasting powder.
- 12 rings of fusc.

We have, &c.,

G. BAILEY,
WILLIAM TAYLOR.

I am satisfied the abovementioned stores are required.—WARNER SPALDING, Colonel and Chief Magistrate, N.I., 16/2/97.

A Report on the Condition of the Kingston Pier, Norfolk Island.

97/23, N.I.

Norfolk Island, 4 February, 1897.

By request of the Chief Magistrate, Colonel Spalding, we have examined the Kingston Pier, and report it to be in a bad state of repair, for the reason that nothing of importance has been done for many years, and also the inhabitants have no appliances on the Island to repair it in a proper manner, and no money at their disposal to provide material from abroad. In some places the facing of the pier will have to be removed down to the water-line, and thoroughly built up again and keyed together. The surface of the pier will have to be cemented all over.

We would suggest that the following articles are necessary to repair it thoroughly, viz. :—

- | | |
|--|------------------------------|
| 1 double-power heavy winch. | 30 feet of ½ in. chain. |
| 30 casks Portland cement. | 1 3-sheave iron block. |
| 12 bars of iron, 1½ in. square. | 1 2-sheave " " |
| 1 " " ¾ in. round. | 1 snatch " " |
| 4 cwt. of old lead. | 1 coil of 3 in. Europe rope. |
| 4 feet of 1 in. octagon cast-steel for drills. | 1 bar ¾ in. round iron. |
| 4 feet of double shear-steel. | 4 bars 1½ in. " " |
| 2 crowbars, 6 feet long. | 2 cast-steel hammers. |
| 1 crowbar, 4 " " | 2 cwt. blasting powder. |
| ½ ton blacksmith's coals. | 12 rings fuse. |

We have, &c.,

G. BAILEY,
WILLIAM TAYLOR.

I have satisfied myself the articles above mentioned are necessary.—WARNER SPALDING, Colonel and Chief Magistrate, 16/2/97.

The Chief Magistrate, Norfolk Island, to His Excellency the Governor.

97/22, N.I.

Subject :—Destruction of Property.

My Lord,

Norfolk Island, 30 January, 1897.

A gale set in from the eastward during the evening of the 26th instant. During the night it increased to almost hurricane force ; the wind subsequently veered through the north to the south-west, the gusts being of great violence. The gale moderated on the 28th instant.

I regret to have to report very serious damage has been done by wind and sea. At Kingston two ^{97/97} N.I. (2) houses were unroofed and practically destroyed. The whaling establishment at the Cascades has been completely wrecked ; the boiling-down houses, stores, besides oil-tanks and other whaling appliances have either been ruined or washed by the violence of the surf into the sea.

One whale-boat was also broken to chips.

The

The causeway leading from the landing-rock to the sea-walled road has been washed away; rocks or boulders, weighing many tons, forming the causeway, have been torn from their positions; the sea-wall retaining the road running under the cliff from the causeway to the main road has been destroyed, and what remains of the road covered in some places with boulders.

The loss to the whaling companies alone is estimated at £291 8s.—*vide* detailed list enclosed.

It was determined, after consultation with members of the Council of Elders, to detail thirty-five men liable to do public work to reconnect the landing-rock with the mainland, and to repair the road as far as the few available stones and implements permitted, so that in the event of a steamer calling with mails, and the sea at Kingston being too rough to admit of communication with the steamer at that place, the landing-rock at the Cascades would be available.

I submit for your Excellency's information a detailed approximate statement of the loss suffered by the whaling companies.

No such seas have been seen in Cascade Bay since the people arrived from Pitcairn Island.

The plantations and fencing suffered to some extent, but not seriously.

The houses destroyed at Kingston were Government property, and occupied by Messrs. Webb and Guildford Adams and their families, and situated between the outer wall of the old gaol and the sea.

On the application of the late occupants, I have consented to their removing any portion of the old building material which may be of service in enabling them to build on their lands in the country.

In the meantime the evicted families have found shelter in other old Government buildings.

The loss of the whale-boat may be regarded as a public loss. It had been anticipated that one of the Union Company steamers would have called here about the period of the storm; and there being no boat at the Cascade, the weather being also unsettled, rendering it not unlikely that landing could not be effected at Sydney Bay, a whale-boat was sent to the Cascade by No. 1 Whaling Company.

I would, therefore, recommend to your Excellency's favourable consideration the question of some compensation being allowed the company on account of the loss of their boat, on the grounds that it was at the Cascade for postal service, and not for whaling work. The boat was worth £35. She had been hauled up well clear of ordinary surf, and on account of the risk to life it was impossible to take any steps to save the boat from the violence of the seas.

I forward later to your Excellency proposals to more permanently repair the causeway, road, &c., and a list of stores and appliances requisite to enable these repairs to be carried out.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

NORFOLK ISLAND.

Losses sustained by the Whaling Companies at the Cascade during the heavy gale which visited the Island on the 28th January last, when their station and gear there was either washed away or almost utterly demolished:—

<i>No. 1 Whaling Company.</i>		£	s.	d.	£	s.	d.
1 boat, oars, sails, and fittings, £40; oil shed and store, £30; 1 tank, £1	...	71	0	0			
100 galls. oil, £5; $\frac{1}{2}$ ton whalebone, £5; proportional share of sleeping-house, £20	...	30	0	0			
					101	0	0
<i>No. 2 Whaling Company.</i>							
Oil shed and store (half share), £15; 4 tanks, £12; 2 mincing knives, 30s.; 10 cutting knives, 35s.	...	30	5	0			
3 cutting spades, 24s.; 1 large spade, 10s.; 6 foggie irons, 36s.; 1 cutting fall, 25s.; 2 blocks, 24s.	...	5	19	0			
$\frac{1}{4}$ ton black bone, £2 10s.; proportional share of sleeping-house, £20	...	22	10	0			
					58	14	0
<i>No. 3 Whaling Company.</i>							
Oil shed and store (half share), £15; proportional share of sleeping-house, £20	...	35	0	0			
4 tanks, £12; 3 mincing knives, 30s.; 2 cutting spades, 16s.	...	14	6	0			
					49	6	0
<i>No. 4 Whaling Company.</i>							
1 iron house, try works, and 2 iron pots, £28; 2 iron pots, £3; 1 mincing knife, 15s.; 5 tanks, £15	...	46	15	0			
1 skimmer, 10s.; 1 dipper, 10s.; 2 mincing tubs, £1; 1 cask oil, £1 10s.; 3 empty casks, £1 1s.	...	4	11	0			
1,000 shingles, 12s.; 500 feet timber, £3; share of sleeping-house, £15; share of oil-shed, £10; $\frac{1}{4}$ ton bone, £2 10s.	...	31	2	0			
					82	8	0
Total	...				£291	8	0

Property destroyed belonging to the companies—3 oil sheds and stores, with gear, and 1 boat; 1 try works and all the gear; 1 sleeping-house unreparable.

EXHIBIT CC.

Storage of Gunpowder, Norfolk Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/424, N.I. (Government of Norfolk Island, 719, 21 November, 1898.)

REPORT receipt of 800 slates and one piece of lead for capping, but nails not to hand. P.S.—Received from "Titus" on the 13th instant, on return trip.—Tenders will be called for.

Sir, Norfolk Island, Government House, Kingston, 17 October, 1898.

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, 98/448.604. and to inform you that the 800 slates and one piece of lead for capping have been received ex "Titus," but the slating nails are not yet to hand.

It is, however, probable that they are board the "Titus," and on her return to Norfolk Island inquiry will be made. On their receipt tenders will be called for, as directed in your letter.

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

P.S.—The nails have been found on board the "Titus," just arrived, and delivery is promised to-morrow morning, 13th November, 1898.

The Accountant, 22/11/98.

Department of Lands Office Memorandum Remarks.

Registered number of Papers, 98, N.I. Box.

£7 18s., storage on powder, was received on 19th September, and duly passed to account. Papers not further required. Mr. Thompson, Accountant, 5/10/98. Await reply from the Chief Magistrate, 6/10/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/357, N.I. (Government of Norfolk Island, 604, 19 September, 1898.)

ASKING that either slates or tiles, with necessary capping, for magazine be sent to Island; that he be authorised to call for tenders, and to accept same, if reasonable.

Sir, Norfolk Island, Government House, Kingston, 29 August, 1898.

I have the honor to acknowledge the receipt of your letter, 4th instant (N.I., 98/448) ^{98/488 herewith.} approving of the roof of the powder-magazine being covered with tiles or slates, whichever material is least expensive.

As neither tiles nor slates are procurable on this Island, I would suggest that a sufficient supply of either, together with the necessary capping, should be forwarded from Sydney, and that I be authorised to call for tenders for roofing the magazine with the materials sent; and further, that if a reasonable tender is received, I may accept the same.

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

The Accountant,—Inquiry may be made as to the most portable, and cost of same.

I have seen the authorities at the Ordnance Department, and have been informed that for an exposed position slates are preferable for a building used as a magazine. There should be a properly fitted lightning-conductor, which it is assumed there is. On this point the Chief Magistrate could be asked. Crane, of Pitt-street, is the only firm from which I can get quotations. Goodlet & Smith do not keep slates, and Cary & Co. cannot quote without reference to principals. Crane's price for a sufficient quantity of slates to cover the area of roof, with ridge-capping and nails, will be between £8 10s. and £9. Submitted for instructions. This quotation is for American slates; for first-class purple slates the price will be £11. American slates are sufficiently durable, and will, so I am informed, answer all purposes. The slates may be sent. The expenditure has already been authorised.—VICTOR COHEN, Accountant, 28/9/98. Approved.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/448. 604, N.I.

Sir,

30 September, 1898.

I have the honor to acknowledge receipt of your letter on the subject of roofing the powder-magazine, and have to inform you I have shipped, *per* "Titus," leaving to-morrow, 800 slates, 20 x 10, one bundle nails, one piece lead for capping. This quantity is calculated on the sizes conveyed by your letter of 11th July, wherein you state length of ridge, 20 feet; length of rafters, 11 feet.

With respect to fixing this roofing, you are authorised to call for tenders, and to accept the most reasonable, taking care to carry out the instructions issued to you in respect to deposits for faithful performance of work. I enclose a shipping receipt, and advise you that freight has been paid at this end.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/404, N.I. (Government of Norfolk Island, 577, 19 September, 1898.)

REPORTING, in reply to inquiry, that there are several suitable sites for magazine, but several points need consideration before changing.

Sir, Norfolk Island, Government House, Kingston, 10 September, 1898.

I have, in reply to your letter of 2nd June last (N.I., 98/224) to repeat that there are several suitable sites for a powder-magazine more remote from the township than the existing magazine; but against any immediate change there are the following points to consider:—

- (1.) Costs of erection of magazine.
- (2.) Difficulty of supervision, and (comparatively) of access.
- (3.) The remote possibility of any considerable quantity of powder or other explosives requiring storage. The Government magazine is under practically continuous supervision. It would be with considerable difficulty that any evil-disposed or foolish person could do any damage to the magazine itself, or its contents, as it is opposite the police station, and people are frequently passing; whereas, if placed in a secluded position, considerable damage might be done before discovery being made.

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

In view of this and the reports by Colonel Spalding as to the security of the present magazine, it may not be considered necessary at present to take any steps towards changing the site, which would necessitate the erection of a new building of expensive character.—W. HOUSTON, Under Secretary, 20/9/98. Approved.—J.H.C., 21/9/98.

98/447, N.I.—*Re* payment of charge for storage, £7 18s., should be forwarded to the Accountant to note.—W.H.

The decision of the 30 May last may be varied to admit of the roof of the magazine being covered with tiles or slates as recommended by the Chief Magistrate—whichever material is the least expensive. The Magazine Regulations are apparently satisfactory, and seem to be those ordinarily employed for the protection of explosives.—W. HOUSTON, Under Secretary, 3/8/98.

Approved.—J.H.C., 3/8/98. Chief Magistrate informed,—4/8/98. The Accountant. Noted. Bring forward in September.—4/8/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

(Government of Norfolk Island, 448, 2 August, 1898.)

Enclosing Magazine Regulations.—Advises against roofing building with iron.—Recommends slates or tiles.—Dimensions of roof—ridge, 20 feet; rafters, 11 feet.

Sir,

Norfolk Island, Government House, Kingston, 11 July, 1898.

In reply to your letter of 1st ultimo, N.I., 98/299, I have the honor to enclose a copy of the Magazine Regulations in force in this Island. I have further to advise against the employment of iron as a cover for the roof, and recommend slates or tiles. The dimensions of the roof are as follows:—

Length of ridge (gable)	20 feet.
Length of rafters	11 "

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

MAGAZINE REGULATIONS, NORFOLK ISLAND.

Norfolk Island, Government House, Kingston, 20 January, 1898.

1. Senior-constable Collins is placed in direct charge of the magazine, and will keep the keys thereof. No one is allowed to enter the magazine unless Constable Collins is present.

2. No person to enter the magazine with boots on, unless proper magazine slippers or shoes are worn overall.

3. All persons are required to give up any matches, keys, pipes, &c., prior to entering the outer door of the wall surrounding the magazine.

4. No cartridges containing their own means of ignition, or articles which can be readily exploded by detonating, are to be admitted into the magazine.

5. No naked light is to be carried into the magazine. No oil-rags or cotton-waste are to be stored therein.

6. The magazine, if open, is to be closed on the near approach of a thunder-storm.

7. Senior-constable Collins is to report weekly in writing to the Chief Magistrate that he has inspected the magazine and found all correct, or otherwise, and any receipts into or deliveries from the magazine.

WARNER SPALDING,
Chief Magistrate.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

266/98, N.I. (Government of Norfolk Island, 447, 2 August, 1898.)

REPORTING that 60 barrels and 19 cases gunpowder from "Oscar Robinson" duly handed over 30/6/98 to master, schooner "Envy," and shipped.—Storage payable, £7 18s.—Holds guarantees of North Queensland Insurance Company and Mr. C. A. Gaston, travelling agent for company and supercargo of s.s. "Ysabel," for payment of amount on return that steamer to Island.

Sir, Norfolk Island, Government House, Kingston, 30 June, 1898.

With reference to your letter of the 28th ultimo, 98/244, N.I., I have the honor to inform you that the gunpowder, consisting of 60 barrels and 19 cases, rescued from the "Oscar Robinson," wrecked at this Island on the 18th January last, has this day been handed over to the master of the ketch "Envy," and shipped in her. The amount due for the storage of the gunpowder in the Government magazine, Norfolk Island, under the "Gunpowder and Explosives Rates Act of 1884" and "Amended rates and charges for lightering," dated the Treasury, New South Wales, 30th January, 1888, amounts to £7 18s. I hold the guarantees of the North Queensland Insurance Company, and of Mr. C. A. Gaston, travelling agent for the company, who is also supercargo of the s.s. "Ysabel," that the amount due will be paid me on the return of that steamer to the Island.

I have, &c.,
WARNER SPALDING,
Chief Magistrate.

Extract from Report of Chief Inspector of Public Accounts.

98/381, N.I. (Government of Norfolk Island, 399, 7 July, 1898.)

Extract from comprehensive report, 28/6/98, by Mr. G. E. Brodie on Norfolk Island affairs, inquired into on occasion of approved visit to Island.

CARELESS STORAGE OF GUNPOWDER.

I CANNOT too strongly condemn the reckless and careless storage of nearly 2 tons of blasting and sporting powder in the old magazine, which is situated in close proximity to the Church of England, and in the public school yard.

The door was most insecure, and the outer roof of old wooden shingles, although the inner roof was of concrete. There is no lightning conductor.

Children have been known to light fires near the magazine. In any case, with a wooden roof, the gunpowder should not have been allowed to be stored in it in the condition I found it in.

The old building adjoining the school-room is inhabited. One never knows when a fire will break out, and in such an event the result of an explosion from such a quantity of powder can hardly be imagined.

I do not know whether the Chief Magistrate reported to the Lands Department the quantity of powder that was stored in the old magazine. One thing is very certain, he did not take proper or necessary precautions for securing the safety of the residents from an explosion.

Precautionary measures have since my representations been taken by the Chief Magistrate and the Lands Department.

I have, &c.,
G. E. BRODIE,
Chief Inspector of Public Accounts

Await Chief Magistrate's reply for letters on this subject.—W.H., 22/7/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/242, N.I. (Government of Norfolk Island, 373, 4 July, 1898.)

Sir, Norfolk Island, 18 June, 1898.

I have the honor to acknowledge receipt of your letter of the 26th ultimo, numbered 98/244, N.I., upon the subject hereunder mentioned.

I have, &c.,
WARNER SPALDING,
Chief Magistrate.

Subject of letter :—Gunpowder ex "Oscar Robinson."

Seen. Await a further communication from the Chief Magistrate.—W.H., 4/7/98.

98/299, N.I.

STORAGE OF GUNPOWDER AT NORFOLK ISLAND.

You will require to note the action taken in this matter, and the papers are forwarded accordingly. In this report, 98/224, enclosed, the Chief Magistrate states he has arranged for the construction of an additional door, &c., to the magazine, and the Minister has taken the report as satisfactory. The cost of the work is not stated, and, perhaps, if it be not supplied when the expected report as to amount of storage involved and paid is to hand, the Chief Magistrate should be asked specially to supply it.—H. L. THOMPSON, 7/6/98. The Accountant.

Noted. Are any landing and lighterage charges to be paid as well as storage?—VICTOR COHEN, Accountant, 9/6/98. Not that I am aware of. Captain Garth has arranged, I believe, to settle the charges you mention.—H. L. T., 9/6/98. The Accountant. Seen.—10/6/98. Await reply from the Chief Magistrate.—H. T., 11/6/98.

MEMORANDUM.

MEMORANDUM.

Instructions should be at once issued that the gunpowder stored in magazine at Norfolk Island be not removed therefrom until the storage charges—1d. per packet per week (6s. 7d. per week)—be paid as from the 18th January last. Special instructions should also be issued for the proper care of the powder, so as to guard against accident.—G. E. BRODIE, 30/5/98. The Under Secretary for Lands. Instructions should go by next mail.—G.E.B.

It has already been arranged to charge the storage fees before the powder is removed. Messrs. Holdsworth, Macpherson, & Co. hold themselves responsible for any payment due, and as they are agents for the owners of the powder the Chief Magistrate has been asked, as desired, to allow the master of the schooner "Envy" to take delivery on payment thereof. It is proposed also to cover the roof of the magazine with iron. Since this was suggested Captain Garth called and told me that the magazine is a thick stone building, with a concrete floor and roof, and that it is equal to any in Sydney. There are two doors, with a space between each, and these are now in good order and condition. In the circumstances there does not seem any need to take further action, except in regard to the roof covering, perhaps. The powder will not long remain on the Island.—H. L. THOMSON, 31/5/98.

The approval of the 30th should be acted on, but the Chief Magistrate asked for further particulars respecting the roof of the magazine and the necessity for covering it with iron.—W.H., 31/5/98. The Chief Magistrate informed accordingly, 1/6/98.

The Superintendent, Mercantile Explosives Department.—Captain Garth, of the schooner "Oscar Robinson," shipped on the 18th December last nearly 2 tons of powder, which I understand was consigned to the Government of Noumea. Captain Garth carried passengers with this powder. Kindly let me know to-day if all the requirements of our Colony in shipping this large quantity of powder have been complied with. As the powder has been stored at Norfolk Island, will you also kindly let me know what our charge for storage and lightering are?—G. E. BRODIE, Audit Office, 30th May, 1898.

The Assistant Auditor-General.—The seventy-nine (79) packages of explosives referred to were shipped on board the "Oscar Robinson" from the public magazine at Goat Island by this Department. All requirements of the law were complied with. Storage charges are 1d. per week per package, lighterage 3d. per package, from ship to magazine, for the blasting power (sixty packages); and 4d. per package for the canister powder (nineteen packages). I enclose schedule of rates marked.—V. W. WILLIAMS, Superintendent, M.E.D., 30/5/98.

The Senior-constable, Norfolk Island, to The Chief Inspector of Public Accounts.

Sir, Police Quarters, Norfolk Island, 3 May, 1898.
Senior-constable M. Collins reports for your information he received from the wreck of the schooner "Oscar Robinson," on the 18th January, 1898, at Kingston, Norfolk Island:—

60 kegs of blasting powder, 50 lb. each.
13 cases of flask " 50 lb. "
6 " " " 48 lb. "

and stored it in the magazine at Kingston. Kegs and cases all wet. It was raining all the time whilst landing from the wreck and carted to the magazine. Total weight of powder, 3,938 lb. = 35 cwt. 18 lb.

I have, &c.,

M. COLLINS,

Senior-constable, Norfolk Island.

Holdsworth and Macpherson—60 kegs blasting powder; consignees, Noumea.

" " 10 cases sporting powder " "

J. Keep and Sons—9 cases sporting powder.

Outward, from Sydney, dated 18th December, 1897.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/196, N.I.

(Government of Norfolk Island, 26 May, 1898.)

98/224, N

REPORTING slight scare because of powder stored on Island.—Agitated probably by persons claiming large salvage.—Cave on Nepean Island proved unsuitable for magazine.—Boats object to remove it.—Arranged for construction of door to present magazine (Old Soldiers' Barracks).—Captain Garth leaving for Sydney by "Ysabel" to arrange removal of powder for which he is agent:

Sir,

Norfolk Island, Government House, Kingston, 13 May, 1898.

With reference to powder *ex* wreck of "Oscar Robinson," stored in the Government Magazine of this Island, *vide* my letter of 7th February last, N.I., 78/95, I have the honor to inform you that a slight scare has been raised here as to the retention of the powder in its present position.

I believe the agitation, which is of a mild character, has been stirred up by persons interested in obtaining preference of the powder on which they have claimed salvage to a large amount.

With the view of allaying the scare, I arranged for an examination of Nepean Island and a cave thereon, which, I have been told, might be found to answer as a magazine. I enclose reports from Constable Collins, late Submarine Mines, New South Wales, and therefore possessing a knowledge of explosives—care and storage thereof—Captain Garth, agent for the powder, Mr. McCoy and a boat's crew of Islanders, all tending to show neither the cave nor any other portions of Nepean Island are suitable for storage of powder. The boat's crew, you will observe, absolutely decline to take the risk of landing it at the Island. Having in view the fact that there is no immediate probability of the shipment of the powder from this Island, I have arranged for the construction of an additional door, &c., to the magazine.

The magazine stands in the yard of the court-house (Old Soldiers' Barracks), is well constructed of solid masonry, both walls and arched roof, is dry and well ventilated; the magazine itself is again surrounded by a stone wall. Between this wall and the magazine wall a passage of 3 feet runs entirely round

round the magazine. There is one door to the surrounding wall, and two—an inner and an outer—to the magazine itself, with an air space between—all doors being properly secured—in fact, as an artillery officer, I consider the powder is as safe in Island magazine as in any magazine on the forts of Port Jackson. The magazine is frequently visited. The only objection that can be raised as to the magazine is that over the arched roof there is a roof of shingles, but there is no firewood within 100 yards, and then there are several magazine buildings (court-house, &c.), between the magazine and the fire used for coaling in connection with the old officers' quarters. Finally, there is no place nearly as secure on this or any of the smaller islands.

Captain Garth informs me that he is leaving for Sydney per "Ysabel" to make arrangements for the removal of the powder, which cannot be shipped by the "Ysabel."

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

The magazine, according to the Chief Magistrate's report, is satisfactory. It is unfortunate, however, that the building is so close to the settlement at Kingston. There is, however, one objection to the building itself, and that is that the roof is of wood. Iron should be substituted as soon as possible, and the Chief Magistrate asked if any site can be found for the storage of powder more remote from the township.—W. HOUSTON, 27/5/98.

Stringent regulations should be made by the Chief Magistrate in regard to the inspection of entry to the magazine 100, a copy of which may be forwarded to this office.—W.H. Approved.—J.H.C., 30/5/98. The Chief Magistrate asked by separate letter, 1/6/98. Await reply.

The Senior-constable, Norfolk Island, to The Chief Magistrate, Norfolk Island.

127/98, N.I.

Sir,

Norfolk Island, Police Quarters, 5 May, 1898.

Senior-constable M. Collins reports for your information that he inspected Nepean Island on the 5th May, 1898, for the purpose of placing blasting and sporting powder in the cave on the island; the constable reports there is not a fit place for it. A heavy sea washes into it, and would destroy the whole lot. The constable states there is no landing of powder with safety on the Nepean Island.

I have, &c.,

M. COLLINS,
Senior-constable.

132/98, N.I.

Mr. W. G. Garth to The Chief Magistrate, Norfolk Island.

Sir,

Norfolk Island, Kingston, 6 May, 1898.

I have the honor to inform you that I hired a boat with a crew of six men, for the purpose of visiting Nepean Island to ascertain whether it was possible to remove the seventy-nine packages of powder at present stored in the Government magazine, and if removed whether it would be safe from damage, or without danger to those taking it to the aforesaid island.

1st. I examined the island all round and found it totally unfit to place the powder there, as there is no receptacle to protect it from loss or damage.

2nd. It would be impossible to land it in consequence of the rugged nature and formation of the said island, as well as the risk to life in attempting to do.

I also consulted the crew and Mr. P. McCoy, senior, as to the possibility of doing so. They each positively refused to undertake the risk.

I have, &c.,

W. G. GARTH.

Messrs. Holdsworth, Macpherson, & Co., to The Under Secretary for Lands.

Applying for an order to obtain delivery of powder per "Oscar Robinson," at Norfolk Island.

(Government of Norfolk Island, 244, 26 May, 1898.)

Post Office Box, No. 487.

Sir,

252, George-street North, near Bridge-street, Sydney, 25 May, 1898.

We beg to advise you that the schooner "Envy" will be leaving Sydney in a day or so for Noumea, *via* Norfolk Island. The Insurance Companies interested propose that this vessel takes on board the gunpowder *ex* the "Oscar Robinson" and then on to Noumea, and we have to request you to give instructions to hand over the powder to the master of the schooner "Envy" on application, for transhipment to Noumea.

We hold ourselves responsible for any charges that may be due thereon.

We are, &c.,

HOLDSWORTH, MACPHERSON, & CO.
(JOHN MACPHERSON).

98/224, N.I.

P.S.—If you will kindly hand us the authority, we will cause it to be delivered to the captain.

INFORM the Chief Magistrate that on application of the master of the schooner "Envy," at the instance of Messrs. Holdsworth, Macpherson, & Co., of this city, he may hand over the gunpowder rescued from the stranded schooner "Oscar Robinson" to such master, provided the storage fees be first paid. Inform Messrs. Macpherson & Co. to the same effect.—W.H., 25/5/98.

The Chief Magistrate, Norfolk Island, and Messrs. Holdsworth, Macpherson, & Co., informed, 28/5/98.

The

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/131, N.I.

(Government of Norfolk Island, 231.)

Sir,

Norfolk Island, 12 April, 1898.

I have the honor to acknowledge receipt of your letter of the 25th March last, numbered N.I., 98/169, upon the subject hereunder mentioned.

I have, &c.,

WARNER SPALDING,

Chief Magistrate.

Subject of letter:—Gunpowder stored at Norfolk Island, *ex* "Oscar Robinson," and amended rate for storage.

Storage of Gunpowder at Norfolk Island, rescued from stranded schooner "Oscar Robinson," in January, 1898.—Owners to be charged storage.—Island authorities to take no responsibility.—Proclamation based on Gunpowder, &c., Act 54, to be framed.

(Government of Norfolk Island, 169, 22 March, 1898.)

THE Chief Magistrate may be informed that his proposals are approved, and may be continued until otherwise ordered. The owners of explosives should also be given notice in writing that the storage is at their risk, and the Island authorities take no responsibility in the matter. Copy of amended rates for storage may be forwarded. It is evident that the fees cannot be recovered, and it would therefore be desirable to frame a Proclamation, based on the Gunpowder and Explosives Act of 1884, to regulate the whole matter.—W. HOUSTON, Under Secretary, 18/3/98.

Approved.—J.H.C., 21/3/98. The Chief Magistrate informed, also Messrs. Holdsworth, Macpherson, & Co., who are agents for the owners, 25/3/98. The Accountant to see.

I take it, from the letter addressed to Messrs. Holdsworth, Macpherson, & Co., that storage is to be charged in accordance with the provisions of the Gunpowder and Explosive Rates Act of 1884. It will be necessary to ascertain the contents of the 60 barrels and 19 boxes, as the rates may vary according to weight. The Ordnance Storekeeper should be asked to supply the information. Is it also intended to charge for lighterage and delivery.—VICTOR COHEN, Accountant, 29/3/98. Mr. Thompson.

Storage is to be charged at the rates fixed under the Act alluded to, and the Chief Magistrate has been advised and supplied with a copy of the rates. Holdsworth, Macpherson have been advised, as they are the owners' agents, of the intention. The Chief Magistrate describes the barrel and boxes as containing gunpowder, and he will no doubt do what is necessary, and advise the Department of the action taken, therefore, would it not be as well to await his report before proceeding further? I believe Captain Garth has arranged as to delivery of the gunpowder to the owners or consignees in New Caledonia.—H. L. THOMPSON, 29/3/98. The Accountant.

Nothing further can be done at present—await letter from the C. M.—V.C., Accountant, 29/3/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Reporting proposal to charge storage under Gunpowder Act of 60 barrels and 19 boxes gunpowder, landed from wrecked "Oscar Robinson."—Powder intended for French Artillery in New Caledonia.

78/98, N.I.

(Government of Norfolk Island, 102, 28 February, 1898.)

Sir,

Norfolk Island, Government House, Kingston, 7 February, 1898.

I have the honor to inform you that there are stored in the Government magazine of the Island 60 barrels and 19 boxes of gunpowder, landed on the 18th ultimo, from the wrecked schooner "Oscar Robinson." I propose to charge the rates of storage set forth in the Gunpowder Act, 40 Victoria, No. 1.

I am informed by Captain Garth that the powder is for the French Artillery stationed in New Caledonia.

I have, &c.,

WARNER SPALDING,

Chief Magistrate.

This is a matter which might well be referred to the Collector of Customs, Sydney.—H. L. THOMPSON, 2/3/98. Referred.—W.H., 5/3/98. The Collector of Customs, Sydney.—H. L. THOMPSON (for Under Secretary). Mr. Bethune. Obtain schedule of fees charged at the Magazine from the Superintendent of Mercantile Explosives.—3/3/98. Copy herewith.—W. BETHUNE. W.R., 5/3/98. The Collector.

There should be no objection to the enforcement of the fees in question. I would suggest, however, that owners of explosives be given to understand that the storage is at their wish, and that the Island authorities take no responsibility whatever in the matter. A schedule of fees charged at Sydney is attached. The Under Secretary for Lands.

Get the Act.—W.H. Herewith.—H.L.T., 14/3/98.

The Under Secretary for Lands to Messrs. Holdsworth, Macpherson, & Co., George-street.

98/169, N.I.

Gentlemen,

As it is understood that you are agents for the owners of the 60 barrels and 19 boxes of gunpowder recovered from the schooner "Oscar Robinson," which stranded at Norfolk Island in June last, I am directed by the Secretary for Lands to inform you that the Chief Magistrate, Norfolk Island, has been authorised to charge storage for such gunpowder at the rates set forth in the Gunpowder Act, 40 Victoria, No. 1, and instructed that he is to take no responsibility in the matter, such storage being at the owners' risk.

I have, &c.,

1.

Extract from a Private Letter from O. M. Quintal to the Minister.

Mr. Quintal is of opinion that the Chief Magistrate interferes too much, and that there is too much zeal in the Government of the Island.—He thinks the Chief Magistrate has shown great judgment in many instances in the affairs of the Island, and that his intentions are good.

98/501, N.I.

Dear Sir,

Norfolk Island, 21 June, 1898.

It has been reported that the Chief Magistrate is not in touch with the people of this Island, and that he does not supervise in the Government of this Island. I wish to point out to you the fact that if he is not in touch with the people here as a whole, no man you may put here will ever be in touch with the majority of the people here, I don't care who he may be. As to his not supervising the government of the Island, that may be the opinion of the majority of the people here; but in my opinion he interferes too much, and there is too much zeal in the government of this small Island. The people has, &c., many rights and privileges, as they call it, that it requires the greatest care in guiding the affairs of this Island, and I think the Chief Magistrate has shown great judgment in many instances in the affairs of this Island. His intentions are good I am quite sure. The roads are in pretty good condition and repair, but I have had great trouble with the piers. The town pier is old, and requires complete overhaul. Every gale, part tumbles down, and we have had very bad gales, &c., lately. My opinion is that you must separate the functions of the Magistrate as Judge and the Chief Executive, if you intend to have the head of the government of this Island popular.

Yours, &c.,

O. M. QUINTAL.

98/526, N.I.

It is true that Mr. Brodie has stated that Colonel Spalding is not in touch with the people of the Island. This may convey much, or very little, especially when the racial peculiarities of the Islanders are considered. Although the appointment of a magisterial head, standing apart from, and above, the entire community, and the sweeping away of a code of cherished but inept ordinances, must have been unacceptable to a large number of persons, no complaints have been received concerning the Chief Magistrate other than those which have been made by interested litigants concerning decisions given by the Chief Magistrate adverse to them.—W. HOUSTON, Under Secretary, 26/8/98.

Seen. I think H. E. the Governor may be glad to see these papers.—J.H.C., 31/8/98. The Private Secretary to His Excellency the Governor.—W.H., Under Secretary. Seen. B.C., 2nd September, 1898.—HAMPTON, 7/9/98. The Under Secretary for Lands. H.H.L., for P.S.—B.C., 7/9/98. Seen by the Under Secretary. Index and put away.—H.L.T., 9/9/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

In case of statement that Colonel Spalding, Chief Magistrate, has been lacking in supervision of Government affairs of Island.—Reporting any such remark.—In touch with Islanders, who have a respect for him.—Never had a personal dispute with any Islander.—Have helped them in variety of ways.

98/435, N.I.

Sir,

Norfolk Island Government House, Kingston, 14 July, 1898.

Should it have been stated that I have been lacking in supervision of the affairs of the government of this Island, I venture to say the history of my actions, as told by my letters to His Excellency the Governor at first, and to your Department subsequently, will in themselves be sufficient to refute any such statement. When I arrived here it was well known that there was neither law nor order; property was not safe; even life was alleged to be less secure than elsewhere—even a Mission clergyman is stated to have been compelled to carry a revolver for his protection. What is the condition now? Property is safe; there is no crime, except an isolated case or so of melon-stealing; farmers can leave their implements in their fields with a certainty of finding them on their return—which was, prior to the new administration, anything but the case; life is safe; and this change has been made with quietness. Could it have been carried out without supervision on my part? Again, I have, as far as possible, by my personal influence—which, whatever may be said to the contrary is not inconsiderable—protected the rights of the Crown to the buildings, both in and out of repair. I have carried out negotiations for the lease of a house as a parsonage. Thus the Crown has now the absolute ownership of this building admitted, whereas before it was disputed. I have managed to secure a residence for the constable, and to do this and to get the persons with their families out of the house, without giving them grounds for complaint, and thus obtain undisputed possession of the building on behalf of the Crown.

I have advised the Council with regard to the roads and wharfs, and have supervised their repair without getting into collision with the Council.

Even when necessary, in the exercise of my office as the representative of the Government here, I have had to differ with the Council, or enforce the laws against an individual whom for many reasons I personally respected, I did so in the face of many rumours of trouble occurring, but nothing happened; and I maintain these people lock up, respect, and have a feeling of friendship for me—even those I have found it to be my duty to send to prison. Scarcely a day passes but that someone or other comes to me for advice.

I claim absolutely I am out of touch with the people. I say that no one visiting this Island for a few weeks ever yet got into touch with them. They may think otherwise, but they deceive themselves or others.

It is time that I find it proper not to be too familiar with them, but endeavour to maintain a position towards them of conciliating and guidance. I certainly cannot associate with certain white men, whose habits have, perhaps, rendered it impossible for them to live a decent life outside the Island, and who occasionally endeavour to injure me with the people.

I have advised the people individually and in groups with respect to the treatment of their orange and other trees, which I recognised suffered from scale, many months ago. I have instructed them in the manner of curing and packing their fruit. I have advised them on the cultivation of coffee; and got samples (some of which I forwarded at my own expense) tested by the Government expert and a private firm, and have promulgated the information so obtained to those interested. I have set them an example of industrious work in the growth of coffee, which I have grown under various conditions, and invited persons interested to see and judge for themselves. Many have availed themselves of this. A considerable number of coffee plants have been put out, chiefly on account of my advice. I have, on the other hand, never neglected public work, and have always been accessible to interview by any person at any hour who desired to see me.

People have been to me for advice on many subjects, and I have endeavoured to help them to the best of my ability.

I am always treated with respect, and have never had a personal dispute with any Islander.

I have, &c.,
WARNER SPALDING, Colonel,
 Chief Magistrate.

A.

Extract from N.I., 98/379. Mr. Brodie's report of the 17th May, 1898, on Chief Magistrate's Accounts.

* * * * *
 In a separate report on the accounts of the Registrar of the Court and Collector of Customs, whose duty it was to hand over all collections daily to the Chief Magistrate, that the latter officer has exercised absolutely no supervision over the Registrar's accounts, and that in consequence facilities were afforded for the misappropriation of the large sum of £29 1s.

The Chief Magistrate has been most lax, and in no small measure is responsible for disgraceful conduct on the part of the Registrar of the Court, whom he should have recommended for removal months ago, so patent was his unfitness for his position, coupled with grave dereliction of duty.

The laxity of supervision displayed by the Chief Magistrate is the more reprehensible in view of the leisure time at his disposal, and the facilities he possessed from his position on the Bench for effecting a through check over his subordinate's accounts.

In several instances I find that important cases, adjudicated upon by the Chief Magistrate, were not entered in the Court Registers, and a knowledge of these cases was only obtained from an outside source.

* * * * *
 Note:—On 98/306, N.I., which covers this report, the Governor, on the Minister's recommendation, fined Colonel Spalding £50 "for grave neglect of duty, resulting in the lax administration of his subordinate, W. Spalding, of his duties as Collector of Customs and Registrar, &c."

2.

Mr. Twine's appointment as Collector of Customs and Registrar of the Magistrate's Court.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/744, N.I.

Sir,

Norfolk Island, 5 November, 1898.

I have the honor to acknowledge receipt of your letter of the 28th September, 1898, numbered N.I., 98/600, upon the subject hereunder mentioned.

I have, &c.,
WARNER SPALDING, Colonel,
 Chief Magistrate.

Subject of Letter:—Allowance for board and lodging for Mr. F. W. Twine, Registrar of Magistrate's Court and Collector of Customs.

The Accountant asks for these papers; may be sent to him.—H.L.T., 22/11/98. Yes.—W. Houston. The Accountant, 22/11/98.

The papers were required to submit with cheque to pay Mr. Twine's allowance. The cheque has now been signed, and papers are therefore returned. Apparently the question of settlement of ownership of the Government buildings (with 98/687) has something to do with these papers which I now return.—VICTOR COHEN, Accountant, 26/11/98. Mr. Thompson. Submit when matter of Government buildings is decided.—H.L.T., 28/11/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Suggests Mr. F. W. Twine be allowed £50 per annum additional pay until house available for him.—Pays Mrs. Spalding nominal sum for board.—House not likely to be available unless occupier receives compensation for expenditure in repairs required.—Can do nothing in absence of directions.

98/600, N.I.

Sir,

Government House, Kingston, Norfolk Island, 5 September, 1898.

I have the honor to acknowledge receipt of your letter of the 5th ultimo, N.I., 98/499, and have, in reply, to state that it is difficult to formulate what would be a fair sum to be allowed Mr. Twine, Collector of Customs, as lodging allowance, as I am not aware that there is a single house let on Norfolk Island. Visitors to the Island usually board with some person, whose charges to cover board and lodging are about £1 10s. per week for each adult.

It

It was at first understood that Mr. Twine's daughter and son intended to reside with him here, but I recently learnt from Mr. Twine that this arrangement is not likely to be carried out. Mr. Twine is at present living at Government House, and has made arrangements to pay Mrs. Spalding a nominal sum for his board (not lodging).

Taking the whole circumstances into consideration, I recommend that Mr. Twine be granted £50 per annum additional pay (not lodging allowance) until such period as a house may be available.

With reference to procuring a house for Mr. Twine, I see no immediate prospect of a house becoming vacant, unless, of course, the Government give instructions as to my course of procedure.

No one of the occupiers of the Government houses are at all likely to vacate them willingly—unless compensated for leaving. Probably, but not certainly, a house could be obtained if the outgoing was compensated in the sum of about £50 for repairs stated to have been done during his occupancy. Then repairs would be required to render the house fit for the residence of a Government official.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

I think £1 per week would be a very fair allowance for board and lodging; and this allowance may, it is suggested, be granted until quarters can be provided for Mr. Twine. The papers concerning the question of the ownership of the Government buildings at Norfolk Island are still with the Attorney-General.—W. HOUSTON, Under Secretary, 26/9/98.

Approved. Better get the papers from the A.-G., and submit them for the opinion of some member of the Bar to be named by the Crown Solicitor.—J.H.C., 27/9/98.

The Chief Magistrate informed of approval 28/9/98, and that allowance is payable from date Mr. Twine's board and lodging expenses commenced, which date should be reported. The Accountant to note approval, please, and then return to me.—H.L.T., 4/10/98.

Noted.—J.B., Assist., 5/10/98. Secretary Attorney-General asked to return papers 98/395, N.I., 3/11/98. Papers received, and now with 98/657, N.I.—H.L.T., 8/11/98. Await reply from C.M.—H.L.T., 8/11/18.

The Collector of Customs to The Under Secretary for Lands.

Appointment of Mr. F. Twine, Collector of Customs, &c., N.I., being granted lodging allowance until residence provided.—Chief Magistrate to suggest sum, and report how residence matters stands. 98/499, N.I.

Dear Mr. Houston,

Department of Taxation, Sydney, 3 August, 1898.

When I spoke to Mr. Twine about the position of Collector of Customs, &c., Norfolk Island, I was given to understand and assured him that a residence would be provided. His son informs me that no house is provided, and he is paying for accommodation for himself whilst his family have to remain in Sydney. His salary of £50 is hardly equal to this. I would advise Mr. Twine to write to you direct but for the delay my writing him would occasion. Hence my troubling you in the matter,

Yours faithfully,

N. LOCKYER.

Papers relating to Mr. Twine's appointment.—W.H., 3/8/96. Mr. T. Herewith—H.L.T., 4/8/98.

Mr. Twine has not communicated with me on this matter, as he might have done. His son, however, called yesterday and pointed out the difficulty in which his father stood. Of course nothing of the sort was anticipated, and the case might be met by granting Mr. Twine a lodging allowance until such time as a residence is provided. The amount of the allowance might be suggested by the Chief Magistrate, who should report what he has done towards procuring a residence for Mr. Twine.—W. HOUSTON, Under Secretary, 4/8/98.

Approved.—J.H.C., 5 Aug., 1898. The Chief Magistrate informed and asked as above, 5/8/98. Await reply.

Mr. A. T. Twine to The Under Secretary for Lands.

98/490, N.I.

Sir,

Custom House, Sydney, 3 August, 1898.

Referring to my interview with you yesterday re my father's position as Collector of Customs at Norfolk Island, I have the honor to request that you will be good enough to recommend the payment of an allowance of £75 per annum in lieu of quarters, &c.

In support of this application I beg to invite your attention to the fact that one of the conditions of his employment was that a house would be provided for him to live in. This, up to the present, has not been done, and from information I have received great difficulty will probably be experienced by the Government in securing one, thereby causing considerable further delay. Meantime the salary of £50 per annum is totally inadequate to cover the cost of the expense my father is compelled to incur in keeping a home in Sydney, where his family reside, together with his own accommodation at Norfolk Island. In view of the delay which a direct application from him would entail, I have made this one on his behalf, and will esteem it a great favour if you will let me have a reply in time to forward same by the "Ysabel" which sails for Norfolk Island on Saturday next, as under existing conditions his remaining at Norfolk Island involves him in financial loss which an allowance such as asked for would cover.

Awaiting the favour of your early reply.

I have, &c.,

A. T. TWINE.

Await action on other papers now before the Minister.—W.H., U.S. Papers herewith now.—H.L.T., 5/8/98. 98/499, N.I.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.
98/474, N.I.

Sir,

Norfolk Island, 30 June, 1898.

I have the honor to acknowledge receipt of your letter of the 31st May and 6th June numbered N.I., 98/319 upon the subject hereunder mentioned, and have noted the instructions conveyed therein.

I have, &c.,

WARNER SPALDING,
Chief Magistrate.

Subject of letter.—Advance of £10 15s. Mr. F. W. Twine.
98/490, N.I.

Mr. F. W. Twine to The Under Secretary for Lands.

98/319, N.I.

Applying for advance of £10 in connection with appointment as Collector of Customs and Registrar of Court, Norfolk Island.—Approved.—To be repaid by monthly instalments of £1.

Sir,

Seymour-street, Enfield, 31 May, 1898.

Referring to my interview with you yesterday on the subject of my appointment as Collector of Customs, at Norfolk Island, which I understood you to say would be approved by His Excellency the Governor to-day, I have the honor to respectfully request that an advance of £10 be made to me, to enable me to meet certain unavoidable expenses connected with my preparation to leave for Norfolk Island by the "Ysabel," on Thursday next.

I would esteem it a favour if this advance could be made to me without delay, as my time in Sydney is very short.

I have, &c.,

FRED. W. TWINE.

Subject to Mr. Twine providing the guarantee usually given by officers of the Department, the advance may be made, repayment to be at the rate of £1 per month.—VICTOR COHEN, Accountant. Mr. Twine submits a guarantee signed by Mr. Baxter, an officer of Customs, if the advance is approved, the guarantee may perhaps be accepted.—V.C., 31/5/98. Submitted for approval.—W. HOUSTON, Under Secretary, 1/6/98. Approved.—J.H.C., 2/6/98. Chief Magistrate informed by letter, dated 31st May, but dispatched June, 1898.—V.C., 6/6/98. Noted.—V.C., The Accountant.—19/6/98. Put away.—11/6/98.

[Enclosure.]

GOVERNMENT OF NORFOLK ISLAND.

£10 sterling.

Department of Lands, Sydney, 31 May, 1898.

RECEIVED from the Under Secretary for Lands the sum of £10 sterling advance of salary as Clerk and Registrar of Magistrate's Court and Collector of Customs at Norfolk Island.

Witness to payment,—J. W. BARNES.

FRED. W. TWINE.

To The Honorable The Secretary for Lands of New South Wales,—

Sydney, 31 May, 1898.

In consideration of your paying Fred. W. Twine the sum of £10, being an advance of salary at the rate of £50 per annum as Clerk and Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, I hereby undertake, in the event of the death of the said Fred. W. Twine, or of his ceasing to belong to the Service before the said advance is fully paid and satisfied, to repay you the said sum if unpaid, or such part thereof as he shall not be entitled to receive. The Government undertake to retain £1 per month out of the salary of the said Fred. W. Twine from date of advance until repayment, and in case of his retirement, death, or misconduct, the balance of salary, after deducting amounts chargeable for defalcation, surcharges, or embezzlements, shall be applied in reduction of his liability hereunder.

J. BAXTER,

H. M. Customs.

Signed in the presence of,—W. BETHUNE.

98/293, N.I.

In continuation of the minute of the 27/5/98, on 98/245, N.I., herewith, I beg to submit that, as the result of inquiries of the Public Service Board, the name of Mr. Frederick Twine as a person suitable for the position of Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island.

Mr. Twine, whom I have seen, is robust-looking and alert in manner. He is well recommended by Mr. Lockyer, Collector of Customs, whose letter is enclosed.

Mr. Twine is willing to accept the position, and to proceed to Norfolk Island on Thursday next, provided:—

1. That his pension will not be affected.
2. That he will be provided with a residence.
3. That he will receive £50 per annum.
4. That his family (a son and daughter), with what furniture he may require, will be landed at the Island without expense to himself.

The appointment of Mr. Twine may be recommended for the favourable consideration of His Excellency, subject to the conditions mentioned, and also to the payment of Mr. Twine's own passage to the Island.

For the present, Mr. Twine, who will go down alone, could perhaps be accommodated with rooms at Government House, which, it is understood, is very spacious, and not fully occupied by the Chief Magistrate and his family; in fact, Mrs. Spalding, who is at present in Sydney, informs me that there will be no difficulty about accommodation for Mr. Twine and his family.

The Chief Magistrate may, however, make arrangements to obtain suitable quarters for the Registrar as early as possible in one of the Government buildings at Kingston.

W. HOUSTON, 20/5/98.
Approved.

Approved.—J.H.C., 31/5/98. The Private Secretary to His Excellency the Governor. Urgent.—W. Houston, U.S. Lands, B.C., 31/5/98. Approved.—HAMPTDEN, 31/5/98. The Under Secretary for Lands, B.C., 31/5/98. G.F. P.S. Mr. Twine and the Chief Magistrate informed of the appointment. Burns, Philp, & Co. asked to arrange about passage.—H.L.T., 1/6/98. The Collector of Customs, Sydney, informed of Mr. Twine's appointment, *vice* Spalding, and of Mr. F. W. Pearson's temporary discharge of the duties of Collector of Customs.—H.L.T., 1/6/98. The Accountant. Noted.—VICRON COHEN, Accountant, 8/6/98. Mr. Cohen,—This is, I believe, to take effect from the 1st June, 1898. In view of what has been done in the matter, I mentioned it to the Under Secretary.—H.L.T., 13/6/98. There are other papers returned to me. guarantee for an advance; these papers should be put with them.—V.C., 18/7/98. The other papers (98/319, N.I.) are noted to you, apparently, 10/6/98.—H.L.T., 29/7/98. Mr. Cohen. Not further required at present. Put away with a "got" for the papers now with the Accountant, which are not just now available.—H.L.T., 30/7/98.

98/293, N.I.

[Enclosure.]

Mr. Lockyer's letter *re* Mr. Twine.

Dear Mr. Coghlan,

Department of Taxation, Sydney, 30 May, 1898.

The bearer, Mr. Twine, who is willing to accept the position of Collector of Customs at Norfolk Island, is as suitable as any person you could find for the position. He has a first-class knowledge of Customs work, is a man of sterling integrity, and although over 60 is hale and sturdy, with many years of good work before him. Subject to reasonable arrangements being made, he will be prepared to leave on the 2nd June. He expects—

1. That his pension will not be affected.
2. That he will receive £50 per annum.
3. That he will be provided with a residence in decent condition.
4. That his daughter and son and himself, together with what furniture he may desire to take, will be landed at the Island without expense to himself.

I can confidently recommend Mr. Twine to the notice of the Public Service Board.

Yours, &c.,

T. A. Coghlan, Esq.

N. LOCKYER.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/245, N.I.

Reporting temporary appointment of F. Walter Pearson as Clerk and Registrar of Court, *vice* Mr. W. E. Spalding, suspended, and suggesting that he be paid £40 per annum therefor and £10 as Acting Collector of Customs, rates now in vogue.

Sir,

Government House, Kingston, 6 May, 1898.

I have the honor to inform you that on the 25th ultimo I temporarily appointed Mr. Walter Pearson, a storekeeper, Clerk and Registrar of the Magistrate's Court and Collector of Customs, Norfolk Island, *vice* Mr. W. E. Spalding, suspended. I recommend that, for the period Mr. Pearson performs the duties of those offices, I may be authorised to pay him salary at the rates already approved for these positions, *viz.*, £40 per annum as Clerk and Registrar and £10 per annum as Collector of Customs.

I have, &c.,

WARNER SPALDING, Colonel.

Chief Magistrate, Norfolk Island.

The Accountant to note and return to me.—W.H., 27/5/98. Noted.—V.C., Accountant, 30/5/98.

Under the concluding proviso of section 2 of the Constitution Laws, the Chief Magistrate may "without obtaining the approval of the Governor suspend any officer and appoint another temporarily in his place," and in conformity therewith has appointed Mr. W. Pearson to the position of Registrar and Collector of Customs. I beg to submit that under the circumstances the Chief Magistrate's action be endorsed, and that Mr. Pearson's services be retained until some one is permanently appointed to the positions mentioned by His Excellency the Governor. For the reasons in the Chief Magistrate's confidential letter herewith, Mr. Pearson would not be a desirable person to appoint permanently. I have already made inquiries with a view to securing the services of some retired officer from the New South Wales Public Service, and am encouraged to think this may be practicable, but it will probably necessitate increased expenditure in annual pay and the providing of quarters.—W. Houston, 27/5/98.

I approve of this recommendation.—J.H.C., 30/5/98.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/277, N.I. [Confidential.]

Re position of Clerk and Registrar and Collector of Customs—Mr. Pearson's temporary employment, and recommending a retired officer of New South Wales.

Sir,

Government House, Kingston, 6 May, 1898.

Presuming the removal from the Service of the Registrar, Mr. W. E. Spalding (now suspended) being approved, the question of permanently filling the positions of Clerk and Registrar of the Magistrate's Court and Collector of Customs must be considered.

There are only two residents of the Island qualified available—Mr. W. Pearson and Mr. I. Robinson. After careful consideration of the characters of these gentlemen, I, as reported in my letter of this date, N.I., 17/6/98, temporarily appointed Mr. Pearson. In this matter I had the advantage of the advice of Mr. Brodie, Chief Inspector of Public Accounts, and it was chiefly on confidential information given me by that gentleman with regard to Mr. I. Robinson that deterred me from appointing or rather offering the temporary appointment to him.

With

With respect to Mr. Pearson, I consider it right to place you in full possession of reasons which may be urged against his permanent employment: Mr. Pearson held a good position in the Union Bank, from which he resigned. It is an open secret that one, if not the only, cause which led to his leaving the Bank's employ was his want of sobriety. Mr. Pearson then appears to have drifted to this Island, and accepted a comparatively inferior and less lucrative position as manager of a store for Captain Garth; but for some months past Mr. Pearson has been storekeeping on his own account. There is no opportunity of obtaining liquor here, except when vessels are off the Island. I have no personal knowledge of Mr. Pearson being the worse for liquor on the Island, but have heard he has been.

It is almost needless for me to say that, as Collector of Customs, Mr. Pearson would have opportunities of obtaining liquor, especially as there may be from time to time spirits, &c., in bond under his charge. You have already intimated that it is desirable that Government officers resident here should be married. Mr. Pearson is a single man.

Objections have already been made to me by a storekeeper against the employment of another storekeeper as Collector of Customs, as it is held that the information afforded by the examination of invoices, which it is necessary the Collector should do, would put him up in the prices paid by other storekeepers, and give him as a trader an advantage over his rivals.

Mr. Pearson, as Collector of Customs, would at times find it his work to collect import duties on goods introduced for trading purposes. This is a position I do not think any person should be placed in.

It is not improbable that Mr. Pearson as a trader might take proceedings in the Magistrate's Court, of which he might be the Registrar, against persons indebted to him for goods purchased. I fear such a position would lead to discontent and be hardly tolerable.

Mr. Pearson is educationally qualified, but I am doubtful that Mr. Pearson possesses the qualifications of reticence so necessary in officials.

Having all this in view, together with the financial resources of the Island, I respectfully suggest that the practically vacant positions of Clerk and Registrar and Collector of Customs might be offered to a gentleman retired with a pension or annuity from the New South Wales Service, especially one who has been clerk of petty sessions, collector of customs, or an inspector or sergeant of police, having sufficient knowledge of Court work to quickly acquire the duties he would be called on to perform here.

The addition of £50 per annum, with the possibilities of Government quarters, would be a considerable inducement, and give the Government and the Chief Magistrate an official to be depended upon, and one not complicated in the Island intrigues or affairs.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

3.

J. H. Knuckey, salary (£12) Sept., Oct., Nov.—*re* sum of £9 5s., borrowed from Waterhouse to pay passage to Sydney.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

446/98, N.I.

Have not committed Department in denying repayment to J. H. Knuckey £12, claimed as salary for September, October, and November, 1897.

Sir,

Norfolk Island, Government House, Kingston, 5 November, 1898.

I have the honor to acknowledge the receipt of your letter of the 18th August last, Norfolk Island, 91/513, on the subject of ex-Constable Knuckey's claim for £12, salary alleged to be due for September, October, and November, 1897.

I beg to inform you that I have in no way committed the Department to the payment of this amount.

On several occasions ex-Constable Knuckey and his wife applied to me for the payment of the above mentioned sum, which I declined to do, unless I received special authority from the Government to do so. In my letter of the 20th September, 1897, N.I., 212/97, I wrote "the constable urged that he should be granted pay up to the date of notification to him of his dismissal." I add, "I do not recommend this being done."

With reference to Mr. Cohen's memorandum of the 6/8/98, N.I., 98/492-513, now definitely state that I did not give ex-constable Knuckey a month's notice.

I return the papers connected with the case, which you enclosed to me.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

This finally disposes of Knuckey's claim; he has been paid up to date of suspension, he claimed up to date of notice of dismissal. I presume it will not be necessary to further communicate with Knuckey on the subject.—VICTOR COHEN, Accountant, 24/11/98. Submitted for approval. I think Knuckey may be informed.—W. Housston, Under Secretary. Approved, J.H.C., 29th November, 1898.

98/513, N.I.,

98/513, N.I.

Re order to pay Mrs. Knuckey £12, salary alleged to be due to ex-Constable Knuckey for September, October, and November, 1897.

By 98-440 Mr. Knuckey was, under the approval of His Excellency the Governor, removed from office, ^{247/98, N.I.} ^{98/492, N.I.} *vide* approval dated 18/9/97; he was to receive one month's notice and an allowance for the passage of himself and family to New Zealand, or this colony as he may elect. The decision was communicated to the Chief Magistrate by letter dated 6th October, 1897, who was asked to report the date notice was given.

Before this letter reached the Chief Magistrate, that officer had occasion, on the 20th September, to suspend the constable and further recommended his dismissal, *vide* 98/528. The constable evidently anticipated dismissal, urged that he should be granted pay up to the date of his being notified of his dismissal. The Chief Magistrate was instructed to report the date of his giving notice to Knuckey, but beyond transmitting a voucher showing payment of salary up to the 20th September, 1897, which was the date of Knuckey's suspension, a report has not come to hand. It will be observed that on the 22nd November, 1897, His Excellency approved that if the Chief Magistrate had in his discretion refrained from giving effect to the directions contained in the letter of 6th October, *i.e.*, to give Knuckey a month's notice that he, Knuckey, should be dismissed, the offer to pay his passage from the Island to stand good. On the 22nd November, the date of the decision just alluded to, a further letter dated 3rd November, was received. In it the Chief Magistrate acknowledged the receipt of the letter dated 6th October, and intimated that on the 1st November, he offered to pay Knuckey, in addition to his passage money, salary, to the date of his suspension, but Knuckey refused to accept, desiring to be paid up to the date of notification of dispensing with his services. Here the matter has evidently rested and is now revived through the personal presentation by Mrs. Knuckey (the ex-constable's wife) of the order 98-492, which it is observed is dated the 11th of November, 1897, or ten days after the Chief Magistrate gave Knuckey notice of his dismissal. The Chief Magistrate has not stated in definite language whether he gave Knuckey a month's notice, it might fairly be assumed from his letter of 3rd November, 1897/1560 [that he did not, and that he exercised his judgment in respect to giving effect to the terms of the letter of 6th October from this Department. The Chief Magistrate deemed it advisable to seek further instructions rather than pay the amounts authorised. Knuckey was offered his passage money to either Auckland or Sydney, and was granted three days to consider the proposal; he declined to leave the Island. The offer could only be allowed to remain open for a reasonable period, and that has passed; it would perhaps be impolitic to renew it in view of serious charges which have emanated from the ex-constable and members of his family.

It is entirely optional on the part of the Government of New South Wales whether salary is paid during the term of an officer's suspension, and it is assumed similar circumstances govern the employment of officials of Norfolk Island.

Under the circumstances it is simply a matter for decision whether the original intention to give a month's notice is to stand or not; the question of paying during the term of suspension, which certainly extended from the 20th September to 1st November, might be determined in the negative.

VICTOR COHEN,

Accountant, 6/8/98.

The above correctly sets out the facts—

In view of the Chief Magistrate's letter of the 3rd November last the question of removing Knuckey from the Island may be dismissed from consideration. As a matter of fact this question has not been revived, the claim being for pay for the months of September, October, and November, 1897. It is very improbable that the Chief Magistrate (having suspended Knuckey from duty on the 20th of September) would commit the Department to the course of action indicated in the letter of the 6th October, which was of course based on the facts set out in his report of the 29th July. It might, however, be advisable to refer to the Chief Magistrate on this point, but as Knuckey was paid up to the date of suspension nothing further could be recommended, unless the Chief Magistrate has in some way committed the Department, which as before stated is not probable.—W. HOUSTON, Under Secretary, 13/8/98. Approved to refer to the Chief Magistrate.—J.H.C., 15/8/98.

98/492, N.I.

Asking that £12 due for salary, September, October, and November, 1897, be paid to Mrs. Knuckey.

Hundred Acre, Norfolk Island, 11 November, 1898.

PLEASE pay to my wife, Mrs. Knuckey, the sum of £12 (twelve pounds), which is due to me for salary for the months of September, October, and November, 1897, which is due to me as police constable for Norfolk Island. She may sign voucher for same.

JOHN HY. KNUCKEY,

Ex-Constable.

Received.—H.L.T., 4/8/98.

Mr. Cohen,—I want this matter dealt with at once, please.—W.H.,

4/8/98.

Claim by J. H. Knuckey, ex-constable, Norfolk Island, for pay and cost of passage from the Island.

N.I., 98/679.

In view of the fact that Knuckey was suspended on the 20th September, and the suspension was followed by dismissal, it is not apparent that his claim for the cost of his passage from the Island can be entertained.

Having been dismissed from the Service he is not entitled to pay beyond the 20th September, the date of suspension.

A

A reference has already been made to the Chief Magistrate in connection with letter of 6th October, as in consequence of the unavoidable delay in communication it may prove that Colonel Spalding had made some offer to Knuckey, which leads him to think his passage would be paid from the Island.

Pending a reply from Colonel Spalding the matter cannot be conclusively dealt with except in regard to the question of salary claimed for the months of September, October, and November, and on this point Knuckey may be informed as above.

W. HOUSTON,

Under Secretary, 7/10/98.

Approved.—J.H.C., 11/10/98.
Chief Magistrate. 98/700, N.I.

J. H. Knuckey informed.—12/10/98. Await reply from the

The Under Secretary for Lands to Mr. J. H. Knuckey, 65, Cooper-street, Surry Hills.
98/659, 98/679, N.I.

Sir,

Department of Lands, Sydney, 12 October, 1898.

Referring to your letter applying for passage money for yourself and family from Norfolk Island to Sydney, and also for two months' pay, I am directed by the Secretary for Lands to inform you that pending a reply from the Chief Magistrate to a letter sent him on the subject, the question of payment of passage money must remain in abeyance, and that having been dismissed the Service you are not entitled to pay beyond the 20th September, 1897, the date of your suspension.

I have, &c.,

W. HOUSTON,

Under Secretary.

Mr. J. H. Knuckey to The Under Secretary for Lands.

98/659, N.I.

Applying for passage money from Norfolk Island for self and family, and for two months' pay. Unaware Government's offer would have been withdrawn or would have accepted it. Borrowed £9 5s. from R. S. Waterhouse for passage.

Sir,

65, Cooper-street, Surry Hills, Sydney, 29 September, 1898.

I beg to make application for our passage money from Norfolk Island, also two months' pay, which, using the Chief Magistrate's own words, I am entitled to. I may state that when the Chief Magistrate engaged me as a constable he told me our passage money would be paid to and from the Island. This was offered to me on or about October, 1897, but for certain reasons, as stated to you, May 14th, 1898, I did not accept the liberal offer on account of certain reports reflecting on the Chief Magistrate's conduct. I was not aware at the time if I did not accept the offer of the Government it would be withdrawn. If I had known, or had any idea, that it would be withdrawn I should have accepted it; but now I am back in Sydney I had to borrow our passage money, which amounts to £9, to come back. I would be pleased to know if the Department would make any allowance to me for the above amount as I have always stated it was not at our request we stayed behind, but solely, as we thought, on behalf of the Government.

Tuesday. Sir,—You will favour me with a reply whether I am entitled to any part of the amounts asked for in the application. I may add I have done nothing for the last twelve months, and will find it very hard to pay our debts, leave alone our passage money, which I borrowed to pay our way back to Sydney.

JOHN H. KNUCKEY.

Received.—4/10/98.

Sydney, 1 October, 1898.

RECEIVED from Mr. R. S. Waterhouse the sum of £9 5s. for passages of myself, wife, and child from Norfolk Island to Sydney.

JOHN H. KNUCKEY.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/440, N.I.

Sir,

Department of Lands, Sydney, 6 October, 1898.

Referring to your letter of the 29th July last reporting that Constable Knuckey was convicted and fined £1. at the Magistrate's Court, Norfolk Island, for using obscene language in a public place, and stating that for certain specified reasons you refrained from suspending him, although the officer has lost the respect of respectable persons, I am directed by Mr. Secretary Carruthers to inform you that His Excellency the Governor has approved of the constable's services being dispensed with, and a month's notice given him, and an allowance, at the usual rates, for the passage of himself and family either to New Zealand or this Colony as he may elect, of which you should advise me.

I have, &c.,

W. HOUSTON,

Under Secretary.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/513, N.I.

Sir,

Department of Lands, Sydney, 18 August, 1898.

I have the honor to forward herewith copy of memoranda in reference to an order from ex-Constable Knuckey to pay Mrs. Knuckey £12, salary alleged to be due for September, October, and November, 1897, and to request that you will be good enough to clearly state to what extent, if at all, you committed the Department to the course of action indicated in my letter to you of the 6th October last, which dealt with the Knuckey case after his suspension.

Your reply should be accompanied by the enclosed document.

I have, &c.,

W. HOUSTON,

Under Secretary.

Re

Re Order to pay Mrs. Knuckey £12 salary alleged to be due to ex-Constable Knuckey, for September, October, and November, 1897.

98/513, N.I.

By 98/440 Mr. Knuckey was, under the approval of His Excellency the Governor, removed from office ^{98/492, N.I.} (*vide* approval, dated 18/9/97). He was to receive one month's notice, and an allowance for the passage of himself and family to New Zealand, or this Colony, as he may elect. The decision was communicated to the Chief Magistrate by letter dated 6th October, 1897, who was asked to report the date notice was given.

Before this letter reached the Chief Magistrate, that officer had occasion, on the 20th September, to suspend the constable, and further recommended his dismissal (*vide* 98/528). The constable evidently anticipated dismissal, urged that he should be granted pay up to the date of his being notified of his dismissal. The Chief Magistrate was instructed to report the date of his giving notice to Knuckey, but beyond transmitting a voucher showing payment of salary up to the 20th September, 1897, which was the date of Knuckey's suspension, a report has not come to hand. It will be observed that on the 22nd November, 1897, His Excellency approved that if the Chief Magistrate had, in his discretion, refrained from giving effect to the directions contained in the letter of 6th October—*i.e.*, to give Knuckey a month's notice; that he (Knuckey) should be dismissed—the offer to pay his passage from the Island to stand good.

On the 22nd November, the date of the decision just alluded to, a further letter, dated 3rd November, was received. In it the Chief Magistrate acknowledged the receipt of the letter dated 6th October, and intimated that on the 1st November he offered to pay Knuckey, in addition to his passage-money, salary to the date of his suspension; but Knuckey refused to accept, desiring to be paid up to the date of notification of dispensing with his services. Here the matter has evidently rested, and is now revived through the personal presentation by Mrs. Knuckey (the ex-constable's wife) of the order 98/492, which it is observed is dated the 11th November, 1897, or ten days after the Chief Magistrate gave Knuckey notice of his dismissal. The Chief Magistrate has not stated in definite language whether he gave Knuckey a month's notice. It might be fairly assumed, from his letter of 3rd November, 1897/560, that he did not, and that he exercised his judgment in respect to giving effect to the terms of the letter of 6th October from this Department. The Chief Magistrate deemed it advisable to seek further instructions rather than pay the amounts authorised. Knuckey was offered his passage-money to either Auckland or Sydney, and was granted three days to consider the proposal; he declined to leave the Island. The offer could only be allowed to remain open for a reasonable period, and that has passed; it would, perhaps, be impolitic to renew it in view of serious charges which have emanated from the ex-constable and members of his family.

It is entirely optional on the part of the Government of New South Wales whether salary is paid during the term of an officer's suspension, and it is assumed similar circumstances govern the employment of officials of Norfolk Island.

Under the circumstances it is simply a matter for decision whether the original intention to give a month's notice is to stand or not; the question of paying during the term of suspension, which certainly extended from the 20th September to 1st November, might be determined in the negative.

VICTOR COHEN,
Accountant,
6/8/98.

The above correctly sets out the facts. In view of the Chief Magistrate's letter of the 3rd November last, the question of removing Knuckey from the Island may be dismissed from consideration. As a matter of fact, this question has not been revived—the claim being for pay for the months of September, October, and November, 1897. It is very improbable that the Chief Magistrate (having suspended Knuckey from duty on the 20th of September) would commit the Department to the course of action indicated in the letter of the 6th October, which was, of course, based on the facts set out in his report of the 29th July. It might, however, be advisable to refer to the Chief Magistrate on this point; but as Knuckey was paid up to the date of suspension, nothing further could be recommended, unless the Chief Magistrate has in some way committed the Department, which, as before stated, is improbable.—WM. HOUSTON, Under Secretary, 13/8/98.

Approved to refer to the Chief Magistrate.—J.H.C., 15/8/98. Copy of this memoranda forwarded to the Chief Magistrate under cover of a letter, and asking for such document to be returned with his reply.—H.L.T., 18/8/98. Await reply.

Asking that £12 due for salary—September, October, and November, 1897—be paid Mrs. Knuckey.

98/492, N.I.

Hundred Acre, Norfolk Island, 11 November, 1897.

PLEASE pay to my wife, Mrs. Knuckey, the sum of twelve pounds (£12), which is due to me for salary for the months of September, October, and November, 1897, which is due to me as Police Constable for Norfolk Island. She may sign voucher for same.

JOHN HY. KNUCKEY,
Ex-Constable.

Received.—H.L.T., 4/8/98.
4/8/98. 98/513, N.I.

Mr. Cohen,—I want this matter dealt with at once, please.—W.H.,

4.

Letters to Colonel Spalding and Dr. Metcalfe *re* engagement of the former, and termination of his services.

Minute Paper.

Subject:—Norfolk Island.

98/710, N.I.

Department of Lands, Sydney.

I RECOMMEND to His Excellency the Governor that the Chief Magistrate, Colonel Spalding, be at once recalled from the Island, and that Dr. Metcalfe, the Deputy Chief Magistrate, be empowered to administer affairs under his commission until a successor to Colonel Spalding be appointed. I also recommend that Colonel Spalding's engagement as Chief Magistrate be terminated forthwith, to take effect on receipt by him of the notice thereof, and that he be paid salary up to a period completing a three months' notice.

J. H. CARRUTHERS,

21/11/98.

The Private Secretary to His Excellency the Governor.—W. HOUSTON, Under Secretary for Lands, B.C., 21st November, 1898. Approved.—HAMPTON, 21/11/98. The Under Secretary for Lands.—H. G. FIELDEN, P.S., B.C., 22/11/98. Approval indexed.—H.L.T., 23/11/98. Letter to Colonel Spalding and Dr. Metcalfe accordingly, as per drafts herewith, viz., A. and B., 30/11/98.

A.

Draft Letter to Colonel Spalding.

98/710, N.I.

Sir,

Department of Lands, Sydney, November, 1898.

I am directed by the Secretary for Lands to inform you that His Excellency the Governor deems it expedient that your engagement as Chief Magistrate at Norfolk Island be terminated, and that such engagement cease and determine on receipt by you of this letter, which should be acknowledged without delay.

I am further instructed to intimate that His Excellency has decided to allow you salary up to a period completing three months' notice from such date, and to grant you and your family free passages to Sydney, in addition to a reasonable sum for cost of removal of your private furniture and effects.

I am desired also to say that His Excellency has empowered Dr. Metcalfe to administer affairs under his commission as Deputy Chief Magistrate pending appointment of your successor, and that you should therefore hand over to him all official books, documents, cash in hand, &c., a statement of which should be forwarded to me duly receipted by Dr. Metcalfe. I have, &c.

Colonel Spalding, C.M.G.

Submitted for confirmation.—W. HOUSTON, 24/11/98. A separate letter will be sent *re* the recovery of the fine, £50.—W.H. Approved.—J.H.C., 29th November, 1898. Colonel Spalding and Dr. Metcalfe informed accordingly, as per these drafts, A. and B., 30/11/98.

B.

Draft Letter to Dr. Metcalfe.

98/710, N.I.

Sir,

Department of Lands, Sydney, November, 1898.

I am directed by the Secretary for Lands to inform you that by this mail Colonel Spalding will receive a letter intimating that His Excellency the Governor has decided to terminate his engagement as Chief Magistrate, Norfolk Island, from the date of receipt of such letter by him, and that pending the appointment of his successor, you are empowered to administer the affairs of the Island under your commission as Deputy Chief Magistrate.

I am further to intimate that Colonel Spalding has been requested to hand over to you all official books, documents, and cash in hand, &c., a statement of which you should furnish by return mail, and signify the date of your entry upon your new duties. I have, &c.

Dr. P. H. Metcalfe, Deputy Chief Magistrate, Norfolk Island.

Notice of termination of Colonel Spalding's engagement as Chief Magistrate, Norfolk Island.

98/710, N.I.

In pursuance of a conversation with the Under Secretary in reference to forwarding a despatch to Colonel Spalding, intimating the termination of his engagement as Chief Magistrate, Norfolk Island, I have to point out that such despatch could, if desired, be posted on the 1st December, when the next mail leaves Sydney.

The steamer leaves Sydney and the Island about every two months, and if the despatch is transmitted on the date mentioned the Colonel would receive it on the 6th. His reply by the return steamer leaving the Island on the 17th January, 1899, could be dealt with here and disposed of by the mail leaving Sydney again on the 1st February. Colonel Spalding would receive this further despatch on the 6th idem, and could, if he wishes, leave the Island on the 17th March for Sydney, where he would arrive on the 22nd. The

The period thus involved is about three months three weeks and four days from the date of receipt by the Colonel of the despatch intimating the termination of his engagement, which is set down therein as the 31st March, 1899, and such period would allow of the necessary arrangements being made for appointing a new Chief Magistrate and for his arrival, if considered necessary, at Norfolk Island before Colonel Spalding leaves it, should he intend to take the steamer next following for Sydney.

It is pointed out, however, that if the new Chief Magistrate be not sent to the Island until the 1st April, 1899, two months' salary would be saved, as Colonel Spalding could hand over his duties to the Deputy Chief Magistrate, who receives no remuneration.

The following time-table illustrates the departure and arrivals of the steamer for the next few months, viz. :—

Leaves Sydney.	Arrives Norfolk Island.	Leaves Norfolk Island.	Arrives Sydney.
1st December, 1898.....	6th December, 1898.	17th January, 1899.....	22nd January, 1899.
1st February, 1899.....	6th February, 1899.	17th March, 1899.....	22nd March, 1899.
1st April, 1899.....	6th April, 1899.	17th May, 1899.....	22nd May, 1899.

19/11/98.

H. L. THOMPSON.

It would seem desirable that Colonel Spalding should receive reasonable notice of the termination of his engagement, and in view of the above memo., it is suggested notice be given up to the end of March next. A draft of the letter proposed to be sent to Colonel Spalding is appended hereto.—
W. HOUSTON, 21/11/98.

The Under Secretary for Lands to Colonel Spalding, C.M.G., Chief Magistrate,
Norfolk Island.

(Draft.)

Sir,

Department of Lands, Sydney, 19 November, 1898.

I am directed by the Secretary for Lands to inform you that His Excellency the Governor deems it expedient that your engagement as Chief Magistrate, Norfolk Island, should terminate, and, having regard to the time required for communication between the Island and Sydney, has fixed the date as the 31st March, 1899.

I am further instructed to intimate that free passages will be allowed yourself and family either to New Zealand or New South Wales—whichever you may elect—and in addition a reasonable sum for cost of removal of your private furniture and effects, the estimated weight of which and amount required for transit thereof should be furnished by return mail for submission to His Excellency.

I am desired also to say that in the event of a Resident Magistrate being appointed before you leave Norfolk Island, all official books, documents, cash in hand, &c., should be handed over to him, together with furniture or other material (the property of the Government) now at Government House. In case, however, of any delay occurring in connection with the appointment, the books, documents, cash, &c., should be handed over to the Deputy Chief Magistrate prior to your departure from the Island.

I have, &c.,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Acknowledged letter *re* continuation of appointment as Chief Magistrate until notice of termination given.
97/573, N.I.

Sir,

Court-house, Kingston, 6 November, 1897.

I have the honor to acknowledge the receipt of your letter 97/512, N.I., of 14th ult.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Seen. Put away for the present.—W.H., 23/11/97.

The Under Secretary for Lands to Colonel Spalding, C.M.G., Norfolk Island.

97/512, N.I.

Sir,

Department of Lands, Sydney, 14 October, 1897.

I am directed by the Secretary for Lands to inform you that in view of the expiration of the term of ten months for which your appointment as Chief Magistrate, Norfolk Island, with salary of £25 per month, was authorised, His Excellency the Governor has approved of the period being extended until notice of the termination of the appointment is given you.

I have, &c.,

WM. HOUSTON,
Under Secretary.

Term of office of Colonel Spalding, C.M.G., as Chief Magistrate, Norfolk Island.

The accompanying papers relating to the period of service of Colonel Spalding, C.M.G., as Chief Magistrate, Norfolk Island, are forwarded, with a request that you will be so good as to submit them for the consideration and pleasure of His Excellency the Governor. As will be observed, the term of office has expired, and the Secretary for Lands proposed that it should be extended until notice of the termination of the appointment is given.

W. HOUSTON,

Under Secretary for Lands.

The Private Secretary.—B.C., 12th October, 1897. Appd., HAMPDEN, 14/10/97. The Chief Magistrate informed, 14/10/97. The Accountant. Noted.—V.C., Acct., 15/10/97. Mr. Thompson.
Put away for the present.—H.L.T., 15/10/97.

Colonel

Colonel Spalding's term of office as Chief Magistrate, Norfolk Island.

97/511, N.I.

From the enclosed copies of letters, taken from the Norfolk Island Blue Book, it will be seen that Colonel Spalding was appointed Chief Magistrate for the term of ten months only at a salary of £25 per month, and that he was installed in the position by His Excellency the Governor on the 14th November, 1896.

The period of office has, therefore, expired, and the question of extending it is submitted, and whether upon the same or other terms.

W. HOUSTON,
Under Secretary, 1/10/97.

May be extended until notice is given him that his appointment is terminated, at rate of £25 per month.—J.H.C., 11 October, 1897.

[*Extract from letter No. 27, Blue Book, page 32.*]

Governor Viscount Hampden to Mr. Chamberlain; received September 12, 1896; answered by No. 31.

97/511, N.I.

Sir,

Government House, Sydney, 5 August, 1896.

* * * * *

With reference to your despatch of the 30th May last, giving me authority to appoint a Resident Magistrate, I am to say that Colonel W. W. Spalding, C.M.G., late of the Royal Artillery, has accepted the appointment under the conditions and terms stated in the enclosed copy of a letter dated the 4th instant.

* * * * *

I have, &c.,
HAMPDEN.

[*Enclosure 2 to letter No. 27, Blue Book, page 33.*]

The Acting Private Secretary to Colonel W. W. Spalding, C.M.G.

97/511, N.I.

Sir,

Government House, Sydney, 4 August, 1896.

I have the honor to state that His Excellency the Governor has received a despatch from the Secretary of State for the Colonies authorising him to appoint a Resident Magistrate at Norfolk Island, with salary at the rate of £25 per month, for a period of ten months.

His Excellency desires me to inquire whether, in the event of your being appointed to the position, you would be prepared to discharge the various duties for this period at that salary.

I am to add that one of the Government buildings, until recently occupied by the chaplain, and known as Government House, will be placed at the disposal of the Resident Magistrate for the above mentioned period.

You will understand that, as Mr. Chamberlain has only authorised the appointment and consequent expenditure as a temporary measure, His Excellency cannot guarantee its continuance for a longer term than ten months, and that there will be no pension attached to the office.

With regard to the cost of passage to the Island, His Excellency will probably make a grant from the Island funds for the service; but, in the event of your deciding to accept the position, it will be necessary to submit a statement of the amount required for His Excellency's approval before embarkation.

His Excellency is having a code of regulations drawn up by the Crown law officers, defining the powers to the Resident Magistrate, and should you decide to accept the post they will be forwarded to you when completed.

I have, &c.,

A. F. H. FERGUSON, Captain,
Acting Private Secretary.

[*Copy of letter No. 16, Blue Book, page 24.*]

Mr. Chamberlain to Governor Viscount Hampden.

97/511, N.I.

Sir,

Downing-street, 30 May, 1896.

I have the honor to transmit to you for your information, copies of a correspondence between this Department and the Treasury, from which you will learn that Her Majesty's Government authorise your incurring an expenditure, to be borne by Imperial funds, not exceeding £25 a month, for the ten months commencing on the 1st June, 1896, in providing the salary of a magistrate, and, if necessary, a clerk, for Norfolk Island, with the view of checking the state of lawlessness now prevailing in the Island.

You will, doubtless, on receipt of my telegram, report to me what steps you take in the matter of such appointments, which, of course, must be of a provisional character, and I will only add here that the receipts of the person or persons so paid should be sent home to this Department at least every quarter, with a certificate of performance of duty, when payments can be made by this Department to the Agent-General for New South Wales, as is done in the case of payments for the Norfolk Island mail service.

I have, &c.,

J. CHAMBERLAIN.

[*Extract*

[Extract from letter No. 35, Blue Book, page 37.]

Governor Viscount Hampden to Mr. Chamberlain ; received 4 January, 1897 ; answered by No. 36.

Sir,

Government House, Sydney, 28 November, 1896.

I have the honor to inform you that I returned to Sydney on Saturday, November the 21st, from an official visit to Norfolk Island.

Leaving Sydney in H.M.S. "Katoomba" on November the 10th, I arrived off Norfolk Island on the morning of the 14th November, and immediately gave instructions to Mr. Byron Adams, late Chief Magistrate, to call a meeting of all the male inhabitants for 3 o'clock p.m. on that afternoon. At that meeting I proclaimed the new Laws and Regulations for Norfolk Island, copies of which are enclosed for the assent of Her Majesty, if you approve and deem such assent necessary.

I also formally installed Colonel Spalding as Resident Magistrate of the Island.

Colonel Spalding, with my approval, made the following appointments:—Lieutenant Warner Spalding to be Clerk of the Court, Mr. John Knuckey to be Sergeant of Police, and Mr. F. Nobbs and Captain Bates were confirmed in their offices of Postmaster and Registrar of Lands respectively.

* * * * *

I have, &c.
HAMPDEN.

Colonel Spalding's engagement as Chief Magistrate, Norfolk Island.

97/511, N.I.

A TYPED minute was submitted about the 26th August covering two extracts from the Norfolk Island Blue Book, representing that Colonel Spalding's engagement was for a term of ten months only, and asking the action to be taken in the matter. These papers have not reached me again so far, and I beg to draw attention to the fact as the term has now expired, and no steps have been taken towards carrying out any direction that may have been given in the connection.

H. L. THOMPSON, 25/9/97.

The paper was in with some others about the time mentioned ; the Minister has perhaps retained them for some purpose.—W.H., 25. I have not seen this paper referred to by Mr. Thompson.—J.H.C., 25/9/97.

5.

R. S. Waterhouse, complaining against the Administration of Justice by the Chief Magistrate.

Petition by Mr. R. S. Waterhouse.

To His Excellency Viscount Hampden, Governor of Norfolk Island.

98/755, N.I.

Sydney, 22 November, 1898.

MAY IT PLEASE YOUR EXCELLENCY,—

The humble Petition of Rowland Skipsy Waterhouse, a resident storekeeper at Norfolk Island, sheweth:—

That your Petitioner complains of the administration of justice by the Chief Magistrate.

That your Petitioner was sued on the 8th August, 1898, by Mr. Frederick Yager, for the sum of 1s. 10d., in the Magistrate's Court, Norfolk Island, being the balance then alleged to be due on certain accounts between June, 1897, and 8th August, 1898, the full particulars of which are contained in papers marked "A" herewith. The plaintiff was non-suited, as he had not given particulars of one item, 18s. 3d., before bringing the summons. The papers, however, show the nature and particulars of Mr. Yager's claim, and the amount then alleged to be due up to the 8th August, 1898.

On the 23rd August, 1898, the Chief Magistrate heard a claim, at my suit, against the same Frederick Yager, for a balance of £5 11s. 7d. (that is, my claim was for £29 4s. 4d., and credit duly given for £23 12s. 9d., the subject of the claim of the said Frederick Yager in his summons of 8th August referred to), when the Chief Magistrate having entered into all the items of the disputed account and cross account, found a verdict for defendant ; the particulars are contained in papers marked "B" sent herewith.

On the same date, 23rd August, 1898, the Chief Magistrate (the defendant, Frederick Yager, consenting) granted me a verdict for £5 10s. against the said Frederick Yager, with stay of execution until 23rd September, 1898, as will appear by papers marked "C" sent herewith.

Between the 28th August and the 6th September, certain correspondence took place between your Petitioner and Mr. Macey Quintal, Frederick Yager's legal representative in these cases (which are marked with letter "D" and sent herewith), and these letters show that the maximum claim of Frederick Yager was £2 1s. 10d. on all claims.

On the 6th September the said Frederick Yager made a fresh claim for £38 13s. 5d. by summons, returnable before the Chief Magistrate on the 13th September. This claim is made up as appears of all the old claims (without giving credit for his indebtedness to me) already adjudicated on and determined by the Chief Magistrate in the previous proceedings. To this claim I filed a defence. The summons, particulars, and defence are marked with letter "E" and sent herewith.

On

On the 12th of September, the steamer "Ysabel" arrived off Norfolk Island. Your Petitioner was the owners' shipping agent, and, owing to urgent business and letters received, had to leave for Sydney, but before doing so sent a letter to the Chief Magistrate, dated 12th September; a copy marked "F" is sent herewith.

Your Petitioner has a store at Norfolk Island, also land, and has been for many years resident on the Island. The said Frederick Yager and the said Chief Magistrate were perfectly well aware that the absence of your Petitioner was to be only of a temporary nature, and caused by urgent business.

The said Chief Magistrate on the 13th September, in my absence, and when perfectly well aware that this was the old claim already decided on by him, made an order against me for £42 4s. 5d., and granted an execution on the 17th September for £42 14s. 5d. while I was still absent.

The papers marked "G" are sent herewith.

Shortly before your Petitioner left the Island for Sydney he had to serve the Chief Magistrate with a writ for £223, at the suit of Mr. Anderson, of Sydney.

On your Petitioner's return to Norfolk Island on 7th October last, in order to prevent the sale of his goods, &c., your Petitioner had to arrange the aforementioned execution with the said Frederick Yager.

That your Petitioner begs for the justice of an inquiry into the assumed judicial conduct of the Chief Magistrate and his whole conduct in this matter.

That your Petitioner has large interests in Norfolk Island, and will be at the mercy of the Chief Magistrate (as there is no appeal from his decisions) unless your Excellency be pleased to grant the prayer of your Petitioner.

Your Petitioner is obliged to return to Norfolk Island by steamer leaving Sydney on 1st December next, and prays that this matter may have early attention.

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

R. S. WATERHOUSE.

The Secretary for Lands. With 7 enclosures.—HAMPTON, 25/11/98. Ackd., 24/11/98.

[Copy of Summons, Norfolk Island.]

G. 104 A.

In the Magistrate's Court, District of Norfolk Island, to R. S. Waterhouse, of Norfolk Island.

You are hereby summoned to appear in this Court, at Kingston, on Tuesday, the 16th day of August, 1898, at 10 of the clock in the forenoon of the same day, precisely, to answer the following plaint of Frederick Yager, for that you are indebted to him in the sum of 1s. 10d. for balance of account, as per particulars annexed hereto; otherwise, upon proof of the due service of a copy of this Summons, the cause when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award. And take notice, that if you intend to defend upon any matter of set off or excuse, you must file particulars of the same in the office of the Registrar three clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set off cannot be admitted.

Dated this 9th day of August, 1898.

By the Court.

	s.	d.
Claim	1	10
Costs paid	3	6
Total	5	4

FRED. W. TWINE,
Registrar.

[Copy of Plaint, No. 7.]

Norfolk Island, 9 August, 1898.

Magistrate's Court, Norfolk Island.

Frederick Yager *versus* R. S. Waterhouse.

FREDERICK YAGER, of Norfolk Island, complains of R. S. Waterhouse, of Norfolk Island, that he is indebted to him in the sum of 1s. 10d. sterling, being balance due for the work and labour of the said Frederick Yager, by himself, horses and carts, performed by the said Frederick Yager, for the said R. S. Waterhouse, and for stones, same, nails, &c., used in such work and labour, and for goods sold and delivered, viz., beef, firewood, hides, lead, boards, paint, &c., by the said F. Yager to the said R. S. Waterhouse, in or about 1897 and 1898—which being the balance after allowing for goods sold and delivered by the said R. S. Waterhouse to said Frederick Yager, and cash advanced by the said R. S. Waterhouse to the said F. Yager, in or about 1897 and 1898. The said R. S. Waterhouse refuses to pay, and the said Frederick Yager prays that he may be adjudged to pay the same.

his
FREDERICK + YAGER.
mark

Witness,—FRED. W. TWINE.

Norfolk Island, 8 August, 1898.

		Mr. R. S. Waterhouse, in account with Frederick Yager.		£	s.	d.	
1897.							
June	29	To Cash		0	2	6	
July	12	1 load firewood		0	4	0	
Aug.	7	Carting hides		0	3	0	
"	26	1 load firewood		0	4	0	
		Carting a/c., Peacock		0	5	0	
		"Oscar Robinson," 3 tons		0	15	0	
Sept.	4	1 day's labour, jobbing		0	5	0	
"	8	1 " hides, &c.		0	5	0	
"	9 & 11	3 " carpentering		0	15	0	
"	13-18	6 " "		1	10	0	
"	10	5 lb. nails supplied, 2-inch		0	1	8	Not had.
"		3 " " 3-inch		0	1	0	Not had.
"	17	1 load firewood		0	4	0	Not had; was at work at home.
"	20	Stones and sand		0	5	0	
"	21	Carting cash from Bullock's hut		0	5	0	
"	25	Cash		0	18	0	
		Beef 2/6, hide 3/9		0	6	3	
		5 lb. Indian red supplied		0	3	9	2 lb. had.
Oct.	6	1 load firewood		0	4	0	Not had.
"	14-16	3 days' labour		0	15	0	
"	18-22	5 " "		1	5	0	
"	27	1 load firewood		0	4	0	
Nov.	1	Carting, "Oscar Robinson"		0	12	6	
"	6, 8, 9	3 days' carpentering, onion cases, &c.		0	15	0	10/-
		Carting "Madeline's" luggage		0	3	6	
		" hides, "Oscar Robinson"		0	3	0	
		" "Susie's" luggage		0	3	6	
		" "May Howard's" luggage		0	3	0	
"	15	Pine wood		0	2	6	
"	22	Hardwood		0	4	0	
Dec.	3	1 load firewood		0	4	0	
"	10-11	2 days' work, Royal Engineer's office		0	12	0	
"	13-18	6 " " "		1	16	0	
"	20-24	5 " " "		1	10	0	
"	27-31	5 " " "		1	10	0	
"	18	Beef 2/-, hides 1/3		0	3	3	
1898.							
Jan.	1	1 day's work, Engineer's Office		0	6	0	
"	3-6	4 " " "		1	4	0	3/4th, 2 days.
"	10	1 " " "		0	6	0	
		Overtime, " (56 hours, 7 days)		2	2	0	Not correct.
		110 feet boards supplied, 9 x 1		0	18	9	
		140 " " 7 x 1		1	3	10	
		30 lb. sheet lead		0	10	0	Not had.
		2 tins for whitewashing		0	1	0	Not had.
		Carting lime, paints, sand, water, timber, &c., in connection with repairs to Engineer's Office		0	15	0	Not done.
		Scrubbing out whole house		0	6	0	Paid for.
		4 lb. paint supplied		0	2	0	Not had.
"	7	Carting "Susie's" luggage		0	3	6	
"	24	" pigs to Bullock's hut		0	5	0	
"	27	Beef 2/3, hide 2/9		0	5	0	
"	28	Hides, and carting, "May Howard"		0	3	0	
Feb.	3	" " "		0	3	0	
		Carting luggage, "May Howard" (R. S. Waterhouse)		0	3	6	
"	12	Part load firewood		0	2	0	
"	17	1 load firewood		0	4	0	
Mar.	14	Beef 2/-, hide 1/8		0	3	8	
"	25	1 load firewood		0	4	0	
April	5	Carting, ex "Ysabel," 6 tons		1	10	0	20/-
		" 2/3 ton flour from Garth's store		0	3	9	
"	11-12	2 days' labour, general work		0	10	0	
"	19-21	3 " cutting poison, &c.		0	15	0	
May	2	1 day's searching for barbed wire		0	5	0	
"	3	1 " work, pig-pen and jobbing work		0	5	0	
"	12	1 " searching for barbed wire		0	5	0	Not employed.
"	14	Pressing and carting fungus to Longridge and back		0	7	0	1 day's work allowed.
"	16	1 day, hides and onions		0	5	0	
"	17	Carting, ex "Ysabel"		0	6	0	
		" guttering pipes and paint to Government House		0	3	0	1/6 allowed.
"	27	1 load firewood		0	4	0	
June	10	Carting, "Ysabel"		1	0	0	
"	23	Error in balance of account rendered, 18th June, 1898		0	18	3	
		Cr.		£33	11	8	
1898.							
June	18	By amount of your account, dated 18th June, 1898		25	17	2	
Aug.	8	" goods 2/2/8, and cash advance 5/10/-		7	12	8	
		Balance due		0	1	10	
				£33	11	8	
1898.							
Aug.	8	To Balance		0	1	10	

E. & O. E. Norfolk Island, 8th August, 1898.

Witness,—F. WALTER PEARSON.

his
FREDERICK x YAGER.
mark.

Verdict given by Chief Magistrate, 16th August, 1898. Cash, Yager v. Waterhouse; claim, 1s. 10d. I grant the defendant a nonsuit, as items amounting to 18s. 3d. have not been supplied.

B.

B.

Statement.

10 August, 1898.

Mr. F. Yager Dr. to R. Waterhouse.		£ s. d.
To goods supplied as per list		29 4 4
Less—		
By contra account as per list		23 12 9
Due and owing to R. Waterhouse		£5 11 7

Norfolk Island, 10 August, 1898.

Mr. F. Yager Dr. to R. Waterhouse.

1897.		Dr., Goods Account.	£ s. d.
Feb.	23	1 pair shoes 6/-, 1 pair shoes 7/-, socks 1/6, stockings 1/6, wick 1/3	0 16 3
		Hooks 1/6, hat 2/6, book 1/6, 3 sheeting 3/9	0 7 3
		Cotton 1/6, needles 1/3, kerosene 6/-, sheeting 6/-	0 12 9
March	3	Flour 8/-, coffee 1/6, sugar (B) 1/-, rice 2/-, coffee 1/6, paper 1/3	0 14 3
April	9	Axe	0 8 2
"	24	Sugar 1/-, tea 1/2, curry 1/6, coffee 1/9, biscuits 1/6	0 5 11
"	29	Sugar biscuits 1/8, tobacco 1/-, blue 1/3, cigarette book 1/3	0 4 2
May	4	Flour 8/-, coffee 1/9, sugar 1/-, 1/6, tobacco 1/-, soap 1/-	0 13 3
"	14	Candles 1/9, coffee 1/9, lollies 1/6, tobacco 1/-, kerosene 1/-	0 4 6
"	18	Flour 8/-, coffee 1/9, sugar 1/-, vestas 1/6, syrup 1/9, cig. book 1/2	0 12 2
June	7	Sugar 2/-, vechy 1/-, currants 1/-, raisins 1/-, nutmegs 1/2	0 5 2
"	7	Coffee 1/9, hat 4/6, shawl 5/6, lace 2/-	0 13 9
"	18	Flour 8/-, kerosene 6/6, sugar 1/-, coffee 1/9, cig. 1/-, tobacco and hook 1/-	0 18 3
July	12	Flour 4/-, sugar 1/6, tea 1/-, syrup 1/9, tobacco 1/9, cig. 1/1, book 1/3, soap 1/2	0 8 5
"	28	Sugar 1/-, tobacco 1/9	0 1 9
Aug.	2	Tobacco 1/-, cig. book (4) 1/2, coffee 1/9, sugar 1/-, biscuits 1/4, tobacco 1/-, cash 1/-	0 7 3
"	9	Tobacco (14) 1/9, tobacco 1/9, vestas 1/3, tea 1/6, sugar 1/4, cash 6/-	0 9 7
"	18	Wire 20/-, staples 2/-, coffee 1/9	1 3 9
"	21	Flour 4/3, tobacco 1/9, sugar 1/-, syrup 1/9, tea 1/-	0 7 9
"	24	Tobacco 1/9, meat 1/3, sugar 1/-, book 1/3	0 3 3
"	27	Flour 8/6, tobacco 1/9, sugar, 1/-	0 10 3
Sept.	2	Sugar 1/-, tobacco (3) 1/9, salt 1/3, demi 3/-, Union 3/4, Galatea 3/6	0 12 1
"	4	Sugar 1/4, hooks 1/3, line 1/6, cocoa 1/8, button 1/8, book 1/3	0 3 8
"	6	Tobacco 1/9, tea 1/-, files 1/6, (8) flour 8/6, (10) tobacco 1/2, sugar 1/-	0 11 11
"	20	Hats 5/6, cotton 1/6, harness 40/-	2 6 0
"	22	Tobacco 1/9, file 1/9, salt 1/6	0 2 0
"	25	Tea 1/-, sugar 1/-, salt 1/-, tobacco 1/9, flour 8/6, (30) tobacco 1/3	0 12 6
Oct.	1	Sugar 1/-, tea 1/-, kerosene 1/6, wick 1/2, (8) tobacco 1/9, flour 8/6, tobacco 1/9	0 12 8
"	9	Flannel 19/-, flannel 4/6, calico 2/8, stockings 1/9, dress 10/6, calico 1/3, buttons 1/-	1 10 8
"	—	Petticoat 5/-, print 7/-, sugar 2/-, tea 1/-, kerosene 1/6	0 15 6
"	14	Book 1/2, (15) tobacco 1/9, kerosene 1/6, tea 1/-, sugar 1/4, currants 1/-	0 4 9
"	19	Tobacco 1/9, buttons 1/6, (19) sugar 1/-, flour 1/-, currants 1/6, raisins 1/8	0 4 5
"	20	Holder 1/6, (21) tobacco 1/9, meat 1/3, (23) tobacco 1/11	0 3 2
"	23	Hol. 3/6, lollies 1/6, flour 4/3, tea 1/-, sugar 1/-, candles 1/9, tobacco 1/6	0 11 6
"	27	Sugar 1/-, tea 1/6, salt 1/6, tobacco 1/9	0 2 9
"	30	Candles 1/9, sugar 1/-, tea 1/-, tobacco 1/-, book 1/3, kumaras 5/-	0 9 0
Nov.	3	Tobacco 1/9, (4) tea 1/-, tobacco 1/-, biscuits 1/6, (5) line 1/9, (6) flour 3/-, sugar 1/-, comb 1/-	0 10 0
"	8	Cocoa 1/8, biscuits 1/6, tobacco 1/-, (9) socks 1/-, sugar 1/-, candles 1/9	0 4 11
"	11	Tobacco 1/-, book 1/3, (13) flour 3/-, sugar 1/-, tea 1/6, tobacco 1/6	0 7 3
"	17	Tea 1/6, sugar 1/-, tobacco 1/-, biscuits 1/6, (22) soda 1/3, book 1/3, hat 2/6	0 6 0
"	23	Tobacco 1/-, sugar 1/-, (24) belt 1/3, ribbon 1/6	0 4 9
"	26	Tobacco 1/-, (27) kerosene 1/8, (29) tobacco 1/-, sugar 1/-	0 3 6
Dec.	2	Book 1/3, (3) tobacco 1/-, sugar 1/-, tea 1/6, soap 1/9, candles 1/9	0 4 3
"	6	Tobacco 1/-, tea 1/6, sugar 1/-, biscuits 1/-, (8) tobacco 1/-, lollies 1/6	0 5 0
"	10	Tobacco 1/9, book 1/3, (13) tobacco 1/-, vestas 1/3	0 2 6
"	15	Tobacco 1/-, (17) vestas 1/6, (18) soap 1/10, salt 1/-, tobacco 1/-, line 1/6	0 4 10
"	21	Tobacco 1/-, book 1/3, (23) kerosene 1/6, currants 1/-, raisins 1/8	0 3 5
"	23	Sugar 2/-, vestas 1/1, tea 1/-, tobacco 1/-, lollies 1/6	0 4 7
"	27	Tobacco 1/-, (30) tobacco 1/-, (31) sugar 1/-, tea 1/6, rice 1/-, tobacco 1/-	0 5 6
1898.			
Jan.	3	Brush 10/6, buttons 1/9, needles 1/3, cotton 1/6	0 12 0
"	—	Biscuits 1/-, jam 1/9, candles 1/9, (4) lime 6/-, tobacco 1/-	0 9 6
"	"	Salt 1/3, tobacco 1/3, (8) tobacco 1/-, vestas 1/1	0 2 7
"	11	Sugar 1/6, tea 1/-, tobacco 1/-, soap 1/6, (14) paper 1/3, (19) tobacco 1/-, candles 1/-, (24) salt 3/3	0 5 0
"	27	Salt 2/-, turps 1/6, white lead 5/-, brush 1/6	0 10 0
Feb.	2	Tobacco 1/-, cases 1/-	0 2 0
"	7	Curtains 1/-, cretonne 9/4, calico 3/-, ? 3/6, ? 3/6	£1 7 4
"	7	Sugar 1/-, biscuits 1/-, corn-mill 20/-	1 2 0
			£2 9 4
Less cash			0 5 0
			2 4 4
"	12	Tobacco 1/-, hooks 1/4, (17) tobacco 1/-, (March 3) dress 2/6, (7) tobacco 1/-, (14) goods 3/9	0 9 7
March	18	Tobacco 1/3, rope 2/-, 3/3; less cash 1/9	0 2 6
"	25	Tobacco 1/-, (2 April) tobacco 1/3, (4) sugar 1/-, flour 4/6, (6) goods 2/8	0 9 5
"	12	Tobacco 1/6, collar 10/-, (19) sugar 1/-, tobacco 1/3, (26) sugar 1/-, tobacco 1/6, flour 2/3	0 16 6
May	2	Powder 1/6, (10) nails 2/4, (14) brucees 1/6, sugar 1/-, salt 1/6	0 5 10
"	16	Coffee 1/9, biscuits 1/-, flour 4/6, sugar 2/-	0 9 3
"	23	Sugar 1/-, currants 1/6, tea 1/6, (27) vestas 1/1, (30) hooks 1/9	0 2 10
June	10	Tobacco 2/-, (13) tobacco 2/-, (17) tobacco 1/3	0 4 3
			£29 4 4

10 August,

Norfolk Island, 17th August, 1898.

Mr. R. S. Waterhouse, Dr. to Frederick Yager.

1897.			£	s.	d.
June	10	To Cash	2	0	0
"	29	"	0	2	6
July	12	1 load firewood	0	4	0
August	7	Carting hides	0	3	0
"	26	1 load firewood	0	4	0
"	26	Carting, account Peacock	0	5	0
"	26	" " Oscar Robinson, 3 tons	0	15	0
Sept.	4	1 day's labour, jobbing	0	5	0
"	8	1 " hides, &c.	0	5	0
"	9-11	3 " carpentering	0	15	0
"	13-18	6 "	1	10	0
"	10	5 lb. nails, supplied, 2"	0	1	8
"	10	" " " 3"	0	1	0
"	17	1 load firewood	0	4	0
"	20	Stones and sand	0	5	0
"	21	Carting cask from Bullock's Hut	0	5	0
"	25	Cash	0	18	0
"	25	Beef, 2/6; hide, 3/9	0	6	3
"	25	5 lb. Indian red	0	3	9
Oct.	8	1 load firewood	0	4	0
"	14-16	3 days' labour	0	15	0
"	18-22	5 "	1	5	0
"	27	1 load firewood	0	4	0
Nov.	1	Carting, " Oscar Robinson," 2½ tons	0	12	6
"	6, 8, 9	3 days' carpentering—onion cases, &c.	0	15	0
"	5	Carting, Madeline's luggage	0	3	6
"	5	" " hides, &c., " Oscar Robinson "	0	3	0
"	5	" " Susie's luggage, &c.	0	3	6
"	12	" " " May Howard "	0	3	0
"	15	Pine wood	0	2	6
"	22	Hardwood	0	4	0
Dec.	3	1 load firewood	0	4	0
"	10-11	2 days' work, Engineer's office	0	12	0
"	13-18	6 " "	1	16	0
"	20-24	5 " "	1	10	0
"	27-31	5 " "	1	10	0
"	18	Beef, 2/-; hide, 1/3	0	3	3
1898.					
Jan.	1	1 day's work, Engineer's office	0	6	0
"	3-6	4 " "	1	4	0
"	10	1 " "	0	6	0
"	10	Overtime, Engineer's office (56 hours), 7 days	2	2	0
"	10	110 ft. boards, supplied, Engineer's office, 9 x 1	0	18	9
"	10	140 " " " 7 x 1	1	3	10
"	10	30 lb. sheet lead	0	10	0
"	10	2 tins for whitewashing Engineer's office	0	1	0
"	10	Carting lime, paints, sand, water, timber, &c., in connection with repairs to Engineer's office	0	15	0
"	10	Scrubbing out whole house, ditto	0	6	0
"	10	4 lb. paint, supplied	0	2	0
"	7	Carting Susie's luggage	0	3	6
"	24	" " pigs from Bullock's Hut	0	5	0
"	27	Beef, 2/3; hide, 2/9	0	5	0
"	28	Hides and carting, " May Howard "	0	3	0
Feb.	3	" " "	0	3	0
"	3	Carting luggage, R. S. Waterhouse	0	3	6
"	12	Part load wood	0	2	0
"	17	1 load firewood	0	4	0
March	14	Beef, 2/-; hide, 1/8	0	3	8
"	25	1 load firewood	0	4	0
April	5	Carting, ex " Ysabel," 6 tons	1	10	0
"	6	" " ¼ ton flour from Garth's store	0	3	9
"	11-12	2 days' labour, general work	0	10	0
"	19-21	3 " " cutting poison, &c.	0	15	0
May	2	1 day, searching for barbed wire	0	5	0
"	3	1 " " making pig-pen and jobbing work	0	5	0
"	12	1 " " searching for barbed wire	0	5	0
"	14	Pressing and carting fungus, Longridge and back	0	7	0
"	16	1 day, hides and onions	0	5	0
"	17	Carting, ex " Ysabel "	0	6	0
"	17	" " pipes and paints to Government House	0	3	0
"	27	1 load firewood	0	4	0
June	10	Carting, ex " Ysabel "	1	0	0
			£34	13	5

E. & O. E.
Norfolk Island, 17th August, 1898.
Witness—FRANK W. TWINE.

his
FREDK. X YAGER.
mark.

Plaint

Plaint Note, No. 8.

In the Magistrate's Court, }
Norfolk Island.

Waterhouse v. Yager.

THIS Cause has been set down for hearing at the Kingston Magistrate's Court, at ten of the clock in the forenoon of Tuesday, the 23rd day of August, 1898.

FRED. W. TWINE,
Registrar.

No. 8. N.B.—It is requested that you will always bring this Plaintiff Note to the office for reference when inquiring about the above case. Payment of moneys becoming due to you in the case may be refused unless this Note be produced.

Verdict given by Chief Magistrate in case Waterhouse v. Yager, claim £5/11/7, goods supplied, tried 23rd August, 1898. Verdict for defendant with costs.

Costs :—3 witnesses, 7/6; plea of defence, 1/-; solicitor, 2/6; total, 11/-.

Norfolk Island, 10 August, 1898.

Mr. F. Yager, Dr. to R. S. Waterhouse.

Mortgage Account.

6 December, 1897—To Cash lent on agreement to mortgage land	£5 10 0
Interest to date	0 7 6
	£5 17 6

6 December, 1897.

Received cash as a loan.

Loan of £5/10/0 for 12 months, from 6 December, 1897, at 8 per cent., on land at Steele's Point—12 acres; to be fixed up as soon as Capt. Bates can do it.

his
F. x YAGER.
mark

WARNER SPALDING,
Chief Magistrate.

Witness.—R. S. WATERHOUSE.
No. B. 4,408.

In the Magistrate's Court for the } 19th day of August, 1898.
District of Norfolk Island.

Between R. S. Waterhouse, plaintiff, and Frederick Yager, defendant.

TAKE NOTICE that I intend to defend this action, Plaintiff No. 9, for the following reason:—Not indebted.

To the above-named plaintiff.

his
FREDK. x YAGER.
mark

Witness.—F. WALTER PEARSON.

Plaint Note.

In the Magistrate's Court, }
Norfolk Island.

Waterhouse v. Yager.

THIS Cause has been set down for hearing at the Kingston Magistrate's Court, at ten of the clock in the forenoon of Tuesday, the 23rd day of August, 1898.

FRED. W. TWINE,
Registrar.

No. 9. N.B.—It is requested that you will always bring this Plaintiff Note to the office for reference when inquiring about the above case. Payment of moneys becoming due to you in the case may be refused unless this Note be produced.

Verdict given by Chief Magistrate, case Waterhouse v. Yager, mortgage account, tried 23rd August, 1898.

Verdict for plaintiff, by consent, without interest, to be paid into Court by 23rd September, 1898; each party to pay costs.

(D.)

Mr. O. M. Quintal to Mr. R. S. Waterhouse, storekeeper, Norfolk Island.

Sir,

Norfolk Island, 29 August, 1898.

I am instructed by Mr. F. Yager to apply to you for payment of his account, amounting to £36 13s. 5d., for work and labour done and moneys paid. I beg to call your immediate attention to this demand. The amount is made up as follows:—The sum of £34 13s. 5d., as shown by Mr. Yager's last account furnished to you, and a further sum of £2 you failed to give him credit for in the month of June, 1897.

I am also directed to say that Mr. Yager (to save the costs of solicitors' and other fees) is prepared to come to an amicable arrangement, without the intervention of the Magistrate's Court, upon the following basis:—

August 29.—To amount of account, R. S. W., as per summons	£	s.	d.	
	29	4	4	
Set-off, as per Court account	£	s.	d.	
	0	18	3	
Kumaras	0	5	0	
R. W. Brush, turps, &c.	0	8	0	
Horse collar	0	10	0	
Tin of powder	0	1	6	
	2	2	9	
By amount of Yager's account per set-off	34	13	5	
In favour of Mr. Yager	7	11	10	
By amount of your mortgage	5	10	0	
In favour of Mr. Yager	£2	1	10	

This offer is made without prejudice to either party.

As requested by you I make this offer in writing. An immediate answer is requested; otherwise I am directed to take immediate steps to recover the amount.

Yours, &c.,
O. M. QUINTAL.
Mr.

Mr. R. S. Waterhouse to Mr. O. M. Quintal, Norfolk Island.

Sir,

Norfolk Island, 5 September, 1898.

In reply to yours of 29th August, I beg to inform you as follows:—

- 1st. I was never in any way indebted to Mr. F. Yager in the amount of £36 13s. 5d.
- 2nd. In June, 1897, he only paid me one £2; this was on 19th June, 1897, as shown by receipt given him on that date; this is also the same £2 referred to in rough statement dated 21st June, 1897; which states a separate receipt had been given. My ledger shows the payment of £2 on 19th June, but by a clerical error in my statement of account I put it down as 29th instead of 19th; you also made a clerical error in your statement showing it as 10th instead of 19th.
- 3rd. The item of £5 10s. mortgage money is an entirely separate account from the store account.
- 4th. The whole of these accounts have been before the Court here—and adjudicated upon,—therefore the Court has no power to adjudicate upon them a second time.

Yours, &c.,

R. S. WATERHOUSE.

P.S.—Yager has already been allowed £5 11s. 7d. more than he was ever entitled to, so should be satisfied.—R.S.W.

Mr. O. M. Quintal to Mr. R. S. Waterhouse.

You and Yager.

Sir,

Norfolk Island, 6 September, 1898.

In reply to your letter in this matter, as intimated to you of my intention to bring this matter before the Court at once unless some arrangement could be arrived at between You and Yager, the plaint was duly lodged, and I have no doubt the summons will issue in due course. I am still open for an arrangement.

I beg further to give you notice that Mr. Yager does not dispute your account rendered to him on the 18th June last, but he does dispute certain items in the account upon which you sued him amounting to £2 4s., and that this notice will be used in the reduction of costs in case any action is brought against him for the recovery of your account.

Yours, &c.,

O. M. QUINTAL.

Items objected to enclosed herein.—O.M.Q.

1897.		£	s.	d.
June 18.	To flour, kerosene, sugar, coffee, cig. bk., and tobacco ...	0	18	3
October 9.	Calico	0	1	3
October 30.	Kumaras, two lots	0	5	0
1898.				
January 27.	W.W. brush, 1s. 6d., turps, w. lead, and oil ...	0	8	0
April 1.	Horse collar	0	10	0
May 2.	Tin powder	0	1	6
		£2 4 0		

E.

Norfolk Island.

In the Magistrate's Court for the }
District of Norfolk Island,— } To R. S. Waterhouse, of Norfolk Island.

You are hereby summoned to appear in this Court, at Kingston, on Tuesday, the 13th day of September, 1898, at ten of the clock in the forenoon of the same day, precisely, to answer the following plaint of Frederick Yager, for that you are indebted unto him in the sum of £38 13s. 5d. sterling, for moneys paid and work and labour done, as per particulars annexed hereto, otherwise, upon proof of the due service of a copy of this summons, the cause, when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award. And take notice, that if you intend to defend upon any matter of set-off or excuse, you must file particulars of the same, in the office of the Registrar, three clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set-off cannot be admitted.

Dated this 6th day of September, 1898.

By the Court,

FRED. W. TWINE,

Registrar.

Claim, £38 13s. 5d ; costs paid, 8s.; total, £39 1s. 5d.

No. 25511.

Norfolk Island.

Magistrate's Court, }
District of Kingston,— } 6th day of September, 1898.

Frederick Yager *versus* R. S. Waterhouse.

FREDERICK YAGER, of Kingston, in this district, doth complain of R. S. Waterhouse, of Kingston, in this district, that he is indebted to him in the sum of £38 13s. 5d. sterling, for moneys paid and work and labour done, as per particulars annexed, which sum the said R. S. Waterhouse refuses to pay, and the said Frederick Yager prays that he may be adjudged to pay the same.

O. M. QUINTAL,

Solicitor for plaintiff.

Norfolk

Norfolk Island, 6 September, 1898.

Mr. R. S. Waterhouse Dr. to Frederick Yager.

1897.			£	s.	d.
June	10	To cash	2	0	0
"	19	"	2	0	0
"	29	"	2	0	0
"	29	"	0	2	6
July	12	1 load firewood	0	4	0
Aug.	7	Carting hides	0	3	0
"	26	1 load firewood	0	4	0
"	26	Carting account, "Peacock"	0	5	0
"	26	" 3 tons, "Oscar Robinson"	0	15	0
Sept.	4	1 day's labour, jobbing	0	5	0
"	8	1 " hides, &c.	0	5	0
"	9-11	3 days' carpentering	0	15	0
"	13-18	6 " "	1	10	0
"	10	6 lb. nails supplied, 2-inch	0	1	8
"	10	3 " " 3 " "	0	1	0
"	17	1 load firewood	0	4	0
"	20	Stones and sand	0	5	0
"	21	Carting cask from bullock's hut	0	5	0
"	25	Cash	0	18	0
"	25	Beef, 2/6; hide, 3/9	0	6	3
"	25	5 lb. Indian red supplied	0	8	9
Oct.	8	1 load firewood	0	4	0
"	1416	3 days' labour	0	15	0
"	1822	5 " "	1	5	0
"	27	1 load firewood	0	4	0
Nov.	1	Carting, "Oscar Robinson"	0	12	6
"	6, 8, 9	3 days' carpentering, onion cases, &c.	0	15	0
"	6, 8, 9	Carting Madeline's luggage	0	3	6
"	5	Hides, &c., "Oscar Robinson"	0	3	0
"	5	Mrs. Waterhouse's luggage, &c., carting	0	3	6
"	(12)	"May Howard," carting	0	3	0
"	15	Pinewood	0	2	6
"	22	Hardwood	0	4	0
Dec.	3	1 load firewood	0	4	0
"	10, 11	2 days' work, Engineer's Office	0	12	0
"	13-18	6 " "	1	16	0
"	20-24	5 " "	1	10	0
"	27-31	5 " "	1	10	0
"	18	Beef, 2/-; hide, 1/3	0	3	3
1898.					
Jan.	1	1 day's work, Engineer's Office	0	6	0
"	3-16	4 days' " "	1	4	0
"	10	1 day's " "	0	6	0
"	10	Overtime, Engineer's Office (56 hours), 7 days	2	2	0
"	10	140 ft. boards supplied, 9 x 1, Engineer's Office	0	18	9
"	10	140 " " 7 x 1, " "	1	3	10
"	10	30 lb. lead, Engineer's Office	0	10	0
"	10	2 tins for whitewashing, Engineer's Office	0	1	0
"	10	Carting lime, paints, sand, water, timber, &c., in connection with repairs to Engineer's Office	0	15	0
"	10	Scrubbing out whole house, Engineer's Office	0	6	0
"	10	4 lb. paint supplied	0	2	0
"	7	Carting Mrs. Waterhouse's luggage, Cascades	0	3	6
"	24	" pigs from Bullock's Hut	0	5	0
"	27	Beef, 2/3; hide, 2/9	0	5	0
"	28	Hides and carting, "May Howard"	0	3	0
Feb.	3	" " "	0	3	0
"	3	Carting luggage (R. S. Waterhouse)	0	3	6
Mar.	14	Beef, 2/-; hide, 1/8	0	3	8
Feb.	12	Part load firewood	0	2	0
"	17	1 load firewood	0	4	0
Mar.	25	" "	0	4	0
April	5	Carting, ex "Ysabel," 6 tons	1	10	0
"	6	" 4-ton flour from Garth's store	0	3	9
"	11, 12	2 days' labour	0	10	0
"	19-21	3 " cutting poison, &c.	0	15	0
May	2	1 day, searching for barbed wire	0	5	0
"	3	1 " making pig-pen and jobbing work	0	5	0
"	12	1 " searching for barbed wire	0	5	0
"	14	Pressing and carting fungus, Longridge and back	0	7	0
"	16	1 day, hides and onions	0	5	0
"	17	Carting, ex "Ysabel"	0	6	0
"	17	" guttering, pipes, and paints to Government House	0	3	0
"	27	1 load firewood	0	4	0
June	10	Carting, "Ysabel"	1	0	0
			£38	13	5

E. & O.E., Norfolk Island, 6th September, 1898.

his
FREDERICK X YAGER.
mark

Witness—F. WALTER PEARSON.

Plea

Copy of Chief Magistrate's Verdict, given in case *Yager v. Waterhouse*, heard 13th September, 1898.

I order that the defendant pay the plaintiff £42 4s. 5d., on or before 16th September, 1898, and if not then paid, the same be levied by distress and sale of the goods and chattels of the defendant.

	£	s.	d.
Claim of account	38	13	5
Cost of summons	0	8	0
Drawing plaint	0	2	6
Solicitor's fee	3	3	0
Three witnesses	0	7	6
	<hr/>		
	£42	14	5

Execution was applied for and taken out on 17th September, 1898.

£42 18s. 5d.

Norfolk Island, 10 October, 1898.

Received from Mr. R. S. Waterhouse the sum of Forty-two pounds Eighteen shillings and Five-pence, being amount of claim in full, in action *F. Yager v. R. S. Waterhouse*.

Judgment	£42	14	5
No. 14,363, Exn.	0	4	0
	<hr/>		
	£42	18	5

O. M. QUINTAL,
Solicitor for Plaintiff.

17 September, 1898.

Witness to signature—FRED. W. TWINE.

The Secretary to The Attorney-General to The Under Secretary for Lands.

98/690, N.I.

Sir,

Attorney-General's Department, Sydney, 10 November, 1898.

In accordance with your request, verbally conveyed to me by an officer of your Department, I have the honor, by direction of the Attorney-General, to transmit the accompanying copies of papers in reference to the appointment of Mr. Metcalfe, M.R.C.S., as a Commissioner for Affidavits, at Norfolk Island.

I may add that the original papers have been retained for purposes of record, by His Honor the Chief Justice.

I have, &c.,
HUGH POLLOCK,
Secretary.

The Acting Attorney-General asked to forward a copy of 98/536, N.I. Mr. R. S. Waterhouse's letter pointed out that the original papers preferred; also 98/539, M. J. Brown, on the same subject, 12/11/98. Await reply.

Commission forwarded, *vide* 98/674, N.S., per C.M. Await acknowledgment on 22nd January, 1899, but, in the meantime, send the papers to the Accountant, in view of the terms of the letter sent Dr. Metcalfe on the 18th instant, *vide* 98/674.—H.L.T. It would be desirable to ask Dr. Metcalfe to remit the 10s. 6d. by next mail.—V.C., 26/11/98. Asked 29/11/98. Await reply.

The Under Secretary for Lands to Mr. P. H. Metcalfe, Norfolk Island.

98/690, N.I.

Sir,

Department of Lands, Sydney, 28 November, 1898.

Referring to my letter of the 18th instant, relative to the payment of the fee of 10s. 6d. upon the Commission issued to you as Commissioner for taking Affidavits, I have the honor to ask you to be good enough to remit the amount by the return mail.

I have, &c.,
WM. HOUSTON,
Under Secretary.

The Under Secretary for Lands to The Secretary to the Attorney-General.

98/590, N.I.

Sir,

Department of Lands, Sydney, 12 November, 1898.

I have the honor to acknowledge receipt of your letter of the 10th instant, forwarding copies of certain papers in reference to the appointment of Dr. Metcalfe as a Commissioner of Affidavits at Norfolk Island, and to inform you that copies of the under-mentioned papers, which are essential to the case have not been transmitted, and to request that such may be sent at your earliest convenience, *viz.*, N.I., 98/536, R. S. Waterhouse—urging appointment of a Commissioner of Affidavits at Norfolk Island, &c., &c., and N.I., 98/539, M. J. Brown on the same subject.

I have to add that the original papers would be preferred.

I have, &c.,
WM. HOUSTON,
Under Secretary.

Memorandum

Memorandum by Under Secretary for Lands.

98/690.

Department of Lands, Sydney, 15 September, 1898.

THE accompanying papers relate to the question of appointing a Commissioner of Affidavits at Norfolk Island, to act in any case in which the present Chief Magistrate, Colonel Spalding, is for any reason unable to act.

The Secretary for Lands considers that Dr. Metcalfe might be appointed to the position, and the Chief Justice asked to make such appointment.

Will you, therefore, be so good as to submit the matter for the pleasure of His Excellency the Governor.

WM. HOUSTON,

Under Secretary.

The Private Secretary, B.C., 15/9/98. Approved.—HAMPDEN, 16/9/98. The Under Secretary for Lands.—J.F., P.S., B.C., 16/9/98. The Secretary to the Attorney-General, *vide* 98/536 N.I. herewith.—H. L. THOMPSON (for the U.S.), B.C., 19/9/98. Urgent. (Letter to the Associate to the Chief Justice from the Secretary to the Attorney-General dated 20/9/98.)

Let a Commission be prepared in favour of Dr. Metcalfe. That gentleman's Christian name should be ascertained, and he should be asked to write to me a letter asking for the appointment and undertaking to act if appointed.—F.M.D., C.J., 20/9/98. (Peter Herbert Metcalfe, M.R.C.S., England, and Government Medical Officer.) Commission prepared.—J.M., 30/9/98. (Letter to the Secretary, Attorney-General, forwarding Dr. Metcalfe's Commission, and enclosing rules, &c., 6th October, 1898.)

I AM directed by His Honor the Chief Justice to inform you that it has been reported to him that some gentlemen holding Commissions for taking Affidavits have been in the habit of receiving a less sum for fees than the amounts set out in the accompanying Table of Fees.

His Honor wishes it to be clearly understood by all Commissioners for taking Affidavits that they must claim and retain neither more nor less than the amounts indicated in the Table; and His Honor has directed that, in future, any infringement of this Regulation shall be immediately brought under his notice, when he will at once cancel the Commission of anyone so acting.

C. R. WALSH,

Prothonotary.

Supreme Court, 1st July, 1896.

SUPREME COURT OF NEW SOUTH WALES.

Rules for the Guidance of Commissioners for Affidavits.

THE following extracts from General Rules, made by their Honors the Judges, are hereby published for general information.

Reg. Gen. 7th April, 1866.

Writs of Summons at Circuit Towns.

Every Commissioner of this Court for taking affidavits, resident in any Circuit town now or hereafter established, or within 5 miles thereof, who shall hold the office, or for the time being shall discharge the duties of Police Magistrate for such town, shall be and he is hereby empowered to receive præcipes for, and thereupon to issue at such town writs of summons in actions at law, commenced or to be commenced in this Court;—subject to the proviso in the aforesaid Act of 13 Victoria contained in that behalf.

Writs of Subpœna.

Every such Commissioner so empowered is hereby authorised also to issue writs of subpœna, in any cause or case, civil or criminal:—Provided that no such subpœna shall contain more than four names.

Fees payable. S.C. Prac. 149.

For every writ of summons and subpœna respectively so issued, the Commissioner issuing the same shall be entitled to the fees in that behalf established by the General Rules made on the 19th January and 21st June, 1850.

Reg. Gen. 21st June, 1850.

Commissioner to forward Præcipe.

On every præcipe delivered to any such Commissioner, he shall forthwith write and sign a memorandum of the date of the writ issued by him; and shall then transmit such præcipe by post to the Prothonotary.

Reg. Gen. 1st March, 1856.

Form of Affidavit.

14. Every affidavit made in this Colony, to be used in any proceeding in the Court, in any branch of its jurisdiction, shall commence in the following or some equivalent form:—"On this 12th day of September, in the year one thousand eight hundred and sixty-five, James Williams, of" (*add the place and degree, calling, or description*), "being duly sworn, maketh oath, and saith as follows———" After which the Deponent's statement shall be throughout in the first person; and the word last, or instant, if occurring in the affidavit, may be taken in connection with the date so given.

Form of Jurat.

15. The jurat of every such affidavit shall be as follows:—"Sworn by the Deponent" (*or where more than one, by the two Deponents, or by the several Deponents*), "on the day first above-mentioned, at (*place*) before me, Thomas Grey," *adding the words* "a Commissioner for Affidavits," where the Affidavit is sworn before any such Commissioner.

Deponent

Deponent unable to write.

16. In all cases where any Deponent is unable to write, the officer administering the oath shall add to the Jurat as follows:—"The Deponent (*or* A.B., one of the deponents), having heard the contents read, and appearing to me to understand the same."

Table of Fees to be charged from 1st September, 1898.

	£	s.	d.
Every oath administered	0	1	0
Do in the country	0	2	0
Marking each exhibit	0	0	6
Every oath administered out of the jurisdiction	0	5	0
Every oath before a Commissioner; not at his own residence or office	0	5	0
If above a mile beyond the Commissioner's office or residence (over and above his travelling expenses) for administering one oath	1	1	0
If more than one oath be administered at the same time and place, then, for administering second and subsequent oaths, for each oath	0	5	0
On references of any nature; for each attendance, not exceeding one hour	1	1	0
For every additional hour	1	1	0
For his report or award thereon	1	1	0
The like where very special	2	2	0
Every examination of a witness or other person: (including taking down and certifying the same)—the like fees as on references.			
If required to attend at any other than his own office or residence (over and above his travelling expenses) and additional... ..	1	1	0
Every recognizance, of whatever kind, or for approving any bond... ..	0	5	0
For each name beyond the first	0	2	6
Commissioner executing any writ of trial or inquiry, including summoning of assessors, not exceeding one hour	2	2	0
For every additional hour	1	1	0

By the 13th Vic. No. 45, s. 8, any Commissioner for Affidavits is empowered to take acknowledgments of married women and others, under the 7th Vict. No. 16, 17, and 18, where the party resides five miles or more from Sydney.

	£	s.	d.
Fee for taking any such acknowledgment	0	5	0
And for verification of any certified copy or memorial	0	2	6
If Commissioner has to go beyond a mile from his office or residence (in addition to his travelling expenses) an additional	1	1	0
For every summons issued by a Commissioner in any action, under 13 Vict. No. 34, and 29 Vict., No. 18 (including every duty connected therewith, except the administering of any oath or oaths)	0	10	0
For every subpoena in a Civil case issued by him	0	5	0
For taking every Statutory Declaration when authorised by Statute to take same, the same fees as on administering oaths.			
For attesting documents required to be attested by a Commissioner for Affidavits, the same fees as on administering oaths.			

It will be the Commissioner's duty to see that the Rules marked above 14, 15 and 16, are strictly observed. Affidavits sworn out of the Colony should, where practicable, be in the same form. No Commissioner, being a solicitor, is on any pretence to act in the same matter in both capacities. Any infraction of this will be immediately reported to the Judges.

By order of their Honors,—

1st September, 1898.

C. R. WALSH,
Prothonotary.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/690, N.I.

Sir,

Department of Lands, Sydney, 18 November, 1898.

I am directed by the Secretary for Lands to request that you will be good enough to hand to Dr. P. H. Metcalfe, the accompanying letter which conveys his appointment as a Commissioner for taking Affidavits at Norfolk Island.

I am also to ask that you will advise Mr. R. S. Waterhouse of the appointment in view of his letter to this Department on the subject.

I have, &c.,

W. HOUSTON,

Under Secretary.

The Under Secretary for Lands to Dr. P. H. Metcalfe, Norfolk Island.

Sir,

Department of Lands, Sydney, 18 November, 1898.

I am directed by the Secretary for Lands to inform you that His Excellency the Governor, being of opinion that necessity exists for the appointment of a second Commissioner for taking Affidavits at Norfolk Island, your name was taken into consideration, with the result that such appointment has been conferred upon you.

I am therefore to forward herewith the necessary commission, together with a copy of the rules issued for the guidance of Commissioners of Affidavits, and circular in regard to charging the proper fees, and to explain that the sum of 10s. 6d., cost of the commission, which is properly payable by you, has been temporarily defrayed from the Norfolk Island Fund, to recoup which a charge will be made to that extent on your salary.

I have, &c.,

Under Secretary.

The Secretary to The Attorney-General to The Under Secretary for Lands.

98/674, N.I.

Sir,

Attorney-General's Department, Sydney, 6 October, 1898.

I have the honor to transmit the accompanying commission appointing Dr. Metcalfe, of Norfolk Island, a Commissioner for taking Affidavits at Norfolk Island.

I also enclose a copy of the rules issued for the guidance of Commissioners for Affidavits, and circular with regard to charging the proper fees.

I have, &c.,

HUGH POLLOCK,

Secretary.

The commission may now perhaps be sent to Dr. Metcalfe, and a letter conveying it to the Chief Magistrate, asking him to hand it to the Doctor.—H. L. THOMPSON, 14/11/98. Forwarded, 18/11/98.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To Peter Herbert Metcalfe, Esq., M.R.C.S., England, of Norfolk Island, Government Medical Officer,—

GREETING:

WE, confiding in your knowledge, integrity, and ability, do hereby commit to you, within all parts of Norfolk Island, full power and authority, as a Commissioner of the Supreme Court of New South Wales, to take and receive affidavits concerning any matter within the jurisdiction of the said Court.

This Commission to remain in force only so long as you shall reside at the place abovenamed, or until we shall see fit to revoke the same.

Witness the Honorable Sir Frederick Darley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Chief Justice of our said Court, at Sydney, in New South Wales aforesaid, this 30th day of September, in the sixty-second year of our reign, A.D. 1898.

FREDK. M. DARLEY, C.J.

The Secretary to The Attorney-General to The Under Secretary for Lands.

[Urgent.]

Two copies of letters from R. S. Waterhouse and M. J. Browne, re second Commissioner for Affidavits at Norfolk Island.

Sir,

Attorney-General's Department, Sydney, 17 November, 1898.

I have the honor, by direction of the Attorney-General, to acknowledge the receipt of your letter of the 12th instant, in reference to the appointment of Dr. Metcalfe as Commissioner for Affidavits, at Norfolk Island, and asking for the return of certain papers, or copies thereof, in connection with the above matter.

In reply I am transmitting herewith copies of the documents referred to, together with a copy of a letter received from the Prothonotary, which will explain why the originals could not be obtained, as desired.

I have, &c.,

HUGH POLLOCK,

Secretary.

The Prothonotary to The Secretary to The Attorney-General.

Sir,

Prothonotary's Office, Supreme Court, Sydney, 16 November, 1898.

In reply to your letter of the 14th instant, I have the honor to send herewith copies of the papers required referring to the appointment of Dr. Metcalfe as a Commissioner for Affidavits at Norfolk Island.

The Chief Justice has directed that the originals be retained as records of the Supreme Court.

I have, &c.,

C. R. WALSH,

Prothonotary.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

Norfolk Island, No. 536, Sept., 1898.

Sir,

Dept. of Lands, N.S.W.

Norfolk Island, 19 August, 1898.

I have the honor to acknowledge receipt of yours of 5th instant, N.I., 98/466, and in reply beg to state I have laid a legal complaint. The case is set down for 25th instant, and I hope the case will be properly tried.

I also wish to bring under your notice the desirability of appointing a Commissioner of Affidavits on this Island to act in any case which the present Chief Magistrate cannot act, a case in point having just occurred.

On 15th instant it became my duty to serve on Colonel Spalding, Chief Magistrate, a writ from the Supreme Court of New South Wales, bearing date 5th August, 1898, in the suit of Anderson and Spalding, for the sum of £223. The writ is returnable in six months' time.

I duly served the writ on Colonel Spalding without publicity and quietly in his office at Government House. Next day, after Dr. Metcalfe had been duly sworn in as Deputy Chief Magistrate, I applied to him to witness my affidavit of service, but he informed me his commission gave him no power to take it. I then applied to the Registrar of the Court; before doing so, he referred the matter to the Chief Magistrate, who decided the Registrar had no power to do so, and he, the Chief Magistrate, could give him no authority to do so, and of course the Chief Magistrate was not asked to sign a paper about his own affair.

I then applied to Archdeacon Palmer, as a Clerk in Holy Orders. He declined, on the ground that the appointing of a Commissioner of Affidavits had been referred by him and Rev. Cullerick to Mr. Brodie, who promised to lay the matter before the Department.

I would ask that somebody may be appointed a Commissioner for Affidavits here without delay, who can act where the present Chief Magistrate cannot, and I would suggest Dr. P. H. Metcalfe, who is respected by all.

I have, &c.,
R. S. WATERHOUSE.

Mr. M. J. Brown to The Honorable J. H. Carruthers, Esq., Minister for Lands, Sydney.
Government of Norfolk Island, 539, Sept., 1898.

Sir,

44 Elizabeth-street (between King and Hunter Streets),
Sydney, 12 September, 1898.

On the 17th ultimo a writ issued out of the Supreme Court of this Colony, at the instigation of a client of mine, was served on Colonel Spalding, Chief Magistrate of Norfolk Island, by Mr. R. S. Waterhouse.

As Colonel Spalding was the only Commissioner for Affidavits available in the Island, Mr. Waterhouse was compelled to go to him with the affidavit of service to be sworn, but the Colonel refused to act in the matter. I believe that on other occasions considerable inconvenience has been caused by there being only the one Commissioner for Affidavits in the Island, and I have therefore the honor to ask that another Commissioner may be appointed without further delay.

I have, &c.,
M. J. BROWN,
Solicitor.

Dr. Metcalfe's appointment as Commissioner of Affidavits, Norfolk Island.

98/639, N.I.

IN view of the urgency of this matter, a letter with a cheque, was this morning taken up by hand to the Attorney-General's Department in order that the Commission for Dr. Metcalfe might be obtained and despatched by the mail leaving to-morrow for Norfolk Island.

The reply the officer received was that nothing has been done towards preparing the Commission, though it had been approved by the Chief Justice to be issued, pending receipt of the fees payable (10s. 6d.)

Therefore nothing can be done until the Commission is sent here—a receipt for the money paid to the Supreme Court is herewith, and may be sent to the Accountant.

98/674, N.I.

Receipt No. 9,010.

H. L. THOMPSON.

Mr. Cohen. Noted; receipt filed, 5,710,798.

The Secretary to The Attorney-General to The Under Secretary for Lands.

98/639, N.I.

Sir,

Attorney-General's Department, Sydney, 23 September, 1898. Papers, 98/541

I am instructed to inform you that His Honor the Chief Justice has been pleased to approve of the appointment of Dr. Metcalfe, at Norfolk Island, as a Commissioner for Affidavits, but that before a Commission can be issued a fee of 10s. 6d. must be paid at the office of the Supreme Court.

I have, &c.,
HUGH POLLOCK,
Secretary.

May be paid and collected afterwards from Dr. Metcalfe.—H. HOUSTON, Under Secretary. Send to the Accountant urgently, as the Under Secretary wishes the Commission sent to the Island by the mail leaving on Saturday, and it has yet to be obtained and letters written, 27/9/98. Cheque herewith. Please forward to Crown Law Office, 30/1/98. The Secretary to Attorney-General with cheque, 30/9/98. Await reply.

The Under Secretary for Lands to The Secretary to The Attorney-General.

98/639, N.I.

Sir,

Department of Lands, Sydney, 30 September, 1898.

With reference to your letter of the 23rd instant, stating that the Chief Justice has approved of the appointment of Dr. Metcalfe, at Norfolk Island, as a Commissioner for Affidavits, but that before the Commission can be issued a fee of 10s. 6d. must be paid at the office of the Supreme Court, I have the honor to forward herewith a cheque for the amount named, with the request that you will be so good as to forward it to the proper quarter, and transmit the Commission as early as possible during the day to arrange for its despatch by the mail leaving for the Island early to-morrow morning.

Acknowledgment of the cheque is requested.

I have, &c.,
W. HOUSTON,
Under Secretary.

6.

R. S. Waterhouse.—Complaint against Constable Collins of using profane language.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/568, N.I.

Sir,

Norfolk Island, Government House, Kingston, 29 August, 1898.

I have the honor to acknowledge your B.C. recommendation of the 5th instant (N.I. 98/466), enclosing a letter dated 14th ultimo, from Mr. R. S. Waterhouse to the Under Secretary for Lands, Sydney, and a copy of a letter dated the 13th July, 1898, from Mr. R. S. Waterhouse to the Chief Magistrate, Norfolk Island, complaining of profane language by Constable Collins towards Mr. Waterhouse's son, and beg to enclose copy of a letter, dated 14th ultimo, written by the Registrar of the Court; in compliance with my instructions in reply to Waterhouse's complaint of the previous date, which appears in accord with the wishes of the Secretary for Lands, dated 5th instant, enclosed with the papers sent to me, which are now returned.

Mr. R. S. Waterhouse laid an information, under clause 16 of the Laws of Norfolk Island, against Constable Collins for using obscene and profane language in a public highway, and took out a summons in the usual way. The case was heard in open Court on the 25th instant. Mr. Waterhouse was permitted, as guardian of the child, to conduct the case. He desired that the testimony of the child should be received, whose age he stated was 5 years this month. After questioning the child in the prescribed manner, and being satisfied from the child's answers that he did not understand the consequences of telling an untruth, I decided that the child's evidence could not be taken. Mr. Waterhouse then called his wife and her servant girl, who were subjected to the usual cross-examination.

For the defence, Constable Collins and his wife were called, and were cross-examined by Mr. Waterhouse. Constable Collins then called three witnesses as to his general character on the Island, viz.:—Dr. Metcalfe, Captain Bates, and Mr. C. C. R. Nobbs, who spoke highly of him. He also produced numerous testimonials of his previous good character in the Government service of New South Wales. Mrs. Waterhouse's character on the Island is bad, and her demeanour in the witness-box was very unsatisfactory.

The information was dismissed with costs.

I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Submitted for information. It is apparent that Waterhouse's charge against the constable was made without foundation.—W. HOUSTON, Under Secretary, 21/9/98. Seen.—J.H.C., 21/9/98. Mr. Waterhouse informed, 29/11/98. Put away.

The Under Secretary for Lands to Mr. R. S. Waterhouse, Norfolk Island.

98/568, N.I.

Sir,

Department of Lands, Sydney, 29 November, 1898.

Adverting to my letter of 5th August last respecting yours of the 14th July alleging that Constable Collins used profane language towards your son, I am directed by the Secretary for Lands to inform you that from a report obtained in the matter it is apparent your charge was made without foundation.

I have, &c.,

WM. HOUSTON,
Under Secretary.

[Enclosure.]

The Registrar, Chief Magistrate's Court, to Mr. R. S. Waterhouse, Norfolk Island.

Sir,

Norfolk Island, Government House, Kingston, 14 July, 1898.

I am directed by the Chief Magistrate to acknowledge the receipt of your letter of the 13th instant making a certain charge against Senior-constable Collins; and am directed to inform you that, should you desire to proceed in the matter, your proper course will be to lay an information against the constable, and take out a summons in the usual way.

I have, &c.,

FRED. W. TWINE,
Registrar of Chief Magistrate's Court.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

98/466, N.I.

Sir,

Norfolk Island, 14 July, 1898.

I desire to forward, for your information; a copy of a letter addressed by me to the Chief Magistrate here, having reference to profane language used by Constable Collins to my little son. This language was heard by wife and servant, who are prepared to swear to the truth of it. I was absent from home, but immediately upon my return my boy told me about it. I feel sure the Magistrate will take no notice or action in the matter.

Stealing, furious riding, and many other things go on here unchecked, but is useless to report them. The constable is never seen going about the Island after dusk as if he did, the offenders could easily be caught red-handed.

The way justice is now disposed here, and order kept, is worse than under the old system.

I have, &c.,

R. S. WATERHOUSE.

[Enclosure.]

[Enclosure.]

Mr. R. S. Waterhouse to The Chief Magistrate, Norfolk Island.

Sir,

Norfolk Island, 13 July, 1898.

I hereby beg to lay a charge against Constable Collins for using profane and obscene language in the public road to-day, close to my residence.

He was passing my house, and my little boy, aged between 4 and 5 years, was on my verandah calling out to his cockatoo, when Mr. Collins made use of the following expression to him:—"If I come there, you young bugger, I will break your bloody neck."

I, therefore, wish him dealt with in accordance with law 16 of our Code of Laws. Mr. Knuckey also informs me that this morning Mr. Collins, in conversation with him (W.P.K.), was damning and cursing Waterhouse. I wish a stop put to such goings on, and if a stop is not put to it, shall most certainly report such conduct to the authorities in Sydney.

I have, &c.,

R. S. WATERHOUSE.

May be forwarded to the Chief Magistrate for any comments he may deem necessary, and Mr. Waterhouse informed of reference. I notice Mr. Waterhouse's letter to the Chief Magistrate is dated the 13th July, and that to this Department the day following.—W. HOUSTON, Under Secretary, 4/8/98.

Approved. Waterhouse should lay a complaint in legal form, and have it properly tried. The Chief Magistrate should be instructed to do nothing which might be said to cloak offences by officials.—J.H.C., 5th Aug., 1898.

Mr. Waterhouse informed accordingly.—5/8/98. The Chief Magistrate, Norfolk Island.—
H. L. THOMPSON (for U. Secy.), B.C., 5th August, 1898. Under Secretary for Lands. Received
with letter 29th August, 1898. N.I., 354/98. B.C., 29th August, 1898.—WARNER SPALDING, Col., Chief
Magistrate, N.I.

The Under Secretary for Lands to Mr. R. S. Waterhouse, Norfolk Island.

98/466, N.I.

Sir,

Department of Lands, Sydney, 5 August, 1898.

I am directed by the Secretary for Lands to acknowledge receipt of your letter of the 14th ultimo, alleging that Constable Collins used profane language to your son, and to inform you that it has been referred to the Chief Magistrate.

I am to add that you should lay a complaint in legal form and have it properly tried.

I have, &c.,

WM. HOUSTON,

Under Secretary.

7.

Mr. R. S. Waterhouse—As to awarding professional costs.

The Crown Solicitor to The Under Secretary for Lands.

98/150, N.I.

Sir,

Crown Solicitor's Office, Sydney, 15 March, 1898.

I have the honor to return the papers numbered in margin submitted for my opinion as to the 124, N.I. practice in this Colony with regard to professional costs in small debts cases.

The matter is regulated by section 44 of the Act 10 Vic. No. 10, which provides that "the costs of professional assistance shall be paid for by the party requiring such professional assistance."

Magistrates in this Colony have, therefore, no jurisdiction to award professional costs to a successful party under the Small Debts Act, or any of the Acts amending the same.

I have, &c.,

GEO. COLQUHOUN,

Crown Solicitor.

May be forwarded for the information of the Chief Magistrate.—W. HOUSTON, 16/3/98.
Approved.—J.H.C., 17/3/98. The Chief Magistrate, Norfolk Island.—H.L.T. (for U.S.), B.C. 19/3/98.
To be returned. The Under Secretary for Lands.—Notice—Scale of costs of the Magistrate's Court
amended in accordance.—WARNER SPALDING, Colonel, Chief Magistrate, N.I., 3/5/1898. Seen by the U.S.
Put away.—H.L.T., 27/5/98.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

38 Pitt-street, Sydney, 7 March, 1898.

Re Solicitor's Fees at Norfolk Island.

Sir,

In the Petty Debts Court held at Kingston, Norfolk Island, the Magistrate has occasionally allowed Mr. Macey Quintall, who acts as a solicitor, fees of £1 1s. and upwards. I am informed that this is contrary to law, and that no solicitor's fees are allowed in New South Wales in such cases.

I should be glad to know if these fees are allowable on the Island.

I have, &c.,

R. S. WATERHOUSE.

The Crown Solicitor would perhaps kindly advise as to the practice in this Colony.—W. HOUSTON,
8/8/98. 98/150, N.I.

[Enclosure.]

[Enclosure.]

NORFOLK ISLAND MATTERS.

(Interview with Mr. Waterhouse.)

At 11.30 this morning (Friday, 4th March, 1898), Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

* * * * *

There is another question. We have only one lawyer down there. It may be right or it may be wrong, but I don't think the Colonel should give solicitor's costs in small debts cases. For instance, I may be sued for £3, the lawyer appears for the other man, and probably gets a verdict. Then a one-guinea bill for fees is charged to me.

I don't know what the practice is. You write to me and complain about the charges. Do not ask to be told anything. Do not say anything about Colonel Spalding or anyone else.

* * * * *

Mr. Waterhouse was to write about this matter. Re-submit in a day or two.—W.H., 7/3/98. N.I., 102/95. Crown Solicitor's opinion *re* solicitor's fees. S. debts cases. Copy retained for C.M., 3/5/95.

8.

R. S. Waterhouse.—Claim for £2 10s., for Board and Lodging for Constable Collins.

Minute Paper.

Re a proposal to make a claim on Mr. R. S. Waterhouse for £2 10s., portion of amount paid him in connection with Constable Collins' board and lodging matter.

98/666, N.I.

INCLUDED in the amount paid by the Government of Norfolk Island, to Mr. S. Waterhouse, for boarding and lodging Constable Collins and family, is a sum of £2 10s., described as for incidentals.

Incidentals are understood as applying to a horse which Collins used, but which he alleges was given in with his board without extra cost, and it is accordingly proposed to make a claim upon Mr. Waterhouse for the amount.

In support of his allegation Collins has made an allegation, of which the following is a copy:—

“Norfolk Island, 8 July, 1898.

“M. Collins, Senior constable of Police, Norfolk Island, on oath, states:—With reference to the period I was boarding and lodging with R. S. Waterhouse, *viz.*, from 28th October, 1897, to the 7th January, 1898, I incurred no incidental expenses. Mr. Waterhouse said, ‘I have three or four horses; I will lend you one; it is too far for you to walk.’ I said, ‘How about the charge; I cannot afford to pay anything for the use of the horse.’ He said, ‘There will be nothing to pay, it is all in with the board; that is the custom at Norfolk Island.’ He made no demand on me for payment for the horse when I left his house.

“M. COLLINS, Senior constable, Norfolk Island.”

Sworn before me at Norfolk Island, this 8th day of July, 1898,—

WARNER SPALDING, Colonel, Chief Magistrate.

This statement is supported by the notes taken at an interview between Mr. Waterhouse and the Under Secretary for Lands, on the 4th March, 1898, when Mr. Waterhouse, in continuation of some conversation relative to the charge for the keep of Constable Collins, made the remark: “There was the constable, and his wife and two children. Of course they had my rooms and my house, and he had a horse and saddle and bridle whenever he wanted it.”

On the other hand, there is a letter from Mr. Waterhouse, denying this. He says, “I most emphatically deny having made an arrangement with Constable Collins that no charge would be made for him using my horse, saddle, and bridle, and am prepared to make an affidavit to that effect; also, to produce a witness who heard Collins ask me for the use of my horse, saddle, and bridle, and heard him tell me, that whatever charge I made could be settled when the board and lodging was paid; that he must have a horse, and the Government would pay for it. He further says, Collins remarked that the Chief Magistrate had applied for money to purchase a horse for him, and he hoped Mr. Waterhouse would sell him the one he was then using.”

Mr. Waterhouse also complains of damage to the saddle.

It seems also that the Chief Magistrate interviewed Mr. Waterhouse in the matter, who verbally stated that in his charge in incidental expenses (allowed by the Government) no special mention is made of horse-hire, and he affirmed that he did not grant the free use of the horse to Constable Collins.

The question to be decided, therefore, is, which of the statements are true, and should that of Collins be proved to be correct, then Mr. Waterhouse should be called upon to refund the amount of £2 10s. allowed for incidentals, notwithstanding that such was accepted by him on the offer of the Government, which, at the time the offer was made, was not aware of the circumstances now brought under notice.

H. L. THOMPSON, 30/9/98.

I am convinced that the constable's version is a correct one, and that the charge for the use of the horse was only an afterthought of Waterhouse's. I think there is but little chance of obtaining from Waterhouse a refund of the £2 10s. Nevertheless a claim may be made.—W. HOUSTON, Under Secretary, 30/9/98.

Appd.—J.H.C., 5th Oct., 98.

No letter, 6/10/90. Mr. Waterhouse accordingly, 7/10/98. Await reply.

The

The Under Secretary for Lands to Mr. R. S. Waterhouse, Norfolk Island.

Sir,

Department of Lands, Sydney, 7 October, 1898.

With reference to your letter of the 12th July last respecting the use by Constable Collins, of one of your horses while he was boarding with you at Norfolk Island, and the charge therefor, I have the honor to inform you that the papers in the matter have been submitted to the Secretary for Lands who has decided that in view of the circumstances disclosed in the latter correspondence, the sum of £2 10s. allowed you on account of horse hire was inadmissible, and I am therefore to request that you will be good enough to at once refund that amount to this Department.

I have, &c.,

Under-Secretary.

The Chief Magistrate, Norfolk Island, to

98/648, N.I.

Sir,

Norfolk Island, Government House, Kingston, 7 September, 1898.

I have the honor to inform you in reply to your letter of 8th ult., N.I., 98/498 that, prior to its receipt giving me authority to withhold from Mr. R. S. Waterhouse the sum of two pounds ten shillings (£2 10s.) from the amount due to him on completion of his contract for repairing the Police Quarters, pending the settlement of the matter of horse hire paid by the Government on account of Constable Collins to Mr. R. Waterhouse, I have paid Mr. Waterhouse the full amount of his contract money, not feeling justified in withholding it without superior authority having authorised me to withhold it, Mr. Waterhouse being urgent for settlement.

I have nothing further to add to my previous report on the subject of the amount charged by Mr. Waterhouse on account of a horse used by Constable Collins.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Cheque for £9 15s. paid to Mr. G. J. Waterhouse and voucher filed. For further action relative to the £2 10s. for horse feed used by Constable Collins.—V.C., Acct., 24/9/98.

Minute Paper.

98/641, N.I.; 98/567, N.I.

Collins (Mrs.) v. Waterhouse—claim for acting as a servant—Result: verdict for £3 18s. 3d. for plaintiff; verdict objected to by defendant.

Mr. R. S. WATERHOUSE, on the 9th July, 1898 (98/465), complained, amongst other things, that the case was purposely tried upon the day the steamer arrived at Norfolk Island, and he was a large shipper by her, and she arrived during the hearing of the case; it was a great cause of annoyance to him, being agent for the steamer.

A copy of this letter was referred to the Chief Magistrate for report, and from his reply (98/567) it seems the statement is untrue.

Small debt cases are heard every Tuesday, and the summons issued on the 9th May, 1898, in connection with this case was for Tuesday the 17th idem, when it was taken on at 10 a.m., the steamer happened to arrive and anchor the same day at 2 p.m., some time after the conclusion of the case.

The Chief Magistrate comments upon other parts of Mr. Waterhouse's letter, but there seems no need for the Department to further consider the matter. There is no appeal against the Chief Magistrate's decision, which, under the Island Laws is final, and therefore, if for no other reason, Mr. Waterhouse's request for a refund of the amount of the verdict awarded against him cannot be entertained.

His letter of the 9th July last, might, however, be acknowledged. Another matter referred to in these papers, viz., retention of £2 10s. from amount of contract for repairs to Police Quarters as a set off against Mr. Waterhouse's claim for horse hire for the constable, has been disposed of by a letter from the Chief Magistrate now with the Accountant, but the proposal to obtain a refund from Mr. Waterhouse for part of the sum paid by the Government for Constable Collins' keep, for the reason alluded to in 98/498 herewith, might be made the subject of a separate paper for consideration later on.

H. L. THOMPSON, 22/9/98.

May be approved. Mr. Waterhouse may be informed that the decision of the Chief Magistrate is final and cannot be and that the statements contained in his letter of the 9th July, are found not to be supported by facts.—W. HOUSTON, Under Secretary, 22/9/98.

Appd. J.H.C., 26/9/98. Mr. R. S. Waterhouse infd., 28/9/98. C.M.'s letter, 98/56, ackd. 29/9/98.

The Under Secretary for Lands to Mr. R. S. Waterhouse, Norfolk Island.

98/541, N.I.

Sir,

Department of Lands, Sydney, 28 September, 1898.

With reference to your letter of the 9th July last complaining, amongst other things, that the case Collins (Mrs.) v. Waterhouse, was purposely tried upon the day the steamer arrived at Norfolk Island, and that you were a large shipper by her, and she arrived during the hearing of the case—it was a great cause of annoyance to you—being agent for the steamer, I am directed by the Secretary for Lands to inform you that your statements are found not to be supported by facts, and that the decision of the Chief Magistrate is final, and cannot be reviewed.

I have, &c.,

W. HOUSTON,

Under Secretary.

The

The Chief Magistrate, Norfolk Island, to

362/98, N.I.; 98/567, N.I.

Sir,

Norfolk Island, Government House, Kingston, 30 August, 1898.

I have the honor to acknowledge the receipt of your letter of the 5th inst., 98/465, N.I., enclosing a copy of a letter from Mr. R. S. Waterhouse, dated 9th July last, applying for refund of £3 18s. 3d., amount of verdict obtained in the Magistrate's Court by Mrs. Collins for acting as his servant while boarding with him at Government expense, and desire to say, with regard to Mr. Waterhouse's letter, that his statement that the case was purposely tried upon the day the steamer was due, and arrived here, is untrue.

Small debts cases are heard on every Tuesday. The 17th, day on which the steamer happened to arrive, was Tuesday. The summons was issued on the 9th of May. The case was taken at 10 o'clock, and the steamer did not anchor till 2 o'clock p.m., the case having been concluded for some time. It is also untrue that when the depositions were being read over, the Magistrate was promenading up and down his platform. Once or twice I did get up and moved about, being cold, but listened to every word that was being read over by the Registrar.

I directed the Registrar that he need not put down irrelevant evidence. I did allow the plaintiff 2s. 6d., as she was a witness—*re* reference I now see that I may have been in error. It was proved by two witnesses, the constable and Mrs. Collins, that Mrs. Collins was employed as a general servant by the defendant for eight weeks and five days, that she did the general work of the house for that period, and that the defendant told the plaintiff that there should be a general squaring up, and that on his return from Sydney he would settle up. It was proved that he did not so settle up.

The defendant did not go into the box, but called his wife whose evidence was to the effect that she did not know that her husband had engaged Mrs. Collins; but she left for Sydney on the 9th of November, shortly after the plaintiff went to live at Mr. Waterhouse's. It is true that the rate of wages paid to Norfolk Island servants is less than is paid to experienced servants in Sydney; but it requires at least two Norfolk Island servants to do the work of one efficient servant. But the rates of wages stated by Mrs. Waterhouse as paid by me are incorrect. It was not proved that Mrs. Collins, her husband and children, were sent to Mr. Waterhouse's house by the Registrar, and it is quite immaterial, as far as this case is concerned, whether they were or not. It is incorrect to say that the Magistrate stated it was immaterial whether any agreement was made as to her services as a servant. What I did say was that if a servant or any other person is engaged without any definite agreement being made as to wages, that the person engaged was entitled to recover and be paid a reasonable and fair remuneration for their services.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Chief Magistrate, Norfolk Island, to

98/566, N.I.; 369/98, N.I.

Sir,

Norfolk Island, Government House, Kingston, 30 August, 1898.

I have the honor to acknowledge the receipt of your letter of the 19th ult., N.I., 98/413, on the subject of amount paid to Mr. Waterhouse for board and lodging of Constable Collins and his family, and asking for full facts respecting the judgment obtained by Mrs. Collins for work done by her whilst a servant at Mr. Waterhouse's.

Mrs. Collins sued Mr. Waterhouse for wages whilst employed as a servant, in the Magistrate's Court. The case was heard on the 17th May, and Mrs. Collins having established by evidence that she had been employed by Mr. Waterhouse as a general servant for eight weeks and five days, a verdict was given against Mr. Waterhouse for payment of wages at the rate of 8s. per week, amounting to £3 9s. 9d. Mr. Waterhouse has received payment from the Government of Norfolk Island on account of Mrs. Collins' board and lodging for this period of eight weeks and five days. The case *Mrs. Collins v. Waterhouse* is more fully dealt with in my letter of this date, N.I., 362/98.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Minute by the Under Secretary for Lands.

98/498, N.I.; 98/465, N.I.

Constable Collins' Board and Lodging case—use of horse matter—*Re* costs awarded Mrs. Collins against Mr. Waterhouse for performing Servant's duties while lodging with him.

1. On 98/69, N.I., herewith the Chief Magistrate forwarded a letter from Constable Collins asking for a lodging allowance while his quarters (the Engineer's office) were being placed in repair, and pointing out that Collins had not arranged terms with Mr. R. S. Waterhouse with whom he was to lodge in the meantime.

2. The question of Mr. Waterhouse's claim (£25) on such account was later duly considered and disallowed (98/71); but subsequently an offer was made to Mr. Waterhouse by the Department (98/156) which was accepted (98/182).

3. It was then decided (98/213) to charge Collins 15/- per week for the time he lodged with Mr. Waterhouse, for his keep, with which, of course, he would have had to provide himself and family if in quarters of his own.

4. To this Collins objected (98/239) because of the smallness of his salary and the expensive living on the Island; at the same time he explained, with regard to the sum (£2 10s.) allowed Mr. Waterhouse for incidentals he (Collins) had never incurred the same—incidentals being understood to apply to a horse which Collins used and which he alleges was given in with the board without extra cost. In view of this allegation the Chief Magistrate was asked, on the 10th June last, to ascertain the facts with the object of a claim being made upon Mr. Waterhouse for a refund of the amount should the constable's statement prove correct.

5.

5. On the 14th July, Mr. G. E. Brodie, who recently visited the Island, asked to see the papers, explaining that Mrs. Collins had, he believed, obtained a judgment against Mr. Waterhouse for work done while lodging in his house, and that, therefore, the Government should receive a refund of a portion of the amount. On this a letter dated 19th July was written to the Chief Magistrate (98/413) asking for a full statement of the facts of the case, but so far no reply has come to hand to that communication.

6. The Chief Magistrate has, however, answered by (98/449) the letter of the 10th June (98/239) before referred to—paragraph 4—enclosing an affidavit from Collins to the effect that no charge was to be made for the use of the horse, and that Mr. Waterhouse verbally stated no special mention about a horse was made by the Department, and he affirms that he did not grant its free use to Collins, who swears he did.

7. Mr. Waterhouse being somewhat indefinite, the Chief Magistrate, pending a satisfactory explanation or a settlement, proposes to withhold the amount from the money becoming due to Mr. Waterhouse on the satisfactory completion of his contract for repairing the police quarters (Engineer's office) pending special instructions from Headquarters by return mail.

8. With a letter from Mr. Waterhouse (98/461) to the Department on this matter are enclosed copies of the Chief Magistrate's letter to him, and his reply (A and B respectively). In this letter Mr. Waterhouse says, "I most emphatically deny ever having made an arrangement with Constable Collins that no charge would be made for him using my horse, saddle, and bridle, and am prepared to make an affidavit to that effect, also to produce a witness who heard Collins ask me for the use of my horse, saddle, and bridle, and heard him tell me that whatever charge I made could be settled when the board and lodging was paid—that he must have a horse, and the Government would pay for it." He further says Collins remarked that the Chief Magistrate had applied for money to purchase a horse for him, and he hoped Mr. Waterhouse would sell him the one he was then using.

9. Mr. Waterhouse complains of damage to the saddle, and points out that Collins and his wife are giving balls and parties, the cost of which does not come out of his salary, but out of the money they obtained from him. This brings up another subject, viz., that of costs, £3 18s. 3d., awarded Mrs. Collins in the Magistrate's Court, on the 17th May, against Mr. Waterhouse, who was sued by her for wages for practically acting as his servant during the time the Collins family boarded with him.

This amount Mr. Waterhouse asks to be refunded, as he considers a very unjust verdict was given against him, and are certainly against the weight of the evidence, of the whole of which he has copies and is willing to produce if required.

Mr. Waterhouse also complains:—

1. "The case was purposely tried upon the day the steamer was due and arrived here, and as I was a large shipper by her, and she arrived during the hearing of the case, it was a great cause of annoyance to me—being agent for the steamer."

2. "When the depositions were being read over, the Magistrate was promenading up and down his platform."

3. "During the evidence of my principal witness the Magistrate leant over his desk and told the Registrar he need not put down the whole of the evidence, but only what he, the Magistrate, told him."

4. "He allowed the plaintiff a witness fee for herself."

5. "I proved Mrs. Collins had never spoken to me about any claim she had against me, nor had she rendered me any account; also that she had never made any demand upon me, although she had been in my store and house, and I in her house, since my return from Sydney."

6. "I proved that never in writing or verbally had I ever engaged or employed her as a general servant, that she did not act as such, that I had regularly employed a girl to do the washing and ironing (for the Collins as well as myself and children), and to do the scrubbing and other work."

7. "That for five weeks of the time claimed, my daughter, a girl of 14 years of age, did the whole of the house-work and cooking."

8. "That Mrs. Collins did little in the place except her own bedroom, and looking after her two young children."

9. "That often Mrs. Collins went out driving to the Mission and other places, which a servant would not have been allowed to do."

10. "That Mrs. Collins had to acknowledge she had never even made a loaf of bread until taught by my daughter."

11. "That the highest wages paid to servants on the Island was 5s. per week; that the Magistrate himself pays his servants from 3s. to 5s. per week; that Dr. Metcalfe pays his servants 3s. and 4s. per week."

12. "Mrs. Collins states that she only wanted to see what the Government allowed me for her staying at my house, and finding that it was 15s. per week, demanded the same."

13. "You will remember Mrs. Collins, her husband, and two children were sent to my house by the then Registrar and Collector of Customs, and it is for this period she claimed compensation as a general servant."

14. "In summing up the Magistrate stated it seemed the arrangement or agreement was made when the Collins' came to board at my house—consequently, it was immaterial whether any agreement was made as to her services as servant,—and gave a verdict against me for 8s. per week, which, with costs, amounted to £3 18s. 3d., thus reducing the amount paid to me by your Department to £16 3s. 3d.; and as I supplied them with 852 meals, this makes a trifle over 4½d. per meal I have received for all the accommodation they had at my house."

15. "I have the whole of the evidence as taken during the case, both for and against, which I shall be happy to forward to you."

16. "I therefore respectfully beg to apply to you for a refund of the £3 18s. 3d., as I consider a very unjust verdict was given against me, and one most certainly against the weight of evidence."

With regard to this matter—the verdict to Mrs. Collins—it does not seem that anything can be done, as the Chief Magistrate's decision is final; but the letter might be forwarded to him for any comments he may desire to make, so that when he returned with them the Department would be in a better position to reply to Mr. Waterhouse later on.

With regard to the other matter—claim proposed to be made on Mr. Waterhouse for refund of part of the sum paid by the Government for the Collins' keep—no action can be initiated pending the Chief Magistrate's reply to our letter of the 19th July (98/413), and this might be awaited accordingly.

The amount, £2 10s., proposed to be withheld from the amount of contract *re* repairs to the Police Quarters, as a set-off against Waterhouse's claim for horse-hire to constable, may be withheld, pending receipt of further correspondence from the Chief Magistrate.

W. HOUSTON,

Under Secretary, 4/8/98.

Appd.—J.H.C., 5/8/98. Copy of Mr. Waterhouse's letter of 9 July, '98 (98/465) sent to C.M., who also informed by another letter to withhold amount (£2 10s.) alluded to.—5/8/98. Submit when next mail arrives.—22/9/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/498, N.I.

Sir,

Department of Lands, Sydney, 5 August, 1898.

With reference to your letter of the 11th ultimo, enclosing an affidavit by Constable Collins to the effect that Mr. R. S. Waterhouse agreed to make no charge for the use of a horse while the constable lodged with him, and which statement was denied by Mr. Waterhouse, I am directed to inform you that in the circumstances of the case the Secretary for Lands has approved of the sum of £2 10s. involved in this matter being withheld, as proposed by you, from the amount becoming due to Mr. Waterhouse on satisfactory completion of his contract for repairing his quarters (Engineer's office).

I am to add that you should report further on the subject by the next mail, pending receipt of which no action will be taken by the Department.

I have, &c.,

W. HOUSTON,

Under Secretary.

NORFOLK ISLAND MATTERS.

Extract from interview with Mr. Waterhouse.

At 11:30 this morning (Friday, 4th March, 1898) Mr. Waterhouse, of Norfolk Island, called on the Under Secretary for Lands, when the following conversation took place:—

* * * * *
The following is a continuation of some conversation relative to the charge for the keep of Constable Collins:—

"You will have to take off more than that. What does it amount to? £25. Supposing I take off £5. There was the constable and his wife and two children. Of course they had my rooms and my house, and he had a horse, saddle, and bridle whenever he wanted them. Nobody takes you in down there under £1 a week."

* * * * *

Mr. R. Waterhouse to The Under Secretary for Lands.

98/465, N.I.

Sir,

Norfolk Island, 9 July, 1898.

I desire to forward for your information particulars of a case, *Mrs. A. Collins v. myself*, which was tried in the Kingston Court on 17th May last. I enclosed the summons form and account on which I was sued.

1. The case was purposely tried upon the day the steamer was due and arrived here, and as I was a large shipper by her, and she arrived during the hearing of the case, it was a great cause of annoyance to me—being agent for the steamer.

2. When the depositions were being read over the Magistrate was promenading up and down his platform.

3. During the evidence of my principal witness the Magistrate leant over his desk and told the Registrar he need not put down the whole of the evidence, but only what he, the Magistrate, told him.

4. He allowed the plaintiff a witness fee for herself.

5. I proved Mrs. Collins had never spoken to me about any claim she had against me, nor had she rendered me any account; also that she had never made any demand upon me, although she had been in my store and house, and I in her house, since my return from Sydney.

6. I proved that never in writing or verbally had I ever engaged or employed her as a general servant, that she did not act as such, that I had regularly employed a girl to do the washing and ironing (for the Collins as well as myself and children), and to do the scrubbing and other work.

7. That for five weeks of the time claimed my daughter, a girl of 14 years of age, did the whole of the house-work and cooking.

8. That Mrs. Collins did little in the place excepting her own bedroom, and looking after the two young children.

9. That often Mrs. Collins went out driving to the Mission and other places, which a servant would not have been allowed to do.

10. That Mrs. Collins had to acknowledge she had never even made a loaf of bread until taught by my daughter.

11. That the highest wages ever paid to servants on this Island was 5s. per week; that the Magistrate himself pays his servants from 3s. to 5s. per week; that Dr. Metcalfe pays his servants 3s. and 4s. per week.

12. Mrs. Collins stated she only waited to see what the Government allowed me for her staying at my house, and finding that it was 15s. a week, demanded the same.

13. You will remember Mrs. Collins, her husband, and two children were sent to my house by the then Registrar and Collector of Customs, and it is for this period she claimed compensation as a general servant.

14. In summing up the Magistrate stated—"It seemed the arrangement or agreement was made when the Collins came to board at my house, consequently it was immaterial whether any agreement was made as to her services as a servant," and gave a verdict against me for 8s. per week, which, with costs, amounted to £3 18s. 3d., thus reducing the amount paid by your Department to £16 13s. 3d., and as I supplied them with 852 meals, this makes a trifle over 4½d. a meal I have received for all the accommodation they had at my house.

15. I have the whole of the evidence as taken during the case, both for and against, which I shall be happy to forward to you.

16. I therefore respectfully beg to apply to you for a refund of the £3 18s. 3d., as I consider a very unjust verdict was given against me, and one most certainly against the weight of evidence.

I have, &c.,

R. WATERHOUSE.

P.S.—My wife was absent in Sydney during the period Mrs. Collins claimed for, but was here the first week of their stay at my house. They did not claim for this week; if entitled to anything, why did they not claim for this week also?—R.W.

Mr. R. S. Waterhouse, Storekeeper, Taylor Road, Dr. Mrs. A. E. Collins, "The Pin," Settler.

1897. Nov. 6.—To nine weeks' work as general servant, at 15s. per week, from 6th Nov.,	£	s.	d.
1897, to 6th Jan., 1898	6	15	0
To legal expenses	1	1	0
	£7	16	0

Copy of Summons.—Norfolk Island.

In the Court of Petty Sessions for District of Kingston, Norfolk Island.

To Rowland S. Waterhouse, of Taylor's Road.

You are hereby summoned to appear in this Court, at Kingston, on Tuesday, the seventeenth day of May, 1898, at ten of the clock in the forenoon of the same day, precisely, to answer the following plaint of Annie Elizabeth Collins, for that you are indebted unto her in the sum of £6 15s. sterling for work done, and £1 1s. legal expenses incurred, as per particulars annexed hereto; otherwise, upon proof of the due service of a copy of this summons, the cause when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award. And take notice, that if you intend to defend upon any matter of set-off or excuse, you must file particulars of the same in the office of the Registrar two clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set-off cannot be admitted.

Dated this ninth day of May, one thousand eight hundred and ninety-eight

Claim	£	s.	d.	(By the Court)	J. WALTER PEARSON,
Costs paid	6	15	0		Registrar.
Legal expenses	0	6	0		
	1	1	0		
Total	£8	2	0		

Mr. R. S. Waterhouse to The Under Secretary for Lands.

98/461, N.I.

Sir,

Norfolk Island, 12 July, 1898.

Since mine of yesterday I have received a letter from the Chief Magistrate here, marked "A," a copy of which I beg to enclose; also, my reply to him, marked "B."

I most emphatically deny ever having made an arrangement with Constable Collins that no charge would be made for him using my horses, saddle, and bridle, and am prepared to make an affidavit to that effect; also, to produce a witness who heard Collins ask me for the use of my horse, saddle, and bridle, and heard him tell me that whatever charge I made would be settled when his board and lodging was paid—that he must have a horse, and the Government would have to pay for it; also, that Colonel Spalding was sending to Sydney for £10 to purchase a horse for him (the constable), and when it came, he hoped I would sell him the one he was using. He used one of my horses so constantly I was obliged to turn it out for months to rest and pick up. The saddle and bridle were perfectly new and had never been used; he cut the seat of his saddle with his spurs. I would refer you to my letter of the 9th instant (N.S.W.), where already I had been made to refund to Collins £3 18s. 3d. of the amount received by me from your Department. My transaction was not with the Magistrate here, and on the 10th January he wrote me a letter repudiating having anything to do with the account between Collins and myself, or rather the account for Collins' board, &c. My transaction was with you, and on the 7th March, whilst in Sydney, I wrote you showing a just claim would amount to £28 16s.; but later on the Department offered to settle the affair for a certain amount, which I accepted and was paid, and there the matter ends. Collins and his wife are giving balls and parties here, and I am told the cost of them does not come out of his salary, but out of the money they got out of Waterhouse.

I have, &c.,

R. S. WATERHOUSE.

"A."

The Chief Magistrate, Norfolk Island, to Mr. R. S. Waterhouse, Norfolk Island.

98/287, N.I.

Sir,

Government House, Norfolk Island, 11 July, 1898.

I have the honor, in connection with our recent interview, to inform you that I have been instructed by the Under Secretary for Lands to call upon you to refund the sum of £2 10s., allowed to you for use of a horse by Constable Collins, it being now understood that an arrangement made with you by Constable Collins was that no charge was to be made.

I may add that Constable Collins has made an affidavit to this effect.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

"B."

"B."

Mr. R. Waterhouse to The Chief Magistrate, Norfolk Island.

Sir,

Norfolk Island, 12 July, 1898.

I have the honor to acknowledge receipt of yours of the 11th inst., 98/287, N.I., received by me this afternoon. I understand the constable gave it to some man down at the Cascades, and would request that in the future he be instructed to deliver official letters to me personally or leave them at my house, otherwise they may go astray and never reach me. In reply I will quote your letter of 18th April to me: "I have no communication to make to you on the subject." I, however, beg to inform you I have found the papers and correspondence between myself and the Government, and as my transaction was with them, I am writing them this mail on the subject.

Respecting Constable Collins' affidavit, all I can say about it—it is false.

I have, &c.,

R. WATERHOUSE.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/444, N.I.

Sir,

Government House, Kingston, Norfolk Island, 11 July, 1898.

I have the honour to acknowledge the receipt of your letter of the 10th ultimo, 98/239, N.I. Constable Collins has made an affidavit—press copy enclosed—to the effect that Mr. R. S. Waterhouse stated no charge was to be made for the use of the horse.

Interviewed Mr. Waterhouse, who promised to show me some papers on the subject which he received from your Department, but he now states that he has been unable to find them. Mr. Waterhouse verbally informed me that in his charge of incidental expenses (allowed by your Department) no special mention is made of horse hire, and he also affirms that he did not grant the free use of the horse to Constable Collins. I have written Mr. Waterhouse and enclose a press copy of my communication. As Mr. Waterhouse is somewhat indefinite, I propose, unless prior satisfactory explanation or settlement is made, to withhold from him the amount under consideration from the sum he will be entitled to on the satisfactory completion of his contract for repairing the police quarters (Engineer's office), pending special instructions from you by return mail.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Affidavit by Senior-constable Collins.

Norfolk Island, 8 July, 1898.

M. Collins, Senior-constable of Police, Norfolk Island, on oath states:—With reference to the period I was boarding and lodging with R. S. Waterhouse, viz., from 28th October, 1897, to the 7th January, 1898, I incurred no incidental expenses. Mr. Waterhouse said, "I have three or four horses. I will lend you one to use—it is too far for you to walk." I said, "How about the charge; I cannot afford to pay anything for the use of the horse?" He said, "There will be nothing to pay; it is all in with the board; that is the custom at Norfolk Island." He made no demand on me for payment for the horse when I left his house.

M. COLLINS, Senior-constable, Norfolk Island.

Sworn before me, at Norfolk Island, this }
8th day of July, 1898,— }

WARNER SPALDING, Chief Magistrate.

The Chief Magistrate, Norfolk Island, to Mr. R. S. Waterhouse, Norfolk Island.

98/287, N.I.

Sir,

11 July, 1898.

I have the honor, in connection with our recent interview, to inform you that I have been directed by the Under Secretary for Lands to call upon you to refund the sum of £2 10s. allowed to you for use of a horse by Constable Collins, it now being understood that an arrangement made with you by Constable Collins was that no charge was to be made.

I may add that Constable Collins has made an affidavit to this effect.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/293, N.I.

Sir,

Government House, Kingston, Norfolk Island, 13 July, 1898.

In continuation of my letter of the 11th inst., 98/286, N.I., I have the honor to enclose a copy of a letter just received from Mr. R. S. Waterhouse.

In another letter of the 12th inst. Mr. R. S. Waterhouse informs me that he has completed his contract for the repair of the police quarters (Engineer's office). I am now making arrangements for the examination of the repairs by Mr. Anderson, who prepared, at my request, the "specifications," and who is an expert in the building trade, to accompany me to view the repairs.

In the event of Mr. R. S. Waterhouse's work being passed, pending instructions from you, I propose to withhold the sum of £2 10s. in making settlement with Mr. Waterhouse, on account of the amount charged and received by him for incidental expenses (horse hire) on account of Constable Collins.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Extract

Extract from a letter from Mr. R. S. Waterhouse to The Chief Magistrate.

Sir,

Norfolk Island, 12 July, 1898.

I have the honor to acknowledge receipt of your letter of 11th inst., 98/287, N.I. In reply, I must quote your letter of the 15th April on the subject to me: "I have no communication to make to you on the subject." I, however, beg to inform you that I have found the papers and correspondence between myself and the Government; and as my transaction was with them, I am writing them by this mail on the subject.

Respecting Constable Collins' affidavit, all I can say about it—it is false.

I have, &c.,

R. WATERHOUSE.

The Under Secretary for Lands to The Chief Inspector of Public Accounts.

98/413, N.I.

Sir,

Department of Lands, Sydney, 14 July, 1898.

In reply to your request for the papers concerning the payment of Constable Collins' board and lodging at Norfolk Island, I have the honor to ask that you will be so good as to say the purpose for which the documents are required.

I have, &c.,

W. HOUSTON,

Under Secretary.

It has just occurred to me that Mrs. Collins got a judgment against Waterhouse for work done, and that consequently the Government would be entitled to a refund of a portion of the amount paid.—G. E. BRODIE, 14/7/98.

Forward papers.—H.M. Mr. BRODIE accordingly.—H.T. (for U.S.), 14/7/98.

R. S. Waterhouse having been paid 15/- per week for the board of Mrs. Collins from 28th October, 1897, to 7th January, 1898, and Mrs. Collins having received a judgment on the 17th May last, against Waterhouse for work done, it appears to me that R. S. Waterhouse should refund to the Government the amount of judgment given against him by the Chief Magistrate if for any portion of the above period referred to.—G. E. BRODIE, 14/7/98. The U.S. for Lands.

P.S.—I am under the impression that Mrs. Collins got a judgment for seven weeks at 8/- per week; this was on the day I left Norfolk Island—if so, Waterhouse has been over paid seven weeks at 15/- per week, equal to £5 5s., that should be refunded. Mrs. Collins was practically a servant of Waterhouse during this time, not a boarder.—G.E.B.

Assuming the facts to be as stated a claim might, perhaps, be made on Waterhouse.—W. HOUSTON, Under Secretary, 15/7/98. Appd.—J.H.C., 18/7/98. Chief Magistrate asked *vide* draft letter herewith, 19/7/98. Await reply.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/413, N.I.

Sir,

Department of Lands, Sydney, 19 July, 1898.

Referring to my previous correspondence on the subject of amount paid to Mr. Waterhouse for the board and lodging of Constable Collins and his family, I am informed that Mrs. Collins has obtained a judgment against Mr. Waterhouse for work done by her during the period Mr. Waterhouse was paid for the board of the constable and family, which, of course, included Mrs. Collins; it is also represented that Mrs. Collins was practically a servant of, and not a boarder with, Mr. Waterhouse, and probably some claim should be made upon him for a refund of part of the sum paid by the Government for her keep. I have, therefore, the honor to ask you to furnish me with the full facts of the case in order that it may be determined whether a claim shall be made on Mr. Waterhouse or not.

I have, &c.,

Papers 98/282, N.I., *re* Constable Collins' board and lodging at Norfolk Island. Ask Mr Brodie to be so good as to say the purpose for which the papers are required.—W.H. Asked., 14/7/98.

The Under Secretary for Lands to The Chief Inspector of Public Accounts.

N.I., 98/413; N.I. enclosure.

Sir,

Department of Lands, Sydney, 14 July, 1898.

In reply to your request for the papers concerning the payment of Constable Collins' board and lodging at Norfolk Island, I have the honor to ask that you will be so good as to say the purpose for which the documents are required.

I have, &c.,

WM. HOUSTON,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/282, N.I.

Sir,

Norfolk Island, 12 April, 1898.

I have the honor to acknowledge receipt of your letter of the 25th ult., numbered 98/182, N.I., upon the subject hereunder mentioned.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate.

Subject of Letter :—Settlement of Mr. R. S. Waterhouse's claim for board and lodging Constable M. Collins and family from 25th October, 1897, to 7th January, 1898,

Senior-constable

Senior-constable Collins to The Chief Magistrate, Norfolk Island.

98/239, N.I.

Sir,

Police Quarters, Norfolk Island, 16 May, 1898.

I have the honor to respectfully request you will be good enough to forward this letter to the Minister for Lands, as I wish to point out to the Minister *re* the board and lodging money allowed to Mr. R. S. Waterhouse, a storekeeper on the Island. I have been informed by the Chief Magistrate, Colonel Spalding, C.M.G., that Mr. Waterhouse has been allowed £2 10s. for incidental expenses which I never incurred in reference to the horse for which the Government have allowed. Mr. Waterhouse informed me no extra charge would be made, and would be given in with my board.

The Chief Magistrate having informed me I shall have to pay an amount to be decided by the Minister for my lodgings whilst at R. S. Waterhouse's, I would beg most respectfully to point out I am unable to do this owing to the very small salary I am at present receiving. The whole of my salary, owing to everything being so dear on the Island, is taken up in paying for my goods, after doing which I have not one penny for to purchase any clothes for myself or family.

I have, &c.,

M. COLLINS, Senior-constable,
Norfolk Island.

Under Secretary, Lands. Forwarded for consideration.—WARNER SPALDING, Colonel, Chief Magistrate, B.C., 17/5/98. Let this go to the Accountant for a submission. I think it was intended to bring Collins' salary up to £75.—W.H.

The salary was £65 per year, but it has been increased, *vide* N.I. 273, to £84. In view of this it is submitted the grounds for requiring the Constable to pay towards the cost of his keep are even more substantial than when his salary was on the lower scale. With regard to his statement that the hire of the horse has been paid for, though it had been arranged for without charge, it is a pity this was not intimated in earlier letters; the action would, no doubt, have been different. It may not be out of place to ask the Chief Magistrate to ascertain the facts, and if it should appear on investigation that the constable is correct, a refund might be demanded from Mr. Waterhouse, though I doubt if it will be successful.—VICTOR COHEN, Accountant. 3/6/98.

Write accordingly.—W.H., 9/6/98. Chief Magistrate informed as above indicated.—V.C., B.C., 10/6/98. Mr. Thompson.—V.C., 15/6/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/239, N.I.

Sir,

Department of Lands, Sydney, 16 June, 1898.

I have the honor to refer you to my letter of the 2nd inst., addressed to Constable Collins on the subject of the amount he will be required to contribute towards his keep while boarding with Mr. R. Waterhouse, and in reply to Mr. Collins' letter of the 16th May * * * * * to state his request to remit the same cannot be entertained, especially in view of the recent increase to his salary.

The decision to deduct £1 per month for six months must therefore be adhered to. With regard to Constable Collins' statement as to the use of the horse, if the arrangement was that Mr. Waterhouse was to allow the horse free of expense, he should be called upon to refund this sum of 50s. which was allowed to him for this purpose. You will be good enough to ascertain the facts, and report.

I have, &c.,

WM. HOUSTON.

Minute by Under Secretary for Lands.

98/213, N.I.

THE Chief Magistrate recommends that Mr. Collins, constable at Norfolk Island, be allowed £1 per week for eight weeks, the period he was in lodgings owing to the quarters assigned to him not being ready for occupation.

This recommendation is evidently based on the assumption that the Government is in no way responsible for the keep of the constable's family, and this is obviously correct. I think it would be dealing liberally with the constable if he were charged 15s. per week, as it is represented good board and lodging can be obtained for 20s. per week for each adult. The constable could be allowed to repay the amount by six monthly instalments of £1 deducible from his salary as it becomes due. This is evidently a liberal arrangement, the Government having paid Mr. Waterhouse over £20 for board and lodging for the constable and his family.

W. HOUSTON,

Under Secretary, 25/5/98.

Appd.—J.H.C., 26/5/98. Constable Collins, per C.M., informed.—V.C., 2/6/98.

The Under Secretary for Lands to Constable M. Collins, Norfolk Island.

98/239, N.I.

Sir,

Department of Lands, Sydney, 2 June, 1898.

In view of the fact that your salary has been increased to £84 per annum, the Secretary for Lands is of opinion that you should be called upon to pay something towards your keep during the period you lodged with Mr. Waterhouse. It has, therefore, been decided that you should pay the sum of 15s per week for the period alluded to. This amount will be deducted from your salary, until the sum of £6 is paid by monthly deductions of £1.

I have, &c.,

WM. HOUSTON,

Under Secretary.

Mr.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

98/182, N.I.

Sir,

38, Pitt-street, Sydney, 23 March, 1898.

With reference to yours of the 22nd instant, 98/156, I have the honor to inform you that I am prepared to accept the amount offered by you for the board and lodging of Constable Collins, wife, and two children, at Norfolk Island, viz., 15s. per week for each adult, 5s. per week for both children, and 5s. per week for incidentals. As already advised, they were at my house from the 28th October, 1897, to 8th January, 1898. As I am leaving per s.s. "Ysabel" on Friday next, I should be glad to receive this amount before I leave.

I have, &c.,

R. S. WATERHOUSE.

Mr. Waterhouse has accepted the offer made to him on 98/156, N.I., herewith, and the documents should now be sent to the Accountant for necessary action.—H. L. THOMPSON, 23/3/98. The Accountant, 23/3/98.

	£	s.	d.
28th Oct. to 7th Jany., '98, ten wks....	15	8	7
Two adults, 15s. each per week	2	11	5½
Both infants, 5s. per week	2	11	5½
	£20	11	6

Voucher and cheque prepared for Minister's signature herewith.—VICTOR COHEN, Acct., 24/3/98.

It is assumed the question of how much the constable is to contribute towards this expense has not been overlooked; it would appear equitable that he should pay something for his board during the time he was waiting the completion of his dwelling.—V.C., 24/3/98.

C. Magistrate informed. Mr. Waterhouse paid this day. Will you please submit above question? —V.C., 25/3/98. Await Mr. Houston's return.—H.L.T., 25/3/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/182, N.I.

Sir,

Department of Lands, Sydney, 25 March, 1898.

I have the honor to advise you of the payment in full of all demands to Mr. R. S. Waterhouse in respect to his claim for board and lodging of Constable Collins and family from the 28th October, 1897, to 7th January, 1898. The claim has been settled on the basis of two adults for ten weeks and two days at 15s. each per week, £15 8s. 7d.; two infants at 5s. per week, £2 11s. 5½d.; incidental expenses, 5s. per week, £2 11s. 5½d.

I am to add that the question as to what proportion of the above shall be paid to Constable Collins will form the subject of future correspondence, and you should so advise the constable.

I have, &c.,

WM. HOUSTON,

Under Secretary.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

98/156, N.I.

Sir,

38 Pitt-street, Sydney, 18 March, 1898.

I beg to acknowledge receipt of yours of the 5th March, 98-71, N.I., which only reached me on the 8th inst.

Before receipt of same I had written to you, under date of 7th instant, respecting my claim for board and lodging of Constable Collins, wife, and family, and I would respectfully refer you to that letter as it treats fully on the subject.

I may add that Constable Collins addressed a letter to Colonel Spalding asking that the amount should be paid.

I understand Mr. Bent of the Educational Department paid 20s. per week whilst on the Island.

As I am leaving for the Island on the 25th inst., I shall be glad if this matter can be settled before then.

I have, &c.,

R. S. WATERHOUSE.

Submitted. Mr. Waterhouse evidently does not intend to reduce his claim to any sum under £20, which he agrees to accept, vide 98/128 herewith.—H. L. THOMPSON, 18/3/98. May be offered a sum equal to 15s. per week for each adult, and 5s. per week for both infants—5s. per week extra for incidentals—in satisfaction of all claims.—W. HOUSTON, 18/3/98. Appd.—J.H.C., 21/3/98. Mr. Waterhouse, infd., 22/3/98. Await reply.

Acting Under Secretary for Lands to Mr. R. S. Waterhouse, Pitt-street, Sydney.

98/156, N.I.

Sir,

Department of Lands, Sydney, 22 March, 1898.

With reference to your letter of the 28th instant, respecting the matter of the claim made by you for boarding and lodging constable, wife, and children at Norfolk Island, I am directed by the Secretary for Lands to offer you a sum equal to 15s. per week for each adult, 5s. per week for both infants, and 5s. per week extra for incidentals, in satisfaction of all claims.

I have, &c.,

H. CURRY,

Acting Under Secretary.

Mr.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

Re Constable Collins.

98/128, N.I.

38, Pitt-street, Sydney, 7 March, 1898.

In the absence of any communication from you respecting the above, I may state that Constable Collins, wife, and two children were at my home for seventy-one days, for which I put in a claim of £25.

The usual charge for board and residence on the Island for an adult is 20s. per week. This, I believe, was paid by both Mr. Murphy and Mr. Bingle, of your Department.

To show that my claim was very reasonable, allowing for meals only at 6d. per head, the amount comes to £21 6s. To this must be added a private bed-room and use of sitting-rooms, ten weeks at 10s. per week, £5; also the use of horses, saddle, and bridle by the constable, ten weeks at 5s. per week, £2 10s.; total, £28 16s.

As you, however, thought my claim was high, I have carefully reconsidered the matter, and am prepared to accept the sum of £20 (twenty pounds stg.).

As I may be returning to the Island in the course of a few days, I shall be glad if you will expedite this matter.

I have, &c.,

R. S. WATERHOUSE.

98/71, N.I. Claim by Mr. Waterhouse for boarding and lodging Constable Collins and family during preparation of his quarters;—this claim, which is for £25, is certainly excessive, and should be disallowed. Mr. Waterhouse should be informed that if he submits a much reduced claim for a reasonable amount, it will receive consideration.—W.H., 4/3/98. Mr. Waterhouse informed, 5/3/98. Await reply.

The Under Secretary for Lands to Mr. R. S. Waterhouse.

98/71, N.I.

Sir,

Department of Lands, Sydney, 5 March, 1898.

With reference to your letter of the 12th January last, forwarded through the Chief Magistrate, Norfolk Island, urging payment to you of the sum of £25, for boarding and lodging Constable Collins and family during preparation of the quarters assigned to him, I have the honor to inform you that this is a matter in which the Department is not in any way liable. Moreover, the claim made is obviously excessive, and should be materially curtailed. The Department declines to admit any liability whatever in the matter of this claim.

I have, &c.,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/71, N.I.

Sir,

Government House, Kingston, Norfolk Island, 15 January, 1898.

With reference to that part of Mr. R. S. Waterhouse's letter of the 12th inst., forwarded to you with my letter of this date, N.I., 30/98, I have the honor to inform you that neither directly nor indirectly did I give Mr. Waterhouse to understand that the Government would pay for Constable Collins' board and lodging; but the constable reporting himself to me at the Cascades, immediately after he landed, I saw Mr. H. Nobbs and asked him if he could arrange for the temporary accommodation of the constable and his family. Mr. Nobbs agreed to do so; I so informed the constable, who subsequently stated to Mr. Nobbs and myself that he had made arrangements for his accommodation with Mr. Waterhouse.

I enclose a statement from Mr. Spalding, who was certainly not at the Cascades in his official position as Registrar.

Mr. Waterhouse cannot but be aware that I am the only official on the Island who could give any such authority. After the constable had lodged with Mr. Waterhouse for a week or ten days, I inquired what he was paying. He replied he had made no definite arrangement. I advised him to do so at once in his own interests, as at the most he could only expect to receive a reasonable amount of lodging money whilst unprovided with quarters from the Government, and that I would not even guarantee this, but I would make a recommendation. I spoke of 12s. or 15s. a week as being the usual rates. A few days later I inquired from Constable Collins the result of his interview with his landlord. Constable Collins informed me he could get nothing more definite from Mr. Waterhouse than "his charges went by month; we can settle when you leave." I told the constable he should not be satisfied with such a reply, and he must not look to the Government for anything more than what I had previously intimated to him.

I attach a statement from Constable Collins.

I recommend that Mr. Waterhouse's claim be not entertained.

In another letter I have made a recommendation with regard to an allowance to Constable Collins whilst in lodgings.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

The Registrar of the Court to The Chief Magistrate.

98/32, N.I.

Encl. 98-71.

Subject:—Re Waterhouse and his claim for Constable Collins' boarding.

Sir,

Court-house, Norfolk Island, 13 January, 1898.

With reference to Mr. Waterhouse's assertion that I engaged him to take Constable Collins on Government account, I beg to say that the statement is totally devoid of foundation. I certainly asked Mr. Waterhouse the morning the constable arrived if he had any rooms in his house to let, and when he told me he had, I said, "You had better see the constable and make arrangements, as it would be a private matter." And further, I positively deny having said or caused Mr. Waterhouse to believe the Government would pay the constable's boarding bill; on the contrary, I advised Constable Collins on more than one occasion to find out what Mr. Waterhouse was charging him, as he had the reputation of being a very dear storekeeper.

I have, &c.,

WARNER EDWARD SPALDING,
Registrar of the Court.

Senior-constable

Senior-constable Collins to The Chief Magistrate, Norfolk Island.

33/98, N.I.

Sir,

Encl. 98-71.

Royal Engineer's Office, Norfolk Island, 12 January, 1898.

Senior-constable M. Collins reports, for information to the Chief Magistrate, that after having occupied rooms in Mr. Waterhouse's house for about ten days, Chief Magistrate inquired of the constable what amount Mr. Waterhouse was charging per week for the constable, wife, and children, account of board and lodgings. The constable stated he made no definite arrangements, but Mr. Waterhouse informed him that the charges would be reasonable. The Chief Magistrate advised the constable to ascertain the exact amount per week. Mr. Waterhouse said, "Oh, we will leave it until you have finished up; it won't be very much," or words to that effect. Chief Magistrate asked the constable if he had ascertained from Mr. Waterhouse what the charges were. The constable replied what had taken place.

I have, &c.,

M. COLLINS,

Senior-constable, Norfolk Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

70/98, N.I.

Sir,

Norfolk Island, Government House, Kingston, 15 January, 1898.

I have the honor to forward a letter addressed to you by Mr. R. S. Waterhouse, dated 12th inst., on the following subjects:—

- (1) Repair of engineer's quarters (Police quarters).
- (2) Claim for board and lodging Constable Collins and family.

I propose to comment on this communication in separate letters of this date, numbered N.I., 31 and 33/97.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Letter from Mr. Waterhouse enclosed.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

27/98, N.I.

Sir,

Encl. 98-70.

Norfolk Island, 12 January, 1898.

Having certain matters to bring under your notice, I address you through the Chief Magistrate of this Island.

- 1st. On the 6th December last the Chief Magistrate accepted my tender for repairs to building known as engineer's office. My arrangement was when the work was done I was to be able to draw a fair amount against it, the balance to be paid when I supplied a tank and a few other things, which were not to be had on the Island, and have been ordered from Sydney. The work has been done to the satisfaction of the Chief Magistrate, who has passed it and taken over the building. On the 8th instant, I therefore applied to him for a progress payment of £20 or £25. His reply under date of 10th instant is, "I have not yet received authority from Sydney to make payment on this account."

I would therefore ask that by first mail the necessary authority or money be sent so that the contract may be completed and a settlement made, as if progress payments, or final payments on completion of contracts, are not forthcoming, without any delay, nobody on the Island is in a position to undertake any Government contract.

The building was in a most deplorable condition, the ceilings down, walls to pieces, four new doors to make, about sixty panes of glass to put in windows, no locks on doors or windows, &c. No fault can be found with the work I have done. It is there to speak for itself, and is infinitely better than that done at Government House or at the Court-house, which are both a standing disgrace both to the contractors and those who passed the work. Some six weeks' unnecessary delay took place in getting the engineer's office habitable for Constable Collins. He reached here on 28th October, and it was not until the evening of the 9th December that the authorities completed acceptance of tender, &c.

- 2nd. The second matter I wish to bring before you is the enclosed copy of a claim for £25 I forwarded to the Chief Magistrate here, to be sent on to Sydney. In his reply to me he states, "I have the honor to inform you that this is a matter between the constable and yourself, and that your account should be rendered to him." And at an interview I had with the Chief Magistrate last night he told me that his letter was his reply, and that he repudiated any claim.

The facts of the case are:—

Constable Collins, wife, and two children arrived here per "Oscar Robinson," on 28th October last and landed at Cascades. He duly reported himself to the Chief Magistrate there, informing him who he was, and that the authorities in Sydney had told him the engineer's office would be ready for him. Next day the "May Howard" arrived, bringing a Sydney mail and instructions respecting the house. The "Registrar of the Court" spoke to me at Cascades, and asked me if I would take the Collins in my house until arrangements could be made for them. I replied I did not care to do so, but if he could make no other arrangement I would take them. He then introduced me to Constable Collins (whom I had never met before), who said he thought Mr. Nobbs was going to arrange for them. The Registrar and myself then went on board the vessel, and upon our return, some two hours afterwards, were surprised to find all the people had left Cascades, and that Constable Collins and his wife and two children were waiting there, not knowing what to do or where to go. The constable informed the Registrar Mr. Nobbs had gone, and no arrangement was made. The Registrar then asked me again to take them in, and I did so; and they remained at my house seventy-one days, until their own quarters were ready. I submit when the Registrar arranged with me he was acting officially, and upon several occasions the Chief Magistrate has stated to me he was anxious to get the engineer's house habitable, as there was a daily expense to the Government as long as Constable Collins was with me; and although he knew and sanctioned the Collins being at my place, upon no occasion did he inform me I was to look to the constable for payment, and only after they have gone does he repudiate any claim, and refuse to recommend my claim on to Sydney.

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The

The charge, 50s. per week, is a fair one. You must remember provisions here are very dear, and often very scarce. Flour, 2d. to 2½d. per lb.; sugar, 4d. per lb.; tea, 2s. to 2s. 6d. per lb.; meat, 3d. per lb.; and so on.

Constable Collins is also Forest Ranger, and had to have the use of a horse, saddle and bridle, day and night. My residence is over a mile from Government House (up and down hills), and the constable had to report himself to the Chief Magistrate every morning and evening, besides riding about the Island day and night in the execution of his duties. I do not suppose the authorities in Sydney expect me to keep the Government Constable, wife and family, for nothing, and would therefore respectfully ask that my claim may be paid to my agent (my brother), Mr. G. J. Waterhouse, 38, Pitt-street, Sydney, whose receipt will be a sufficient discharge.

I may add that privately Constable Collins informs me that with the small salary of £65 per annum he is utterly unable to pay any of my claim, and if the Government will not settle it he will be compelled to resign his position as a constable.

In conclusion, I would remark, if the Government in Sydney are willing to supply electric bells and other useless things for Government House here, they should not object to make suitable provision for an efficient officer like Constable Collins; and I would express the hope that the Honorable the Minister for Lands, or somebody in authority, will ere long visit this Island, as there are a good many matters which need looking after.

I have, &c.,

R. S. WATERHOUSE.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/69, N.I.; 33/98, N.I.

Sir,

Norfolk Island, Government House, Kingston, 15 January, 1898.

I have the honor to enclose a letter from Constable Collins, applying that the whole of the expenses incurred by him for board and lodging whilst unprovided with quarters, should be paid by the Government. The account rendered by Mr. Waterhouse amounts to £25, being for eight weeks at 50s. per week. The constable is himself to blame for having failed to ascertain Mr. Waterhouse's charges, although advised by me to do so; had the constable done so Mr. Waterhouse would have named lower rates, or the constable would have sought cheaper accommodation, which could have been got without much difficulty.

My previous letters explain why the Engineer's office was not immediately available as quarters for the constable.

The Government are clearly in no way liable for the board of the constable and family. Considering the whole of the circumstances, I recommend an allowance of £1 per week for eight (8) weeks be granted Constable Collins for lodgings. Such an allowance is, in my opinion, a liberal one.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Senior-constable Collins to The Chief Magistrate, Norfolk Island.

Sir,

Royal Engineer's Office, Norfolk Island, 12 January, 1898.

On my arrival from Sydney on 28th October last, I found that my quarters as constable of the Island were not ready for habitation, although I was informed by both Mr. Houston and Mr. Thompson of Lands Department, that a suitable building would be ready for occupation when I landed. Consequently I had to make other arrangements for my wife and family. I was recommended by Mr. W. E. Spalding to Mr. R. S. Waterhouse, and although no terms were actually arranged with him by me for board, &c., I was led to believe that they would be only reasonable. Shortly after my arrival, tenders were called for repairs to the Royal Engineer's Office, at the Pier, and the work was carried out with all possible dispatch, and sufficient progress on the building had been made by the 7th January for me to occupy same, and on that date I took possession. As I was informed by the Government of New South Wales that quarters would be ready for me on arrival, which, however, was not the case, I would respectfully submit that the matter be laid before the Minister of Lands, with a request that the unavoidable expenditure incurred during the interval, say, from 28th October to the 7th January, be borne by the Government.

I have, &c.,

M. COLLINS,
Senior-constable, Norfolk Island.

9.

R. S. Waterhouse—Repairs to Police Quarters.

Mr. G. J. Waterhouse to The Under Secretary for Lands.

98/540, N.I.

Sir,

Sydney, 13 September, 1898.

Referring to yours, N.I., 98/538, of even date, as you decline to honor Colonel Spalding's order for £9 15s. sent by me for collection, I have to request you to return the said document to me at once, in order that I may take such steps as I may be advised.

Permit me to point out that if you have any claim upon Mr. R. S. Waterhouse at Norfolk Island for an alleged overcharge, the Chief Magistrate is well able to settle the matter there, and that the order for £9 15s. is for the balance of a contract that has been fulfilled.

As to the delay in payment of orders, I can only say that my bankers decline to accept them in the usual course of deposits owing, as they say, to the great delay in payment.

I have, &c.,

GEO. J. WATERHOUSE.

With

With respect to this matter, I advised the withholding payment of the order, in view of the decision given to deduct £2 10s. to meet a counter claim against R. S. Waterhouse. At the same time I think it is questionable whether the position is legally tenable. The order has passed to a third party, presumably for value received, and it might be a serious thing to practically dishonor an order issued by the Chief Magistrate, as representing the Government. With respect to the refusal of the Bank of New South Wales to accept the orders for collection on account of delay in payment, I submit it is a matter of little importance; the fact remains that all orders are invariably paid with promptness.—VICTOR COHEN, Accountant, 15/9/98.

I think the order for the sum specified must be paid in full, leaving the recovery of the £2 10s. from R. S. Waterhouse to the Chief Magistrate, who should be asked for an explanation of the matter.—W. HOUSTON, Under Secretary, 15/9/98.

Approved.—J.H.C., 16 Sept., '98. The Accountant, 16/9/98.

The Chief Magistrate, Norfolk Island, to

98/648, N.I.

Sir,

Government House, Kingston, 7 September, 1898.

I have the honor to inform you, in reply to your letter of 8th ultimo, N.I., 98/498, that prior to its receipt giving me authority to withhold from Mr. R. S. Waterhouse the sum of £2 10s. from the amount due to him in completion of his contract for repairing the police quarters, pending the settlement of the matter of horse hire paid by the Government on account of Constable Collins to Mr. Waterhouse, I had paid Mr. Waterhouse the full amount of his contract money, not feeling justified in withholding it without superior authority having authorised me to withhold it, Mr. Waterhouse being urgent for settlement.

I have nothing further to add to my previous report, on the subject of the amount charged by Mr. Waterhouse, on account of a horse used by Constable Collins.

I have, &c.,

WARNER SPALDING,
Chief Magistrate, Norfolk Island.

Cheque for £9 15s. paid to Mr. G. J. Waterhouse and voucher filled for further action relative to the £2 10s. for horse used by Constable Collins.—V.C., 24/9/98.

The Under Secretary for Lands to G. J. Waterhouse, Esq.

98/538, N.I.

Sir,

Department of Lands, Sydney, 13 September, 1898.

With reference to your letter of the 9th instant, forwarding an order for £9 15s., drawn by the Chief Magistrate, Norfolk Island, in favour of Mr. R. S. Waterhouse (and by him endorsed to you) as balance of amount due under contract for repairs of police quarters, and asking that a cheque may be sent you, as the Bank of New South Wales has declined to collect the order on your behalf owing to delay in payment to it on a previous occasion. I have the honor to inform you that the amount cannot be paid pending a reply from the Chief Magistrate to a letter written on the 5th ultimo by direction of the Secretary for Lands authorising Colonel Spalding to withhold the sum of £2 10s. from the amount payable under the contract alluded to, in view of an alleged overcharge by Mr. Waterhouse for the use of a horse and saddle for which the Government paid.

With regard to the allegation of delay in payment to the Bank, it is thought there must be some misapprehension, for, on looking at the last order it presented, it is found that such order was drawn at Norfolk Island on the 14th July, presented here on the 7th August, and paid the same day. Judging from the Bank stamp on this order, it was apparently received by the Bank on the 2nd July (before the order was made) and therefore it may be duly assumed that the stamp should have been August instead of July, and this has probably led to an erroneous impression on the part of the Bank.

I have, &c.,

W. HOUSTON,
Under Secretary.

Repairs to Constable's Quarters at Norfolk Island by R. S. Waterhouse.

98/493, N.I.; 98/538, N.I.

An order for the sum of £9 15s., dated 8th August, drawn by the Chief Magistrate in favour of the contractor, R. S. Waterhouse, and endorsed over to Mr. G. J. Waterhouse, of this city, has been presented for payment. It represents the balance due under the contract. I find, on reference to papers 98/498, a decision was given under which £2 10s. was to be withheld pending receipt of further correspondence from the Chief Magistrate relative to an overcharge alleged to have been made by Waterhouse for the use of a horse and saddle for which the Government has paid. This decision is dated 5/8/98, so the Chief Magistrate could not have known of it, though it is difficult to reconcile his issuing the order for the payment of the balance of the contract when he had expressed his intention (*vide* 98/444) "of keeping back the £2 10s. pending instructions from headquarters by return mail." It can only be assumed he has had some satisfactory explanation, but I think it would be wise to withhold payment of the order until advices are received from Norfolk, which will satisfactorily dispose of the matter. Mr. Waterhouse may be, perhaps, so informed. With regard to the allegation that the Bank of New South Wales had on a previous occasion to wait some weeks before securing payment of an order presented, I think there must be some misapprehension. On looking at the last order presented by the Bank, I find it was one drawn at Norfolk Island on the 14th July, and was presented here on the 3rd August, and paid that day. By the Bank stamp on the order it was, apparently, received by the Bank on the 2nd July—before it was made. I imagine the Bank stamp should have been "August" in place of "July," and this has, probably, led to an erroneous impression on the part of the Bank.—VICTOR COHEN, Accountant, 10/9/98.

Inform.—W.H., 12/9/98. Mr. G. J. Waterhouse informed, 13/9/98. Await letter from C.M.

Minute

Minute by The Under Secretary for Lands.

(Extract from N.I., 98/498.—Minute by Under Secretary.)

CONSTABLE Collins' board and lodging case.—Use of horse matter.—*Re* costs awarded Mrs. Collins against Mr. Waterhouse for performing servant's duties while lodging with them.

ON 98/69, N.I., herewith, the Chief Magistrate forwarded a letter from Constable Collins, asking for a lodging allowance while his quarters (the Engineer's Office) were being placed in repair, and pointed out that Collins had not arranged terms with Mr. R. S. Waterhouse with whom he was to lodge in the meantime.

* * * * *
With regard to this matter—the verdict to Mrs. Collins—it does not seem that anything can be done, as the Chief Magistrate's decision is final, but the letter might be forwarded to him for any comments he may desire to make, so that when returned with them the Department would be in a better position to reply to Mr. Waterhouse later on.

With regard to the other matter—claim proposals to be made on Mr. Waterhouse for refund of part of the sum paid by the Government for the Collins' keep—no action can be initiated pending the Chief Magistrate's reply to our letter of the 19th July (98/413), and this might be awaited accordingly.

The amount (£2 10s.) proposed to be withheld from the amount of contract for repairs of the police quarters, as a set-off against Waterhouse's claim for horse hire to constable, may be withheld pending receipt of further correspondence from the Chief Magistrate.

WM. HOUSTON,
Under Secretary,
4/8/98.

Approved.—J.H.C., 5/8/98. Copy of Mr. Waterhouse's letter of the 9th July, 1898 (98/465), sent to the C.M., who also informed by another letter to withhold amount (£2 10s.) alluded to.—5/8/98.

Mr. G. J. Waterhouse to The Accountant of Lands Department.

98/537, N.I.

Dear Sir,

Sydney, 9 September, 1898.

Herewith I enclose Colonel Spalding's draft upon the Minister for Lands for £9 10s. a/c. Norfolk Island service.

The Bank of New South Wales have declined to collect this draft for me, stating that on a previous occasion it took them some weeks before they received payment. Will you please favour me with cheque for this amount? and oblige.

Yours, &c.,
G. J. WATERHOUSE.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/493, N.I.

REPAIRS to Police Quarters (Engineer's Office) by R. S. Waterhouse.—Examination of work by Mr. Anderson, who prepared Specifications.

(Extract from Enclosure 98/444, N.I.)

Sir,

Government House, Kingston, 13 July, 1898.

* * * * *
In another letter of the 12th instant Mr. R. S. Waterhouse informs me that he has completed his contract for the repairs to the Police Quarters (Engineer's Office). I am now making arrangements for an examination of the repairs by Mr. Anderson, who prepared, at my request, the specifications, and who is an expert in the building trade, to accompany me to view the repairs.

* * * * *
I have, &c.,
WARNER SPALDING, Colonel,
Chief Magistrate.

Await the Chief Magistrate's report.—W.H., 16/8/98.

Mr. R. S. Waterhouse to The Under Secretary for Lands.

98/127, N.I.

CONTRACT Engineer's Office, Norfolk Island.—Police Quarters.

Sir,

38, Pitt-street, Sydney, 7 March, 1898.

Respecting our conversation *re* the above, I shall be glad if my progress payment of £20 upon my contract for work done at the above office can be paid to me in Sydney.

I have, &c.,
R. S. WATERHOUSE.

As the Chief Magistrate has not certified that the work has been performed, but has in his letter of the 15th January, 1898 (98/72), offered Mr. Waterhouse £23, perhaps the amount of £20 may be paid, and the Chief Magistrate informed. This will accord with the decision on the paper quoted.—VICRON COHEN, Accountant.

Should be left to the Chief Magistrate to settle, who may be authorised to draw an order on the Minister for the amount of the contract as approved.—W. HOUSTON, Under Secretary, 14/3/98. Approved.—J.H.C., 15 March, 1898. Letter to Mr. Waterhouse and also to Chief Magistrate, with press copy of letter to Waterhouse.—V.C., Accountant, 19/3/98. Await reply.

The

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

98/127, N.I.

Sir,

Department of Lands, Sydney, 21 March, 1898.

I have the honor to forward herewith a press copy of a letter addressed this day to Mr. R. S. Waterhouse, in reference to a progress payment on account of the contract for repairs, &c., to the Engineer's office.

I am directed to say that it is considered advisable to leave the settlement of this matter in your hands, and you are authorised, if you deem the work satisfactory, to issue an order in favour of Mr. Waterhouse for the amount approved for the contract, viz., £29 15s.

In all conditions for contracts which you may in future prepare, it would be as well to include a clause providing for progress payments, somewhat in the terms as follows:—"Upon production of a certificate signed by the authorised officer, certifying to the value of the work performed, the Chief Magistrate may, by an order drawn on the Minister for Lands, Sydney, pay the contractor 75 per cent. of the value of the work certified to, and the balance shall be paid in like manner on receipt of final certificate certifying that the work has been duly performed in terms of the contract."

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Under Secretary for Lands to R. S. Waterhouse, Esq.

98/127, N.I.

Sir,

Department of Lands, Sydney, 19 March, 1898.

Referring to your letter of 7th instant, asking for payment of twenty pounds (£20) on account of work in connection with alterations of the Engineer's office at Norfolk Island, I have the honor to state that the amount cannot be paid without first referring to the Chief Magistrate.

I am to add that the Chief Magistrate had been advised that he can draw an order in your favour for the amount of the contract as approved, if he is satisfied the work has been satisfactorily performed.

I have, &c.,

WM. HOUSTON,
Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

98/72, N.I.

Complaining of the action of Mr. R. S. Waterhouse, in connection with contract of repairs to Police Quarters. He desired payment before completion of work. Declined by Chief Magistrate, and Waterhouse would not accept of an advance. Mr. Waterhouse remarks untrue. Employed Mr. Anderson to examine buildings.

Sir,

Norfolk Island, Government House, Kingston, 15 January, 1898.

With reference to Mr. R. S. Waterhouse's letter, dated the 12th instant, and forwarded to you this day with my report of N.I., 30/98, and with respect to that part of it referring to the repair of the Engineer's office—now "told off" as police quarters—I have the honor to say that in letter of 4th ultimo, N.I., 299/97, I informed you that as a matter of urgency I had accepted Mr. Waterhouse's tender for repair of the building. On the 6th of the same month Mr. Waterhouse received notice of the acceptance of his tender, and work was shortly after commenced. On or about the 20th Mr. Waterhouse reported that the ceilings were in a dangerous condition, offered to take them down, and replace them with canvas and paper. Not crediting this statement I employed Mr. Anderson, who has a good knowledge of the building trades, to make a special examination of the ceilings. He did so from above them, and reported they were perfectly safe and good. I refused Mr. Waterhouse's proposal.

On the 4th instant I was informed by Mr. Waterhouse that the contract was completed except as regards provision of tank and glass—ordered from Sydney. I deemed it advisable to again employ Mr. Anderson to report on the work, prior to my seeing it. I enclose a copy of his report, which is dated 5th January. I then visited the building and pointed out to the contractor what was necessary to be done; he agreed, asking only that provision of tank, locks, glass, and sash lines should remain over until arrival of materials he had ordered. This I agreed to, as the delay in these fittings would not prevent the building occupied by Constable Collins and family. I told Mr. Waterhouse that full payment could not be recommended until the contract was completed.

On the 8th instant I received the account marked "A," attached, asking for £25 on account of the contract.

I replied I have not yet received authority to pay on this account, but anticipated doing so by the next Sydney mail.

On the 11th, Mr. Waterhouse called on me and asked me to recommend payment of £25 to his Sydney agent. This I declined to do, but offered to recommend the payment of 75 per cent. of my estimated £23 of the value of the completed work. Mr. Waterhouse declined this offer.

I believe it is usual to advance contractors 75 per cent. of the estimated value of work done on uncompleted contracts.

As to Mr. Waterhouse's comments on myself as having prepaid work done by contract—by Messrs. Hudson Bros., of Sydney, at Government House, and by Mr. Douglas Allen at the Court-room—I disdain to notice them.

His Excellency the Governor saw the result of a part of the work executed by Messrs. Hudson Bros., at this Court.

Mr. Waterhouse's statement that unnecessary delay took place with regard to the Engineer's office is as untrue as his utterances with regard to other contracts are.

I have, &c.,

WARNER SPALDING,
Chief Magistrate, Norfolk Island.

It may be suggested to Colonel Spalding that if he is satisfied with the performance of the work he may pay up to 75 or 80 per cent. of the amount of contract—both in this and any future cases—pending its absolute completion.—W.H., 5/3/98. Approved.—J.H.C., 11/3/98. See letter sent on, 98/127, N.I.

Mr.

Mr. A. Anderson to The Chief Magistrate, Norfolk Island.

Sir,

Norfolk Island, 5 June, 1898.

I have the honor to inform you that, as requested, I yesterday made an inspection of the repairs now being carried out at the police quarters. Comparing with specifications, I found the state of work as follows:—

Carpenters' work.

Floors—Passable.
 Windows—Passable.
 Shutters—Manilla required instead of sash line, too thick for pulleys; pulleys are not in working order; flaps are not hinged.
 Doors—New locks required.
 Skylight—Weakly made, scarcely passable.
 Closet—Roughly done; insufficient door fastenings.
 Passable—Ridge Boards.
 „ Yard door.
 None—Tank stand.

Plaster-work.

Not completed—One whole aspect of building untouched, also palings of yard and store-room walls.

Painting and Glazing.

Glazing—There is still a quantity of faulty glass in windows.
 Painting—Portions badly done. I am not aware whether painter has been advised as to colours.

Plumber and General.

Roof—Flashing round chimneys and skylight badly done, not weatherproof; a lot of tin lining has been used which will be eaten away in six months.
 Guttering—Fixed badly; useless as it stands.
 Tank—No tank.
 Stonework—Pavement of yard not done; joint between window-pane and stone-work required pointing-up.
 NOTE.—Floors are not scrubbed. Judging from appearance of work a large portion has been done by inexperienced hands.

I have, &c.,

ALEX. ANDERSON.

True copy.—WARNER SPALDING, Colonel, Chief Magistrate, Norfolk Island.

A.

98/72.

Norfolk Island, 2 January, 1898.

Lands Department, New South Wales. Norfolk Island Account. In account with Mr. R. S. Waterhouse.

To amount earned on contract, Engineer's office (say) £25.

Quarters for Constable Collins, Norfolk Island.

98/5, N.I.; 97/637, N.I.

In letter 97/578, of the 12th November, 1897, the Chief Magistrate reported that he expected shortly to obtain possession of the house set apart as quarters for Constable Collins, and in the meantime that officer had been compelled to take lodgings for himself and family.

In letter 97/630, of the 23rd November, the Chief Magistrate reports that the house was vacated on the 20th idem, and that he took possession on behalf of the Crown. He examined it and found that certain repairs required to be effected before habitation could take place, and, as the constable will probably ask for an allowance during the period he is unprovided with quarters, and in view of the time it takes to receive a reply from Sydney, Colonel Spalding proposed to call for tenders, and to accept the lowest, if reasonable.

By letter, dated 6th October, the Chief Magistrate was advised of the selection of house No. 27 as residence for the constable, and that, "as the house is stated to be in good repair, no expenditure to render it fit for occupation will be required other than, perhaps, a small sum to have it cleaned out, but even in this respect rigid economy must be practised, and the amount so absorbed duly reported."

Circumstances, however, apparently, have altered since the report of the state of the house was made, hence the Chief Magistrate's proposal.

Following Colonel Spalding's letter of the 23rd November is one dated 24th December, intimating his acceptance of a tender from R. S. Waterhouse for £29 15s. for the repairs, and enclosing a copy of the specification.

H. L. THOMPSON, 6/1/98.

Although the Chief Magistrate was requested to incur no expense other than perhaps a small sum for cleaning, a contract has been accepted by him for £29 15s. for repairs to and painting the building. On reading the specification it certainly does appear that most, if not all the repairs, are necessary, but no opinion can be formed whether the expenditure involved is reasonable or otherwise. It is presumed the Chief Magistrate's action must be upheld, but he should be again instructed not to accept tenders of this sort until this Department has been first approached.—W. HOUSRON, Under Secretary, 14/1/98.

Approved.—J.H.C., 14 Jan., 98.

The Chief Magistrate informed.—The Accountant, 17/1/98.

Noted.—V.C., Accountant, 21/1/98.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/634, N.I.

Sir,

Department of Lands, Sydney, 17 January, 1898.

With reference to your letter of the 22nd November last, recommending the expenditure of £6 for the purchase of a horse for Constable Collins, I am directed by the Secretary for Lands to inform you that your suggestion cannot at present be approved; but when his duties require it, you may allow the constable horse hire at a cost not to exceed £3 per annum.

I have, &c.,

WM. HOUSTON,

Under Secretary.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/637, N.I.; 299/97, N.I.

Intimating acceptance of R. S. Waterhouse's tender of £29 15s., for repairs to Police Quarters, and enclosing Specification.

Sir,

Norfolk Island, 4 December, 1897.

In connection with my letter, N.I., 284/97, of the 23rd ultimo, I have the honor to inform you that I have accepted the tender of R. S. Waterhouse for repairs of police quarters, the matter being urgent. I enclose a schedule of tenders received, and a copy of specification.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, Norfolk Island.

With 637/97.

NORFOLK ISLAND.

Schedule of Tenders for Repairs of Police Quarters, opened 4th December, 1897.

Name of tenderer.	Calling.	Residence.	Amount of tender.	Remarks.
1. R. S. Waterhouse	Storekeeper	Norfolk Island	£ s. d. 29 15 0	Accepted, W.S., C.M., 6/12/97.
2. Cornish Quintin	Farmer	„	36 10 0	
3. D. Allan	Carpenter	„	39 18 0	
4. Patterson Quintin	Farmer	„	34 10 0	
5. F. Yager	Sawycr	„	39 3 6	

WARNER SPALDING, Colonel,

Chief Magistrate, Norfolk Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands. :

97/630, N.I.; 284/97, N.I.

Intimating having taken possession of house to be used as quarters for constable. Explains what repairs are necessary. Proposes to have them attended to. Constable in lodgings; will probably ask for an allowance.

Sir,

Norfolk Island, Court-house, Kingston, 23 November, 1897.

With reference to your letter N.I., 97, of 6th ultimo, and in continuation of my communication N.I., 203/97, of 12th instant, I have the honor to inform you that the house was vacated on 20th instant, and I have taken possession on behalf of the Government.

Yesterday I examined its condition, and find that some repairs are necessary to render it fit for habitation by Constable Collins and family.

The roof requires overhaul and ridge-capping, as the interior walls are in places damp. In several rooms patches of plaster have fallen from the ceiling, one or two doors are out of repair, window sashes require adjustment and refilling with glass; some painting is also necessary.

Under the conditions existing, viz., that the constable is in lodgings, and will probably ask for an allowance during the period he is unprovided with quarters; and the considerable time it takes to get a reply from Sydney, I have considered it advisable to call for tenders to carry out absolutely required repairs—and to accept the lowest, if reasonable—so that the expense of maintaining the constable in lodgings may cease as soon as possible.

Tenders were called for to-day, and close on 30th instant.

I forward herewith a requisition for a cooking stove, there being none in the house. It cannot be obtained locally.

I have, &c.,

WARNER SPALDING, Colonel,

Chief Magistrate, Norfolk Island.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

97/578, N.I.; 203/97, N.I.

Intimating that residence assigned to Constable Collins, handed over by reputed owner, Mr. Robinson, United States Consul, who purchased supposed right thereto from S. Christian. Present occupant given a week's notice to quit. Report later.

Sir,

Norfolk Island, Court-house, Kingston, 12 November, 1897.

I have the honor to acknowledge receipt of your letter of 6th ultimo, informing me that the house No. 27, on plan enclosed in my letter of 20th July, had been selected as a residence for Constable Collins, who recently arrived here. Mr. Robinson (United States Consular Agent), some years ago purchased

purchased from Mr. Stephen Christian whatever rights he possessed to this house. Mr. Robinson occupying another building had given permission to Messrs. Meade and Henry Adams and their families to reside in No. 27 (originally Royal Engineer's Office). Mr. Robinson has to-day handed over the building to me; and the occupants have received notice to remove therefrom within a week from this date.

By next mail I hope to be able to report that Constable Collins is in occupation of the house; in the meantime he has been compelled to take lodgings for himself and family.

I have, &c.

WARNER SPALDING, Colonel,
Chief Magistrate, Norfolk Island.

Submitted for information.—W. HOUSTON, Under Secretary, 24/11/97. Await further report from the Chief Magistrate.—H.L.T., 24/11/97. Seen.—J.H.C., 24/11/97.

The Under Secretary for Lands to The Chief Magistrate, Norfolk Island.

97/505.

Sir,

Department of Lands, Sydney, 6 October, 1897.

With reference to your letter of the 20th July last, supplying particulars of Government Buildings, at Norfolk Island, I have the honor to inform you that house No. 27, described as having been erected as an office for the Royal Engineers, has been selected as a residence for Constable Collins, who is about to proceed to the Island.

As the house is stated to be in good repair, no expenditure to render it fit for occupation will be required other than perhaps a small sum to have it cleaned out; but even in this respect rigid economy must be practised, and the amount so absorbed duly reported.

I have, &c.

WM. HOUSTON,
Under Secretary.

Description of house No. 27.

98/505, N.I.

21 August, 1897.

BUILT as an office for the Royal Engineers. Stone, with shingle roof; five rooms, in good repair. Occupied temporarily by Webb Adams and family, who remove shortly to a house in the country.

Proposed to occupy this as Customs store house and post office—too small.

97-385, N.I.; 98/505, N.I.

NORFOLK ISLAND.

Quarters for the Constable.

It having been decided to provide the new constable, Norfolk Island (M. Collins) with quarters, the Chief Magistrate should be instructed to see that they are ready for occupation on his arrival. The house described in the Chief Magistrate's report upon the Government buildings on the Island as No. 27 is suitable and in good repair, and may be allotted to the constable. A small sum may be expended, if necessary, in cleaning the house.—V.C., 6/10/97.

The Chief Magistrate informed accordingly, 6/10/97. The Accountant to note on receipt of report of amount spent. You will be advised. Noted.—V.C., 8/10/97. Mr. Thompson,—Await further letter from Chief Magistrate.—H.L.T., 12/10/97. 97-578, N.I.

10.

Petition No. 1.—W. D. Craig.—Petition expressing certain people's opinion of Colonel Spalding.

The Chief Magistrate, Norfolk Island, to The Under Secretary for Lands.

Giving account of characters of persons said to have signed petition recently presented by Mr. Craig to Department, viz., W. D. Craig, J. H. Knuckey, R. S. Waterhouse, Wm. Taylor, H. Everett, W. Kendall, Snell Menges.

439/98, N.I.; 98/697, N.I.

Sir,

Government House, Kingston, 1 November, 1898.

I have the honor to inform you that a petition adverse to me was presented by Mr. Craig to the Department during his recent visit to Sydney.

This petition was got up by Mr. Craig, who, as a visitor to the Island, was, on his application, exonerated from Public Works for 1898. He came to the Island, it is stated, to recover from illness brought on by intemperate habits,—it being known that liquor was not generally obtainable here. He has led an apparently idle life on the Island, and has busied himself with matters that no way concern him. During his visit to Noumea from this Island some months ago he was hardly sober at any time, and fell overboard when under the influence of liquor. He was seen drunk in the lee scuppers of the mail steamer when *en route* from Sydney, and Captain Williams was compelled to place restriction on his liquor. He endeavoured by every means to obtain signatures to the petition he presented. I believe this petition was signed by the late Constable Knuckey, whose character I need not comment upon, who left the Island as a stowaway by the last trip of the "Ysabel." A summons for the maintenance of an illegitimate child, of which he is alleged to be the father, having on the same day been taken out against him, could not be served, as he had hidden himself on board the steamer. Mr. R. S. Waterhouse is stated to have signed the petition; he is, also, when he can get liquor, of drunken habits. He has almost invariably made untenable complaints when the finding of the Court has been adverse to him, which has not always been the case. Mr. William Taylor is Mr. R. S. Waterhouse's father-in-law, and at one time violently opposed to him, and several times sought my advice; lately he appears to be under Mr. Waterhouse's influence. Mr. H. Everett, a man of indifferent character, a deserter from a whaling ship, was charged

charged with attempted rape, and acquitted by a jury. The evidence he produced disclosed the gross immorality of his household. Mr. Kendall has a grievance about Solicitor's fees he was ordered by the Court to pay. He has 50 acres of land under no cultivation. Mr. Snell is a subject of the United States; is ignorant, and gives no trouble. Mr. Menges is a subject of the United States, an ex-sailor from a whale-ship, employed as a printer at the Mission, and although in the receipt of good wages, walks about dirty and barefoot. His wife and family are hardly decently cared for. He is a fluent talker, and is constantly agitating. He for some months after my arrival pestered me with his conversation and views as to the government of the Island.*

I do not know the exact purport of the petition, or, perhaps, the names of all who signed it; but I think it proper that the character of some of those who signed should be known to the Government.

I have, &c.,

WARNER SPALDING, Colonel,
Chief Magistrate.

Submitted for information.—W. HOUSTON, Under Secretary, 22/11/98. Seen.—J.H.C., 24/11/98.

98/655, N.I.

Rev. L. P. Robin to The Under Secretary for Lands.

My dear Sir,

26/9/98.

His Excellency has requested me to see the petition recently received from Norfolk Island concerning the Magistrate.

Yours, &c.,

L. P. ROBIN.

Mr. Robin has seen the petition, and is of opinion that the majority of the persons signing it have private cause of grievance, and some not being permanent residents have no right to sign a document of this sort.—W.H., 26/9/98. Seen.—J.H.C., 27 Sept., 1898.

98/656, N.I.

His Excellency the Governor of New South Wales,—

Norfolk Island, 9 September, 1898.

We, the undersigned residents of Norfolk Island, not of Pitcairn descent, beg to express the following opinion:—

“That while we have always considered a new constitution as essentially necessary for the welfare of this Island, yet your choice of a representative has been most unfortunate. We consider that he has entirely failed to set the Islanders that example of fairness and honesty which is to be looked for in one in his position; and further, that while he remains Chief Magistrate his example tends to lower the character of the Islanders.”

William Kendall.

Henry Menges.

W. D. Craig.

H. M. Everett.

W. M. Champion.

J. H. Knuckey.

William Taylor.

R. S. Waterhouse

F. Foskett Milford.

Francis Taylor.

Dwight Allen.

E. B. Laing.

Captain J. Fry Edwards.

James Taylor.

F. A. Allen.

(Though I have not altered my opinion of Colonel Spalding, I wish I had not signed this petition.)

The Minister for Lands.—HAMPDEN, 21/9/98.

It is submitted as to what action should be taken on this document, if any, beyond a mere acknowledgment. From official knowledge I might say, as regards the signatories, the majority are persons whose views of the administration of justice have resulted in their discomfiture in the Chief Magistrate's Court, or who have claims or grievances which have not been favoured by the Government. Generally speaking it is not apparent that the petition represents the respectability of the Island.—W. HOUSTON, Under Secretary, 28/7/98.

The petition need not be noticed further than it has been.—J.H.C., 29/9/98. Put away.

Interview—Mr. Craig and Under Secretary.

98/654, N.I.

21 September, 1898.

Under Secretary (reading memo. from Government House) : Who wrote this ?

Mr. Craig : The hall porter, so far as I know.

Under Secretary : I will take the petition if you hand it in.

Mr. Craig : No ; I will not give it to you.

Under Secretary : You will not give it to me.

Mr. Craig : I will not give to you, because the Governor and the Private Secretary have refused to accept it.

Under Secretary : Is that all you have come to tell me ? You see the Minister for Lands is charged with the administration of Norfolk Island, and the Private Secretary is justified in the action he has taken in sending you here.

Mr. Craig : Why should they refuse ?

Under Secretary : I cannot discuss that with you, Mr. Craig.

Mr. Craig : For myself I would much rather not have sent it in. They must take it.

Under Secretary : They have apparently said they won't. If you will not hand it to me, I think we need not waste your time or mine any longer.

Mr. Craig : No, I will not.

W.D.B.

Mr. Craig appeared this morning, having been sent down from Government House. He was still in a "fuddled" condition.—W.H., 21/9/98. Seen.—J.H.C., 22/9/98.

Interview—Mr. Craig, from Norfolk Island, with Under Secretary.

98/653, N.I.

20 September, 1898.

Under Secretary : Well, Mr. Craig, what do you want to see me about ?

Mr. Craig : Do you want to see me, or do I want to see you ?

Under Secretary : I do not want to see you. I understood you wanted to see me.

Mr. Craig : Well, there is someone in Sydney, and I want you to disassociate me with everything else, except one case with Waterhouse.

Under Secretary : That is all you want to tell me, then ?

Mr. Craig : I think I can tell you that you are turning a rank conservative into a radical (in me I mean ; I have always been a supporter of the Government) by leaving that man there—the Chief Magistrate. You remember what I told you ?

Under Secretary : No ; I cannot say I do. By-the-bye, are you still a visitor at the Island ?

Mr. Craig : No, I am not. I have thrown in my lot with them. I will show you this [*handed letter to Under Secretary*].

Under Secretary : This is addressed to His Excellency. I cannot take this. You should present it to the Governor.

Mr. Craig : That is only a copy.

Under Secretary : Where is the original ?

Mr. Craig : I have it to present to the Governor or not, as I think fit.

Under Secretary (reading from letter, "While we always considered a new constitution essential to the welfare of the Island, yet we consider the choice of a representative very unfortunate, as his example is prejudicial.") : Well, this letter, of which you have the original in your pocket—do you wish to leave it with me ?

Mr. Craig : If you wish. The original is not in my pocket, but at North Shore.

Under Secretary : Do you wish to leave this letter with me ?

Mr. Craig : Do you wish me to ?

Under Secretary : I do not ask you to do so. Does this include visitors ?

Mr. Craig : Only Milford and myself.

Under Secretary : Why don't you be straightforward ;—why don't you say at once you want to put this letter in, and say you want to see me ?

Mr. Craig : Through Mrs. Knuckey a lot of dirty linen has been washed here. I would not touch that. Am I not straightforward now ?

Under Secretary : No ; you come here, and say you do not want to see me. That is not the way to approach me.

Mr. Craig : One thing I want you to remember—it has been said that I am mixed up with Waterhouse, but it was only in one case. I will tell you another thing. When I was here last you said about something I told you that you knew nothing officially. I was told down the street that Mr. Brodie had exceeded his commission. This was only conversation, not with Mr. Brodie. What does that mean ? That you know things about a man you did not want to know. Is that fair ?

Under Secretary : You mean the Chief Magistrate, I suppose ?

Mr. Craig : Yes.

Under Secretary : Your inference is not at all fair.

Mr. Craig : Well, it means this : When I go back I right about face.

Under Secretary : When you go back you right about face ;—what do you mean ?

Mr. Craig : Well, when I go back, I will wash dirty linen.

Under Secretary : Oh, you will wash dirty linen. Just now you would not ; you were above that. Now you will.

Mr. Craig : Yes.

Under Secretary : I understand you are going to lodge that document.

Mr. Craig : Do you trust any man ?

Under Secretary : Yes, if he is worthy of it.

Mr. Craig : Will you advise me not to lodge it ?

Under Secretary : No ; I think you ought to take it to His Excellency. Who do you represent ?

Mr. Craig : I represent the white people of the Island.

W.D.B.

Mr. Craig, who, on a previous occasion, represented himself to me as a visitor at Norfolk Island, called this morning at 10:30, and sent a message in to know whether I wanted to see him. I replied that there was nothing I wished to see him about. He then asked to see me, and I made an appointment for

11 a.m. Mr. Craig appeared in due course redolent of spirits of some kind, and evidently in a stage of intoxication which I have heard described as "fuddled." He was not, however, incapable, and therefore it appeared to me that it would be well to hear what he had to say. I found, however, some difficulty in arriving at his meaning, and some of his allusions were quite incomprehensible. The result of the interview is given in the above shorthand notes.—W.H., 20/9/98.

Seen. Mr. Craig is evidently hardly open and candid, to say the least of it, in his conduct.—J.H.C., 22/9/98.

Mr. F. M. Nobbs to Viscount Hampden, Government House, Sydney.

98/634, N.I.

F. M. Nobbs to His Excellency Lord Hampden *re* certain unprincipled malcontents and false rumours *re* Chief Magistrate.—Instances action about League.—Items finding their way into newspapers.—Asking support for Colonel Spalding in his official position.

My Lord,

Sea View, Norfolk Island, 12 September, 1898.

I do myself the honor of addressing a few lines to your Lordship on a matter which I consider is of most vital importance for the good of the Island generally, and for the protection of persons (the highest in the land) who have to put up with unpleasant remarks of every shade and character, to annoy those whom the Government appointed to administer the affairs of the Island, and I am afraid that false rumours started by unprincipled malcontents and busybodies, not because the Chief Magistrate is wanting in his official capacity, but because he is just, and therefore not able to please everybody. The fact is, the good Colonel is made the target for those who are "agin the Government," to aim at, and that in a ruthless manner.

I believe there is a petition being signed by a number of people, agitated by one Pearson and others, and being forwarded to the Government, consuring the Colonel in his actions in connection of the Women's League, started and supported by Mrs. Spalding, a most laudable action, and one which I consider, if finally stopped, a calamity to the Island, as it had been the means of decently and warmly clothing not only children but in cases adults also. The Chief Magistrate on account (solely) of unpleasant remarks made about Mrs. Spalding, threatened to discontinue their support of the League (they are the only supporters); and since their support was stopped some three months ago nothing had been done in the way of providing clothing for the needy. But a great deal is being done by people who are not able to carry on the good work as carried on by Mrs. Spalding, to wrench from the Hon. Treasurer of the League (Colonel Spalding), contrary to the wishes of many members of the League, including myself, and I contend that the Hon. Treasurer is responsible to each individual for any moneys which may be due them from the League, as members of the League.

I said almost at the beginning that "I am afraid that rumours, &c." My fears are that if false rumours are from time to time communicated to the Government, and finding its way into the scurrilous newspapers, enemies of the Colonel will use it as a cause for blaspheming the good characters of Colonel and Mrs. Spalding. So I trust your Lordship will still firmly support the Colonel in his position here as chief, for during the under two years of his administration crimes are far less than prior to his appointment; petty thieving, which was so prevalent, is now seldom heard of. The trader is comfortable in his business, and the customer is safe against the too sharp trader or storekeeper. I have watched carefully the Colonel's actions in Court, and I unhesitatingly say that he weighs matters carefully and fairly before giving judgment. The Colonel does not claim to be a "Pope," but he is just, and I think I may safely conclude by saying that jealousy is at the bottom of it all.

I trust that your Lordship may pardon me for addressing you, but the deep interest I always take in the welfare of the community prompts me to write as I have done.

I have, &c.,

F. M. NOBBS.

Mr. F. M. Nobbs to The Under Secretary for Lands.

Stating that Mr. Craig is trying to agitate for removal of Colonel and Mrs. Spalding by petition.—Explains crime 75 per cent. less than when Colonel's appointment, and speaks of Mrs. Spalding's philanthropic action *re* League.

98/561, N.I.

Sir,

Sea View, Norfolk Island, 12 September, 1898.

I ask the honor of addressing you on a most important subject, which, if carried into execution, will be detrimental to the best interests of the Island, and also to the injury of those the petitioners in the document desires to injure.

I have just been informed that a man, Mr. Craig, a busybody, who has for months back trying all he could to agitate the feelings of the people against the Colonel and Mrs. Spalding, is now trying to get people to sign a petition requesting the Government to remove Colonel Spalding, Chief Magistrate, from the Island.

Now I sincerely hope and trust that the Government will not listen to the petition in question, for since the Colonel's appointment here crimes have been reduced quite 75 per cent., the storekeepers and the customers and the traders are all properly protected, and I speak (or rather write) as an authority who was for seven years Chief Magistrate of the Island, and I say most emphatically that the state of the Island is in a far more satisfactory state now, with regard to crimes of theft, dishonesty, and its kindred vices, than before the appointment of the Colonel.

Just now there is a great agitation amongst the people against the Colonel and Mrs. Spalding with reference to matters in connection with a Women's League, started and supported by, first, Mrs. Spalding's influence, and secondly by her good sense and philanthropical generosity. The Colonel has made a certain stand, against which the majority of the people, agitated by the same Mr. Craig and a Mr. Pearson, protested. In my opinion the Colonel is right in holding the League's money until such time as all the League's liabilities and claims are settled up, and then to pay each individual whatever may be due them from the League, as shareholders in the League. The League was, as already stated, started shortly after Mrs. Spalding's arrival here by her energy, as she noticed that some of the people were indecently clad. Since her laudable work was started, the needy people have been decently and warmly clad. All the disagreeableness are mainly caused by persons who are working all in their power against the Government, hoping (false hope) that the old regime may be resorted to again. I sincerely trust that for the future

welfare

welfare of the community, Colonel Spalding will be continued in his position as Chief Magistrate, as I have the highest opinion of him as a firm and just administrator of the laws. I do not mean to say that the Chief Magistrate is infallible, but I know that he weighs matters over carefully before giving judgment.

Mrs. Spalding has been asked by a number of people, including myself and mine, to continue the good work under reconstruction, handing back to the discontented ones their subscriptions, and let all who may wish to carry on the work under her form a new league for the benefit of the more needy ones in the community.

Trusting you will pardon me for addressing you as I have done.

I have, &c.,

F. M. NOBBS.

It will be seen that Mr. F. M. Nobbs (formerly Chief Magistrate at Norfolk Island) has severally addressed letters to His Excellency the Governor and to the Minister practically of the same import, on some proceedings about to be taken by certain residents of Norfolk Island. Mr. Craig, the "busybody" referred to by Mr. Nobbs, called on me on the 20th and 21st instant, prior to my having seen the letters now submitted, and the account of his interviews are given in the subjoined shorthand report. I have no other information respecting the matter referred to, as Mr. Craig refused to hand me the petition.—

W. HOUSTON, Under Secretary, 21/9/98.

Secn.—J.H.C., 22/9/98. Letter acknowledged, 30/9/98.

Mr. G. W. Adams to The Hon. J. H. Carruthers, Minister for Lands.

98/633, N.I.

Referring to state of affairs at Norfolk Island as unsatisfactory.—Change needed.—Colonel Spalding's actions as disclosed in *Truth*.

Dear Sir,

Davistown, 16 September, 1898.

Learning from the *Truth* newspaper concerning affairs at Norfolk Island, and also from different sources, matters as regarding administrating of justice there as being very much out according to civilisation.

Ever since the change made by the Imperial Government other Norfolk Islanders as well as myself, have watched affairs with keen interest. I am of opinion that the time has arrived now for us to speak and interfere, as, according to reports, the behaviour of Colonel Spalding as being a disgrace to law and justice, which matter must be looked into, and, if reports being correct, I hope no time will be lost in inflicting punishment. In fact, I am of opinion matters is, indeed, according to reports, in a worse state than before. I may also state that the Norfolk Island resident of New South Wales is much astonished at the course upon which matters have taken, as our former opinion was the change would be beneficial to the Islanders. We earnestly hope that steps will be taken in matters and prevent any further outburst of scandals and prevent Parliamentary interference.

I have, &c.,

G. W. ADAMS,

Davistown, Brisbane Water, N.S.W.

11.

Petition No. 2, signed by A. Quintal, A. B. Quintal, and others, complaining that the Chief Magistrate has failed to—(1st) to improve the morals of the Island; (2nd) to make people pay their debts; (3rd) to enforce the laws effectually.

98/734, N.I.

His Excellency the Governor forwarding petition from certain residents of Norfolk Island, pointing out Colonel Spalding has failed to improve the morals of Island, to make people pay debts, and to enforce the laws effectually. Reference also made to conduct of an ex-official of Island.

To His Excellency the Right Honorable Viscount Hampden, Governor of Norfolk Island,—

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned inhabitants of Norfolk Island, respectfully beg to place before you the following facts with regard to the present condition of this Colony:—

The new constitution which your Excellency granted has now been in force for two years. The following were the reasons given to us for the change:—

- 1st. To improve the morals of the Island.
- 2nd. To make people pay their debts.
- 3rd. To enforce the laws more effectually.

We wish respectfully to point out to your Excellency how completely the Magistrate whom you sent has failed in these matters himself, and the bad effect of his example on this small and isolated community:—

- (1.) With regard to morals—(a) a serious charge of immorality has been hanging over the Magistrate's head for the space of a year, and no investigation has as yet been made; (b) his son, formerly Registrar of the Court, &c., seduced a Sydney lady, a guest at Government House, Norfolk Island, and she bore an illegitimate child; (c) another official brought down by the Magistrate lately left Norfolk Island, leaving behind him an unpaid judgment debt, and also an illegitimate child.
- (2.) With regard to debt—the Magistrate has since his arrival practised the principle of never paying a debt unless obliged to; and, as there is no legal procedure available against the Magistrate, the only methods to obtain payment are importunity and refusal to go on supplying until part of the debt is paid. His household servants, who receive the magnificent honorarium of about half-a-crown a week, even get this docked for petty causes. On the scandal of the League, and the asking for charity in Sydney ostensibly for the destitute Norfolkers, we say nothing, as your Excellency already knows much of the case.
- (3.) With regard to enforcement of the laws, we would bring before your notice that the laws with regard to palm-trees and timber are habitually disregarded by the Magistrate himself, though rigorously enforced against others. During the past two years dispensations from the obligations of the law have been granted by the Magistrate in certain cases to his personal friends.

We

We desire, therefore, to point out to your Excellency the difficulty we are in under our present constitution, namely, that, owing to there being but one Magistrate, and executive officer in this Colony, should any cause of complaint against him personally arise, there is no legal method by which he may be proceeded against in this Colony; nor by our constitution can it be referred elsewhere unless it amounts to a capital crime.

We would respectfully point out to your Excellency that in no other portion of the Empire is a man placed in so unique a position.

Even in Fiji, the strictest of the Crown Colonies, the Governor is amenable to the local courts of Her Majesty; and yet, in Norfolk Island, a man holding the comparatively insignificant post of Chief Magistrate, is placed in a position independent of and above the law.

In serious or in trivial matters of complaint there is no method of redress but by way of petition, a method tedious to your petitioners and troublesome to your Excellency and to your advisers.

We would, however, respectfully suggest that this difficulty would to a very great extent be overcome by appointing to the position of Chief Magistrate a gentleman possessed of such principles of honor as would obviate the continual necessity of appeal to the law courts or to your Excellency.

And your petitioners will ever pray.

Arthur Quintal, Chief Magistrate, 1845;
1846, 1850, 1854; Councillor, 1840,
1841, 1849.

A. B. Quintall, Chief Magistrate, 1852.

Ephraim Christian, Councillor formerly.

Allen Christian, Councillor formerly,

Thomas Buffett, Councillor 1845, 1846, 1851,
1853, 1854; Chief Magistrate lately.

John F. Young, Councillor lately.

Allen Buffett, Councillor lately.

Byron Adams, Chief Magistrate lately.

John Quintal, Councillor, 1844.

John Torno Quintall, Councillor lately.

Joseph Quintal, Councillor formerly.

G. M. Frederick Young, Councillor, 1852;
Chief Magistrate, 1855, 1856, 1857, &c.

George Evans, Councillor formerly.

William Quintal, Councillor 1839, 42, 44,
48; Chief Magistrate lately.

John Buffett, senior, Councillor, 1851;

Chief Magistrate in several years.

Alfred Nobbs, Councillor lately.

Lindsay Buffett, Councillor 1894.

A. E. Nobbs.

C. C. R. Nobbs.

Gerald Allen.

Reuben Christian.

Stanley McCoy.

W. H. A. Quintal.

W. H. Buffett.

D. M. Quintall.

John E. Buffett.

Hugo B. B. Quintal.

B. B. Nobbs.

C. R. S. Edwards.

J. Snell.

Christian McCoy.

Fairfax M. Quintall.

James Taylor.

F. A. Allen.

G. Archibald Quintall.

Harry Quintal.

Cornish Quintal.

Reuben Quintal.

D. Allen.

Henry Nobbs.

Joseph Nobbs.

Julius Christian.

Atkins Quintal.

Swain Christian.

E. C. Robinson.

Brookes H. Christian.

Edgar Nobbs.

Gregory Quintal.

Chas. M. Evans.

Maurice Nobbs.

Edward Buffett.

Ward Buffett.

George Buffett.

Henry E. Adams.

Michie McCoy.

Austin Christian.

Edwin Christian.

Fred. Yam.

Christian Nobbs.

Henry Menges.

Walter Menges.

Frank Evans.

J. E. Quintal.

Albert Quintall.

William H. Hodson Evans.

Gilbert O. Quintal.

F. Foskett Milford.

Hayward Quintal.

Ernest Christian.

H. F. Quintal.

Fisher Christian.

Robert Quintal.

Robert Taylor.

Walter H. Quintall.

Sidney H. Nobbs.

Leonard Christian.

Heastey Quintal.

Guilford Adams.

Robert Young.

Rowland Evans.

Thomas Quintal.

Stanley Evans.

John Jackson.

Eustace Christian.

Meade Adams.

J. Arthur Quintall.

William Taylor.

Arthur Buffett.

R. S. Waterhouse.

William Champion.

G. W. Adams.

Nathan Quintal.

Fysh Adams.

Holder Christian.

Francis Taylor.

Francis Nobbs.

Brightman Christian.

Patteson Quintal.

Hedley Quintal.

Josiah Adams.

Phillip McCoy.

John Adams.

David Buffett.

Nicholas Quintal.

Howard Christian.

Gilbert Adams.

George Nobbs.

The Honorable The Secretary for Lands.—HAMPTDEN, 21/11/98. Ack.—21/11/98. Submitted.—
W. HOUSTON, Under Secretary, 22/11/98.

There is evidently no one in the Island who can inquire into this petition. Dr. Metcalfe, to my knowledge, has committed himself to it by a letter sent to His Excellency. I think that, as Colonel Spalding is leaving his position, his successor may be later on asked to report.—J.H.C., 24/11/98.

Petition No. 3, presented by R. S. Waterhouse, asking that Mr. Brodie's report be laid on the Table, and stating that Colonel Spalding is not fit to hold his present position.—98/764.

Mr. R. S. Waterhouse to The Honorable J. H. Carruthers, Minister for Lands.

98/763, N.I.

Sir,

38 Pitt-street, Sydney, 25 November, 1898.

I have the honor herewith to forward to you, as Administrator of Norfolk Island, the enclosed Petition from forty-seven (47) of the inhabitants of Norfolk Island, asking that the report of Mr. G. E. Brodie, on the affairs of the Island, should be laid on the Table of the Legislative Assembly.

I have, &c.,

R. S. WATERHOUSE,
Of Norfolk Island.

98/764, N.I.

Norfolk Island, 8 November, 1898.

To the Honorable Premier and Gentlemen of the Legislative Assembly of New South Wales in Parliament assembled,—

Gentlemen,

May it please you to receive this Petition from us, the residents of Norfolk Island.

1. The new Administration having proved such a failure in the hands of Colonel Spalding as to call for an inquiry by a Commission from Sydney (Mr. G. E. Brodie), we would humbly ask that his report be laid before Parliament without any further delay.
2. In the face of the awful state of affairs here, added to the reports that have appeared in the public Press, and from what we ourselves know, we are of the opinion that Colonel Spalding is not a fit and proper person to hold the position of Chief Magistrate.
3. That as long as he is allowed to remain the Island cannot advance, and in the interest of all concerned it is absolutely necessary that he be removed.

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

Arthur Quintal.
Thomas Buffett.
Abraham B. Quintal.
Cornish Quintall.
Harry Quintal.
William H. Hodson Evans.
G. M. Young.
John F. Young.
William Taylor.
Joseph Quintall.
William Champion.
Robert Taylor.
James Taylor.
Rowland Evans.
W. H. D. Quintal.
John E. Buffett.
E. C. Robinson.
Robert Young.
Howard Christian.
Lindsay Buffet.
R. S. Waterhouse.
George Nobbs.
Christian Nobbs.
Reuben Christian.

Guilford Adam.
Stanley Evans.
Fuller Evans.
Henry Quintal.
Brightman Christian.
Fairfax M. Quintal.
W. M. Champion, senr.
H. F. Quintal.
Walter H. Quintal.
Arthur Buffett.
Hayward Quintal.
C. R. S. Edwards.
G. A. Quintal.
E. B. Laing.
Ernest Christian.
F. Foskett Milford.
Francis Taylor.
Fisher Christian.
Reuben Quintal.
Frank Quintal.
Holder Christian.
Nathan Quintal.
Webb Adams.