

Sessional Papers

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 16 FEBRUARY, 1870.

No. 1.

PUBLIC ROADS BILL.

Clause 5. Whenever it shall be deemed expedient by the Surveyor General to open or make a new road or to amend any existing road by increasing the width or altering the boundaries or direction thereof he shall cause a plan of such new or amended road to be exhibited in his office in Sydney showing the exact course bearings and measurements of such road required for the same the lands through which it is proposed that such road shall pass and the names of the owners or occupants thereof so far as known. And he shall also cause a notice to be published in the *Government Gazette* and a written notice to be served personally upon or at the residence of every such owner or occupant or where they are not known by affixing such notice in some conspicuous part of the ground describing generally the aforesaid particulars and referring to the said plan and calling upon all persons affected thereby to state in writing addressed to the Minister within one two calendar months from the date of the first publication of such notice any objections they may have to the adoption of such new or amended road or to any part thereof. **Provided that no such plan of any proposed new or amended road shall include any land enclosed by a stone or brick wall or in actual use as a garden or cemetery or as an avenue planted walk or lawn or as a yard garden or orchard or enclosed or planted as an ornament or shelter to a house or planted and set apart as a nursery for trees or situated within two hundred yards of any mansion house on such land or enclosed for the purpose of carrying on any manufactory.** (*Read.*)

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

Amendment proposed,—That after the word "*Gazette*," in line 7, the following words be inserted—
"and also in at least one newspaper published in Sydney and in some newspaper published in or nearest to the 'district' in which such new road or proposed road is situate." (*Mr. M. C. Stephen.*)

Motion made,—That the proposed amendment be amended by inserting after the word "district" the words "at no greater charge than the advertised charges made by such newspaper for advertising." (*Mr. Garrett.*)

Question,—That the words proposed to be inserted in the proposed amendment be so inserted—*put and negatived.*

Question then put,—That the words proposed to be inserted in the Clause, after the word "*Gazette*," be so inserted.

Committee

NOTE.—Amendments in Clauses are shown by the words omitted being ruled through and the words inserted being printed in Black letter.

Committee divided.

Ayes, 6.

Mr. Driver,
Mr. Garrett,
Mr. Dean,
Mr. Brookes,

Tellers.

Mr. Buchanan,
Mr. Church.

Noes, 41.

Sir J. Martin,	Mr. Alexander,
Mr. Windeyer,	Mr. Wearne,
Mr. Byrnes,	Mr. W. Suttor,
Mr. Parkes,	Mr. Dillon,
Mr. Hoskins,	Mr. Butler,
Mr. Bawden,	Mr. Flood,
Mr. Hill,	Mr. King,
Mr. Dodds,	Mr. Lec,
Mr. M. C. Stephen,	Mr. Piddington,
Mr. Osborne,	Mr. Farnell,
Mr. Weaver,	Mr. Sutherland,
Mr. Fraser,	Mr. Egan,
Mr. Dight,	Mr. Samuel,
Commander Onslow,	Mr. S. Brown,
Mr. Fitzpatrick,	Mr. Forster,
Mr. Morrice,	Mr. Cowper,
Mr. Cummings,	Mr. Leary,
Mr. Moses,	<i>Tellers.</i>
Mr. Neal,	
Mr. M. H. Stephen,	Mr. E. Brown,
Mr. Allen,	Mr. Webb.
Mr. Clarke,	

*The Chairman having left the Chair to report a Point of Order to the House,—
And the Committee having resumed,—*

The Clause was amended by inserting, after the word "*Gazette*," in line 7, the words—"and a written notice to be served personally upon or at the residence of every such owner or occupant or where they are not known by affixing such notice on some conspicuous part of the ground," and by filling up the blank in line 14 with the word "two."

No. 2.

(Same Clause.)

Motion made and Question put,—That the Clause be further amended by adding at the end thereof the words "Provided that no such plan of any proposed new or amended road shall include any land enclosed by a stone or brick wall or in actual use as a garden or cemetery or as an avenue planted walk or lawn or as a yard garden or orchard or enclosed or planted as an ornament or shelter to a house or planted and set apart as a nursery for trees or situated within two hundred yards of any mansion house on such land or enclosed for the purpose of carrying on any manufactory. (*Sir J. Martin.*)"

Committee divided.

Ayes, 24.

Sir J. Martin,	Mr. Lloyd,
Mr. Wearne,	Mr. Dean,
Mr. Weaver,	Mr. M. C. Stephen,
Mr. Hill,	Mr. Windeyer,
Mr. Parkes,	Mr. Webb,
Mr. M. H. Stephen,	Mr. King,
Mr. Clarke,	Mr. Tunks,
Mr. Dight,	Mr. Ryan,
Commander Onslow,	Mr. Piddington,
Mr. Alexander,	<i>Tellers.</i>
Mr. Allen,	
Mr. W. Suttor,	Mr. E. Brown,
Mr. Lord,	Mr. Farnell.

Noes, 17.

Mr. Cowper,	Mr. Moses,
Mr. Forster,	Mr. Morrice,
Mr. Sutherland,	Mr. Fraser,
Mr. Egan,	Mr. Dodds,
Mr. Brookes,	Mr. Driver,
Mr. Flood,	<i>Tellers.</i>
Mr. Butler,	
Mr. Bawden,	Mr. Church,
Mr. Fitzpatrick,	Mr. Hoskins.
Mr. Cummings,	

No. 3.

Clause 12. Whenever in any grant of land from the Crown a general power has been or may be hereafter reserved of taking any portion of such land for the purpose of making roads unless the quantity of land required for such purpose be specified in such grant or the land so required be described or the situation and direction of the roads so reserved be defined such general power shall after the passing of this Act be null and void and the owners or occupants of such land shall whensoever such power shall be exercised be entitled to compensation under this Act for the land so taken as if no such general power had been reserved. Provided that nothing herein shall apply to any public roads already made or confirmed or dedicated to public use. (*Read.*)

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

Committee divided.

Ayes, 29.

Mr. Cowper,	Mr. M. C. Stephen,
Mr. Forster,	Mr. Windeyer,
Mr. Samuel,	Mr. Webb,
Mr. Egan,	Mr. W. Suttor,
Mr. Church,	Mr. Moses,
Mr. Cummings,	Mr. Watson,
Mr. Brookes,	Mr. Macleay,
Mr. Phelps,	Mr. Dean,
Mr. Fraser,	Mr. Bawden,
Mr. Osborne,	Mr. Flood,
Commander Onslow,	Mr. Driver,
Mr. King,	<i>Tellers.</i>
Mr. Clarke,	
Mr. Leary,	Mr. Farnell,
Mr. Wearne,	Mr. E. Brown.
Mr. Lord,	

Noes, 16.

Mr. Parkes,	Mr. Dodds,
Mr. Ryan,	Mr. Lec,
Mr. Weaver,	Mr. Tunks,
Mr. Hoskins,	Mr. Robertson,
Mr. Dight,	The Speaker,
Mr. Fitzpatrick,	<i>Tellers.</i>
Mr. M. H. Stephen,	
Mr. Morrice,	Mr. Piddington,
Mr. Hill,	Mr. Baker.

FRIDAY, 18 FEBRUARY, 1870.

No. 4.

CEMETERIES REGULATION BILL (No. 2.)

Clause 20. The Trustees shall apply the fees charges and other income arising from the Cemetery under their charge in the following manner (that is to say)—in the first place in and towards defraying their expenses as Trustees under this Act in the next place in and towards maintaining such Cemetery and all walls palisades fences railings enclosures gates entrances or erections thereon in complete repair in the next place in and towards paying the salary of any Secretary Clerk or other officer who may be appointed to carry out this Act ~~and in the next place in and "towards" paying the stipend or other remuneration of any minister appointed or permitted under this Act to perform the burial service~~ and in the last place in and towards laying out and embellishing such Cemetery **Provided that the Trustees may appropriate the payment of any Minister for performance of the burial service.** (*Read.*)

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

Amendment proposed,—That all the words after the word "Act" in the sixth line to the word "service" in the eighth line be omitted. (*Mr. Buchanan.*)

And Mr. Allen desiring to move an amendment to a part of the Question proposed to be omitted by another amendment, viz., by inserting, after the word "towards" in the seventh line, the words "remunerating any Minister performing burial service,"—

Question put,—That the first part of the original amendment, viz.,—"and in the next place in and towards" stand part of the Clause.

Committee divided.

Ayes, 13.

Mr. Cowper,	Mr. Lloyd,
Mr. Butler,	Mr. Allen,
Mr. M. C. Stephen,	<i>Tellers.</i>
Mr. Wearne,	Mr. M. H. Stephen,
Mr. Fitzpatrick,	Mr. Hoskins.
Mr. Cummings,	
Mr. Garrett,	
Mr. Driver,	
Mr. Egan,	

Noes, 15.

Mr. Forster,	Mr. Clarke,
Mr. Samuel,	Mr. Buchanan,
Mr. Sutherland,	Mr. Baker,
Mr. Speer,	Mr. Wisdom,
Mr. Brookes,	<i>Tellers.</i>
Mr. Leary,	Mr. Dean,
Mr. Phelps,	Mr. Farnell.
Mr. Flood,	
Mr. Dodds,	

[*Mr. Allen's amendment could not therefore be entertained.*]

No. 5.

(Same Clause.)

Question then,—That the further words proposed to be omitted stand part of the Clause,—*put and negatived.*

Further amendment proposed,—That the following proviso be added to the end of the Clause, viz. :
"Provided that the Trustees may appropriate such fees towards the payment of any Minister for performance of the burial service." (*Mr. Garrett.*)

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

Committee divided.

Ayes, 16.

Mr. Cowper,	Mr. Garrett,
Mr. Forster,	Mr. Allen,
Mr. M. H. Stephen,	Mr. Dean,
Mr. M. C. Stephen,	Mr. Egan,
Mr. Wearne,	Mr. Samuel,
Mr. Fitzpatrick,	<i>Tellers.</i>
Mr. Cummings,	Mr. Butler,
Mr. Phelps,	Mr. Hoskins.
Mr. Lloyd,	

Noes, 12.

Mr. Sutherland,	Mr. Farnell,
Mr. Speer,	<i>Tellers.</i>
Mr. Flood,	Mr. Baker,
Mr. Brookes,	Mr. Driver.
Mr. Leary,	
Mr. Dodds,	
Mr. Wisdom,	
Mr. Clarke,	
Mr. Buchanan,	

No. 6.

(Same Clause.)

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

Committee divided.

Ayes, 17.

Mr. Cowper,	Mr. Dean,
Mr. Sutherland,	Mr. Allen,
Mr. Forster,	Mr. Lloyd,
Mr. M. C. Stephen,	Mr. Garrett,
Mr. Butler,	Mr. Phelps,
Mr. Wearne,	<i>Tellers.</i>
Mr. Fitzpatrick,	Mr. M. H. Stephen,
Mr. Cummings,	Mr. Hoskins.
Mr. Samuel,	
Mr. Egan,	

Noes, 11.

Mr. Speer,	<i>Tellers.</i>
Mr. Flood,	Mr. Baker,
Mr. Brookes,	Mr. Driver.
Mr. Leary,	
Mr. Dodds,	
Mr. Clarke,	
Mr. Wisdom,	
Mr. Buchanan,	
Mr. Farnell,	

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 3 MARCH, 1870.

No. 1.

WAYS AND MEANS.

Resolution (No. 3)—Resolved,—That towards making good the supply granted to Her Majesty, for the service of the year 1870, there be granted out of the Consolidated Revenue Fund of New South Wales the sum of £1,530. (*Read.*)

Question proposed,—That the Committee agree to this Resolution. (*Mr. Samuel.*)

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again this day fortnight. (*Sir James Martin.*)

And the Committee continuing to sit until after Midnight,—

FRIDAY, 4 MARCH, 1870, A.M.

Committee divided.

Ayes, 22.

Sir James Martin,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Parkes,	Mr. Wearne,
Mr. Byrnes,	Mr. Windeyer.
Mr. Watson,	
Mr. E. Brown,	
Mr. Lee,	
Mr. Tunks,	
Mr. Clarke,	
Mr. Campbell,	
Mr. Weaver,	
Mr. Lord,	
Mr. Hoskins,	
Mr. Webb,	
Mr. Ryan,	
Mr. Nowlan,	
Mr. Buchanan,	
Commander Onslow,	
Mr. Farnell,	
Mr. Piddington,	

Noes, 38.

Mr. Cowper,	Mr. Hill,
Mr. Forster,	Mr. Butler,
Mr. Samuel,	Mr. Phelps,
Mr. Sutherland,	Mr. Moses,
Mr. Egan,	Mr. Fraser,
Mr. Robertson,	Mr. Fallon,
Mr. Osborne,	Mr. Macleay,
Mr. Bawden,	Mr. Brookes,
Mr. G. A. Lloyd,	Mr. M. C. Stephen,
Mr. Spring,	Mr. M. H. Stephen,
Mr. Cummings,	Mr. King,
Mr. Jennings,	Mr. Church,
Mr. Dodds,	Mr. Baker,
Mr. Kelly,	Mr. S. Brown,
Mr. Eckford,	Mr. Dillon,
Mr. Allen,	Mr. Dean,
Mr. Morrice,	<i>Tellers.</i>
Mr. Fitzpatrick,	
Mr. Bell,	Mr. Garrett,
Mr. Leary,	Mr. Driver.

Resolution then agreed to—Chairman left Chair to report progress.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 3.

WEEKLY REPORT OF DIVISIONS

II

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 8 MARCH, 1870.

No. 1.

COMMONS REGULATION BILL.

Clause 3. The Government may from time to time by notification in the *Gazette* "grant or" dedicate in perpetuity or for a definite period as a **Common** to the residents or inhabitants of any city town district or locality any Crown Lands with or without power of resumption and in such manner and upon such terms and conditions as may be deemed best for the public interest and may before any general election of Trustees under this Act shall have taken place appoint any number of persons not exceeding five as Trustees for such **Common**. (*Read.*)

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

Amendment proposed,—That the words "grant or," after the word "*Gazette*," in the 1st line, be omitted. (*Mr. Farnell.*)

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

Committee divided.

Ayes, 30.

Mr. Egan,	Mr. Phelps,
Mr. Forster,	Mr. G. A. Lloyd,
Mr. Sutherland,	Mr. Dodds,
Mr. Wearne,	Mr. Neale,
Mr. Fallon,	Mr. Moses,
Mr. Cummings,	Mr. Hoskins,
Mr. Weaver,	Mr. Fiddington,
Mr. Webb,	Mr. Brookes,
Mr. Fitzpatrick,	Mr. Spring,
Mr. Alexander,	Mr. Bawden,
Mr. Fraser,	Mr. Driver,
Mr. King,	Mr. Robertson,
Mr. M. H. Stephen,	<i>Tellers.</i>
Mr. Allen,	
Mr. Speer,	Mr. Wilson,
Mr. Bell,	Mr. Jennings.

Noes, 2.

Tellers.
Mr. Tunks,
Mr. Farnell.

The Clause was amended, on motion of Mr. Forster, by the insertion of the words as shewn above, in black letter.

Clause, as amended, agreed to.

No. 2.

SAME BILL.

Clause 16. The Trustees of any Common may with the consent of a majority of at least two-thirds of the commoners present at two special meetings or adjourned special meetings duly convened and constituted under this Act for the purpose of considering such surrender to the Crown or any adjacent Municipality the whole or any portion of such Common remaining at any time unsold on condition that some useful public work not being less in estimated value than the Common or portion of Common so surrendered shall be constructed within or for the benefit of the district or districts in which such Common is situated Provided that no such surrender shall be lawful if disallowed by the Government by notification in the *Gazette* not more than three months after such consent as aforesaid shall have been obtained. (*Read.*)

132—A

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

Ayes, 18.

Mr. Samuel,	Mr. Morrice,
Mr. Egan,	Mr. Cummings,
Mr. Sutherland,	Mr. Bawden,
Mr. Forster,	Mr. Driver,
Mr. Dodds,	Mr. Robertson,
Mr. G. A. Lloyd,	Mr. Church,
Mr. Bell,	<i>Tellers.</i>
Mr. Baker,	Mr. Brookes,
Mr. Spring,	Mr. Dillon.
Mr. Moses,	

Noes, 10.

Mr. M. H. Stephen,	<i>Tellers.</i>
Mr. Webb,	Mr. Wearne,
Mr. Weaver,	Mr. Piddington.
Mr. Fallon,	
Mr. Fitzpatrick,	
Mr. Hoskins,	
Mr. Tunks,	
Mr. Farnell,	

No. 3.

SAME BILL.

Clause 19. Subject to this Act the rights of commoners in regard to any Common shall so far as the same are capable of being exercised include the commonable rights recognized by the law of England Provided always that the nature and extent of such rights may in every case be defined by by-laws under this Act. (*Read.*)

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

Ayes, 18.

Mr. Samuel,	Mr. Bawden,
Mr. Egan,	Mr. Moses,
Mr. Forster,	Mr. Spring,
Mr. Sutherland,	Mr. Dodds,
Mr. Brookes,	Mr. Bell,
Mr. Piddington,	Mr. Morrice,
Mr. Church,	<i>Tellers.</i>
Mr. Driver,	Mr. M. H. Stephen,
Mr. Robertson,	Mr. Hoskins.
Mr. Dillon,	

Noes, 9.

Mr. Wearne,	<i>Tellers.</i>
Mr. Webb,	Mr. Farnell,
Mr. Weaver,	Mr. G. A. Lloyd.
Mr. Fallon,	
Mr. Fitzpatrick,	
Mr. Tunks,	
Mr. Baker,	

WEDNESDAY, 9 MARCH, 1870.

No. 4.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

SERVICES OF 1868.

(*Colonial Secretary's Department.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £62 10s. to defray supplementary charge for increase of salary to Chief Clerk, First Clerk in charge of Long Room, and Second Clerk in charge of Records, at the rate of £50 per annum each, from 1st August—granted in consequence of re-arrangement of the Office, by which a large saving was effected for the year 1868. (*Mr. Cowper.*)

Debate ensued.

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

Committee divided.

Ayes, 22.

Mr. Cowper,	Mr. Baker,
Mr. Samuel,	Mr. G. A. Lloyd,
Mr. Egan,	Mr. Wilson,
Mr. Sutherland,	Mr. Windeyer,
Mr. Robertson,	Mr. Bawden,
Mr. Parkes,	Mr. Farnell,
Mr. Ryan,	Mr. Jennings,
Mr. Clarke,	Mr. Weaver,
Mr. Forster,	<i>Tellers.</i>
Mr. Leary,	Mr. Spring,
Mr. Fallon,	Mr. Dillon.
Mr. Osborne,	

Noes, 9.

Sir James Martin,
Mr. Driver,
Mr. Webb,
Mr. E. Brown,
Mr. Hoskins,
Mr. Morrice,
Mr. Dodds,
<i>Tellers.</i>
Mr. Wearne,
Mr. Piddington.

Chairman left Chair to report progress accordingly.

THURSDAY, 10 MARCH, 1870.

No. 5.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

SERVICES FOR 1868.

Question again proposed,—That there be granted to Her Majesty a sum not exceeding £62 10s., to defray supplementary charge for increase of salary to Chief Clerk, First Clerk in charge of Long Room, and Second Clerk in charge of Records, at the rate of £50 per annum each, from 1st August—granted in consequence of re-arrangement of the Office, by which a large saving was effected for the year 1868. (*Mr. Cowper.*)

Motion

Motion made and Question put,—That the proposed sum of £62 10s. be omitted (*Mr. Piddington*.)
Committee divided.

Ayes, 13.

Mr. Alexander,	<i>Tellers.</i>
Mr. Hill,	Mr. E. Brown,
Mr. Osborne,	Mr. Piddington.
Mr. Flood,	
Mr. Baker,	
Mr. Buchanan,	
Mr. Webb,	
Mr. Hoskins,	
Mr. Driver,	
Mr. Morrice,	
Mr. Dean,	

Noes, 23.

Mr. Cowper,	Mr. M. C. Stephen,
Mr. Forster,	Mr. Bell,
Mr. Sutherland,	Mr. Fallon,
Mr. Samuel,	Mr. Jennings,
Mr. Egan,	Mr. Leary,
Mr. Byrnes,	Commander Onslow,
Mr. Spring,	Mr. Speer,
Mr. Fraser,	Mr. Wilson,
Mr. Weaver,	<i>Tellers.</i>
Mr. Bawden,	Mr. Dillon,
Mr. Brookes,	Mr. Garrett.
Mr. Dodds,	
Mr. King,	

No. 6.

(*Same Estimate.*)

Motion made and Question put,—That the Sum be reduced by £62 9s. (*Mr. Driver*.)
Committee divided.

Ayes, 13.

Mr. Piddington,
Mr. Hill,
Mr. Leary,
Mr. Flood,
Mr. E. Brown,
Mr. Buchanan,
Mr. Driver,
Mr. Morrice,
Mr. Webb,
Mr. Hoskins,
Mr. Dean,
<i>Tellers.</i>
Mr. Wearne,
Mr. S. Brown.

Noes, 27.

Mr. Cowper,	Mr. Fraser,
Mr. Forster,	Mr. Fallon,
Mr. Samuel,	Mr. Jennings,
Mr. Sutherland,	Mr. Butler,
Mr. Parkes,	Mr. Speer,
Mr. Brookes,	Mr. Wilson,
Mr. Dodds,	Mr. Garrett,
Mr. G. A. Lloyd,	Mr. Byrnes,
Mr. M. C. Stephen,	Mr. Weaver,
Mr. King,	Mr. Egan,
Commander Onslow,	<i>Tellers.</i>
Mr. Spring,	Mr. Bawden,
Mr. Clarke,	Mr. Windeyer.
Mr. Campbell,	
Mr. Baker,	

No. 7.

(*Same Estimate.*)

Original Question put.
Committee divided.

Ayes, 28.

Mr. Cowper,	Mr. Campbell,
Mr. Forster,	Mr. Spring,
Mr. Samuel,	Mr. Bawden,
Mr. Jennings,	Mr. Dodds,
Mr. Egan,	Mr. Garrett,
Mr. Sutherland,	Mr. Baker,
Mr. Butler,	Mr. Speer,
Mr. Wilson,	Commander Onslow,
Mr. Fallon,	Mr. Robertson,
Mr. Parkes,	Mr. Byrnes,
Mr. Fraser,	Mr. Weaver,
Mr. G. A. Lloyd,	<i>Tellers.</i>
Mr. M. C. Stephen,	Mr. Brookes,
Mr. King,	Mr. Windeyer.
Mr. Clarke,	

Noes, 9.

Mr. Webb,
Mr. Wearne,
Mr. Driver,
Mr. Hoskins,
Mr. Dean,
Mr. Morrice,
Mr. S. Brown,
<i>Tellers.</i>
Mr. Piddington,
Mr. E. Brown.

No. 8.

SUPPLEMENT TO SCHEDULE B.—PENSIONS.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £30 18s. 3d., to defray supplementary charge for Supplement to Schedule B—Pensions, for the year 1869. (*Mr. Sutherland*.)
Committee divided.

Ayes, 22.

Mr. Cowper,	Mr. Spring,
Mr. Samuel,	Mr. Church,
Mr. Sutherland,	Mr. Wilson,
Mr. Forster,	Mr. Dodds,
Mr. Cummings,	Mr. Speer,
Mr. Fraser,	Mr. Egan,
Mr. King,	Mr. Dillon,
Mr. Fallon,	Mr. Robertson,
Mr. M. C. Stephen,	<i>Tellers.</i>
Mr. Alexander,	Mr. Brookes,
Mr. M. H. Stephen,	Mr. Weaver.
Mr. Clarke,	

Noes, 14.

Sir James Martin,	<i>Tellers.</i>
Mr. S. Brown,	Mr. Farnell,
Mr. E. Brown,	Mr. Driver.
Mr. Osborne,	
Mr. Hoskins,	
Mr. Flood,	
Mr. Bawden,	
Mr. Leary,	
Mr. Campbell,	
Mr. Webb,	
Mr. Dean,	
Mr. Byrnes,	

No. 9.

No. 9.

(Colonial Secretary.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £150, to defray supplementary charge for increase of Salary to Chief Clerk, 1st Clerk in the Long Room, and 2nd Clerk in charge of Records, at the rate of £50 per annum each, from 1st January, for the year 1869. (*Mr. Cowper.*)

Motion made and question put,—That the proposed Estimate of £150 be omitted. (*Mr. Driver.*) Committee divided.

Ayes, 13.

Mr. Piddington,	<i>Tellers.</i>
Mr. Hoskins,	
Mr. Webb,	Mr. E. Brown,
Mr. Cummings,	Mr. S. Brown.
Mr. Church,	
Mr. Leary,	
Mr. Flood,	
Mr. Dodds,	
Mr. Dean,	
Mr. Driver,	
Mr. Dillon,	

Noes, 25.

Mr. Cowper,	Mr. Alexander,
Mr. Forster,	Mr. Spring,
Mr. Samuel,	Mr. Bell,
Mr. Egan,	Mr. Campbell,
Mr. Sutherland,	Mr. Clarke,
Mr. Wilson,	Mr. Phelps,
Mr. Parkes,	Mr. Speer,
Mr. Brookes,	Mr. Byrnes,
Mr. Bawden,	Mr. Robertson,
Mr. Weaver,	<i>Tellers.</i>
Mr. Fallon,	
Mr. King,	Mr. Farnell,
Mr. M. H. Stephen,	Mr. Fraser.
Mr. M. C. Stephen,	

No. 10.

(Colonial Secretary—Miscellaneous.)

Motion made and question put,—That the item £200, as stipend to The Rev. D. M'Guinn, Roman Catholic Clergyman, from 1st January (Report of Select Committee), be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 25.

Mr. Cowper,	Mr. Webb,
Mr. Samuel,	Mr. G. A. Lloyd,
Mr. Forster,	Mr. Phelps,
Mr. Sutherland,	Mr. Dean,
Mr. Wilson,	Mr. Piddington,
Mr. B. Brown,	Mr. Alexander,
Mr. Parkes,	Mr. Flood,
Mr. M. H. Stephen,	Mr. Robertson,
Mr. King,	Mr. Fraser,
Mr. Brookes,	<i>Tellers.</i>
Mr. M. C. Stephen,	Mr. Weaver,
Mr. Clarke,	Mr. Windeyer.
Mr. Bawden,	
Mr. Dodds,	

Noes, 15.

Mr. Egan,	<i>Tellers.</i>
Mr. Dillon,	
Mr. Leary,	Commander Onslow,
Mr. Jennings,	Mr. S. Brown.
Mr. Fallon,	
Mr. Osborne,	
Mr. Morrice,	
Mr. Hoskins,	
Mr. Spring,	
Mr. Butler,	
Mr. Bell,	
Mr. Campbell,	
Mr. Cummings,	

On motion of *Mr. Samuel*, the Chairman left the Chair to report progress and ask leave to sit again:

FRIDAY, 11 MARCH, 1870.

No. 11.

MATRIMONIAL CAUSES BILL.

Clause 13. It shall be lawful for any husband to present a petition to the Court praying that his Marriage may be dissolved on the ground that his wife has since the celebration thereof been guilty of adultery and it shall be lawful for any wife to present a petition to the Court praying that her Marriage may be dissolved on the ground that since the celebration thereof her husband has been "guilty of" adultery. And every such petition shall state as distinctly as the nature of the case permits the facts on which the claim to have such Marriage dissolved is founded. (*Read.*)

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

Motion made and Question put,—That after the words "guilty of," in the 5th line, the following words be inserted, "incestuous adultery or of bigamy with adultery or of rape or of sodomy or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *à mensa et thoro* under the law heretofore existing in England or of adultery coupled with desertion without reasonable excuse for two years or upwards." (*Commander Onslow.*)

Committee divided.

Ayes, 16.

Mr. Cowper,	Mr. Garrett,
Mr. Samuel,	The Speaker,
Mr. Alexander,	<i>Tellers.</i>
Mr. Fitzpatrick,	
Mr. Parkes,	Mr. Jennings,
Mr. M. C. Stephen,	Mr. Driver.
Mr. Dodds,	
Commander Onslow,	
Mr. Bell,	
Mr. Bawden,	
Mr. Dean,	
Mr. Baker,	

Noes, 22.

Mr. Forster,	Mr. Osborne,
Mr. Robertson,	Mr. Wearne,
Mr. Sutherland,	Mr. Clarke,
Mr. Wilson,	Mr. Speer,
Mr. Fraser,	Mr. Buchanan,
Mr. Webb,	Mr. Farnell,
Mr. G. A. Lloyd,	Mr. Flood,
Mr. M. H. Stephen,	Mr. Byrnes,
Mr. Allen,	<i>Tellers.</i>
Mr. Weaver,	
Mr. King,	Mr. Hoskins,
Mr. Moses,	Mr. Brookes.

No.

No. 12.

*Same Clause.*Motion made and Question put,—That the Clause be postponed. (*Mr. Parkes.*)

Committee divided.

Ayes, 11.

Mr. Cowper,
Mr. Parkes,
Mr. Fitzpatrick,
Mr. Spring,
Mr. Speer,
Mr. Neale,
Mr. Egan,
Mr. Baker,
Mr. Samuel,

Tellers.

Commander Onslow,
Mr. Jennings.

Noes, 28.

Mr. Forster,	Mr. G. A. Lloyd,
Mr. Robertson,	Mr. Bell,
Mr. Brookes,	Mr. Driver,
Mr. Sutherland,	Mr. Osborne,
Mr. Church,	Mr. Wearne,
Mr. Wilson,	Mr. Clarke,
Mr. Weaver,	Mr. Webb,
Mr. Fraser,	Mr. Piddington,
Mr. Bawden,	Mr. Buchanan,
Mr. Hoskins,	Mr. Farnell,
Mr. M. C. Stephen,	Mr. Tunks,
Mr. M. H. Stephen,	Tellers.
Mr. Allen,	
Mr. King,	Mr. Dodds,
Mr. Moses,	Mr. Garrett.

Clause, as read, agreed to.

No. 13.

Same Bill.

Clause 43. When the time hereby limited for appealing against any decree dissolving a Marriage shall have expired and no appeal shall have been presented against such a decree or when any such appeal shall have been dismissed or when in the result of any appeal any Marriage shall be declared to be dissolved but not sooner it shall be lawful for the respective parties thereto to marry again as if the prior Marriage "had" been dissolved by death Provided always that no officiating minister shall be compelled to solemnize the Marriage of any person whose former Marriage may have been dissolved on the ground of his or her adultery or shall be liable to any suit penalty or censure for solemnizing or refusing to solemnize the Marriage of any such person. (*Read.*)

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Buchanan.*)Amendment proposed,—That all the words after "had," in line 5, to the end of Clause, be omitted, with the view of inserting in their stead the words "never been contracted." (*The Speaker.*)

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

Committee divided.

Ayes, 19.

Mr. Egan,	Mr. Bell,
Mr. Jennings,	Mr. Buchanan,
Commander Onslow,	Mr. Webb,
Mr. Robertson,	Mr. Bawden,
Mr. Speer,	Mr. Moses,
Mr. M. C. Stephen,	Mr. Fitzpatrick,
Mr. Allen,	Tellers.
Mr. Hoskins,	
Mr. M. H. Stephen,	Mr. Farnell,
Mr. King,	Mr. Piddington.
Mr. Osborne,	

Noes, 12.

The Speaker,	Tellers.
Mr. Forster,	
Mr. Cowper,	Mr. Clarke,
Mr. Parkes,	Mr. Watson.
Mr. G. A. Lloyd,	
Mr. Wilson,	
Mr. Garrett,	
Mr. Wearne,	
Mr. Driver,	
Mr. Dodds,	

No. 14.

(Same Bill.)

Clause 44. After this Act shall have come into operation no action shall be maintainable in the Colony of New South Wales for criminal conversation. (*Read.*)

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

Committee divided.

Ayes, 25.

Mr. Sutherland,	Mr. Brookes,
Mr. M. H. Stephen,	Mr. Wilson,
Mr. Flood,	Mr. Parkes,
Mr. Watson,	Mr. Buchanan,
Mr. Robertson,	Mr. Bawden,
Mr. G. A. Lloyd,	Mr. Moses,
Mr. Speer,	Mr. Piddington,
Mr. M. C. Stephen,	Mr. Driver,
Mr. Allen,	Mr. Webb,
Mr. Hoskins,	Tellers.
Mr. Clarke,	
Mr. King,	Mr. Farnell,
Mr. Weaver,	Mr. Garrett.
Mr. Bell,	

Noes, 8.

Mr. Cowper,
Mr. Forster,
Mr. Baker,
Mr. Egan,
Mr. Fitzpatrick,
Mr. Wearne,
Tellers.
Commander Onslow,
Mr. Jennings.

No. 15.

(Same Bill.)

Proposed new Clause. "This Act shall only apply where at the time of the offence committed one of the parties was resident in New South Wales." (*Read.*)

Motion made and Question put,—That the proposed new Clause, as read, stand Clause 45 of the Bill. (*Mr. M. C. Stephen.*)

Committee divided.

Ayes, 24.

Mr. Cowper,	Mr. Bell,
Mr. Sutherland,	Mr. Hoskins,
Mr. Egan,	Mr. Baker,
Mr. Jennings,	Mr. Webb,
Mr. Fallon,	Mr. Wilson,
Mr. Watson,	Mr. Robertson,
Mr. Speer,	Mr. Wearne,
Mr. Phelps,	Mr. Bawden,
Mr. Allen,	Mr. G. A. Lloyd,
Mr. M. C. Stephen,	<i>Tellers.</i>
Mr. Fitzpatrick,	Mr. M. H. Stephen,
Mr. King,	Mr. Piddington.
Mr. Parkes,	

Noes, 11.

Mr. Forster,
Mr. Buchanan,
Mr. Weaver,
Mr. Brookes,
Commander Onslow,
Mr. Moses,
Mr. Clarke,
Mr. Flood,
Mr. Garrett,
<i>Tellers.</i>
Mr. Farnell,
Mr. Driver.

Chairman left Chair to report Bill with an Amendment.

[6d.]

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

WEEKLY REPORT OF DIVISIONS

II

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 16 MARCH, 1870.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.
SERVICES OF 1869.

(No. IV.—Administration of Justice—Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £306 12s., to defray supplementary charge for the year 1869, for refund of Fine inflicted on Messrs. Davis, Alexander & Co. for a breach of the Gunpowder Storage Regulation Act, 7 Wm. IV, No. 7. (*Mr. Cowper.*)

Motion made and Question put,—That the proposed sum, £306 12s., be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 31.		Noes, 9.
Sir James Martin,	Mr. Clarke,	Mr. Cowper,
Mr. Byrnes,	Mr. Baker,	Mr. Forster,
Commander Onslow,	Mr. W. Suttor,	Mr. Samuel,
Mr. Jennings,	Mr. Dodds,	Mr. Sutherland,
Mr. Piddington,	Mr. E. Brown,	Mr. Egan,
Mr. Parkes,	Mr. Bawden,	Mr. Garrett,
Mr. G. A. Lloyd,	Mr. Speer,	Mr. Robertson,
Mr. Windeyer,	Mr. Bell,	<i>Tellers.</i>
Mr. M. H. Stephen,	Mr. Spring,	Mr. Church,
Mr. Allen,	Mr. Farnell,	Mr. Ryan.
Mr. J. Suttor,	Mr. Webb,	
Mr. Hill,	Mr. Wilson,	
Mr. King,	<i>Tellers.</i>	
Mr. Leary,		
Mr. Dight,	Mr. Weaver,	
Mr. Hoskins,	Mr. Driver.	
Mr. Campbell,		

No. 2.

(Treasurer and Secretary for Finance and Trade—Customs.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £257 5s. 2d., to defray supplementary charge for the year 1869, for salary of W. A. Duncan, Collector of Customs, from 21st September, 1868, to 3rd January, 1869, the date of his restoration to office. (*Mr. Samuel.*)

Motion made and Question put,—That the proposed sum, £257 5s. 2d., be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 28.

Sir James Martin,	Mr. Campbell,
Mr. Wilson,	Mr. Lord,
Mr. Byrnes,	Mr. W. Suttor,
Mr. E. Brown,	Mr. Leary,
Mr. Watson,	Mr. Hoskins,
Mr. M. H. Stephen,	Mr. Lee,
Mr. Parkes,	Mr. Webb,
Mr. Ryan,	Mr. Farnell,
Mr. Wearne,	Mr. Weaver,
Mr. Speer,	Mr. Piddington,
Mr. Church,	Mr. S. Brown,
Mr. Baker,	<i>Tellers.</i>
Mr. Clarke,	Mr. Windeyer,
Mr. J. Suttor,	Mr. Driver.
Mr. Osborne,	

Noes, 22.

Mr. Cowper,	Mr. Butler,
Mr. Samuel,	Mr. Alexander,
Mr. Forster,	Mr. Bawden,
Mr. Sutherland,	Mr. Flood,
Mr. Egan,	Mr. Robertson,
Mr. Jennings,	<i>Tellers.</i>
Mr. Brookes,	Mr. Spring,
Mr. G. A. Lloyd,	Mr. Dillon.
Mr. Dodds,	
Mr. Hill,	
Mr. Fallon,	
Mr. King,	
Mr. Fitzpatrick,	
Mr. Cummings,	
Mr. Phelps,	

No. 3.

(Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £150, to defray supplementary charge for the year 1869, for Gratuity to the Widow of Charles Brunstrom, Government Boatman, who lost his life by the upsetting of a boat during a heavy squall on the 9th September. (*Mr. Samuel.*)

Motion made and Question put,—That the proposed sum, £150, be omitted. (*Mr. S. Brown.*)

Committee divided.

Ayes, 7.

Mr. Lee,
Mr. E. Brown,
Mr. Farnell,
Mr. Hoskins,
Mr. Driver,
<i>Tellers.</i>
Mr. S. Brown,
Mr. Piddington.

Noes, 33.

Mr. Cowper,	Mr. Wearne,
Mr. Forster,	Mr. Alexander,
Mr. Samuel,	Mr. J. Suttor,
Mr. Robertson,	Mr. Wilson,
Mr. Windeyer,	Mr. Ryan,
Mr. Parkes,	Mr. Dillon,
Mr. Webb,	Mr. Watson,
Mr. Spring,	Mr. Sutherland,
Mr. Bawden,	Mr. Baker,
Mr. Weaver,	Mr. W. Suttor,
Mr. Leary,	Mr. Egan,
Mr. Dodds,	The Speaker,
Mr. Phelps,	Mr. G. A. Lloyd,
Mr. Fitzpatrick,	<i>Tellers.</i>
Mr. Cummings,	Mr. Jennings,
Mr. Osborne,	Mr. Brookes.
Mr. Clarke,	
Mr. Campbell,	

No. 4.

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

Committee divided.

Ayes, 13.

Sir James Martin,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Wearne,	Mr. Farnell,
Mr. W. Suttor,	Mr. Driver.
Mr. Lee,	
Mr. Campbell,	
Mr. Clarke,	
Mr. Wilson,	
Mr. Windeyer,	
Mr. Hoskins,	
Mr. Byrnes,	

Noes, 26.

Mr. Cowper,	Mr. Osborne,
Mr. Samuel,	Mr. Fitzpatrick,
Mr. Forster,	Mr. J. Suttor,
Mr. Sutherland,	Mr. Webb,
Mr. Egan,	Mr. G. A. Lloyd,
Mr. Spring,	Mr. Watson,
Mr. Jennings,	Mr. Bawden,
Mr. Weaver,	Mr. Baker,
Mr. Brookes,	Mr. Parkes,
Mr. Phelps,	Mr. Robertson,
Mr. Alexander,	<i>Tellers.</i>
Mr. Dodds,	Mr. Dillon,
Mr. E. Brown,	Mr. Ryan.
Mr. Cummings,	

No. 5.

(VI.—Secretary for Lands—Survey of Lands.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £647, to defray supplementary charge for the year 1869, under the head Survey of Lands. (*Mr. Forster.*)

And the Committee continuing to sit until after Midnight,—

THURSDAY, 17 MARCH, 1870, A.M.

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

Committee divided.

Ayes, 13.

Sir James Martin,	Mr. Webb,
Mr. Driver,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Byrnes,	Mr. Piddington,
Mr. E. Brown,	Mr. Watson.
Mr. Wearne,	
Mr. Parkes,	
Mr. W. Suttor,	
Mr. Osborne,	
Mr. Baker,	

Noes, 18.

Mr. Cowper,	Mr. Dodds,
Mr. Forster,	Mr. Cummings,
Mr. Samuel,	Mr. Bawden,
Mr. Sutherland,	Mr. Weaver,
Mr. Egan,	Mr. Phelps,
Mr. Jennings,	Mr. Robertson,
Mr. G. A. Lloyd,	<i>Tellers.</i>
Mr. Ryan,	Mr. Dillon,
Mr. Alexander,	Mr. Spring.
Mr. Fitzpatrick,	

* * * * *

Chairman left Chair to report progress.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 5.

WEEKLY REPORT OF DIVISIONS

■

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 23 MARCH, 1870.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.
SERVICES OF 1869.

(No. VI.—Secretary for Lands—Miscellaneous.)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £150, to defray supplementary charge for 1869, for fees to, and expenses incurred by, Mr. James Hoskins, as the Crown's Arbitrator in the late arbitration case of *Cummings v. the Crown*. (Mr. Forster.)

Committee divided.

Ayes, 21.

Mr. Cowper,	Mr. Ryan,
Mr. Forster,	Mr. Garrett,
Mr. Samuel,	Mr. Morrice,
Mr. Robertson,	Mr. Macleay,
Mr. Sutherland,	Mr. Fitzpatrick,
Mr. Egan,	Mr. Spring,
Mr. Jennings,	Mr. Dean,
Mr. Weaver,	Tellers.
Mr. Alexander,	Mr. Bawden,
Mr. Neale,	Mr. Driver.
Mr. Dillon,	
Mr. Phelps,	

Noes, 16.

Sir James Martin,	Mr. Windeyer,
Mr. Parkes,	Mr. Byrnes,
Mr. Wilson,	Tellers.
Mr. G. A. Lloyd,	Mr. Clarke,
Mr. Osborne,	Mr. Farnell.
Mr. Webb,	
Mr. J. Suttor,	
Mr. Tunks,	
Mr. Campbell,	
Mr. Wearne,	
Mr. Buchanan,	
Mr. Piddington,	

No. 2.

(Secretary for Public Works—Railways.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £100, to defray supplementary charge for the year 1869, for increase of salary to Locomotive Foreman. (Mr. Sutherland.)

A Motion (made by Mr. Byrnes) That the item be postponed was negatived, there being no Tellers for the Ayes on a Division being called for.

Motion made and Question put,—That the item £100 be omitted. (Mr. Piddington.)

Committee divided.

Ayes, 4.

Mr. Driver,
Mr. Byrnes,
Tellers.
Mr. Webb,
Mr. Piddington.

Noes, 25.

Mr. Cowper,	Mr. Spring,
Mr. Samuel,	Mr. Phelps,
Mr. Forster,	Mr. Dillon,
Mr. Sutherland,	Mr. Macleay,
Mr. Egan,	Mr. Fraser,
Mr. J. Suttor,	Mr. Robertson,
Mr. Parkes,	Mr. Weaver,
Mr. Jennings,	Mr. Garrett,
Mr. Alexander,	Mr. Ryan,
Mr. G. A. Lloyd,	<i>Tellers.</i>
Mr. Neale,	Mr. Farnell,
Mr. Cummings,	Mr. Bawden.
Mr. Fitzpatrick,	
Mr. Morrico,	

Item as proposed agreed to.

No. 3.

(Secretary for Public Works—Railways.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £75, to defray supplementary charge for the year 1869, for increase of salary to Clerk, Engineer's Office.

(Mr. Sutherland.)

Motion made and Question put,—That the item £75 be omitted. *(Mr. Driver.)*

Committee divided.

Ayes, 5.

Mr. Wearne,
Mr. Parkes,
Mr. Webb,
Tellers.
Mr. Piddington,
Mr. Driver.

Noes, 18.

Mr. Cowper,	Mr. Dillon,
Mr. Samuel,	Mr. Macleay,
Mr. Forster,	Mr. Weaver,
Mr. Sutherland,	Mr. Byrnes,
Mr. Egan,	Mr. Robertson,
Mr. J. Suttor,	Mr. Garrett,
Mr. Alexander,	<i>Tellers.</i>
Mr. G. A. Lloyd,	Mr. Bawden,
Mr. Cummings,	Mr. Jennings.
Mr. Fitzpatrick,	

Chairman left Chair, to report progress.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 6.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 30 MARCH, 1870.

No. 1.

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.
SERVICES OF 1869.

(Railways—to be raised by Loan.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £35,000, to defray supplementary charge for the year 1869, in completion of the relaying of the Line from Sydney to Parramatta. *(Mr. Sutherland.)*

Motion made and Question put,—That the item £35,000 be reduced by £23,000. *(Sir James Martin.)*

Committee divided.

Ayes, 12.

Sir James Martin,
Mr. Byrnes,
Mr. Wearne,
Mr. Lee,
Mr. Parkes,
Mr. Wisdom,
Mr. Flood,
Mr. J. Suttor,
Mr. Hoskins,
Mr. Webb,

Tellers.

Mr. Farnell,
Mr. Piddington.

Noes, 27.

Mr. Cowper,	Mr. Moses,
Mr. Forster,	Mr. Hill,
Mr. Samuel,	Mr. Allen,
Mr. Sutherland,	Mr. Weaver,
Mr. Egan,	Mr. Morrice,
Mr. Spring,	Mr. Fitzpatrick,
Mr. Jennings,	Mr. S. Brown,
Mr. Dillon,	Mr. Church,
Mr. M. H. Stephen,	Mr. Watson,
Mr. Brookes,	Mr. W. Suttor,
Mr. King,	<i>Tellers.</i>
Mr. Phelps,	
Mr. G. A. Lloyd,	Mr. Osborne,
Mr. Cummings,	Mr. Driver.
Mr. Dodds,	

No. 2.

(Same item.)

Motion made and Question put,—That the item £35,000 be reduced by £20,000. *(Mr. Piddington.)*

And Mr. Wilson having, by leave, withdrawn a motion that the Chairman leave the Chair,—

Committee divided.

Ayes, 14.

Sir James Martin,	
Mr. Byrnes,	<i>Tellers.</i>
Mr. Wilson,	Mr. Farnell,
Mr. Wearne,	Mr. Piddington.
Mr. Lee,	
Mr. Parkes,	
Mr. Weaver,	
Mr. Wisdom,	
Mr. Nowlan,	
Mr. J. Suttor,	
Mr. Hoskins,	
Mr. Webb,	

Noes, 23.

Mr. Cowper,	Mr. Fitzpatrick,
Mr. Forster,	Mr. Moses,
Mr. Samuel,	Mr. Osborne,
Mr. Sutherland,	Mr. Morrice,
Mr. Jennings,	Mr. Bell,
Mr. Egan,	Mr. Brookes,
Mr. Spring,	Mr. Church,
Mr. Dillon,	Mr. Driver,
Mr. Phelps,	<i>Tellers.</i>
Mr. G. A. Lloyd,	Mr. S. Brown,
Mr. M. H. Stephen,	Mr. Watson.
Mr. Cummings,	
Mr. King,	

No. 3.

(Same item.)

Motion made and Question put,—That the item £35,000 be reduced by £15,000. (*Mr. Webb.*)
Committee divided.

Ayes, 13.

Sir James Martin,	
Mr. Piddington,	<i>Tellers.</i>
Mr. Wilson,	Mr. Webb,
Mr. Byrnes,	Mr. Farnell.
Mr. Lee,	
Mr. Wearne,	
Mr. Weaver,	
Mr. Parkes,	
Mr. Wisdom,	
Mr. J. Suttor,	
Mr. Nowlan,	

Noes, 24.

Mr. Cowper,	Mr. King,
Mr. Samuel,	Mr. Morrice,
Mr. Forster,	Mr. Bell,
Mr. Sutherland,	Mr. Fitzpatrick,
Mr. Egan,	Mr. Cummings,
Mr. Jennings,	Mr. Brookes,
Mr. Osborne,	Mr. W. Suttor,
Mr. Spring,	Mr. Phelps,
Mr. Dillon,	Mr. Driver,
Mr. Watson,	<i>Tellers.</i>
Mr. M. H. Stephen,	Mr. Church,
Mr. G. A. Lloyd,	Mr. S. Brown.
Mr. Moses,	

Original item, £35,000, carried.
Chairman left Chair, to report progress.

THURSDAY, 31 MARCH, 1870.

No. 4.

SUPPLY—ESTIMATES FOR 1870.

(Colonial Secretary.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,206, to defray the Salaries and Contingencies of the Colonial Secretary's Department, for the year 1870.
(*Mr. Cowper.*)

Motion made and Question put,—That the item £550, Salary of Chief Clerk, be reduced by the sum of £50. (*Mr. Driver.*)

Committee divided.

Ayes, 7.

Mr. Piddington,	
Mr. Hoskins,	
Mr. Wearne,	
Mr. Morrice,	
Mr. Moses,	
<i>Tellers.</i>	
Mr. Baker,	
Mr. Driver.	

Noes, 27.

Mr. Cowper,	Mr. W. Suttor,
Mr. Forster,	Mr. Samuel,
Mr. Sutherland,	Mr. Nowlan,
Mr. Egan,	Mr. Wisdom,
Mr. Robertson,	Mr. Speer,
Mr. Parkes,	Mr. Clarke,
Mr. Watson,	Mr. Dodds,
Mr. Wilson,	Mr. G. A. Lloyd,
Mr. King,	Mr. Lord,
Mr. Fraser,	Mr. Bell,
Mr. Jennings,	<i>Tellers.</i>
Mr. Fallon,	
Mr. Leary,	Mr. Weaver,
Mr. Fitzpatrick,	Mr. Neale.
Mr. Phelps,	

No. 5.

(Same Estimate.)

Motion made and Question put,—That the item £450, Salary of First Clerk (in charge of Long Room), be reduced by the sum of £50. (*Mr. Driver.*)

Committee divided.

Ayes, 9.

Mr. Garrett,	
Mr. Piddington,	
Mr. Wearne,	
Mr. Webb,	
Mr. Morrice,	
Mr. Moses,	
Mr. Driver,	
<i>Tellers.</i>	
Mr. Baker,	
Mr. Buchanan.	

Noes, 28.

Mr. Cowper,	Mr. Alexander,
Mr. Samuel,	Commander Onslow,
Mr. Sutherland,	Mr. Bell,
Mr. Egan,	Mr. G. A. Lloyd,
Mr. Robertson,	Mr. Hill,
Mr. Weaver,	Mr. Dodds,
Mr. Parkes,	Mr. Clarke,
Mr. Wilson,	Mr. Speer,
Mr. King,	Mr. Wisdom,
Mr. Fraser,	Mr. Nowlan,
Mr. Jennings,	Mr. Forster,
Mr. Fallon,	<i>Tellers.</i>
Mr. Phelps,	
Mr. Fitzpatrick,	Mr. Spring,
Mr. W. Suttor,	Mr. Watson.

No. 6.

No. 6.

(Same Estimate.)

Motion made and Question put,—That the item £350, Salary of Second Clerk (in charge of Records), be reduced by the sum of £50. (*Mr. Driver.*)

Committee divided.

Ayes, 9.

Mr. Wearne,
Mr. Piddington,
Mr. Garrett,
Mr. Webb,
Mr. Morrice,
Mr. Moses,
Mr. Buchanan,

Tellers.

Mr. Baker,
Mr. Driver.

Noes, 30.

Mr. Cowper,
Mr. Samuel,
Mr. Forster,
Mr. Egan,
Mr. Robertson,
Mr. Weaver,
Mr. Parkes,
Mr. Watson,
Mr. Wilson,
Mr. King,
Mr. Fraser,
Mr. Jennings,
Mr. Fallon,
Mr. Fitzpatrick,
Mr. Phelps,
Mr. W. Suttor,

Mr. Alexander,
Mr. Cummings,
Mr. Bell,
Mr. G. A. Lloyd,
Mr. Brookes,
Mr. Dodds,
Commander Onslow,
Mr. Clarke,
Mr. Speer,
Mr. Wisdom,
Mr. Sutherland,
Mr. Nowlan,

Tellers.

Mr. Dillon,
Mr. Spring.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 7.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 5 APRIL, 1870.

No. 1.

SUPPLY—ESTIMATES, 1870.

(Police.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £122,495, to defray the charges under the head of Police, for the year 1870. *(Mr. Cowper.)*
Motion made and Question put,—That the Estimate be postponed. *(Sir James Martin.)*

And the Committee continuing to sit until after Midnight,—

WEDNESDAY, 6 APRIL, 1870, A.M.

Committee divided.

Ayes, 10.

Sir James Martin,
Mr. Weaver,
Mr. Wilson,
Mr. Parkes,
Mr. Nowlan,
Mr. J. Suttor,
Mr. G. A. Lloyd,
Mr. Webb,

Tellers.

Mr. Farnoll,
Mr. Piddington.

Noes, 20.

Mr. Cowper,	Mr. Fitzpatrick,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Fallon,
Mr. Sutherland,	Mr. Macleay,
Mr. Robertson,	Mr. Phelps,
Mr. Ryan,	Mr. Hoskins,
Mr. Jennings,	Mr. Driver,
Mr. W. Suttor,	<i>Tellers.</i>
Mr. Dodds,	Mr. Spring,
Mr. Brookes,	Mr. Fraser.
Mr. Morrice,	

No. 2.

(Same Estimate.)

Original Question stated.

Motion made and Question put,—That the Estimate be reduced by the sum of £4,322. *(Sir James Martin.)*

Committee divided.

Ayes, 13.

Sir James Martin,	Mr. G. A. Lloyd,
Mr. Ryan,	Mr. Webb,
Mr. Piddington,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Parkes,	Mr. Weaver,
Mr. Driver,	Mr. Farnell.
Mr. Nowlan,	
Mr. W. Suttor,	
Mr. J. Suttor,	

Noes, 16.

Mr. Cowper,	Mr. Bell,
Mr. Forster,	Mr. Fallon,
Mr. Samuel,	Mr. Macleay,
Mr. Sutherland,	Mr. Phelps,
Mr. Robertson,	Mr. Hoskins,
Mr. Brookes,	<i>Tellers.</i>
Mr. Dodds,	
Mr. Morrice,	Mr. Fraser,
Mr. Fitzpatrick,	Mr. Jennings.

No. 3.

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

Committee divided.

Ayes, 7.

Mr. Ryan,
Mr. Wilson,
Mr. Parkes,
Mr. Weaver,
Mr. Nowlan,
<i>Tellers.</i>
Mr. Farnell,
Mr. Piddington.

Noes, 19.

Mr. Cowper,	Mr. Fitzpatrick,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Phelps,
Mr. Sutherland,	Mr. Fallon,
Mr. Robertson,	Mr. Macleay,
Mr. W. Suttor,	Mr. Dodds,
Mr. Jennings,	<i>Tellers.</i>
Mr. Brookes,	
Mr. Hoskins,	Mr. Fraser,
Mr. Driver,	Mr. Spring.
Mr. Morrice,	

No. 4.

(*Same Estimate.*)

Original Question stated.

Motion made and Question put,—That the Estimate be reduced by the sum of £4,321.

(*Mr. Wilson.*)

Committee divided.

Ayes, 8.

Mr. Wilson,
Mr. Parkes,
Mr. Weaver,
Mr. Nowlan,
Mr. Webb,
Mr. Piddington,
<i>Tellers.</i>
Mr. Farnell,
Mr. Driver.

Noes, 19.

Mr. Cowper,	Mr. Fitzpatrick,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Phelps,
Mr. Sutherland,	Mr. Fallon,
Mr. Robertson,	Mr. Macleay,
Mr. W. Suttor,	Mr. Hoskins,
Mr. Brookes,	<i>Tellers.</i>
Mr. Fraser,	
Mr. Ryan,	Mr. Dodds,
Mr. Jennings,	Mr. Spring.
Mr. Morrice,	

No. 5.

(*Same Estimate.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £4,320.

(*Mr. Piddington.*)

Committee divided.

Ayes, 6.

Mr. Parkes,
Mr. Piddington,
Mr. Wilson,
Mr. Nowlan,
<i>Tellers.</i>
Mr. Weaver,
Mr. Driver.

Noes, 18.

Mr. Cowper,	Mr. Dodds,
Mr. Samuel,	Mr. Bell,
Mr. Sutherland,	Mr. Macleay,
Mr. Robertson,	Mr. Fraser,
Mr. Garrett,	Mr. Ryan,
Mr. Phelps,	Mr. Spring,
Mr. Brookes,	<i>Tellers.</i>
Mr. Fallon,	
Mr. Morrice,	Mr. Hoskins,
Mr. Fitzpatrick,	Mr. Jennings.

No. 6.

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

Committee divided.

Ayes, 6.

Mr. Wilson,
Mr. Weaver,
Mr. Piddington,
Mr. Parkes,
<i>Tellers.</i>
Mr. Nowlan,
Mr. Farnell.

Noes, 20.

Mr. Cowper,	Mr. Bell,
Mr. Forster,	Mr. Macleay,
Mr. Samuel,	Mr. Fallon,
Mr. Sutherland,	Mr. Fraser,
Mr. Robertson,	Mr. Phelps,
Mr. Garrett,	Mr. Hoskins,
Mr. Brookes,	Mr. Spring,
Mr. W. Suttor,	<i>Tellers.</i>
Mr. Dodds,	
Mr. Fitzpatrick,	Mr. Driver,
Mr. Morrice,	Mr. Jennings.

No. 7.

No. 7.

(Same Estimate.)

Original Question stated.

Motion made and Question put,—That the Estimate be reduced by the sum of £4,319. (*Mr. Wilson.*)

Committee divided.

Ayes, 7.

Mr. Wilson,
Mr. Parkes,
Mr. Piddington,
Mr. Weaver,
Mr. Webb,*Tellers.*Mr. Farnell,
Mr. Nowlan.

Noes, 20.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Spring,
Mr. Jennings,
Mr. Robertson,
Mr. Ryan,
Mr. Brookes,
Mr. Phelps,
Mr. Fitzpatrick,Mr. Dodds,
Mr. Bell,
Mr. Morrice,
Mr. Macleay,
Mr. Fraser,
Mr. Garrett,
Mr. Hoskins,*Tellers.*Mr. Fallon,
Mr. Driver.

No. 8.

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

Committee divided.

Ayes, 5.

Mr. Wilson,
Mr. Parkes,
Mr. Webb,*Tellers.*Mr. Piddington,
Mr. Farnell.

Noes, 20.

Mr. Cowper,
Mr. Forster,
Mr. Sutherland,
Mr. Brookes,
Mr. Robertson,
Mr. Driver,
Mr. Phelps,
Mr. Spring,
Mr. Fallon,
Mr. Dodds,
Mr. Weaver,Mr. Morrice,
Mr. Fitzpatrick,
Mr. Bell,
Mr. Macleay,
Mr. Garrett,
Mr. Ryan,
Mr. Samuel,*Tellers.*Mr. Hoskins,
Mr. Jennings.

No. 9.

(Same Estimate.)

Original Question stated.

Motion made and Question put,—That the Estimate be reduced by the sum of £4,318. (*Mr. Wilson.*)

Committee divided.

Ayes, 5.

Mr. Wilson,
Mr. Parkes,
Mr. Weaver,*Tellers.*Mr. Nowlan,
Mr. Farnell.

Noes, 20.

Mr. Cowper,
Mr. Samuel,
Mr. Sutherland,
Mr. Forster,
Mr. Jennings,
Mr. Robertson,
Mr. Brookes,
Mr. Fallon,
Mr. Dodds,
Mr. Phelps,
Mr. Fitzpatrick,Mr. Morrice,
Mr. Bell,
Mr. Macleay,
Mr. Fraser,
Mr. Garrett,
Mr. Ryan,
Mr. Hoskins,*Tellers.*Mr. Spring,
Mr. Driver.

No. 10.

(Same Estimate.)

Original Question stated.

Motion made and Question put,—That the Estimate be reduced by the sum of £4,317. (*Mr. Farnell.*)

Committee divided.

Ayes, 6.

Mr. Weaver,
Mr. Wilson,
Mr. Parkes,
Mr. Nowlan,*Tellers.*Mr. Farnell,
Mr. Osborne.

Noes, 20.

Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Robertson,
Mr. Brookes,
Mr. Garrett,
Mr. Jennings,
Mr. Phelps,
Mr. Fallon,
Mr. Dodds,
Mr. Fraser,Mr. Fitzpatrick,
Mr. Hill,
Mr. Morrice,
Mr. Ryan,
Mr. Bell,
Mr. Macleay,
Mr. Driver,*Tellers.*Mr. Spring,
Mr. Hoskins.

No. 11.

No. 11.

(Same Estimate.)

Motion made and Question put,—That the Estimate be reduced by the sum of £4,316 16s.

(Mr. Nowlan.)

Committee divided.

Ayes, 5.

Mr. Wilson,
Mr. Parkes,
Mr. Weaver,*Tellers.*Mr. Farnell,
Mr. Nowlan.

Noes, 21.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Robertson,
Mr. Garrett,
Mr. Brookes,
Mr. Hoskins,
Mr. Baker,
Mr. Fitzpatrick,
Mr. Morrice,
Mr. Bell,Mr. Fallon,
Mr. Macleay,
Mr. Phelps,
Mr. Dodds,
Mr. Spring,
Mr. Fraser,
Mr. Ryan,*Tellers.*Mr. Driver,
Mr. Jennings.

No. 12.

*(Same Estimate.)*Motion made and Question put,—That the Estimate be reduced by the sum of £4,316. *(Mr.**Wilson.)*

Committee divided.

Ayes, 5.

Mr. Wilson,
Mr. Parkes,
Mr. Weaver,*Tellers.*Mr. Farnell,
Mr. Nowlan.

Noes, 21.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Robertson,
Mr. Jennings,
Mr. Garrett,
Mr. Phelps,
Mr. Baker,
Mr. Hoskins,
Mr. Fitzpatrick,
Mr. Morrice,Mr. Bell,
Mr. Fallon,
Mr. Macleay,
Mr. Dodds,
Mr. Spring,
Mr. Fraser,
Mr. Ryan,*Tellers.*Mr. Brookes,
Mr. Driver.

No. 13.

*(Same Estimate.)*Motion made and Question put,—That the Estimate be reduced by the sum of £4,315. *(Mr.**Wilson.)*

Committee divided.

Ayes, 5.

Mr. Wilson,
Mr. Nowlan,
Mr. Parkes,*Tellers.*Mr. Farnell,
Mr. Weaver.

Noes, 21.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Garrett,
Mr. Robertson,
Mr. Brookes,
Mr. Phelps,
Mr. Baker,
Mr. Hoskins,
Mr. Fitzpatrick,
Mr. Morrice,Mr. Bell,
Mr. Fallon,
Mr. Macleay,
Mr. Dodds,
Mr. Spring,
Mr. Fraser,
Mr. Ryan,*Tellers.*Mr. Driver,
Mr. Jennings.

No. 14.

*(Same Estimate.)*Motion made and Question put,—That the Estimate be reduced by the sum of £4,314. *(Mr.**Nowlan.)*

Committee divided.

Ayes, 4.

Mr. Wilson,
Mr. Parkes,*Tellers.*Mr. Farnell,
Mr. Nowlan.

Noes 20.

Mr. Cowper,
Mr. Samuel,
Mr. Brookes,
Mr. Robertson,
Mr. Sutherland,
Mr. Jennings,
Mr. Phelps,
Mr. Baker,
Mr. Hoskins,
Mr. Fitzpatrick,
Mr. Morrice,Mr. Bell,
Mr. Macleay,
Mr. Dodds,
Mr. Osborne,
Mr. Ryan,
Mr. Forster,
Mr. Fraser,*Tellers.*Mr. Garrett,
Mr. Driver.*Original Estimate (£122,495) agreed to.*

On motion of Mr. Samuel, the Chairman left the Chair, to report progress.

WEDNESDAY,

WEDNESDAY, 6 APRIL, 1870.

No. 15.

SUPPLY—ESTIMATES, 1870.

(Colonial Secretary—Medical Adviser, &c.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £7,500, to defray the charges under the head of Medical Adviser, Vaccination, &c., for the year 1870. (*Mr. Cowper.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £300. (*Mr. Driver.*)

Committee divided.

Ayes, 7.
Mr. Piddington,
Mr. Alexander,
Mr. Flood,
Mr. Leary,
Mr. Webb,
Tellers.
Mr. Fitzpatrick,
Mr. Driver.

Noes, 24.
Mr. Cowper,
Mr. Samuel,
Mr. Forster,
Mr. Sutherland,
Mr. Wilson,
Mr. Brookes,
Mr. Jennings,
Mr. Dodds,
Mr. Hoskins,
Mr. Allen,
Mr. Fallon,
Mr. Morrice,
Mr. G. A. Lloyd,
Mr. Bell,
Mr. Clarke,
Mr. Garrett,
Mr. Speer,
Mr. Phelps,
Mr. M. C. Stephen,
Commander Onslow,
Mr. Baker,
Mr. Robertson,
Tellers.
Mr. Spring,
Mr. Farnell.

Estimate (£7,500) as proposed agreed to.

No. 16.

(Auditor General.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £4,547, to defray the charges under the head of Auditor General, for the year 1870. (*Mr. Cowper.*)

Motion made and Question put,—That the item £600, salary of Chief Clerk and Inspector of Accounts, be reduced by the sum of £50. (*Mr. Driver.*)

Committee divided.

Ayes, 13.
Mr. Piddington,
Mr. Parkes,
Mr. Alexander,
Mr. Wearne,
Mr. Nowlan,
Mr. Hoskins,
Mr. Morrice,
Mr. Flood,
Mr. Farnell,
Mr. Webb,
Mr. Fitzpatrick,
Tellers.
Mr. Spring,
Mr. Driver.

Noes, 13.
Mr. Cowper,
Mr. Samuel,
Mr. Forster,
Mr. Sutherland,
Mr. Dodds,
Commander Onslow,
Mr. Phelps,
Mr. Bell,
Mr. Clarke,
Mr. Speer,
Mr. G. A. Lloyd,
Tellers.
Mr. Brookes,
Mr. Jennings.

And the numbers being equal, the Chairman gave his casting vote with the Ayes.

*Item reduced accordingly.**Estimate as reduced (£4,467) agreed to.*

No. 17.

(Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £14,210, to defray the charges under the head Miscellaneous Services, for the year 1870. (*Mr. Cowper.*)

Motion made and Question put,—That the item £200, stipend to the Rev. D. McGuinn, Roman Catholic Clergyman (Report of Select Committee), be omitted. (*Mr. Wearne.*)

Committee divided.

Ayes, 13.
Mr. Cowper,
Mr. Samuel,
Mr. Sutherland,
Mr. Forster,
Mr. Neale,
Mr. Weaver,
Mr. Wearne,
Mr. Clarke,
Mr. Dodds,
Mr. Robertson,
The Speaker,
Tellers.
Mr. Webb,
Mr. Watson.

Noes, 12.
Mr. Fallon,
Commander Onslow,
Mr. Brookes,
Mr. Alexander,
Mr. Hoskins,
Mr. Fitzpatrick,
Mr. Morrice,
Mr. Bell,
Mr. Leary,
Mr. Phelps,
Tellers.
Mr. J. Suttor,
Mr. Spring.

On motion of Mr. Cowper, Chairman left Chair, to report progress.

THURSDAY, 7 APRIL, 1870.

No. 18.

SUPPLY—ESTIMATES, 1870.

(Treasury Department.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £9,121, to defray the charges under the head Treasury, for the year 1870. (*Mr. Samuel.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £240. (*Mr. Webb.*)

Committee divided.

Ayes, 9.
Mr. Piddington,
Mr. Parkes,
Mr. Wearne,
Mr. Moses,
Mr. Flood,
Mr. Morrice,
Commander Onslow,
Tellers.
Mr. Webb,
Mr. Driver.

Noes, 26.
Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Egan,
Mr. Brookes,
Mr. Wilson,
Mr. Robertson,
Mr. Weaver,
Mr. Church,
Mr. Fraser,
Mr. Alexander,
Mr. Phelps,
Mr. Dodds,
Mr. M. C. Stephen,
Mr. Fitzpatrick,
Mr. G. A. Lloyd,
Mr. Allen,
Mr. Bell,
Mr. Leary,
Mr. Spring,
Mr. King,
Mr. W. Suttor,
Mr. Clarke,
Mr. Sutherland,
Tellers.
Mr. Garrett,
Mr. Jennings.

Original Estimate (£9,121) carried.

No. 19.

No. 19.

(Stamp Duties.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,690, to defray the charges for Stamp Duties, for the year 1870. (*Mr. Samuel.*)

Motion made and Question put,—That the item £500, being Salary for Commissioner, be reduced by the sum of £100. (*Mr. Driver.*)

Committee divided.

Ayes, 13.

Mr. Fiddington,	Mr. Fitzpatrick,
Mr. Parkes,	Mr. Driver,
Mr. G. A. Lloyd,	Mr. Robertson,
Mr. Wearne,	<i>Tellers.</i>
Mr. Moses,	
Mr. J. Suttor,	Mr. Buchanan,
Mr. Hoskins,	Mr. Clarke.
Mr. Morrice,	

Noes, 12.

Mr. Cowper,	Mr. Phelps,
Mr. Forster,	Mr. Alexander,
Mr. Samuel,	<i>Tellers.</i>
Mr. Egan,	
Mr. Sutherland,	Mr. Neale,
Commander Onslow,	Mr. Watson.
Mr. Church,	
Mr. Fallon,	

Estimate £1,590, as reduced, agreed to.

No. 20.

(Printing Department.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £20,375, to defray the charges under the head "Printing, Bookbinding, Stamps, and Railway Tickets," for the year 1870. (*Mr. Samuel.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £145. (*Mr. Webb.*)

Committee divided.

Ayes, 10.

Mr. Piddington,
Mr. Baker,
Mr. Parkes,
Mr. Moses,
Mr. Allen,
Mr. Webb,
Commander Onslow,
Mr. Hoskins,
<i>Tellers.</i>
Mr. Buchanan,
Mr. Driver.

Noes, 24.

Mr. Weaver,	Mr. Phelps,
Mr. Cowper,	Mr. Brookes,
Mr. Samuel,	Mr. Dodds,
Mr. Forster,	Mr. Watson,
Mr. Egan,	Mr. Wearne,
Mr. Sutherland,	Mr. Clarke,
Mr. G. A. Lloyd,	Mr. Robertson,
Mr. Fraser,	Mr. Dean,
Mr. Jennings,	Mr. Fallon,
Mr. Leary,	<i>Tellers.</i>
Mr. Alexander,	
Mr. Fitzpatrick,	Mr. Church,
Mr. W. Suttor,	Mr. Spring.

Original Estimate (£20,375) carried.

No. 21.

(Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £31,080, to defray the charges under the head "Miscellaneous Services" for the year 1870. (*Mr. Samuel.*)

Motion made and Question put,—That the item £200, for Queen's Plate to be run for annually on Randwick Racecourse, be omitted. (*Mr. Wearne.*)

Committee divided.

Ayes, 9.

Mr. Forster,
Mr. Byrnes,
Mr. Parkes,
Mr. Dean,
Mr. Brookes,
Mr. Webb,
Mr. G. A. Lloyd,
<i>Tellers.</i>
Mr. Flood,
Mr. Wearne.

Noes, 21.

Mr. Cowper,	Mr. Moses,
Mr. Samuel,	Mr. Alexander,
Mr. Sutherland,	Mr. Bell,
Mr. Egan,	Mr. Allen,
Mr. Jennings,	Mr. W. Suttor,
Mr. Watson,	Mr. J. Suttor,
Mr. Hoskins,	Mr. Baker,
Mr. Fraser,	<i>Tellers.</i>
Mr. Spring,	
Mr. Fallon,	Mr. Clarke,
Commander Onslow,	Mr. Church.
Mr. Fitzpatrick,	

Original Estimate (£31,080) carried.

No. 22.

(Occupation of Lands.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £13,811, to defray the charges under the head "Occupation of Lands," for the year 1870. (*Mr. Forster.*)

And the Committee continuing to sit until after Midnight,—

FRIDAY, 8 APRIL, 1870, A.M.

Motion made and Question put,—That the Estimate be reduced by the sum of £1,315, being Salaries for Bailiffs and Camp-keepers. (*Mr. Spring.*)

Committee

Committee divided.

Ayes, 9.

Mr. Flood,
Mr. Weaver,
Mr. Spring,
Mr. Parkes,
Mr. Nowlan,
Mr. Brookes,
Mr. Hoskins,

Tellers.

Mr. Watson,
Mr. Driver.

Noes, 23.

Mr. Cowper, Mr. Forster, Mr. Sutherland, Mr. Robertson, Mr. Wilson, Mr. Jennings, Mr. Dean, Mr. Garrett, Commander Onslow, Mr. Fallon, Mr. Church, Mr. Alexander, Mr. Fitzpatrick,	Mr. Dodds, Mr. Macleay, Mr. Phelps, Mr. Baker, Mr. Webb, Mr. W. Suttor, Mr. Piddington, Mr. Samuel, <i>Tellers.</i> Mr. Osborne, Mr. Farnell.
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Original Estimate (£13,811) carried.

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

FRIDAY, 8 APRIL, 1870.

No. 23.

CATTLE SALE YARDS BILL.

Clause 8. All **penalties** for offences against this Act or any by-laws to be made thereunder ~~and all penalties incurred hereunder~~ may be recovered by and before **two or more Justices of the Peace in a summary way** ~~any Justice of the Peace in a summary way~~ and in case of non-payment thereof may be enforced by distress and sale of the offender's goods and chattels and on failure of distress in manner provided by the Act eleventh and twelfth Victoria chapter forty-three as adopted by the Act of the Governor and Legislative Council fourteenth Victoria number forty-three and by any Act amending the same. (*Read.*)

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

The clause having been amended, on motion of Mr. Driver, by the insertion of "penalties for" after "all" in line 1, and by the omission of the words "and all penalties incurred hereunder" in line 2,—

Further Amendment proposed,—That the words "any Justice of the Peace in a summary way," in line 3, be omitted, with the view of inserting, in their stead, the words "two or more Justices of the Peace in a summary way." (*Mr. Spring.*)

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

Ayes, 13.

Mr. Cowper, Mr. Sutherland, Mr. Forster, Mr. Robertson, Mr. Weaver, Mr. Byrnes, Mr. Garrett, Mr. Dodds,	Mr. Morrice, Mr. Dean, Mr. Flood, <i>Tellers.</i> Mr. Jennings, Mr. Driver.
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Noes, 15.

Mr. Brookes, Mr. Parkes, Mr. W. Suttor, Mr. J. Suttor, Mr. King, Mr. Spring, Mr. Fitzpatrick, Mr. Osborne, Mr. Webb,	Mr. G. A. Lloyd, Mr. Hoskins, Mr. Hill, Mr. Clarke, <i>Tellers.</i> Mr. Piddington, Mr. Tunks.
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Words inserted accordingly, and clause as amended agreed to.

The Chairman left the Chair, to report the Bill with Amendments.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 8.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 12 APRIL, 1870.

No. 1.

SUPPLY—ESTIMATES, 1870.
(*Gold Fields.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,089, to defray the charge under the head Gold Fields, for the year 1870. (*Mr. Forster.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £300. (*Mr. Baker.*)

Committee divided.

Ayes, 8.

Mr. Butler,
Mr. Flood,
Mr. Driver,
Mr. Morrice,
Mr. Tunks,
Mr. Hoskins,

Tellers.

Mr. Watson,
Mr. Baker.

Noes, 27.

Mr. Dodds,
Mr. Jennings,
Mr. Brookes,
Mr. J. Suttor,
Mr. W. Suttor,
Mr. Wilson,
Mr. Egan,
Mr. Sutherland,
Mr. Forster,
Mr. Dean,
Tellers.
Mr. Church,
Mr. Webb.

Mr. Cowper,
Mr. Samuel,
Mr. Robertson,
Mr. Speer,
Mr. Wearne,
Mr. Farnell,
Commander Onslow,
Mr. Weaver,
Mr. Phelps,
Mr. Clarke,
Mr. Campbell,
Mr. Bell,
Mr. Dillon,
Mr. Fitzpatrick,
Mr. Alexander,

No. 2.

(Minor Roads.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £63,966, to defray the charge for Minor Roads, for the year 1870. (*Mr. Forster.*)

Motion made and Question put,—That the item £500, for the erection of a Bridge over Throsby Creek, Bullock Island, be omitted. (*Mr. Dodds.*)

Committee divided.

Ayes, 3.

Mr. Byrnes,
Tellers.

Mr. Dodds,
Mr. Driver.

Noes, 27.

Mr. Macleay,
Mr. Baker,
Mr. W. Suttor,
Mr. Alexander,
Mr. Tunks,
Mr. Church,
Mr. Wearne,
Commander Onslow,
Mr. Dean,
Mr. Samuel,
Tellers.
Mr. Watson,
Mr. Webb.

Mr. Cowper,
Mr. Forster,
Mr. Sutherland,
Mr. Wilson,
Mr. Egan,
Mr. Robertson,
Mr. J. Suttor,
Mr. Brookes,
Mr. Garrett,
Mr. Fitzpatrick,
Mr. Leary,
Mr. Morrice,
Mr. Butler,
Mr. Jennings,
Mr. Cummings,

Original Estimate (£63,966) carried.

No. 3.

(Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £9,113, to defray the charge under the head "Miscellaneous Services" for the year 1870. (*Mr. Forster.*)

And the Question, for the omission of the item £1,078 for compensation for land promised the Jewish Church for Public Worship and since granted to Roman Catholics, having been negatived, on motion of Mr. Webb,—

Motion made and Question put,—That the item £500, as compensation awarded to W. Cummings, Esq., M.L.A., for damages sustained through a Gold Field being opened on his Run, be omitted. (*Mr. Piddington.*)

And the Committee continuing to sit until after Midnight,—

WEDNESDAY, 13 APRIL, 1870, A.M.

Committee divided.

Ayes, 13.

Mr. Wilson,	
Mr. Wearne,	
Mr. Webb,	<i>Tellers.</i>
Mr. Osborne,	Mr. Watson,
Mr. J. Suttor,	Mr. Hoskins.
Mr. Bell,	
Mr. Campbell,	
Mr. Clarke,	
Mr. Piddington,	
Mr. Tunks,	
Mr. Parkes,	

Noes, 21.

Mr. Cowper,	Mr. Macleay,
Mr. Forster,	Mr. Alexander,
Mr. Samuel,	Mr. Dodds,
Mr. Sutherland,	Mr. Garrett,
Mr. Egan,	Mr. Fraser,
Mr. Brookes,	Mr. Robertson,
Mr. Phelps,	Mr. Church,
Mr. Fitzpatrick,	<i>Tellers.</i>
Mr. Butler,	Mr. Baker,
Mr. M. C. Stephen,	Mr. Jennings.
Mr. Fallon,	
Mr. Morrice,	

Original Estimate carried.

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

WEDNESDAY, 13 APRIL, 1870.

No. 4.

SUPPLY—ESTIMATES, 1870.

(Department of Public Works.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,130, to defray the charge for the Department of Public Works, for the year 1870. (*Mr. Sutherland.*)

Motion made and Question put,—That the item £500, Salary for Chief Clerk, be reduced by £50. (*Mr. Driver.*)

Committee divided.

Ayes, 9.

Mr. Piddington,	
Mr. Parkes,	
Mr. Flood,	
Mr. Webb,	
Mr. Tunks,	
Mr. S. Brown,	
Mr. Garrett,	
<i>Tellers.</i>	
Mr. Hoskins,	
Mr. Driver.	

Noes, 24.

Mr. Cowper,	Mr. Jennings,
Mr. Samuel,	Mr. Cummings,
Mr. Forster,	Mr. Fitzpatrick,
Mr. Sutherland,	Mr. Leary,
Mr. Egan,	Mr. W. Suttor,
Mr. Wilson,	Mr. Clarke,
Mr. Spring,	Mr. Weaver,
Mr. Brookes,	Mr. Robertson,
Mr. Alexander,	Mr. Speer,
Mr. Dodds,	<i>Tellers.</i>
Mr. Ryan,	Mr. Farnell,
Mr. Campbell,	Mr. Nowlan.
Mr. Butler,	

Original Estimate (£4,130) carried.

No. 5.

(Railways.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,500, to defray the charge for Railways—General Establishment, for the year 1870. (*Mr. Sutherland.*)

Motion made and Question put,—That the item £400, Salary of Clerk, be reduced by £100. (*Mr. Driver.*)

Committee divided.

Ayes, 10.

Mr. Parkes,	
Mr. Weaver,	<i>Tellers.</i>
Mr. Hoskins,	Mr. Piddington,
Mr. Webb,	Mr. Driver.
Mr. Wearne,	
Mr. Tunks,	
Mr. Flood,	
Mr. S. Brown,	

Noes, 19.

Mr. Cowper,	Mr. Fitzpatrick,
Mr. Samuel,	Mr. Leary,
Mr. Sutherland,	Mr. W. Suttor,
Mr. Forster,	Mr. Speer,
Mr. Egan,	Mr. Campbell,
Mr. Brookes,	Mr. Robertson,
Mr. Dodds,	<i>Tellers.</i>
Mr. Alexander,	Mr. Clarke,
Mr. Butler,	Mr. Spring.
Mr. Jennings,	
Mr. Cummings,	

Estimate £2,300 (as reduced by £200, on motion of Mr. Fitzpatrick) carried.

No. 6.

No. 6.

(Railways—Works in progress.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £8,774, to defray the charge for Railways—Works in Progress, for the year 1870. (*Mr. Sutherland.*)

And the Estimate having been reduced, by the omission of £100 from the Salary of Chief Draftsman, on motion of Mr. Driver,—

Motion made and Question put,—That the item £400, Salary of Chief Clerk, be reduced by £50. (*Mr. Driver.*)

Committee divided.

Ayes, 15.		Noes, 19.	
Mr. Watson,	Mr. Tuks,	Mr. Cowper,	Mr. Bell,
Mr. S. Brown,	Mr. Hoskins,	Mr. Forster,	Mr. Weaver,
Mr. Lee,	Mr. Morrice,	Mr. Samuel,	Mr. Phelps,
Mr. Wearne,	Mr. Dean,	Mr. Sutherland,	Mr. Nowlan,
Mr. Parkes,	<i>Tellers.</i>	Mr. Ryan,	Mr. Wilson,
Mr. Flood,	Mr. Piddington,	Mr. Jennings,	Mr. Robertson,
Mr. Hill,	Mr. Driver.	Mr. King,	<i>Tellers.</i>
Mr. J. Suttor,		Mr. Dodds,	Mr. Clarke,
Mr. Webb,		Mr. Allen,	Mr. Campbell.
		Mr. Alexander,	
		Mr. Cummings,	

And the Estimate having been further reduced, on motion of Mr. Driver, by the sum of £125,—*Estimate (£8,549) as reduced, carried.*

No. 7.

(Roads and Bridges.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £103,952, to defray the charge for Construction and Maintenance of Roads and Bridges, for the year 1870. (*Mr. Sutherland.*)

Motion made and Question put,—That the item £2,000, for re-erection of Rankin's Bridge, be reduced by the sum of £1,500. (*Mr. Morrice.*)

And the Committee continuing to sit until after Midnight,—

THURSDAY, 14 APRIL, 1870, A.M.

Committee divided.

Ayes, 5.		Noes, 33.	
Mr. Forster,	Mr. Neale,	Mr. Cowper,	Mr. Macleay,
Mr. Egan,	Mr. Robertson,	Sir James Martin,	Mr. Flood,
Mr. Fitzpatrick,	Mr. Ryan,	Mr. Sutherland,	Mr. Campbell,
<i>Tellers.</i>	Mr. Clarke,	Mr. Wilson,	Mr. Jennings,
Mr. Morrice,	Mr. Butler,	Mr. Piddington,	Mr. Wearne,
Mr. Garrett.	Mr. Parkes,	Mr. J. Suttor,	Mr. Samuel,
	Mr. Nowlan,	Mr. Watson,	Mr. Nowlan,
	Mr. Spring,	Mr. W. Suttor,	<i>Tellers.</i>
	Mr. Dodds,	Mr. Weaver,	Mr. Webb,
	Mr. Fallon,	Mr. Phelps,	Mr. Farnell.
	Mr. Driver,	Mr. Hill,	
	Mr. Bell,	Mr. Cummings,	
	Mr. Osborne,	Mr. Spring,	
		Mr. Dodds,	
		Mr. Fallon,	
		Mr. Driver,	
		Mr. Bell,	
		Mr. Osborne,	

No. 8.

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again. (*Mr. Samuel.*)

Committee divided.

Ayes, 25.		Noes, 12.	
Mr. Cowper,	Mr. Hoskins,	Mr. Forster,	
Mr. Samuel,	Mr. Weaver,	Mr. Sutherland,	
Mr. Butler,	Mr. Farnell,	Mr. Garrett,	
Mr. Wearne,	Mr. Piddington,	Mr. Phelps,	
Mr. Egan,	Mr. Morrice,	Mr. Fallon,	
Sir James Martin,	Mr. Osborne,	Mr. Cummings,	
Mr. Ryan,	Mr. Brookes,	Mr. Spring,	
Mr. Hill,	Mr. Nowlan,	Mr. Bell,	
Mr. Webb,	Mr. Parkes,	Mr. Neale,	
Mr. Clarke,	<i>Tellers.</i>	Mr. Macleay,	
Mr. Flood,	Mr. Watson,	<i>Tellers.</i>	
Mr. W. Suttor,	Mr. Fitzpatrick.	Mr. Driver,	
Mr. Dodds,		Mr. Jennings.	
Mr. Wilson,			

Chairman left Chair accordingly, to report progress.

THURSDAY, 14 APRIL, 1870.

No. 9.

SUPPLY—ESTIMATES, 1870.

(Harbours and River Navigation.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £180,600, to defray the charges for Harbours and River Navigation (to be raised by Loan), for the year 1870. (*Mr. Sutherland.*)

And the sum having been reduced by £103,000, on motion of Mr. Sutherland,—

Motion made and Question put,—That the item £9,300, to complete Kiama Waterworks—further sum, be omitted. (*Sir James Martin.*)

Committee

Committee divided.

Ayes, 10.

Mr. Weaver,
Mr. Lee,
Sir James Martin,
Mr. Fallon,
Mr. S. Brown,
Mr. Butler,
Mr. King,
Mr. Webb,

Tellers.

Mr. Tunks,
Mr. Driver.

Noes, 23.

Mr. Cowper,
Mr. Samuel,
Mr. Forster,
Mr. Sutherland,
Mr. Egan,
Mr. Parkes,
Mr. Garrett,
Mr. Brookes,
Mr. Flood,
Mr. Church,
Mr. Phelps,
Mr. Jennings,
Mr. Baker,
Mr. Cummings,
Mr. Fitzpatrick,
Mr. Dodds,
Mr. Hill,
Mr. Wearne,
Mr. Hoskins,
Mr. Nowlan,
Mr. Wilson,

Tellers.

Mr. Spring,
Mr. Piddington.

Estimate (£67,400) as further reduced, carried.

No. 10.

ADDITIONAL ESTIMATE FOR 1870.

(Secretary for Lands—Miscellaneous Services.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,000, to defray the charge for Miscellaneous Services, for the year 1870. (Mr. Forster.)

Motion made and Question put,—That the Estimate £2,000 be omitted. (Sir James Martin.)

Committee divided.

Ayes, 14.

Sir James Martin,
Mr. Wilson,
Mr. Lee,
Mr. Parkes,
Mr. Campbell,
Mr. Weaver,
Mr. Clarke,
Mr. King,
Mr. Lord,
Mr. Nowlan,
Mr. Osborne,
Mr. Flood,

Tellers.

Mr. Wearne,
Mr. Piddington.

Noes, 26.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Egan,
Mr. Ryan,
Mr. Hoskins,
Mr. Baker,
Mr. Driver,
Mr. Church,
Mr. Fallon,
Mr. Cummings,
Mr. Spring,
Mr. Butler,
Mr. Dight,
Commander Onslow,
Mr. Bell,
Mr. Macleay,
Mr. Phelps,
Mr. Dodds,
Mr. Sutherland,
Mr. Brookes,
Mr. Robertson,
Mr. S. Brown,
Mr. Garrett,

Tellers.

Mr. Webb,
Mr. Watson.

No. 11.

(Same Estimate.)

Motion made and Question put,—That the Estimate be reduced by £1,000. (Mr. Hoskins.)

Committee divided.

Ayes, 16.

Sir James Martin,
Mr. Wilson,
Mr. Piddington,
Mr. Parkes,
Mr. Lee,
Mr. Campbell,
Mr. King,
Mr. Weaver,
Mr. Clarke,
Mr. Lord,
Mr. Nowlan,
Commander Onslow,
Mr. Wearne,
Mr. Flood,

Tellers.

Mr. Tunks,
Mr. Hoskins.

Noes, 26.

Mr. Cowper,
Mr. Forster,
Mr. Samuel,
Mr. Egan,
Mr. Sutherland,
Mr. Dean,
Mr. Brookes,
Mr. Jennings,
Mr. Fallon,
Mr. Baker,
Mr. Cummings,
Mr. Spring,
Mr. Butler,
Mr. Bell,
Mr. Fitzpatrick,
Mr. Dodds,
Mr. Webb,
Mr. J. Suttor,
Mr. Farnell,
Mr. Robertson,
Mr. Driver,
Mr. S. Brown,
Mr. Buchanan,
Mr. Garrett,

Tellers.

Mr. Watson,
Mr. Church.

Original Estimate (£2,000) carried.

No. 12.

FURTHER ADDITIONAL ESTIMATE FOR 1870.

(Colonial Secretary—Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,000, towards defraying the preliminary expenses of a Census of the Population of the Colony, to be taken early in 1871, for the year 1870. (Mr. Samuel.)

Debate ensued.

Question put.

Committee divided.

Ayes, 26.

Mr. Cowper,
Mr. Samuel,
Mr. Forster,
Mr. Church,
Mr. Brookes,
Mr. Webb,
Mr. Jennings,
Mr. Fallon,
Mr. Parkes,
Mr. Campbell,
Mr. Clarke,
Mr. Leary,
Mr. Dight,
Mr. Bell,
Mr. Weaver,
Mr. Baker,
Mr. Driver,
Mr. Dodds,
Mr. King,
Mr. Cummings,
Mr. Spring,
Mr. Dean,
Mr. Egan,
Mr. Sutherland,
Tellers.
Commander Onslow,
Mr. Watson.

Noes, 11.

Sir James Martin,
Mr. Buchanan,
Mr. Wilson,
Mr. S. Brown,
Mr. Hoskins,
Mr. Tunks,
Mr. Farnell,
Mr. J. Suttor,
Mr. Nowlan,
Tellers.
Mr. Lee,
Mr. Piddington.

Original Estimate carried.

Chairman left Chair, to report progress.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 21 APRIL, 1870.

No. 1.

FURTHER ADDITIONAL ESTIMATE FOR 1870.

(Colonial Secretary—Miscellaneous Service.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £10,000, to defray the charge under the head "Miscellaneous Service," in aid of the Superannuation Fund, for the year 1870. (*Mr. Samuel.*)

Motion made and Question put,—That the sum of £10,000 in aid of the Superannuation Fund be omitted. (*Mr. Piddington.*)

And the Committee continuing to sit until after Midnight,—

FRIDAY, 22 APRIL, 1870, A.M.

Committee divided.

Ayes, 12.

Sir James Martin,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Piddington,	Mr. Watson,
Mr. Driver,	Mr. Wearne.
Mr. S. Brown,	
Mr. Farnell,	
Mr. G. A. Lloyd,	
Mr. King,	
Mr. Clarke,	
Mr. Nowlan,	

Noes, 21.

Mr. Cowper,	Mr. Morrice,
Mr. Samuel,	Mr. Bell,
Mr. Forster,	Mr. M. C. Stephen,
Mr. Sutherland,	Mr. Dodds,
Mr. Robertson,	Mr. Phelps,
Mr. Webb,	Mr. J. Suttor,
Mr. Egan,	Mr. Spring,
Mr. Dillon,	<i>Tellers.</i>
Mr. Dight,	
Mr. Brookes,	Mr. Jennings,
Mr. Kelly,	Mr. Garrett.
Mr. Cummings,	

Sum proposed agreed to.

The Chairman left Chair, to report.

FRIDAY, 22 APRIL, 1870.

No. 2.

(Immigration Bill.)

Resolution:—

Resolved,—That it is desirable to introduce a Bill to provide for Immigration in the Colony of New South Wales. (*Read.*)

Question

Question proposed,—That the Resolution as read be agreed to. (*Mr. Cowper.*)

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

And the Committee continuing to sit until after Midnight,—

SATURDAY, 23 APRIL, 1870, A.M.

Committee divided.

Ayes, 11.

Mr. Robertson,
Mr. Butler,
Mr. Jennings,
Mr. Hoskins,
Mr. Cummings,
Mr. Fallon,
Mr. Dillon,
Mr. Kelly,
Mr. Neale,

Tellers.

Mr. Driver,
Mr. Garrett.

Noes, 23.

Mr. Cowper,	Mr. Wearne,
Mr. Forster,	Mr. Piddington,
Mr. Egan,	Mr. Wilson,
Mr. Flood,	Mr. Farnell,
Mr. J. Suttor,	Mr. Parkes,
Mr. G. A. Lloyd,	Mr. Byrnes,
Mr. Webb,	Mr. Weaver,
Mr. Church,	Sir James Martin,
Mr. Dodds,	<i>Tellers.</i>
Mr. Clarke,	
Mr. Ryan,	Mr. Nowlan,
Mr. Buchanan,	Mr. Watson.
Mr. Tunks,	

Resolution agreed to.

Chairman left Chair, to report.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 10.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 26 APRIL, 1870.

No. 1.

GUNPOWDER EXPORT REGULATION BILL—(Message from Legislative Council.)

The following Message having been read by the Clerk, by direction of the Chairman,—

MR. SPEAKER,

The Legislative Council having had under consideration the Legislative Assembly's Message, dated the 18th March last, in reference to the "Gunpowder Export Regulation Bill," insists upon its Amendments in this Bill:—

1. Because the Amendments of the Legislative Council have restored the Bill to the form in which it has been the law of the Colony since the passing of the Act 9 Vict. No. 6, in the year 1845, and renewed, respectively, in—

1847 by the Act 11 Vict. No. 1.	1860 by the Act 23 Vict. No. 6.
1849 " " 13 Vict. No. 4.	1862 " " 26 Vict. No. 4.
1851 " " 17 Vict. No. 20.	1865 " " 28 Vict. No. 4.
1855 " " 19 Vict. No. 9.	

2. Because that in the interim arising from the expiring of the Act of 1855, 19 Vic. No. 9, and again from the Act of 1865, 28 Vict. No. 4, which expired in April, 1868, the bonds specified in these Acts have been required by the Government, although no legal provision existed which would justify their enforcement.

3. Because that in the whole period enumerated, during which Acts authorizing these restrictions upon the export of gunpowder and warlike stores were in force, and also during the occasional interim during which the provisions of previous Acts have been enforced by the Government without the sanction of law, no representations had been addressed to the Legislature stating the provisions of these Acts were "calculated to impede the operations of Trade."

4. Because that recent occurrences in New Zealand and in the Polynesian Archipelago, which have been brought under public notice, render it imperative that in any renewal of the original Act the stringent regulations embodied therein should be retained as the law of the Colony, because they afford such protection as we can give to our fellow-subjects now engaged in warfare with the natives of New Zealand.

5. Because that countries in the vicinity of this Colony remaining unproclaimed, open the door to the dishonest, enabling such to evade the salutary provisions intended by the Legislature.

Legislative Council Chamber,
Sydney, 21st April, 1870.

T. A. MURRAY,
President.

Motion made and Question put,—That the Committee does not insist on its disagreements to the Legislative Council's Amendments. (Mr. Samuel.)

Committee divided.

Ayes, 24.		Noes, 15.	
Mr. Cowper,	Mr. Piddington,	Mr. Parkes,	<i>Tellers.</i>
Mr. Samuel,	Mr. Bell,	Mr. Webb,	Mr. Clarke,
Mr. Sutherland,	Mr. Leary,	Mr. Forster,	Mr. Buchanan.
Mr. Egan,	Mr. Osborne,	Mr. Wilson,	
Mr. Robertson,	Mr. Clarke,	Mr. Byrnes,	
Mr. Dillon,	Mr. Neale,	Mr. S. Brown,	
Mr. Spring,	Mr. Macleay,	Mr. King,	
Mr. Jennings,	Mr. Morrice,	Mr. Alexander,	
Mr. Cummings,	Mr. Brookes,	Mr. Driver,	
Sir James Martin,	<i>Tellers.</i>	Mr. Dodds,	
Mr. Phelps,	Mr. Church,	Mr. G. A. Lloyd,	
Mr. Moses,	Mr. Kelly,	Mr. Fitzpatrick,	
Mr. Hoskins,		Mr. J. Suttor,	

FRIDAY, 29 APRIL, 1870.

No. 2.

CATTLE SALE YARDS BILL—(Legislative Council's Amendments.)

Motion made and Question put,—That the Committee agree to the Legislative Council's Amendments in Clause 6.

Committee divided.

Ayes, 17.		Noes, 15.	
Mr. Sutherland,	Mr. Flood,	Mr. W. Forster,	Mr. Garrett,
Mr. Egan,	Mr. Phelps,	Mr. Parkes,	Mr. R. Forster,
Mr. Wilson,	Mr. Ryan,	Mr. Butler,	Mr. Dean,
Mr. G. A. Lloyd,	Mr. Webb,	Mr. Brookes,	<i>Tellers.</i>
Mr. Weaver,	Mr. Fraser,	Mr. Dillon,	Mr. Piddington,
Mr. Dight,	<i>Tellers.</i>	Mr. Leary,	Mr. Wearne.
Mr. Lord,	Mr. Spring,	Mr. Cummings,	
Mr. Nowlan,	Mr. Driver,	Mr. Clarke,	
Mr. Bell,		Mr. Campbell,	
Mr. Fitzpatrick,		Mr. Baker,	

No. 3.

(Same Bill.)

Motion made and Question put,—That the Chairman leave the Chair, and ask leave to sit again this day week. (Mr. Piddington.)

Committee divided.

Ayes, 14.		Noes, 20.	
Mr. W. Forster,	Mr. Brookes,	Mr. Egan,	Mr. Lord,
Mr. Wearne,	<i>Tellers.</i>	Mr. Nowlan,	Mr. Osborne,
Mr. Dillon,	Mr. Piddington,	Mr. Wilson,	Mr. Ryan,
Mr. R. Forster,	Mr. Garrett.	Mr. Parkes,	Mr. Flood,
Mr. Campbell,		Mr. Weaver,	Mr. Fraser,
Mr. Clarke,		Mr. G. A. Lloyd,	Mr. Farnell,
Mr. Leary,		Mr. Webb,	Mr. Sutherland,
Mr. Cummings,		Mr. Dight,	<i>Tellers.</i>
Mr. Baker,		Mr. Fitzpatrick,	Mr. Driver,
Mr. Butler,		Mr. Bell,	Mr. Spring.
Mr. Dean,		Mr. Phelps,	

And the Committee continuing to sit until after Midnight,—

SATURDAY, 30 APRIL, 1870, A.M.

No. 4.

(Same Bill.)

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

Committee divided.

Ayes, 11.		Noes, 19.	
Mr. W. Forster,	<i>Tellers.</i>	Mr. Egan,	Mr. Fraser,
Mr. Wearne,	Mr. Brookes,	Mr. Nowlan,	Mr. Osborne,
Mr. Piddington,	Mr. Dean.	Mr. Wilson,	Mr. Ryan,
Mr. Dillon,		Mr. Weaver,	Mr. Flood,
Mr. R. Forster,		Mr. G. A. Lloyd,	Mr. Farnell,
Mr. Campbell,		Mr. Webb,	Mr. Sutherland,
Mr. Clarke,		Mr. Dight,	<i>Tellers.</i>
Mr. Baker,		Mr. Fitzpatrick,	Mr. Spring,
Mr. Butler,		Mr. Lord,	Mr. Driver.
		Mr. Phelps,	
		Mr. Bell,	

No. 5.

No. 5.

(Same Bill.)

Motion made and Question put,—That the Chairman leave the Chair, and ask leave to sit again this day fortnight. (*Mr. Dillon.*)
Committee divided.

Ayes, 8.

Mr. W. Forster,
Mr. Piddington,
Mr. Campbell,
Mr. Clarke,
Mr. Butler,
Mr. Dean,

Tellers.

Mr. Dillon,
Mr. Wearne.

Noes, 20.

Mr. Egan,	Mr. Sutherland,
Mr. Nowlan,	Mr. Farnell,
Mr. Wilson,	Mr. Flood,
Mr. Driver,	Mr. Ryan,
Mr. Parkes,	Mr. Fraser,
Mr. Weaver,	Mr. Lord,
Mr. G. A. Lloyd,	Mr. Bell,
Mr. Phelps,	<i>Tellers.</i>
Mr. Webb,	Mr. Spring,
Mr. Dight,	Mr. Osborne.
Mr. Fitzpatrick,	

And the Legislative Council's Amendments having been agreed to, Chairman left Chair, to report.

No. 6.

BOATS FOR THE HUNTER DISTRICT.

Resolution :—

Resolved,—That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1870, a sum not exceeding £150 for the construction and maintenance of "four" Boats for the preservation of life and property in West Maitland and the Hunter District during the time of Floods. (*read.*)

Question proposed,—That the Resolution as read be agreed to.

Motion made and Question put,—That the Resolution be amended by the omission of the word "four," before the word *Boats*. (*Mr. Wilson.*)

Committee divided.

Ayes, 7.

Mr. W. Forster,
Mr. Campbell,
Mr. Wilson,
Mr. Driver,
Mr. Farnell,

Tellers.

Mr. Spring,
Mr. Webb.

Noes, 14.

Mr. Cowper,	Mr. Cummings,
Mr. Sutherland,	Mr. Osborne,
Mr. Egan,	Mr. Clarke,
Mr. Dillon,	<i>Tellers.</i>
Mr. Brookes,	Mr. G. A. Lloyd,
Mr. Garrett,	Mr. Wearne.
Mr. R. Forster,	
Mr. Ryan,	
Mr. Flood,	

Chairman left Chair, to report.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1870. Feb. 2 ...	Certain Residents of the Manning River	(83) Eighty-three ...	Mr. Dean	{ Complaining of the system of leasing Oyster Beds, and praying for the repeal of so much of the existing law as relates to such leasing, and the introduction, in lieu thereof, of provisions for licensing each person engaged in oyster-fishing.
„ 4 ...	The Rev. William Purves, of the City of Sydney	(1) One.....	Mr. Garrett	{ Representing that, on or about the 5th day of November, 1869, Petitioner, with others, obtained leave to introduce this Bill into the Legislative Assembly; that the Bill was introduced and read a first time, but before its passing the Session of Parliament was terminated; and praying for leave to proceed with the Bill during the present Session of Parliament.

Legislative Assembly Offices,
Sydney, 4 February, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Feb. 15 ...	John Whitford, of Redfern, Esquire	(1) One.....	Mr. Robertson	{ Alleging that he has suffered great loss in consequence of the Crown failing to grant him a lease of a certain run occupied by him under promise of a lease; and praying that the necessary steps may be taken, in order that justice may be done to Petitioner in the premises.
„ 16 ...	Certain Inhabitants of Bankstown, Liverpool Road, and surrounding neighbourhood }	(93) Ninety-three ...	Mr. Parkes	{ Representing that for some years a local Post Office has been established at Bankstown; that recently the name of this Post Office has been changed to that of "Irish-town," and a second Post Office established two miles distant therefrom, called "Bankstown Proper;" that such change has caused great inconvenience to Petitioners; and praying that such steps may be taken as will afford them speedy relief.
„ 16 ...	Certain Trustees and Commoners of the Pitt Town Common	(50) Fifty.....	Mr. Piddington ...	{ Objecting to certain provisions in the Commons Regulation Bill; and praying that it may not be passed, or, if passed, that it may be modified so as to meet the objections of Petitioners.
„ 16 ...	Thomas Thrower, resident in Jamberoo	(1) One.....	Mr. Garrett	{ Setting forth that for several years he carried on business as a licensed victualler at Greenhills, Shoalhaven, in a house, his own property, situated on the Main Southern Road; that, in consequence of a new Government road having been opened through the Greenhills, his business decreased and his property deteriorated; and praying that his case may receive favourable consideration, with a view to relief.

WHEN RECEIVED.	FROM WHOM AND WHERE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Feb. 17 ...	Alexander Walker Scott, Esquire, formerly of the City of Newcastle, now of the City of Sydney, one of the Trustees of the Newcastle Proprietary Grammar School	(1) One.....	Mr. Lee.....	Referring to a Petition presented by him to the Legislative Assembly, in the month of January, 1869, setting forth an unsatisfied claim on account of land at Honeysuckle Point, near Newcastle, taken by the Hunter River Railway; and praying for inquiry, with a view to relief, in the premises.
„ 18 ...	Certain Gold Miners residing on the Rocky River.....	(3) Three.....	Mr. Wisdom.....	Setting forth that in the year 1861 Petitioners became the purchasers of the right, title, and interest of certain authorized persons in and to a water-race on the Rocky River Gold Field; that in the year 1863 the Government sold to one Bernard Rooney 2 acres of land crossing the line of said water-race; that Petitioners were subjected to much annoyance by the said Bernard Rooney, and in the year 1869 became the defendants in an action brought by Rooney for trespass, and thereby incurred great pecuniary loss, though a verdict was given in their favour;—and praying inquiry and relief.
„ 18 ...	The Standing Committee of the Synod of the Church of England for the Diocese of Sydney	(1) One.....	Mr. M. C. Stephen	Praying, for the reasons therein set forth, that the Cometerios Regulation Bill (No. 2) be not passed.
„ 18 ...	George Swinnerton Yarnton, of Sydney, Solicitor.....	(1) One.....	Mr. Farnell	Representing that in the month of February, 1859, he accepted the office of Registrar of the Metropolitan District Court; that in the month of January, 1869, he was removed from this office, provision for his salary having ceased; that he has made repeated applications for compensation for loss of office, but without success; and praying a favourable consideration of his case, with a view to relief.
„ 18 ...	Isaac Aaron, of Sydney, surgeon, one of the Trustees of the Unitarian Chapel or School land on Church Hill)	(1) One.....	Mr. Parkes	Praying for leave to bring in a Bill to enable the Trustees of certain land, being the site for a Unitarian Church or School on Church Hill, Sydney, to dispose of and convey the same, and to apply the proceeds of the sale in manner therein mentioned, and for other purposes.

Legislative Assembly Offices,
Sydney, 18 February, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870.				
Feb. 22 ...	Joseph Nat. Cooke, Gold-miner, of Nerrigundah ... }	(1) One	Mr. Baker.....	{ Setting forth that Petitioner and another were registered as the owners of a "tail-race" on the Nerrigundah Gold Field; that certain persons trespassed upon the rights of petitioners, who instituted the necessary proceedings to protect their interests, but through the remissness of W. S. Caswell, Esq., Police Magistrate of Moruya, were deprived of the opportunity of resorting to a Court of Appeal, under the provisions of the Gold Fields Act, and were thus deprived of their rights;— and praying for a favourable consideration of their case.
„ 22 ...	Certain Inhabitants of Bega ...	(66) Sixty-six	Mr. Clarke	{ Complaining of the removal of the Postmaster at that place with a view to combining the offices of Postmaster and Telegraphic Operator, and praying inquiry into the subject.
„ 22 ...	Frederick Dunbar, late Captain in H.M. 39th Regiment and Clerk of Petty Sessions at Wellingrove	(1) One	Mr. Fraser	{ Alleging that in the year 1853 he was wrongfully deprived, through misrepresentation, of his situation as Clerk of Petty Sessions at Wellingrove, and praying a favourable consideration of his case with a view to relief.
„ 22 ...	William Chatfield, Esquire, of Sydney, one of the surviving Trustees of the Goulburn School	(1) One.....	Mr. Parkes	{ Praying for leave to bring in a Bill to enable Robert Waugh, William Chatfield, Philip Dignam, and Charles Hamilton Walsh, surviving Trustees of the Goulburn School, to dispose of by sale, and to convey the said Goulburn School, Land, and Premises, and to apply the net proceeds of such sale rateably amongst the contributors to the "Goulburn School Fund," their representatives, or assigns.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Feb. 25 ...	Certain Inhabitants and Com- moners of Pitt Town	(61) Sixty-one	Mr. Moses.....	{ Praying that the Commons Regula- tion Bill may be passed.
" 25 ...	Directors of the Bank of New South Wales.....	(6) Six	Sir James Martin...	{ Praying for leave to bring in a Bill to amend an Act intituled, " An Act to Incorporate the Proprietors of a certain Banking Company called the Bank of New South Wales and for other purposes."

Legislative Assembly Offices,
Sydney, 25 February, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Mar. 2 ...	Certain Commoners of the Wilberforce Common	(106) One hundred and six	Mr. Piddington ...	{ Objecting to certain Provisions in the Commons Regulation Bill, and praying that the Bill may not be passed, or, if passed, that it may be modified so as to meet the objections of Petitioners.

Legislative Assembly Offices,
Sydney, 4 March, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 5.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Feb. 8 ...	Alexander Walker Scott, of Sydney	(1) One.....	Mr. Farnell	<p>Praying that he may be heard either in person or by his counsel or solicitor, before the Select Committee now sitting on the Petition of Mr. Alexander Walker Scott.</p> <p>Alleging that Petitioners have now, and for some years past have had, the management of certain works for the supply of Water to the City of Sydney, and expended large sums of money in connection therewith; that they have observed that by a motion now before this House it is intended to take the management of the said Waterworks out of their hands; and praying that the subject may be referred for the consideration of a Select Committee, and that they may be heard before such Committee.</p> <p>Setting forth that in the month of June, 1855, he was engaged and appointed in London, by the Agent-General for the Colonies, as a Surveyor for New South Wales, to survey by contract, for a period of three years from the date of his arrival in the Colony; that on arriving in Sydney he, at the request of the Government, accepted an appointment as Assistant Railway Surveyor, at a salary of £400 per annum, for three years, which arrangement the Government failed to carry out, thereby subjecting Petitioner to pecuniary loss;—and praying a favourable consideration of his case, with a view to relief.</p>
„ 8 ...	The Mayor, Aldermen, and Citizens of the City of Sydney	(1) One.....	Sir James Martin...	
„ 9 ...	John Hunt Grogan, Licensed Surveyor	(1) One.....	Mr. Driver, on behalf of Mr. S. Brown.....	

Legislative Assembly Offices,
Sydney, 11 March, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870.				
Mar. 15...	Certain Free Selectors of Albury and Corowa Districts	(586) Five hundred and eighty-six ... }	Mr. Fallon	{ Complaining of the present system of payments for Conditional Purchases of Land; and praying that the subject may receive early and favourable consideration, with a view to relief being afforded to Petitioners.
„ 15...	The Right Reverend Mathew Quinn, R. C. Bishop of Bathurst	(1) One.....	Mr. Butler	{ Praying that the Matrimonial Causes Bill may not be passed.
„ 15...	The Right Reverend James Murray, R. C. Bishop of Maitland	(1) One	Mr. Butler	Similar prayer.
„ 16...	His Grace Archbishop Polding	(1) One.....	Mr. Butler	Similar prayer.
„ 16...	Certain persons employed in the Civil Service of the Colony	(484) Four hundred and eighty-four }	Mr. Cowper	{ Alleging that they have just grounds for dissatisfaction with the present state of the question of Superannuation, and with the Bill now before Parliament in reference thereto; and praying that the House, in dealing with the subject, will make other provision for the equitable and permanent settlement of their claims than that contained in the proposed Bill.
„ 16...	Certain Inhabitants of the Colony of New South Wales	(751) Seven hundred and fifty-one }	Mr. King	{ Representing that great dissatisfaction exists in the minds of the community at large on the subject either of the Criminal Law or of its administration, as regards the lenity of the sentences recently passed on various grades of criminals, and the great contrast between the degree of punishment inflicted by the different Supreme Court and other Judges for offences of a like nature; and praying that the subject may be taken into consideration, with a view to obviate the recurrence or continuance of the evils complained of.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Mar. 16...	Hugh Maguire, of Sydney, } Shpherd	(1) One.....	Commander Onslow	{ Alleging that a grant of land, in the district of Liverpool, was promised to him by the Government of Sir Thomas Brisbane, and though repeatedly applied for, the grant has not yet issued; and praying a favourable consideration of his case.
„ 18...	William Cronin, of Sydney ...	(1) One.....	Mr. Lackey	{ Representing that having been a digger at Lambing Flat in 1863, and being desirous of removing from thence, he offered a quantity of gold, to the value of £218, for safe custody to the local Gold Commissioners, but that those officers declined to accept it, and that he was subsequently robbed of the gold; since which he has become almost blind and incapable of earning his livelihood; and praying a favourable consideration of his case, with a view to relief.
„ 18...	James Twaddell, of Drou- } balgie, near Forbes	(1) One.....	Mr. J. Suttor	{ Setting forth that he is, and has been for the last fourteen years the lessee of a certain run on the Lachlan River; that in the year 1861 gold was discovered on the said run, and thousands of diggers located there, in consequence of which fifty square miles of his run were withdrawn from lease, to his great injury; and praying a favourable consideration of his case.
„ 18...	Mrs. Maria Charlotte Plun- } kett, of Sydney, widow of } the late Hon. J. H. Plun- } kett	(1) One.....	Mr. Parkes	{ Representing that her late husband held the offices of Solicitor General and Attorney General of this Colony, and for a time discharged the duties of a Judge of the Supreme Court; that at the time of his death his pecuniary affairs were in considerable embarrassment; and that she, in her declining years, is unprovided for; and praying that in consideration of the important services rendered by her late husband to the Colony, and her own distressing position, the House will take her case into its favourable consideration.

Legislative Assembly Offices,
Sydney, 18 March, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 7.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. Mar. 22...	Certain Delegates of Suburban and other Municipal Boroughs, met in conference }	(2) Two	Mr. M. C. Stephen	Deprecating the evils arising from the indiscriminate licensing of houses for public entertainment and amusement, and suggesting that the inhabitants residing within any Municipality ought to have some voice in the licensing of such houses; and praying that steps may be taken to carry out their views.
„ 25...	Certain Magistrates of the Liverpool Bench	(3) Three	Mr. Lackey	Complaining of the removal of their Clerk of Petty Sessions, and the substitution of the Senior Constable to act in that capacity; and praying that this House will protect the Bench and the Public against interference with the Liverpool Court.
„ 25...	John Busby, of Sydney	(1) One.....	Mr. Farnell	Alleging that he emigrated to this Colony from the Mother Country in the year 1824, with his father, the late John Busby, under a promise from the Imperial Government that any of the sons of the late Mr. Busby who so emigrated should receive grants of land; that, though Petitioner fulfilled certain conditions of settlement, he has been unable to obtain such a grant; and praying the House to take his case into favourable consideration, with a view to justice being done in the premises.

Legislative Assembly Offices,
Sydney, 25 March, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 8.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870.				
Mar. 29...	Certain Licensed Victuallers of the City of Sydney and its Environs	(191) One hundred and ninety-one ...	Mr. King	{ Praying that the Sale of Liquors Licensing Act Amendment Bill may not be passed into law.
,, 29...	John Murray Bate	(1) One.....	Mr. Farnell	{ Representing that he was appointed a Clerk in the Harbours and Rivers Branch of the Public Works Department in May, 1867, and has recently received intimation that he is removed from the Public Service, for carelessness and neglect, without sufficient opportunity being afforded him of defending himself; and praying inquiry into his case with a view to relief.
April 1 ...	John Morrison Saunders, of West Maitland, Bank Manager	(1) One.....	Mr. Dodds.....	{ Praying for leave to bring in a Bill to enable the Trustees of certain Church Lands at Maitland to appropriate the income derivable from the same for the benefit of the Presbyterian Congregations of Maitland East and Maitland West, and to confer extended powers of leasing on the Trustees, and for other purposes.

Legislative Assembly Offices,
Sydney, 1 April, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 9.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. April 6...	Certain Commoners of the Richmond Common.....	(108) One hundred and eight.....	Mr. Piddington ...	{ Objecting to certain provisions in the Commons Regulation Bill; and praying that the Bill may not be passed, or, if passed, that it may be modified to meet the objections of the Petitioners.
" 7...	Inhabitants of the Town of Liverpool, in Public Meeting assembled	(76) Seventy-six	Mr. Lackey	{ Representing that the Dam at that place has suffered in its structure from floods, and requires repair in order to make it secure; and praying the House to take the subject into consideration.
" 7...	The Office-bearers and Adherents of the Presbyterian Churches at East and West Maitland	(136) One hundred and thirty-six.....	Mr. Dodds.....	{ Praying that the Maitland Presbyterian Church Land Bill may receive the favourable consideration of the House.
" 7...	Samuel Gordon, of Sydney ...	(1) One.....	Mr. Piddington ...	{ Representing that it would be advantageous to immigrants and others if the surveys of the Colony were placed in the Free Public Library, for ready access; and praying the House to take the subject into its consideration.
" 8...	James Fawcett, Minister of the Free Church of England, at Newcastle	(1) One.....	Mr. Brookes	{ Representing that he is a duly ordained Minister of Religion, and being desirous of having his name placed on the list of Ministers duly authorized to solemnize Marriages, applied to the Registrar General to place his name on such list,—and that that officer refused to do so; and praying inquiry into the allegations contained in his Petition.
" 8...	Mary Cook	(1) One.....	Mr. Dodds	{ Representing that she is the widow of the late Mr. Thomas Cook, who for many years held the office of Police Magistrate for Port Stephens and the Williams River; that at the time of her husband's death his pecuniary affairs were considerably embarrassed; and praying that, in consideration of the services rendered by her late husband to the Colony, the House will take her case into favourable consideration.

Legislative Assembly Offices,
Sydney, 8 April, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. April 12...	John Blackshaw, of the City of Goulburn, Brewer	(1) One.....	Mr. Alexander	Complaining of the closing, by the Government, of certain roads leading to his premises; and praying inquiry into the allegations contained in his petition, with a view to relief.
„ 12...	Certain inhabitants of Illawarra, and others	(421) Four hundred and twenty-one...	Mr. Osborne.....	Representing that the residents on the South Coast, between North Bulli and Ulladulla, are subjected, during time of flood, to great inconvenience, through irregularity in the conveyance of the mails, caused by the want of Bridges at King's Falls and the Loddon River, on the road between Appin and Wollongong, and praying the House to take the matter into consideration.
„ 12...	William Jennett, as Chairman of a Meeting of the Unemployed	(1) One.....	Mr. Hoskins	Representing that a large number of men are at present out of employment, and an alarming amount of distress exists among the working classes; and praying that the House will not grant any money for the purpose of introducing immigrants into the Colony.
„ 13...	Percy Simpson, of Sydney	(1) One.....	Mr. Farnell	Representing that he arrived in the Colony, as an immigrant, in the year 1822, and at the request of the Government of the day abandoned his intention of becoming a settler, and undertook, under certain conditions, the formation of an Agricultural Establishment at Wellington Valley, with a view to lessen the expense of maintaining a large number of convicts; that the Government failed to carry out the agreement made with him, whereby he suffered pecuniary loss; and praying the House to inquire into his case, with a view to relief being afforded to him.

Legislative Assembly Offices,
Sydney, 14 April, 1870.STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 11.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870.				
April 20...	Certain Gold Miners of Adelong Creek	(5) Five	Mr. Baker.....	Representing that they had hold and worked, by virtue of their Miners' Rights, certain auriferous land, which land they have been restrained, by injunction, from working, through the Government selling the same in contravention of the law respecting auriferous land; and praying for inquiry, with a view to relief.
„ 21...	John Fuller Foster, Mail Contractor, Mount Vincent, near Maitland	(1) One.....	Mr. Dodds	Alleging that he has suffered pecuniary loss in consequence of changes made by the Post Office authorities in the Postal Time Table, and praying consideration of his case, with a view to relief.

Legislative Assembly Offices,
Sydney, 22 April, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 12.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870.				
April 27...	Certain Residents of Newcastle	(70) Seventy.....	Mr. Brookes.....	{ Referring to the Petition of "James Fawcett, Minister of the Free Church of England at Newcastle," presented to this House on 8th April, 1870; and praying that the prayer of Mr. Fawcett's Petition may be granted.
" 27...	Certain Ladies, resident in } Newcastle and its vicinity }	(42) Forty-two.....	Mr. Brookes.....	Similar prayer.
" 29...	Bernard M'Guckin and } Daniel M'Bride	(2) Two	Mr. Robertson	{ Complaining of having been apprehended by the Police, and subjected to imprisonment, on a charge of shooting at one John Gray, at Kiama; and praying for inquiry into their case, with a view to redress.
" 29...	Certain Inhabitants, Rate- } payers, &c., of Parramatta }	(50) Fifty.....	Mr. Farnell	{ Praying that Barney-street may be thrown open from Church-street to the Crossing-place at the River.

Legislative Assembly Offices,
Sydney, 29 April, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 13.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED	ABSTRACT OF PRAYER.
1870. May 4 ...	Certain Waiters of Sydney.....	(31) Thirty-one	Mr. Buchanan	{ Complaining of the competition to which they are subjected by persons in the service of the Government being permitted to follow the calling of Waiters; and praying consideration of their case with a view to redress.
„ 4 ...	Henry Cox, of Bathurst, } blacksmith and wheelwright }	(1) One.....	Mr. Lord	{ Alleging that in the year 1867 he made application to purchase certain land in the district of Dubbo, upon which he had made improvements, which application was refused, and that subsequently a similar application made by one Charles Brett was granted; and praying inquiry with a view to relief.

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PETITIONS.

GENERAL SUMMARY of the Weekly Abstracts of PETITIONS received by the Legislative Assembly, during the Session of 1870.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Commons Regulation Bill.				
Feb. 16 ...	Certain Trustees and Commoners of the Pitt Town Common	(50) Fifty.....	Mr. Piddington...	{ Objecting to certain provisions in the Commons Regulation Bill; and praying that it may not be passed, or, if passed, that it may be modified so as to meet the objections of Petitioners	Printed.
„ 25 ...	Certain Inhabitants and Commoners of Pitt Town	(61) Sixty-one	Mr. Moscs.....	{ Praying that the Commons Regulation Bill may be passed	Printed.
Mar. 2 ...	Certain Commoners of the Wilberforce Common	{ (106) One hundred and six	Mr. Piddington...	{ Objecting to certain provisions in the Commons Regulation Bill; and praying that the Bill may not be passed, or, if passed, that it may be modified so as to meet the objections of Petitioners	Printed.
April 6 ...	Certain Commoners of the Richmond Common	{ (108) One hundred and eight.....	Mr. Piddington...	Similar Prayer	Printed.
	Grievances.				
Feb. 15 ...	John Whitford, of Redfern, Esquire	(1) One	Mr. Robertson ...	{ Alleging that he has suffered great loss in consequence of the Crown failing to grant him a lease of a certain run occupied by him under promise of a lease; and praying that the necessary steps may be taken, in order that justice may be done to Petitioner in the premises	Not printed.
„ 17 ...	Alexander Walker Scott, Esquire, formerly of the City of Newcastle, now of the City of Sydney, one of the Trustees of the Newcastle Proprietary Grammar School	(1) One.....	Mr. Lec.....	{ Referring to a Petition presented by him to the Legislative Assembly, in the month of January, 1869, setting forth an unsatisfied claim on account of land at Honey-suckle Point, near Newcastle, taken by the Hunter River Railway; and praying for inquiry, with a view to relief, in the premises	Printed.
„ 18 ...	Certain Gold-miners residing on the Rocky River	(3) Three	Mr. Wisdom.....	{ Setting forth that in the year 1861 Petitioners became the purchasers of the right, title, and interest of certain authorized persons in and to a water-race on the Rocky River Gold Field; that in the year 1863 the Government sold to one Bernard Rooney 2 acres of land crossing the line of said water-race; that Petitioners were subjected to much annoyance by the said Bernard Rooney, and in the year 1869 became the defendants in an action brought by Rooney for trespass, and thereby incurred great pecuniary loss, though a verdict was given in their favour;—and praying inquiry and relief	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Grievances—continued.				
Feb. 18 ...	George Swinnerton Yarnton, } of Sydney, Solicitor	(1) One	Mr. Farnell	Representing that in the month of February, 1859, he accepted the office of Registrar of the Metropolitan District Court; that in the month of January, 1869, he was removed from this office, provision for his salary having ceased; that he has made repeated applications for compensation for loss of office, but without success; and praying a favourable consideration of his case, with a view to relief	Printed.
„ 22 ...	Frederick Dunbar, late Cap- } tain in H. M. 39th Regiment } and Clerk of Petty Sessions } at Wellingrove	(1) One.....	Mr. Fraser	Alleging that in the year 1853 he was wrongfully deprived, through misrepresentation, of his situation as Clerk of Petty Sessions at Wellingrove, and praying a favourable consideration of his case, with a view to relief	Printed.
Mar. 9 ...	John Hunt Grogan, Licensed } Surveyor	(1) One.....	Mr. Driver, on } behalf of Mr. S. } Brown	Setting forth that in the month of June, 1855, he was engaged and appointed in London, by the Agent-General for the Colonies, as a Surveyor for New South Wales, to survey by contract, for a period of three years from the date of his arrival in the Colony; that on arriving in Sydney, he, at the request of the Government, accepted an appointment as Assistant Railway Surveyor, at a salary of £400 per annum, for three years, which arrangement the Government failed to carry out, thereby subjecting Petitioner to pecuniary loss;—and praying a favourable consideration of his case, with a view to relief	Printed.
„ 16 ...	Hugh Maguire, of Sydney, } Shepherd	(1) One.....	Commr. Onalow.	Alleging that a grant of land in the district of Liverpool, was promised to him by the Government of Sir Thomas Brisbane, and though repeatedly applied for, the grant has not yet issued; and praying a favourable consideration of his case.	Printed.
„ 18 ...	William Cronin, of Sydney ...	(1) One.....	Mr. Lackey	Representing that having been a digger at Lambing Flat in 1863, and being desirous of removing from thence, he offered a quantity of gold, to the value of £218, for safe custody to the local Gold Commissioners, but that those officers declined to accept it, and that he was subsequently robbed of the gold; since which he has become almost blind and incapable of earning his livelihood; and praying a favourable consideration of his case, with a view to relief.	Printed.
„ 18 ...	James Twaddell, of Drou- } balgie, near Forbes	(1) One.....	Mr. J. Suttor ...	Setting forth that he is, and has been for the last fourteen years, the lessee of a certain run on the Lachlan River; that in the year 1861 gold was discovered on the said run, and thousands of diggers located there, in consequence of which fifty square miles of his run were withdrawn from lease, to his great injury; and praying a favourable consideration of his case.....	Printed.
„ 25 ...	John Busby, of Sydney.....	(1) One.....	Mr. Farnell	Alleging that he emigrated to this Colony from the Mother Country in the year 1824, with his father, the late John Busby, under a promise from the Imperial Government that any of the sons of the late Mr. Busby who so emigrated should receive grants of land; that though Petitioner fulfilled certain conditions of settlement, he has been unable to obtain such a grant; and praying the House to take his case into favourable consideration, with a view to justice being done in the premises.	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Grievances—continued.				
Mar. 29 ...	John Murray Bate	(1) One	Mr. Farnell	Representing that he was appointed a Clerk in the Harbours and Rivers Branch of the Public Works Department, in May, 1867, and has recently received intimation that he is removed from the Public Service, for carelessness and neglect, without sufficient opportunity being afforded him of defending himself; and praying inquiry into his case, with a view to relief	Printed.
April 13 ...	Percy Simpson, of Sydney.....	(1) One	Mr. Farnell	Representing that he arrived in the Colony, as an immigrant, in the year 1822, and at the request of the Government of the day abandoned his intention of becoming a settler, and undertook, under certain conditions, the formation of an Agricultural Establishment at Wellington Valley, with a view to lessen the expense of maintaining a large number of convicts; that the Government failed to carry out the agreement made with him, whereby he suffered pecuniary loss; and praying the House to inquire into his case, with a view to relief being afforded to him.....	Printed.
„ 20 ...	Certain Gold-miners of Adelong Creek.....	(5) Five	Mr. Baker.....	Representing that they had held and worked, by virtue of their Miners' Rights, certain auriferous land, which land they have been restrained, by injunction, from working, through the Government selling the same in contravention of the law respecting auriferous land; and praying for inquiry, with a view to relief	Printed.
„ 21 ...	John Fuller Foster, Mail Contractor, Mount Vincent, near Maitland	(1) One	Mr. Dodds	Alleging that he has suffered pecuniary loss in consequence of changes made by the Post Office authorities in the Postal Time Table; and praying consideration of his case, with a view to relief	Printed.
„ 29 ...	Bernard M'Guckin and Daniel M'Bride.....	(2) Two	Mr. Robertson	Complaining of having been apprehended by the Police, and subjected to imprisonment, on a charge of shooting at one John Gray, at Kiama; and praying for inquiry into their case, with a view to redress	Printed.
	Matrimonial Causes Bill.				
Mar. 15 ...	The Right Reverend Mathew Quinn, R. C. Bishop of Bathurst.....	(1) One	Mr. Butler	Praying that the Matrimonial Causes Bill may not be passed	Printed.
„ 15 ...	The Right Reverend James Murray, R. C. Bishop of Maitland	(1) One	Mr. Butler	Similar prayer	Printed.
„ 16 ...	His Grace Archbishop Polding	(1) One	Mr. Butler	Similar prayer	Printed.
	Miscellaneous.				
Feb. 2 ...	Certain Residents of the Manning River.....	(83) Eighty-three	Mr. Dean	Complaining of the system of leasing Oyster-beds, and praying for the repeal of so much of the existing law as relates to such leasing, and the introduction, in lieu thereof, of provisions for licensing each person engaged in oyster-fishing	Printed.
„ 16 ...	Thomas Thrower, resident in Jamberoo	(1) One	Mr. Garrett	Setting forth that for several years he carried on business as a licensed victualler at Greenhills, Shoalhaven, in a house, his own property, situated on the Main Southern Road; that, in consequence of a new Government road having been opened through the Greenhills, his business decreased and his property deteriorated; and praying that his case may receive favourable consideration, with a view to relief	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Miscellaneous—continued.				
Feb. 16 ...	Certain Inhabitants of Bankstown, Liverpool Road, and surrounding neighbourhood...	(93) Ninety-three	Mr. Parkes	Representing that for some years a local post office has been established at Bankstown; that recently the name of this post office has been changed to that of "Irishtown," and a second post office established two miles distant therefrom, called "Bankstown Proper;" that such change has caused great inconvenience to Petitioners; and praying that such steps may be taken as will afford them speedy relief.....	Printed.
" 18 ...	The Standing Committee of the Synod of the Church of England for the Diocese of Sydney	(1) One	Mr. M. C. Stephen	Praying, for the reasons therein set forth, that the Cemeteries Regulation Bill (No. 2) be not passed	Printed.
" 22 ...	Joseph Nathaniel Cooke, Goldminer, of Nerrigundah.....	(1) One	Mr. Baker.....	Setting forth that Petitioner and another were registered as the owners of a "tail-race" on the Nerrigundah Gold Field; that certain persons trespassed upon the rights of Petitioners, who instituted the necessary proceedings to protect their interests, but through the remissness of W. S. Caswell, Esq., Police Magistrate of Moruya, were deprived of the opportunity of resorting to a Court of Appeal, under the provisions of the Gold Fields Act, and were thus deprived of their rights; and praying for a favourable consideration of their case	Printed.
" 22 ...	Certain Inhabitants of Bega...	(66) Sixty-six	Mr. Clarke	Complaining of the removal of the Postmaster at that place with a view to combining the offices of Postmaster and Telegraphic Operator; and praying inquiry into the subject	Printed.
Mar. 8...	Alexander Walker Scott, of Sydney	(1) One.....	Mr. Farnell	Praying that he may be heard, either in person or by his counsel or solicitor, before the Select Committee now sitting on the Petition of Mr. Alexander Walker Scott.....	Not Printed.
" 8...	The Mayor, Aldermen, and Citizens of the City of Sydney	(1) One.....	Sir James Martin	Alleging that Petitioners have now, and for some years past have had, the management of certain works for the supply of Water to the City of Sydney, and expended large sums of money in connection therewith; that they have observed that by a motion now before this House it is intended to take the management of the said Waterworks out of their hands; and praying that the subject may be referred for the consideration of a Select Committee, and that they may be heard before such Committee	Printed.
" 15...	Certain Free Selectors of Albury and Corowa Districts	(586) Five hundred and eighty-six.....	Mr. Fallon	Complaining of the present system of payments for conditional purchases of land; and praying that the subject may receive early and favourable consideration, with a view to relief being afforded to Petitioners...	Printed.
" 16...	Certain persons employed in the Civil Service of the Colony	(484) Four hundred and eighty-four	Mr. Cowper	Alleging that they have just grounds for dissatisfaction with the present state of the question of Superannuation, and with the Bill now before Parliament in reference thereto; and praying that the House, in dealing with the subject, will make other provision for the equitable and permanent settlement of their claims than that contained in the proposed Bill	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Miscellaneous—continued.				
Mar. 16...	Certain inhabitants of the Colony of New South Wales.....	(751) Seven hundred and fifty-one	Mr. King	Representing that great dissatisfaction exists in the minds of the community at large on the subject either of the Criminal Law or of its administration, as regards the lenity of the sentences recently passed on various grades of criminals, and the great contrast between the degree of punishment inflicted by the different Supreme Court and other Judges for offences of a like nature; and praying that the subject may be taken into consideration, with a view to obviate the recurrence or continuance of the evils complained of.....	Printed.
„ 18...	Mrs. Maria Charlotte Plunkett, of Sydney, widow of the late Hon. J. H. Plunkett.....	(1) One.....	Mr. Parkes	Representing that her late husband held the offices of Solicitor General and Attorney General of this Colony, and for a time discharged the duties of a Judge of the Supreme Court; that at the time of his death his pecuniary affairs were in considerable embarrassment; and that she, in her declining years, is unprovided for; and praying that in consideration of the important services rendered by her late husband to the Colony, and her own distressing position, the House will take her case into its favourable consideration	Printed.
„ 22...	Certain Delegates of Suburban and other Municipal Boroughs, met in conference }	(2) Two	Mr. M. C. Stephen }	Deprecating the evils arising from the indiscriminate licensing of houses for public entertainment and amusement, and suggesting that the inhabitants residing within any Municipality ought to have some voice in the licensing of such houses; and praying that steps may be taken to carry out their views	Printed.
„ 25...	Certain Magistrates of the Liverpool Bench	(3) Three	Mr. Lackey	Complaining of the removal of their Clerk of Petty Sessions, and the substitution of the Senior Constable to act in that capacity; and praying that this House will protect the Bench and the Public against interference with the Liverpool Court ...	Printed.
„ 29...	Certain Licensed Victuallers of the City of Sydney and its Environs	(191) One hundred and ninety-one	Mr. King	Praying that the Sale of Liquors Licensing Act Amendment Bill may not be passed into law.....	Printed.
April 7...	Inhabitants of the Town of Liverpool, in Public Meeting assembled	(76) Seventy-six	Mr. Lackey	Representing that the Dam at that place has suffered in its structure from floods, and requires repair in order to make it secure; and praying the House to take the subject into consideration	Printed.
„ 7 ...	Samuel Gordon, of Sydney.....	(1) One.....	Mr. Piddington.....	Representing that it would be advantageous to immigrants and others, if the surveys of the Colony were placed in the Free Public Library, for ready access; and praying the House to take the subject into its consideration.....	Not printed.
„ 8 ...	James Fawcett, Minister of the Free Church of England, at Newcastle	(1) One.....	Mr. Brookes.....	Representing that he is a duly ordained Minister of Religion, and being desirous of having his name placed on the list of Ministers duly authorized to solemnize Marriages, applied to the Registrar General to place his name on such list,—and that that officer refused to do so; and praying inquiry into the allegations contained in his Petition.	Not printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Miscellaneous—continued.				
April 8 ...	Mary Cook	(1) One.....	Mr. Dodds	Representing that she is the widow of the late Mr. Thomas Cook, who for many years held the office of Police Magistrate for Port Stephens and the Williams River; that at the time of her husband's death his pecuniary affairs were considerably embarrassed; and praying that, in consideration of the services rendered by her late husband to the Colony, the House will take her case into favourable consideration	Not printed.
„ 12 ...	John Blackshaw, of the City of Goulburn, Brewer	(1) One.....	Mr. Alexander ...	Complaining of the closing, by the Government, of certain roads leading to his premises; and praying inquiry into the allegations contained in his Petition, with a view to relief	Printed.
„ 12 ...	Certain Inhabitants of Illawarra, and others	(421) Four hundred and twenty-one.....	Mr. Osborne	Representing that the residents on the South Coast, between North Bulli and Ulladulla, are subjected, during time of flood, to great inconvenience, through irregularity in the conveyance of the mails, caused by the want of bridges at King's Falls and the Loddon River, on the road between Appin and Wollongong, and praying the House to take the matter into consideration.	Printed.
„ 12 ...	William Jennett, as Chairman of a Meeting of the Unemployed	(1) One.....	Mr. Hoskins.....	Representing that a large number of men are at present out of employment, and an alarming amount of distress exists among the working classes; and praying that the House will not grant any money for the purpose of introducing immigrants into the Colony	Printed.
„ 27 ...	Certain Residents of Newcastle	(70) Seventy	Mr. Brookes	Referring to the Petition of "James Fawcett, Minister of the Free Church of England at Newcastle," presented to this House on 8th April, 1870; and praying that the prayer of Mr. Fawcett's Petition may be granted	Not printed.
„ 27 ...	Certain Ladies, resident in Newcastle and its vicinity }	(42) Forty-two.....	Mr. Brookes	Similar prayer	Not printed.
„ 29 ...	Certain Inhabitants, Rate-payers, &c., of Parramatta }	(50) Fifty.....	Mr. Farnell	Praying that Barney-street may be thrown open from Church-street to the Crossing-place at the River.....	Not printed.
May 4 ...	Certain Waiters of Sydney	(31) Thirty-one	Mr. Buchanan ...	Complaining of the competition to which they are subjected by persons in the service of the Government being permitted to follow the calling of Waiters; and praying consideration of their case, with a view to redress	Printed.
„ 4 ...	Henry Cox, of Bathurst, blacksmith and wheelwright }	(1) One.....	Mr. Lord	Alleging that in the year 1867 he made application to purchase certain land in the district of Dubbo, upon which he had made improvements, which application was refused, and that subsequently a similar application, made by one Charles Brett, was granted; and praying inquiry, with a view to relief	Printed.
	Private Bills.				
Feb. 4 ...	The Rev. William Purves, of the City of Sydney	(1) One.....	Mr. Garrett	Representing that, on or about the 5th day of November, 1869, Petitioner, with others, obtained leave to introduce the Presbyterian Church Land Bill into the Legislative Assembly; that the Bill was introduced and read a first time, but before its passing the Session of Parliament was terminated; and praying for leave to proceed with the Bill during the present Session of Parliament ...	Not printed.

WHEN RECEIVED.	FROM WHOM AND WITNESS PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1870.	Private Bills—continued.				
Feb. 18 ...	Isaac Aaron, of Sydney, surgeon, one of the Trustees of the Unitarian Chapel or School land on Church Hill	(1) One.....	Mr. Parkes	{ Praying for leave to bring in a Bill to enable the Trustees of certain land, being the site for a Unitarian Church or School on Church Hill, Sydney, to dispose of and convey the same, and to apply the proceeds of the sale in manner therein mentioned, and for other purposes	{ Not printed.
„ 22 ...	William Chatfield, Esquire, of Sydney, one of the surviving Trustees of the Goulburn School	(1) One.....	Mr. Parkes	{ Praying for leave to bring in a Bill to enable Robert Waugh, William Chatfield, Philip Dignam, and Charles Hamilton Walsh, surviving Trustees of the Goulburn School, to dispose of by sale, and to convey the said Goulburn School, Land, and Premises, and to apply the net proceeds of such sale rateably amongst the contributors to the "Goulburn School Fund," their representatives, or assigns	{ Not printed.
„ 25 ...	Directors of the Bank of New South Wales	(6) Six	Sir James Martin	{ Praying for leave to bring in a Bill to amend an Act intituled, "An Act to Incorporate the Proprietors of a certain Banking Company called the Bank of New South Wales, and for other purposes."	{ Not printed.
April 1 ...	John Morrison Saunders, of West Maitland, Bank Manager.....	(1) One.....	Mr. Dodds	{ Praying for leave to bring in a Bill to enable the Trustees of certain Church Lands at Maitland to appropriate the income derivable from the same for the benefit of the Presbyterian Congregations of Maitland East and Maitland West, and to confer extended powers of leasing on the Trustees, and for other purposes	{ Not printed.
„ 7 ...	The Office-bearers and Adherents of the Presbyterian Churches at East and West Maitland	(136) One hundred and thirty-six	Mr. Dodds	{ Praying that the Maitland Presbyterian Church Land Bill may receive the favourable consideration of the House	{ Not printed.

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

ALPHABETICAL REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SESSION OF 1870.

SHORT TITLE.	BY WHOM INITIATED.	Ordered.	Presented and Read 1 ^o .	Read 2 ^o .	Committed.	Reported.	Recommitted.	Reported.	Report adopted.	Read 3 ^o .	Passed.	Sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council insists upon its Amendments.	Assembly does not insist upon its disagreements.	Bill dropped or laid aside.	Assent.	Number of Assents.	REMARKS.
Appropriation of 1870	Mr. Samuel	1870. 26 Apl.	1870. 26 Apl.	1870. 27 Apl.	1870. 27 Apl.	1870. 27 Apl.			1870. 27 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 29 Apl.							1870. 7 May	17	
Audit of 1870	Mr. Cowper	1870. 16 Mar.	1870. 16 Mar.	1870. 28 Apl.	1870. 28 Apl.	1870. 28 Apl.			1870. 28 Apl.	1870. 29 Apl.	1870. 29 Apl.	1870. 29 Apl.	1870. 7 May (A.M.)							1870. 7 May	18	
Benevolent Society's of 1870	Mr. M. H. Stephen	1870. 18 Mar.	1870. 18 Mar.	1870. 22 Mar.	1870. 22 Mar.	1870. 22 Mar.			1870. 22 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 14 Apl. (A.M.)							1870. 29 Apl.	10	Dropped, 6 April. Withdrawn, 28 April.
Capital Punishment Abolition	Mr. Brookes	1870. 8 Mar.	1870. 8 Mar.																			
Cattle Sale Yards	Mr. Driver	1870. 25 Mar.	1870. 29 Mar.	1870. 1 A.	1870. 1 Apl.	1870. 8 Apl.			1870. 8 Apl.	1870. 14 Apl.	1870. 14 Apl.	1870. 14 Apl.		1870. 27 Apl.	1870. 3 May					1870. 7 May (A.M.)	16	Originated in Committee of the Whole. Withdrawn, 9 February.
Cemeteries Regulation	Mr. Forster	1870. 3 Feb.	1870. 3 Feb.																			
Cemeteries Regulation (No. 2.)	Mr. Forster	1870. 9 Feb.	1870. 9 Feb.	1870. 17 Feb.	1870. 17 Feb.	1870. 25 Feb.	1870. 4 Mar.	1870. 4 Mar.	1870. 4 Mar.	1870. 8 Mar.	1870. 8 Mar.	1870. 8 Mar.										
Church of England Temporalities Act Repeal	Mr. Buchanan	1870. 3 Mar.	1870. 3 Mar.																			
Colonial Produce Distillation	Mr. Samuel	1870. 16 Mar.	1870. 16 Mar.																			
Commons Regulation	Mr. Forster	1870. 3 Feb.	1870. 4 Feb.	1870. 8 Mar.	1870. 8 Mar.																	
Consolidated Revenue Fund	Mr. Samuel	1870. 1 Feb.	1870. 1 Feb.	1870. 1 Feb.	1870. 1 Feb.	1870. 1 Feb.			1870. 1 Feb.	1870. 1 Feb.	1870. 1 Feb.	1870. 1 Feb.	1870. 2 Feb.							1870. 9 Feb.	5	Standing Orders suspended, to admit of Bill passing through all its stages in one day.
Consolidated Revenue Fund (No. 2)	Mr. Samuel	1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.			1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.	1870. 24 Feb.							1870. 22 Mar.	6	Standing Orders suspended, to admit of Bill passing through all its stages in one day.
Consolidated Revenue Fund (No. 3)	Mr. Samuel	1870. 16 Mar.	1870. 16 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 23 Mar.			1870. 23 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 24 Mar.							1870. 30 Mar.	7	
Customs Laws Consolidation and Amendment	Mr. Samuel	1870. 15 Mar.	1870. 15 Mar.																			
Deficiency Loans Funding	Mr. Samuel	1870. 30 Mar.	1870. 30 Mar.	1870. 26 Apl.	1870. 26 Apl.	1870. 26 Apl.			1870. 26 Apl.	1870. 27 Apl.	1870. 27 Apl.	1870. 27 Apl.										
Fitzmaurice-street Wagga Wagga Building Line	Mr. Macleay	1870. 27 Apl.																				
Future Governors Salary Reduction	Mr. Buchanan	1870. 9 Feb.	1870. 9 Feb.																			
Game Preservation Act Amendment	Mr. Driver	1870. 15 Feb.																				
Gold Fields Management	Mr. Forster	1870. 15 Mar.	1870. 15 Mar.																			
Governor's Salary	Mr. Cowper	1870. 9 Mar.	1870. 9 Mar.																			
Gunpowder Export Regulation	Mr. Samuel	1870. 9 Feb.	1870. 9 Feb.	1870. 10 Feb.	1870. 10 Feb.	1870. 10 Feb.			1870. 10 Feb.	1870. 11 Feb.	1870. 11 Feb.	1870. 11 Feb.		1870. 10 Mar.		1870. 18 Mar.	1870. 22 Apl. (A.M.)	1870. 27 Apl.		1870. 7 May (A.M.)	15	Originated in Committee of the Whole.
Immigration	Mr. Cowper	1870. 28 Apl.																				
Impounding	Mr. Forster	1870. 15 Mar.	1870. 7 Apl.																			
Judicial Disqualifications Removal	Mr. Driver	1870. 15 Feb.	1870. 11 Mar.	1870. 1 Apl.	1870. 1 Apl.	1870. 1 Apl.			1870. 1 Apl.	1870. 5 Apl.	1870. 5 Apl.	1870. 5 Apl.		1870. 30 Apl. (A.M.)						1870. 30 Apl. (A.M.)		Consideration in Committee of Council's Amendment postponed for three months.
Land at Newcastle Resumption	Mr. Forster	1870. 18 Mar.	1870. 22 Mar.																			
Loan of 1870	Mr. Samuel	1870. 26 Apl.	1870. 26 Apl.	1870. 27 Apl.	1870. 27 Apl.	1870. 27 Apl.			1870. 27 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 28 Apl.		1870. 5 May								
Marine Board Bill	Mr. Samuel	1870. 17 Feb.	1870. 17 Feb.																			
Matrimonial Causes	Mr. Buchanan	1870. 18 Feb.	1870. 18 Feb.	1870. 4 Mar.	1870. 4 Mar.	1870. 11 Mar.			1870. 15 Mar.	1870. 29 Mar.	1870. 29 Mar.	1870. 29 Mar.										
Mesne Process Amendment	Mr. Samuel	1870. 10 Feb.	1870. 10 Feb.																			
Ordnance Land Act Amendment	Mr. Cowper	1870. 1 Feb.	1870. 1 Feb.																			
Penalties Remission	Mr. Cowper	1870. 12 Apl.	1870. 12 Apl.	1870. 27 Apl.	1870. 27 Apl.	1870. 27 Apl.			1870. 27 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 30 Apl. (A.M.)							1870. 7 May (A.M.)	13	
Promissory Oaths	Mr. Cowper	1870. 22 Mar.	1870. 7 Apl.	1870. 27 Apl.	1870. 27 Apl.	1870. 27 Apl.			1870. 27 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 28 Apl.	1870. 30 Apl. (A.M.)							1870. 7 May (A.M.)	14	
Public Roads	Mr. Forster	1870. 3 Feb.	1870. 4 Feb.	1870. 9 Feb.	1870. 9 Feb.	1870. 25 Feb.	1870. 25 Feb. 8 Mar.	1870. 25 Feb. 30	1870. 15 Mar.	1870. 23 Mar.	1870. 23 Mar.	1870. 23 Mar.										
Sale of Liquors Licensing Act Amendment	Mr. Wilson	1870. 11 Mar.	1870. 11 Mar.																	1870. 3 May		Originated in Committee of the Whole. Referred to Select Committee, 1 April. Progress Report, 3 May. No further action taken.
Small Debts Recovery Act Amendment	Mr. Byrnes	1870. 11 Mar.	1870. 11 Mar.	1870. 1 Apl.	1870. 1 Apl.	1870. 1 Apl.			1870. 1 Apl.	1870. 5 Apl.	1870. 5 Apl.	1870. 5 Apl.		1870. 23 Apl. (A.M.)	1870. 28 Apl.					1870. 7 May (A.M.)	11	Originated in Committee of the Whole. Withdrawn, 3 May.
Stamp Duties Act Amendment	Mr. Samuel	1870. 15 Mar.	1870. 15 Mar.																			
Superannuation of 1870	Mr. Samuel	1870. 10 Feb.	1870. 18 Feb.																			
Sydney Boundaries Amendment	Mr. Wilson	1870. 2 Mar.	1870. 2 Mar.	1870. 11 Mar.	1870. 11 Mar.	1870. 18 Mar.			1870. 18 Mar.	1870. 22 Mar.	1870. 22 Mar.	1870. 22 Mar.	1870. 8 Apl. (A.M.)							1870. 21 Apl. (A.M.)	9	
Sydney Sewerage Act Amendment	Mr. Driver	1870. 15 Feb.	1870. 11 Mar.	1870. 22 Mar.	1870. 22 Mar.	1870. 29 Mar.			1870. 29 Mar.	1870. 30 Mar.	1870. 30 Mar.	1870. 30 Mar.										
Treasury Bills of 1870	Mr. Samuel	1870. 30 Mar.	1870. 30 Mar.	1870. 31 Mar.	1870. 31 Mar.	1870. 31 Mar.			1870. 31 Mar.	1870. 31 Mar.	1870. 31 Mar.	1870. 31 Mar.	1870. 1 Apl. (A.M.)							1870. 7 Apl.	8	
Unclaimed Balances Appropriation	Mr. Samuel	1870. 9 Feb.	1870. 9 Feb.	1870. 16 Feb.	1870. 16 Feb.	1870. 16 Feb.			1870. 16 Feb.	1870. 17 Feb.	1870. 17 Feb.	1870. 17 Feb.										

No. 2.

ALPHABETICAL REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY, DURING THE SESSION OF 1870.

SHORT TITLES.	BY WHOM AND WHEN PETITION PRESENTED.	1870.																	REMARKS.
		When ordered.	When presented and Read 1 ^o .	When referred to Select Committee.	When reported by Select Committee.	Read 2 ^o .	Committed.	Reported.	Report adopted.	Read 3 ^o .	Passed.	Sent up to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Assent.			
The Bank of New South Wales of 1870	Sir James Martin	25 Feb.	1 March	1 March	2 March	15 March	1 April.	1 April.	1 April.	1 April.	5 April.	5 April.	5 April.	14 April.	29 April.	Motion for leave to introduce withdrawn, 9 February.	
Goulburn School Trust	Mr. Parkes	22 Feb.	2 March	2 March	3 March	9 March	18 March	18 March	18 March	18 March	22 March	22 March	22 March	8 April (A.M.)	.....	.....	21 April (A.M.)
Maitland Presbyterian Church Land (1)	Mr. Garrett	4 Feb.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maitland Presbyterian Church Land (2)	Mr. Dodds	1 April.	5 April.	5 April.	6 April.	12 April.	22 April.	22 April.	22 April.	22 April.	26 April.	26 April.	26 April.	30 April (A.M.)	.....	.....	7 May (A.M.)
Unitarian Church Land	Mr. Parkes	18 Feb.	22 Feb.	22 Feb.	24 Feb.	4 March	11 March	11 March	11 March	11 March	15 March	15 March	15 March	.....	6 April.	8 April.	21 April (A.M.)	

No. 3.

ALPHABETICAL REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL, DURING THE SESSION OF 1870.

SHORT TITLES OF		When brought.	Read 1 ^o .	Read 2 ^o .	Committed.	Reported.	Report adopted.	Read 3 ^o .	Passed without Amendment.	Returned to Council.	Assent.	Number of Act.	REMARKS.
PUBLIC BILLS.	PRIVATE BILLS.												
Census	1870. 22 April (A.M.)	1870. 22 April (A.M.)	1870. 27 April	1870. 27 April	1870. 27 April	1870. 27 April	1870. 28 April	1870. 28 April	1870. 28 April	1870. 7 May (A.M.)	12	

RECAPITULATION.

Number of Public Bills originated in the LEGISLATIVE ASSEMBLY, as per Register No. 1	41		
Number of Private Bills do. do. as per Register No. 2	5		
Number of Public Bills brought from the LEGISLATIVE COUNCIL, as per Register No. 3	1		
Number of Private Bills do. do. as per Register No. 3	0		
			47
		Public.	Private.
Passed and Assented to	14	4	18
Pro forma Bill	1	0	1
Negatived on motion for second reading	2	0	2
Not introduced	3	0	3
Discharged	13	0	13
Withdrawn			
Not returned by Legislative Council	6	0	6
Dropped	3	1	4
			47

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALPHABETICAL REGISTERS
OF
ADDRESSES AND ORDERS FOR PAPERS,
AND OF
ADDRESSES
(NOT BEING FOR PAPERS.)
SESSION 1870.

1870.
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS, DURING THE SESSION 1870.

No.	WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
	VOTES.			By Address.	By Order.			Date of Order.	When delivered for Printing.
	No.	Entry.							
11	1870.	12	Mr. Piddington		Annual Expenditure of the Colony	1870.	1870.	1870.	
6	16 March	6	Mr. Wilson	{ Appointment of Clerk of the Bench at Tumut to the Magistracy		8 March	70/173	8 March	
19	4 March	23	Mr. Farnell	{ Bridge over the Belubula River, at Canowindra					
50	27 April	4	Mr. Driver	{ Commitments from Police Office at Young					
50	27 April	2	Mr. Watson	{ Commitments from Police Office at Grenfell					
11	31 March	9	Mr. Baker		Contributors to Superannuation Fund	5 April	70/281	5 April	
17	12 April	13	Mr. Wilson		District Court Judges Cary and Josephson	12 April	70/317	12 April	
9	27 March	4	Mr. Butler		Gaols at Albury, Yass, and Berrina	8 April	70/308	8 April	
16	5 April	6	Mr. Parkes		Hume, Andrew	18 March	70/216	18 March	
19	1 March	8	Mr. Buchanan		Lunatic Asylum, Tarban Creek	5 April	70/293	5 April	
2	2 February	6	Mr. Wilson		Police Magistrates	3 May	70/378	3 May	
15	25 March	11	Mr. Webb		Reports of the Commissioner for the Southern Gold Fields				
30	18 March	12	Mr. Funks		{ Revenue collected within the Police District of Young				
19	1 March	10	Mr. Baker		{ Wright, Mr. R. H., late Telegraph Line Inspector at Tentfield				
43	12 April	9	Mr. Fitzpatrick						
9	18 March	15	Mr. Bynes						
10	27 March	5	Mr. M. H. Stephen						
5	10 February	7	Mr. Buchanan						
4	1 March	7	Mr. Wilson						
7	22 March	7	Mr. E. Brown						
3	9 February	5	Mr. Hynes						
4	3 February	7	Mr. Webb						
8	11 March	16	Mr. Piddington						
3	3 February	6	Mr. G. A. Lloyd						
4	4 March	4	Mr. Watson						
7	22 April	9	Mr. Lee						
22	29 April	17	Mr. Watson						
17	8 April	3	Mr. Lee						
12	31 March	3	Mr. Watson						
14	22 March	20	Mr. J. Suttor						
4	18 February	5	Mr. Farnell						
12	31 March	18	Mr. Wilson						
13	22 March	19	Mr. Wilson						
5	4 March	5	Mr. Wilson						
22	29 April	9	Mr. Watson						
17	8 April	17	Mr. Lee						
12	31 March	3	Mr. Watson						
14	22 March	20	Mr. J. Suttor						
4	18 February	5	Mr. Farnell						
12	31 March	18	Mr. Wilson						
13	22 March	19	Mr. Wilson						
5	4 March	5	Mr. Wilson						
22	29 April	9	Mr. Watson						
17	8 April	17	Mr. Lee						
12	31 March	3	Mr. Watson						
14	22 March	20	Mr. J. Suttor						
4	18 February	5	Mr. Farnell						
12	31 March	18	Mr. Wilson						
13	22 March	19	Mr. Wilson						
5	4 March	5	Mr. Wilson						

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS.

WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
No.	Date.		By Address.	By Order.			Date of Order.	When delivered for Printing.
8	1869. 8 October ...	Mr. J. Stewart ...	.....	{ Civil Service—Appointments to, since 1st No- vember, 1868	1870. 2 February	70/64	1870. 2 February	1870. 2 February.
38	12 February ...	Mr. W. Suttor ...	{ Dr Philipsthal, Mr., late Clerk in the Office of Inspector General of Police .....	.....	15 February	70/107	.....	.....
8	1869. 10 December ...	Mr. Hannell .....	.....	Municipal Affairs, Newcastle	16 March	70/210	.....	.....
20	1869. 29 October ...	Mr. Lee .....	.....	Newcastle Steam Coal Cranes	3 May	70/380	3 May	4 May.
54	12 March	Mr. Byrnes .....	.....	Railway Plant and Statistics	7 April	70/298	7 April	8 April.
17	25 October ...	Mr. Lucas	Railway Rolling Stock .....	.....	4 March	70/169	4 March	5 March.
16	22 October ...	Mr. Lyons .....	.....	{ Railways and Rolling Stock—Report of Com- mission	4 March	70/168	4 March	5 March.
55	16 March	Mr. Phelps .....	.....	{ Riverine District—Trials and Commitments in the—Administration of Justice	25 March	70/244	25 March	25 March.
18	27 October ...	Mr. Driver .....	.....	Road from Rockley to Swallow's Nest	2 March	70/156	.....	.....
17	26 October ...	Mr. J. Stewart ...	.....	Travelling Expenses of Dr. Badham	15 February	70/109	15 February	16 February.

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

ALPHABETICAL REGISTER OF ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SESSION 1870.

SUBJECT OF ADDRESS.	VOTES.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			WHEN AND HOW ANSWERED.			REMARKS.	
	No.	Date.	On whose Motion.	No.	Date.	By whom.	No.	Date.	By whom.	No.	Date.	By whom.		
														VOTES.			VOTES.
Boats for the Hunter District	52	1870. 29 April...	15 Mr. Dillon	52	1870. 29 April...	15 The Speaker ...	...	...	...	...	1870.	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Bridge over Broughton Mill Creek	42	8 April...	13 Mr. Garrett	42	8 April...	13 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Bridge over Castle's and Fisher's Creeks	51	28 April...	14 Mr. Watson	51	28 April...	14 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Bridge over Mallet Creek	42	8 April...	14 Mr. Osborne	42	8 April...	14 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Criminal Law—Administration of Justice	42	8 April...	16 Mr. King	42	8 April...	16 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Gold Fields	22	4 Mar. ...	10 Mr. Church	22	4 Mar. ...	10 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Reply to Governor's Opening Speech	3	1 Feb. ...	10 Mr. M. H. Stephen	3	1 Feb. ...	12 { Legislative } Assembly. }	4	2 Feb. ...	3	2 Feb. ...	3	The Governor..	{ Committee appointed to prepare Reply.	
Reserve Constabulary	44	13 April...	7 Mr. Parkes	44	13 April...	7 The Speaker ...	...	...	...	...	...	...	{ Adopted as an amendment on Motion.—That the Speaker do now leave the Chair, and the House resolve itself into Committee of Supply.
Road through Young	51	28 April...	13 Mr. Watson	51	28 April...	13 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Sale of Field of Mars Common, and construction of Bridges	38	1 April... 1869.	13 Mr. G. A. Lloyd.	38	1 April... 1869.	13 Ditto	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Unauthorized Expenditure from the Treasury...	24	19 Jan. ...	12 Mr. Morrice	24	19 Jan. ...	12 Ditto	9	10 Feb. ...	2	The Governor..	{ Papers laid on the Table and ordered to be Printed, 10 February, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 7 May, 1870.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1870.

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 ...	1 February, 1870. Votes No. 3, Entry 10 ... (On motion of Mr. M. H. Stephen.)	{ Mr. Macleay, Mr. Dillon, Mr. Hoskins, Mr. Dean, The Speaker, Sir James Martin, Mr. Parkes, Mr. Piddington, Mr. Garvelt, Mr. Wisdom, Mr. Windley, Commander Onslow, Mr. M. H. Stephen, Mr. Cowper.	Mr. M. H. Stephen	1	1	None	1 February, 1870.
2	Library*	2 February, 1870. Votes No. 4, Entry 19 ... (On motion of Mr. Cowper.)	{ The Speaker, Sir James Martin, Mr. Parkes, Mr. Piddington, Mr. Garvelt, Mr. Wisdom, Mr. Windley, Commander Onslow, Mr. M. H. Stephen, Mr. Cowper.	.....	6	4	None	
3	Standing Orders	2 February, 1870. Votes No. 4, Entry 20 ... (On motion of Mr. Cowper.)	{ The Speaker, Sir James Martin, Mr. Parkes, Mr. Garvelt, Mr. Wisdom, Mr. Piddington, Mr. Butler, Mr. S. Brown, Mr. M. C. Stephen, Mr. Cowper.	The Speaker	3	2	None	22 February, 1870. (Proposed Standing Orders.)
4	Refreshment Room	2 February, 1870. Votes No. 4, Entry 21 ... (On motion of Mr. Cowper.)	{ Mr. Macleay, Mr. Lord, Mr. Egan, Mr. Morrice, Mr. Sutherland, Mr. W. Sutor, Commander Onslow, Mr. Wisdom.	Mr. Egan	5	1	None	
5	Railway Extension	3 February, 1870. A.M. Votes No. 4, Entry 23 ... (By Ballot)	{ Mr. Alexander, Mr. Hoskins, Mr. Lee, Mr. Lord, Mr. Macleay, Mr. King, Mr. Buchanan, Mr. S. Brown, Mr. M. C. Stephen, Mr. Allen,	Mr. Macleay ...	14	14	11	25 March, 1870.
6	Public Vehicles and Bouts	8 February, 1870. Votes No. 7, Entry 6 ... (On motion of Mr. Tunks)	{ Mr. King, Mr. Buchanan, Mr. S. Brown, Mr. M. C. Stephen, Mr. Allen, Mr. Clarke, Mr. Sutherland, Mr. Farnell, Mr. Hoskins, Mr. Tunks.	Mr. Tunks	15	12	20	29 April, 1870.

* This Committee acts in conjunction with a similar Committee appointed by the Legislative Council, a Member of which House was elected Chairman.

STANDING AND SELECT COMMITTEES—continued.

No. of COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. of MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
7	Elections and Qualifications	2 February, 1870. Votes No. 4, Entry 5 (By Speaker's Warrant, taking effect, 9 February, 1870.)	{ Stephen Campbell Brown, Esquire, Alexander Dodds, Esquire, Thomas Garrett, Esquire, John Lackey, Esquire, William Macleay, Esquire, William Richman Fiddington, Esquire, William Charles Windeyer, Esquire.	Mr. Fiddington	31	23	40	{ 9 March, 1870. (Remington v. Fitz- patrick.) 6 May, 1870. (Smith v. Dean.)
8	Mr. Thomas Scott—Sugar Cultivation	15 February, 1870. Votes No. 11, Entry 8 ... (On motion of Mr. Brookes.)	{ Mr. Bawden, Mr. Dean, Mr. Farnell, Mr. Parkes, Mr. Neale, Mr. Speer, Mr. Dodds, Mr. Sutherland, Mr. Hoskins, Mr. Brookes.	Mr. Brookes	10	7	6	4 May, 1870. (Second Progress.)
9	Mr. Alexander Walker Scott— Land taken by Hunter River Railway	18 February, 1870. Votes No. 14, Entry 8 ... (On motion of Mr. Lee.)	{ Mr. Campbell, Mr. Farnell, Mr. Forster, Commander Onslow, Mr. Sutherland, Mr. M. C. Stephen, Mr. Lee.	Mr. Lee	6	5	None ...	29 March, 1870.
10	Immigration	22 February, 1870. Votes No. 15, Entry 17 ... (By Ballot.)	{ Mr. Cowper, Mr. Brookes, Mr. King, Mr. Jennings, Mr. Flood, Mr. Hoskins, Mr. Egan, Mr. Forster, Mr. G. A. Lloyd, Mr. Neale.	Mr. Cowper	14	14	8	13 April, 1870.
11	Unitarian Church Land Bill	24 February, 1870. Votes No. 17, Entry 10 ... (On motion of Mr. Parkes.)	{ Mr. Alexander, Mr. Clarke, Mr. Farnell, Mr. Lee, Mr. Neale, Mr. Church, Mr. Hill, Mr. Parkes.	Mr. Parkes	1	1	2	4 March, 1870.
12	Dathurst-burr and Thistle Plants ...	25 February, 1870. Votes No. 18, Entry 4 ... (On motion of Commander Onslow.)	{ Mr. Forster, Mr. Lackey, Mr. Morris, Mr. Hoskins, Mr. Farnell, Mr. Tunks, Mr. Dight, Mr. Fraser, Mr. Osborne, Commander Onslow.	Commander Onslow	7	7	2	6 April, 1870.
13	George Swinerton Yarrton	1 March, 1870. Votes No. 19, Entry 9	{ Mr. Cowper, Mr. Tunks, Mr. G. A. Lloyd, Mr. King, Mr. Weaver, Mr. Allen, Mr. Neale, Mr. Clarke, Mr. Baker, Mr. Farnell.	Mr. Farnell	3	3	2	23 March, 1870.

STANDING AND SELECT COMMITTEES—continued.

No. of Committee	Designation of Committee.	When and how appointed.	Members.	Chairman.	No. of Meetings.		No. of Witnesses Examined.	When Reported.
					Called.	Hold.		
14	Sydney Infirmary	1 March, 1870. Votes No. 19, Entry 11 (On motion of Mr. Parkes.)	{ Mr. Cooper, Mr. S. Brown,* Mr. Wearne, Mr. Clarke, Mr. Dodds, Mr. Wilson, Mr. Piddington, Mr. King, Mr. Webb, Mr. Parkes, Mr. M. C. Stephen.†	Mr. Parkes	11	8	11	22 April, 1870.
			* Discharged, 15 March, 1870. † Added, 16 March, 1870.					
15	The Bank of New South Wales } Bill of 1870	2 March, 1870. Votes No. 20, Entry 8..... (On motion of Sir James Martin.)	{ Mr. Alexander, Mr. Byrnes, Mr. Clarke, Mr. Speer, Mr. Butler, Mr. M. H. Stephen, Mr. Hill, Mr. Piddington, Sir James Martin.	Sir James Martin	1	1	1	15 March, 1870.
16	Goulburn School Trust Bill	3 March, 1870. Votes No. 21, Entry 3..... (On motion of Mr. Parkes.)	{ Mr. Farnell, Mr. Leary, Mr. G. A. Lloyd, Mr. Novlan,	Mr. Parkes	1	1	2	9 March, 1870.
17	Oyster Fisheries	16 March, 1870. Votes No. 27, Entry 19 (On motion of Mr. Dean.)	{ Mr. Brookes, Mr. Macdery, Mr. Jennings, Mr. Dodds, Mr. Dillon,	.....	.....	.....	.....	.....
18	Mrs. Mary Fogg	22 March, 1870. Votes No. 31, Entry 6..... (On motion of Mr. Driver.)	{ Mr. Cowper, Mr. Robertson, Mr. Farnell, Mr. Neale, Mr. Alexander,	Mr. Driver	11	7	6	29 April, 1870.
19	Tolls on Government Bridges	22 March, 1870. Votes No. 31, Entry 10 (On motion of Mr. Ryan)	{ Mr. Byrnes, Mr. Church, Mr. Farnell, Mr. Robertson,	.....	.....	.....	.....	.....

STANDING AND SELECT COMMITTEES—continued.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. of MEETINGS.		No. of WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
20	Alleged losses in consequence of insecurity of Post Office at Sofala }	25 March, 1870. Votes No. 34, Entry 12 (On motion of Mr. J. Suttor.)	{ Mr. Piddington, Mr. Weaver, Mr. Osborne, Mr. Driver, Mr. Wisdom, Mr. Egan, Mr. Church, Mr. Farnell, Mr. Bell, Mr. J. Suttor.	Mr. J. Suttor ...	2	2	2	
21	Sale of Liquors Licensing Act } Amendment Bill }	1 April, 1870. Votes No. 38, Entry 9 (By Ballot.)	{ Mr. Cowper, Mr. Farnell, Mr. Neale, Mr. Brookes, Mr. Dodds, Mr. Garrett, Mr. Wilson, Mr. Lackey, Mr. Flood, Mr. Wearne.	Mr. Wilson	6	6	9	3 May, 1870. (Progress.)
22	Maitland Presbyterian Church } Land Bill }	6 April, 1870. Votes No. 40, Entry 6 (On motion of Mr. Dodds.)	{ Mr. Clarke, Mr. Farnell, Mr. Fraser, Mr. Garrett, Mr. Lee, Mr. Nowlan, Mr. Weaver, Mr. Neale, Mr. Dodds.	Mr. Dodds	1	1	2	12 April, 1870.
23	Water Supply—Sydney and Suburbs	8 April, 1870. Votes No. 42, Entry 9 (On motion of Mr. Wearne.)	{ Mr. Cowper, Mr. Neale, Mr. Flood, Mr. King, Mr. Wilson, Mr. Allen, Mr. Robertson, Mr. Farnell, Mr. Speer, Mr. Wearne.	Mr. Wilson	6	6	3	3 May, 1870. (Progress.)
24	Claims of Bartholomew Rush	12 April, 1870. Votes No. 43, Entry 11 (On motion of Mr. Lackey.)	{ Mr. Wilson, Mr. Sutherland, Mr. Macleay, Mr. Farnell, Mr. Tunks, Commander Onslow, Mr. Weaver, Mr. Lackey.	.....	1	.....	.....
25	Mr. Richard Henry Wright	27 April, 1870. Votes No. 50, Entry 25 (On motion of Mr. Brookes.)	{ Mr. Sutherland, Mr. Alexander, Mr. Baker, Mr. Bell, Mr. Neale, Mr. G. A. Lloyd, Mr. Hill, Mr. Dillon, Mr. M. C. Stephen, Mr. Brookes.	Mr. Brookes	3	2	4	

Legislative Assembly Offices,
Sydney 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BUSINESS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES,
DURING THE SESSION OF 1870.

1. New Writs issued	...	...	...	...	...	...	...	...	...	...	4
2. Select Committees:—											
On Public Matters	...	...	...	17							
On Private Bills	...	...	...	4							
				—	...	...	...	...	...	...	21
3. Standing Committees	...	...	...	...	...	...	...	...	...	...	4
4. Public Bills:—											
Originated in the Assembly—											
Received the Royal Assent	...	...	...	13							
Dropped or otherwise disposed of	...	...	...	28							
				—	41						
Brought from the Council—											
Received the Royal Assent	...	...	...	1							
Dropped or otherwise disposed of	...	...	...	0							
				—	1	...	...	...	...	...	42
5. Private Bills:—											
Originated in the Assembly—											
Received the Royal Assent	...	...	...	4							
Dropped or otherwise disposed of	...	...	...	0							
				—	4						
Brought from the Council—											
Received the Royal Assent	...	...	...	0							
				—	0	...	...	...	...	...	4
6. Petitions received:—											
Printed	...	...	...	41							
Not printed	...	...	...	14							
				—	...	...	...	...	...	...	55
7. Divisions:—											
In the House	...	...	...	48							
In Committee of the Whole	...	...	...	79							
				—	...	...	...	...	...	...	127
8. Sittings:—											
Days of Meeting	...	...	...	...	...	...	...	...	...	...	57
Hours of Sitting	...	...	...	...	...	...	...	...	...	...	375 h. 49 m.
Hours of Sitting after Midnight	...	...	...	...	...	...	...	...	...	...	23 " 15 "
Daily Average	...	...	...	...	...	...	...	...	...	...	6 " 35 1/2 "
Adjourned for want of a Quorum—											
Before commencement of Business	...	...	...	2							
After commencement of Business	...	...	...	4							
				—	...	...	...	...	...	...	6
9. Votes and Proceedings	...	...	...	...	...	...	...	...	...	...	57
Entries in Votes and Proceedings—											
Of Business done	...	...	...	720							
Of Notices of Motion	...	...	...	494							
Of Orders of the Day	...	...	...	816							
Of Questions	...	...	...	282							
Of Contingent Notices	...	...	...	3							
				—	...	...	...	...	...	...	2,315
Daily Average	...	...	...	...	...	...	...	...	...	...	40
10. Contingent Notices	...	...	...	...	...	...	...	...	...	...	4
Entries in Contingent Notice Paper	...	...	...	...	...	...	...	...	...	...	11
11. Orders for Papers	...	...	...	...	...	...	...	...	...	...	19
12. Addresses for Papers	...	...	...	...	...	...	...	...	...	...	13
13. Other Addresses...	...	...	...	...	...	...	...	...	...	...	11
14. Papers laid upon the Table:—											
By Message	...	...	...	13							
By Command	...	...	...	87							
By Speaker	...	...	...	1							
In Return to Orders	...	...	...	19							
In Return to Addresses	...	...	...	11							
Reports from Select Committees	...	...	...	17							
Proceedings of Evidence taken before Select Committees (of last Session)	...	...	...	1							
Evidence taken at Bar	...	...	...	2							
				—	...	...	...	...	...	...	151
Ordered to be printed	...	...	...	143							
Not ordered to be printed	...	...	...	8							
				—	...	...	...	...	...	...	151

Legislative Assembly Offices,
Sydney, 7 May, 1870.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPOSED STANDING ORDERS.

REPORT

FROM THE

STANDING ORDERS COMMITTEE,

WITH THE

PROPOSED STANDING ORDERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *February*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

1870.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 4. WEDNESDAY, 2 FEBRUARY, 1870.

20. Standing Orders Committee (*Sessional Order*):—Mr. Cowper moved, pursuant to Notice No. 13, That the Standing Orders Committee for the present Session shall consist of the following Members, viz.:—The Speaker, Sir James Martin, Mr. Parkes, Mr. Garrett, Mr. Wisdom, Mr. Piddington, Mr. Butler, Mr. S. Brown, Mr. M. C. Stephen, and the Mover, with leave to sit during any adjournment, and authority and power to send for persons, papers, and records, and to examine witnesses, and to report in any matter or thing referred to, or pending before the said Committee, and to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council.
Question put and passed.
-

VOTES No. 11. TUESDAY, 15 FEBRUARY, 1870.

4. Standing Orders:—Mr. Cowper (*with the concurrence of the House*) moved, without Notice, That it be an instruction to the Standing Orders Committee to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this House, and to report the same with as little delay as possible.
Question put and passed.
-

VOTES No. 15. TUESDAY, 22 FEBRUARY, 1870.

7. Proposed Standing Orders:—Mr. Cowper, on behalf of the Chairman, brought up, from the Standing Orders Committee, a Report, with the Standing Orders prepared by that Committee, pursuant to an instruction referred to them on the 15th February instant.
Ordered to be printed.
-

1870.

 NEW SOUTH WALES.

 STANDING RULES AND ORDERS.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH THE

PROPOSED STANDING ORDERS.

THE STANDING ORDERS COMMITTEE, acting under Instruction (See Votes and Proceedings, No. 11, 15 February, 1870), "to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this House, and to report the same with as little delay as possible," have agreed to the following Report:—

Your Committee, in accordance with the above Instruction, have prepared, and have now the honor to present to your Honorable House, such Standing Rules and Orders as, in their opinion, ought to be adopted for the orderly conduct of the Business of your Honorable House.

W. M. ARNOLD,
Chairman.

*Legislative Assembly Chamber,
Sydney, 22 February, 1870.*

PROPOSED

STANDING RULES AND ORDERS

OF THE

LEGISLATIVE ASSEMBLY

OF

NEW SOUTH WALES.

GENERAL CONDUCT OF BUSINESS.

1. In all cases not specially provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same can be applied to the proceedings of this House.

2. Whenever the House shall be informed of the unavoidable absence of the Speaker, the Chairman of Committees shall take the Chair for that day only; and, in the event of the Speaker's absence continuing for more than one day, shall, if the House think fit and so order it, take the Chair in like manner on any subsequent day during such absence.

3. The Speaker shall take the Chair within half an hour after the time appointed for the meeting of the House, and if, at the expiration of such half hour, there be not a quorum of Members present, shall adjourn the House to the next sitting day.

4. If, at any time after the commencement of the Business of the Day, notice be taken by any Member, or the Chairman of a Committee of the Whole report (whether upon Division or otherwise) that there is not a Quorum of Members present in the House or the Committee, as the case may be, the Sergeant-at-Arms, by direction of the Speaker, shall ring the Division Bell, and one of the Clerks Assistant at the Table shall simultaneously turn a Minute Glass; and, at the expiration of one minute by the glass, the Speaker shall count the House, and if there be not twenty Members present (exclusive of the Speaker) shall adjourn the House to the next day of meeting: Provided that if, on any division in the House, it appear by the Lists handed in by the Tellers, that there is not a Quorum present, the Speaker shall adjourn the House at once, without the Bell being rung, or the Minute Glass turned.

5. Upon every occasion when the House is counted out, the names of Members present shall be taken down by the Clerk at the Table, and be inserted in the Journals.

6. No Order for a Call of the House shall be made for any day earlier than twenty-one days from the day on which such Order shall have been made.

7. Whenever a Division shall be demanded by any Member, the Members present shall take their seats—the Ayes on the right, the Noes on the left of the Chair, respectively; and the Speaker shall appoint Tellers—two of each Party; and shall

shall declare which has the Majority, from lists of the Members voting on each side to be handed to him by the Tellers ; and, in the event of the Tellers not agreeing, the Speaker shall immediately appoint other Tellers, and so from time to time until the Tellers shall have agreed.

8. No Member shall be admitted to vote upon any division who shall be in either Gallery, or above the Bar to the right or left of the Speaker's Chair, when the doors are locked ; but no Member shall be allowed to avoid voting by retiring there after the Doors are locked.

9. All Addresses to the Governor shall be presented by the Speaker, unless otherwise ordered by the House.

10. Whenever the Previous Question shall be proposed upon any Question consisting of a series of Resolutions, which have been brought under discussion or debate as one Motion, with the understanding that the Question be put on such Resolutions *seriatim*, the decision of the Previous Question, before putting the question on the first of such Resolutions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such Resolutions.

11. It shall be the duty of the Clerk to communicate to the Colonial Secretary all Orders for Papers made by this House ; and such Papers may be laid upon the Table by any Member of this House, being also a Member of the Government.

12. The Clerk shall transmit to the Clerk of the Legislative Council a sufficient number of copies of all Papers printed by order of this House, for distribution to the Members of the Legislative Council.

13. The printed Votes and Proceedings shall include, and be deemed, held, and taken to be also the Journals of this House.

14. The custody of the Journals and Records, and of all Papers and Accounts whatsoever presented to this House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals, Records, Papers, or Accounts, from the Chamber or Offices, without the express leave or order of this House.

PETITIONS.

15. No Petition shall be presented after the House shall have proceeded to the Orders of the Day.

16. It shall be incumbent on every Member presenting a Petition, to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to any Branch of the Legislature.

17. Every Member presenting a Petition shall affix his name at the beginning thereof.

18. Every Petition must be in writing, and no printed or lithographed Petition shall be received.

19. Every Petition must contain the prayer of Petitioners at the end thereof.

20. Every Petition must be signed, by at least one person, on the skin or sheet on which the Petition is written.

21. Every Petition must be written in the English language.

22. Every Petition must be signed by the parties whose names are appended thereto, with their names or marks written or made by themselves, and by no one else, except in cases of incapacity from sickness.

23. No letters, affidavits, or other documents shall be attached to any Petition, except a Petition for a Private Bill, to which a printed copy of the Bill must be attached.

24. No Petition shall make reference to any debate in the House.

25. No Petition shall, either directly or indirectly, pray for a grant of public money.

26. Every Member presenting a Petition, not being a Petition for a Private Bill, or relating to a Private Bill before the House, shall confine himself to a statement of the parties from whom it comes—of the number of signatures attached to it—of the material allegations contained in it—and to the reading of the prayer thereof; and the only Question which shall be entertained by the House, on the presentation of any Petition shall be, “That the Petition be received.”

NOTICES AND MOTIONS.

27. No Notice of Motion shall be received after the House shall have proceeded to the Orders of the Day.

28. No Member shall make any motion, initiating a subject for discussion, but in pursuance of Notice openly given at a previous sitting of the House, and duly entered on the Notice Paper; but it shall be always in order, on the presentation of any document, except a Petition, for the Member presenting it, to move, without previous notice, that it be printed, and that a day be appointed for its consideration.

29. Unless otherwise directed by Sessional Order, Motions shall take precedence of Orders of the Day, and be moved or postponed in the order in which they stand on the Notice Paper, or lapse.

LAPSED QUESTIONS AND ORDERS.

30. If a Debate on any Motion, moved and seconded, be interrupted by the House being counted out, such Debate may be resumed, at the point where it was so interrupted, on Motion upon Notice.

31. If a Debate upon any Order of the Day be interrupted by the House being counted out, such Order may be restored to the Paper, for a future day, on Motion upon Notice; and such Debate shall then be resumed at the point where it was so interrupted.

32. If the discussion of any Question in a Committee of the whole House be interrupted for want of a quorum, the House may order the resumption of such Committee on a future day, on Motion upon Notice; and the discussion of such Question shall then be resumed at the point where it was so interrupted.

COMMITTEES OF THE WHOLE HOUSE.

33. In Committees of the whole House, twenty Members, exclusive of the Chairman, shall be a Quorum.

34. Lists of Divisions in Committees of the Whole House shall be printed weekly.

35. Unless otherwise ordered by Sessional Order, the following Rules shall be observed in Committee of Supply:—

- (1.) When a Motion is made, in Committee of Supply, to omit or reduce any item of a Vote, a Question shall be proposed from the Chair for omitting or reducing such item accordingly; and Members shall speak to such Question only until it has been disposed of.
- (2.) When several Motions are offered, they shall be taken in the order in which the items to which they relate appear in the printed Estimates.
- (3.) After a Question for omitting or reducing any item has been disposed of, no Motion shall be made, or Debate allowed, upon any preceding item.

(4.)

- (4.) Where it has been proposed to omit or reduce items in a Vote, the Question shall be afterwards put upon the original Vote, or upon the reduced Vote, as the case may be, without amendment.
- (5.) When a general reduction of the amount of the Vote is proposed, comprising many items, the Question shall be first put upon the smaller sum, and, if that be negatived, then upon the next smaller sum, and so on until the Question is put upon the original Vote, after the failure of the several Motions for a general reduction thereof.
- (6.) It shall be held to be in order, at any time during the discussion of an Estimate or Item in an Estimate which has not been previously amended, to move the postponement of such Estimate or Item, provided such postponement be until the whole of the Estimates or Supplementary Estimate for the year for which the proposed Vote is intended to be taken, shall have been disposed of.

SELECT COMMITTEES.

36. No Select Committee shall consist of less than five or more than ten Members.

37. It shall not be compulsory on the Speaker or Chairman of Committees to serve on any Select Committee.

38. Every Member proposing a Select Committee shall be one of the Committee without being named by the House.

39. The Notice of Motion for the appointment of every Select Committee shall contain the names of the Members the Mover intends to serve with himself on such Committee.

40. If upon any Motion for a Select Committee, any Member shall require it, such Committee shall be chosen by Ballot, in the manner following, viz. :—Each Member shall give in to the Clerk a list of the Members who he intends shall serve on the Committee, not exceeding the number proposed in such Motion ; and if any such list contain a larger number of names, it shall be void and rejected ; and the Members who shall be reported by the Clerk to have the greatest number of votes, shall be declared by the Speaker to be, with the Mover, the Members of such Committee ; and in any case of doubt, arising from two or more Members having an equality of Votes, the Speaker shall decide which shall serve on such Committee.

41. Any Notice of Motion for discharging, adding, or substituting Members of a Select Committee shall contain the names of such Members.

42. In all Select Committees three shall be a Quorum.

43. Every Select Committee, previously to the commencement of business, shall elect one of its Members to be the Chairman.

44. At the request of any Member, or in his own discretion, the Chairman of any Select Committee shall order the withdrawal of strangers at any time.

45. The Chairman of a Select Committee may summon or direct the Clerk of the House to summon the witnesses to be examined before such Committee.

46. Every Select Committee shall have power to award payment to any professional or other witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged ; and the production of the Chairman's certificate by any such witness, with a copy of such award signed by the Clerk of Select Committees, shall entitle him to the Speaker's written order to the Clerk for payment of such sum as may be therein stated to be due to him for the special service to be therein named ; and such order, with the Chairman's certificate and the copy of the award thereto appended shall be sufficient authority and discharge to the Clerk for making such payment out of any public moneys in his hands

hands or by the ordinary course of public payments through the Colonial Treasury; and every such award, with the sum awarded, the particulars of the service rendered, and the name of the party in whose favour made, shall be entered on the Minutes of the Proceedings of the Committee.

47. Every Report of a Select Committee shall be signed by the Chairman thereof.

PUBLIC BILLS.

48. Every Bill for the paving, lighting, or cleansing of any City, Town, or Municipal District, or for supplying the same with water, promoted by the Municipal authorities of such City, Town, or District, shall be deemed and taken to be a Public Bill.

49. Amendments merely of a verbal or formal nature may be made, on motion, in any part of a Bill, at any time during its progress through the House, or in Committee of the whole House.

50. Clerical and typographical errors may be corrected in any part of a Bill, by the Chairman of Committees, before it is sent to the Legislative Council for its concurrence.

51. No clause, schedule, or amendment in substance, shall be offered to be added to, or made in, any Bill in possession of this House, except in a Committee of the whole House.

52. Before putting the Question "That this Bill do now pass?" the Speaker shall in every case report that the Chairman of Committees has certified that it is in accordance with the Bill as passed through all its previous stages in this House.

53. When a Bill, originated in this House, shall have passed, the Clerk shall forthwith certify at the top of the first page, that "This Public (or Private) Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence."

54. After a Bill shall be so certified by the Clerk it shall be sent with a Message desiring the concurrence of the Legislative Council.

55. The consideration of all amendments in Bills which shall have first passed this House, and of all amendments upon amendments which shall have been made by this House in any Bill which shall have first passed the Legislative Council, shall be in a Committee of the whole House; and in every case where this House shall agree to such amendments, or amendments upon their amendments, with or without amendments or further amendments of their own, the Clerk shall certify accordingly at the top of the first page of the Bill; and in every case of agreement or disagreement to any such amendments the Legislative Council shall be informed thereof by Message.

56. Every Bill originated in and passed by this House which shall pass the Legislative Council without amendment, and every such Bill which shall be returned to this House with amendments by the Legislative Council to which this House shall finally agree, shall be fair printed on vellum or parchment, and be by the Speaker presented to the Governor for Her Majesty's Assent, provided the Chairman of Committees shall have certified, in writing, on the Bill, that he has examined such fair print and found it to correspond in all respects with the Bill as finally passed by both Houses, and that at the top of the first page of such fair print the Clerk of this House shall have certified to its having finally passed both Houses.

57. Bills coming to this House the first time from the Legislative Council, shall be proceeded with, in all respects, as Bills presented in pursuance of Orders of this House; and every such Bill as shall finally pass this House shall be returned by Message to the Legislative Council, with the Clerk's Certificate at the top, that "the

Legislative Assembly have this day agreed to such Bill," "with" or "without amendment," as the case may require.

58. Every Public Bill, which shall have passed both Houses, and received Her Majesty's Assent, or been reserved for the signification of Her Majesty's pleasure thereon, shall be numbered at the top, by the proper Officer, in the order in which it shall have received such Assent, or been so reserved; and shall have the date of such Assent or Reservation following the words "Assented to," or "Reserved," (as the case may be) within parentheses, immediately after the Title.

PRIVATE BILLS.

59. Notice of the intention to apply for every Private Bill shall be published once a week, for four consecutive weeks, in the *Government Gazette*, in one or more public newspapers published in Sydney, and in one or more public newspapers in or nearest to the District affected by the Bill, which notice shall contain a true statement of the general objects of the Bill.

60. No Private Bill shall be initiated in this House but upon a Petition first presented and received, with a printed copy of the proposed Bill annexed; and such Petition shall be signed by one or more of the parties applying for the Bill.

61. Every Petition for a Private Bill shall commence by setting forth, that within the three months previously to its presentation to the House, the public notice required by section 60 has been duly given of the general objects of and the intention to apply for such Bill, and shall conclude with a true statement of the general objects of the Bill, and a prayer for leave to introduce it; and the production of the numbers of the *Gazette* and newspaper or newspapers containing such notice shall be sufficient proof of such notice.

62. When the Petition shall have been received, notice of motion for leave to bring in the Bill shall be given, and such Bill shall be introduced within thirty days from the receipt of such Petition.

63. When leave to bring in a Private Bill shall have been obtained, and before it shall be read a first time, it shall be printed, at the expense of the parties applying for it, in the same form as Public Bills, and a sufficient number of copies of it shall be delivered to the Clerk, for the use of the House.

64. (a.) Before a Private Bill shall be read a first time, the sum of twenty-five pounds, towards meeting the expenses attendant on such Bill, shall be paid to the credit of the Consolidated Revenue Fund of the Colony, and a Certificate of such payment shall be produced by the Member having charge of the Bill; and whenever the expenses attendant upon such Bill shall be found to exceed the sum of twenty-five pounds so paid, a further sum of twenty-five pounds shall, from time to time, as may be demanded by the Clerk of the House, be paid by the parties applying for the Bill, to the credit of the Consolidated Revenue Fund of the Colony; and a like Certificate of such additional payments shall be produced before proceeding further with the Bill; but on the passing, *rejection*, or *withdrawal* of such Bill, the promoters may obtain from the said Clerk a Certificate of the actual expenses incurred, with a view to the refund of any amount found to be overpaid.

(b.) If the promoters of any Private Bill, with respect to which proceedings have been interrupted by the close of the Session before their completion, shall petition within ten clear days after the commencement of the next Session, for leave to proceed with the same Bill in that Session, and the Petition be received, such Bill shall forthwith, upon motion, without notice or debate, be passed through the several stages it shall have passed through in the preceding Session, and shall be proceeded with in all its subsequent stages, in the ordinary manner of proceeding with Private Bills.

(c.)

(c.) If any such Private Bill shall only have been read a first time, and referred to a Select Committee, and shall not have been reported by such Committee before the close of the Session, it shall, after the reception of such Petition and Order thereon, upon motion without notice, be read a first time and referred to a Select Committee, comprising, as nearly as may be, all the Members composing the Select Committee to which it shall have been referred in the previous Session, together with the Minutes of Evidence taken before, and all Papers and Petitions which may have been referred, and all instructions which may have been given, to such last-mentioned Committee; and upon the Report of the Bill by the Select Committee, it shall be proceeded with in all its subsequent stages, in the ordinary manner of proceeding with Private Bills.

(d.) In the case of every such Private Bill, the Standing Orders shall be held to be satisfied in all respects, so far as they shall have been complied with in the previous Session.

65. When a Private Bill shall have been read a first time, it shall be referred to a Select Committee, to be appointed on motion upon notice, and such Committee shall require proof of the allegations contained in the Preamble.

66. Private Bills coming to this House the first time from the Legislative Council, if accompanied by printed copies of the reports and proceedings of the Select Committees, to which they may have been referred shall be proceeded with in all respects as Public Bills "presented" in pursuance of Orders of this House, unless the House shall otherwise order; and every such Bill as shall finally pass this House shall be returned by Message to the Legislative Council with the Clerk's certificate at the top, that "the Legislative Assembly have this day agreed to such Bill," "with" or "without amendment," as the case may require.

67. Every Petition in opposition to a Private Bill shall distinctly specify the grounds of such opposition; and, if received, shall be referred to the Select Committee on the Bill.

68. Every Select Committee on a Private Bill may, in its discretion, hear Counsel if it be desired; and may also take such oral or other evidence as it may think requisite; and may decide on matters in issue between the person conducting and opposing the Bill; after which, the Question shall be put from the Chair, "That this Preamble stand part of the Bill?": And if the Question pass in the negative, it shall be fatal to the Bill, and the Committee shall report accordingly; but if the Question pass in the affirmative, the several clauses of the Bill shall next be proceeded with, and the Amendments, if any, carefully noted for report to the House, care being taken that no clause be inserted, or Amendment made in the Bill, which shall be foreign to the import of the notice required under Section 60 to be given by the party or parties applying for it.

69. When a Select Committee shall have reported in favour of a Private Bill, such Bill shall be proceeded with as in the case of Public Bills, and a future day, subsequent to the distribution of the printed Report and Evidence, shall be appointed for the second reading.

70. No Number shall be given to any Private Bill which shall have passed both Houses and received Her Majesty's Assent.

MESSAGES FROM THE GOVERNOR.

71. Whenever the House shall be informed that there is a Message from the Governor, the business under discussion shall forthwith be suspended, and the bearer of the Message, if a Member, shall deliver it to the Speaker, and if not a Member shall be admitted and conducted to the Speaker, to whom he shall deliver it and then withdraw: The Speaker shall then immediately read the Message, and, if necessary, the House shall fix a future day for taking, or forthwith take the same into consideration.

JOINT ADDRESSES TO THE GOVERNOR.

72. Joint Addresses to the Governor, originating in this House, which shall not be ordered to be presented by both Houses, shall be borne by some Member of this House, to be named by the Speaker, who shall also report to this House the answer, if any be given.

COMMUNICATIONS WITH THE LEGISLATIVE COUNCIL.

73. The modes of communication with the Legislative Council shall be:—

1. By Message.
2. By Conference.
3. By Joint Committees of the Legislative Council and Assembly.
4. By Select Committees communicating with each other.

BY MESSAGE.

74. A Message to the Legislative Council shall be by two or more Members of this House, to be named by the Speaker, ordinarily from among those Members who have taken the most prominent interest in the Bill or subject to be communicated.

75. This House will receive a Message from the Legislative Council by two or more of its Members.

76. Every Message shall be in writing, and entered upon the Journals, with the answer thereto, if any be given.

77. It shall be in order, at any time to move, without previous notice, that any passed Bill or Vote be communicated by Message to the Legislative Council.

78. This House will receive from the Legislative Council, in one Message, all Bills first communicated, all Bills returned without amendment, and all Bills with the amendments of this House upon the Legislative Council's amendments agreed to without amendment; a list of such Bills, with a statement of the assent of the Legislative Council thereto, being delivered together with such Message and Bills.

BY CONFERENCE.

79. The Members appointed by this House to represent it at conferences with the Legislative Council, shall, in number, never be fewer than five at an ordinary conference, and ten at a free conference.

80. Every demand for a conference with the Legislative Council shall be accompanied by a statement of the general objects of the conference demanded; and no such demand shall be made in reference to any subject matter at that time in possession of the Legislative Council.

81. In every Message communicating to the Legislative Council a demand for a conference, this House will state the number of Members it will appoint as its Managers at such conference.

82. This House will name the time and place of holding, every conference demanded of it by the Legislative Council.

BY JOINT COMMITTEES.

83. In every Message proposing to the Legislative Council the appointment of a Joint Committee, this House will state the number of Members it will appoint to serve on such Committee.

84. Whenever the Legislative Council shall agree to a proposal from this House for the appointment of a Joint Committee, the first meeting of such Committee shall be held at such time and place as shall be named by the Legislative Council; and in every Message agreeing to a proposal by the Legislative Council for the appointment of a Joint Committee, this House will name the time and place for the first meeting of such Committee.

85. The presence of at least three of the Members appointed by this House to serve on a Joint Committee shall be necessary at every meeting of such Committee for the dispatch of Business.

86. The proceedings of every Joint Committee shall be reported to this House by the Members it shall have appointed to serve on such Committee.

BY SELECT COMMITTEES COMMUNICATING WITH EACH OTHER.

87. The report of every Select Committee of this House, put in communication with a Select Committee of the Legislative Council, shall contain a clear statement of every matter intercommunicated, and of the action of the Committee thereupon.

STRANGERS.

88. The Speaker only shall have the privilege of admitting Strangers to the space above the Bar at the Speaker's Chair, or to the lower Gallery, but every Member shall have the privilege of admitting, by orders, not transferable, two Strangers to the upper Gallery.

89. On the request of any Member, or in his own discretion, the Speaker shall and may at any time order Strangers to withdraw, and such Strangers shall immediately withdraw accordingly.

CONTEMPT.

90. Any Member not attending in compliance with an Order for a Call of the House, without reasonable excuse, shall be held guilty of contempt.

91. No Member shall absent himself during the Session for more than fourteen days at a time, without express leave of the House; and any Member wilfully infringing this order shall be held guilty of contempt.

92. Any Member who shall wilfully disobey any lawful order of the House, and any Member or other person who shall wilfully or vexatiously interrupt the orderly conduct of the business of the House, shall be guilty of contempt.

93. Every Member adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be committed by the Warrant of the Speaker, to the custody of the Sergeant-at-Arms, and shall, by the Sergeant-at-Arms, be detained in custody until released by an Order of the House, upon such conditions for payment of fees as to the House shall seem meet.

94. Any person not being a Member who wilfully or vexatiously shall interrupt the orderly conduct of the Business of the House, or obstruct the approaches to the House, or occasion a disturbance within the precincts of the House, shall be, by the Warrant of the Speaker, committed to the custody of the Sergeant-at-Arms, and shall, by the Sergeant-at-Arms be detained in custody until discharged by an Order of the House.

SUSPENSION OF STANDING RULES AND ORDERS.

95. Except in cases of urgent and pressing necessity, no Motion shall be made to dispense with any Sessional or Standing Order of this House, without due notice thereof.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION.—REMMINGTON *v.* FITZPATRICK,
“YASS PLAINS.”

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

EVIDENCE, AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

9 *March*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

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1870.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

ELECTION PETITION.—REMMINGTON *v.* FITZPATRICK,
“YASS PLAINS.”

VOTES No. 4. WEDNESDAY, 2 FEBRUARY, 1870.

5. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1858, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“LEGISLATIVE ASSEMBLY.

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1858, I do hereby appoint

“Stephen Campbell Brown, Esquire,
“Alexander Dodds, Esquire,
“Thomas Garrett, Esquire,
“John Lackey, Esquire,

“William Macleay, Esquire,
“William Richman Piddington, Esquire,
“William Charles Windeyer, 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 second day of February, in the year of our Lord one thousand eight hundred and seventy.

“W. M. ARNOLD,
“*Speaker.*”

VOTES No. 7. TUESDAY, 8 FEBRUARY, 1870.

1. * * * * *
Election Petition:—Mr. Cowper, *by Command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from Arthur Remington, complaining of the election and return of Michael Fitzpatrick, Esquire, as the Member for the Electoral District of Yass Plains,—alleging that the said election and return are void and of no effect; and praying that the said Petition may be dealt with as the law requires.
Ordered to lie on the Table.

VOTES No. 8. WEDNESDAY, 9 FEBRUARY, 1870.

9. Committee of Elections and Qualifications:—
(1.) *Maturity of Warrant Reported*:—The Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 2nd February, 1870, 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 70th section of the Electoral Act of 1858.
(2.) *Members of Committee Sworn*:—Whereupon Stephen Campbell Brown, Thomas Garrett, John Lackey, and William Richman Piddington, Esquires, came to the Table, and were severally sworn by the Clerk as Members of the said Committee.
(3.) *Time and Place of first Meeting of Committee*:—Pursuant to the requirement of the 70th Section of the Electoral Act of 1858, the Speaker appointed the first Meeting of the Committee of Elections and Qualifications to take place at noon, on *Tuesday* next, the 15th of February instant, in Committee Room No. 2.
11. Election Petition:—Mr. Cowper moved, That the Election Petition complaining of the election and return of Michael Fitzpatrick, Esquire, as the Member for the Electoral District of Yass Plains, which was laid upon the Table of this House, *by Command*, on the 8th February, be referred to the Committee of Elections and Qualifications.
Question put and passed.

VOTES

VOTES No. 9. THURSDAY, 10 FEBRUARY, 1870.

5. Committee of Elections and Qualifications :—William Macleay, Esquire, came to the Table, and was sworn by the Clerk as Member of the Committee of Elections and Qualifications.
9. Committee of Elections and Qualifications :—William Charles Windeyer, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 12. WEDNESDAY, 16 FEBRUARY, 1870.

3. Committee of Elections and Qualifications :—Alexander Dodds, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 24. WEDNESDAY, 9 MARCH, 1870.

3. Committee of Elections and Qualifications—*Remington v. Fitzpatrick* :—Mr. Piddington, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Committee of Elections and Qualifications, together with Appendix, relative to the Petition of Arthur Remington against the return of Michael Fitzpatrick, Esquire, as Member for the Electoral District of Yass Plains, which was referred to the said Committee on the 9th February last ;—

And the said Report having been read at length by the Clerk, by direction of the Speaker, as follows,—

“ The Committee of Elections and Qualifications, duly appointed on the 2nd February, 1870, under the provisions of the Electoral Act of 1858, to whom was referred, on the 9th February, 1870, a Petition from Arthur Remington against the return of Michael Fitzpatrick, Esquire, as the Member for the Electoral District of Yass Plains, have determined and do hereby accordingly declare :—

“ (1.) That the said Michael Fitzpatrick, Esquire, did not at the time of his election hold an office of profit under the Crown ; that there was not a Poll duly demanded at the said Election ; and that therefore the said Michael Fitzpatrick, Esquire, was duly elected as Member for Yass Plains.

“ (2.) That the Petition is not frivolous or vexatious.

“ (3.) That the costs and expenses of the sitting Member and his witnesses be paid to him by the Petitioner.

“ W. R. PIDDINGTON,
“ Chairman.”

“ No. 2 Committee Room,
“ Legislative Assembly,
“ Sydney, 9 March, 1870.”

Ordered, on motion of Mr. Piddington (after Debate), That the said Report, and Minutes of Proceedings and of Evidence, together with Appendix, be printed.

1870.

NEW SOUTH WALES.

ELECTION PETITION.

(REMMINGTON v. FITZPATRICK, "YASS PLAINS.")

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE Committee of Elections and Qualifications, duly appointed on the 2nd February 1870, under the provisions of the Electoral Act of 1858, to whom was referred, on the 9th February, 1870, a Petition from Arthur Remington against the return of Michael Fitzpatrick, Esquire, as the Member for the Electoral District of Yass Plains, have determined, and do hereby accordingly declare :—

- (1.) That the said Michael Fitzpatrick, Esquire, did not at the time of his election hold an office of profit under the Crown ; that there was not a Poll duly demanded at the said election, and that therefore the said Michael Fitzpatrick, Esquire, was duly elected as Member for Yass Plains.
- (2.) That the Petition is not frivolous or vexatious.
- (3.) That the costs and expenses of the sitting Member and his Witnesses be paid to him by the Petitioner.

W. R. PIDDINGTON,
Chairman.

*No. 2 Committee Room,
Legislative Assembly,
Sydney, 9 March, 1870.*

"(2.) *Members of Committee Sworn* :—Whereupon Stephen Campbell Brown, Thomas Garrett, John Lackey, and William Richman Piddington, Esquires, came to the Table, and were severally sworn by the Clerk as Members of the said Committee.
 "(3.) *Time and Place of First Meeting of Committee* :—Pursuant to the requirement of the 70th section of the Electoral Act of 1858, the Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at noon, on *Tuesday* next, the 15th of February instant, in Committee Room No. 2.

"11. Election Petition :—Mr. Cowper moved, That the Election Petition complaining of the election and return of Michael Fitzpatrick, Esquire, as the Member for the Electoral District of Yass Plains, which was laid upon the Table of this House, *by Command*, on the 8th February, be referred to the Committee of Elections and Qualifications.
 "Question put and passed.

"VOTES NO. 9. THURSDAY, 10 FEBRUARY, 1870.

"5. Committee of Elections and Qualifications :—William Macleay, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

* * * * *

"9. Committee of Elections and Qualifications :—William Charles Windeyer, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

"VOTES NO. 12. WEDNESDAY, 16 FEBRUARY, 1870.

"3. Committee of Elections and Qualifications :—Alexander Dodds, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications."

3. The Clerk then, by direction of the Chairman, read the Petition from Arthur Remington (together with the accompanying Papers), referred to the Committee by the House on 9th February,—

"To His Excellency the Right Honorable the EARL OF BELMORE, Captain General and Governor-in-Chief of the Colony of New South Wales.

"The Petition of Arthur Remington,—

"SHEWETH AS FOLLOWS :—

"That your Petitioner had a right to vote at the election of a Member to serve in the Legislative Assembly of this Colony, for the Electoral District of Yass Plains, which was had on the twentieth day of December, in the year one thousand eight hundred and sixty-nine, his name appearing on the Electoral Roll, as follows :—1269, Arthur Remington, Hardwick, residence, Yass River.

"That on the twentieth day of December, one thousand eight hundred and sixty-nine, at the nomination for the said election which took place at Yass, two candidates were duly proposed, namely :—

"Michael Fitzpatrick, Esquire, and
 "Thomas Laidlaw, Esquire.

"That on the show of hands being called for by the Returning Officer it was taken, and the Returning Officer declared the result of such show of hands to have been in favour of the said Michael Fitzpatrick.

"That then and there a poll was duly demanded by more than six electors of the said Electoral District of Yass, namely, by Charles Colman, George Colvin, James Davis, James Davis, senior, James Mead, Arthur Remington, Richard Ryan, junior, Joshua Shipway, and Thomas Simpson.

"That the names and qualification of the electors who so demanded a poll are set forth in the Electoral Roll for the said Electoral District, as follows :—283, Charles Colman, Yass, residence, Yass ; 296, George Colvin, O'Connell Town, freehold, O'Connell Town ; 373, James Davis, Hardwick, residence, Yass River ; 374, James Davis, senior, Muntoonan, freehold, Yass River ; 1061, James Mead, Cavan, residence, Murrumbidgee ; 1269, Arthur Remington, Hardwick, residence, Yass River ; 1323, Richard Ryan, junior, Hardwick, residence, Hardwick ; 1381, Joshua Shipway, Yass, residence, Yass ; 1385, Thomas Simpson, North Yass, freehold, North Yass.

"That the Returning Officer, notwithstanding such demand of a poll, and after the demand was duly made as aforesaid, then and there declared the said Michael Fitzpatrick to have been duly elected the Member for the Electoral District to serve in the said Legislative Assembly, and thereupon made his return of the said Michael Fitzpatrick as such Member accordingly.

"That your Petitioner complains of such election and return as being an undue election and an undue return, by reason of the facts above mentioned, inasmuch as the Returning Officer, instead of declaring the said Michael Fitzpatrick to have been duly elected, should, on such poll being demanded as aforesaid, have made arrangements for polling at such election, on the day and at the places duly appointed for that purpose.

"That

"That the said election and return are consequently void and of no effect.

"That the said Michael Fitzpatrick, at the time of his election and return as aforesaid, held an office of profit under the Crown, namely, the office of Under Secretary for Lands, and that the Governor had not with the advice of the Executive Council declared, as required by law, the holder of such office to be capable of being elected a Member of the said Legislative Assembly, and that for this reason also the said election and return are void.

"That your Petitioner has paid into the Bank of New South Wales in Sydney, to the credit of the Speaker, in relation to this Petition, the sum of one hundred pounds; and the bank deposit receipt therefor is attached hereto.

"Your Petitioner prays that your Excellency will forthwith cause this Petition to be notified in the *Government Gazette*, and as soon as conveniently may be cause it to be laid before the said Legislative Assembly, and otherwise deal with it as the law requires.

"And your Petitioner will ever pray, &c.

"ARTHUR REMMINGTON.

"Dated this 29th day of January, 1870.

"Bank of New South Wales,
"Sydney, February 3, 1870.

"I have this day received the sum of one hundred pounds for the credit of the Honorable the Speaker of the Legislative Assembly, in relation to the Petition of Arthur Remmington, Esq., of Hardwick, Yass.

"For the Bank of New South Wales,
"CHAS. M. PALMER,
"Assistant Secretary."

"Sydney, February 3rd, 1870.

"Sir,

"I have received this morning the accompanying Petition, addressed to His Excellency the Governor, from Arthur Remmington, of Hardwick, near Yass, against the return of Michael Fitzpatrick, Esq., as Member of the Legislative Assembly for Yass Plains. This Petition has been forwarded to me for presentation to His Excellency, and I have the honor to transmit it to you for that purpose.

"I have this morning, on behalf of the Petitioner, paid to the credit of the Speaker of the Legislative Assembly, in the Bank of New South Wales, the sum of £100 sterling, in relation to this Petition, as required by the Electoral Act, and the deposit receipt for the same is annexed to the Petition.

"You will oblige by acknowledging the receipt of Petition."

"I have, &c.,

"The Honorable the Colonial Secretary."

"HENRY PARKES."

"418, George-street,
"February 7, 1870.

"Sir,

"Referring to my letter of the 3rd instant, enclosing Petition from Arthur Remmington against the return of Michael Fitzpatrick, Esq., as Member of the Legislative Assembly for Yass Plains, I shall be glad to be informed whether the said Petition has been presented to His Excellency the Governor."

"I am, &c.,

"The Honorable the Colonial Secretary."

"HENRY PARKES."

"MINUTE.—May be informed that it was duly received and presented to His Excellency, and that the further requisite steps will be immediately taken."

7 Feby., 1870.

4. The Clerk then read the following letter from the Honorable the Speaker, enclosing copy of letter from Michael Fitzpatrick, Esq., stating his intention to defend his Seat for Yass Plains:—

"70-44

"The Committee of Elections
"and Qualifications.

"Legislative Assembly Chamber,
"Sydney, 11 February, 1870.

"Gentlemen,

"I have the honor to transmit to you herewith a copy of a letter which has been received by me from Michael Fitzpatrick, Esquire, the sitting Member for Yass Plains, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

"I have, &c.,

"W. M. ARNOLD,
"Speaker."

[Enclosure.]

"Sydney, 11 February, 1870.

"Sir,

"In accordance with the terms of the 79th clause of the Electoral Act of 1858, I have the honor to inform you that it is my intention to defend my Seat as Member for Yass Plains, before the Committee of Elections and Qualifications, to whom was referred a Petition from A. Remmington, touching the validity of my election and return as Member for the aforesaid Electoral District.

"I have, &c.,

"The Honorable W. M. Arnold,
"Speaker of the Legislative Assembly."

"MICHAEL FITZPATRICK."

5. Mr. Fitzhardinge (*Counsel for Petitioner, in the absence of Mr. G. M. Stephen*) addressed the Committee, and applied for an adjournment until to-morrow.
Mr. Fitzpatrick, being consulted, stated that he would prefer either to go on with the inquiry now or to adjourn for a week.
Strangers having withdrawn,—
6. Committee deliberated, and decided to adjourn until to-morrow at Eleven o'clock.
Strangers being admitted,—
7. The Chairman informed the parties of the decision arrived at by the Committee.
Committee adjourned until to-morrow at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 16 FEBRUARY, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Lackey,		Mr. S. Brown,
Mr. Macleay,		Mr. Windeyer,
	Mr. Garrett.	

In attendance,—

The 2nd Clerk Assistant.

Present:—George Milner Stephen, Esq. (*Counsel for Petitioner*).

M. Fitzpatrick, Esq. (*Sitting Member*).

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous meeting, the same were confirmed.
2. The Clerk informed the Committee that several witnesses were in attendance none of whom had been summoned by this Committee, and inquired whether the usual summons should be served upon them before taking their evidence. Committee deliberated, and decided not to summon such witnesses.
3. Mr. G. M. Stephen addressed the Committee on behalf of the Petitioner.
4. Mr. Arthur Remington (*Petitioner*) then called in, sworn, and examined.
5. Witness produced the Electoral Roll for the Yass Plains Electoral District.
6. In the course of the examination, Mr. Stephen objected to a question put to witness by the Sitting Member, as being irrelevant.
Strangers having withdrawn,—
Committee deliberated, and decided that as the objection was not made until after the answer had been recorded, it must stand.
Parties called in and informed.
Examination continued.
7. Mr. Stephen objected to a question, put to witness by sitting Member, as to who paid the £100 into the Bank.
Strangers having withdrawn,—
The Committee deliberated, and decided to disallow that question.
Parties called in and informed.
Examination continued.
The witness having withdrawn,—
Committee adjourned until to-morrow at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

THURSDAY, 17 FEBRUARY, 1870.

MEMBERS PRESENT:—

Mr. Piddington,		Mr. Dodds,
Mr. Lackey,		Mr. Garrett,

In attendance,—

The 2nd Clerk Assistant.

There not being a Quorum present one hour after the time appointed for the meeting, the Members present adjourned (in accordance with the provision contained in the 71st section of the Electoral Act of 1858) until to-morrow at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

FRIDAY, 18 FEBRUARY, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Lackey,		Mr. Garrett,
Mr. Dodds,		Mr. Macleay,
	Mr. Windeyer.	

In attendance,—

The 2nd Clerk Assistant.

Present:—George Milner Stephen, Esq. (*Counsel for Petitioner*).

Michael Fitzpatrick, Esq. (*Sitting Member*).

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1. The Clerk having, by direction of the Chairman, read the Minutes of the two previous meetings, the same were confirmed.
2. Mr. Joshua Shipway called in, sworn, and examined; and having withdrawn,—
3. Mr. Charles Colman called in, sworn, and examined.
During the examination of this witness Mr. James Mead was called in and identified by him.
Witness having withdrawn,—
4. Mr. Thomas Simpson called in, sworn, and examined; and having withdrawn,—
5. Mr. George Colvin called in, sworn, and examined; and having withdrawn,—
6. Mr. James Davis, senior, called in, sworn, and examined; and having withdrawn,—
7. Mr. James Mead called in, sworn, and examined; and having withdrawn,—
8. Mr. James Davis called in, sworn, and examined; and having withdrawn,—
9. Mr. G. M. Stephen applied for the expenses of Petitioner's witnesses.
The Chairman said that the question of costs should be considered at a later period of the inquiry.
10. At the request of the parties, the Committee directed the Clerk to prepare summonses for the following witnesses, to be called for the next two meetings:—
The Honorable W. Forster Esq. (*Secretary for Lands*).
George J. Armytage, Esq. (*Chief Clerk, Lands Department*).
J. D. Cronin, Esq. (*Pay Clerk, Colonial Treasury*).
Thomas Laidlaw, Esq., J.P., Yass.
I. M. Blake, Esq., J.P. (*Returning Officer for Yass Plains*), Yass.
James J. Brown, Esq. (*Proprietor, Yass Courier*), Yass.
Rees Jones, Esq., Yass, and
Mr. Thomas Colls (*Licensed Victualler*), Yass.
Committee adjourned until Tuesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 22 FEBRUARY, 1870.

MEMBERS PRESENT:—

Mr. Piddington,	|	Mr. Garrett,
Mr. Macleay,		Mr. Lackey.

In attendance,—

The 2nd Clerk Assistant.

There not being a quorum one hour after the time appointed for meeting, the Members present adjourned until Thursday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 24 FEBRUARY, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Windeyer,	|	Mr. Lackey,
Mr. Dodds,		Mr. Garrett,
Mr. Macleay,		Mr. S. Brown.

In attendance,—

The 2nd Clerk Assistant.

Present:—Mr. Arthur Remington (*Petitioner*).

George Milner Stephen, Esq. (*Counsel for Petitioner*).

Michael Fitzpatrick, Esq. (*Sitting Member*).

1. The Clerk having, by direction of the Chairman, read the Minutes of the two previous meetings, the same were confirmed.
2. James Daniel Cronin, Esq., called in, sworn, and examined.
Witness handed in,—
(1.) Salary Abstract, Lands Department, for month of December, 1869. (*Vide Appendix, A 1 and A 3.*)
(2.) Letter from G. J. Armytage, Esq., to Under Secretary for Finance and Trade, dated 20 December, 1869, relative to acceptance of Mr. Fitzpatrick's resignation. (*Vide Appendix A 2.*)
Witness having withdrawn,—
3. The Honorable William Forster, Esq. (*Secretary for Lands*), called in, sworn, and examined.
Witness handed in,—
Letter from Michael Fitzpatrick, Esq., to the Honorable Secretary for Lands, dated 24th November, 1869, resigning his appointment as Under Secretary for Lands. (*Vide Appendix B.*)
4. Mr. Windeyer having asked the witness whether he had received any private communication from Mr. Fitzpatrick, with reference to his resignation taking effect on the 18th December,—and Mr. Garrett having raised an objection to the question,—and strangers having withdrawn,—
Committee deliberated.
Mr. Garrett moved, and Mr. Macleay seconded the motion,—
“That the question put by Mr. Windeyer,—as to whether Mr. Forster (the witness) had received
“any private communication from Mr. Fitzpatrick as to fixing the date of his resignation of
“office,—is irregular, and should not be put,”—
And Mr. Windeyer having withdrawn the question so objected to,—
Motion, by leave, withdrawn.

11

5. Strangers having been readmitted, examination continued.
Mr. Windeyer having asked the witness "Do you swear that on your oath, sir—do you swear that,"—and Mr. S. Brown having objected to that question, and also to the manner in which Mr. Windeyer had put it,—and strangers having withdrawn,—
Committee deliberated, and decided that the examination should be continued.
Strangers having been readmitted, examination continued.
Witness withdrew.
6. Whereupon Mr. G. M. Stephen informed the Committee that the Petitioner's case was now closed.
7. Mr. Arthur Remington again examined.
8. George James Armytage, Esq., called in, sworn, and examined.
Mr. Fitzpatrick handed in—
(1.) Letter addressed to him by Mr. Armytage, dated 18th December, 1869, relative to his retirement from the Public Service. (*Vide Appendix C (1)*).
(2.) Telegram from Under Secretary, Colonial Secretary's Department, to him, on same subject. (*Vide Appendix C (2)*).
- Witness having withdrawn,—
9. Thomas Laidlaw, Esq., J.P., called in, sworn, and examined.
Witness having withdrawn,—
10. Isidore M. Blake, Esq. (*Returning Officer for Yass Plains*), called in, sworn, and examined.
Mr. Fitzpatrick having asked the witness a question respecting the private character of certain of Petitioner's witnesses,—and Mr. Stephen having objected to such question,—
The Committee sustained the objection.
Mr. Stephen handed in letter signed I. M. Blake, and published in the *Sydney Morning Herald* of 28th December, 1869. (*Vide Appendix D*.)
11. Mr. Fitzpatrick then applied for a certificate for Dr. Blake's expenses, and Committee decided that such application was premature.
Witness having withdrawn,—
12. The Committee directed the Clerk to order copies of the Evidence taken to be printed as early as possible, for the perusal of Members.
Committee adjourned until to-morrow, at half-past Ten o'clock, A.M.

F. W. WEBB,
2nd Clerk Assistant.

FRIDAY, 25 FEBRUARY, 1870:

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

<p>Mr. Windeyer, Mr. Dodds, Mr. Garrett,</p>		<p>Mr. Lackey, Mr. Macleay, Mr. S. Brown.</p>
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In attendance,—

The 2nd Clerk Assistant.

Present :—Michael Fitzpatrick, Esq. (*Sitting Member*).

George Milner Stephen, Esq. (*Counsel for Petitioner*).

Mr. Arthur Remington (*Petitioner*).

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous meeting,—
2. Mr. Macleay objected to the entry No. 5, as read,—and strangers having withdrawn,—
Committee deliberated.
The Clerk then, by direction of the Chairman, again read the entry No. 5, as follows:—
"5. Strangers having been readmitted, examination continued.
"Mr. Windeyer having asked the witness whether he had received any communication from Mr. Fitzpatrick, on the subject of his resignation,—and Mr. S. Brown having objected to that question, and also to the manner in which Mr. Windeyer had put it,—and strangers having withdrawn,—
"Committee deliberated, and decided that the question could be put.
"Strangers having been readmitted, examination continued.
"Witness withdrew."
3. Mr. Garrett moved, and Mr. S. Brown seconded the motion,—
"That entry 5 of the last Minutes be amended, by inserting the following question put by Mr. Windeyer, and objected to by Mr. Brown, viz.:—'Do you swear that on your oath—on your oath, sir, do you swear that?'"

Question put.

Committee divided.

Ayes, 5.

<p>Mr. Macleay, Mr. S. Brown, Mr. Lackey, Mr. Garrett, Mr. Dodds.</p>		<p>Mr. Piddington, Mr. Windeyer.</p>
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Noes, 2.

Mr. Piddington,
Mr. Windeyer.

4. The Clerk, having, by direction of the Chairman, read the entry, as amended,—
Mr. S. Brown moved, and Mr. Garrett seconded the motion,—
"That entry 5 of the Minutes be further amended, by stating that, after deliberation, the Committee decided that the examination should be continued."

Question

Question put.
Committee divided.

Ayes, 5.

Mr. Macleay,
Mr. S. Brown,
Mr. Garrett,
Mr. Dodds,
Mr. Lackey.

Noes, 2.

Mr. Piddington,
Mr. Windeyer.

5. The Clerk then, by direction of the Chairman, read the entry as further amended, as follows:—

“5. Strangers having been re-admitted, examination continued.

“Mr. Windeyer having asked the witness, ‘Do you swear that on your oath, sir,—do you swear that?’ And Mr. S. Brown having objected to that question, and also to the manner in which Mr. Windeyer had put it,—and strangers having withdrawn, Committee

“deliberated, and decided that the examination should be continued.

“Strangers having been re-admitted, examination continued.

“Witness withdrew.”

Question put,—That the Minutes, as amended, be confirmed. (*Chairman.*)
Committee divided.

Ayes, 5.

Mr. Macleay,
Mr. S. Brown,
Mr. Garrett,
Mr. Dodds,
Mr. Lackey.

Noes, 2.

Mr. Piddington,
Mr. Windeyer.

Strangers having been re-admitted,—

6. James John Brown, Esq., called in, sworn, and examined; and having withdrawn,—
7. Mr. Michael Conlon called in, sworn, and examined; and having withdrawn,—
8. Mr. Fitzpatrick requested summonses for—

A. Campbell, Esq., J.P., Yass;
Thomas Barber, Esq., North Yass;

And Clerk directed to prepare the same accordingly.

9. Mr. G. M. Stephen, on behalf of the Petitioner, applied for summonses for—

J. Cottrell, Esq., Yass;
J. Wood, Esq., Yass;

And Clerk directed to prepare the same accordingly.

Committee then adjourned until Tuesday next, at half-past Ten o'clock, A.M.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 1 MARCH, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. S. Brown,		Mr. Macleay,
Mr. Windeyer,		Mr. Lackey.

In attendance,—

The 2nd Clerk Assistant,—

Present:—Michael Fitzpatrick, Esq. (*Sitting Member*).

Mr. Arthur Remington (*Petitioner*).

George Milner Stephen, Esq. (*Counsel for Petitioner*).

1. The Clerk having, by direction of the Chairman, read the minutes of the previous meeting, the same were confirmed.
2. Mr. Thomas Colls called in, sworn, and examined; and having withdrawn,—
3. Allan Campbell, Esq., J.P., called in, sworn, and examined; and having withdrawn,—
4. Thomas Barber, Esq., called in, sworn, and examined; and having withdrawn,—
5. Mr. Fitzpatrick stated that the evidence for the defence was now closed.
6. Whereupon Mr. G. M. Stephen proposed to call in additional evidence for the Petitioner; and Mr. Fitzpatrick objecting,—
7. Committee deliberated, and decided that it is inexpedient to take the proposed additional evidence. Parties called in and informed by Chairman.
8. The Parties stating their desire to address the Committee,—
The Committee decided to hear them at the next meeting, and
Adjourned until Friday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

FRIDAY,

FRIDAY, 4 MARCH, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Dodds,	|	Mr. Garrett,
Mr. Lackey,		Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

Present :—Michael Fitzpatrick, Esq. (*Sitting Member*).George Milner Stephen, Esq. (*Counsel for Petitioner*).Mr. Arthur Remington (*Petitioner*).

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous meeting, the same were confirmed.
2. Mr. Fitzpatrick addressed the Committee in defence, and,—
3. Mr. G. M. Stephen having replied,—

Committee adjourned until Wednesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 9 MARCH, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Garrett,	|	Mr. Lackey,
Mr. S. Brown,		Mr. Windeyer,
Mr. Dodds,		Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous meeting, the same were confirmed.
2. The Committee having deliberated,—

Mr. S. Brown moved,—

“ ‘That’ the Committee are of opinion that the said Michael Fitzpatrick did not at the time of his election hold an office of profit under the Crown; and that there was not a Poll duly demanded at the said Election, and, that therefore the said Michael Fitzpatrick was duly elected as Member for Yass Plains.”

3. Amendment proposed,—

Mr. Windeyer moved,—That all the words after the first word, “That” be omitted, with a view to insert the following words :—

- (1) “ in the opinion of this Committee, a demand of a poll by an elector when once made cannot be afterwards waived by the person making it, or ignored by the Returning Officer.”
- (2) “ ‘That’ this Committee is of opinion that the evidence shows that at least six electors did demand a poll after the show of hands, and before the Returning Officer declared Mr. Fitzpatrick elected.”
- (3) “ That this Committee is of opinion that, by reason of the failure of the Returning Officer to grant a poll, though the same was demanded by six electors, the election of the sitting Member, Michael Fitzpatrick, Esq., is null and void.”

And Mr. S. Brown objecting to the first paragraph of the proposed amendment being put,—on the ground that it proposes to decide a question of law not referred to the Committee,—the Chairman sustained the objection.

Question put (with reference to paragraphs 2 and 3),—That the words proposed to be omitted stand part of the Question.

Committee divided.

Ayes, 4.

Mr. Macleay,	|	Noes, 3.
Mr. Dodds,		Mr. Piddington,
Mr. S. Brown,		Mr. Windeyer,
Mr. Garrett.		Mr. Lackey.

Original Question then put.

Committee divided.

Ayes, 4.

Mr. Macleay,	|	Noes, 3.
Mr. Dodds,		Mr. Piddington,
Mr. S. Brown,		Mr. Windeyer,
Mr. Garrett.		Mr. Lackey.

4. Motion made (*Chairman*) and Question put,—

“That the Petition is not frivolous ‘or vexatious.’”

5. Amendment proposed,—

Mr. S. Brown moved the omission of the words ‘or vexatious.’

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

Committee divided.

Ayes, 4.

Mr. Piddington,	|	Noes, 3.
Mr. Dodds,		Mr. Macleay,
Mr. Lackey,		Mr. S. Brown,
Mr. Windeyer.		Mr. Garrett.

Original Question then put and carried.

6. Mr. S. Brown moved,—

“That the Chairman be requested to certify that the costs and expenses of the sitting Member and his witnesses be paid to him by the Petitioner.”

Question put.

Committee divided.

Ayes, 4.	Noes, 3.
Mr. Macleay,	Mr. Piddington,
Mr. Dodds.	Mr. Lackey,
Mr. S. Brown,	Mr. Windeyer.
Mr. Garrett.	

7. The Chairman then requested to report to the House accordingly.

8. The following letter from Mr. R. B. Smith, submitted by Chairman :—

“ W. R. Piddington, Esq., M.P.,

“ Chairman of the Election Qualification Committee.

“ 139 King-street, Sydney,

“ 28 February, 1870.

Sir,

“ *In re* my Petition against the return of Horace Dean, Esq.

“ I have the honor to request that the Committee (of which you are Chairman) will be pleased to appoint an early day for the examination of a material and necessary witness in support of my Petition.

“ The name of the witness referred to is Mr. Henry Flett, J.P., a resident of the Manning River, but at present on a visit to Sydney. As this gentleman contemplates leaving Sydney on Monday next, and this application is made to avoid the expense and inconvenience of bringing Mr. Flett from his residence at the Manning, I trust the Committee will kindly fix a day during the present week for his special examination.

“ I have, &c.,

“ ROBT. BURDETT SMITH.”

9. Mr. Macleay then moved,—

“That the Committee proceed with the case ‘Smith v. Dean’ at the next meeting.” (*Carried.*)

The Clerk directed to inform the parties.

Committee adjourned until Friday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

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COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

(REMMINGTON v. FITZPATRICK.—YASS PLAINS.)

WEDNESDAY, 16 FEBRUARY, 1870.

Present:—

Mr. S. Brown, Mr. Garrett, Mr. Lackey,	|	Mr. Macleay, Mr. Piddington, Mr. Windeyer.
--	--	--

W. R. Piddington in the Chair.

M. Fitzpatrick, Esq., the Sitting Member, appeared on his own behalf.
G. M. Stephen, Esq., appeared as Counsel on behalf of the Petitioner.

Mr. Arthur Remmington, having been sworn, was examined by Mr. Stephen:—

1. Where do you reside? I reside at Hardwicke, in the Yass Electorate.
2. Does your name appear upon the electoral roll (*handing a printed paper to the witness*)? Yes; it is 1,269 on the electoral roll.
3. Do you believe that to have been printed by the Government Printer? I suppose it would not bear his signature unless it were printed by him. I believe it was printed by the Government.
4. You believe it to have been printed by the Government Printer? Yes.
5. Are you the gentleman who has sent in the petition to the Governor, now before the Committee? Yes.
6. Did you read that petition before you subscribed it? Yes.
7. Do you believe the contents of it to be truly stated? I believe the contents are truly stated.
8. You say you are a resident in the Yass Electoral District—How long were you residing there before that electoral list was prepared? About five years. About four years before that list was prepared. About five years now.
9. You were a resident there at the time the electoral lists were made out? I do not know when the electoral list was made out.
10. When was the date of the nomination? I am not positive as to the date—I think it was the 20th December last.
11. Were you present at the nomination of Mr. Fitzpatrick? Yes.
12. That I believe was on the 20th December, 1869—is that what you say? Yes.
13. Who were nominated on that occasion? Mr. Fitzpatrick and Mr. Thomas Laidlaw.
14. Will you state as shortly as you can what took place—was a show of hands called for? A show of hands was called for by the Returning Officer, and was declared by him to be in favour of Mr. Fitzpatrick.
15. Who was the Returning Officer? Mr. Blake.
16. Do you know his christian name? No.
17. Was a show of hands taken? A show of hands was taken and declared to be in favour of Mr. Fitzpatrick.
18. By the Returning Officer? By the Returning Officer.
19. What then happened? A poll was demanded.
20. Was a show of hands called for Mr. Laidlaw? A show of hands was called for both, and declared to be in favour of Mr. Fitzpatrick.
21. What then took place? A poll was then demanded for Mr. Laidlaw by certainly nine electors in a body.
22. Were you one of them? Yes.
23. By yourself and how many others as you believe? By myself and certainly eight more; by nine electors in a body. There were more demanded a poll in different parts of the room.
24. What then took place—in what way was a poll demanded? I got up and demanded a poll for Mr. Laidlaw, and called to other electors who wished to poll for Mr. Laidlaw to come forward.
25. And then these eight or nine others as you believe came forward? They came forward—I saw them.
26. When you say they came forward, how near did they come to the Returning Officer? As near as I am to the gentleman opposite—there was just the division of the Magistrate's Bench between them.
27. They came up to the Bench in the Court House? They came up to the Bench and demanded a poll.
28. They came up to the Bench where the Returning Officer, Mr. Blake, was presiding, and demanded a poll? Yes.
29. What then took place? Some one in the room called out to Mr. Blake "They are not on the roll."
30. Who was not on the roll? Some of these, meaning those who had demanded a poll. Some one, pointing to Charles Colman, said "That man is not on the roll."
31. He being one of the persons demanding a poll? He being one of the persons demanding a poll. Mr. Blake, without looking at the electoral roll, looked at him, and said "You are not on the roll." Mr. Shipway, another elector, who was by me, said "He is on the roll, Mr. Blake." He took no notice of that

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- Mr. A. Remington. that remark whatever. Immediately after he had spoken about his not being on the roll he was in conversation with another person, George Colvin, another elector who demanded a poll, and said to him "You are not on the roll." All this occurred quicker than I am telling you.
- 16 Feb., 1870. 32. What then took place? He declared Mr. Fitzpatrick duly elected.
33. Is that the next thing that took place? That is the next thing that took place.
34. Did you hear anything called out to the Returning Officer before he declared Mr. Fitzpatrick was elected? Yes; while this conversation was going on some who were sitting close by the side of the Returning Officer said, "Declare him duly elected"; who they were I cannot say. Rees Jones was one.
35. What interval of time could you positively depose to as having taken place before this declaration? It all took place much quicker than it has been described by me; the whole did not last above three or four minutes.
36. You can safely swear that not more than five minutes elapsed? Certainly not, between the poll being demanded for Mr. Laidlaw and Mr. Fitzpatrick being declared duly elected by the Returning Officer; about three or four minutes—certainly not more than five minutes.
37. At the time he declared him duly elected were these individuals standing immediately in front as you describe—these nine individuals, including yourself? I will explain as nearly as I can how they stood. Four stood immediately in front of the Returning Officer, a little to the right, myself close by one of them—I had run round to them—Mr. Shipway was under the Returning Officer's elbow; three other electors were to the left—two close by, and one in the hands of two men; he was crying loudly for a poll, and he could not get up close to the front. I do not know what the Returning Officer meant by coming up close, but there was a table which prevented—
38. One of these three was calling out loudly, demanding a poll for Mr. Laidlaw? Yes, and he was held back by a gentleman holding a Government office in the district—Mr. Thomas Turner, Sheep Inspector.
39. Who was the person you referred to as having been held? James Davis, senior; he is a witness at present in Sydney.
40. You have accounted for four and three, and yourself and Mr. Shipway make up the nine? Four in front of the Bench to the right, three to the left, Mr. Shipway on the Bench, and myself.
41. *Mr. Windeyer.*] Were these four divided by the place usually occupied by the Deposition Clerk? Yes, by the desk usually occupied by the Clerk of the Court—the four and three were divided.
42. *Mr. Stephen.*] Would it have been possible for all the others you have spoken of to have come forward if they had been so minded? Not in the time given, for there is a bench running across the Court House, leaving a passage by which only one person can pass at a time to come near the bench door, and of course if this way were obstructed they could not pass.
43. Only one man could pass at a time, and the passage was obstructed by the crowd? Yes, the passage was blocked up by a number of other electors, and these parties could not get nearer.
44. *Mr. Fitzpatrick.*] Do you remember meeting me at Mr. Dease's, in Yass, at luncheon? Yes.
45. You remember a conversation that ensued between you and I about the election? Yes, I have a distinct recollection of it; at least I remember the substance of what took place.
46. You said, I think, over a glass of wine, to me, that you would put somebody in nomination for the fun of it? I did not say those words. I said you would certainly be opposed—not for the fun of the thing.
47. Do you swear positively that you did not use those words? I am positive I did not use the word "fun." I might have used some analogous expression.
48. You said those words, or words analogous to them,—that for the fun of the thing you would put up some one in opposition to me? I did not say that; I would swear that I did not use the word "fun."
49. Did you use words analogous to that? I admit using words that might be construed into that.
50. Did you use words analogous to these,—that for the fun of the thing you would put some one in nomination in opposition to me? I did not use the word "fun." I said you would certainly be opposed.
51. Did you say for the fun of the thing you would put some one in opposition to me, or use words of an analogous character? I have admitted three times already, that I did say you would be opposed, but that I did not use the word "fun."
52. For the fun of the thing, or some analogous words, you would put some one in opposition to me? Do not put words into my mouth, Mr. Fitzpatrick.
53. Did you say to me "that for the fun of the thing," or using some word analogous to fun, you would put some one in opposition to me? The word "analogous" first arose with me. You said "Did you use the word fun," and I said I did not, but I might have used a word analogous to it. I admit it.
54. You had expressed, I think, frequently, in conversation with people, an intention to put Mr. Shipway in nomination? Certainly not.
55. You never spoke to any person and stated that you would put Mr. Shipway in nomination? Certainly not.
56. You swear that? I swear that. Understand me: I never said I would put Mr. Shipway in nomination. A conversation happened about Mr. Shipway, but I never said I would put him in nomination. I admit having had a conversation with Dr. Connor. Dr. Connor came to me and said—"I hear, Mr. Remington, you are going to nominate Mr. Shipway." I said—"Do not believe anything of the kind; I have not said anything of the kind; if you have heard a rumour of that kind, it is all nonsense."
57. Did you not, on that evening, pledge your honor as a gentleman to Dr. Connor that you would not put Mr. Shipway in nomination? I certainly did.
58. At the nomination, you have stated in your petition, "that then and there a poll was duly demanded by more than six electors of the said Electoral District of Yass"—Which of the electors named in the petition demanded a poll? All of them.
59. Do you mean all with one voice—who demanded it? I demanded it twice, and Mr. Shipway demanded it; then I ran round, and with the other electors in front demanded it from the front. I believe they all demanded it so far as I can guess; of course I cannot swear that all did.
60. You demanded a poll, did you? Yes.
61. Who else? I have told you.
62. Tell me again? Shipway—
63. I think you swore that there were four voters ranged before the Returning Officer, under the Clerk's box? To the right of it.

64. To the right, and in front of it—right front of it, in military phrase—four of you stood there? Yes.
65. Who are these four who demanded a poll? Simpson, Colman, Mead, and Colvin.
66. Do you swear honestly that Simpson demanded a poll? Yes.
67. And the same of the other three—that each demanded a poll? I could not swear that each separately did.
68. You say that four did? I am positive that they did.
69. You swear that four did; and if four did so, then each of the four must have done so? Yes.
70. You swear that Simpson did, and that each of the others did? Yes.
71. Will you say, coming to Simpson, what form of expression he used—can you charge your memory with what he said in demanding a poll? He called out—“We want a poll; a poll for Laidlaw; Laidlaw for ever!”—or something to that effect.
72. “Laidlaw for ever!” is not demanding a poll. Do you swear distinctly that Simpson demanded a poll? Repeatedly.
73. Can you state what were the words he used? I have already said—
74. “Laidlaw for ever!” is not demanding a poll. Do you remember the form of words you used yourself? No, certainly I do not.
75. There was good deal of confusion? There was a good deal of confusion when the Returning Officer said “You are not on the roll.”
76. There was a good deal of confusion preceding that? There was no time to cause confusion.
77. You yourself were a little turbulent? Certainly not at that time.
78. At what time was it then? I never was turbulent; the Returning Officer put me in charge of two policemen; he said—“Sergeant, take charge of Mr. Remmington, if he opens his mouth again, and lock him up.” This was when Mr. Fitzpatrick was making a speech. He said something, and I said “It is a lie.” This was long before the poll was called for.
79. Then you think there was no confusion at the time the poll was called for, although the Returning Officer more than once threatened to put you in custody? He put me in charge of the Sergeant.
80. When you say he put you in custody, was not this what occurred: did not Mr. Blake say—“Constable, if that man opens his mouth again take him into custody”—he did not put you in custody? Yes.
81. It would be rather a strange thing for a Justice of the Peace sitting on the Bench to call a constable and threaten to put you in charge if you were not turbulent? He did not call a constable—the constable was there at the time; and I may state that the majority, or at least some of the Magistrates in Yass, will dare to do anything.
82. You do not remember the form of words you used to demand a poll? No, I do not.
83. You say you stood on the Bench—you and Mr. Shipway? Yes.
84. And the other four electors were marshalled before the Returning Officer, and were standing under the Clerk's box? When do you mean, was I standing on the Bench?—I stood on the Bench and on the floor.
85. I know you were first in one place and then in another, but this I think is what took place: you handed in to the Returning Officer a slip of paper containing a list of names, some eight or nine names, and the Returning Officer said “That is not a demand for a poll”? He did not say that—he tried to read the paper.
86. What did he say? He said nothing at all—somebody spoke for him.
87. You did not hear him say anything? He did not speak.
88. You did not hear him? He did not.
89. You handed him in a slip of paper with eight or nine names, with no written demand? I handed in a written demand signed by these eight or nine names. I have this bit of paper.
90. The paper you handed to the Returning Officer was a list of these electors? It was a list of the electors demanding a poll for Mr. Laidlaw.
91. Was it not simply the names of the electors about to demand a poll? Yes, this list of names did not contain the names of those that came forward; these men could not come, these are fresh men.
92. *Mr. Brown.*] Do I understand that the names on this list were the names of those persons whom you have described as demanding a poll? No; of some of them.
93. *Mr. Fitzpatrick.*] That demand was never made? They were in the hall.
94. *Mr. Lackey.*] Were these men electors? Yes.
95. Did they sign the paper that contained the demand for a poll? No; these men, the nine that did demand a poll, were in front of the doorway and could not pass, but I had the names of several who were present that I had spoken to, and who demanded a poll.
96. *Mr. Brown.*] Was the list composed of the names of persons who demanded a poll, and whose names are enumerated in that list? —
97. *Mr. Stephen.*] Mentioned in the petition? Of those that were present who are on the petition.
98. *Mr. Windeyer.*] These people who are named in the petition are not those whose names were on this piece of paper? Not all of them.
99. Were some of them? Yes.
100. Was this piece of paper handed in? At the time these nine people came up, some of their names were put down, and the names of some new people.
101. *Mr. Fitzpatrick.*] You handed in this memorandum of names to the Returning Officer, and he handed it back to you? No, he did not.
102. What did he do with it? He left it there.
103. You did not hear him use the words “This is not a demand for a poll”? Certainly not—he did not say anything.
104. You did not hear him? I was close to him, and he did not use those words.
105. You can say no more than that you did not hear him? I did not hear him then.
106. After handing in the slip of paper you came back again up to the Bench? I handed it to the Bench, and then ran round to speak to those other people who were standing in front, and demanded a poll.
107. After handing this slip of paper you were on the Bench? Yes.
108. Shipway was on the Bench? Yes.
109. There were four in front of the box? There were seven in front I say.
110. You may say seventeen if you like? I do not want to say seventeen.
111. After handing in this slip you were on the Bench? Yes.

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112. And Mr. Shipway was on the Bench? Yes.
113. Four electors were ranged under the Clerk's box in front? Yes, and three on the other side.
114. You do not remember what form of words was used by you in demanding a poll? No.
115. Allow me to refresh your memory. Did you not say—"Mr. Returning Officer, these gentlemen demand a poll"; and then, holding out your hand, say, "these gentlemen"? No, I did not use those words.
116. It is stated in the petition that a sum of money has been paid into the bank in this matter, and, as required by the Electoral Act, it should be paid by the petitioner—Did you pay this sum of money? The money is my own money; I borrowed the money, and sent it down.
117. This is not an answer to my question. Did you pay the money into the bank? Into what bank?—I paid it into a bank.
118. Did you pay it into the bank mentioned in the certificate? I paid it into a bank.
119. Did you pay it into the bank here? I will explain to the Committee. I got a draft for £100 and sent it down. I could not personally pay it. I could not get down to Sydney at that time. I got a draft through the Joint Stock Bank, and sent it down.
120. Do you know who did pay the money into the bank? Certainly.
121. Who was that?
Mr. Stephen objected to the question.
Strangers were ordered to withdraw.
The Committee deliberated.
The parties were again called in, and were informed that the objection was sustained.
122. You state in your petition, and swore just now, that you sent in a petition to the Governor? I do not remember swearing that.
123. You stated, in answer to a question put to you by Mr. Stephen, that you sent in a petition to the Governor? I believe it has been placed before the Governor.
124. That is not my question at all. Did you send the petition to the Governor?
Mr. Stephen objected to the question.
Objection sustained.
125. *Mr. Brown.*] What are you? An auctioneer.
126. You say there were four electors on the right, and three on the left hand of this box? Yes.
127. You were on the Bench, and Mr. Shipway also? I was not on the Bench; I ran down from the Bench and stood at the corner of the box.
128. You must have been on the Bench before you ran down—you had been on the Bench, and Mr. Shipway had been on the Bench? Yes.
129. Were you on the Bench when you first demanded a poll? Yes.
130. Was Mr. Shipway on the Bench when you yourself first spoke? Yes.
131. Where were the four men whose names you handed in when you first spoke? They were coming up.
132. They had not arrived then? No, they had not arrived immediately under the box.
133. When you and Shipway first spoke? They had not arrived from the body of the hall; they separated themselves.
134. You ran down round to them you say? Yes.
135. Did each of these gentlemen you have named when you got round to them demand a poll from Mr. Blake? Mr. Simpson had been calling out for a poll, and the other three demanded a poll. When I got round to them Simpson had been calling out "We want a poll for Laidlaw"; Colvin and I said "We want a poll for Laidlaw," and the other two—Colman and Mead—demanded a poll.
136. What did they say to Mr. Blake? We want a poll for Laidlaw.
137. The whole four of them? Yes.
138. And you yourself? And I myself.
139. Where was Shipway at that time? At the Returning Officer's elbow.
140. Did he, at the same time that these four demanded a poll, say so? He might not simultaneously with them, but within a second or two, for the whole thing occurred within the space of three or four minutes.
141. Did you hear the other three speak—the three men to the left? I cannot positively say whether they spoke or not, for I had my face turned to the others with my elbow on this box.
142. Do you say the six people who demanded a poll were yourself, Shipway, Mead, Colman, Colvin, and Simpson? These others demanded a poll also—they told me they did.
143. Did you hear any one else besides Simpson, Mead, Colman, Colvin, yourself, and Shipway demand a poll? I heard several—two, three, four, or five—but these are the only ones I can specially name.
144. *Mr. Windeyer.*] Where were you when the Returning Officer declared the show of hands to be in favour of Mr. Fitzpatrick? I had my elbow on the box where the Clerk of the Bench sits.
145. Where were you sitting? Immediately in front, as I am to you.
146. From there did you go on to the Bench? The whole thing was over in a few minutes.
147. Where were you at the time the show of hands took place? Near the Returning Officer, sitting on the platform.
148. Where were you when he declared the show of hands to be in favour of Mr. Fitzpatrick? Still sitting on the platform, or standing on it.
149. What did you do immediately on his making that declaration? On the show of hands, I demanded a poll for Mr. Laidlaw, handing this written demand with eight or nine names attached to it.
150. Do you remember the words of that written demand? "We the undersigned demand a poll on behalf of Mr. Laidlaw," but they had not signed it.
151. Then there were the names of the electors, but the paper was not signed by them? Yes.
152. What took place with reference to that? He tried to read it, and then a voice cried out from the crowd; he tried to read it, and I ran round, after demanding a poll, to a friend—
153. Where was Shipway at the time you demanded a poll in that way—on the Bench? He was close to me.
154. After giving the paper to the Returning Officer, you ran round and joined the four you have spoken of before? Yes.
155. Was Shipway on the Bench, close to the Returning Officer, in your sight? Yes.

156. There were then five on the floor of the Court, and Shipway standing on the Bench near the Returning Officer still? Yes.
157. Did you, when you got on the floor of the Court-house close to these four, repeat your request for a poll? Yes.
158. Do I understand you to say that you are certain that at that time, although not all in chorus, yet either together or one immediately following the other, you and these four persons with you demanded a poll? Yes.
159. And this man Shipway, who was sitting on the Bench in your sight, thereupon with you five also said they demanded a poll? He was calling out all the time.
160. In a very excited state calling out for a poll? No doubt he was excited, and I was excited too calling it out.
161. You say that besides yourself and these five others, of whom you are certain, there were others in the body of the crowd also demanding a poll whom you could not identify? Yes.
162. Were there many persons in the crowd also calling out? Yes, a considerable number.
163. Was Mr. Laidlaw, the gentleman proposed, a resident of the district? Yes.
164. I believe he is the gentleman who formerly represented the district? Yes.
165. He is a well-known person? Yes, and very popular.
166. *Mr. Brown.*] Had you his consent to put him in nomination? No.
167. Did not you know that Mr. Laidlaw had signed Mr. Fitzpatrick's requisition? No, I believe he did not sign it.
168. Did you or did you not know that Mr. Laidlaw had requested Mr. Fitzpatrick to consent to be put in nomination? No.
169. Had you never heard it? I never heard that Mr. Fitzpatrick was asked by Mr. Laidlaw to come forward.
170. *Mr. Garrett.*] Was Mr. Laidlaw in Yass at the time? No.
171. Are you aware that Mr. Laidlaw authorized his name to be placed on Mr. Fitzpatrick's requisition? I am aware now, but I was not then.
172. Are you aware that Mr. Laidlaw had been communicated with in reference to this matter? A resolution was passed that a requisition should be sent to him, but the requisition was never sent.
173. Why was not the requisition sent? Through some action on the part of Mr. Allman, who came forward and said Mr. Laidlaw would not sit.
174. What ground had Mr. Allman for making that statement? It was merely to blind the electors; if a poll had been taken Mr. Laidlaw would have been elected.
175. What ground did Mr. Allman allege for making that statement? He thought Mr. Laidlaw was going to England on account of his health.
176. Did he say he had received a communication from Mr. Laidlaw? Yes.
177. *Mr. Windeyer.*] You have mentioned certain names as those of the persons you had down—Charles Colman, George Colvin, Thomas Simpson, James Mead, Joshua Shipway, and yourself? Yes, with others.
178. Those persons you are certain of? Yes.

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FRIDAY, 18 FEBRUARY, 1870.

Present:—

Mr. Dodds,
Mr. Garrett,
Mr. Lackey,

Mr. Macleay,
Mr. Piddington,
Mr. Windeyer.

W. R. Piddington in the Chair.

M. Fitzpatrick, Esq., the Sitting Member, appeared on his own behalf.
G. M. Stephen, Esq., appeared as Counsel on behalf of the Petitioner.

Mr. Joshua Shipway, having been sworn, was examined by Mr. Stephen:—

179. Where do you reside? In Yass.
180. How long have you resided there? About six years and nine months—ten months.
181. Does your name appear on the electoral roll? Yes. (*The witness referred to the roll.*)
182. Will you look at No. 1381? No. 1381.
183. Is that your name? That is my name.
184. Were you present at the nomination of Mr. Fitzpatrick? I was.
185. And of Mr. Laidlaw? Yes.
186. Who seconded the nomination of Mr. Laidlaw? I did.
187. Now I ask you was the proposition of Mr. Laidlaw done as a matter of fun or diversion, or with any spirit of that sort? —
- Mr. Fitzpatrick objected to the question.
188. Was it done by you by way of fun or diversion? Decidedly not—it was not done out of anything of the kind. For instance, you will remember that Mr. Remington and myself sent a telegram to you asking you if you would stand upon receipt of a requisition signed by a hundred names.
189. While I was at Grenfell? Yes.
190. Will you state what took place—we understand that a show of hands was called for by the Returning Officer? Yes.
191. Was a show of hands declared by the Returning Officer, and if so, in whose favour? It was declared in favour of Mr. Fitzpatrick.
192. What then took place? A number then demanded a poll for Mr. Laidlaw.
193. Did you yourself? Yes, as one of the number.
194. Can you say how many you can positively swear to? I can positively swear to seven.

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195. Can you give their names to the Committee? I can: Thomas Simpson, James Mead, Charles Colman, George Colvin, James Davis, senior, of Mundooran, Mr. Remmington, and myself.

196. Can you inform the Committee whether there were any other persons in the body of the room demanding a poll? Yes, a great many; they were clamouring for a poll. I dare say there might have been as many as twenty called out for a poll for Mr. Laidlaw.

197. What then took place? The men—there were seven of them I can positively swear to—came up to the front—at least five came to the front—Mr. Remmington with them. Mr. Remmington and myself were on the Bench by the side of the Returning Officer, and we demanded a poll. During the time the Returning Officer spoke to two of the men saying—"You are not on the roll"—"You are not on the roll," and some of the others on the other side crying out—"Declare him elected," "Declare him elected," not more than five minutes elapsed before he did so—while they were still clamouring for a poll.

198. Had he the electoral roll in his hand at the time when he told these two persons that their names were not on the roll? He had not.

199. Who were these two persons—can you mention their names? Charles Colman and George Colvin. I knew they were on the roll, at least I knew Colvin was; I did not know Colman before that day.

200. Can you point out those two names on the petition, on the list? (*The witness referred to the electoral roll.*) Charles Colman, 283; George Colvin, 296.

201. You say it was only four or five minutes at the outside? At the outside.

202. Did the meeting then disperse? Yes; immediately after the Returning Officer declared Mr. Fitzpatrick elected Member for Yass Plains they dispersed.

203. How long was it from the time of demanding a poll in the way you have described until you found yourself in the street—how many minutes had elapsed?

Mr. Fitzpatrick objected to the question.

204. You went into the street? It must have been a quarter of an hour, I do not think more than that. I myself stopped outside the portico door and talked about it, and I then went across and bought the roll and ticked off the names that were most prominent.

205. *Mr. Windeyer.*] Do you mean that identical roll (*referring to the roll on the table*)? Yes.

206. *Mr. Fitzpatrick.*] Do you remember the position in which you stood at the nomination upon the Bench? I do pretty well.

207. I was on the immediate left of the Returning Officer? Yes.

208. Mr. Remmington was on my immediate left, and you were on Mr. Remmington's immediate left? Yes.

209. You were there the whole time, and were a close observer the whole time? I was not there during a part of your speech.

210. During the whole of Mr. Remmington's speech and the demand for a poll you were on the Bench? During the whole of Mr. Remmington's speech.

211. The whole time? Yes.

212. Mr. Remmington had occasion two or three times to go off the Bench, searching for voters, and then came back again? I cannot say whether he did or not.

213. He left the Bench several times? I cannot say; I did myself before.

214. You never joined the electors said to be down in front of the Clerk's box? I did not—I was on the Bench the whole of that time.

215. Can you inform the Committee whether Mr. Remmington ever joined the electors? He did.

216. In what way? If I recollect right, there were four electors over in front of the Clerk's box. Mr. Remmington was in this position (*leaning on his arm*), with his elbow on the corner of the desk.

217. The Bench? No, the Clerk's desk.

218. Do you remember, before the formal demand of a poll, Mr. Remmington handing a paper to the Returning Officer? I do.

219. What kind of paper? It was a number of names.

220. It professed to be the names of electors who desired a poll? Yes, I believe so.

221. Were these not the signatures of the electors themselves, but names written by Mr. Remmington? I believe they were by himself, but I could not say.

222. He gave that to the Returning Officer? They were all in pencil, excepting one in ink.

223. He handed that slip to the Returning Officer? Yes.

224. The Returning Officer handed it back? I took it from him.

225. Do you know what answer or remark the Returning Officer made when he handed that back to Mr. Remmington? I did not hear him make any remark.

226. There was a good deal of noise and confusion? For an election meeting it was a very orderly meeting.

227. For instance, Mr. Remmington was rather noisy—rather turbulent? No, I cannot say he was.

228. Did not the Returning Officer threaten to give him into custody? He threatened to give him in charge of the police, and I said he had no right to do it.

229. Mr. Remmington in this matter acted for the whole of the electors desiring a poll, as spokesman? I cannot say that; he did not act for me; I am quite capable of doing it for myself.

230. As a matter of fact, was not Mr. Remmington the spokesman? Not as I know; he might have been for those names that were in the paper he handed in, but not for the others. Some claimed a poll after, and the most prominent men I recognized and ticked on my list.

231. You demanded a poll yourself? Yes.

232. Do you know what form of words you used? I told the Returning Officer I demanded a poll for Mr. Laidlaw.

233. At that time you were on the Bench? Yes. His reply was "I do not care for you."

234. These other electors in front were separated from you at this time some little distance? Yes.

235. Did you conceive that Mr. Remmington acted as spokesman for them as well as for you? He did not act for me.

236. Did you hear Mr. Remmington demand a poll? Yes.

237. Did you not hear Mr. Remmington when he was standing on the Bench beside you say—"These gentlemen demand a poll," pointing his hand to the gentlemen in front of the Clerk's bench? I did not hear him.

238. Although you were beside him? He was in the front when he demanded a poll.

239. You did not hear him make that remark? No.

240.

240. Did you hear any of these electors demand a poll? Yes.
241. Which of these? Mr. Simpson was the most clamorous of the lot. He said—"I want a poll for Laidlaw. Laidlaw for ever!"
242. When a poll was first demanded I think Mr. Remmington and yourself were on the Bench, and four electors were in front of the Clerk's bench. One of them—do you remember who it was—was objected to as not being on the roll? That was Colman.
243. Do you remember who took the objection? The Returning Officer gave the roll I believe—but I do not know for certain—to Mr. Rees Jones.
244. And the man then stood back? No.
245. Did he not stand back when he was told he was not on the roll? No, he went to the desk and told him he was on the roll.
246. When this objection was taken to Colman, Mr. Remmington went down to the hall to get some other voter or voters to come forward? He may have done so. When Mr. Davis was coming forward he was held back by two men on the other side.
247. Violently? Yes; one was a gentleman holding a Government position, Mr. Turner, Scab Inspector; he put his hand on his shoulder and held him back, he told him he was wrong.
248. That is what we are to understand by violently holding him back—telling him he was wrong? He put his hand upon his shoulder.
249. You could not hear what took place? I just heard that. He said twice—"You are wrong, you are wrong."
250. That is what you mean by forcibly holding him back? He had his hand on his shoulder.
251. *Mr. Windeyer.*] I think you told us that you heard Simpson demanding a poll, and Mr. Arthur Remmington? Yes, I did.
252. You are certain about them? Yes.
253. You say there were others in different parts of the room demanding a poll, but you cannot identify them? No.
254. Did you yourself observe whether any other of these persons named here spoke, Colman or Colvin, Davis or Mead? Colvin demanded a poll also, I can swear to that; he is one that the Returning Officer objected to.
255. You are certain of Colvin? Yes.
256. I understand you to say that there were four electors in front of the Bench a little to the right, and that Remmington was on the Bench? Yes.
257. And you say they were demanding a poll at the same time that you were demanding a poll on the Bench? Yes, almost in the same breath.
258. *Mr. Garrett.*] You are positive, Mr. Shipway, that you are the person named on the roll? Yes.
259. You are also an elector of that district? Yes.
260. You seconded Mr. Laidlaw's nomination? Yes.
261. Had you Mr. Laidlaw's authority for that procedure? No.
262. Were you aware, not from what had publicly transpired in connection with the election, but before, that Mr. Laidlaw was averse to the nomination of himself? I was not; there was a rumour about it, and there was a meeting for the purpose of sending a requisition to Mr. Laidlaw, who was then in Sydney or Tasmania, and at that meeting a resolution was passed to send a requisition to Mr. Laidlaw, but that was afterwards thrown over, and the meeting adjourned; for a gentleman in the district brought a letter which he said he had received from Mr. Laidlaw, saying that Mr. Laidlaw would not sit, and did not wish to be nominated; he wished to be quiet.
263. Who was that gentleman? Mr. Allman, the solicitor.
264. He is a gentleman who takes some interest in local matters? Yes, he does in such affairs.
265. Was anything said subsequently, between that meeting and the nomination, about the candidature of Mr. Laidlaw? No, but we thought he would sit if he were elected, and we thought it was a great wrong that the requisition was not sent in.
266. Were you in favour of Mr. Laidlaw? I was.
267. All through? Yes.
268. You were not a party to a requisition being sent to Mr. Stephen? I was after the meeting, when Mr. Allman appeared with the letter from Mr. Laidlaw.
269. Was a requisition got up for Mr. Fitzpatrick? Yes, I believe so.
270. Was Mr. Laidlaw's name on the requisition? Yes.
271. From any knowledge of your own can you say how that name came there? No.
272. Will you swear positively that you were not aware, before the nomination, that Mr. Laidlaw's name was placed there by his own authority? I heard that at the nomination.
273. Before you had nominated Mr. Laidlaw? After we had nominated Mr. Laidlaw.
274. You swear, as I understand you, that there were seven persons who demanded a poll? I do.
275. You say there were four standing in front of the box, Mr. Remmington standing along with them, making five? Yes.
276. Who were the four? Colman, Colvin, Mead, and Simpson. Mr. Remmington was there. James Davis was held back; he was just at the corner, about 6 or 7 feet from the other, and not more from myself on the Bench.
277. *Mr. Windeyer.*] Was Davis calling out then? He was.
278. *Mr. Garrett.*] You were on the Bench at the time? I was on the Bench.
279. With regard to this being the identical roll—how do you know it is the identical roll you had on that occasion? (*The witness examined the roll.*) I know it by these ticks, and by the bad usage it has received—by its being torn at the sides of the pages.
280. Are there any other marks? Pencil marks.
281. There are only pencil marks—there are no initials on it? No.
282. Is there any other mark by which you can identify it? There is a tick here to one name I have not mentioned—Patrick Moore; I can also swear to his demanding a poll—yes, this is the same roll.
283. You had not that roll in the Court House? No.
284. Where did you get it? I bought it from Mr. Brown at the *Courier* Office.
285. When? The moment I came out of the Court House I went over and bought it, and ticked off the most prominent names I could remember.

Mr. J.
Shipway.
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286. That was done after Mr. Fitzpatrick was declared elected? Yes; we had not this in our possession at all till afterwards.
287. In your opinion as an elector of the district, was Mr. Laidlaw's candidature regarded as a *bonâ fide* candidature? Yes.
288. You swear that? I am positive if we had had a poll he would have been elected.
289. With regard to this man Davis—has he ever been in Mr. Laidlaw's employ? He has a great amount of property there.
290. Had he large business transactions with Mr. Laidlaw? That I cannot say.
291. In what spirit did you think Mr. Turner endeavoured to restrain Mr. Davis—to prevent him making a fool of himself, or in what way did he remonstrate with him against doing something? He may have been advising him in friendship; I cannot say that, but he put his hand upon his shoulder and said—"Davis, you are wrong."
292. Did he do that in a friendly way? He stood in front of him and held him back; and Mr. Thomas Colls, the publican, was another who did so.
293. With regard to this last election in Yass, have you and Mr. Remmington acted in concert? We have from the first meeting of Mr. Fitzpatrick.
294. There had been some talk of yourself being a candidate? I never heard of it.
295. You never heard that Mr. Remmington had threatened to put you in nomination? No.
296. What were the words you yourself used in demanding a poll? "I demand a poll for Mr. Laidlaw." He turned round and said—"I do not care for you."
297. What do you think he meant by that? I suppose he thought that he being a Magistrate, I was taking a great liberty in attempting to speak to him.
298. You say that some person named Simpson was most clamorously demanding a poll? Yes.
299. Was there any course taken by any one present to restrain Simpson? Not the slightest.
300. Was he more clamorous than Mr. Remmington? Yes, he was.
301. Was any course taken to restrain Mr. Remmington? The Returning Officer told him he would put him in charge if he interrupted the proceedings again—that was before the poll was demanded, when Mr. Fitzpatrick was making his speech; in fact, just at the commencement of Mr. Fitzpatrick's speech.
302. Are you aware that Mr. Remmington had expressed a determination to have some one in opposition, if only for the fun of the thing? He never said anything of the kind in my presence.
303. *Chairman.*] Do I understand you to say that some one of the name of Turner held back Mr. Davis at the Court House? Yes.
304. Does Mr. Turner hold any situation under the Government? Yes, he is Scab Inspector for the district.
305. Did Mr. Turner, the Scab Inspector, hold Mr. Davis back forcibly? I cannot say exactly that he held him back forcibly, but he stood in front of him, and would not let him go forward. He put his hand upon him, saying "Davis, you are wrong."
306. And prevented his going forward? He did prevent him—he and Colls together.

Mr. Charles Colman, having been sworn, was examined by Mr. Stephen:—

Mr. C.
Colman.
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307. What are you? A sheep and wool classer.
308. What is Mr. Joshua Shipway? I believe he keeps a hosiery shop and tailoring.
309. Where do you reside? At Dutton-street, Yass.
310. How long have you resided there? About three years.
311. Does your name appear on the electoral roll? Yes.
312. Will you point it out? (*The witness referred to the roll.*) Charles Colman, 283.
313. That is your name? Yes.
314. Do you remember the day of the nomination of Mr. Fitzpatrick and Mr. Laidlaw? I do.
315. We understand that the show of hands was declared by the Returning Officer to be in favour of Mr. Fitzpatrick—what then took place? There were a number of voters required to come forward.
316. How do you mean that a number were required? Any voters who were willing to vote for Mr. Laidlaw as a Member were desired to come forward and to demand a poll for Mr. Laidlaw.
317. Can you mention the names of any who did demand a poll? Yes, I think I can. There was Thomas Simpson in company with me, in fact he was close to me. I had been forcing my way through the gangway to get to the front, and there was another man who had been prevented by Hasselt from going forward, an old man of seventy or seventy-two named Moore who wanted to go forward to demand a poll, and I had him in front of me, and I put my arms round him to prevent his being crushed by the crowd, and I was elbowing my way forward when I think it was Mr. Hasselt took him from me and kept him in a seat where the barristers usually sit at Court time.
318. This happened as you were going forward? Yes.
319. Who else was there? George Colvin.
320. A witness who is outside? Yes.
321. Who else? Another witness. I do not know his name, but he got his finger lamed during the time he was coming up.
- James Mead was called in.
322. Is that the individual? Yes.
323. Who else? Colvin was just beyond me again.
324. You mentioned him before? James Davis, the old gentleman.
325. Who else? Mr. Remmington.
326. Was Moore demanding a poll? Well he was going up intending to do so; but he was taken away from me, and I had not an opportunity of speaking to him.
327. *Mr. Windeyer.*] While he was coming up with you did he say anything to you? When he was coming up he said he wanted to get to the front to demand a poll for Mr. Laidlaw.
328. *Mr. Stephen.*] Did he say anything in the way of demanding a poll? I did hear him say that he would go up and demand a poll.

329. *Mr. Windeyer.*] Did he publicly say he demanded a poll? No, he went up with that intention but was prevented.
330. *Mr. Stephen.*] Did you see Mr. Shipway there? Yes.
331. Did you hear whether he demanded a poll? I did.
332. Do you know Richard Ryan, junior? No.
333. Do you know James Davis, junior? Yes.
334. Was he one of them? Yes, he was.
335. Demanding a poll? —
336. What took place—where did you all come up to? Against the witness-box. Simpson was on one side, I was close to him, Mead was next, and Colvin just beyond him again. Mr. Remmington, I think, was leaning on the back of the witness-box like; I am not exactly positive.
337. You were one of the five? Yes.
338. What took place? There was a slight confusion, caused by the Returning Officer stating that Colvin was not on the list.
339. Did he address Colvin? Yes. "George Colvin is not on the list."
340. The Returning Officer said that? Yes; and I heard another voice say "Charles Colman is not on the list." I then went to the party that was sitting where the Judge's Clerk usually sits, and I said—"My name is on the electoral roll, and I demand a poll for Mr. Laidlaw. I demand the privilege of a voter. If you look at the electoral roll you will see my name is there." I have been given to understand since that it was Mr. Brown.
341. What did the Returning Officer do then? There was a slight confusion took place when they stated that Colvin and Colman were not on the list—I suppose for about a minute or a minute and a half—a confusion and a buzzing. I turned round to speak to some one—I forget now who it was—when I heard them hurrahing, and saw the people going out. I said "What is the matter?" "Oh, the Returning Officer has proclaimed Mr. Fitzpatrick duly elected." I said "It can't be." I was astonished and surprised.
342. Only about a minute and a half elapsed from the time of your claiming your right till Mr. Fitzpatrick was declared duly elected? Not more than three or four minutes elapsed from the time my name was objected to till Mr. Fitzpatrick was declared duly elected, and I should say a third or nearly half of that time was occupied about this slight confusion about the objection to these two names being on the electoral roll.
343. Could you hear whether any other voices in the body of the hall were demanding a poll? I should say there were a score who would have come forward if they could. I saw them in the body of the hall.
344. Did you hear them demand a poll? There was a regular murmur of "Laidlaw," and "Laidlaw for ever!" expressed in that kind of way.
345. *Mr. Fitzpatrick.*] When this poll was demanded, do you remember where Mr. Remmington was sitting? He was leaning with his elbow or wrist on the back of the witness-box.
346. You did not hear him demand a poll when he was on the Bench? Yes.
347. Can you charge your memory with the particular words he used? I would not take upon myself to repeat the same words, or the same form of speech.
348. You could not charge your memory with the words that Mr. Remmington used? I think the words he made use of were "I demand a poll for Mr. Laidlaw."
349. Did you yourself hear him use these words when on the Bench—"These gentlemen demand a poll," extending his hand to these four individuals in front of the Clerk's box? I do not recollect; he came down to the body —
350. Answer my question. Did he not say "These gentlemen demand a poll"? I do not know. He said "The men are here," and they simultaneously themselves almost demanded a poll.
351. Did you hear Mr. Remmington say "These gentlemen demand a poll"? I do not know that I heard him mention that expression—something to that effect.
352. You know Colvin? Yes. Mr. Remmington said "I demand a poll," and then he said "We are all here," and pointed to the men close to him.
353. *Mr. Garrett.*] That was when he came from the Bench. Mr. Fitzpatrick asks you what he said when he was on the Bench? I did not pay much attention to what he said on the Bench; when he came down to the body of the electors, that attracted my attention more forcibly.
354. *Mr. Fitzpatrick.*] At the time Mr. Remmington was leaning on the corner of the Clerk's bench he with the other four made five, and Mr. Shipway was on the Bench? And the two Davises. There were seven with Shipway.
355. Do you know Colvin when you see him? Yes.
356. Do you remember where Colvin stood? I do.
357. He was on the extreme left? I do not know what you mean by the extreme left. I will describe to you as nearly as I possibly can the position. Simpson was a little to my left, Mead was close to him, and Colvin was close to me; there was not two feet space between the three.
358. Colvin was to the extreme left—he was outside. When you were sitting with your face towards the Bench your left hand was towards the window? The place I occupied was going to the witness-box, and the witness-box was nearly in front of me, opposite my left hand. Simpson was a little to my left, Mead nearly in front of me, and Colvin was close to him, at the back of me again—three in a line.
359. Do you remember Mr. Rees Jones referring to the electoral roll to see about certain things? I had a conversation with a party —
360. Never mind about the conversation? I have a doubt whether it was Mr. Rees Jones or the Returning Officer said "Colman is not on the list"—one of the two.
361. Having the roll in his hand at the time? I cannot say whether he had or not.
362. You saw the roll on the desk? I did not. I naturally expected to see that under the Returning Officer, and I could not see any there.
363. You heard the statement made by the Returning Officer or by Mr. Rees Jones, that "Colvin is not on the roll"? Yes.
364. Do you know what Colvin did then? This was the time when there was a slight confusion.
365. Do you know what Colvin did when the objection was taken? I do not exactly know; there was a slight confusion and a kind of shifting about

Mr. C.
Colman.
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366. Did Colvin shift about? I do not know.
367. I believe you said that Mr. Hasselt prevented old Mr. Moore from going forward to demand a poll? I said he got hold of him, and had him in a position that I had not an opportunity of speaking to him afterwards.
368. Did you not mean to imply that Hasselt prevented his going forward to demand a poll? It approached as near to that as I can say; he took hold of him and pulled him away; he got him in such a position as to block any access to him.
369. Did you hear what Hasselt said to him? No, I did not; but I know that he got hold of him in an incourteous manner.
370. Did you hear what he said? Something—"You old fool, what are you going to do?" or something to that effect, but I did not hear the sentence out.
371. Do you think Hasselt tried to prevent Moore coming forward? Perhaps as much as Mr. Turner tried to prevent Davis. You were on the Bench, and had an opportunity of hearing what was said.
372. You do not know what Colvin did when he was told he was not on the roll? I do not know what he did or said, because for a minute or two minutes there was great confusion, every one referring to another, both on the Bench and in the Court.
373. Did you see the slip of paper that Mr. Remmington handed to the Returning Officer? I saw it in his hands.
374. Did you see him hand a slip of paper to the Returning Officer? I did not see him hand the slip to the Returning Officer.
375. You do not know that he did hand a slip of paper to the Returning Officer? I am given to understand that he did, but I did not see it personally. Anything I saw I can speak of.
376. *Mr. Windeyer.*] I understand you to say that you demanded a poll? I did.
377. And that these other persons whom you have enumerated also demanded a poll, if not altogether, like a chorus, all within—? Something like an irregular volley of musketry.
378. *Mr. Garrett.*] I understood you to say that when this dispute occurred about Colvin's vote, there was some noise and confusion? Not to say exactly a noise—a kind of confusion, a deal of whispering.
379. Was that before or after you yourself demanded a poll? We had demanded —
380. I asked you about yourself? I had demanded a poll previous to that.
381. *Mr. Windeyer.*] Do I understand you that Colvin's title to be on the roll was challenged when he demanded a poll? Yes.
382. *Mr. Garrett.*] Do you remember the terms you used? I cannot say exactly; I think I said "We have come here to demand a poll." Simpson spoke more lustily.
383. You made a little speech on your own account, and Simpson did the same? I made no speech about it. I said "We demand a poll for Mr. Laidlaw." I kept my hands out because there was a great attempt to shift us away from each other, and I kept my hands out to prevent a rescue.
384. There was what you call a murmuring in the Court? No, that was all over then.
385. Was there any demand for a poll made which could be distinctly heard when you say there was a murmuring of "Laidlaw for ever!"—Previous to this murmuring there was a distinct demand for a poll which no one could misunderstand? Yes.
386. By how many? Six, excluding Mr. Remmington and Mr. Shipway.
387. *Mr. Windeyer.*] You were standing immediately in front of the Returning Officer, below the Bench? By the witness-box.
388. Which was a little raised above you? It is a little lower than the Bench.
389. *Mr. Garrett.*] Did Mr. Rees Jones occupy any official position as the Returning Officer's Clerk? I do not know—I never heard anything of the kind rumoured in the town.
390. I suppose you take some interest in local matters? To tell the truth I take very little interest in local matters at Yass.
391. Until this election? If I had been in any other part of the country, and had seen such an attempt to deprive the people of their rights, I should have raised my voice against it.
392. I ask you whether you took any interest in local matters? I am not a man that bothers myself much with politics; I am a great deal away from home, and I do not dabble in politics.
393. Was Mr. Laidlaw a willing candidate or not? I do not know—I can only go by hearsay.
394. Did you learn from hearsay? I heard some talk about a letter having been received in Yass, but I never saw the letter.
395. What was the nature of this letter? This was only the gossip of the town I am speaking of; I have no knowledge.
396. Were you present at a meeting when a proposal was made to get up a requisition to Mr. Laidlaw? There was some meeting held.
397. Were you present at it? It was of a twofold nature; it was interrupted or ended about a roadway or a right-of-way —
398. Was there a meeting called in Yass to consider the propriety of getting up a requisition to Mr. Laidlaw? I think this was a private meeting —
399. I ask you whether you were present at a meeting to consider the propriety of getting up a requisition to Mr. Laidlaw? I was given to understand that it was a private meeting—I should not have known there was a meeting there at all if I had not gone there to attend another.
400. Were you at that meeting? Yes.
401. What was the object of it? The object of the meeting I went to was about a roadway to the cemetery.
402. Was there not something said about the elections? I walked out when I found what they were going on with.
403. Then you were not present at a meeting held to consider the propriety of presenting a requisition to Mr. Laidlaw? I was there half a moment, and then I left when I found it was not for the object I had gone for.
404. *Mr. Lackey.*] Were you present during the whole time of the Yass election? In and out—I did not stop to hear the whole of Mr. Fitzpatrick's speech.
405. Were you there when Mr. Fitzpatrick's speech terminated? I was outside.
406. You did not see the show of hands then? Yes, I was in when the show of hands was taken.
407. You saw the show of hands? Yes.

408. Were there many hands held up when Mr. Laidlaw's name was mentioned? A considerable number.
409. Was it immediately after that the Returning Officer declared Mr. Fitzpatrick duly elected? No.
410. How long? I could not be positive as to the time that elapsed from the show of hands.
411. Five minutes do you think? I could not be positive to two or three minutes in that part of the affair.
412. Was a poll demanded immediately after the Returning Officer declared the show of hands? I do not know exactly the time that elapsed.
413. Was there any arrangement made before the nomination that a poll would be demanded by yourself? I did not so much as know (for I had been away from town for two or three days) that there was going to be a nomination there that day, so you may suppose I did not think much about the election.
414. *Mr. Dodds.*] Was dissatisfaction expressed after Mr. Fitzpatrick was elected? Yes.
415. By how many? I heard a regular murmuring of these several individuals at the Court House steps—in fact it was a general complaint. I called it burking. I said I never saw an election so burked in my life, and I hoped some one would be honest enough to protest against it.
416. *Chairman.*] Was there any attempt to prevent you and other electors from demanding a poll? It was with difficulty I got through to the Bench, but I do not say that was intentional, because the way is very narrow. Where I was there was a number of people, and I had old Moore in front, and worked my way with my elbows. I do not say the obstruction was intentional.
417. Was there any obstacle, intentional or otherwise? I could not point out individually exactly who obstructed me, but I know there was Mr. Thomas Colls with a party close to him, and he made three several attempts to pull Mr. Thomas Simpson away.
418. You are certain there were not fewer than five others besides yourself who demanded a poll? Yes.
419. *Mr. Garrett.*] I suppose this obstruction in the passage was only the obstruction caused by the crowd? Yes. I say impartially, I do not say it was intentional, but I got through it with difficulty.
420. As you might in a crowded Court on other occasions? No, I have not had much difficulty then.
421. *Mr. Dodds.*] Was there an electoral roll exhibited? I think Mr. Shipway or some one had one on the landing against the Bench up to the time that Colvin was said not to have been on the list, and they insisted that his name was on the list.
422. Was reference made to that? I think by Mr. Shipway.
423. Were the names of the parties found to be on the list? Yes, but I did not know that till after Mr. Fitzpatrick was declared to be duly elected.
424. Was it the fact that reference was made to the roll before? Yes.
425. Before they demanded a poll? Before they demanded a poll. The time that reference was made to the roll and it was held up was after it was said "The name of Colvin is not on the list."

Mr. C.
Colman.

18 Feb., 1870.

Mr. Thomas Simpson, having been sworn, was examined by Mr. Stephen:—

426. Where do you reside? At North Yass.
427. What qualification is yours? A freehold.
428. Is your name on the electoral roll? Yes.
429. How long have you held that qualification? About ten years.
430. Does your name appear on that roll—will you point it out? I cannot read.

Mr. T.
Simpson.

18 Feb., 1870.

The Chairman referred to the electoral roll, and read—"1885, Thomas Simpson, freehold, North Yass."

431. Do you know any other Thomas Simpson, freeholder, of North Yass? No.
432. Do you remember the nomination of Mr. Fitzpatrick and of Mr. Laidlaw? Very well.
433. Were you present at it? Yes.
434. Do you remember the show of hands being declared by the Returning Officer to be in favour of Mr. Fitzpatrick? Yes.
435. What was then done? A show of hands was taken for Mr. Fitzpatrick, and then we showed hands for Mr. Laidlaw.
436. And the Returning Officer declared the show of hands to be in favour of Mr. Fitzpatrick? Yes.
437. What did you do? We kept our hands down for Mr. Fitzpatrick and held them up for Mr. Laidlaw.
438. What did you do then? We went forward and demanded a poll for Mr. Laidlaw.
439. How many of you were together when you demanded a poll? Mr. Shipway was on the top of the Bench, and Mr. Remington came down and then went along with the others.
440. Who else? There was George Colvin and Charles Colman.
441. Who else? The two Davises—Mr. James Davis, and another Davis.
442. Do you know James Mead? No, I do not.
443. Did you see him there? Yes, but I am not acquainted with him.
444. Did you see him do anything? No, I was busy myself—I was shouting for Laidlaw.
445. Are these all the names you recognize? All I recollect.
446. Upon your demanding a poll what did the Returning Officer say or do? He said it would be carried for Mr. Fitzpatrick.
447. Did you take notice of anything being done before that? No, I went forward to demand a poll for Mr. Laidlaw.
448. How much time elapsed from your demanding a poll until the Returning Officer declared Mr. Fitzpatrick elected? Not three minutes.
449. Did you take notice whether any person in the body of the hall called out? I was up at the end, and I know Mr. Campbell said I was mad for voting for Mr. Laidlaw and Mr. Peers.
450. *Mr. Fitzpatrick.*] You know Colvin? Yes.
451. Do you remember hearing somebody state that he was not on the electoral roll? I did not notice it, for I was busy that day—I was minding myself.
452. You did not hear any one say that he was not on the roll? I did hear something of that sort, but I did not take notice of it; I was told —

453.

- Mr. T. Simpson.
18 Feb., 1870.
453. Never mind what you were told. Did you hear Dr. Blake say that he was not on the roll? I did not take notice. I was shouting for Laidlaw all the time.
454. I think Mr. Remmington acted as spokesman for the rest? He did not do anything for me—I did it all of my own free good-will. I knew Mr. Laidlaw for a good many years, and of course I thought I had a right to vote for him.
455. Did not Mr. Remmington ask you to come there and demand a poll? He did not, I was not axed by Mr. Remmington.
456. On this particular occasion did not Mr. Remmington —? He never did.
457. Did no person ask you to come forward to demand a poll? I came of my own good-will.
458. How was it you five gentlemen got together—who brought you together? I was living in Yass.
459. How did the four who were altogether under the Bench come there? I had to rush in.
460. Who told you? Nobody told me; I was by the door, and I rushed in.
461. Do you mean that these four electors got there by accident? Not by accident; they all went there of their own free-will, and justice to their fellow-creatures.
462. You swear that Mr. Remmington never asked you to come in? I swear that Mr. Remmington never gave me a shilling, or axed me to go in. I came in of my own free good-will.
463. I did not ask you what Mr. Remmington gave you—Did he not tell you the proper time to come in? He did not, nor no person else.
464. What part of the hall were you sitting in when the show of hands was taken? At the back of the rail that goes across the Court House.
465. Did you see where the other electors were? I did not look; I went right up to the Bench, and Mr. Campbell told me I was a fool and mad.
466. What for? To go and ask for a poll, for Laidlaw to go against you.
467. Did he explain? No. I said I was doing an act of justice—I was a free man.
468. What is your employment? I am a man of all sorts; I deal, I work my horse and cart, and ring my bell—I do anything to get an honest living; I have got a free house of my own; I am a man that works honestly for my living; I want justice—that is all.
469. You cannot charge your memory, and say whether any person came and asked you to go forward and demand a poll? No person in the world.
470. Do you remember seeing Mr. Remmington on the Bench at the time a poll was demanded? No, he came off the Bench and demanded it in front. Mr. Shipway stood on the Bench.
471. Do you know where Colvin was? No. I know there was a lot along the front.
472. *Mr. Windeyer.*] You swear positively you demanded a poll? Yes.
473. And you heard the other persons you have named demand a poll? Yes.
474. And all about the same time? Or within three minutes.
475. After the Returning Officer declared the show of hands to be in favour of Mr. Fitzpatrick? Yes.
476. *Mr. Garrett.*] What words did you use? “I demand a poll for Mr. Laidlaw. Three cheers for Mr. Laidlaw.” I have known Mr. Laidlaw ever since I have been in Yass, and I only wanted what was right.
477. What were the general terms in which others demanded a poll? They were all in the same way.
478. Was a poll demanded in such a tone of voice by the different people that the Returning Officer could distinctly understand what they meant? Yes; there was a noise there, but any person could hear what was said—“Vote for Laidlaw!” “Hurrah for Laidlaw!”
479. You think the Returning Officer could hear what you were saying when you were speaking and hurrahing? Yes.

Mr. George Colvin, having been sworn, was examined by Mr. Stephen:—

- Mr. G. Colvin.
18 Feb., 1870.
480. Where do you reside? At Yass, leastways at Hardwick.
481. Do you live there, or at O'Connell Town? I live chiefly at Hardwick.
482. Is your name on the electoral roll? Yes.
483. How long have you resided at Yass? Nearly seventeen years.
484. Will you point out your name to the Committee on the electoral roll; look at No. 296? (*The witness referred to the electoral roll.*) George Colvin, freehold, O'Connell Town.
485. *Mr. Windeyer.*] Does that mean yourself? Yes, that is my place.
486. That is your qualification—a freehold? Yes.
487. *Mr. Stephen.*] Do you remember the nomination of Mr. Fitzpatrick at Yass? I do.
488. Were you present? Yes.
489. Do you remember, after the show of hands was declared to be in favour of Mr. Fitzpatrick, what took place? I heard a poll demanded by Mr. Remmington for Mr. Laidlaw.
490. Did you do anything? Yes.
491. What did you do? I demanded a poll for Mr. Laidlaw.
492. Did you hear any other persons? Yes.
493. Who were they? There was Simpson, Mead, and Davis.
494. Which Davis? James.
495. Who else? Colman.
496. Who else? That is all I remember.
497. Did you see Mr. Shipway there? Yes.
498. And Mr. Remmington? Yes.
499. What was done upon your demanding a poll? After a few minutes—three or four minutes—Mr. Fitzpatrick was declared by the Returning Officer.
500. Was anything said about your not being on the electoral roll? Yes; the Returning Officer told me I was not on the list, and I said yes I was.
501. Had he the electoral list in his hand at the time? That I do not know.
502. You say in about three or four minutes from the time of your demanding a poll the Returning Officer declared Mr. Fitzpatrick to be duly elected? It could not be much more than that.

503. Did you hear any other persons in the body of the hall demanding a poll for Mr. Laidlaw? I could not say; there might have been, for there was such shouting and noise about that I could not hear from the position I was in. Mr. G. Colvin.
18 Feb., 1870.
504. *Mr. Fitzpatrick.*] What trade are you? A gardener.
505. Whose employment were you in? Mr. Remmington's.
506. In fact you are his hired servant? Yes.
507. It was he who asked you to come and demand a poll? No.
508. Who did? I came myself; I came to have a look —
509. Did he not ask you to come up and demand a poll—to be one of the six? Certainly he did in the Court House —
510. In the Court House it was at his invitation you came, and others too—Did you see or hear Mr. Remmington go and bring up the others? No, he did not bring them.
511. How did they get there? He asked all in favour of Mr. Laidlaw to stand round.
512. In fact, Mr. Remmington acted as spokesman of the party? He acted in favour of Mr. Laidlaw.
513. He was the spokesman? Yes.
514. You did not all speak? We spoke at this time.
515. You were the gentlemen of the extreme left? I could not tell you that.
516. I will remind you. As you faced the Clerk's bench, you were on the left side, and the others on your right? I can hardly say; we were all close together.
517. Were you outside of the line? I might have been.
518. Can you remember distinctly whether it was Dr. Blake, the Returning Officer, or Mr. Rees Jones, who said you were not on the roll? It was Dr. Blake said I was not on the list.
519. Did you see him refer to the list? No.
520. Did you see Mr. Rees Jones? I did not. I told him I was on the roll.
521. You stood back a little after that? I had not room to stand back.
522. Well you moved sideways? No, I did not.
523. You had not looked at the roll before you came there? No.
524. When the Returning Officer said you were not on the roll, you took it for granted that it was so, and stood back a little? No, I said I was on the roll.
525. You concluded he was right? No, I said I was on the roll.
526. *Mr. Windeyer.*] Did you in any way give up your right to demand a poll? No, I did not.
527. You are certain that you yourself individually demanded a poll—you swear that? I do.
528. *Mr. Garrett.*] When the Returning Officer told you you were not on the roll, will you say what you did and said? I stood in the position I have described, and said—"Yes, I am on the roll, and I appear here in person to demand a poll."
529. What did you do? I might have moved my feet a little, but I did not shift my road to go out.
530. You did not do anything to lead to the belief that you gave up your right to demand a poll, because the Returning Officer said you were not on the roll? Nothing of the kind, for I knew perfectly I was on it.
531. In whose employ are you? Mr. Remmington's.
532. You live at Yass—at Hardwick? Hardwick.
533. After Mr. Fitzpatrick was elected did he address the electors? There was such confusion that I withdrew—there was such rushing and confusion that I left.
534. Do you care much about local politics? Not much. Mr. Laidlaw is a man I highly respected.
535. Would you be inclined to do what Mr. Laidlaw advised in politics? Yes, I should; I think him a very fair, honest man.
536. Are you aware whether it was Mr. Laidlaw's desire to enter Parliament or not? No, I was not then.
537. Did you ever hear he was unwilling to enter Parliament, and had refused to be a candidate? I could not say that I did, not then; I heard it since.
538. Not up to the time you demanded a poll for him? No; if I had I would not have been there.
539. *Mr. Windeyer.*] You have been asked as to something you did. Whatever you did, did you in any way give up your right to demand a poll? No, I never did in the slightest degree; I knew I had a right.
540. *Mr. Dodds.*] Was the meeting a very large meeting—were many persons present? There might be sixty or seventy—not more I think; there might have been more, but not electors. The place was very thronged.
541. Was the meeting orderly? There was some little confusion.

Mr. James Davis, senior, having been sworn, was examined by Mr. Stephen :—

542. Where do you reside? At Mundooran.
543. In the Yass Electorate? Yes.
544. How long have you resided there? A little better than seventeen years.
545. You are a freeholder there? Yes.
546. Is your name on the electoral roll? Yes.
547. Point it out? (*The witness referred to the roll.*) 374, James Davis, Mundooran, freehold, Yass River.
548. Do you remember the nomination day of Mr. Fitzpatrick? Yes.
549. Were you present at it? Yes.
550. Do you remember after the show of hands was declared in favour of Mr. Fitzpatrick anything taking place? Yes.
551. What was done? We went up to ask for a poll for Mr. Laidlaw.
552. That is yourself and who else? With others.
553. Tell who they were? Mr. Remmington, Shipway, Colman, Colvin, and Simpson—these are the persons I saw.
554. Do you remember any others? There were a great many others there, but I could not tell them.
555. You yourself demanded a poll? Yes.
556. Did you hear the others you have mentioned? Yes.

Mr. J. Davis.
18 Feb., 1870.

- Mr. J. Davis. 557. For Laidlaw? For Laidlaw.
- 18 Feb., 1870. 558. You are a member of a very large family, are you not, consisting of nearly a hundred electors? Yes; that is, I should say there are sixty or seventy of them.
559. Did you *bonâ fide* desire to have a poll for Laidlaw? Yes.
560. What was done after demanding a poll—what took place—what did the Returning Officer do? He returned Mr. Fitzpatrick.
561. Was anything said about some one being on the roll? Yes, Colvin and some other person.
562. Who said it? Dr. Blake.
563. What did he say? That he was not on the roll.
564. What then took place? I could not tell.
565. How many minutes elapsed from that time till the Returning Officer declared Mr. Fitzpatrick duly elected? Two or three minutes—a very short time.
566. Did you hear any other person in the crowd calling out for a poll? Yes, lots all round demanding a poll for Mr. Laidlaw.
567. *Mr. Fitzpatrick.*] What is your employment? I am a farmer and a grazier.
568. On this occasion, when some gentlemen demanded a poll, Mr. Remmington was your spokesman? No, I could not say whether he was.
569. Did you hear him demand a poll? Yes.
570. Do you remember the words he used? I could not say exactly. I think it was—"I demand a poll for Mr. Laidlaw."
571. Did you hear him use these words—"These gentlemen," pointing to you and others, "These gentlemen demand a poll"? No, I cannot say I did.
572. You remember the objection being taken to Colvin? Yes.
573. Who took it? At the first commencement, Mr. Blake.
574. Had Dr. Blake a copy of the roll when he said he was not on the roll? I did not see him with any paper at all.
575. Colvin then, thinking the Returning Officer was right, moved on one side? No, I never saw him turn on one side.
576. It was Mr. Remmington that got the electors together to demand a poll? I could not say; I believe he did come down to them.
577. Did he not ask you to come forward? No, I came myself as well as I could—I was detained a little.
578. Who invited you to come? No person at all.
579. How did the four under the Clerk's bench happen to get together—did not some one ask you to come and demand a poll? No one ever asked me.
580. You came without being asked? Yes.
581. Did not Mr. Remmington say "Come up and make a demand for a poll"? No; I was there at the time Mr. Remmington made his address.
582. Were you one of the four that stood under the Clerk's bench? No, when I demanded a poll I was just against the witness-box.
583. I thought you were one of the four gentlemen just under the Clerk's bench? No.
584. *Mr. Windeyer.*] I understand you distinctly to swear that you demanded a poll for yourself? Yes.
585. And you heard others who were present also demanding a poll? Yes.
586. Can you say how many hands were held up for Mr. Laidlaw? Somewhere about five or six and twenty.
587. You heard, besides those who were standing close to you, others demanding a poll? Yes, some behind me as well as some at each side.
588. *Mr. Garrett.*] There has been some evidence about Mr. Turner speaking to you as you were approaching the witness-box, where you say you stood? Yes, he took me by the shoulder and said I was wrong.
589. Was it an act of unfriendliness? He tried to prevent my going forward.
590. In what spirit was it done? The whole thing was done in such a hurry that I could hardly say.
591. You know Mr. Turner? Yes, very well indeed.
592. Are you and he friendly? Yes.
593. Was it the act of a friend or the act of a partisan? I could not tell, it was done in such a bustle.
594. What was your impression at the time—did you think he wanted to prevent your speaking? Of course I did; he laid his hand on my shoulder and said—"You are wrong."
595. Did he want to prevent you by force? No, not by force, not in any way.
596. *Mr. Windeyer.*] Was Mr. Turner Sheep Inspector? Yes.
597. Is he Scab Inspector of the district where your sheep are? Yes.
598. *Mr. Garrett.*] Did you understand that Mr. Turner wanted by violence or force to prevent your exercising your right? No, I could not say it was by violence.
599. Mr. Stephen asked you whether you *bonâ fide* supported Mr. Laidlaw on this occasion? Yes.
600. Was that your feeling? Yes.
601. Do you know Mr. Laidlaw? I have been acquainted with him for years.
602. On other elections have you generally voted in the way that Mr. Laidlaw has voted? No, I never voted but three different times since I have been up in that district; once for Mr. Laidlaw, once for Mr. Murray, and this time.
603. On two of those occasions you supported Mr. Laidlaw? Yes.
604. Therefore you approve of Mr. Laidlaw's politics? Yes.
605. And would take his advice on political matters? I never had any advice from him.
606. You take some interest in local politics? Some little.
607. As a matter of public rumour or opinion, were you aware or not that Mr. Laidlaw did not desire to be a candidate? I was not aware that he did not.
608. *Mr. Dodds.*] How many candidates were nominated that day? Two.

Mr. James Mead, having been sworn, was examined by Mr. Stephen :—

609. Where do you reside? At Mr. Remmington's.
 610. In what electorate is that—Goulburn or Yass? At Yass.
 611. How long have you lived there? Well I have not lived there above ten months. Oh! Yass; in Yass district I have lived about seven years.
 612. Is your name on the electoral roll? Yes.
 613. Has it always been on the electoral roll during all those seven years? Yes.
 614. Will you point it out? (*The witness referred to the roll.*) I am not much of a reader.
 615. (Mr. Stephen read—"1061, James Mead, Cavan, leaseholder, residence, Murrumbidgee.")—Does that mean yourself? Yes.
 616. Do you remember the nomination day of Mr. Fitzpatrick and Mr. Laidlaw? Yes, the 20th December.
 617. You were present at it? Yes.
 618. Do you remember a show of hands being declared by Dr. Blake to be in favour of Mr. Fitzpatrick? I can mention a great number.
 619. Do you remember the show of hands was declared to be in favour of Mr. Fitzpatrick? Yes.
 620. What then took place—what did you do? I demanded a poll for Mr. Laidlaw, and so did some eight or ten more besides me, and then, before four or five minutes, Mr. Blake said he declared that Mr. Fitzpatrick was elected, before we could all speak.
 621. Had you already spoken? Yes, we had spoken a little then.
 622. Who were the parties who demanded a poll? James Davis, William Davis, and this here Colvin, and Colman, and Mr. Shipway, and Mr. Remmington; and then there was Paddy Maher,—his name may be Moore, but we call him Maher; and we all demanded a poll for Mr. Laidlaw.
 623. Did you get up easily in front of the Returning Officer? Yes, I was the second up, and George Colvin next.
 624. Was anything said about Colvin's name not being on the list? Yes, I believe they did say so.
 625. Who was it? I cannot say. I heard them say something about it in there—that his name was not on the roll at all.
 626. What then took place? I cannot recollect anything about it no further.
 627. Then, immediately after, the Returning Officer declared Mr. Fitzpatrick duly elected? Yes.
 628. *Mr. Fitzpatrick.*] What trade are you? A farming man.
 629. In whose employ? Mr. Remmington's.
 630. Did he ask you to come up and demand a poll? No, he did not; I did not know who he was going to demand a poll for till I got there.
 631. You did not know who was going to be nominated? No, I knew nothing at all about it till I heard him mention his name.
 632. Before you went to the Court House you knew nothing about the election? No, I knew nothing about which way they were going till I heard Mr. Remmington mention Mr. Laidlaw's name, and then I determined to vote for Mr. Laidlaw, because I knew him these seven years, and I know he is a right-up sort of a man. I think he is a fitting kind of man who could get elected.
 633. *Mr. Macleay.*] You say a man named Patrick Maher demanded a poll? Yes, and he was pulled back.
 634. Is he an old man? Yes. Now I am getting over my flurry; I was never before in such a fidget in all my life.
 635. *Mr. Windeyer.*] Do I understand you to say distinctly that you demanded a poll? Yes, I did demand a poll for Mr. Laidlaw.
 636. You were standing right opposite the Returning Officer? Yes, where Mr. Brown, of the *Courier*, sits.
 637. Did you hear other persons demand a poll? Yes, the six that are here.
 638. You heard them demand a poll? Yes I did.
 639. This was immediately after the show of hands was declared to be in favour of Mr. Fitzpatrick? Before ever the Coroner declared him as a Member we demanded a poll.
 640. Were you in such a position that the Returning Officer could not help seeing you? Yes. I was in my shirt-sleeves, and people were making remarks about me.
 641. Did the Returning Officer make any remark about you—were you standing in such a position that the Returning Officer must have seen you? He could not help seeing me.
 642. Were you so close to him that he could not help hearing you? Any one could hear me.
 643. What did you say? I said I demanded a poll for Mr. Laidlaw—two or three times.
 644. Was there much row going on at the time? Not when we demanded a poll, not till Mr. Blake spoke up, and then some of them were hurraing then.
 645. *Mr. Dodds.*] Did they go forward in a body? Yes, as far as they could get up.
 646. The whole of the electors? Yes, as fast as we could get up.
 647. When they demanded a poll? When they demanded a poll they all rushed up together.
 648. And stood before the Returning Officer? Yes, before Mr. Brown and Mr. Blake.
 649. *Chairman.*] Will you mention the names of the persons who were present and demanded a poll in conjunction with yourself? James Davis, William Davis, George Colvin, Charles Colman, Mr. Shipway, and Mr. Remmington.
 650. Did you not say Paddy Maher? Yes, they wanted Paddy Maher to come with us, but he did not. I do not know whether his name is Moore, but I always heard him called Paddy Maher. He is the oldest original there is in the place.

Mr. J. Mead.

18 Feb., 1870.

Mr. James Davis, having been sworn, was examined by Mr. Stephen :—

651. What district are you living in? Yass.
 652. How long have you been residing there? About twenty years.
 653. Is your name in the electoral roll? Yes.
 654. Can you read writing? No.
 655. (Mr. Stephen read from the roll—"374, Davis James, Hardwick, residence, Yass River.")—Does that mean you? Yes.

Mr. J. Davis.

18 Feb., 1870.

- Mr. J. Davis. 656. Do you remember the nomination day at Yass—the nomination of Mr. Fitzpatrick? Yes.
 657. After Dr. Blake declared the show of hands to be in favour of Mr. Fitzpatrick did you do anything?
 18 Feb., 1870. Yes.
 658. What did you do? I demanded a poll.
 659. Where did you walk to? I was trying to get in, but I could not.
 660. What do you mean by "in"? Going in round the bar where the rest of them was.
 661. You demanded a poll there? Yes.
 662. Did you hear any others demand a poll? Yes.
 663. How many? I should say seven or eight or more.
 664. Can you mention the names of those you heard demanding a poll? Yes. I forget their names now.
 665. Did you see the men who are outside, and who have given their evidence before the Committee? Yes.
 666. Did you hear them? Yes, the whole of them.
 667. Did you see Mr. Remington? Yes.
 668. Did you hear him demand a poll? Yes.
 669. And Mr. Shipway? Yes.
 670. What did the Returning Officer then do—what did you say or do? I cannot say what he said or did; I was outside among the mob of them; I did not take any notice.
 671. You mean just outside the bar in the crowd? Yes.
 672. How soon after you called out demanding a poll did the Returning Officer declare Mr. Fitzpatrick duly elected? About two or three minutes.
 673. *Mr. Fitzpatrick.*] What is your trade? I have got no trade—I am a labourer.
 674. Whose employ are you in? Mr. Remington's.
 675. And you were so at the time of the election? Yes.
 676. *Mr. Windeyer.*] You swear that you demanded a poll yourself? Yes.
 677. In a loud tone of voice? Yes.
 678. And you heard these other persons who have been here as witnesses to-day also demand a poll? Yes.
 679. *Mr. Dodds.*] After Mr. Fitzpatrick was declared elected, what did you do or say—did you go away quietly? Yes.
 680. You took no further notice of the proceeding? No; I went outside.
 681. Were you not dissatisfied with the result? No.
 682. Did you not say to your neighbours that you were dissatisfied? No.
 683. You made no remark? No.
 684. Did you not consider that the matter was not fair—that after you had demanded a poll Mr. Fitzpatrick should have been declared elected? Yes, I thought myself we ought to have a poll at the election.
 685. And you thought so at the time? Yes, certainly.

THURSDAY, 24 FEBRUARY, 1870.

Present:—

Mr. S. Brown,
 Mr. Dodds,
 Mr. Garrett,

Mr. Lackey,
 Mr. Macleay,
 Mr. Windeyer.

W. R. Piddington, Esq., in the Chair.

M. Fitzpatrick, Esq., appeared on his own behalf.

G. M. Stephen, Esq., appeared as Counsel on behalf of the Petitioner.

James Daniel Cronin, Esq., having been sworn, was examined by Mr. Stephen:—

- J. D. Cronin, Esq. 686. What are you? Chief Clerk of the Pay Branch of the Treasury.
 687. Do you know Mr. Fitzpatrick, the late Under Secretary for Lands, now present? Yes.
 24 Feb., 1870. 688. Is it your duty to prepare the pay lists for the different offices, or how are they prepared? They are prepared by the different departments, and are forwarded to the Treasury.
 689. Can you produce the pay list on which Mr. Fitzpatrick last drew his pay—his official salary from the Government? Yes. (*The witness handed in the same. Vide Appendix A 1.*)
 690. Up to what period was he paid? Up to the 18th December.
 691. *Mr. Lackey.*] Inclusive? Yes.
 692. *Mr. Stephen.*] That includes the 18th? Yes.
 693. *Mr. Fitzpatrick.*] Although you do not prepare the departmental abstracts, they come into your hands for payment? Yes.
 694. Either in advance for the whole department, or for the individual payment—one or other? One or other.
 695. As a matter of fact, could I be paid for that or any other day without your knowledge? No.
 696. Was I paid for any day beyond the 18th? No.
 697. *Chairman.*] Is this pay sheet made out with reference to any other officer on it—from the 1st December to the 18th? No, from the 1st to the 31st.
 698. Is there any other instance in which any other officer on this pay sheet has been paid for any period less than that from the 1st to the 31st December? I should say there is.
 699. Will you point it out? You mean on this sheet?
 700. On that abstract is there any? No; all the others were paid from the 1st to the 31st of the month.

- 701. *Mr. Fitzpatrick.*] If there had been any officer who had left the office, or had been dismissed, or had J. D. Cronin, Esq. been absent without leave, his name would have been on the list for the broken period? Yes.
- 702. It is the practice to prepare the abstract once a month for every one in the department; and one column states whether the salary is for the whole month or for a portion of it? Yes. 24 Feb., 1870.
- 703. There would not be a separate abstract made out for the short-time man? There may have been instances of that kind.
- 704. You know for a fact that the practice is usually pursued of making out the abstract for the whole month, whether the whole of the officers upon it have served for a full month or not? It is.
- 705. *Mr. Stephen.*] Is that an abstract signed by a gentleman as Acting Under Secretary for the Lands Department? By Mr. Armytage, acting as Under Secretary.
- 706. Is that his signature? Yes, at the foot of the abstract.
- 707. Then there was no Under Secretary at that time? No; we had received notice of the acceptance of Mr. Fitzpatrick's resignation of office before.
- 708. Will you state on what date you received that (*the abstract*)? On the 29th December.
- 709. Up to the 29th December then, there was no gentleman apparently appointed Under Secretary? We had not received notice of it.
- 710. *Mr. Garrett.*] Supposing a gentleman were dismissed from the service, or his services were dispensed with during the month, is it or is it not the practice to pay him before the termination of the month? No; he might make application for it, but the practice is as I have stated before.
- 711. Mr. Armytage was Acting Under Secretary? Yes.
- 712. *Mr. Windeyer.*] You said you had received notice of the acceptance of Mr. Fitzpatrick's resignation before—before what—before the 31st? Before the 31st. I think we received it on the 21st—the 20th or 21st.
- 713. Have you got it there? Yes. (*The witness handed in the same. Vide Appendix A 2.*)
- 714. Do you produce any letter in which Mr. Fitzpatrick resigned his office? Such a letter would not be addressed to us. That is the document which informs us of his resignation. It is from the Department of Lands, informing the Treasury that Mr. Fitzpatrick has resigned his appointment.
- 715. Then you produce no document showing that his resignation was accepted from the 18th instant? No.
- 716. And have no document in your office that would show it? No, not that I know of.
- 717. Any such document would be in the Department of Lands? No.
- 718. Then you have no documents that would throw any light upon this matter, further than those you have produced? I am not aware of any.
- 719. What is that (*referring to a paper in the witness' hand*)? This is the abstract in which the salaries are first sent up to us from the Lands Department on the 29th February. (*The witness handed in the same. Vide Appendix A 3.*)
- 720. When was this sum, "Salaries of Department for December, £758 14s. 5d.," paid to the credit of the department? On the 31st December.
- 721. At the end of the month? At the end of the year. In the month of December the salaries are paid at the end of the month; on other months they are paid on the 1st.
- 722. Is that the amount paid as required by the pay-sheet? Yes.
- 723. They correspond? Yes.

The Honorable William Forster, Esq., M.P., having been sworn, was examined by Mr. Stephen:—

- 724. You are Minister for Lands? Yes.
- 725. Did you receive a letter or telegram from Mr. Fitzpatrick, resigning his office as Under Secretary? Mr. Garrett objected to the question.
- 726. Did you receive any intimation from Mr. Fitzpatrick respecting the resignation of his late office as Under Secretary for Lands? Yes.
- 727. Have you got it with you? No.
- 728. Have you got on what date you received it? No.
- 729. Could you produce it if a messenger were sent to your office? I am not personally considered the custodian of these documents. I speak of the practice of my office; but the document to which I refer is, I believe, in the possession of Mr. Armytage, and I think he is ready to produce it.
- 730. Is he in attendance? Yes; and if the Committee wish it, it could be brought in now. (*Mr. Armytage was called in, and handed a paper to witness.*) This is a public document; this is the letter to which I refer, signed by Mr. Fitzpatrick, and is dated 24th November, 1869. (*The witness handed in the same. Vide Appendix B.*) There is a minute upon it in my handwriting, dated 25th November.
- 731. *Mr. Garrett.*] What is the nature of the letter? It is simply a letter resigning his office. (*The witness read the same.*) On it I wrote this memorandum:—"Mr. Fitzpatrick will be good enough to attend to the duties of his office until the appointment of his successor." That is dated Nov. 25, 1869. As a matter of fact, I may state that Mr. Fitzpatrick did go on attending to the duties of his office until the acceptance of his resignation. The acceptance of his resignation is signified upon this paper by these words in my handwriting—"Accept. Inform to-day. December 18, 1869." On the paper there is written in red ink, which is the usual practice of the office,—"Informed, 18 December, 1869." This I take to imply, and no doubt it does imply, according to the practice of the office, that Mr. Fitzpatrick had the letter written to him on that day, the 18th December, 1869, and the Treasury appear to have been informed on the 20th December. There is nothing else at all. I have described fully the document.
- 732. When was his successor appointed? The Committee will understand that I do not speak from memory. It is impossible for a Minister to remember dates of such matters. I speak from these documents.
- 733. There is a paper here upon the table which states that up to the 29th of December they received at the Treasury no intimation of a successor having been appointed? I do not know anything of that; I can only speak to my own knowledge; and my knowledge of the whole transaction is confined to this document.
- 734. Can you account for having made a minute upon it—that he was to be requested to continue to perform the duty till his successor was appointed? I recollect all that.
- 735. Can you explain? I feel satisfied these dates are quite correct. To the best of my belief the document is the same document that has been often in my hands. I have no doubt of the correctness of these dates, and my impression is that these minutes in red ink convey the intelligence they purport to do.

The Hon.
W. Forster,
Esq., M.P.
24 Feb., 1870.

The Hon.
W. Forster,
Esq., M.P.

24 Feb., 1870.

736. Can you explain to the Committee how it was that after having requested Mr. Fitzpatrick to continue to act until his successor was appointed (no successor having been appointed up to the 29th December) you practically accepted his resignation on the 18th —

Mr. Fitzpatrick objected to the question.

737. Can you explain to the Committee how it happened that after you had requested Mr. Fitzpatrick to continue in his office until the appointment of a successor—and as it appears his successor was not appointed until after the 29th—how, notwithstanding, you appear to have accepted it on the 18th. Was there any other communication from Mr. Fitzpatrick that caused that? I am not aware of any other communication from Mr. Fitzpatrick. I am not bound to repeat confidential statements made to me by Mr. Fitzpatrick as a friend, and I decline altogether giving evidence on that point, and I do not think the Committee will see fit to ask me to disclose communications of that sort; but I do not remember if any kind of communication came from Mr. Fitzpatrick to me—certainly I have no documents of the kind. I presume it was found inconvenient to remove Mr. Fitzpatrick at the time, and that we found it convenient to retain him till the 18th.

738. *Mr. Garrett.*] And then you dispensed with his services on the 18th? Yes.

739. *Mr. Fitzpatrick.*] During my absence—about that period—Mr. Armytage, by your authority, acted as Under Secretary? To the best of my knowledge.

740. By your authority he acted as Under Secretary? To the best of my knowledge. It will be found by his signature that he did act.

741. *Mr. Windeyer.*] Will you explain why the 18th was fixed upon as the date of Mr. Fitzpatrick's resignation? I do not indeed recollect.

742. Is there no document to show why the 18th was fixed as the date of Mr. Fitzpatrick's resignation of his appointment? I have already stated that there is no document, except that I shall not produce any private letter, and I have not any to produce.

743. Do you mean private letter from Mr. Fitzpatrick? I am not aware that I have any.

744. What private letter do you refer to? Not to any in particular.

745. Do you swear that you received no private communication from Mr. Fitzpatrick, by which the date of the 18th December was arrived at as the date of his resignation? —

Mr. Garrett objected to the question.

Strangers were ordered to withdraw.

The Committee deliberated.

The parties were again called in.

746. Will you swear that there was not a communication between you and Mr. Fitzpatrick, relative to his resignation of his office, by which the date of the 18th December was fixed? What sort of communication—a written one?

747. Answer my question—any communication? I desire to know the meaning of it—whether I am asked to state —

748. I ask you the question generally—any communication—yes or no? I say I do not understand the question.

749. Whether there was any communication between you and Mr. Fitzpatrick relative to the resignation of his office, by which its acceptance was fixed on the 18th December? I do not understand the question.

750. Do you swear that on your oath—on your oath, sir, do you swear that? I think I am as likely to be believed on my oath as you are.

Mr. Brown objected to the tone of the question and to the question itself.

I ask the Chairman to protect me against the insolence of this man. I do not think I am here to be insulted. I ask the Chairman to protect me from the insulting manner of this man.

Strangers were ordered to withdraw.

Committee deliberated.

The parties were again called in.

The Shorthand Writer was directed to read the question, which he did as follows:—

751. "Whether there was any communication between you and Mr. Fitzpatrick, relative to the resignation of his office, by which its acceptance was fixed on the 18th December?" As this question is put in an offensive manner and tone that appears to imply an imputation upon my veracity, I take leave to say that I have not yet such a low estimate of myself as to suppose that my statement is not as likely to be believed as any made by the Honorable Member—by any one who knows us both. And now with regard to the question—either as regards a verbal or written communication—which the Honorable Member, who asked the question, refused to explain, when I said that I did not understand the question—either as regards a verbal or written communication, there was no communication of the kind at all.

752. Cannot you explain at all why the date of the 18th was fixed upon? I have no recollection sufficient of the reasons; it was found convenient to fix the 18th.

753. Upon what—there must have been surely some representation of facts to you? I have no record or recollection of any facts relevant to the matter.

Mr. Stephen said his case was closed.

At the request of Mr. Brown, Mr. A. Remington was again examined by—

754. *Mr. Brown.*] Are you insolvent? Yes.

George James Armytage, Esq., having been sworn, was examined by Mr. Fitzpatrick:—

G. J.
Armytage,
Esq.

755. What is your office? Chief Clerk in the Lands Department.

756. Will you look at that letter (*handing a letter to witness*); is that your signature? Yes.

Mr. Fitzpatrick read the letter and handed in the same. (*Vide Appendix C 1.*)

757. Before and after the date of that letter, during my absence in the early part of December, you were Acting Under Secretary, by the Minister's authority? Yes.

758. That letter is written by his direction? Yes.

759. And that is your signature? Yes.

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G. J. Armytage, Esq.
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- 760. *Mr. Stephen.*] When was the Under Secretary's post filled? That I cannot answer without reference to the Minute of the Executive Council appointing the present Under Secretary. The Under Secretaryship of course was not filled up until the gentleman at present holding the office was appointed.
- 761. You can fix the month? I think early in January.
- 762. Can you explain, or do you know how it accidentally happened that Mr. Fitzpatrick's resignation should have been fixed on the 18th December, exactly thirty-six hours before his election? That is a matter entirely with the Minister; of course I can give no opinion upon it. The resignation was tendered to the Minister, and lay in his hands to accept when he pleased.
- 763. Had any communication been made to you, or to any person with your knowledge, fixing the 18th December as the date upon which Mr. Fitzpatrick's resignation should be accepted? I was instructed by the Minister to accept it on that date, by his written directions on his resignation. That is the only communication I had.
- 764. Accept for to-day? Those are my instructions from the Minister.
- 765. Do you of your own knowledge know why it was you had been so specially informed on that date? No; I merely acted upon the instructions written on the paper.
- 766. Do you know whether any telegram was received from Mr. Fitzpatrick on that date or about that date? I only know that the document shows a telegram was despatched.
- 767. A telegram received, I mean, from Mr. Fitzpatrick? No.
- 768. Do you know that a telegram was despatched? I only know from the memo. on this paper that a telegram was despatched.
- 769. *Chairman.*] I perceive there is an indorsement on this letter—"Telegram forwarded to the Under Secretary"? That is from the Colonial Secretary's Office. Mr. Forster was holding that office at the time.
- 770. You have no idea to whom this telegram was forwarded? Of course I can only imagine that it was forwarded to Mr. Fitzpatrick—I have no knowledge of the matter myself.
- 771. *Mr. Windeyer.*] Are any copies kept of telegrams sent from the public offices? Yes.
Mr. Fitzpatrick said he would save the time of the Committee by producing the telegram, and handed in the same. (*Vide Appendix C 2.*) The Chairman read the same.
- 772. *Chairman.*] Do you or do you not know whether there was any reply to the telegram from Mr. Fitzpatrick? I do not know.

Thomas Laidlaw, Esq., J.P., having been sworn, was examined by Mr. Fitzpatrick:—

T. Laidlaw, Esq., J.P.
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- 773. You are a Magistrate of the territory? I am.
- 774. And have been for a number of years? Yes, about twelve or thirteen years.
- 775. You were also formerly a Member of the Legislative Assembly representing the District of Yass Plains? Yes.
- 776. You have resided a great many years in that district? Thirty years.
- 777. Did you receive in the latter part of last year some requisition or application to allow yourself to be put in nomination? Yes.
- 778. From some considerable portion of the constituency, to induce you to sit? I did.
- 779. Did you decline all those applications? I did invariably.
- 780. Absolutely? Yes, distinctly.
- 781. Did you state in writing to some of the gentlemen who invited you to allow yourself to be put in nomination that you declined? I came down to Sydney in the beginning of November, and I received two letters from most influential electors pressing me very strongly to reconsider my decision, and I wrote to them in strong terms declining. I saw there was a public meeting held at the Court House during my absence, at which it was determined to get up a requisition to me, and I telegraphed at once to my friends to put a stop to it, stating that I could not undertake the duties on account of my health.
- 782. Do you remember having a conversation with me on the day that I was leaving Sydney for the Lachlan Electorate? Yes.
- 783. Will you kindly state the nature of it generally?
Mr. Windeyer objected to the question, but subsequently withdrew his objection.
- 784. It was at your suggestion I was invited to stand for Yass? Yes. I advised you to see some of the leading and influential electors before going to the Lachlan—to stop a day at Yass and see some of the influential electors, and to endeavour to see if you could make some arrangements to come forward for Yass, as there would be a strong opposition at the Lachlan.
- 785. You wrote to several influential electors yourself on my behalf? I did.
- 786. You stated to me, I think, that under no circumstances would you sit? Yes.
- 787. That even if you were elected you would not sit? I would not. The last words I used when I left Yass, to a gentleman who was urging me to stand, were that I would not go in for £5,000.
- 788. You authorized, by telegram, a gentleman at Yass to attach your name to my requisition? I did.
- 789. You gave no authority to Mr. Remington to put you in nomination? None.
- 790. He did not act with your knowledge and consent? No, and no one was more surprised than myself when I heard of it.
- 791. Nor any other person? Nor any other person.
- 792. Your whole action in this matter was to induce me to stand as a candidate for the representation of Yass? Yes, and if a poll had been decided upon I would have gone up and voted for you.
- 793. *Mr. Stephen.*] This was a private conversation of course? It was at the door of the Victoria Club.
- 794. It was a private conversation between yourself and Mr. Fitzpatrick, and was not communicated to the public in any way—I believe when you were elected before, you were very unwilling to be brought forward? I was unwilling at the first, but I consented latterly.
- 795. *Mr. Garrett.*] When you telegraphed as you have mentioned to Yass your unwillingness to be a candidate, to whom did you telegraph? To Mr. Allman. I got a letter from Mr. Allman asking me if I had any objection to have my name added to Mr. Fitzpatrick's requisition, and I telegraphed to him to put my name down.

- T. Laidlaw, Esq., J.P.
24 Feb., 1870.
796. Previous to this, had you any communication with Mr. Allman respecting the election? He was one of those who wrote to me pressing me very strongly to stand, and I said I could not on any account, and I gave my reason for declining.
797. *Mr. Fitzpatrick.*] I think you said to me you remained in Sydney to avoid the importunity of the electors? When I came to Sydney I did not expect the dissolution to take place; but when I arrived here and found that preparations were being made for the election at Yass, I was very glad I was here.
798. *Mr. Garrett.*] Had you any communication with the Returning Officer as to your candidature—as an individual, or as an official? He is my most intimate friend, and I often talked to him on this as well as on other subjects.
799. Did you ever write to him as Returning Officer? I never wrote to him on the subject.

Isidore M. Blake, Esq., J.P., having been sworn, was examined by Mr. Fitzpatrick:—

- I. M. Blake, Esq., J.P.
24 Feb., 1870.
800. You are a medical practitioner? Yes.
801. And also a Magistrate of the territory? Yes.
802. How long have you been here? About eighteen or twenty years.
803. You were Returning Officer for the electoral district of Yass Plains? Yes, I have no intimation that I am not.
804. You were so on the 20th December last? Yes.
805. You remember the election that took place on that day? Yes.
806. You conducted it? Yes.
807. Who were put in nomination? Mr. Michael Fitzpatrick and Mr. Thomas Laidlaw.
808. You called for a show of hands? Yes.
809. What result did you declare? I declared in favour of Michael Fitzpatrick.
810. What then took place? A poll was demanded by Mr. Remmington.
811. In writing? Verbally.
812. Did Mr. Remmington give you any writing? He gave me a slip of paper with seven or eight names on it.
813. Did you understand him to mean that as a demand for a poll? Not as a demand for a poll, but I say fairly that I thought the names he tendered were those of some who intended to demand a poll.
814. What did you say with reference to that paper? I looked at it, and seeing nothing but names on the paper I left it on the table—I threw it from me.
815. Did you say anything to Mr. Remmington about that paper? I cannot swear whether I did or not; to my knowledge I did not; but I might have said something.
816. Will you kindly, according to your own recollection, describe to the Committee what took place about the demand for a poll? As soon as Mr. Remmington stood up and said "I demand a poll," and handed me in this piece of paper, I looked at it, and as I said before, seeing only names on it, threw it on one side. I said—"Mr. Remmington," (I will not swear to the word "Mr.") I said—"it requires six electors to come forward to demand a poll." Upon that, Mr. Remmington jumped up and shouted out to the mob—"Come forward, come forward Tommy Simpson, Davie Gill, Paddy Moore," and a lot of other names; I cannot remember the whole. Some other shouted out to Remmington—"Fudge!" "Fools, do you know what you are at? Mr. Laidlaw would not thank you." There was a regular hubbub and shouting down in the body of the Court that lasted for several minutes—I should say for five or six minutes; Mr. Remmington shouting at the top of his voice—"Will you not come up for your old friend Mr. Laidlaw—will you allow that fool to beat your old friend?" After that had subsided a little I called upon the electors. I said—"I cannot distinguish those electors who wish to demand a poll for Mr. Laidlaw from the others; will they please stand to the right," in a vacant place that was before me between the little place where the Clerk of the Bench used to sit and the jury-box on my right. "Will you gentlemen who wish to demand a poll for Mr. Laidlaw stand to the right in this vacant place?" Three stepped forward, and a fourth stepped forward. James Davis, senior, he stepped forward, but without saying a word, and without waiting a second he turned away and went back with some one—I do not know who it was, for I did not take notice. The other three I should know; two of them were Tommy Simpson and Charles Colman; the third man I could not name, but I could tell him by looking at him; he was a fresh-complexioned man with lightish whiskers, but I could not tell his name. I swear positively that these were the only three men who stood to the right before me. The fourth man, Davis, who came forward went back without ever saying a word, and I also swear positively that not one of these three men to my knowledge or to my hearing—and I do not think it could be done without my hearing—ever demanded a poll in any way from me; but I will tell you fairly—
817. Except Mr. Remmington? Except Mr. Remmington—but I said that before. I will tell you fairly I would have granted a poll if a fourth man had come forward, believing that the three who did come forward, counting Mr. Remmington and Mr. Shipway, who were on the platform behind me, were *bonâ fide* persons who did wish to demand a poll, but as I saw the sixth man was not there I declared Mr. Fitzpatrick elected.
818. Can you of your own memory say who were the three men who went to the right? Tommy Simpson was one, Charles Colman was the second, the third man I could not say who he was, for I did not know him by eyesight or personally.
819. How far were these men from you? As close to me as the gentlemen are there (*on the opposite side of the Committee Room table*).
820. That is to say, immediately beyond the Clerk's box? I was on the Bench, and they were immediately under me at the distance of about a yard.
821. As a matter of fact, did Tommy Simpson in his own voice demand a poll? As a matter of fact he did not.
822. If he swears that he did demand a poll in his own voice, he swears untruly? Untruly to my hearing, and he could not have done it without my hearing it.
823. Did Charles Colman in his own voice demand a poll? No, not while he was there on my right.
824. Did he at any time demand a poll? To my hearing he did not; he might have done so in an under-voice.

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825. To your hearing did he demand a poll? To my hearing he did not.
826. Did the third man about whose name you are not sure demand a poll? He did not.
827. Did Mr. Shipway demand a poll? Not to my hearing, but he might have done so, because he was on the platform and to the left of me, but to my hearing he did not.
828. Then when you said—"Those who desire a poll for Mr. Laidlaw stand to the right," did Mr. Remington or Mr. Shipway join them? They did not.
829. As a matter of fact they were several yards apart? Mr. Shipway was on the platform, but Mr. Remington was down in the mob calling them to come forward.
830. You would have counted them among the six if they had been able to obtain another? Yes.
831. That is to say, you would have regarded the three who stood apart as joining with Mr. Remington in demanding a poll? Yes.
832. Do you know a man called James Davis, a farmer, a big man? James Davis of Muntoonan. Yes.
833. Is this the man who you say came forward, turned round, and went away again? Yes.
834. That was after you said "Those who wish to demand a poll for Mr. Laidlaw will go to the right," that Mr. James Davis turned round and went away? Yes.
835. You swear then that Davis never to your knowledge demanded a poll of his own voice? I could swear that, and I could swear more if I am allowed to tell it. A gentleman who was on the Bench, when he came forward held up his hand in that way (*the witness raised his hand*), and Davis looked up at him and turned round and went away. That was fully four or five minutes before.
836. You understood by that action that this gentleman warned him or urged him not to do it? He just did that, and Davis turned and went out.
837. As a matter of fact, Mr. James Davis, senior, of Muntoonan, did not demand a poll? He did not.
838. Mr. Remington's demeanour, was it very quiet? It was very much the reverse.
839. Was he very turbulent? Yes.
840. Did you threaten to give him into custody? Yes.
841. Did you give him in custody? I did not.
842. Distinctly? Distinctly.
843. If Mr. Remington swears that you threatened to give him in custody, and that you did give him in custody, he swears what is not true? He swears a falsehood.
844. You said something to the constable? I did.
845. What was it? I told Mr. Remington, after I had told him several times to sit down, his conduct was so bad, and he would not do so, and I told him if he did not sit down—"Mr. Remington, I will have you turned out." I said—"Constable Hackett, if Mr. Remington does not stop this disturbance," I forget whether I said "turn him out" or "take him in charge."
846. As a matter of fact you did not give him in charge? No, I did not.
847. He was not in charge? He was not, for as a matter of fact I knew I had no right to do so, and I would not have allowed the constable to do so though I threatened him.
848. As a matter of fact, after Mr. Remington was said to be taken in charge he was running about up and down the room? Yes.
849. To bring persons up to demand a poll? I presume so, though I cannot say it was for that; he was down in the mob.
850. Can you charge your memory as to the time that elapsed between your declaring the show of hands to be in my favour and declaring that I was duly returned? It would be hard for me to tell, but to the best of what I can count, from eight to ten minutes; it might have been longer, because there was a good long time, and a good deal of scuffling, running about in and out, and shouting, and I sat down for fully four or five minutes on the chair before I got up to ask the electors to come to the right.
851. Will you kindly say what was your motive in doing that? I desired to give the electors an opportunity, if they wished to demand a poll, to come forward and demand it, that there might be no mistake about it.
852. Was there any objection to the delay on my side, or by any one on my behalf? I cannot say; I did not hear you say a word. All I can say is this,—that I heard from the body of the place a number of them crying—"Why don't you declare the poll?"—"Time, time!"—"Why don't you declare the poll?"—and I would not do so until it suited my opponent's convenience—until I thought there was sufficient time.
853. There was some urgency on the part of my Committee—that the delay was too long? Yes, there was; the word "Time" was called out "Why don't you declare Mr. Fitzpatrick elected?"
854. Can you name any one of my Committee, or any one interested in my return, who made that remark? Mr. Brown was one I think; I would not like to swear that, because so many called "Time," and so many "Why don't you declare Mr. Fitzpatrick elected?" that I could not say, but I think Mr. Brown was one.
855. Then the Committee are to understand from that, that after the show of hands you waited some eight or ten minutes, to afford those electors who wished it an opportunity of demanding a poll? I should say from eight to ten minutes, if not more; at any rate fully that.
856. I think the Act says the poll shall be demanded forthwith? It says that.
857. You thought it fair to these people, being many of them illiterate, to have more time? I thought it would be a very unjust thing to declare the election without giving fair and reasonable time; but I would not have given so long if I could have stopped the disturbance, and have satisfied myself who were the people who wished to demand a poll for Mr. Laidlaw against Mr. Fitzpatrick.
858. You have stated that I made no suggestion to you whatever to shorten the period? Not to my knowledge; if you did I did not hear it.
859. The three men that stood on your right that you have named—the man Colman—do you know anything of his character or repute? Personally I can say nothing in favour of or against him.
860. What sort of man is Simpson—the tall man?
Mr. Stephen objected to the question.
The question was withdrawn.
861. Have you ever had magisterially to deal with Simpson?
Mr. Stephen objected to the question.
Objection sustained.
862. *Mr. Stephen.*] I believe from almost the arrival of Mr. Fitzpatrick in Yass, you identified yourself with him as a personal friend?
Mr. Fitzpatrick objected to the question.
Question withdrawn.

I. M. Blake,
Esq., J.P.

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863. I think you said that your eyesight is not good? It is first-rate, except to read. I can see well at a distance, but I cannot read print close; I can see any distance.

864. When you spoke as to your hearing—when you said that several witnesses specifically had not demanded a poll, to your hearing—did you mean the Committee to understand you positively to swear that they did not demand a poll, or that you did not hear them demand a poll? I positively swear that I did not hear them demand a poll; they could have done so without my hearing them.

865. Did you ever write a letter to the *Sydney Morning Herald* of the 28th December, headed "Yass Plains Election," respecting your proceedings on that morning? Yes.

866. Is that your letter signed "I. M. Blake" (*handing a newspaper to witness*)? Yes.

The same was handed in marked. (*Vide Appendix D.*)

Mr. Stephen read the letter.

867. In this letter you admit that five demanded a poll? I admit no such thing. I admit that five came forward, and that I took it for granted that they intended to demand a poll; but they did no such thing. I do say that neither five nor any one demanded a poll, excepting Mr. Remmington. I took it for granted that the other four intended—that they were really *bond fide* ones that intended to demand a poll.

868. Is that your explanation of this sentence—"I then counted the number of electors demanding a poll (including Messrs. Shipway and Remmington, who were on the platform), and finding only five, I declared Mr. Fitzpatrick elected"? That is the explanation, that not one demanded a poll of these three that were before me, and Remmington and Shipway I considered as two men making the five.

869. Was there any doubt upon your mind that these persons were virtually demanding a poll, if you did not hear them? These five, in my own mind, I virtually believe did intend to demand a poll.

870. And that they were demanding a poll? Yes, I considered them as the five who demanded a poll.

871. Do you not remember an incident that occurred with regard to Mr. George Colvin—your telling him that his name was not on the roll? I do. I will explain how that was. Mr. Colvin, or George Colvin, was on my left, in the crowd standing to the left, just before me to the left. Mr. Rees Jones, to whom I had given the electoral roll a few moments before to look over it, to the right, said "Colman —"

872. Colvin? "Colman." George Colvin was standing in the left with the rest of the crowd, and did not come out of the crowd to the right. Mr. Rees Jones had the electoral roll, and he was to my right, and he said—"Colman's name is not on the list." I mistook the sound of "Colman" for "Colvin," and I said—"Colvin's name is not on the roll." Colvin made answer from the place where he stood—"Oh yes, sir, it is"; and I then stood up and said—"I beg your pardon Colvin"—I know him as well as any one—"I beg your pardon Colvin, it is not you I allude to, but this man Colman," that was standing to my right. That was all that passed between us.

873. Then if George Colvin has sworn that he demanded a poll, do you swear that he has sworn untruly? I swear to my knowledge I never heard or saw him demand a poll verbally or in any other way. He came forward at first when Mr. Remmington called out—"I demand a poll for Mr. Laidlaw"; he came forward to the place with others—this was before that sort of row commenced—and Mr. Cottrell was another that came forward. I said—"Mr. Cottrell, do you want to demand a poll for Mr. Laidlaw?" and he said "No." Ryan said "No"; and Colvin was on the left in the same way, and I just looked at him in the same way, and he did not make any answer, but he bowed and never said a word one way or other—never to my knowledge—with the exception of that bow, which I presume was to say it was intended.

874. *Mr. Windeyer.*] It was an assent to your question? I think it was.

875. *Mr. Stephen.*] That would make six? Not at the time. When I asked them to stand to the right if they wished to demand a poll, I presume from his not coming out he had no intention of doing so, that he had given up the idea, as many others did when they foolishly came forward, and when they saw —

876. Does the law require people to stand in any particular spot or position in demanding a poll? I am not aware of any.

877. Then what right had you to ask them to come to any particular spot? Because I could not distinguish them in the hubbub and confusion, and therefore for fear I should make a mistake I asked them to come forward.

878. Were there not a considerable number of persons demanding a poll for Mr. Laidlaw in the body of the hall? Not a soul did I hear say—"I demand a poll for Mr. Laidlaw," except Mr. Remmington—but there was great running about and confusion—I declare solemnly I do not believe there was.

879. How could there have been a hubbub and confusion if there had been no other person but Mr. Remmington —? There were lots running forward in and out when I heard Mr. Remmington call out—"Will you see your old friend Mr. Laidlaw be beaten by this rubbish and fool? You know the old man; you have known Mr. Laidlaw for thirty years." Then some came rushing forward, and then others came forward asking what they meant—did they know what they were doing. Others crying out—"Sit down, fool."

880. If six or seven witnesses have sworn here that there were several persons who demanded a poll from the body of the hall, will you take upon yourself to say that that is not true? No, I could not go to that extent; the great noise alone would prevent my doing that—the row and hubbub and scuffling and everything else. I could not do that—I would not do that.

881. Do you know a man named Mead? No, I do not.

882. If a man named Mead has sworn that he demanded a poll, will you venture to say that he did not? I could not do that, for I never saw Mead to my knowledge—I do not know him, and I do not think I ever knew him, so I could not.

883. Did not Simpson the whole time stand up and make a great noise about demanding a poll for Laidlaw, saying—"I demand a poll for Laidlaw. I demand a poll for Laidlaw"? On my oath he did not. All that Simpson said was this:—A gentleman on the right said—"Tommy Simpson, you do not know what you are doing," and Tommy Simpson said—"I do, sir, well."

884. Will you explain what would have been the sense of that speech to Simpson if he had not been demanding a poll for Mr. Laidlaw? Because I requested those that demanded a poll to go to the right, and Mr. Simpson went to the right.

885. *Mr. Lackey.*] You admit that Simpson, Colman, and the man whose name you do not know, Shipway, and Remmington, demanded a poll? No, I do not say they did verbally, but equivalent to it.

886. You understood it as such? Yes.

887.

887. There was one man went to the right whose name you do not know? There was one of the three that I did not know; I understood at the time that his name was Davis, of Hardwick, but since that I have understood that his name was Mead; but I could not swear whether it was Davis or Mead, for neither of the men have I ever to my knowledge seen before or since. All I can tell you is, that he was a fresh-coloured man, with a little lightish whisker on his face. I. M. Blake, Esq., J.P. 24 Feb., 1870.

888. Did not Colvin, who you stated a few minutes ago had been told his name was not upon the roll, and to whom you apologized, demand a poll? He did not demand a poll. Mr. Rees Jones said "Colvin's name is not on the roll," and I mistook the name Colvin being there before me. I said "Colvin's name is not on the roll." Colvin cried out "I am, sir." I made answer—"I beg pardon; it is not you—it is this man Colman I allude to." That was all that passed.

889. *Mr. Brown.*] Was that before you told those who did demand a poll to go to the right? It was after I told them to go to the right that this took place.

890. Then, after you told Colvin you had made a mistake did he go to the right? He did not; had he done so I would at once have given a poll. I thought he intended it before, but had altered his mind.

891. *Mr. Lackey.*] You did not hear him demand a poll? I did not hear a single one except Mr. Remington, but I took it for granted that those who went to the right intended to do so.

892. *Mr. Windeyer.*] You say there was a considerable amount of confusion? Yes.

893. Then do I understand you to say that having called these people to the right, your attention was more particularly directed to these men that went to the right? Yes, to be sure, because they came to the right.

894. Were you not looking out for people to appear at that spot to the right? It was so close that I could keep my eye on the mob altogether. I may explain that the whole place is the Court House, and across the Court House is a railing where the chief of the mob was; in front of that is the prisoners' box, and in front of that is a table where the lawyers sit; on the left side from the Bench is a gate where the persons come in. The mob that was to the back, and that were sitting on the jury-box, and on the left, when Mr. Remington shouted out "Come forward, come forward" pressed on this left side. On the left side of the table is a little passage; in front of the table between it and the box there is a vacant space; and I said "I cannot distinguish those that demand a poll from the others; those that wish to demand a poll for Mr. Laidlaw come to the right to this vacant spot."

895. You do not undertake to swear, I understand, that Colvin did not demand a poll? Certainly in the row and everything else he might have done so from the mob below without my hearing it; I could not swear to that.

896. Do you know the persons of both the Davises? No. I know James Davis of Mudoonan.

897. This James Davis of Hardwick, you do not know him? I would not know him unless it is the light-complexioned man.

898. You could not—not knowing Davis, of course your attention would not be particularly directed to a person you did not know, in the confusion—you could not say that he did not demand a poll? Certainly I could not in the confusion. He did not at the time I declared Mr. Fitzpatrick elected, or for a minute or so before it, for there was a sort of a lull.

899. *Mr. Brown.*] Have you any doubt that after, as you have explained there was a noise and you said—"Those who demand a poll go to the right," there was no more than the three men you have named—Colvin, Simpson, and the fresh-coloured man whom you have described—went to the right, and that James Davis, senior, turned back after the gentleman on the Bench put up his hand? That is perfectly correct.

900. *Mr. Windeyer.*] Where was Mr. Remington standing, with regard to these three? The first time he was up on the Bench, and afterwards I saw him in the body of the Court down in the mob a little to the left; he was not near them at all. To tell you the truth, what I saw him do was trying to shove the others to come forward—in that way (*describing the action*), trying to urge some to come forward.

901. Do I understand you to say that he was inside the enclosure? They were all inside the enclosure.

902. These three people were not the only persons inside the enclosure? They were all inside the barrier before I asked them to come to the right, to the vacant place.

903. I understand that after that there were other persons still inside the barrier? Yes, lots of them.

904. There was not a general clearing out of all the people inside the barrier, and only these three left? No, they came to the vacant place by the table.

905. There were other persons that you cannot distinguish besides these three? Lots to the left.

906. Do you mean to say that these three got possession of this side of the Court, and that there were no other persons down towards the witness-box? I positively swear it. There were two rows of seats which were filled with electors that were in at the commencement, then there was a vacant spot between the table and here (*describing the position on the table*), and when I asked them to come forward it was from this left side to the vacant spot on the right.

907. Was there no person in occupation of that before you asked the three to go there—how came it to be left clear? This place was fenced off to keep the mob from coming up where the solicitors sit, and where the prisoners are. There were the two jury-boxes that were on the left side that were filled with persons sitting in them.

908. Were not people standing about there—did they all sit? Mr. Brown was sitting, and Mr. Conlon was sitting at the table, and about two or three were sitting on the back seat running from this railing—

909. *Mr. Brown.*] It is a passage between the table and the jury-box? Yes.

910. *Chairman.*] I think you stated that Mr. Remington demanded a poll? He did.

911. He handed you a paper with certain names upon it? Yes.

912. And you laid that paper again on the table? Yes.

913. Are you aware that under the 37th section of the Electoral Act there is a provision that "unless a poll be then and there demanded by some candidate or not fewer than six electors of the electoral district"? Yes.

914. What pains or trouble did you take to ascertain whether the electors whose names you perceived on this paper were electors or not? Not any whatever about these names on the paper, because I called out that it required six electors, and if they wished to demand a poll they should come forward. Right or wrong, I did not take that paper into account.

915. Will you swear that there were not the names of six electors upon that paper? No; I am certain there were. I think there were seven or eight.

- I. M. Blake, Esq., J.P.
24 Feb., 1870.
916. Had you any reason to suppose that these seven or eight upon this piece of paper handed to you by Mr. Remmington were not the names of electors? Certainly not.
917. You acknowledge that you took no pains to discover whether the names of these persons upon the piece of paper were the names of electors or not? I did not, because I did not acknowledge the paper.
918. Why did you not acknowledge the paper? Because there were only seven or eight names on it, without saying what it was for.
919. Do you mean that you did not take notice of these seven or eight names upon this piece of paper because their qualifications were not stated upon it? No, because it did not say whether it was demanding a poll or for turning this man out.
920. Mr. Remmington handed this paper to you? Yes.
921. When he demanded a poll, did he not hand this list of names to you? Yes, he did.
922. Then you did not attend to Mr. Remmington's demand for a poll, or ascertain whether these seven or eight were the names of electors or not? Certainly I did not.
923. You stated that you called upon Mr. Remmington to sit down in the Court House? Yes.
924. And threatened to give him in charge if he did not? Yes.
925. Upon what ground did you make that threat to Mr. Remmington? Because he would not allow the business to go on—with the rowing and disturbance, I could not get him to allow the business to proceed—that was my reason.
926. Was Mr. Remmington doing anything that was contrary to law,—creating a disturbance? I cannot say that he was.
927. Was there any reason to suppose that he was not actively engaged in getting the six electors required by the Electoral Act to come forward and demand a poll? I should say from the shouting that was going on he was doing his very utmost.
928. *Mr. Garrett.*] That was not the time when you threatened to give him in charge? No.
929. *Chairman.*] You have stated that considerable confusion arose from a number of persons crying out "Time, Time! Why don't you declare Mr. Fitzpatrick elected?" and so on? Yes.
930. Are you prepared to swear, notwithstanding this confusion, that six electors did not demand a poll? To my knowledge and hearing they did not, but I will swear positively that the three who came forward and whom I acknowledge to have been there, who would have demanded a poll, did not do so. In the crowd, in the midst of the hubbub, half a dozen might.
931. In reference to the letter you sent to the *Herald*, you state that five persons in your opinion intended to demand a poll? That is my opinion.
932. There is a person named Davis who is not one of the five? Yes.
933. What reason have you to suppose that he was not one of the persons demanding a poll? Because he stepped forward, and without a moment's hesitation, after this gentleman held up his hand, he went back.
934. Without reference to these five men you have alluded to in your letter, or to Davis, who you say came forward and then stepped back, will you swear that other persons in the crowd did not join in demanding a poll? I say to my knowledge they did not. How could I swear to that?
935. *Mr. Windeyer.*] Did this gentleman who held up his hand on the Bench say anything? I could not say. I will give his name, if you please. He only held up his hand.
936. Then you cannot positively swear that Davis's stepping back after his coming forward was anything more than a coincidence, when this gentleman held up his hand, from anything Davis said? No, he did not say anything; only when the gentleman held up his hand he turned up his eyes to the Bench and went back.
937. Where did he go? To the left of the crowd.
938. *Mr. Garrett.*] He went back into the crowd? He went back into the crowd; and what is more, I heard a gentleman talking to him at the back of the crowd when I declared the poll.
939. *Mr. Fitzpatrick.*] The paper containing names handed to you by Mr. Remmington was handed in before he with his voice demanded a poll—was it so? No, it was not; it was handed in just as he came forward. He came forward and said "I demand a poll," and handed me the paper—it was a second after.
940. When he handed you the paper, you said "This is not a demand for a poll"? Not to my knowledge.
941. You only laid it upon the table? That is all.
942. There was no form of words on this list—"I" or "we demand a poll"? No.
943. *Mr. Lackey.*] Do you recollect the exact words Mr. Remmington used when he demanded a poll? I do not think I said anything. All I remember is "I demand a poll," his handing me this paper. I just looked at it in this way, and then threw it in that way.
944. *Chairman.*] "I demand a poll" was said by him when handing you the paper? Yes. He was about five or six yards away. He said "I demand a poll," and stepped forward and handed me the paper.
945. You took that as a part of the proceedings, and after that you said it required six electors to demand a poll? Yes, I said—"It requires six electors to come forward and demand a poll."
946. *Mr. Stephen.*] Did not Mr. Remmington say—"I demand, and these others demand a poll"? He did not to my knowledge, solemnly, say any such thing.
947. *Mr. Windeyer.*] What did you understand to be the object of giving you this paper with six names on it? I understood the names Mr. Remmington had got on this paper to demand a poll, to be the names of those who would demand a poll.
948. *Chairman.*] Notwithstanding you were of that opinion in regard to the intention of Mr. Remmington, you did not take the trouble to ascertain whether these were the names of electors or not? I certainly did not.
949. *Mr. Lackey.*] Was it quite possible for any elector to remove from any part of the Court House, and to get to this particular part of the Court House where you directed the electors wishing to demand a poll to go to—to the right? It would have been, unless any one had held them back by force.
950. The crowd would not have prevented them? No.
951. Supposing any one had been at the door of the Court House, could he have got through the crowd to this vacant place? There were so many going backward and rushing forward that he could have come in any way if he had liked.
952. *Mr. Windeyer.*] Did it not strike you, when this list of names was handed in to you, together with what was said by Mr. Remmington, that seeing there was a crowd, this might be a convenient way of finding out if there were six persons demanding a poll, to ask if these persons whose names were on the paper

paper did demand a poll? It did not. I did not think it was a legal way of doing it; I did not think it was a right way or a legal way of demanding a poll. I. M. Blake, Esq., J.P.

953. You say in your letter here—"I said to him, 'It requires six electors to demand a poll'—whereupon he called out very excitedly—'Come forward, come forward'—when considerable confusion ensued"—Was that confusion caused partly by persons calling out and partly by persons rushing forward? Partly by persons calling out and partly by persons rushing forward. Perfectly so. 24 Feb., 1870.

954. Were not some of these persons who were calling out, not only calling out "Sit down, fudge, you know Mr. Laidlaw won't thank you," but also some of them calling out "A poll for Mr. Laidlaw"? On my oath, no, to my knowledge.

955. What caused the excitement when the people rushed forward and some of them called out "Sit down, fudge, you know Mr. Laidlaw won't thank you, &c."—if some of them did not demand a poll? I never heard the word "poll" from any one's lips for or against, except from Mr. Remington, when he demanded it.

956. *Mr. Brown.*] And your reason for supposing that these three gentlemen to the right demanded a poll was because you had requested those who wished for a poll to come to the right? Yes.

957. *Mr. Stephen.*] I think you said you remonstrated with George Colvin about his name not being on the roll, that you found his name was on the roll, and said "I beg your pardon"—you remember that part of your evidence? Yes; but I did not say that—

958. Must not George Colvin have demanded a poll before you took the trouble of looking at the roll? I never said such a thing; I mistook the name of Colman for Colvin; I knew Colvin to be an elector for years.

FRIDAY, 5 FEBRUARY, 1870.

Present:—

Mr. S. Brown,
Mr. Dodds,
Mr. Garrett,

Mr. Lackey,
Mr. Macleay,
Mr. Windeyer.

W. R. Piddington, Esq., in the Chair.

M. Fitzpatrick, Esq., the sitting Member, appeared on his own behalf.

G. M. Stephen, Esq., appeared as Counsel on behalf of the Petitioner.

James John Brown, Esq., having been sworn, was examined by Mr. Fitzpatrick:—

959. You are the sole proprietor of the *Yass Courier*? I am.

960. Have you lived many years in Yass? Since 1857.

961. Do you remember the last election for Yass Plains? I do.

962. You were present at the nomination? Yes.

963. Will you describe the position you filled? I was reporting there for my own paper.

964. Your position with reference to the Returning Officer and the Court? I was sitting immediately in front of the Returning Officer, in the Clerk of Petty Sessions' box, immediately under the Bench. The box is in front of the Bench.

965. And just facing the dock? Yes.

966. You were in a peculiarly good position to see and hear what took place? I took it as being the best position in the Court House for that purpose.

967. What candidates were nominated on that day? You were proposed first, and after that Mr. Remington proposed Mr. Laidlaw.

968. A show of hands was called for? It was.

969. And declared to be in my favour? Yes.

970. Will you kindly describe, in your own words, what took place after the declaration of the show of hands in my favour? Mr. Remington then demanded a poll on behalf of Mr. Laidlaw, and the Returning Officer told him he would require six electors to do so. Then he got rather excited, and called out to parties at the rear of the Court. He called out, I think, for George Colman, Davie Gill, or M'Gill—I do not know which name is correct—and for Tommy Simpson, to come forward. At the time he did so I kept my eye upon the bar that goes across the centre of the Court House, by the dock—

971. There was some little pressure in the Court? There was a crowd both in the body of the Court as well as at the rear of this bar.

972. Did you see Mr. Remington hand any paper to the Returning Officer? I did not; my back was to him.

973. You did not hear the Returning Officer's reply? No; the moment he called out the names I set my eye on the bar to see who came forward. He called out the names of a number of others to come forward. A man named James Davis, and another of the name of Moore, came forward but went back again. There was Tommy Simpson came forward; he is an orange-seller, bellman, or anything. There was another man who came forward, who after he came forward told me his name; his name was Colman, and there was a third man, but I am not sure of his name at all—a ruddy-faced little man.

974. There were Simpson and Colman to your certain knowledge, and a ruddy man, whom you did not know? No, I never saw the man before.

975. Did you hear the Returning Officer direct those who were demanding a poll to stand in any given place? That occurred after Mr. Remington became excited and went off the Bench and hunted up persons to come forward; and the Returning Officer told all those who wished to demand a poll to stand to the right of the place where I sat.

976. Therefore you were in a good position to see what took place? None could be in a better position to see.

J. J. Brown,
Esq.

25 Feb., 1870.

- J. J. Brown, Esq.
25 Feb., 1870.
977. You saw how many came forward to this place? Three only came, whom I have named—Simpson standing at my right.
978. You are positive of that? Yes—Simpson to my right, this ruddy man in the centre, and Colman on the outside. Colman came and volunteered his name to me.
979. When so standing were they removed about a yard from you? Not so much; they were by the rail round the boxes.
980. What was the distance between these three people as they stood? Not a foot; they were standing in a row, close together.
981. If they had addressed any remark or question to the Returning Officer in an audible voice, could you have heard it? If he could have heard it, it must have passed me to reach him; in fact I called to Simpson to go back, and said Mr. Laidlaw would not thank him for it, and asked if he knew what he was about.
982. As a matter of fact did Simpson demand a poll? He did not, nor did either of the three.
983. You are clear about that? I am.
984. They could not have demanded a poll without your hearing it? They could not; I must have heard it, and I should have taken a note of it if I had.
985. At the time these three men stood in front or to the right of you, where was Mr. Remmington? He went up to the Bench; after that he came down, and when he returned to the Bench he called out to the friends of Mr. Laidlaw to come forward—he called out in a loud voice to the friends of Mr. Laidlaw to come forward and demand a poll.
986. Mr. Shipway was on the Bench with him? Mr. Shipway was on the Bench with him, and I did not see him leave the Bench at all.
987. Then you inform the Committee that, including Mr. Remmington and Mr. Shipway, there never were more than five at any one time demanding a poll? The calculation I made was very simple, and I mentioned this at the Court House door, and to the Returning Officer. There were three in the front of the Bench, and two on the Bench; he told me afterwards that was the way he reckoned it, and I told him I did the same when we came out of the Court House door; in fact I remained behind a little and filled the writ for him; he asked me if I would, and I did so.
988. Will you kindly inform the Committee what length of time elapsed, in your estimate, from the Returning Officer declaring the show of hands in my favour, until he declared me to be returned—what time was occupied at this so-called demand for a poll? I should say it might have been any time between seven and eight minutes and a quarter of an hour—it must have occupied a great deal of time, for a great deal was done in the time—there was an immense deal done.
989. It might have extended to fifteen minutes? I should say anything over ten minutes, either one way or the other; it could not possibly have been less.
990. During that time did you hear any of my Committee, or anybody, urge the Returning Officer to declare the poll? I did; among others, I said that sufficient time had elapsed, and I heard others on his right telling him the same thing.
991. It occurred to you that he was giving more time than was needful? That he was giving more time than was necessary. The three men had been standing a considerable time in front, and no others came to join them.
992. Did you see me interfere in any way, either to expedite or to retard the proceedings? No, I do not think you got off your chair; you were seated some distance at the rear of the Bench.
993. Do you remember the Returning Officer interfering to suppress or to quiet Mr. Remmington? Distinctly.
994. Do you remember what Mr. Remmington said or did? He ordered him not to interrupt you so frequently as he was interrupting, and then he turned to the senior constable Hackett, who was standing just at the corner of the Bench, and told him if Mr. Remmington continued these interruptions he had better take him in charge; his own words were—if he heard him interrupt you once more to take him in charge.
995. To your knowledge, did the Returning Officer give him in charge? No, that was all. In fact, I thought the Returning Officer did a little more than he had a right to do in even threatening to give him in charge.
996. If Mr. Remmington has sworn that he did give him in charge, that he really was in custody, has he sworn truly? Decidedly not.
997. In fact, after the time that Mr. Remmington alleges he was in custody he was running up and down about the Court House to get voters—is that so? Yes, both before and after it took place.
998. You have said the three persons in front never demanded a poll? No.
999. Did Mr. Shipway demand a poll? No; I must have heard him if he had.
1000. Did you hear any other besides Mr. Remmington? No others to my knowledge. I believe no others did; in fact I am sure of it. Mr. Shipway was sufficiently far away to have made me hear if he had demanded a poll, if the Returning Officer had heard him, for I was just under him. There were several people between Mr. Shipway and the Returning Officer; and if Mr. Shipway had demanded a poll at all, and the Returning Officer had heard him at all, I must have heard him.
1001. Do you know the man Davis at all? Senior—the father? I saw him go back.
1002. That was after the Returning Officer required those who demanded a poll to go to the right? I think it was before.
1003. Did he, as a matter of fact, stand with the others? No.
1004. Did he demand a poll? He did not; he did not get so far. I went over to him as he was approaching the box, and I asked him if he knew what he was about; and said Mr. Laidlaw would not thank him. Mr. Collis then came forward, and I left him in his hands, and went back to my reporting. I then saw Davis go back.
1005. You yourself were in communication with Mr. Laidlaw as to his standing? Long before he left town I was urging him to stand.
1006. And afterwards? Yes.
1007. You received something from him, I believe? From Mr. Allman. I received a telegram from him, addressed to Mr. Allman, who was unwell, authorizing him to put his name on your requisition.

1008. That you showed me? Yes. Mr. Allman sent it to me, and I put down Mr. Laidlaw's name.
1009. You declared that fact at the nomination? Yes. I also told them that I had received a private letter from Mr. Laidlaw, and that under no circumstances would he sit.
1010. Did you hear me declare at or from the hustings the nature of a conversation I had with Mr. Laidlaw in Sydney? Yes, one that you said had taken place almost immediately before you left Sydney.
1011. Did I not say that he had told me he would not sit? Yes.
1012. What then occurred? Mr. Remmington interrupted you, and said all these things were lies. I then interrupted him, and told them that I had received a private letter from Mr. Laidlaw to the same effect.
1013. If Mr. Remmington has sworn that at the time he demanded a poll for Mr. Laidlaw he did not know that Mr. Laidlaw had positively declined to sit, has he sworn untruly? He altered his speech when he was told of it. He stopped speaking when he was interrupted by me, and instead of saying Mr. Laidlaw would sit if elected, he turned and said he did not mind—there was not a doubt that if the electors would return Mr. Laidlaw he would sit.
1014. You were one of the Committee that acted for me? Yes.
1015. And you knew in that capacity that Mr. Laidlaw would not sit? Yes; and I had received private letters myself, and had seen private letters to others, stating that he would not sit.
1016. You know also that it was in consequence of his direct action that I was put in nomination? Yes.
1017. Have you had any conversation with Mr. Remmington, before or after the nomination, about the election? Yes, before; I have had very little conversation with him since.
1018. Had you any conversation in your office? I remember him telling me once, as far as I was concerned I ought not to oppose this opposition, as it would put money in my pocket.
1019. You made some reply to that, I suppose? I said I did not care for putting money in my pocket in that manner.
1020. You understood from Mr. Remmington speaking to you about putting money in your pocket that he had some motive in demanding a poll or in having a poll? No; he seemed to imply that I had a motive.
1021. He said to you, at all events, that you should not have objected to a poll, because it would put money in your pocket? Yes. The only inference I could draw from what he said was, that if a poll were granted the parties would continue advertising and printing, and benefit me, and that because it would benefit me I should assist him in demanding a poll.
1022. *Mr. Stephen.*] I suppose there is no doubt that you would have benefited much more by a contest than Mr. Remmington? I do not know what object he had; he might have had some object of deriving benefit; I do not know his object; it would have put money in my pocket; I do not know what it would have done for him.
1023. If the Returning Officer has sworn that he considered there were five demanding a poll—which is correct—you or he? I have said the same thing; I have said there were five —
1024. Demanding a poll? Not at all; we all knew they were there for the purpose, but they did not demand a poll.
1025. Do you consider then that these people were standing there for the purpose of making a spectacle of themselves—or for the purpose of demanding a poll? I knew perfectly what they came forward for.
1026. Was there a considerable noise and hubbub going on at the time? Of course there was.
1027. Could you say in the midst of the noise and hubbub that was going on—could you detect whether a particular person spoke or not? In the Court House there is a large table between the Bench and the dock, and between the table and the box where I sat there is a large space, and it was here these men were; there was no crowd there at all.
1028. Do you mean that these people did not demand a poll before they came up? I say they did not demand anything.
1029. Before they came up there, had you your eyes upon everybody in the hall, and your ears open to catch what fell from every tongue, before these people came up? I was there for the purpose of doing it, and not only to hear it myself, but to take down in writing what I saw and heard.
1030. Will you swear that these three people did not, before they came to this place, demand a poll? I swear distinctly they could not have done it before, for they were at the back of the Court, and they were under my eye when they were there, and as they approached this place.
1031. How far was it from the back of the Court to where you were sitting? I cannot tell you the dimensions. From the bar of the Court House to where I was sitting was about one-third of the length of the Court House.
1032. I am speaking of where they were sitting from where you were sitting before they came forward? About one-third of the length of the Court House, behind or about the bar of the Court House they were sitting—the bar that runs across the Court House.
1033. Do you wish the Committee to understand that you are swearing they did not when in that spot demand a poll? There was no poll demanded, no voices from that part of the Court demanding anything in the shape of a poll. There were a good many cheers and hurrahs for Laidlaw, but no demanding a poll after the Returning Officer said this. There was only commotion in trying to get parties to come forward.
1034. If seven witnesses have sworn that there were several persons in the body of the hall demanding a poll —? I do not care what others say; I swear distinctly —
1035. Is that untrue? I say it is untrue. I should have heard it if they had.
1036. Do you know George Colvin? Yes.
1037. Did he demand a poll? I never saw the man at all. I heard his name called, and at the time his name was called I fixed my eye upon the part of the Court where I expected them all to come from —
1038. You never heard him demand a poll? I never saw him at all.
1039. Did you ever hear any person say—"Your name is not on the roll"? No.
1040. All which had taken place without your knowing it if the Returning Officer had said so to him? It is quite possible the Returning Officer might, as I think he shifted his position on the Bench once or twice.
1041. You think he might have said so without your hearing it? Yes.
1042. And yet you are confident that no person in the body of the hall called out and demanded a poll without your hearing it? You know as well as I do, Mr. Stephen, that the Returning Officer could bend over the Bench and whisper to any one without my hearing it.

J. J. Brown,
Esq.

25 Feb., 1870.

- J. J. Brown, Esq.
25 Feb., 1870.
1043. Was there any whispering? I could not tell. My back was to the Returning Officer. I sat immediately under him, below the Bench, and could not see what was going on there without standing up and turning round. He might have done fifty things without my seeing him; and persons might have spoken to him on the Bench without my seeing or hearing them.
1044. You said you were confident Mr. Shipway did not demand a poll? I am perfectly sure of it, unless he did it in a very low voice.
1045. Did he not second Mr. Laidlaw's nomination? Yes.
1046. If he has sworn that he demanded a poll, and Mr. Blake has admitted that he did, do you think you are right and they are wrong? I say I believe I am right, and I do not care what any one else has sworn.
1047. *Mr. Windeyer.*] Will you swear that Mr. Shipway did not demand a poll? If he did he did so in a low voice, and he was not speaking in a low voice before—he was shouting.
1048. All the speaking you did hear him utter was in a loud tone of voice? In a loud tone of voice; in fact I reported it. One of the speeches I reported fully, every word of it.
1049. *Mr. Stephen.*] You know Charles Colman? The only words he uttered when he came forward were to tell me his name.
1050. Did you hear him demand a poll? He did not demand a poll.
1051. Did you hear anybody say to him that his name was not on the roll? Mr. Rees Jones I think I heard say so; I heard it up above me.
1052. How do you account for Mr. Rees Jones saying his name was not on the roll, if he were not demanding a poll? He saw him there as I did, and he knew what the man was there for.
1053. He never demanded a poll? He did not demand a poll. He never opened his lips with regard to demanding a poll, and not one of these three did, for they were under my eye the whole of the time.
1054. You say your eye was directed to the right of you —? They were all in front of me.
1055. *Mr. Windeyer.*] Were you sitting where the Deposition Clerk sits? Yes.
1056. In some cases they sit sideways to the Bench? No, my back was to the front of the Bench.
1057. The Bench was behind you? Yes; and I would have to stand up to speak to any one on it. I could see everything in front of me, but to see what was going on on the Bench I had to stand up.
1058. *Mr. Stephen.*] You say these three individuals were directly in front of you? Exactly; Tommy Simpson and the little man to my right, and then the other.
1059. Where was Mr. Remington at that time when they were together? I told you that he was partly on the Bench and partly running about on the floor of the Court House.
1060. Did you ever see him at all near the witness-box? Not near the rest—the witness-box was between the desk where I was writing and the entrance to the Bench.
1061. If he and three or four others swear that there were four to the right, are they correct or are they not? He did not come near the other parties. Simpson was a little to the right, the little man was a little more to the right, and Colvin was standing here (*describing the positions on the table*), and no person was in a better position than I, and no person was more watchful than I to observe what took place, for I was anxiously watching it.
1062. As to the time that elapsed, you say that there was a great deal done in the time—that there was too much time consumed—How was the time consumed? First of all a poll was demanded, then these parties were called from the back of the Court House; they were called several times and did not come; the only one that came forward was Simpson—I think he was the only one—and then there was Colman, and Colvin, and Gill, or M'Gill, and others, then there was James Davis, the one called senior, was coming forward and he went back again; Moore was coming forward and he went back again. These men were afterwards ordered to come forward and to stand in front of where I was sitting, and they stayed there for several minutes, in fact sufficiently long for this man to come forward and tell me his name. Mr. Remington then went running over the Court House to secure other voters, I suppose, then he went on the Bench again a second time—I think the time was far more than sufficient.
1063. Could not all that be done, moving backwards and forwards, and in and out, in three or four minutes? No.
1064. If seven witnesses have sworn —? It is not a bit of use threatening me with what others have sworn. It does not matter to me what others have sworn.
1065. I am not threatening you, but am speaking about the accuracy of your memory. If seven persons have sworn that the whole period could not have exceeded five minutes, are they all wrong and you right? As far as my judgment goes I am right, and I do not care what they say.
1066. What were the interruptions of Mr. Remington for which the Returning Officer threatened him? I thought they were very fair; I thought Mr. Remington had a perfect right to say as much; I thought the Returning Officer's interference was very objectionable, that he had no right to do it.
1067. He told the constable, if Mr. Remington again interrupted him to take him in charge? Yes.
1068. *Mr. Fitzpatrick.*] This was all before the so-called demand for a poll? It was at the time you were speaking.
1069. *Mr. Brown.*] From the time that the show of hands was declared, had Mr. Remington perfect liberty to run about the Court House, and to get as many persons to come forward as he pleased? Yes, he was doing so.
1070. You were between these three persons to the right and the Returning Officer? Yes.
1071. Therefore in order that the Returning Officer might hear, the sound must have come over you? Yes, he could not have heard them say anything without the sound of their voices passing me. They were on a level with me, and would have to look up to the Bench.
1072. *Mr. Lackey.*] Did you notice any paper handed by Mr. Remington to the Returning Officer? No, I did not see it.
1073. You were sufficiently close to him? My back was to him, and any thing occurring on the Bench I could not see.
1074. Would it have been possible for Mr. Remington to have handed in a document of that kind without your knowledge? He could have done so.
1075. Was he on the Bench when he made a demand for a poll? When he made a demand for a poll, and he then went off for a considerable time, and went back again.
1076. Would it be possible for a written application to be made to the Returning Officer containing the names of seven or eight voters without your seeing it? Yes.

1077. *Mr. Windeyer.*] Is it possible that such a thing as handing up a paper to the Returning Officer took place without your seeing it? It could not have been handed up from the floor of the Court, but any one on the Bench was on a level with the Returning Officer, and might have handed it to him without my seeing it.
1078. You did not see this, nor hear any conversation at the time that such a thing was done? No. That might have occurred at the moment I left the box to try and induce this man Davis to go back. I left the box about half a minute, and asked Davis if he knew what he was about. Mr. Colls was another who came forward to him, and repeated the same thing to him, and I then went back to attend to my reporting.
1079. *Mr. Lackey.*] Do you recollect what it was that caused these three men to go into that particular part of the Court House, to this compartment in front of the Bench? The Returning Officer directed all those who wished for a poll to stand to the right.
1080. Then you understand that those persons who came forward towards this place were those who desired a poll? That was after Mr. Remington had demanded a poll. Then there was a considerable amount of confusion, and he began calling out names, and I was watching from the box where I was sitting, and as some came forward I saw that others went to prevent them. In the midst of the confusion, the Returning Officer said the words that have been referred to,—that it was impossible for him, in the confusion, to see who wished for a poll, and he desired those who did so to stand to the right, and then these three men came forward, the only men that did stand to the right. Between the bar and the Bench there is a large table, and between this table and the Bench there is a space which is always unoccupied, and it was to this place they were requested to come.
1081. I suppose there was the ordinary confusion that prevails at election meetings? Yes.
1082. Did you see a struggle among different parties, some striving to come forward and others to keep them back? No, there was no struggle; all that occurred was, that I laid my hand upon Davis and —
1083. *Mr. Windeyer.*] Did you not say that some went to prevent others coming forward? I will explain —
1084. Did you say so? I said so, to some extent. There were two besides myself went forward. I went to this James Davis, and I urged him not to come forward to be one of the six. Then Mr. Colls came, and knowing that Colls knew the man better than I did, I went back to attend to my report. While that occurred, this man Moore was coming forward, and a man named Hasselt. I told him Mr. Laidlaw did not want to be elected, and just as this occurred a man named Hasselt came forward, and said—“Now, Paddy, you don’t know what you are about; Mr. Laidlaw does not want to stand”; and Moore turned back. There was no violence of any sort used—nothing of the kind in the shape of forcing the thing to be done. As in the case of Davis, Hasselt had known Moore many years, and he simply prevailed upon him not to carry out his intention. I heard afterwards that Moore intended to come forward and to demand a poll, but that Hasselt prevailed upon him not to do so.
1085. What did Colls say? I cannot say, for I came away when he came up; he laid his hand upon his shoulder, as I had done, and took it away.
1086. What was the object of putting your hand on his shoulder—to expostulate with him, or to prevent him by force from coming forward? Not by force—there was no force used.
1087. You say you were reporting—Were you taking shorthand notes, or ordinary notes? I frequently mix them.
1088. I do not ask you what you frequently do—What were you doing on this occasion? I cannot say; I generally do mix short and long hand.
1089. What were you doing? Reporting.
1090. How were you doing it? I should say mixing, as usual. I do not invariably report, indeed I very seldom report as I keep a reporter, but on this occasion I had sent him to Burrowa, the Lachlan election having occurred on the same day. I am rather out of practice in shorthand myself, indeed I can sometimes write longhand more quickly than shorthand.
1091. Which were you doing most of that day? My memory will not serve me. I should say just as formerly—I mixed the two.
1092. You say you spoke to Simpson and asked him if he knew what he was doing—expostulated with him? He is a man I do not usually speak to.
1093. I do not ask you what you usually do—You did speak to him? I called over to him from where I sat—“Tommy, Mr. Laidlaw does not want to be returned.”
1094. Simpson notwithstanding remained there? Yes, he did.
1095. Was that before or after Davis was coming forward, and you went to him? It must have been after, I think. I think so because they were standing there a very short time when Davis was coming forward, in fact, in response to the Returning Officer’s request.
1096. How long were they standing there? I should say from eight to ten minutes; if I fixed the time, I think it must have been that.
1097. What was going on during the time? The Returning Officer was sitting up above. I do not know what was going on above me, but Mr. Remington was up and down in the Court.
1098. What was your object in going forward to Davis? Certainly to try to get him back again; he is a man I have spoken to repeatedly.
1099. In fact your efforts were generally directed to prevent there being a poll? Yes, certainly. I was aware that Mr. Laidlaw had done many kindnesses to this man, and I thought if I mentioned to him that Mr. Laidlaw did not wish to be elected it would prevent him and others from coming forward.
1100. Did you see the show of hands take place? Yes.
1101. Were there any held up for Mr. Laidlaw? Yes.
1102. How many should you say? I would not be very sure of the number at all.
1103. How many—one, two, three, ten, twenty? I would not like to swear it; but it is running strongly in my mind that I counted only seven in front of me, but I am not sure whether I am confusing this with some other counting. I have not the remotest idea, but it is running in my mind that I even published it.
1104. You could not undertake to say at all? I could not.
1105. You could not even give us an idea of the number held up for Mr. Laidlaw? No, I have not a remote recollection of it now.

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1106. Was there not considerable excitement after the declaration of the show of hands in favour of Mr. Fitzpatrick in the place? The excitement occurred principally after the declaration of the poll—not after the show of hands. There was not an enormous amount of excitement until then.
1107. Was there not considerable excitement, people rushing about, and calling out various cries? During the speaking the excitement was as I have described.
1108. Were there not cries then at that time? No, I do not think so.
1109. No cries whatever? Not to speak of.
1110. Were there not any? Not to speak of. There were a great many during Mr. Remington's speech—a strong expression of opinion during his address, and also on the proposal of his name (*qy.* Mr. Laidlaw's) as a candidate, every time his name was mentioned.
1111. Mr. Remington at one time was on the Bench and then he went down to the body of the hall—What did he go the body of the hall to do? My impression was that he went to find the men who had not come forward in answer to his calling. Before he went down the second time he called out—"All those in favour of Mr. Laidlaw come forward."
1112. Was there not at that time a considerable amount of noise in the place? Not nearly as much as there had been during the other part—
1113. I am not asking you that. Was there a considerable amount of noise in the place? I should not say so.
1114. Could you not tell us the nature of the cries? There was no necessity for cries.
1115. Were there none—were there not cries of "fudge," "nonsense"—? These occurred during the speaking.
1116. Do you mean to say that there were no cries of that kind during the time that Mr. Remington was trying to get the electors to come forward? I am not aware of any, but I cannot see the necessity for cries then.
1117. Was there perfect stillness? No, there was the usual amount of commotion, but no distinct cries; there were no persons speaking.
1118. Were no persons crying "Hurrah for Laidlaw!" "A poll for Laidlaw!"? That occurred previously.
1119. Were there none at this time? None. Possibly there might have been a cheer when Mr. Remington called out for those who were in favour of Mr. Laidlaw to come forward.
1120. You said, I think, that you heard no conversation between the Returning Officer and George Colvin? No.
1121. Will you swear none took place? No.
1122. Do you mean to tell us that you are perfectly positive that there was no cry of "A poll for Laidlaw!" anywhere in the crowd? I would not say there was not from the crowd.
1123. Did you not say just now that there could not have been without your hearing or noticing it? I say so now.
1124. Which answer do you mean? I mean if it had occurred I must have heard it, but I would not say that it did not occur.
1125. Do not you think that if a conversation took place between the Returning Officer and Mr. Colvin that escaped you, other things also might have escaped you? I can explain how that was. I have heard since that Colvin was standing by the witness-box, and if the Returning Officer had to speak to him there he would have to bend over.
1126. You assume that he did bend? He could not have spoken to him without my hearing it unless he did bend over.
1127. If he spoke standing upright, you never heard Mr. Shipway demand a poll? I am positive he did not, unless in a low voice; he did not do it in as loud a voice as that in which he delivered his address.
1128. Was he generally speaking loud and demonstrative? No, he was rather quiet in his speech.
1129. Was he speaking in a loud tone of voice? He was heard distinctly in the hall I should say. I heard him distinctly, very distinctly.
1130. Do you know both Davises? No, I only know James Davis of Muntoonan.
1131. Do you not know the other James Davis? No.
1132. Do you know a man named James Mead? Not by name; I might know the man by sight without knowing his name.
1133. Then not knowing these two people, you will not swear that they did not demand a poll? I will swear distinctly that only these three came forward.
1134. You confined your observation of the people who demanded a poll to the people who were in this position? If they stood in front of me I could tell.
1135. You could only speak of those who were in the position of these three? No, I had the whole Court House before me, with the exception of those who were sitting on the Bench or crowding about the approach to the Bench.
1136. Suppose James Davis and James Mead, whom you do not know, have sworn that they demanded a poll, have they sworn what is untrue? Unless they did it on the Bench, and did it in a low voice, I would say they did not. I can say distinctly they did not do it from the Court House floor and show themselves.
1137. The question is whether, if two men whom you do not know have sworn that they demanded a poll, you will contradict them? To this extent—it might be a call from the body of the Court, and I have no recollection of it.
1138. You say James Davis went back—Where did he go back to? I do not know how far he went back; the moment I saw him go back I took no further interest in the man. I did not want to see where he went to.
1139. You believe the cause of his going back was your putting your hand on him? No; I spoke to him, and left him in the position where I found him. I left Mr. Colls with him. I did not put my hand upon him in the way of intimidation.
1140. *Chairman.*] Were you one of the supporters of Mr. Fitzpatrick at the last election? Yes.
1141. Were you on his Committee? Yes.
1142. Did you take an active part to promote his election? There was no active part taken.
1143. Did you take an active part to promote his election? I did not. I was simply one of those who originally were consulted with regard to his being accepted as a candidate.
1144. Do I understand you to say that you left your place in the Court House to prevent the electors coming

coming forward? To urge them not to come forward—not to prevent them. My impression was—I knew that Mr. Laidlaw had assisted the man—that if I told him Mr. Laidlaw did not desire to be returned, he would not come forward.

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1145. Were you successful in your object? No; I left Mr. Collis with him.

1146. Will you swear that the person you endeavoured to prevent coming forward did not demand a poll? I will swear he did not, unless he called out from the back of the Court House afterwards.

1147. You will not swear that he did not demand a poll? Not until he went back.

1148. Will you swear that he did not demand a poll? I can say that my recollection does not enable me to say that he did. I do not remember one single person who did so from the back of the Court. It is within the range of possibility that it might have been done without my hearing it; but I did not hear it, and I do not believe it was done. I know he did not do it upon coming forward. I know he went back without doing it; I am sure of it.

Mr. Michael Conlon, having been sworn, was examined by Mr. Fitzpatrick:—

1149. What is your profession? I am correspondent of the *Southern Argus*, Goulburn, and am stationed at Yass.

Mr. Michael
Conlon.

1150. You were present at the last election for Yass Plains? Yes.

1151. In what capacity? As Reporter for the *Southern Argus*.

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1152. What part of the building did you sit in with reference to the Returning Officer? Right opposite to the Returning Officer.

1153. With your face to him? Yes, at the table.

1154. Close under the Clerk's Bench? On this occasion the table was moved back towards the prisoners' dock, so as to give a space in front of the Clerk of Petty Sessions' box. Dr. Blake was right over the Clerk of Petty Sessions' box, on the Bench.

1155. A show of hands was taken? Yes.

1156. And declared to be in my favour by the Returning Officer? Yes.

1157. According to your memory what took place then? When he declared the show of hands to be in your favour, Mr. Remington then handed the Returning Officer a slip of paper, saying, "Here are the names of persons who will demand a poll for Mr. Laidlaw," or words to that effect. I am not confident of the exact words.

1158. He handed to the Returning Officer a slip of paper? Yes; the Returning Officer I think looked at it and read it.

1159. Did you hear what he said about the piece of paper? No.

1160. Were you near enough to see the paper? I saw the piece of paper, but I was not near enough to see the names.

1161. The Returning Officer then did what? The Returning Officer called for the electors who wished to demand a poll for Mr. Laidlaw to go to the right.

1162. How many electors went to his right? Four, I think.

1163. Do you know who they were? Simpson, Colman, Colvin, and somebody else I do not know.

1164. Did they all remain there? No; one went away.

1165. You cannot say who? I do not know who. I think it was Davis who went away.

1166. There were two men named Davis—was it Davis senior or junior? It is not Davis senior or his son; it was a labouring man.

1167. *Mr. Windeyer.*] It was not Davis, of Muntoonan? No.

1168. *Mr. Fitzpatrick.*] Then one of the four left? Yes.

1169. And there eventually remained to demand a poll how many? Three. The Returning Officer called out three or four times for electors demanding a poll to come to the right.

1170. How far from the three men so standing were you? Not so far as I am from that gentleman (*on the opposite side of the table.*)

1171. There was a small table between you, not so large as this? There was not much difference in the width of it.

1172. Do you think it is possible that any of these three men could have demanded a poll while so standing, without your hearing them? No, it was impossible; and as a matter of fact they did not demand a poll—not one them.

1173. Only the three remained? Yes.

1174. You were in sight of the Bench as you sat? Yes.

1175. Was Mr. Remington on the Bench at the time, or about the time these men were standing there? He was going in and out of the Court House.

1176. Do you know for what purpose? To try and get the electors to come forward.

1177. To complete the six? Yes.

1178. You could see Mr. Shipway? Yes; he was on the Bench near the steps.

1179. He never left the Bench? To my knowledge he never left the Bench; he was standing behind Mr. Thomas Barber.

1180. The gentleman who seconded my nomination? Yes.

1181. I think I was on the immediate left of the Returning Officer, Mr. Barber on my immediate left, and Mr. Remington stood in front when he spoke, and then Mr. Shipway? I would not say where Mr. Remington was; I know Mr. Shipway was behind Mr. Barber.

1182. Will you charge your memory as to what time elapsed between the declaration of the show of hands in my favour and the declaration of my election—I mean the time occupied in the so-called demand for a poll? I should say about eight or ten minutes—I should rather think more of the two; if anything it would be more.

1183. Were there any persons addressing the Returning Officer to urge him to declare me elected? Yes; the electors called out "Time, time," meaning by that, that the electors were demanding that the election should be declared.

1184. What did you understand by the call "Time, time!"? That the electors would not come forward, and that he should declare you the Member—that the Returning Officer should not give Mr. Remington his own time to bring the electors forward—that he had allowed them quite long enough.

1185.

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1185. Was Mr. Remmington violent in his demeanour on one occasion? I think on a couple of occasions,
1186. Was that at the time I was speaking, or at the time of the so-called demand for a poll? While you were speaking.
1187. Did you hear what the Returning Officer said with reference to his violence? Yes, he called on him twice to keep order; and the last time he said if he would not keep order he would give him in custody, and he told the constable to keep order.
1188. Did the Returning Officer commit Mr. Remmington to custody? No, he did not.
1189. As a matter of fact, after he told him if he made any more noise the constable should take him into custody, Mr. Remmington was running up and down the Court? Yes, it was while you were speaking.
1190. There was no pretence of putting Mr. Remmington in custody when the poll was demanded? No.
1191. He was particularly active at that time? Yes.
1192. Had you any conversation with Mr. Remmington just before the election? Yes, I went into the Court House —
1193. Just before the nomination? Yes.
1194. What was the nature of it? I was walking up to the Court House with your Committee; I was standing near you, and Mr. Remmington was beyond, near the Court House —
Mr. Stephen objected to the question.
Question withdrawn.
1195. Were you present when some conversation took place between Mr. Hasselt and old Mr. Moore? Yes.
1196. What was the nature of it? I do not know that I could call it a conversation. Moore was going forward and Hasselt called him back again. "Where are you going? Don't make a fool" or a "damned fool"—I am not sure which—"of yourself; come back here."
1197. Was there any attempt at forcible detention? No, he did not put hand on him—Mr. Hasselt was closer to me than that chair.
1198. There was no attempt at coercion? Not at all.
1199. *Mr. Stephen.*] I believe you were honorary secretary to Mr. Fitzpatrick? Yes.
1200. *Mr. Fitzpatrick.*] To my Committee? Yes.
1201. *Mr. Stephen.*] Do you remember where Mr. Brown sat? Yes, he sat right opposite where I sat—he sat with me in the box belonging to the Clerk of Petty Sessions.
1202. Whatever you heard he ought to have heard too—must he or not have heard what you heard? I should be inclined to say he could; he had the same opportunity, unless he was busy, or taking more notes than I was.
1203. Did Mr. Remmington hand the Returning Officer this list of names in any secret or private manner, so that only you could have seen it, or ought Mr. Brown to have seen it? I do not know that Mr. Brown could have seen it, for his back was to the Returning Officer.
1204. *Mr. Windeyer.*] Who were the three persons you saw standing there—the men you mention as remaining to the right hand of the Returning Officer? Simpson, Colvin, and Colman.
1205. You are certain about those three? Yes.
1206. These three did not go away? No.
1207. They remained there? Yes.
1208. Four originally came up? Yes.
1209. Of whom these three remained? Yes.
1210. Of the four who came up do I understand you to say you are certain one was not James Davis, of Mudoonan? James Davis, of Mudoonan, never came there.
1211. You do not know the other James Davis? No, I only know he was called by that name; but James Davis, of Mudoonan, I do know.
1212. Then you do not know who the man was that went away? I could not say.
1213. Have you since been told that this man was James Davis? I do not know him; some say it was Mead.
1214. You have not had him pointed out since, and been told—"that man is James Davis"? I have not seen him since.
1215. Then you understood that Simpson, Colvin, and Colman, were standing all three together, for the purpose of demanding a poll? According to what the Returning Officer said, he called upon those who demanded a poll to stand to the right.
1216. You understood that these three individuals were there for that purpose—in answer to the invitation of the Returning Officer, that they presented themselves as demanding a poll? I could not say.
1217. What were they there for? The Returning Officer called out to them to come to the right, and these came there.
1218. You are certain the three men who came are Simpson, Colvin, and Colman? Yes.
1219. You have no doubt whatever about these three men? No.
1220. You knew them before? Yes, I knew two of them.
1221. You did not know them to speak to, but you knew them by sight? Yes, long before.
1222. Did you see Shipway demanding a poll? No, he did not.
1223. When you say he did not demand a poll, do you mean that he neither did it by word of mouth nor by action? I do not know how he could do it by action, unless he came forward to the right, the same as the others.
1224. Did you see him at all during the time these three men were together? Yes, I saw him above Mr. Barber, on the stage.
1225. What was he doing? He took his position there throughout.
1226. What was he doing throughout? He came forward to second Mr. Laidlaw's nomination, and then went back to his place and stayed there.
1227. Then he was in the same place when these three men were down below? He was standing just at the corner of the Bench.
1228. Was he not saying anything? He was not saying anything loud enough that it could be heard, only when he was speaking.
1229. Will you swear that he did not speak to the Returning Officer at the time these three men were down below? I will swear that he did not speak in an audible voice to me.

1230. That is not an answer to my question. Will you swear that he did not speak to the Returning Officer in a voice audible to him? Yes, so far as demanding a poll goes. Mr. Michael Conlon.
1231. Answer my question. Will you swear that he did not speak in a voice audible to the Returning Officer, whatever the words were, at the time these three men were down below? Yes, I will swear; for if he had said anything audible to the Returning Officer it must have been audible to me. 25 Feb., 1870.
1232. That is an argument. Will you swear that he did not? It is a very hard oath to swear.
1233. Of course I know it is very difficult where there is some excitement and confusion—some people saying one thing and some another—but I want to know whether you are so confident of your opinion and your own observation that you will swear that, during the time these three men were down below, he did not say anything to the Returning Officer of any kind? I would rather say he did not.
1234. The question is, not which way your opinion inclines, but will you swear it? He might have said something to the Returning Officer without either he or I hearing it.
1235. Loud enough for the Returning Officer to hear it? No, he did not; I will swear it, because if he did I must have heard him.
1236. That is your reason? He never said it loud enough for the Returning Officer to hear him.
1237. That is your reason, because you did not hear it? No.
1238. What is your reason then? If he had said it loud enough for the Returning Officer to hear it, any one in the Court would have heard it; he did not speak in a weak voice.
1239. Were you reporting in shorthand? No.
1240. You do not write shorthand? No.
1241. Were you taking notes of what was going on at the time, as well as you could? No.
1242. What were you doing? Looking towards the Returning Officer and the men who came forward. I did not take notes from the time that Mr. Fitzpatrick finished speaking.
1243. What was Mr. Remington doing at the time these three men were down below? I say he was walking in and out of the Court House. I cannot say what he was doing after he passed the bar that runs across, dividing the body of the Court from the lower end of it; but I know he was walking in and out, and going through to the body of the Court House.
1244. Was there not at that time a considerable amount of confusion? No.
1245. Was there nothing being said? There were several calls made for the Returning Officer.
1246. What kind of calls? "Time, time!"
1247. Nothing else? The Returning Officer was calling out.
1248. What was he calling out? Even after several electors called "Time, time!" he was calling people to come forward.
1249. Were there no other cries than cries of "Time, time!"? Not till after Mr. Fitzpatrick was elected.
1250. Were there not cries of "Hurrah for Laidlaw!" "Fudge!" "Nonsense!"? Mr. Remington called for cheers for Laidlaw, but the people did not cheer.
1251. Do you mean that nobody cheered but Mr. Remington? No, not at that time; at the beginning they did cheer very much every time his name was mentioned.
1252. Will you swear that no one called "Hurrah for Laidlaw!" "Laidlaw for ever!" at the time Mr. Remington demanded a poll? Yes.
1253. There was nothing but a cry of "Time, time!" from among the crowd? No, decidedly not, for I was the first person to call "Time."
1254. You called "Time" yourself? Yes.
1255. How long after you called "Time" was it before Mr. Fitzpatrick was declared to be elected? Three or four minutes, I suppose.
1256. Were you away from your seat? Not till he was declared elected.
1257. I understood you to say that you knew these three men before the election—How long did you know them? Simpson six or seven years.
1258. Colvin? Three or four years, I should say.
1259. Colman? I only knew him a very short time—twelve or eighteen months.
1260. You knew them well? No, not very well.
1261. When you saw them you knew them very well? Yes.
1262. You have no doubt these three men were there? No doubt.
1263. You were looking at them? Yes.
1264. These three men, you say, did not go away—one only went away, and the three remained? Yes.
1265. *Mr. Stephen.*] Was it not a ruddy man, in his shirt-sleeves, who went away? I would say he was in his shirt-sleeves; I do not know about his complexion. Tommy Simpson was in his shirt-sleeves, and several others.
1266. *Mr. Brown.*] Whatever the names of the men might be, were there more than three men standing together on the right? Yes, there was another man, but I say he went away.
1267. Were there more than three men who remained standing? No.
1268. Whatever their names might be, were there more than three standing together? No.
1269. *Chairman.*] Do I understand you to say that you saw Mr. Remington hand in a slip of paper to the Returning Officer? Yes.
1270. Did you hear him address any remark to the Returning Officer when he handed him the list? Yes; he said—"These are the names of persons who will demand a poll for Mr. Laidlaw."
1271. You are satisfied that he used expressions of that kind? Yes.
1272. *Mr. Windeyer.*] Was not Simpson rather demonstrative? No, he never opened his mouth; he stood there still.
1273. Did nobody speak to the Returning Officer? Not when they came there. They were brought in from the body of the Court.
1274. Did you hear anything said as to the qualification of any elector at this time, which led you to suppose that there was an attempt being made to demand a poll? Yes.
1275. What did you hear said? Some one said—"His name is not on the electoral roll."
1276. Who said that? I do not know; but immediately after I know the Returning Officer said his name was all right.
1277. Who was it said to—do you know? I do not know; I believe it was said to Davis, but I cannot swear to that.
1278. Where was the Returning Officer when he said it was all right? On the hustings.

- Mr. Michael Conlon. 1279. Do you mean on the Bench? Yes.
 1280. Did he say it in an ordinarily loud tone of voice—as loud as I am talking now? No, Dr. Blake does not talk as loudly as you.
 25 Feb., 1870. 1281. It was a larger place than this? He does not speak loudly.
 1282. It was loud enough for you to hear him? Yes. He said—"It is all right—all right."
 1283. Mr. Fitzpatrick, you knew these three men that stood on the right by sight? Yes.
 1284. Are you satisfied about their names—do you know the three men by name? Yes, I know the names of the three men.

TUESDAY, 1 MARCH, 1870.

Present:—

Mr. S. Brown,
 Mr. Lackey,

Mr. Macleay,
 Mr. Windeyer.

W. R. Piddington, Esq., in the Chair.

M. Fitzpatrick, Esq., the Sitting Member, appeared on his own behalf.
 G. M. Stephen, Esq., appeared as Counsel on behalf of the Petitioner.

Mr. Thomas Colls, having been sworn, was examined by Mr. Fitzpatrick:—

- Mr. T. Colls. 1285. You keep the "Commercial Hotel" at Yass? Yes.
 1286. And have lived a great number of years in the Yass district? Twenty-three years.
 1 Mar. 1870. 1287. You have, of course, a general knowledge of most of the inhabitants of the Yass township? Yes.
 1288. You were present at the last election for Yass Plains? I was.
 1289. What part of the Court House did you occupy? One of the public seats.
 1290. Near the Returning Officer? About the length of this table from him.
 1291. Two candidates were put in nomination? Yes.
 1292. And a show of hands was called for? Yes.
 1293. That show of hands was declared to be in my favour? Yes.
 1294. Will you kindly state to the Committee your recollection of what took place after the Returning Officer declared the show of hands to be in my favour? What took place on the platform?
 1295. After the Returning Officer declared the show of hands to be in my favour? Mr. Remington was on the platform, and he stepped forward and demanded a poll for Mr. Laidlaw.
 1296. What then? The next thing, to the best of my recollection, was that it required six electors. With that a paper was handed up to him. I could not swear what were the contents of the paper. The Returning Officer then said that would not do, and that those who demanded a poll for Mr. Laidlaw must go to the right.
 1297. And as the result of that direction what took place, after the Returning Officer told those who wished to demand a poll to go to the right? I saw three go to the right of the Returning Officer.
 1298. You are clear that there were only three? I could see only three, and I got off my seat and stood on a stool.
 1299. For the purpose of seeing? For the purpose of seeing.
 1300. Did you know these three men distinctly who they were? I knew two of them very well, and the third I have seen more than once, but I do not know his name.
 1301. What are the names of the two? Simpson and Colman.
 1302. The third man's name you are not clear about? I knew the man, but I did not know his name.
 1303. What sort of a man was he—can you describe him? A thin man—a soft-spoken man.
 1304. What complexion? A sandy complexion, with a little beard under his chin.
 1305. What time elapsed between the declaration of the show of hands in my favour and the declaration of the election—I mean what time was allowed by the Returning Officer for the so-called demand of a poll? I think it would be almost impossible to speak to the time.
 1306. To the best of your knowledge? About ten or twelve minutes. I think it would be impossible to say exactly; there seemed such excitement among them I could not swear to two or three minutes. I should think about that time, because during the time this paper was handed up.
 1307. When the Returning Officer invited those electors who desired a poll to stand to the right, you stood up on a form for the purpose of seeing (those who went forward? I stood on the highest seat to the Returning Officer, just at the end of the seat.
 1308. And you saw three men only? I saw three men only. I had a very good opportunity of seeing there, for I was so much above the rest, and none except those on the platform were above me.
 1309. Were these men separated from the crowd of people? They stood close in under the railing; in fact it is a little to the right of the Clerk's box.
 1310. In fact within a yard or two of the Returning Officer? Close to him. If he stood forward he could put his hand on their heads I should think.
 1311. Do you remember at all how Mr. Remington was employed during that period—was he on the platform or off? He left the platform, went forward, and called for Mr. Laidlaw's friends or supporters—I could not swear to the exact words whether friends or supporters—to come forward.
 1312. He went down to the body of the hall? He went down to the body of the hall. At the very moment the poll was declared he was just in front of me as I stood up, and I put my hand on his shoulder and said "Now the poll is declared." He was then standing just below the bar.
 1313. In the body of the hall? Yes.
 1314. Do you remember anything passing between the Returning Officer and Mr. Remington, with reference to his demeanour while I was speaking or thereabout? The Returning Officer told Mr. Remington he had a fair hearing, and to allow you the same. Mr. Remington was then a little excited, and the Returning Officer called him to order, and told him that he would be under the disagreeable necessity of either putting him out or of calling upon Sergeant Hockey to keep him quiet.
 1315. As a matter of fact, was Mr. Remington given in custody? I distinctly say he was not, and I was there all the time.

1316.

1316. You saw him in the body of the hall, and saw him about the hall? At the very moment the poll was declared he was below me, and I made the remark to him—"Remmington," or "Mr. Remmington," either "Mr. Fitzpatrick is returned," or "the poll is declared." Mr. T. Colls.
1 Mar., 1870.
1317. You know a man named Davis of Muntoonan? Yes.
1318. Did you influence him in any way, or say anything to him as to demanding a poll? I did.
1319. What was it? May I make use of the expression?
1320. *Chairman.*] State what occurred? I put my hand on his shoulder and said—"James, are you going to make a damned ass of yourself?—Mr. Laidlaw has no desire to come forward."
1321. *Mr. Fitzpatrick.*] You know Davis well? I am very well acquainted with him. I was under the impression that Mr. Laidlaw would not be pleased with him for taking any part in it.
1322. You had your own reasons for that? Yes.
1323. Can you inform the Committee distinctly whether James Davis, senior, of Muntoonan, did or did not demand a poll, or contributed to the demand for a poll? He never went to the right at all, not James Davis that I mean, for I put my hand on his shoulder before he went up.
1324. When you say you put your hand on his shoulder, are we to understand that you did so in the way of coercion? Nothing of that sort.
1325. Merely in the way of persuasion? These were the words I used; I do not know that they were persuading him in any way.
1326. As the result of what you said he turned back? I do not think he turned back—he stood there.
1327. When you left him he was far removed from those who demanded a poll? He must have been the length of this table.
1328. He was not to the right at all? He stood near the witness-box.
1329. On the other side of the Clerk's table, was it not? It was to the left of the Returning Officer at the time I put my hand on his shoulder.
1330. Do you know another James Davis, a man in the employ of Mr. Remmington? No, I do not; I may know him, but not by name. I cannot think who he is. That is the only James Davis who was there whom I knew.
1331. You do not know James Davis in Mr. Remmington's employ? No.
1332. Could this light-complexioned man by possibility be James Davis? I could not say.
1333. You do not know? No.
1334. You know Colman? Yes.
1335. What is he or was he? He was a billiard-marker to me in my room.
1336. You know Simpson—what is he or was he? A bellman about the town, and he sells fruit about the streets.
1337. *Mr. Macleay.*] Do you know a man named Colvin—George Colvin? Yes.
1338. Did you see him at that meeting? I saw him there.
1339. Where was he—what was his position at the time these three people you mention came forward? I think opposite the witness-box, right opposite the Returning Officer.
1340. Did he at any time when those who wished to demand a poll were desired to stand to the right make any movement in that direction, or join those to the right at any time? I did not see him going to the right. I saw him standing right opposite to the Returning Officer. I think to the best of my recollection there was an altercation as to whether the name was on the electoral roll. I think it was Mr. Rees Jones who asked him was his name on the electoral roll. Mr. Jones stood up alongside the Returning Officer.
1341. *Mr. Lackey.*] When the Returning Officer called upon those who were demanding a poll to go to the right, you say that James Davis was going to the right? He was walking on towards the witness-box, and I thought he was going on to the Bench.
1342. Did he make no remark to the Returning Officer, before you went to stop him? No, I never heard him make any remark.
1343. Did you hear him demand a poll? No.
1344. Did you hear any one else say that he demanded a poll? No, except Mr. Remmington.
1345. Did you hear Mr. Simpson? No, I did not. I was in a position that I must have heard him if he had.
1346. Mr. Shipway—did you hear him demand a poll? Well, I could not swear whether he did; he seemed to be in an excited state.
1347. Was there much confusion going on at that time? Not a great deal—there were not many people there.
1348. The usual noise of an election meeting? For a little time—nothing to what I have seen.
1349. Shouting and hurrahing? A little of that.
1350. Would it be possible for seven or eight of Mr. Laidlaw's supporters to have demanded a poll without your taking notice of it? They might.
1351. To call out from the crowd "I demand a poll," or "want a poll"? That was not the case, for I stood on a stool above the others, and no one in the Court House had a better chance of seeing than I had, excepting those on the platform, who were a little elevated.
1352. *Mr. Windeyer.*] You were asked just now whether Mr. Davis demanded a poll, and in answer to that you said Davis never went to the right. Supposing Davis has sworn that he did demand a poll, do you mean —? I swear that Davis did not demand a poll in my ears.
1353. Davis having sworn that he did, will you swear that he did not—do you think it is more likely that Davis has perjured himself, than that, in the noise and confusion that you say existed, when it was impossible for you to direct your attention everywhere, it should have escaped your notice? I am quite sure that he could not have demanded a poll without my hearing it.
1354. Will you swear that Davis has perjured himself? I will not swear anything of the sort, but I will swear that I did not come here to perjure myself.
1355. I do not suppose you have; but I ask you whether, if Mr. Davis has sworn that he did demand a poll, you will swear that he has sworn untruly? I do not know what Mr. Davis has sworn.
1356. Suppose I told you that he had sworn that he demanded a poll —? He is responsible for what he has sworn, and I am responsible for what I have sworn.
1357. Does it come to this, that you never heard him? I never heard him, and he could not have done so without my hearing him, for I was so close to him. 1358.

- Mr. T. Colls. 1358. Would it have been impossible for him, in the midst of that crowd and confusion, to have done so without your noticing it? I think it was impossible, for I was not the least excited at all. I was enjoying it more than anything else—the lark, as it was supposed to be at the time. I stood on a stool, and I was very merry about it the whole of the time.
- 1 Mar., 1870. 1359. Have you since found out who was the third man you have referred to—there was some man you did not know at the time? I do not think I have seen him since. The man calls at my place, but I never asked him the question.
1360. I want to know whether you have since discovered who he was? I would know him again, but I do not know his name. I understood he was a shepherd or something for Mr. Remmington. I know the man well, but I do not know his name. He has called at my place; in fact, I have tried to get him a situation several times.
1361. When you put your hand in this expostulatory manner upon Davis, what did he do? He stepped on towards the witness-box. Serjeant Hocker was in the witness-box, and he stepped towards him. At the time I put my hand on his shoulder I was not in front of him, but at his back.
1362. Then he did not go back in consequence of your expostulation? No; I did not influence him in any way.
1363. Then your expostulation did not appear to have any effect? No. I went back towards the witness-box; I did not take much notice of it; I thought the whole thing was a lark or a joke.
1364. Did you continue behind him after this? No, I got him a stool; I was sitting on a stool, and I stood up then.
1365. After you expostulated with Davis you say you went forward, and that when you touched him you touched him behind? Yes; he was passing, and I laid my hand on his shoulder.
1366. Did he remain there? Yes. I did not do it to influence him a bit, for we had not been on very good terms for some years. I did it thinking Mr. Laidlaw would be annoyed with him.
1367. What I want to know is this,—did you go behind him till he went forward? I stood on the stool till Mr. Remmington came forward terribly excited, and I put my hand on his shoulder and said, “Mr. Fitzpatrick is elected,” or “The poll is declared.”
1368. What time elapsed between your putting your hand on Davis’ shoulder and putting your hand on Mr. Remmington’s shoulder, saying “The poll is declared”? I could not say to the time—a few minutes.
1369. How long? I suppose it might have been six or seven minutes—I could not swear to it—I think it would be impossible for me to do that. I was no way out of temper, for I was enjoying the fun.
1370. Were you on speaking terms with Davis at this time? Yes, and with Remmington and the whole of them.
1371. I thought you said you were not friendly with him? I was on speaking terms—nothing more.
1372. *Chairman.*] I think you stated that you were in a favourable position for seeing and hearing all that was going on at the Court House? Yes; I sat on one of the public seats for some time, and then I got a seat on the corner of it nearest to the Returning Officer.
1373. I think you also stated that some altercation passed between Mr. Colvin and Mr. Rees Jones? To the best of my knowledge, Mr. Rees Jones asked him was his name on the roll —
1374. You say there was some altercation between Mr. Rees Jones and Mr. Colvin? Yes, to the best of my recollection.
1375. Will you state what the altercation was, if you were in a favourable position to hear what took place? To the best of my belief, Mr. Rees Jones asked him if his name was on the electoral roll—I did not take much notice of it —
1376. What was the reply of Mr. Colvin to Mr. Rees Jones? He said it was.
1377. Was Colvin one of these three who obeyed the directions of the Returning Officer to stand to the right? No, he stood in front of the witness-box.
1378. Did you form any opinion of the object of Colvin when he stated that his name was on the electoral roll? I thought he was intending to support Mr. Laidlaw, of course, when I saw him there.
1379. Do you think he was insisting upon his right of an elector to demand a poll? I could not say; he did not seem excited.
1380. Is your test of a man demanding a poll whether he is excited or not? I saw him standing in front of the Returning Officer; he did not go to the right when the Returning Officer called upon him —
1381. You have stated that already. I ask you whether, seeing that you saw the altercation between Colvin and Rees Jones, you do not consider that the object of Colvin in insisting upon it that his name was upon the roll was not that he might exercise his right of demanding a poll? That he might be entitled to his vote; for the Returning Officer said “I beg your pardon—it is on,” or words to that effect.
1382. You think his only object was to be placed in a position to demand a vote? I think so. I think he was there for the purpose of demanding a poll, but I did not hear him call out.
1383. *Mr. Windeyer.*] How far was he from the Returning Officer? About from this table to the edge of the other.
1384. About three yards? About three yards.

Allan Campbell, Esq., J.P., having been sworn, was examined by Mr. Fitzpatrick :—

- A. Campbell, Esq., J.P. 1385. You are a medical practitioner? I am.
1386. And a Magistrate of the territory? Yes.
1387. And have been so for a great number of years? For the last twenty-two years.
- 1 Mar., 1870. 1388. You are the senior Magistrate of the Yass Bench, I believe? I believe I am.
1389. You were present at the last election for Yass Plains? I was.
1390. What position did you occupy with reference to the Returning Officer—I mean whether you were near or away from him? I was on the right of him on the rostrum.
1391. The immediate right? Yes, the immediate right.
1392. There were two candidates put in nomination? I proposed one,—Mr. Michael Fitzpatrick.

1393. The show of hands was declared to be in my favour? The show of hands was declared to be in favour of Mr. Michael Fitzpatrick. A. Campbell,
Esq., J.P.

1394. Will you kindly state to the Committee, according to your recollection, what took place immediately after the show of hands was declared to be in my favour? There was a poll demanded by Mr. Remington, and the Returning Officer told Mr. Remington that it required six electors to demand a poll; thereupon Remington left the Court House, and went outside to find, I presume, those people that he wanted to demand a poll. He came in subsequently, and thereafter the Returning Officer declared that it was impossible for him to make out who were demanding a poll and who were not, and he asked those who wished to demand a poll to pass to his right. On saying this three did so, and he thereafter declared Mr. Michael Fitzpatrick duly elected. 1 Mar., 1870.

1395. What time, in your opinion, elapsed between the show of hands and the closing of the election—the declaration of my return? It would be rather difficult to say—there was a good deal of hubbub.

1396. To the best of your opinion? I should say it must have been at least fifteen minutes—I think so. I am really not in a position to state the length of time, because there was a good deal of hubbub and noise; but I know, from the time that Mr. Remington asked a poll until the Returning Officer declared Mr. Michael Fitzpatrick elected, to the best of my opinion, fifteen minutes must have elapsed.

1397. For a considerable part of that time, three electors, or persons supposed to be electors, were standing on the Returning Officer's right? For a portion of that time—I cannot say how long. I am perfectly clear as to the Returning Officer asking those persons who wished to demand a poll to stand to his right, as he was unable to distinguish in the crowd those who wished a poll and those who did not.

1398. Was it possible for any man so to stand to the right of the Returning Officer without your seeing him? Utterly impossible.

1399. Your position was ———? It was a matter of utter impossibility.

1400. The three men were immediately in front of you? The Returning Officer was to my left, and the persons who wished to demand a poll were to his left and were placed to his right, and were consequently in front of me, and it was quite impossible that any one could have been there without my seeing them.

1401. Do you know the electors who stood there—those three men? I am short-sighted, and therefore did not see their faces.

1402. You could not identify them if you had been close to them—Can you from memory say who they were? I cannot tell; I know there were three, but my eyesight is not to be relied upon—I cannot see those gentlemen on the opposite side of the table.

1403. Do you know James Davis, senior? Yes.

1404. Was he one of the three? He was not.

1405. Being in the favourable position you were to hear—if you did not see well—did you hear any man demand a poll except Mr. Remington? I did not; not a man in the Court House demanded a poll except Mr. Remington.

1406. Is it possible or probable that if Mr. Shipway demanded a poll you would have heard him? If he had demanded a poll I must have heard him; he was simply removed from me at one end of the rostrum, some 7 or 8 or 10 feet perhaps; because had he demanded a poll, from the noise and hubbub going on at the time he must have demanded it in such a loud voice as would have made it impossible that I should not hear it.

1407. Did any one of these three electors demand a poll? Not one; they simply stood in front of the Returning Officer like so many dummies—not one of them opened his mouth.

1408. Did you, as a matter of fact, hear any one in the body of the hall demand a poll? No, I did not.

1409. *Mr. Stephen.*] I believe you proposed Mr. Fitzpatrick? I did.

1410. And took a deep interest in his success? I took rather a warm interest no doubt.

1411. Mr. Shipway seconded the nomination of Mr. Laidlaw, did he not? Yes, he did.

1412. Do you think it probable that a man who seconded the nomination of another candidate would not demand ———? I am not thinking of probabilities—I am simply stating facts; as to possibilities or probabilities of course I can give an opinion, but I state facts, and I say as a fact that he did not demand a poll.

1413. You say there was so much noise and hubbub at the time that unless he had demanded it in a loud voice he could not have been heard? The Returning Officer could not have heard it.

1414. Supposing he called out or demanded it in a moderate tone of voice, would not his voice have been drowned, according to your own evidence? With all due deference, I can suppose anything you ask me to suppose. I am quite willing to suppose anything you like. As far as regards the fact it is possible, but I think it is highly improbable.

1415. As he has already sworn that he demanded a poll, will you set your belief against his sworn testimony? I can express my belief against his sworn testimony.

1416. Will you swear positively that he did not? I will not do that certainly—I simply state what I myself know. He may have demanded a poll, but he certainly did not demand it in such a manner as to be heard.

1417. Do you wish the Committee to understand that these three people did nothing whatever but simply stand to the right of the Returning Officer? That is all; they never opened their mouth.

1418. Did you not understand by their coming forward—from their presence there—even if you did not hear them, that they were demanding a poll? They came there in accordance with the wish of the Returning Officer—that those individuals who desired a poll would go to the right, in order that he might see that they did so.

1419. These were the three? These were the three.

1420. Can you mention their three names? I did not know them. I have already stated that I am short-sighted, and do not distinguish faces at a moderate distance. I know one; as to the other two I am not at all sure. One of them, from his size and figure ———

1421. If there were any men standing to the left, you do not profess to have seen them? I must have seen them if they were there. Of course there was a whole mob to the left and right, but these came immediately under the Magistrate's Bench.

1422. You have said, in your examination-in-chief, that it was a matter of impossibility for any other person to have been there but these three without your seeing it? Yes.

1423. Was your eyesight directed to that quarter entirely? Entirely. I naturally had an interest in the matter, and of course I was interested to ascertain whether there was a sufficient number of electors to entitle Mr. Remington to demand a poll.

- A. Campbell, Esq., J.P.
 1 Mar., 1870.
1424. If your eyesight was entirely directed to the right, you certainly cannot venture to say whether there were a sufficient number of electors to entitle Mr. Remington to demand a poll? I can see numbers though I cannot distinguish lineaments.
1425. Did you see any person directly in front—will you swear that no person was standing directly in front—? No, I will not, for I know Mr. Brown was standing directly in front of him.
1426. Was he standing directly in front of the Returning Officer? He was standing directly in front of the Returning Officer, immediately underneath, in the Clerk's box.
1427. Where was Sergeant Hocking? I really cannot say where he was.
1428. Was he not there in the box? No, he was not, because Mr. Brown was there taking notes of the proceedings.
1429. *Mr. Windeyer.*] In which box? The Clerk of Petty Sessions' box.
1430. *Mr. Stephen.*] You say that you had a good opportunity of seeing everything that was going on—I suppose the Returning Officer had also—it was his business to see that? Of course it was his more immediate business than mine.
1431. If the Returning Officer has admitted in this room that five persons were demanding a poll, and that a sixth, George Colvin, also spoke to him, was he wrong and you right? I can only speak of my own impression.
1432. Did you ever see a letter of the Returning Officer, published in the *Herald*, with reference to these proceedings? I do not think I did.
1433. I will read a passage from it:—"When order was partially restored, I said—'I cannot distinguish those who demand a poll from the others; let those who wish to demand a poll come to the right'; when three electors, viz., Thomas Simpson, Davis, and Colman, stepped forward to the vacant space between Mr. Poole's desk and the jury-box."
1434. Were there not more persons than Mr. Remington demanding a poll? Not one opened his mouth.
1435. Then this is a mistake of the Returning Officer that they were demanding a poll? There is nothing in the whole course of proceedings more distinct in my mind than that only one person demanded a poll.
1436. The Returning Officer says, after what I have read—"I had previously handed the electoral roll to Mr. Rees Jones, who said to me—"Colman is not on the electoral roll." I then said to Colman—"Your name is not on the electoral roll." He said "It is, sir." I replied—"If it is, it is all right." I then counted the number of electors demanding a poll (including Messrs. Shipway and Remington, who were on the platform), and finding only five, I declared Mr. Fitzpatrick duly elected." Is Dr. Blake right in saying that he counted the number of electors, and that five electors demanded a poll? I cannot tell as to his counting them; I can simply state that according to my belief the facts are as he has stated, that there were three on the floor of the Court; and these, including Remington and Shipway, made five. Who the three on the floor were I cannot say.
1437. Do you know George Colvin? Perfectly well.
1438. Was he not demanding a poll? I cannot tell, for as I have already told you, my eyesight is defective, and I cannot distinguish features.
1439. Did you not hear Dr. Blake apologize to George Colvin for saying his name was not on the electoral roll, and say that he found it was a mistake? I heard Dr. Blake say to a person—who that individual was I could not undertake to say—"If so, it is all right."
1440. Did he say that to Colvin? I cannot tell. He said it to an individual whose name may be A, B, C, or D. I cannot identify the individual with the name.
1441. Did you see a man besides the three in shirt-sleeves? I do not know whether they all had shirt-sleeves—I cannot tell anything about that. There were so many in shirt-sleeves, so many coatless men, that it is difficult to say who had and who had not a coat on. I know I had one, that is all I can say.
1442. *Mr. Windeyer.*] You say there was a good deal of noise—what was this noise? The usual noise of an election,—shouting, hurraing, a good many singing out "Insolvency" after Mr. Remington spoke, "Insolvent, insolvent," "Go and pay your debts," all that sort of thing, the usual noise and license.
1443. Cries of "Laidlaw for ever!"? Yes, we were all shouting—that you know.
1444. It was being shouted then? Yes.
1445. You say that you only took notice of those three who came forward to this open space—Is it your view of the matter that the Returning Officer was not bound to take notice of anybody demanding a poll excepting he came to that identical spot? No; my idea is this,—that he, in order to be sure that he was doing right, requested a certain thing to be done, and after seeing his request was complied with as far as it possibly could be, he declared Mr. Fitzpatrick elected. There was no other way by which he could possibly have ascertained and carried out the business. There were two or three hundred people, and I fancy that if a single finger had been held up, the whole lot of them would have been bundled out of Court and torn to pieces.
1446. You will not undertake to say that no one was demanding a poll verbally on the left of the Returning Officer? I swear there was none—it was impossible.
1447. With all this hubbub and confusion? The hubbub took place previously, not during the time these individuals were standing to the right of the Returning Officer. You must separate the hubbub previously from the time when this occurred, for at this particular time there was no great amount of hubbub; there was whispering and a little talk, but nothing to prevent any one from distinguishing what was said.
1448. This argument about some one being on the roll or not, and the expression "All right" being made use of, did not take place when these three men were under you? No, this occurred before the Returning Officer asked these parties to come to the right; to the best of my recollection I am clear on that point, because after these individuals came to the right a very few minutes elapsed before the Returning Officer declared Mr. Fitzpatrick elected; as soon as he saw their number; he simply looked at the people below, and then I saw him turn his head to where Mr. Remington and Mr. Shipway stood, counting, as I presumed, the number in his own mind.
1449. Do you say that Mr. Shipway did not open his mouth? Not in my hearing—not to demand a poll; he did not either directly or indirectly demand a poll, except by his presence, and by the fact of his seconding the nomination of Mr. Laidlaw.
1450. *Mr. Brown.*] Was it possible for the Returning Officer to have heard a demand for a poll from Mr. Shipway without your hearing it? No; for I was as near to Mr. Shipway as he was.

1451. *Mr. Windeyer.*] Then the Returning Officer could not have heard any demand from Mr. Shipway that you did not hear? I think not; it is the expression of an opinion; I am blind but not deaf, and I think if a remark had been made by Mr. Shipway, I should have heard it. Of course it is possible that my attention might have been attracted to something else at that particular moment, so as to prevent my hearing it. A. Campbell,
Esq., J.P.
1 Mar., 1870.

1452. Could all the people hear distinctly the request of the Returning Officer that they would go to the right? Yes; he stood up after this action of Mr. Remmington; he was speaking, I think, to Mr. Remmington or to Mr. Shipway, or to some one on the left; he said—"I cannot tell who demand a poll, and who do not; all those who wish to demand a poll will go to my right."

1453. Where was Mr. Remmington when these three were down below? It was hard to say where he was; immediately after, he went outside the Court House to hunt up those whom he wished to demand a poll, but where he was at this particular moment I cannot say; previous to that he was on the Bench; then he went outside; then I saw him bring in the people by the scruff of their necks; others tore away from him—so that it is impossible for me to say where he was at the moment that the declaration was made, but I have the impression, although it is not a very clear one, that he was on the floor to the left of the Returning Officer.

1454. *Mr. Stephen.*] Is there not a very bad feeling existing between you and Mr. Remmington? No. I do not like Mr. Remmington.

1455. Has he not lately tried to take out a warrant against you for taking away a cow which he charged you with stealing? It is the first time I have heard of it.

1456. Have you not a cow which he has demanded from you? I know he has audacity equal to anything.

1457. Will you swear that there was a single cry in Court about paying debts and insolvency? I will swear that, and that an observation was made that the proposer and seconder were both insolvents; and some one said that "he went in an insolvent and came out a gentleman."

1458. You profess to be so short-sighted —? I do not profess—it is a fact.

1459. Although you say you are short-sighted, and that you had your eyesight directed to the three in front, you think you can accurately describe Mr. Remmington's actions, and where he went to from place to place? Mr. Remmington is a remarkable individual, as you know; and being the foremost of Mr. Fitzpatrick's opponents, my attention was naturally attracted more to what he did than to others.

1460. *Chairman.*] When Mr. Remmington demanded a poll, did you observe whether he handed a paper to the Returning Officer? I am not at all clear upon that point—I think not—I am almost sure he did not, not at the moment; subsequently—I dare say within a matter of ten minutes—I saw some paper pass, what it was I cannot tell.

1461. Some paper pass from whom? Between the interval of the Returning Officer declaring Mr. Fitzpatrick elected some paper passed between them—what it was I cannot say—whether it was blank or written I cannot say.

1462. You did see it? Yes.

1463. What did the Returning Officer say in reply? I do not think he said anything—I do not remember anything—I have simply a recollection of a paper passing.

1464. Will you swear that the Returning Officer said nothing in reply to Mr. Remmington when he handed him this paper? No.

1465. *Mr. Windeyer.*] Do you remember whether Mr. Remmington said anything when he handed the paper? No. I will tell you why I cannot say; it was only by a side glance that I saw it, as I was at the moment talking with some gentlemen sitting near me at the end of the rostrum.

1466. How long did you continue talking with that gentleman? It is impossible to say; you cannot measure time when the tongue is going.

1467. When you ceased to talk with this gentleman at the end of the Bench—which I suppose you mean by the rostrum—were these three persons ranged up under the Bench? No; this was previous to these three being ranged under the Bench. All this I am speaking of occurred at different intervals between the opening and closing of the business.

1468. *Chairman.*] Did you hear Mr. Rees Jones deny that Colvin's name was on the electoral roll? I heard Mr. Rees Jones say some person, either Colman or Colvin, which of them I cannot say.

1469. You heard him say the name of some one was not on the electoral roll? Yes, either Colman or Colvin—I do not know which.

1470. Do you know for what purpose the Returning Officer handed the electoral roll to Mr. Rees Jones? I presume to see whether the name of some person was on the list or not—I really cannot say.

1471. Might not other electors have demanded a poll in addition to the three electors who stood to the right of the Returning Officer? I think not, and my reason for thinking so is this: that the request of the Returning Officer was so clearly and perfectly understood that no one would have demanded a poll unless by complying with his request. I am certain that no person in the body of the Court once demanded a poll.

1472. Do I understand that the reason you think no others demanded a poll besides the three is, the clearness of the request of the Returning Officer that those who demanded a poll would go to the right? And from the fact of not hearing any one do so. Those are my reasons.

1473. Might not other electors besides the three who complied with the request of the Returning Officer have demanded a poll? All I can possibly say in answer to such a question is that I did not hear them.

1474. I think you stated in the course of your examination, that "if a single finger had been held up they would have been bundled out of the Court House and torn to pieces"—who do you refer to by "they"? These obstructionists, Mr. Remmington and others, because it was felt at the time it was offering an insult to the electorate. It was a perfect farce.

1475. You describe this proceeding as a farce—Would that have been a tragedy? It might have been a tragedy.

1476. Who were the individuals who would have terminated this farce in the manner you describe? That is not worth while going into.

1477. Still I understand you to say that some one by holding up a finger could have insured that these individuals might have been turned out of the Court House and torn in pieces? I said so.

1478. Do you know who those individuals are who would have done this? I really cannot say; I simply judge of the fact from the state of public feeling with regard to the action they took on that occasion, because public feeling was exceedingly strong, and I know—I speak individually—I had to exercise a considerable influence to keep the peace.

- A. Campbell, Esq., J.P. 1479. Did you hear any one call out "A poll for Laidlaw!" besides those three you mention? I cannot say; I heard Mr. Laidlaw's name familiarly used, but what were the exact adjectives or substantives associated with his name I cannot say. I heard "Cheers for Laidlaw!"
- 1 Mar., 1870. 1480. "A poll for Laidlaw!"? I cannot remember that particular form of expression.
1481. *Mr. Windeyer.*] You will not say they did not call out that? No.

Thomas Barber, Esq., having been sworn, was examined by Mr. Fitzpatrick:—

- T. Barber, Esq. 1482. You reside at North Yass? I do.
1483. You own the steam-mills there? Yes.
1484. And have lived in the district a good many years? About fifteen I think.
- 1 Mar., 1870. 1485. You were present at the last election for Yass Plains? I was.
1486. You seconded my nomination? I did.
1487. A show of hands was called for? Yes.
1488. And declared to be in my favour? Yes.
1489. Will you kindly describe to the Committee, from your recollection, what took place after the show of hands was declared to be in my favour? Mr. Remington seemed to kick up a great row, and he said he would demand a poll, and he said, I think, that a sufficient number of electors to demand a poll were present.
1490. You were on the left hand of the Returning Officer? I am sure I really forget now—I think I was. Yes, I was.
1491. Very close to Mr. Remington, in fact alongside of him? Alongside of him, and before him part of the time.
1492. When he spoke he was in front of you, and when you spoke you were in front of him? Yes.
1493. Nearly on my left? On your left—I think so.
1494. Did you see a paper pass from Mr. Remington to the Returning Officer? I did.
1495. Were you near enough to see what the paper was? I do not know what the paper was.
1496. You saw him hand a paper to the Returning Officer? Yes.
1497. Did you hear any reply the Returning Officer made? I really do not recollect.
1498. Then when Mr. Remington demanded a poll and said he had a sufficient number, what took place? In what way do you mean?
1499. What further was done—what action took place—what did the Returning Officer do—did you see him do, or hear him say anything? Upon my word everything seemed so excited, and I was individually, I really cannot state what took place.
1500. Then I suppose I may put this question—Did you hear Mr. Remington call out for the electors to come forward in favour of Mr. Laidlaw? I did.
1501. There was a movement up the room, and some people were coming forward? There was.
1502. When they came up the Court House, they came up on the left side of the Returning Officer, nearly in front of him, the other side being closed up? Yes.
1503. Did you hear the Returning Officer make any remark to the electors, or to the people in front—did you hear him single out or express a wish to single out the people who wished to demand a poll, and ask them to stand on one side? Yes; I forget whether he asked them to stand to the right or to the left.
1504. He told them to stand on one side? Yes; but I forget whether it was to the right or to the left.
1505. As a matter of fact, did you see any people stand apart in consequence of that instruction? I did.
1506. Which side? I think it was on the left.
1507. Was it immediately in front of you? It was in front of me, I think, or nearly so.
1508. Can you say how many people so stood out? Well, I think it was three.
1509. Would you know the people? Two of them I know.
1510. Whom do you know? A man of the name of Simpson.
1511. That is the bellman? Yes. Another man was Colvin, I think.
1512. Are you sure about Colvin? Not very sure that he was one.
1513. Who was the third? I did not know the man.
1514. Can you inform the Committee, to the best of your judgment, what time elapsed between the declaration of the show of hands being in my favour and the closing of the transaction by declaring my return? Some time I think.
1515. To the best of your judgment? It might have been ten or fifteen minutes; really I could not say, but I should fancy it must have been from ten to fifteen minutes.
1516. During the whole of that time you are clear that only three stood out in this manner to demand a poll? Only three.
1517. At that time Mr. Shipway was on the Bench? Yes.
1518. Immediately alongside of you? Yes.
1519. Did you hear him demand a poll? I did not.
1520. Do you think it probable he could have done so without your hearing him? No, Mr. Remington was the only one who demanded a poll.
1521. You did not leave the Bench till the proceedings had terminated? Yes, I went off the Bench; I went down to —
1522. Did Mr. Shipway go off? Yes, I think he did. By the by, I think I was speaking to Mr. Shipway.
1523. I am speaking of the period during which the poll was being demanded? I do not think he was off then.
1524. Were you off at this time, when the poll was demanded? I am not clear about that, whether I was on the Bench, or just below, at the table.
1525. Do you remember standing alongside of Captain Battye and Wickham? Yes.
1526. They were just at the corner of the Bench, coming up? Yes.
1527. Shipway was in reach of you? Yes.
1528. He did not demand a poll? No.
1529. As a matter of fact, did you hear any of these three men demand a poll? No.

T. Barber,
Esq.

Mar., 1870.

1530. Could you have heard them if they did? Ycs.
1531. *Mr. Stephen.*] There was a considerable noise and hubbub going on at the time? Rather.
1532. A great deal, was there not? A great deal.
1533. If any persons had demanded a poll in an ordinary tone of voice would you have heard? If any of these persons had demanded a poll I must have heard them.
1534. Do you not know that you cannot hear words at all, if uttered in a moderate voice, in the midst of confused sounds, when there is a great noise? That is quite possible, but I think if a person had demanded a poll he would not have done so in a moderate voice, but in a voice that must have been heard.
1535. Do you mean that it would have been impossible for one of them to have walked forward and said "I demand a poll," without you hearing—would you swear that? Not in my hearing—I think not. I think I must have heard them.
1536. For what did they come forward then? I cannot say. Mr. Remmington called some of them forward.
1537. You say you know two men out of the three? * Yes, Simpson and, I think, Colvin.
1538. Colman or Colvin? I think Colvin.
1539. Do you mean Mr. Remmington's gardener? I do not know whether he is gardener to Mr. Remmington or not.
1540. It is Colvin you mean? Yes.
1541. *Mr. Brown.*] Could the electors hear the Returning Officer call out for those demanding a poll to go to the right? I think so.
1542. Are you certain that if those persons had spoken in such a tone of voice as the Returning Officer's, you could have heard them? Yes, because I was as close to the Returning Officer as I am to this gentleman (*the Chairman*).
1543. At the time these three went to the right, were there any others in the body of the Court, or on the left of the Court, calling out "A poll for Laidlaw!" or anything of that kind? No, Mr. Remmington was the only one who demanded a poll for Mr. Laidlaw.
1544. *Mr. Windeyer.*] How long have you known Colvin? I am sure I cannot tell you how long I have known the man.
1545. About how long? Some few years.
1546. Of the three who were there you are certain that Simpson was one, and you believe Colvin to be the other? Colvin I think was the other man.
1547. The third man you do not know? No.
1548. Did it strike you at the time you saw the three there that Colvin was one of them? Colvin was one of them, I think.
1549. Did it strike you at the time? At the time I did not dream of this happening, and I did not take particular notice of what was transpiring.
1550. You believe it to be Colvin? Yes.
1551. Did you see a paper handed by Mr. Remmington to the Returning Officer? I did.
1552. Did he say anything when he handed it to him? I think he said something about the names of six electors if they demanded a poll for Mr. Laidlaw.
1553. Did you hear any discussion about a man named Colman or Colvin being on the roll? Yes, I think there was something said about it.
1554. What was that? I think some one said to the Returning Officer at first that it was not on the roll.
1555. Colvin? Yes. It was hunted up, and found that he was on.
1556. Was that one of the circumstances that led you to believe that Colvin was there? Not particularly, but I recollect it now that you put it to me about this man Colvin not being on the electoral roll.
1557. Was not that discussion that took place about Colvin, with reference to his being one who claimed his right to demand a poll? I do not think he claimed it, but Mr. Remmington.
1558. How did the discussion arise? I do not know how the discussion arose. I think some one mentioned to the Returning Officer that he was not on the electoral roll.
1559. Was it not at the time this process of demanding a poll was going on? I forget whether it was just at the time or just after—somewhere about the time.
1560. How do you account for the discussion coming up? It must have been of course in reference to demanding a poll; but really I can hardly charge my memory correctly, for not thinking that anything of this kind would occur, I did not take that particular notice.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS.
(REMMINGTON v. FITZPATRICK.—YASS PLAINS.)

APPENDIX.

[To Evidence given by J. D. Cronin, Esq., Chief Clerk, Pay Branch, Treasury, 24 February, 1870.]

A
(1.)

S. A.—No. 3.

Treasury Voucher No. ———

REFERENCE to the Authorities of all New Appointments inserted for the first time in the within Abstract.

Date of Appointment.	Name.	In the room of	Situation.	Nature and date of Authority.

Directions to be observed in filling up this Abstract.

The above columns of reference are to be carefully filled up.
 In stating periods, the first and last day mentioned are, invariably, to be considered as both inclusive.
 When payment is made to a person not able to write, the mark of such person is to be vouched by a witness.
 If a salary is regulated by a daily rate, the daily rate only; if by an annual rate, the annual rate only is to be inserted in the proper column.
 In the case of daily salaries, the exact number of days for which each is chargeable is always to be specified, and not merely indicated by dots to be the same as in the preceding line.
 One-twelfth of an annual salary is to be considered the proportion chargeable for each of the successive months of the year, of whatever number of days the month may consist.
 The proportion of a salary for a broken period is to be computed by multiplying the amount of the monthly or quarterly salary, according as the same is payable monthly or quarterly, by the number of days in the broken period, and dividing by the number of days in the month or quarter.
 No erasure nor any interlineation is to be admitted.
 If the salary due to any person named in the abstract is paid, on his behalf, to another, a written authority to receive the payment by the latter on the part of the former, should be produced.

NEW SOUTH WALES.

ABSTRACT and Acquittances of the Salaries and Allowances of Lands Department, from the 1st December to the 31st December, 1869, inclusively.

Situation.	Name.	Period.			Rate of Salary.		Total Amount for the Month.	Deduction for Superannuation.	Amount actually received.	We, the undersigned, do hereby acknowledge to have received from the Honorable the Colonial Treasurer the sums opposite to our several names, in full of our salaries and allowances respectively, for the periods specified in this Abstract.	Date of Payment.
		From	To	No. of Days.	Yearly	Daily					
Under Secretary	Michael Fitzpatrick	1	18	18	800	...	£ 38 14 5	£ 1 11 0	£ 37 3 5	Mich. Fitzpatrick ...	31st December, 1869.
Senior Chief Clerk.	S. B. Warburton ...	"	31	31	500	...	£ 41 13 4	£ 1 13 4	£ 40 0 0	S. B. Warburton ...	
Junior Chief Clerk.	G. J. Armytage.....	"	"	"	500	...	£ 41 13 4	£ 1 13 4	£ 40 0 0	G. J. Armytage ...	
"	F. Underwood	"	"	"	400	...	£ 33 6 8	£ 1 6 8	£ 32 0 0	Fred. Underwood...	
"	W. Thomas	"	"	"	400	...	£ 33 6 8	£ 1 6 8	£ 32 0 0	Willm. Thomas.....	
"	W. W. Stephen ...	"	"	"	400	...	£ 33 6 8	£ 1 6 8	£ 32 0 0	W. W. Stephen ...	
"	H. L. O. Rich	"	"	"	350	...	£ 29 3 4	£ 1 3 4	£ 28 0 0	Henry L. Osborne Rich.	
"	J. R. Chambers.....	"	"	"	350	...	£ 29 3 4	£ 1 3 4	£ 28 0 0	J. R. Chambers.....	
"	W. Blackman	"	"	"	300	...	£ 25 0 0	£ 1 0 0	£ 24 0 0	Wm. Blackman ...	
"	Henry Freeman ...	"	"	"	300	...	£ 25 0 0	£ 1 0 0	£ 24 0 0	Henry Freeman ...	
"	C. A. Thurlow	"	"	"	250	...	£ 20 16 8	£ 0 16 8	£ 20 0 0	C. A. Thurlow	
"	R. W. Newman.....	"	"	"	250	...	£ 20 16 8	£ 0 16 8	£ 20 0 0	Rob. Wm. Newman	
"	G. Herring	"	"	"	250	...	£ 20 16 8	£ 0 16 8	£ 20 0 0	Gerard E. Herring	
"	Thomas Godbee ...	"	"	"	250	...	£ 20 16 8	£ 0 16 8	£ 20 0 0	Thos. Godbee	
"	L. G. Thompson ...	"	"	"	200	...	£ 16 13 4	£ 0 13 4	£ 16 0 0	Lindsay G. Thompson.	
"	C. E. Neate	"	"	"	200	...	£ 16 13 4	£ 0 13 4	£ 16 0 0	Chas. E. Neate	
"	C. E. Phillips	"	"	"	200	...	£ 16 13 4	£ 0 13 4	£ 16 0 0	Chas. E. Phillips ...	
"	T. H. Johnson	"	"	"	200	...	£ 16 13 4	£ 0 13 4	£ 16 0 0	T. H. Johnson	

ABSTRACT and Acquittances—continued.

Situation.	Name.	Period.			Rate of Salary.		Total Amount for the Month.	Deduction for Superannuation.	Amount actually received.	We, the undersigned, do hereby acknowledge to have received from the Honorable the Colonial Treasurer the sums opposite to our several names, in full of our salaries and allowances respectively, for the periods specified in this Abstract.	Date of Payment.
		From	To	No. of Days.	Yearly	Daily					
		1869. December.			£		£ s. d.	£ s. d.	£ s. d.		
Clerk	C. A. Brown	1	31	31	200	...	16 13 4	0 13 4	16 0 0	Chas. A. Brown	31st December, 1869.
"	H. E. Stratford	"	"	"	200	...	16 13 4	0 13 4	16 0 0	H. E. Stratford	
"	W. C. Edwards	"	"	"	200	...	16 13 4	0 13 4	16 0 0	W. C. Edwards	
"	J. S. Unwin	"	"	"	150	...	12 10 0	0 10 0	12 0 0	James S. Unwin	
"	F. W. Croft	"	"	"	150	...	12 10 0	0 10 0	12 0 0	F. W. Croft	
"	G. C. Tompson	"	"	"	150	...	12 10 0	0 10 0	12 0 0	G. C. Tompson	
"	S. Freeman	"	"	"	150	...	12 10 0	0 10 0	12 0 0	Stephen Freeman	
"	H. S. Harpur	"	"	"	150	...	12 10 0	0 10 0	12 0 0	Henry Stephen Harpur	
"	D. D'Arcy	"	"	"	150	...	12 10 0	0 10 0	12 0 0	D. D'Arcy	
"	E. Farr	"	"	"	150	...	12 10 0	0 10 0	12 0 0	E. Farr	
Extra Clerk	J. Ritchie	"	"	"	150	...	12 10 0	0 10 0	12 10 0	John Ritchie	
Clerk	J. Wiseman	"	"	"	150	...	12 10 0	0 10 0	12 0 0	John Wiseman	
"	E. Patterson	"	"	"	150	...	12 10 0	0 10 0	12 0 0	E. Patterson	
"	Fred. Williams	"	"	"	6/-	...	9 6 0	.....	9 6 0	Fredck. Williams
"	Frank Williams	"	"	"	6/-	...	9 6 0	.....	9 6 0	F. Williams
"	Thomas Banks	"	"	"	6/-	...	9 6 0	.....	9 6 0	Received, Thomas Banks, per Francis Banks.
"	Owen Carroll	"	"	"	6/-	...	9 6 0	.....	9 6 0	Owen Carroll
"	J. Blaxland	"	"	"	6/-	...	9 6 0	.....	9 6 0	Jno. G. Blaxland
"	H. P. Baly	"	"	"	50	...	4 3 4	.....	4 3 4	Henry P. Baly
"	T. E. L. Newman	"	"	"	50	...	4 3 4	.....	4 3 4	Thos. E. L. Newman
"	H. Robertson	"	"	"	50	...	4 3 4	.....	4 3 4	H. O. Robertson
"	H. P. Rich	"	"	"	50	...	4 3 4	.....	4 3 4	Horace P. Rich
Messenger	W. Lavender	"	"	"	104	...	8 13 4	.....	8 13 4	Willm. Lavender
"	William Holmes	"	"	"	100	...	8 6 8	.....	8 6 8	W. H. Holmes
"	Francis Banks	"	"	"	52	...	4 6 8	.....	4 6 8	Francis Banks
Office-keeper	M. Lavender	"	"	"	61	...	5 1 8	.....	5 1 8	M. Lavender
Assistant do.	M. Everson	"	"	"	36	...	3 0 0	.....	3 0 0	Margaret X Everson mark
"	M. Killian	"	"	"	36	...	3 0 0	.....	3 0 0	Margaret Killian
Watchman	Thos. Field	"	"	"	5/-	...	7 15 0	.....	7 15 0	Thomas Field
					TOTAL	...	£758 14 5	25 14 4	733 0 1	Examined and registered.	

I certify that the above-named persons were actually employed in the situation, and during the period specified opposite the name of each respectively.

G. J. ARMYTAGE,
Acting Under Secretary.

A
(2.)

(69/2717)

Department of Lands,
Sydney, 20 December, 1869.

Sir,

I am directed to inform you that the resignation by Michael Fitzpatrick, Esquire, of the office of Under Secretary for Lands, has been accepted from the 18th instant.

I have, &c.,
G. J. ARMYTAGE.

The Under Secretary for Finance and Trade.
Examined, 21.—J.T., for U.S.

A
(3.)

New South Wales.

Treasury Voucher No. C. A.—22
Sydney, 31 December, 1869.

ABSTRACT of Expenses in the Department of Lands.

Particulars.	No. of Voucher.	Amount.	Total.
The Votes against which the Expenditure is chargeable must be clearly stated in red ink, and the total charge on each Vote carried out to the second column.		£ s. d.	£ s. d.
Salaries of Department for December		758 14 5	
Less Superannuation		25 14 4	
Total		£	733 0 1

I certify, that to the best of my knowledge and belief, after due inquiry, the expenses charged in the above Abstract were necessarily incurred for carrying on the Public Service, and that the charges are made, either according to authorized rates, or at the lowest prices for which the articles and services charged could be procured, at the time they were engaged for.

Treasury Voucher No.
The Treasury, New South Wales,
Sydney, 31st December, 1869.

£733 Os. 1d.

RECEIVED from the Honorable the Treasurer, the sum of seven hundred and thirty-three pounds and one penny sterling, to enable me to pay for the services specified in the foregoing Abstract, in support of the expenditure of which I hereby undertake to furnish to the Treasury, within* ten days from the date hereof, true and satisfactory accounts, duly vouched and receipted.

Witness—

G. J. ARMYTAGE.

* The period here inserted should be as short as possible, and must be strictly adhered to.

[To Evidence given by the Hon. W. Forster, Esq. (Secretary for Lands), 24 February, 1870.]

B

Michl. Fitzpatrick, Esq., to The Secretary for Lands.

Balmain, 24 November, 1869.

Sir,

Having it in contemplation to engage in a private pursuit, I beg to tender a resignation of the office of Under Secretary for Lands, and to be permitted to retire on the pension assigned by the Colonial Secretary's letter of 11th June, 1868.

I have, &c.,

MICHL. FITZPATRICK.

Mr. Fitzpatrick will be good enough to attend to the duties of his office until the appointment of his successor. W. F.—
Nov. 25, 1869.

Accept. Inform to-day. W. F.—Dec. 18, 1869.

[Handed in by Michael Fitzpatrick, Esq., 24 February, 1870.]

C

(1.)

The Acting Under Secretary, Lands Department, to M. Fitzpatrick, Esq.

(69/2717.)

Department of Lands,
Sydney, 18 December, 1869.

Sir,

I am directed by the Secretary for Lands to acknowledge the receipt of your letter of the 24th ultimo, and to state that your resignation of the office of Under Secretary for Lands, therein contained, is accepted from this date.

2. Mr. Secretary Forster desires me, in doing so, to convey to you the expression of his regret for the loss which the Public Service will sustain in your retirement from it; and his hope that in the pursuits in which you are about to engage you may meet with a full measure of prosperity, and long retain your health, in the enjoyment of the pension to which your lengthened public services have entitled you.

I have, &c.,

G. J. ARMYTAGE,

Acting Under Secretary.

C

(2.)

Telegram from The Under Secretary, Colonial Secretary's Department, Sydney, to M. Fitzpatrick, Esq., Yass.

18 December, 1869.

The Colonial Secretary desires me to say that your resignation is accepted, and that letter will follow by day's post.

[Handed in by G. M. Stephen, Esq. (Counsel for Petitioner), 24 February, 1870.]

D

YASS PLAINS ELECTION.

To the Editor of the Herald.

Sir,

It is necessary that I should, in my public capacity as Returning Officer of the Yass Plains Electorate, take some notice of the letter signed "Arthur Remmington," which appeared in your issue of the 24th instant. Such notice would be unnecessary, as far as the persons present at the election are concerned, as I think they would have little difficulty in deciding as to the truthfulness of Mr. Remmington's version of the matter compared with what they saw and heard on the occasion referred to.

The facts were as follows:—After I had declared the show of hands to be in favour of Mr. Fitzpatrick, Mr. Remmington, who was on the platform, said to me—"I demand a poll for Mr. Laidlaw," at the same time handing me a piece of paper containing seven or eight names. I said to him—"It requires six electors to demand a poll." Whereupon he called out very excitedly—"Come forward, come forward," when considerable confusion ensued—several voices calling out to Mr. Remmington, "Sit down, fudge; you know Mr. Laidlaw won't thank you," &c. When order was partially restored, I said—"I cannot distinguish those who demand a poll from the others; let those who wish to demand a poll for Mr. Laidlaw come to the right"; when three electors, viz., Thomas Simpson, Davis, and Coleman, stepped forward to the vacant space between Mr. Poole's desk and the jury-box. I had previously handed the electoral roll to Mr. Rees Jones, who said to me—"Coleman is not on the electoral roll." I then said to Coleman—"Your name is not on the electoral roll." He said—"It is, sir"; and I replied—"If so, it's all right." I then counted the number of electors demanding the poll (including Messrs. Shipway and Remmington, who were on the platform), and finding only five, I declared Mr. Fitzpatrick duly elected. I need hardly say I could have had no possible feeling of partiality in the matter, inasmuch as Mr. Laidlaw is one of my oldest and most valued friends.

I am, Sir, your very obedient servant,

J. M. BLAKE,

Returning Officer for the Electorate of Yass Plains.

Shantalla, Yass, December 27.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION.—SMITH *v.* DEAN,
"THE HASTINGS."

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

EVIDENCE, AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 *May*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

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1870.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

ELECTION PETITION.—SMITH *v.* DEAN,
“THE HASTINGS.”

VOTES No. 4. WEDNESDAY, 2 FEBRUARY, 1870.

5. Committee of Elections and Qualifications :—The Speaker, pursuant to the requirement of the Electoral Act of 1858, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

“LEGISLATIVE ASSEMBLY.

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

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1858, I do hereby appoint

“ Stephen Campbell Brown, Esquire,
“ Alexander Dodds, Esquire,
“ Thomas Garrett, Esquire,
“ John Lackey, Esquire,

“ William Macleay, Esquire,
“ William Richman Piddington, Esquire,
“ William Charles Windeyer, 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 second day of February, in the year of our Lord one thousand eight hundred and seventy.

“ W. M. ARNOLD,
“ *Speaker.*”

VOTES No. 8. WEDNESDAY, 9 FEBRUARY, 1870.

9. Committee of Elections and Qualifications :—

(1.) *Maturity of Warrant Reported* :—The Speaker reported that his Warrant, appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 2nd February, 1870, 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 70th section of the Electoral Act of 1858.

(2.) *Members of Committee Sworn* :—Whereupon Stephen Campbell Brown, Thomas Garrett, John Lackey, and William Richman Piddington, Esquires, came to the Table, and were severally sworn by the Clerk as Members of the said Committee.

(3.) *Time and Place of First Meeting of Committee* :—Pursuant to the requirement of the 70th section of the Electoral Act of 1858, the Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at noon, on *Tuesday* next, the 15th of February instant, in Committee Room No. 2.

VOTES No. 9. THURSDAY, 10 FEBRUARY, 1870.

5. Committee of Elections and Qualifications :—William Macleay, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.
- * * * * *
9. Committee of Elections and Qualifications :—William Charles Windeyer, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 12. WEDNESDAY, 16 FEBRUARY, 1870.

3. Committee of Elections and Qualifications :—Alexander Dodds, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 17. THURSDAY, 24 FEBRUARY, 1870.

3. Election Petition :—Mr. Cowper, *by Command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from Robert Burdett Smith, of Sydney, in the Colony of New South Wales, complaining of the election and return of Horace Dean, as the Member for the Electoral District of The Hastings, as being an undue election and return, on the grounds that at the time of the said Horace Dean's nomination and election, and also at the time of his return, he was not a naturalized subject of Her Majesty, and that he held an office of profit under the Crown; and alleging that he (Petitioner) was a candidate at the Election for The Hastings, and ought to have been returned instead of the said Horace Dean, and claiming to be declared the sitting Member for the said Electoral District; and praying that the said Petition may be dealt with as the law directs.
- Ordered*, on motion of Mr. Cowper, that the said Petition be referred to the Committee of Elections and Qualifications.

VOTES No. 56. FRIDAY, 6 MAY, 1870.

2. Committee of Elections and Qualifications—*Smith v. Dean* :—Mr. Piddington, 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, together with Appendix, relative to the Petition of Robert Burdett Smith against the return of Horace Dean as the Member for the Electoral District of "The Hastings," which was referred to the said Committee on the 24th February last;—And the said Report having been read at length by the Clerk, by direction of the Speaker, as follows :—
- "The Committee of Elections and Qualifications, duly appointed on the 2nd February, 1870, under the provisions of the Electoral Act of 1858, to whom was referred, on the 24th February, 1870, a Petition from Robert Burdett Smith, against the return of Horace Dean, as the Member for the Electoral District of The Hastings, have determined, and do hereby accordingly declare :—
- "(1.) That the said Horace Dean was not duly elected, having, at the time of his Nomination, held an office of profit under the Crown; and therefore the Seat for The Hastings is vacant.
- "(2.) That the Petition is not frivolous or vexatious.
- "(3.) That the Committee make no award as to costs.
- " W. R. PIDDINGTON,
" Chairman.
- " No. 2 Committee Room,
" Legislative Assembly,
" Sydney, 6 May, 1870."—

Ordered, on motion of Mr. Piddington, that the said Report, and Minutes of Proceedings and Evidence, together with Appendix, be printed.

1870.

NEW SOUTH WALES.

ELECTION PETITION.

(SMITH v. DEAN, "THE HASTINGS.")

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE of Elections and Qualifications, duly appointed on the 2nd February, 1870, under the provisions of the Electoral Act of 1858, to whom was referred, on the 24th February, 1870, a Petition from Robert Burdett Smith, against the return of Horace Dean, as the Member for the Electoral District of "The Hastings," have determined, and do hereby accordingly declare,—

- (1.) That the said Horace Dean was not duly elected, having, at the time of his Nomination, held an office of profit under the Crown, and therefore the seat for The Hastings is vacant.
- (2.) That the Petition is not frivolous or vexatious.
- (3.) That the Committee make no award as to costs.

W. R. PIDDINGTON,
Chairman.

*No. 2 Committee Room,
Legislative Assembly,
Sydney, 6 May, 1870.*

1870.

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

In the matter of the Petition from Robert Burdett Smith, of Sydney, complaining of the election and return of Horace Dean, as the Member for the Electoral District of "The Hastings," as being an undue election and return, on the grounds that at the time of the said Horace Dean's nomination and election, and also at the time of his return, he was not a naturalized subject of Her Majesty, and that he held an office of profit under the Crown; and alleging that he (Petitioner) was a candidate at the Election for "The Hastings," and ought to have been returned instead of the said Horace Dean, and claiming to be declared the sitting Member for the said Electoral District; and praying that the said Petition may be dealt with as the law directs.

FRIDAY, 11 MARCH, 1870.

MEMBERS PRÉSENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Macleay,		Mr. Garrett,
Mr. Windeyer,		Mr. Dodds,
	Mr. Lackey.	

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Extract from the Votes and Proceedings, referring the Petition to the Committee, as follows :—

" VOTES NO. 17. THURSDAY, 24 FEBRUARY, 1870.

- " 3. Election Petition :—Mr. Cowper, *by Command*, laid upon the Table an Election Petition which had " been addressed to His Excellency the Governor, from Robert Burdett Smith, of Sydney, in the " Colony of New South Wales, complaining of the election and return of Horace Dean, as the " Member for the Electoral District of "The Hastings," as being an undue election and return, on the " grounds that at the time of the said Horace Dean's nomination and election, and also at the time " of his return, he was not a naturalized subject of Her Majesty, and that he held an office of profit " under the Crown; and alleging that he (Petitioner) was a candidate at the Election for The " Hastings, and ought to have been returned instead of the said Horace Dean, and claiming to be " declared the sitting Member for the said Electoral District; and praying that the said Petition " may be dealt with as the law directs. " *Ordered*, on motion of Mr. Cowper, that the said Petition be referred to the Committee of Elections " and Qualifications."
2. The Clerk then, by direction of the Chairman, read the Petition of Robert Burdett Smith, Esq., so referred to the Committee, as follows :—
 - " To His Excellency the Right Honorable SOMERSET RICHARD, EARL OF BELMORE, a Member " of Her Majesty's Most Honorable Privy Council in Ireland, Governor and Com- " mander-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.
 - " The Petition of Robert Burdett Smith, of Sydney, in the Colony of New South Wales,
 - " RESPECTFULLY SHEWETH :—
 - " 1. That on the 10th day of December, in the year of our Lord one thousand eight hundred " and sixty-nine, the nomination for the Election of a Member of the Legislative Assembly for " the Electoral District of The Hastings, was duly held at Port Macquarie, in the said Colony, " on which occasion six candidates were duly proposed, viz. :—
 - " 1. The Honorable William Forster,
 - " 2. Horace Dean, Esq.,
 - " 3. Henry Flett, Esq.,
 - " 4. Ebenezer Vickery, Esq.,
 - " 5. The Honorable Geoffrey Eggar, and
 - " 6. Your Petitioner.
 - " 2. That a show of hands having been duly called for, the same was declared to be in " favour of the said Horace Dean, when a poll was duly demanded.

" 3.

" 3. That the polling for the said election took place on the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-nine; and that, on the twenty-seventh day of December, Thomas Wellington Palmer, Esquire, the Returning Officer, declared that for the six persons nominated the number of votes following were polled respectively, viz. :—

" Horace Dean.....	474 votes
" R. B. Smith	444 "
" Henry Flett	307 "
" William Forster	253 "
" Geoffrey Eagar.....	2 "
" Ebenezer Vickery.....	1 "

" and he therefore declared the said Horace Dean to have been duly elected a Member of the Legislative Assembly for the said Electoral District of The Hastings, and he returned him accordingly, as so elected.

" 4. That your Petitioner complains of such election and return as being an undue election and return, on the grounds following, that is to say :—That at the time of the said Horace Dean's nomination and election, and also at the time of his return as aforesaid (he not being a natural born subject of Her Majesty, but an Alien) had not become and was not a naturalized subject of Her Majesty, as by law is required.

" 5. That the said election and return of the said Horace Dean are void, for this further reason, that is to say, that at the time of his said nomination and election, he either actually in his own name, or substantially and collusively in the name either of his wife or of some person in his employment, held an office of profit under the Crown, namely, the office of Postmaster at Tinonee, Manning River, in the said Colony.

" 6. That your Petitioner, whose name is subscribed hereto, was a candidate, as before stated, at the said Election; and has paid into the Bank of New South Wales in Sydney, [the sum of one hundred pounds to the credit of the Speaker of the said Assembly in relation to this Petition, and that the bank deposit receipt for such payment is annexed hereto.

" 7. That the facts set forth in the fourth paragraph of this Petition were public and notorious in and throughout the said Electoral District at the time of the said nomination, and that under such circumstances the votes given to the said Horace Dean were thrown away, and your Petitioner ought to have been returned instead of the said Horace Dean, and now claims to be declared the Sitting Member for the said District.

" Your Petitioner therefore prays that your Excellency will cause this Petition to be forthwith notified in the *Government Gazette*, and as soon as conveniently may be, laid before the Legislative Assembly.

" And your Petitioner will ever pray.

" ROB. BURDETT SMITH.

" Dated at Sydney, this twenty-first day of February, A.D. 1870.

" Bank of New South Wales,
" Sydney, 21st February, 1870.

" I have this day received the sum of one hundred pounds (£100) for the credit of the Honorable the Speaker of the Legislative Assembly, in relation to the Petition of Robert Burdett Smith, of Sydney.

" For the Bank of New South Wales,
" CHAS. M. PALMER,
" Assistant Secretary."

3. The Clerk then read a letter from the Honorable the Speaker, enclosing a copy of one from Horace Dean, Esq., as follows :—

" The Committee of Elections
" and Qualifications.

" Legislative Assembly Chamber,
" Sydney, 1st March, 1870.

" Gentlemen,

" I have the honor to transmit to you, herewith, a copy of a letter which has been received by me from Horace Dean, Esquire, the sitting Member for 'The Hastings,' giving notice of his intention to defend his return, against which a Petition is now under your consideration.

" I have, &c.,
" W. M. ARNOLD,
" Speaker."

[Enclosure.]

This is a copy of the letter referred to.—W.M.A.

" Sydney, 26 February, 1870.

" Sir,

" In accordance with the 79th clause of the Electoral Act of 1858, I have the honor to inform you, that it is my intention to defend my Seat as Member for the Electoral District of 'The Hastings,' before the Committee of Elections and Qualifications, to whom has been referred a Petition from R. B. Smith, Esq., touching the validity of my election and return as Member for the aforesaid Electoral District.

" I have, &c.,
" HORACE DEAN.

" The Honorable W. M. Arnold, Esq.,
" Speaker of the Legislative Assembly."

4. Parties then called in:—

Present :—Horace Dean, Esq. (*Sitting Member*.)

Charles Hamilton Walsh, Esq. (*Solicitor for Sitting Member*.)

Robert Burdett Smith, Esq. (*Petitioner*.)

Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)

5. Mr. Innes addressed the Committee on behalf of the Petitioner, and,—
Mr. Walsh objecting to the line of argument pursued by Mr. Innes, and
Strangers having withdrawn,—
Committee deliberated.

6. Mr. Windeyer moved, "That Mr. Walsh's objection be overruled."—(*Carried*.)

7. Strangers having been re-admitted, the Chairman informed the parties of the decision of the Committee.

8. Mr. Innes then resumed his address, and, having concluded, applied for Summonses for the following witnesses for next Meeting,—

Henry Flett, Esq., J.P.

Mr. Fitzgerald.

Rev. Allan Webb.

C. A. Sinclair, Esq.

Mr. Michael Corbette.

Mr. James Birch.

S. H. Lambton, Esq. (*Secretary of General Post Office*.)

D. B. Hutchinson, Esq. (*Prothonotary, Supreme Court*.)

Clerk directed to prepare the same accordingly.

9. Mr. Walsh submitting that Petitioner's Counsel should state which allegation he would first proceed to prove, and Mr. Innes objecting,—
Strangers withdrew.
10. Committee deliberated, and decided that Petitioner's Counsel be allowed to take his own course in proving the Petitioner's case.
11. Strangers having been re-admitted, the Chairman informed the parties of the decision.
Committee adjourned until Tuesday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 15 MARCH, 1870.

MEMBERS PRESENT:—

Mr. Piddington,

Mr. S. Brown,

Mr. Windeyer,

Mr. Garrett.

In attendance,—

The 2nd Clerk Assistant.

There not being a Quorum one hour after the time appointed for meeting, the Members present adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 16 MARCH, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Lackey,

Mr. Dodds,

Mr. Garrett,

Mr. Windeyer.

In attendance,—

The 2nd Clerk Assistant.

Present :—Robert Burdett Smith, Esq. (*Petitioner*.)

Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)

Horace Dean, Esq. (*Sitting Member*.)

Charles Hamilton Walsh, Esq. (*Solicitor for Sitting Member*.)

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meetings, the same were confirmed.
2. Stephen Wilson Jones, Esq. (*Clerk of Legislative Assembly*), called in, sworn, and examined.
Witness produced,—
(1.) Writ of Election for "The Hastings," dated 16th November, 1869.
(2.) Balloting Papers used at the Election referred to in the Writ now produced.
3. The Clerk, by direction of the Committee, read the Certificate of the Returning Officer endorsed on the Writ, as follows:—
"I hereby certify that Horace Dean was duly chosen the Member for the Electoral District of
"the Hastings to serve in the Legislative Assembly of New South Wales.
"THOS. W. PALMER,
"Returning Officer.
- "Port Macquarie, twenty-seventh
"day of December, 1869."

Witness having withdrawn,—

4. Henry Flett, Esq., J.P., called in, sworn, and examined.
Witness identified a paper (produced by Petitioner's Counsel), addressed to the Electors of the Hastings, containing certain questions put to Mr. Dean on 10th December, 1864, the day for the Nomination of Candidates,—
And Mr. Innes proposing to *hand in* that paper,—
Mr. Walsh objected.
Room cleared.
Committee deliberated.
5. Mr. Windeyer moved,—“That the document be received.”
Question put.
Committee divided.
- | | |
|-----------------|--------------|
| Ayes, 3. | Noes, 2. |
| Mr. Piddington, | Mr. Garrett, |
| Mr. Windeyer, | Mr. Dodds. |
| Mr. Lackey. | |
- Parties called in and informed by Chairman, of the decision.
6. The Clerk having, by direction of the Committee, read the paper above referred to (*Vide Appendix A*),—
Examination continued.
Witness having withdrawn,—
7. Stephen H. Lambton, Esq. (*Secretary, General Post Office*), called in, sworn, and examined.
Witness *handed in* the following documents,—
- (1.) Mr. Dean's resignation of the office of Postmaster, Tinonee. (*Vide Appendix B 1.*)
 - (2.) Copy of letter from Secretary, General Post Office, accepting his resignation. (*Vide Appendix B 2.*)
 - (3.) Copy of letter to Bench of Magistrates, Wingham, relative to Mr. Dean's resignation. (*Vide Appendix B 3.*)
 - (4.) Reply thereto. (*Vide Appendix B 4.*)
 - (5.) Letter from Mr. Dean, relative to his election to Parliament, &c. (*Vide Appendix B 5.*)
 - (6.) Minute of Postmaster General, appointing Mr. F. Burton, Postmaster, at Tinonee. (*Vide Appendix B 6.*)
 - (7.) Copy of letter from Secretary, General Post Office, to Mr. Dean, respecting his resignation. (*Vide Appendix B 7.*)
 - (8.) Copy of letter from Secretary, General Post Office, to Mr. Frederick Burton, appointing him Postmaster. (*Vide Appendix B 8.*)
 - (9.) Copy of letter from Secretary, General Post Office, to Bench of Magistrates, Wingham, relative to their recommendation of Mr. Murray. (*Vide Appendix B 9.*)
 - (10.) Mr. Dean's Bond as Postmaster. (*Vide Appendix B 10.*)
 - (11.) Mr. Dean's Declaration as Postmaster. (*Vide Appendix B 11.*)
8. Witness then *produced* the Post Office Letter Bills and Time Bills for month of December, 1869.
9. Witness also *handed in*,—
- (1.) List of names of Assistants of late Postmaster (H. Dean) at Tinonee. (*Vide Appendix B 12.*)
 - (2.) Three Letter Bills of Mails despatched from Tinonee, on 2nd, 26th, and 30th December, 1869, respectively. (*Vide Appendices B 13, B 14, B 15.*)
10. Petitioner's Counsel applied for permission to peruse the papers now *produced* previous to next Meeting, and leave granted.
11. Petitioner's Counsel requested a Summons for—
Henry Lane, Esq. (*Under Secretary for Finance and Trade.*)
Clerk directed to prepare the same accordingly.
Committee adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

THURSDAY, 17 MARCH, 1870.

MEMBERS PRESENT:—

Mr. Windeyer,
Mr. S. Brown,

Mr. Garrett.

Mr. Lackey,
Mr. Dodds,

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having informed the Committee that he had received a letter from the Chairman, stating his inability to attend,—
Mr. Lackey was elected to the Chair, *pro tem.*
 2. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
 3. Parties called in:—
Present:—Robert Burdett Smith, Esq. (*Petitioner.*)
Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
Horace Dean, Esq. (*Sitting Member.*)
Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
 4. Stephen H. Lambton, Esq. (*Secretary of General Post Office*), called in, and again examined.
Witness *handed in*,—
- (1.) Letter Bill, Mail from Tinonee for Gloucester, 1 December, 1869. (*Vide Appendix B 16.*)
 - (2.) Do., do., for Cundletown, 5 December, 1869. (*Vide Appendix B 17.*)
 - (3.) Do., do., for Gloucester, 22 December, 1869. (*Vide Appendix B 18.*)
 - (4.) Do., do., for Stroud, 26 December, 1869. (*Vide Appendix B 19.*)
 - (5.) Do., do., for Stroud, 29 December, 1869. (*Vide Appendix B 20.*)
 - (6.) Do., Mail from Wingham for Tinonee, 26 December, 1869. (*Vide Appendix B 21.*)
 - (7.) Do., Mail from Tinonee for Gloucester, 29 December, 1869. (*Vide Appendix B 22.*)

- (8.) Time Bill, Mail from Tinonee to Taree, 30 December, 1869. (*Vide Appendix B 23.*)
 (9.) Do., do., do., 26 December, 1869. (*Vide Appendix B 24.*)
 (10.) Do., Mail from Croki to Tinonee, 26 December, 1869. (*Vide Appendix B 25.*)
 (11.) Letter Bill, Mail from Tinonee for Cundletown, 13 January, 1870. (*Vide Appendix B 26.*)
 (12.) Do., do., do., 16 January, 1870. (*Vide Appendix B 27.*)
 (13.) Do., do., do., 23 January, 1870. (*Vide Appendix B 28.*)
 (14.) Do., do., for Gloucester, 16 January, 1870. (*Vide Appendix B 29.*)
 (15.) Mr. Frederick Burton's Bond as Postmaster Tinonee. (*Vide Appendix B 30.*)
 (16.) Mr. Frederick Burton's Declaration as Postmaster at Tinonee. (*Vide Appendix B 31.*)
5. Mr. Innes having asked the witness—with reference to his application to the Colonial Secretary for a certain missing letter—what answer he got to the enquiry?—
 Mr. Iceton objected to the question.
 Room cleared.
 Committee deliberated.
 Mr. S. Brown moved,—“That the question is inadmissible.” (*Carried.*)
 Parties called in and informed of the decision.
 Examination continued.
6. Mr. Innes having asked the witness “Whether Mr. Dean was the only person held responsible as Postmaster at that time?”—
 Mr. Iceton objected to the question.
 Committee decided to allow it to be put.
7. Witness, by permission of the Committee, referred to his previous evidence and explained a portion of it.
 Explanation taken down by Shorthand-writer.
 Witness having withdrawn,—
8. Henry Lane, Esq. (*Under Secretary for Finance and Trade*), called in, sworn, and examined.
 Witness handed in,—
 Salary Abstract of late Postmaster at Tinonee, from 1st October to 10th December, 1869, inclusive. (*Vide Appendix C.*)
 Witness having withdrawn,—
9. Captain Charles Alexander Sinclair called in, sworn, and examined.
10. Mr. Innes having asked the witness whether it was generally reported that Mr. Dean had got into difficulties in America, and had been obliged to leave that country,—
 Mr. Iceton objected to the question.
 Room cleared.
 Committee deliberated, and decided to sustain Mr. Iceton's objection.
 Parties called in and informed.
11. Mr. Iceton applied for a Summons for J. B. Casey, Esq., J.P.
 And Clerk directed to prepare the same accordingly.
 Committee adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

FRIDAY, 18 MARCH, 1870.

MEMBERS PRESENT:—

W. B. Piddington, Esq., in the Chair.

Mr. Lackey,	|	Mr. Dodds,
Mr. Windeyer,		Mr. Macleay,
	Mr. Garrett.	

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Parties called in:—
Present:—Robert Burdett Smith, Esq. (*Petitioner.*)
 Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
 Horace Dean, Esq. (*Sitting Member.*)
 Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
3. Mr. Innes handed in the following Documents:—
 - (1.) Copy of Certificate of Naturalization (South Australia) for Horace Dean, dated 9th September, 1850. (*Vide Appendix D 1.*)
 - (2.) Copy of Memorial for Naturalization, signed Horace Dean, M.D., dated 21st August, 1850. (*Vide Appendix D 2.*)
 - (3.) Copy of Judgment of Court of Contested Returns, declaring the election of Horace Dean absolutely void, dated 7th May, 1857. (*Vide Appendix D 3.*)
 - (4.) Copy of Judgment of Court of Contested Returns, declaring that Horace Dean shall pay William Bakewell (Petitioner) fifty pounds for costs, &c., dated 13th June, 1857. (*Vide Appendix D 4.*)
 - (5.) Certificate of Notary Public, stating that the Documents above referred to are true copies, dated 7th March, 1870. (*Vide Appendix D 5.*)

4. The Reverend Allan Webb called in, sworn, and examined.
At the close of the examination the witness submitted a claim for his expenses.
The Chairman said the subject should be considered before the close of the inquiry.
Witness having withdrawn,—
5. Mr. James Birch called in, sworn, and examined.
Witness *produced* a certificate of character, signed by Mr. Horace Dean, and also a report in favour of Mr. Birch's management of the school of which he was master.
Witness having withdrawn,—
6. Mr. Innes *produced* the Statute of South Australia, No. 7, of 1846, which the Committee agreed to accept as read.
7. Mr. John Fitzgerald called in, sworn, and examined.
8. Mr. Innes having asked the witness,—“If, when he used the word ‘American,’ he meant a citizen of the United States?”—and
Mr. Iceton having objected to the question,—
Room cleared.
Committee deliberated, and decided that the question should be read by the Shorthand-writer, before the parties, and then be allowed.
Parties called in, question read, and decision stated by Chairman.
Examination continued.
Witness withdrew.
9. Mr. Innes having applied for Summonses for,—
Captain Sinclair, Hunter's Hill,
Mr. S. B. Redgate, West Kempsey,
Mr. Walter Mason, Nambuccra River,
The Hon. Charles Cowper, C.M.G. (*Colonial Secretary*),—
Clerk directed to prepare the same accordingly.
10. Mr. Iceton having applied for Summonses for,—
S. H. Lambton, Esq. (*Secretary, General Post Office*),
Mr. John Platt, Port Macquarie,
Mr. Arthur Else, Tinonee,
Mr. Jasper Creagh, Wingham,
Robert Campbell, Esq., Mayor of Paddington,—
Clerk directed to prepare the same accordingly.
Committee adjourned until Tuesday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 22 MARCH, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Macleay,	|	Mr. Windeyer,
Mr. Lackey,	|	Mr. S. Brown,

Mr. Garrett.

In attendance,—

The 2nd Clerk Assistant.

- The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
- Parties called in :—
Present :—Robert Burdett Smith, Esq. (*Petitioner.*)
Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
Horace Dean, Esq. (*Sitting Member.*)
Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
- The Honorable Charles Cowper, C.M.G. (*Colonial Secretary*), called in, sworn, and examined;—and having withdrawn.
- Mr. Innes proposed to *hand in* the Parliamentary Hansard (South Australia) for 1857, from which he desired certain extracts to be received as evidence,—
And Mr. Iceton objecting to such evidence,—
Room cleared.
Committee deliberated.
Mr. Windeyer moved,—“That the documents be received.”
Question put.
Committee divided.

Ayes, 2.

Mr. Windeyer,
Mr. Piddington.

Noes, 4.

Mr. Macleay,
Mr. Lackey,
Mr. S. Brown,
Mr. Garrett.

Parties called in and informed of the decision.

- Mr. Innes then proposing to *hand in* the Petition against Mr. Dean's return in South Australia—being an extract from the book above referred to,—
And Mr. Iceton objecting to such evidence being received,—
Room cleared.
Committee deliberated, and decided to reject the evidence.
Parties called in and informed of the decision.

6. Francis Henry Stephen, Esq. (*Chief Clerk, Supreme Court*), called in, sworn, and examined.
7. Witness produced "Records of Naturalization" kept in the office of the Supreme Court.
And having withdrawn,—
8. Robert Burdett Smith, Esq. (*Petitioner*), sworn and examined.
Witness produced copy of *Manning River News* of 18th December, 1869, containing notice of Unclaimed Letters, signed "H. Dean, P.M.," which notice was handed in as evidence. (*Vide Appendix E.*)
Examination concluded.
9. Stephen H. Lambton, Esq. (*Secretary, General Post Office*), called in and again examined.
Witness having produced certain Documents relative to the management of the Tinonee Post Office, they were left in the custody of the Clerk.
Witness having withdrawn,—
10. Mr. Innes applied for a Summons for John Robertson, Esq., M.P., and Clerk directed to prepare the same accordingly.
11. Mr. Iceton applied for a Summons for Mr. David Brown, and Clerk directed to prepare the same accordingly.
12. The Committee then considered the question of adjournment,—and decided to adjourn; at its rising, until To-morrow at Eleven o'clock.
Parties then withdrew.

13. *In re Remmington v. Fitzpatrick*—

The Chairman submitted letter from Mr. Fitzpatrick, claiming £88 17s. as his expenses, and the same having been read by the Clerk by direction of the Chairman, as follows:—

100, Pitt-street,
19 March, 1870.

Sir,

Pursuant to the finding of the Committee of Elections and Qualifications in the matter of the Petition of Mr. Arthur Remmington, I have the honor to request that you will kindly direct the payment to me of the expenses incurred by the witnesses on my behalf, according to the annexed Schedule, amounting in the whole to £88 17s.

I have, &c.,

MICL. FITZPATRICK.

W. R. Piddington, Esq., M.L.A.,

Chairman of Committees of Elections and Qualifications.

[Schedule referred to.]

Name of Witness.	Profession.	Day on which Summoned.	Day discharged.	Time occupied travelling to and fro.	Total number of days.	Actual expense of coach and railway to and fro.	Allowance per day.	Total Allowance.
James Laidlaw, J.P.	Gentleman	22 Feb.	24 Feb.	Two days	5 days...	£ s. d. 3 2 9	£ s. d. 1 10 0	£ s. d. 10 12 9
I. M. Blake, J.P.	Medical practitioner	"	"	"	5 " ...	3 2 9	3 3 0	18 17 9
J. J. Brown	Newspaper proprietor	"	25 Feb.	"	6 " ...	3 2 9	1 10 0	12 2 9
Rees Jones	Storekeeper	"	"	"	6 " ...	3 2 9	1 1 0	9 8 9
Thomas Colls	Licensed Victualler	"	"	"	6 " ...	3 2 9	1 1 0	9 8 9
M. Conlon	Newspaper correspondent	"	"	"	6 " ...	3 2 9	1 1 0	9 8 9
A. Campbell, J.P.	Medical practitioner	1 Mar.	1 Mar.	"	3 " ...	3 2 9	3 3 0	12 11 9
Thomas Barber	Miller	"	"	"	3 " ...	3 2 9	1 1 0	6 5 9
								£ 88 17 0

Amounting in all to eighty-eight pounds seventeen shillings.

Committee deliberated.

Mr. Garrett moved,—“ That the travelling expenses be allowed, and £1 1s. per day for other expenses, to each of the witnesses for the sitting Member.” (*Carried.*)

Chairman requested to certify accordingly, for £67 2s., being the amount of the Schedule as taxed.

Committee adjourned.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 23 MARCH, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Lackey,
Mr. Windeyer,

Mr. Garrett,
Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.

2. Parties called in:—

Present:—Robert Burdett Smith, Esq. (*Petitioner.*)
Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
Horace Dean, Esq. (*Sitting Member.*)
Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)

3. Mr. Innes handed in a statement, as published, of votes polled for candidates at last election for "The Hastings." (*Vide Appendix F.*)
4. John Robertson, Esq., M.P., called in, sworn, and examined.
Mr. Innes having asked the witness to particularly describe the contents of a certain letter,—he declined to answer the question unless the Committee decided that he should do so,—
And Mr. Innes requesting the Committee to insist upon an answer being given,—
Strangers were ordered to withdraw,—
Whereupon Mr. Windeyer interposed a question to witness, on the same subject, which he also declined to answer.
Room cleared.
Committee deliberated.
Mr. Windeyer submitted the following motion,—“That Mr. Robertson be called upon to answer Mr. Windeyer's question and Mr. Innes'.”
The Chairman ruled that the motion was not regular, as the Committee had decided to deliberate upon the witness' refusal to answer a question put by Mr. Innes.
Mr. Garrett then moved,—“That Mr. Robertson should answer Mr. Innes' question.” (*Carried.*)
Parties called in and informed of the decision.
Examination continued.
Witness withdrew.
5. Mr. Innes stated that his case was now closed.
6. Whereupon Mr. Iceton opened his defence.
7. John Bartholomew Casey, Esq., J.P. (*Clerk of Petty Sessions, Kempsey*), called in, sworn, and examined; and having withdrawn,—
8. Robert Campbell, Esq., called in, sworn, and examined.
Mr. Iceton, having asked the witness,—“Is it notorious in the district that Mr. Dean is an American?”—and Mr. Innes having objected to the question,—
Room cleared.
Committee deliberated, and decided to disallow the question.
Parties called in and informed.
Examination continued.
9. Mr. Iceton having asked the witness,—“Was it notorious in the Electorate, or among the Electors, that Mr. Dean was an American?”—and Mr. Innes having objected to the question,—
Room cleared.
Committee deliberated, and decided to disallow the question.
Parties called in and informed.
Examination continued.
Witness withdrew.
10. Mr. Iceton applied for an adjournment for several days, on the ground that his witnesses were detained in the country by recent floods.
Mr. Innes objected to the proposed adjournment,—
And strangers having withdrawn,—
Committee deliberated, and decided to adjourn until Tuesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 29 MARCH, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. S. Brown,	|	Mr. Windeyer,
Mr. Lackey,		Mr. Macleay,
	Mr. Garrett.	

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Parties called in :—
Present :—Horace Dean, Esq. (*Sitting Member.*)
Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
Robert Burdett Smith, Esq. (*Petitioner.*)
Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
3. Horace Dean, Esq. (*Sitting Member*), sworn and examined.
Mr. Innes having asked the witness,—“Did Mr. Bakewell petition on the ground that Mr. Dean had obtained a certificate of Naturalization by false representations, and the production of forged documents?”—and having insisted upon a more direct answer than that given by witness,—
Strangers withdrew.
Committee deliberated, and decided that the witness had given a proper answer to the question.
Parties called in and informed of the decision.
Examination continued.
4. Mr. Innes produced copies of the *South Australian Register* of 1857, to which he directed the attention of the witness.
5. Mr. Innes having asked witness to read a letter published in the *South Australian Register* of 8th May, 1857, and signed “Horace Dean,”—
Mr. Iceton objected.
Room cleared.

Committee

Committee deliberated, and decided that the Examining Counsel should read the letter, and be allowed to question the witness upon it.

Parties called in and informed.

Examination resumed.

6. The Committee desiring to adjourn the further examination of Mr. Dean until to-morrow,—

7. Mr. Iceton applied for Summonses for—

Rev. E. Holland, Campbelltown ;
Hon. W. Forster (*Secretary for Lands*) ;
Mr. Richard Williams ;
Mr. George Allan ;
Joshua Cochrane, Esq., J.P. ;

Clerk directed to prepare the same accordingly.

Committee adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 30 MARCH, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Lackey,	|	Mr. Garrett,
Mr. Windeyer,	|	Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.

2. *In re Remington v. Fitzpatrick.*

The Chairman submitted the following letter from Mr. Fitzpatrick, which was read by the Clerk as follows:—

“ 100, Pitt-street,
“ 25 March, 1870.

“ Sir,

“ I hasten to inform you that through a mistake (I am afraid one of my own making) the amount of expenses awarded to my witnesses in the recent case of *Petition against the return for Yass Plains*, is less than the Committee of Elections intended to allow, namely, actual cost of travelling to and fro, and one guinea per day.

“ In the Schedule submitted by me, the expense of the single journey from Yass to Sydney was given as the cost to and fro, viz., £3 2s. 9d. Of the accuracy of this, the Committee can easily assure themselves. I trust, therefore, that they will kindly permit me to repair this error, by allowing me the further sum of £25 2s., being for eight witnesses, at £3 2s. 9d. each (£3 2s. 9d. × 8 = £25 2s.)

“ I have, &c.,

“ MICHL. FITZPATRICK.

“ The Chairman of the Committee
“ on Elections and Qualifications.”

Committee deliberated, and decided not to re-open this case, which had been finally closed.

Chairman requested to inform accordingly.

3. Case of *Smith v. Dean* resumed.

Parties called in:—

Present:—Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)

Robert Burdett Smith, Esq. (*Petitioner.*)

Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)

4. Horace Dean, Esq. (*Sitting Member*), called in, and examination resumed.

Mr. Innes proceeding to read extracts from a certain newspaper to refresh the witness' memory,—and Mr. Iceton objecting to such extracts appearing in evidence,—

Room cleared.

Committee deliberated, and decided that the extracts read by Mr. Innes to refresh the memory of the witness should not appear in the evidence, but that the questions in reference thereto should be put down.

Parties called in and informed.

Examination continued.

5. Mr. Innes handed in the evidence of His Excellency the Governor of South Australia, and also that of Mr. Beresford, late Private Secretary to His Excellency, as published in the *South Australian Register* of 6th May, 1857, and same read by the Clerk by direction of the Committee. (*Vide Appendices G and H.*)

Examination continued.

6. Mr. Innes objecting to a statement made by witness being put down as evidence,—and the Shorthand-writer informing the Committee that such statement had been taken down,—Mr. Innes requested that it should be expunged.

Mr. Iceton objected to its being expunged.

Room cleared.

Committee deliberated.

7. Mr. Windeyer moved,—

“ That the evidence thrust on the examining Counsel be expunged.”

Question put.

Committee

Committee divided.

Ayes, 3.

Mr. Piddington,
Mr. Lackey,
Mr. Windeyer.

Noes, 2.

Mr. Macleay,
Mr. Garrett.

Parties called in, and informed of the decision.

Examination resumed.

Committee adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

THURSDAY, 31 MARCH, 1870.

MEMBERS PRESENT:—

Mr. Macleay,
Mr. Windeyer,
Mr. S. Brown,

Mr. Lackey,
Mr. Garrett,
Mr. Dodds.

In attendance,—

The 2nd Clerk Assistant.

1. In the absence of the Chairman, Mr. Lackey elected to the Chair *pro tem*.
2. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
3. Parties called in:—
Present:—Thomas Iceton, Esq. (*Solicitor for Sitting Member*.)
Robert Burdett Smith, Esq. (*Petitioner*.)
Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)
4. Horace Dean, Esq. (*Sitting Member*), called in, and examination resumed.
5. Mr. Innes produced a copy of the *South Australian Register* of 15th June, 1857.
6. The witness produced a medal engraved as presented to "Captain Horace Dean."
7. During witness' examination by Mr. Iceton, he stated certain particulars respecting the constitution and decision of the "Court of Contested Returns" in South Australia,—
And Mr. Innes objecting to such evidence being received,—
Room cleared.
Committee deliberated, and decided to receive the evidence.
Parties called in and informed.
8. Mr. Innes expressing a desire that the medal produced by Mr. Dean should remain in the custody of the Clerk,—
And Mr. Iceton objecting to that course,—
Room cleared.
Committee deliberated, and decided that if Mr. Iceton would give his assurance that the medal should be produced when required by the Committee, or the parties, during this inquiry, it should be at once returned.
Whereupon, Mr. Iceton made a promise to that effect, and the medal was delivered to him.
Committee adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

FRIDAY, 1 APRIL, 1870.

MEMBERS PRESENT:—

Mr. Windeyer,
Mr. S. Brown,

Mr. Lackey,
Mr. Dodds,

Mr. Garrett.

In attendance,—

The 2nd Clerk Assistant.

1. In the absence of the Chairman, Mr. Lackey elected to the Chair *pro tem*.
2. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
3. Parties called in:—
Present:—Thomas Iceton, Esq. (*Solicitor for Sitting Member*.)
Robert Burdett Smith, Esq. (*Petitioner*.)
Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)
4. Horace Dean, Esq. (*Sitting Member*), called in, and examination resumed and concluded.
5. Mr. Arthur Thomas Else called in, sworn, and examined.
6. In the course of the examination a Member of the Committee left the room, and there not being a Quorum, the Members present adjourned until Tuesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY,

TUESDAY, 5 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Piddington,
Mr. Macleay,

Mr. Dodds,
Mr. Lackey.

In attendance,—

The 2nd Clerk Assistant.

There not being a Quorum one hour after the time appointed for meeting, the Members present adjourned until Thursday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

THURSDAY, 7 APRIL, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Macleay,
Mr. S. Brown,

Mr. Lackey,
Mr. Dodds.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Parties called in :—
Present :—Horace Dean, Esq. (*Sitting Member.*)
 Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
 Robert Burdett Smith, Esq. (*Petitioner.*)
 Joseph George Long Innes, Esq. (*Counsel for Petitioner.*)
3. Mr. Arthur Thomas Else called in, and examination resumed; and having withdrawn,—
4. Captain Jasper Creagh (*C.P.S., Wingham*) called in, sworn, and examined; and having withdrawn,—
5. Joshua Cochrane, Esq., J.P., called in, sworn, and examined.
 Mr. Iceton having asked the witness what he knew of Mr. Dean's history from general notoriety in the district,—
 And Mr. Innes having objected to the question,—
 Room cleared.
 Committee deliberated, and decided to allow the question.
 Parties called in and informed.
 Examination resumed.
 Witness withdrew.
6. Mr. Cochrane recalled, and again examined; and having withdrawn,—
7. Mr. George Allen called in, sworn, and examined; and having withdrawn,—
8. Mr. Richard Williams called in, sworn, and examined; and having withdrawn,—
9. Mr. Iceton *handed in*,—
 Letter from Mr. Flett to Postmaster General, dated 28 November, 1864, complaining of the conduct of Mr. Dean, Postmaster of Tinonee. (*Vide Appendix I.*)
 Mr. Innes objected to the paper being received, and then withdrew the objection;—
10. Whereupon Mr. Iceton *handed in*,—
 Letter from Mr. Flett to Postmaster General, dated 14 December, 1864, withdrawing his complaint against the Postmaster at Tinonee.
 Mr. Innes objected to the document being received.
 Room cleared.
 Committee deliberated, and decided to receive it. (*Vide Appendix J.*)
11. Mr. Iceton informed the Committee that the Evidence for the defence was now closed.
12. Mr. George Allan recalled, and further examined.
 Mr. Innes having asked the witness—"Did the 'sketch' purport to be a report of the trial in which Mr. Dean was concerned, and in which he was ousted on the ground of his being an alien?"—
 Mr. Iceton objected to the question.
 Room cleared.
 Committee deliberated, and decided to disallow the question.
 Parties called in and informed.
 Examination resumed, and concluded.
 Witness withdrew.
13. Mr. Innes applied for Summonses for—
 Henry Flett, Esq., J.P., Taree, Manning River; and
 Mr. John Hardy, jeweller, Sydney.
 Clerk directed to prepare the same accordingly.
 Committee adjourned until Wednesday next, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY,

WEDNESDAY, 13 APRIL, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Dodds,
Mr. Garrett,

Mr. Lackey,
Mr. Macleay,

Mr. S. Brown.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Parties called in :—
Present :—Horace Dean, Esq. (*Sitting Member*.)
Thomas Iceton, Esq. (*Solicitor for Sitting Member*.)
Robert Burdett Smith, Esq. (*Petitioner*.)
Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)
3. Mr. Innes directed attention to an error in the evidence as printed, viz., in the answer by Mr. Dean to Question No. 1767,—
Whereupon Horace Dean, Esq., was examined with reference thereto.
4. Mr. John Platt called in, sworn, and examined.
Mr. Iceton having asked the witness if Mr. Dean tried to make it appear to the Meeting that he had not been obliged to give up his seat in South Australia,—
And Mr. Innes having objected to the question,—
Room cleared.
Committee deliberated, and decided that the examination should proceed.
Parties called in and informed.
Examination resumed.
Witness withdrew.
5. The following witnesses were discharged from further attendance,—
Rev. E. Holland.
Mr. John Platt.
S. H. Lambton, Esq.
6. Mr. Henry Sharp, jeweller, called in, sworn, and examined ;—and having withdrawn,—
7. Mr. Innes *produced* the "Statesman's Manual," and proposed to *hand in* an extract from volume 2, being a list of Senators and Representatives who have been in Congress ;—
Mr. Iceton objected to such evidence being received.
Room cleared.
Committee deliberated.
Motion made (*Chairman*) and Question put,—“That the 'Statesman's Manual' be received as "Evidence by the Committee.”
Committee divided.

Ayes, 2.

Mr. Piddington,
Mr. Lackey.

Noes, 4.

Mr. Macleay.
Mr. S. Brown.
Mr. Dodds.
Mr. Garrett.

Parties called in and informed.

8. Mr. Innes applied for a Summons for John Williams, Esq. (formerly American Consul),—
And Clerk directed to issue the same.
Committee adjourned until to-morrow, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

THURSDAY, 14 APRIL, 1870.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Dodds,
Mr. Lackey,

Mr. Windeyer,
Mr. S. Brown,

Mr. Garrett.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Parties called in :—
Present :—Horace Dean, Esq. (*Sitting Member*.)
Thomas Iceton, Esq. (*Solicitor for Sitting Member*.)
Robert Burdett Smith, Esq. (*Petitioner*.)
Joseph George Long Innes, Esq. (*Counsel for Petitioner*.)
3. Mr. Innes *produced* four volumes of the "Abridgment of Debates in Congress—1789 to 1856"—and proposed to hand in Extracts from vols. 14, 15, and 16,—

And Mr. Iceton objecting to the reception of this evidence,—

Room cleared.

Committee deliberated.

Mr. Windeyer moved,—“That the books tendered by Mr. Innes be admitted, for the purpose of putting in evidence the extracts which he tenders.”

Question put.

Committee divided.

Ayes, 3.

Mr. Piddington,
Mr. Windeyer,
Mr. Lackey.

Noes, 3.

Mr. S. Brown,
Mr. Dodds,
Mr. Garrett.

The numbers being equal, the Chairman gave his Casting Vote with the Ayes, and the extracts were then handed in. (*Vide Appendix K.*)

4. Mr. Innes then produced the Statutes of South Australia for the years 1855-6, and handed in, as evidence, section 6 of the Constitution Act of that Colony. (*Vide Appendix L.*)
 5. Whereupon Mr. Innes informed the Committee that the Petitioner's case was now closed.
 6. Mr. Iceton then addressed the Committee in defence of the Sitting Member.
 7. The Committee desiring to adjourn, and Mr. Iceton's address not being concluded, it was, after deliberation, decided to discharge the remainder of the witnesses from further attendance, and to adjourn until Wednesday next, at Eleven o'clock.
- Adjourned accordingly.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 20 APRIL, 1870.

MEMBERS PRESENT:—

W. B. Piddington, Esq., in the Chair.

Mr. Garrett,
Mr. S. Brown,

Mr. Lackey,
Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
 2. Parties called in:—
Present :—Horace Dean, Esq. (*Sitting Member.*)
Thomas Iceton, Esq. (*Solicitor for Sitting Member.*)
Robert Burdett Smith, Esq. (*Petitioner.*)
 3. Mr. Iceton resumed his address in defence of the Sitting Member;—and having concluded,—
 4. Mr. Smith (*Petitioner*) requested the Committee to re-examine Mr. Flett for the purpose of allowing him to reply to certain charges made against him by Mr. Cochrane, a previous witness. Mr. Iceton opposed the application.
- Room cleared.
Committee deliberated, and decided not to re-open the case, but to allow a written explanation by Mr. Flett to appear in the Appendix.
Parties recalled, and decision stated by Chairman.
Committee adjourned until Tuesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY, 26 APRIL, 1870.

MEMBERS PRESENT:—

Mr. Lackey,
Mr. Dodds,

Mr. S. Brown,
Mr. Garrett.

In attendance,—

The 2nd Clerk Assistant.

There not being a Quorum one hour after the time appointed for meeting, the Members present adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

WEDNESDAY, 27 APRIL, 1870.

MEMBERS PRESENT:—

Mr. Dodds,

Mr. Lackey.

In attendance,—

The 2nd Clerk Assistant.

There not being a Quorum one hour after the time appointed for meeting, the Members present adjourned until To-morrow, at half-past Ten o'clock.

F. W. WEBB,
2nd Clerk Assistant.

TUESDAY,

FRIDAY, 6 MAY, 1870.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Windeyer,	|	Mr. Lackey,
Mr. Macleay,	|	Mr. Dodds,
Mr. Garrett,	|	Mr. S. Brown.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous Meeting, the same were confirmed.
2. Committee deliberated as to Report.
3. Mr. S. Brown moved,—
“That the said Horace Dean was not duly elected, having at the time of his nomination held an office of profit under the Crown, and therefore the Seat for The Hastings is vacant.”

Question put.

Committee divided.

Ayes, 6.	|	Noes, 1.
Mr. Macleay,	|	Mr. Garrett.
Mr. S. Brown,	|	
Mr. Windeyer,	|	
Mr. Lackey,	|	
Mr. Dodds,	|	
Mr. Piddington.	|	

4. Mr. Windeyer moved,—
“That, in the opinion of this Committee, the said election was also null and void by reason of the said Horace Dean not being at the time of his nomination a natural born subject of Her Majesty, but an alien.”

Question put.

Committee divided.

Ayes, 3.	|	Noes, 4.
Mr. Windeyer,	|	Mr. Macleay,
Mr. Lackey,	|	Mr. S. Brown,
Mr. Piddington.	|	Mr. Dodds,
	|	Mr. Garrett.

5. Mr. Piddington moved,—
“That the Petition is not frivolous or vexatious.” (*Carried.*)
6. Mr. S. Brown moved,—
“That the Committee make no award as to costs.”

Question put.

Committee divided.

Ayes, 4.	|	Noes, 3.
Mr. Macleay,	|	Mr. Piddington,
Mr. S. Brown,	|	Mr. Windeyer,
Mr. Dodds,	|	Mr. Lackey.
Mr. Garrett.	|	

7. Parties called in and informed, by Chairman, of the decision of the Committee.
8. Chairman then requested to report accordingly to the House.
9. Committee adjourned until Wednesday next, at Eleven o'clock.

F. W. WEBB,
2nd Clerk Assistant.

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COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

(SMITH v. DEAN—"THE HASTINGS.")

WEDNESDAY, 16 MARCH, 1870.

Present:—

Mr. Dodds, Mr. Garrett,	|	Mr. Lackey, Mr. Piddington,
Mr. Windeyer.		

W. R. Piddington, Esq., in the Chair.

C. H. Walsh, Esq., appeared as Solicitor on behalf of the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel on behalf of the Petitioner.

Stephen Wilson Jones, Esq., having been sworn, was examined by Mr. Innes:—

1. You are Clerk of the Legislative Assembly? I am.
2. Do you produce a writ of election, signed by His Excellency the Governor, addressed to Thomas Wellington Palmer, Esquire, Returning Officer for the Electoral District for The Hastings? I do. (*The witness produced the same.*)
3. Do you produce the ballot-papers of the votes recorded for the respective candidates? I have here two parcels indorsed as containing the ballot-papers used at the election of The Hastings.
4. And the return of Mr. Palmer, the Returning Officer? The return is indorsed upon the writ. (*The witness produced the ballot-papers.*) It is right I should state to the Committee that the parcels were in that broken state when I received them—I have indorsed them accordingly.
5. With the exception of the indorsement you have put upon them, they are exactly in the state in which you received them? Precisely.
6. The ballot-papers you have produced, you received in the ordinary course —? From the Returning Officer, through the Post Office.
7. That is the ordinary course: The Returning Officer forwards them to you through the Post Office? It is the usual course; sometimes the ballot-papers are delivered to the Clerk of the Legislative Assembly through a messenger.
8. These are exceptional cases? These are exceptional cases.
9. In the country districts the ordinary course is through the Post Office? Generally.

S. W. Jones,
Esq.
16 Mar., 1870.

Henry Flett, Esq., J.P., having been sworn, was examined by Mr. Innes:—

10. You are a Magistrate of the territory? I am.
11. And have been so for how many years? I do not recollect at the present moment—twelve or fifteen years.
12. Have you also been a Member of the Legislative Assembly? Yes, I have.
13. You have been elected on more than one occasion? Twice.
14. Where do you reside? On the Manning River.
15. How long have you resided there—about? Very near thirty years.
16. Do you know Mr. Horace Dean, the sitting Member? I do.
17. How long have you known that gentleman? Perhaps about eight or nine years; I cannot be very positive.
18. Where has he been residing during that time? On the Manning also, at a township called Tinonee.
19. Do you remember the occasion of the late election for the Electoral District of The Hastings? The last election?
20. Yes? Yes.
21. Mr. Dean was a candidate on that occasion? He was.
22. Is Tinonee a polling-place of the electorate? Yes.
23. Can you give any estimate of the number of electors who reside in that portion of the electorate? No, I cannot.

H. Flett,
Esq., J.P.
16 Mar., 1870.

- H. Flett, Esq.,
J.P.
16 Mar., 1870.
24. An approximation, not an accurate account? I could not say, but sometimes the inhabitants of one place do not vote at that place; they vote at different places. There is a place within two miles at Taree, and one five miles at Wingham, and they go there sometimes from Tinonee. There might be, I think, if I might speak from memory, about 110 votes recorded, or from that to 150.
25. *Mr. Garrett.*] The total number of votes for all the candidates? Yes.
26. *Mr. Innes.*] You say there is a place called Taree, only two miles distant, and Wingham five miles. Take Taree, which is two miles—do you know what number of votes was recorded at the late election at Taree? I do not; I could answer that question if I were at home, but I have no recollection at the present moment.
27. Were you a candidate yourself on that occasion? I was.
28. Can you not say about how many electors there are at Taree? Not from memory.
29. Not whether there are 100 or 200? No; I would rather not answer that question, for I am not positive.
30. Wingham you say is five miles away? Yes; I would not take upon myself to say what number voted at either place—there is Wingham, Cundletown, and Jones' Island—three other places besides that.
31. From your residence at the place—I do not ask you to tell me how many voted at the last election—but the number of electors resident in these three places, Wingham, Taree, and Tinonee? Perhaps about 500. There has been a declaration of the poll published in the paper on the Manning. Mr. Dean's paper would give an account of the votes at each place.
32. Mr. Dean is the proprietor of a local newspaper? Yes.
33. Will you look at this (*handing a paper to the witness*) and see whether this is ———
Mr. Walsh objected. Mr. Innes withdrew the question.
34. Mr. Dean was you say a candidate, and you were a candidate—was Mr. Robert Smith, the petitioner, also a candidate? Yes.
35. Have you on various occasions conversed with Mr. Dean? Yes, on many occasions.
36. Have you had any conversations with him as to the place of his birth? Yes.
37. Has he told you on any occasion, or on more than one occasion, in what country he was born? Yes; he has told me he was an American born.
38. Did he tell you the State in which he was born? No; he did mention the town, but I do not recollect it now.
39. That he was a native of the United States of America? Yes.
40. Did he say it was in the United States, or in British North America? The United States, distinctly.
41. Was the fact that he was an American generally known in the district prior to his election? Yes; every man in the district, I presume, knows that. I do not think Mr. Dean ever denied it in the district.
42. Do you know the whole of this electorate of the Hastings? Yes; I know most of it. One part of it I have never been to—the Bellinger and Nambucca—the rivers to the more northern part. I know the Macleay.
43. Did you visit these places at the last election? No, I did not go to the Macleay the last time.
44. Were you at Port Macquarie? Yes.
45. The nomination was at Port Macquarie? Yes.
46. Was the fact of Mr. Dean being an American known at the date of the nomination? I should think so. It was not mentioned at the nomination, but I presume every inhabitant of Port Macquarie, and the people all over the electorate, knew that Mr. Dean was an American.
47. It has been a matter of public notoriety for years? Quite so; there is no doubt about the matter; he has rendered himself notorious from his paper alone; and every one seeing his paper knew something about Mr. Dean and his character also. I believe the people on the Manning and all over the electorate look upon Mr. Dean as an American.
48. *Chairman.*] I am in doubt as to the word American, as used both by the learned counsel and by the witness—Do you mean by an American a person born in British America, or one born in the United States? In the United States.
49. *Mr. Innes.*] I ask you in the words of the Act if he gave you to understand that he was "a person born in any portion of Her Majesty's dominions" in America? Never.
50. But on the contrary? That he was a native of the United States.
51. *Mr. Garrett.*] Born there? Yes.
52. *Mr. Innes.*] I understand this from you, that he has had occasion to tell you, or to refer to the fact, on more than one occasion, that he was born in America? Yes; and on one occasion more particularly.
53. Will you state what that occasion was? That was on the occasion of the election before this—five years before—in the latter end of 1864, when himself, Mr. Forster, and I stood as candidates.
54. Do you remember on that occasion anything being publicly stated about the place of his birth? Yes; I had a printed document sent to me before the day of nomination, and there were others sent after the day of nomination all over the district—some hundred of them, I should say.
55. Will you look at that document (*handing a paper to witness*) and see if that is a copy, or is one of such documents? Yes; this is the document I have seen before—not this paper.
56. Not that identical paper—but was such a printed document as that extensively circulated throughout the electorate? Yes, after the election; but a document came to me in a letter before the day of nomination, and upon that I questioned Mr. Dean.
- Mr. Innes tendered the document as one that on the occasion of the previous election had been extensively circulated.
- Mr. Walsh objected to its reception.
57. *Mr. Garrett.*] Did this document purport to be an account of proceedings that took place at the previous nomination? At the previous nomination.
58. Were you present at that nomination? No, I was not.
59. *Mr. Windeyer.*] Have you seen a paper similar to this? Yes.
60. And you speak of this as you would speak of a copy of a newspaper that was circulated, and of which you had seen a copy? Yes; this is the document that was circulated.
61. You say this was circulated in 1864 throughout the district pretty generally? All over the district.
62. *Mr. Walsh.*] You say that that document has been circulated extensively throughout the district? Yes.

63. The Hastings electorate is a very extensive one? It is.
64. It virtually consists of two distinct parts? Of three police districts.
65. How are you able to say that that document has circulated throughout the entire electorate? I did not see it myself, but I am prepared to say, from information I received, that 400 of these documents were circulated at Port Macquarie, on the Macleay, on the Manning, and in other parts of the electorate.
66. How many have you seen altogether? I might have seen a dozen.
67. Had you anything to do with the circulation? I declare to my God, never.
68. You have seen altogether a dozen on the Manning? Yes.
69. You did not see any on the Hastings, or in other parts of the electorate? No, but I heard from others.
70. *Mr. Windeyer.*] Was the circulation of these documents a topic of general conversation? Yes.
71. *Mr. Walsh.*] Where? On the Manning.
72. At what particular place? I could mention towns on the Manning and other places; they have been even posted on a board.
73. I want to know what you have seen yourself? I have seen them at Redbank, at Taree, at Wingham, and at many other places I do not recollect now. Indeed, I will get fifty persons who will swear they have seen them.
74. *Mr. Innes.*] Pasted up? Pasted on a board, and stuck on a wall.
75. In a very conspicuous position? Yes; I have seen persons with them in their pockets.
76. Have you heard repeated conversations about this document? No doubt, frequently.
77. *Mr. Garrett.*] Is Mr. Rudder a resident on the Macleay? Yes.
78. Is he residing in that district now? Yes.
79. And Mr. Dangar too? Yes.

Mr. Walsh objected to the reception of the paper in evidence. Mr. Innes replied.

Strangers were ordered to withdraw.

The Committee deliberated.

The parties were again called in and informed that the Committee had determined to receive the document. (*The same was handed in. Vide Appendix A.*)

80. *Mr. Innes.*] Did I understand you to say that in addition to that document there were other documents circulated extensively throughout the district, stating that Mr. Dean was a Foreign subject? Before these documents were issued—that is, after the nomination, there were other documents, something of the same sort, but more particular than they are—I got one.
81. And calling attention, among other things connected with Mr. Dean's history, to the fact that he was a Foreign subject? Decidedly. I recollect the document very well, and questioned Mr. Dean about it.
82. What did he tell you in answer to your questions? -----
83. *Mr. Garrett.*] Who was present? Himself and I.
84. And no one else? And no one else.
85. *Mr. Innes.*] What did Mr. Dean say to this? It was upon the occasion of his going to Port Macquarie to stand the nomination in 1864—the latter end of 1864; I was not going in myself to the nomination. I had posted some letters that had gone through the Tinonee post office. Mr. Dean was then the postmaster, and these letters had gone hunting about all over the country—by whom or how they were sent I cannot say; however, they went for a trip to Wingham.
86. *Mr. Windeyer.*] Where were they directed to? To Port Macquarie, but they never went to their destination for some fourteen days. Seeing that that was the case I determined during the whole of the election not to send my letters to the post office at Tinonee, but to give them to the mailman. On that particular day I met Mr. Dean at the punt -----
87. *Mr. Innes.*] Is that at the crossing-place at Tinonee? Yes; it lands upon my own estate on one side, and at Tinonee on the other.
88. Is that the mail road to Port Macquarie? Yes; Mr. Dean was then going to the nomination at Port Macquarie; he was going with the mailman—I forget his name, but that is of no consequence. While the mailman was strapping on his bags I had this conversation with Mr. Dean respecting this document in my possession. I asked certain questions of Mr. Dean and he answered them.
89. *Mr. Windeyer.*] You do not mean this document, but one you had received previously? Yes; I said, "Mr. Dean, you are aware that a certain document has been issued about you." We were on friendly terms then, although we were both candidates, and I believe we still are. I forget what he said. I mentioned what was in it; I said, "There are certain charges against you, and you will have to meet them."
90. Say what the charges were? In this document he was said to have landed in South Australia as Captain Hackett, or Captain Askell, or some such name—"Oh, pooh, pooh; that is all nonsense; don't believe anything of the sort." I said, "There are other things; you have been standing there as a candidate for election?"—"Yes." "You have been ousted?"—"Yes." I said, "There are a good many charges against you."
91. Tell us what the charges were? That was the first thing—having landed as Captain Hackett, that not being his name. Then he appears as Horace Dean, and that he entered Parliament, had been a stipendiary Magistrate, and had been turned out of Parliament, and all that sort of thing.
92. *Mr. Innes.*] Did you say anything about the grounds upon which he had been thrown out? No, but he admitted that.
93. What did he admit? He admitted that he had never landed as Captain Hackett, but that he had been thrown out.
94. Why was he thrown out? He said he had been a Member of Parliament, had been returned, and had been thrown out. However, to prove that he was a man of standing, and that it was all a piece of nonsense, he showed me a gold medal, and put the medal into my hand.
95. Was this, on the occasion you have referred to, near the punt? Yes.
96. Did he say how he got the medal? Yes; the medal said on the face of it. He said, "To show you what sort of a man I have been in my own native country, there is a medal; look at that!" and he put the medal into my hand. I looked on both sides; it was a gold medal—a pretty large one. "This is very astonishing." I recollect well, but perhaps Mr. Dean will produce the medal. It represented upon the face of it that it was given to him by the citizens of the place in which he was born, for his prowess -----

H. Flett, Esq., 97. Did it say where? Yes, but I do not recollect where.

J.P. 98. Did it say what country? I have no recollection, but the medal will show it, for his having, as a young man, I think it mentioned, by his own hand, while serving in the Mexican war, taken a Mexican General or Colonel, prisoner, and put him on his own horse behind him, carried him into the camp. All this I doubted, because in his best days I do not think Mr. Dean was a man to carry off another in that way; and I mentioned to him that I did not think he would be able to carry me into the enemy's camp. I think the medal bore the name of Williams; and I said, "Mr. Dean, how do you account for this name on the medal?" He said, "I account for it in this way: My mother was married to my father before she married the man Williams. I was very young when she married my step-father Williams, and I was always known by the name of young Williams in the township where I was brought up." I suppose he has got the medal yet.

16 Mar., 1870.

Mr. Innes inquired of Mr. Walsh if he produced the medal.

Mr. Walsh declined.

The thing that ran in my mind after this was—that the medal had never been given to Mr. Dean—that he had never conquered the General, but that he had found this medal.

99. You have no doubt that this conversation took place, and that this medal was produced? No doubt; I had the medal in my hand, and I swear that what I am stating now is correct.

100. He told you that this was given him for the prowess he exhibited in the capture of this General? Yes—it said so, on the face of it; either a General or a Colonel; a man of high standing in the Mexican army.

101. Did he say under what General he had served? Yes; I think it was Scott; I am not sure. I have often heard him state that he served in the Mexican army as a medical man. Then I spoke about another point—for I was speaking to him in a friendly way about the nomination. I said, "How will you clear away this about killing a man, and running away from America?" He acknowledged that it was so, but he explained it. He said, "I did; but it was under very peculiar and painful circumstances." He said whilst he had been serving in the army, it was under very peculiar and distressing circumstances—

102. Did he say where this occurred? In America—at his native place. He said whilst he had been serving in the army—I do not know whether he was a private gentleman or an officer—but some young gentleman had seduced his sister, and she had died in child-bed, and that he had run him through or shot him. All this was in the paper I have spoken of—how he had killed a man and been obliged to fly his native country.

103. All this had been published and extensively circulated? Yes.

104. It was with reference to the statements in this paper you were having this conversation immediately before the nomination? It was some few days before. He had started for Port Macquarie, and it was when I took my letters to the mailman that I had this conversation.

105. You had told him before the conversation that in all probability he would be asked these questions on the hustings? Yes. The paper to which I have just referred, I wish to explain, is not the one which I said was extensively circulated. I do not think there were more than three or four in that district.

106. It was not in a local journal? No.

107. It was in an electioneering placard? No; it was sent to certain men in the district.

108. *Mr. Garrett.*] An anonymous letter? No.

109. You only saw three or four? Yes.

110. *Chairman.*] Were they printed? Yes.

111. *Mr. Innes.*] The document in evidence must have been printed after the nomination, for it assumes to narrate what took place at the nomination? Yes, that was after the nomination. The one I was speaking of was before the nomination.

112. A few days before? Weeks before; for the conversation took place a few days before.

113. The conversation took place two days before? A few days before.

114. You told him distinctly that he would be asked about these questions on the hustings? Yes.

115. It was not a private and confidential conversation? Not at all.

116. I think you have stated, in answer to Mr. Garrett, that Enoch Rudder and Robert Dangar are residents in the place? I believe they are now.

117. And were then? And were then.

118. Do you say that up to the time of the last election, in December last, that all these facts, as far as they relate to Mr. Dean's being an American-born subject, were notorious? No doubt of it; Mr. Dean is known to be an American by every man in the district. I do not know a man that would say to the contrary.

119. How long has he held the office of postmaster at Tinonee? I am not sure—eight years very likely—seven or eight years.

120. Have you had opportunities of observing the conduct of the business of the post office there? Yes.

121. When, as far as you know, did there appear to be any change in the conduct of the post office business? Not any that I am aware of.

122. Of course you know nothing about the correspondence that has gone on between Mr. Dean and the Government, but as far as ostensibly appeared to any resident there, when did there appear to be any change in the conduct of the post office? I cannot say that there is any change, but I have never seen the mail-bags or way-bills made up, though I always understood that Mrs. Dean was the postmistress of Tinonee.

123. I thought you said Mr. Dean was the postmaster? Yes, but he has been changed since.

124. I want to know when that change took place? About the time Mr. Dean was returned. I believe he resigned.

125. You do not know anything about that, but you signed an application for a successor? I did.

126. How long previously to that did you know that there had been any change in the office-bearer? I did not know of any change in the office till we got an intimation from the Postmaster General.

127. You received a letter? A letter was received by the Bench of Magistrates.

128. Are you the Chairman of that Bench? Yes.

129. Have you that letter? I have a copy of it.

130. Will you state when you received that letter? It was received by the Clerk of the Court; I cannot tell the day on which it was received.

131. What is the date of the letter? 13th December.

132.

132. What is the ordinary course of post—How long would it take to reach you from Sydney? If it came in the usual course it might take from three days to a week. H. Flett, Esq.,
J.P.
133. What is the shortest time? Three days; if it were posted on Monday it would reach us on Wednesday; if on Thursday on Saturday. 16 Mar., 1870.
134. You would get it on the 16th? Yes; a letter was written on the 21st December, signed by myself and two brother magistrates, and sent in reply.
135. What are those documents you have with you there; are either of them original? No.
136. The letter to the Bench was the first intimation you had of any change being contemplated? That was the first intimation.
137. Did Mr. Dean reside in the building where the post office was carried on? Yes, the post office was under the roof of his building.
138. Did he continue to reside in that building? He continued to reside there until he left for Sydney.
139. Until he left for Sydney, after his election? —
140. For how long after his election did he remain there? I cannot remember.
141. Was it a week or a fortnight? It must have been fully that, I think.
142. After the polling-day? After the polling-day.
143. What was the polling-day? Really I do not recollect now.
144. The 23rd? Yes.
145. Two days before Christmas? Yes.
146. Do you remember the day on which the declaration of the poll was made? It did not reach the Manning for some weeks after. I do not know what day it took place. It takes some little time to get in the returns from each of the polling-places.
147. I think you said something about way-bills—do you know anything about way-bills? The way-bills are I think sent from one office to another, and I have seen one way-bill signed "Jane Dean."
148. Do you remember Mr. Dean making any application to you, as a member of the Bench, or to the Bench of which you were a member, as to the appointment of anyone to the office of postmaster? After receiving the letter to which I have referred, from the Postmaster General, dated 13th December, we met on the 20th, to take the matter into consideration. It was a letter from the Postmaster General, asking us to nominate a person in Mr. Dean's place, who had resigned the post office at Tinonee; Mr. Dean put in a written document, in his own handwriting, asking us to appoint Mrs. Dean, his wife, as postmistress. There were five gentlemen present at the time to vote, and there were three persons proposed. Captain Creagh, who was Acting Clerk of the Court and Magistrate also, proposed Mrs. Jane Dean; Mr. Lyons proposed Mr. Veitch Murray; and I myself proposed a storekeeper living at Tinonee, of the name of Thomas Rainford. Of course there was none but me to vote for him, and then I asked for a show of hands; there were two for Mrs. Jane Dean, two for Mr. Veitch Murray, and I gave my casting vote in favour of the latter. Of course the Magistrates who took this view looked upon Mrs. Jane Dean as Mrs. Horace Dean. As far as the post office was concerned, she continued to act, or he acted for her, for I have seen her name "Jane Dean," but in Mr. Dean's handwriting, in one of the way-bills.
149. *Mr. Dodds.*] Was she selected by the majority of the Bench? She was not selected at all; we selected Mr. Veitch Murray.
150. *Mr. Innes.*] Mr. Veitch Murray was not appointed; he was nominated, but his nomination was not acted upon by the Government? Just so.
151. Has anyone, of your own knowledge, been appointed since? We saw, through the public prints—that is, through Mr. Dean's paper —
Mr. Walsh objected.
152. Of your own knowledge —?
153. *Mr. Windeyer.*] Do you know anything of it from Mr. Dean? Yes; in his paper he said he nominated Mrs. Dean —
154. From himself? No.
155. *Mr. Innes.*] At the time of this meeting of the Bench, and this nomination of Mrs. Dean, did Mrs. Dean or Mr. Dean continue to transact this business? Yes.
156. You say you have seen way-bills signed "Jane Dean," but in Mr. Dean's handwriting? Yes.
157. Is that since the election? Yes.
158. *Mr. Windeyer.*] Since his return, you mean? Yes; but that can be proved by documents.
159. *Mr. Innes.*] After the polling-day? So I believe—that is my impression;—in fact I am sure.
160. Do you know a man named Frederick Burton? I do.
161. Who is he; is he the present postmaster? Yes; we understood him to be an employé of Mr. Dean's—he is the mechanical worker in the printing office; he gets the paper up; he is not the editor. I do not know what they call him.
162. A compositor? I do not know what the term was; he has been since in Mr. Dean's employment.
163. Was he not for some time previously, and has he not continued so? Yes, when I left the Manning he was, and I believe he is now.
164. Do you know where Mr. Burton lives? I know where he lived when I left the Manning.
165. Where was it? Some 200 or 300 yards from Mr. Dean's.
166. Has the post office been removed to Mr. Burton's house? I should think not.
167. Had it when you left the Manning? No.
168. Was it still in the same building—in Mr. Dean's house? Yes.
169. With regard to your questioning him as to his having been ousted, after having been returned as a Member of the Assembly at South Australia, did you state what were the grounds on which he was unseated? I think not; I merely remarked had he been so, and he said yes, he had, and had lost his seat. I do not think we entered into how or by what means he had lost his seat.
170. *Mr. Walsh.*] I understood you to say that you had several conversations with Mr. Dean as to the fact of his being an American? Yes.
171. Did he not tell you, in the course of those conversations, that his parents were British born? I cannot swear that; he may.
172. Will you swear that he did not tell you? I have no recollection of it—I can almost swear he did not tell me anything of the sort.
173. Will you swear that he did not tell you his parents had been born in England? I think he never mentioned

H. Flett, Esq., mentioned anything of the sort to me; certainly not at the time we had that conversation. He led me to understand that his mother had been married in America, and I took her to be an American; as a matter of course she had been married to Dean before she had been married to Williams. He certainly did not at that time tell me that his parents were British born.

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174. Did he at any time tell you his parents were born in England? I do not think so. I have no recollection of it. Will Mr. Dean tell me, through you, any particular conversation —
175. Do you remember a conversation at Cundletown, upon the subject of his being an American? I recollect his lecturing at Cundletown one time, when he gave them to understand that he was an American, and knew all about sugar growing; but certainly I do not remember his saying anything about his father and mother. It was a lecture on sugar growing, and I recollected afterwards that he had told me that although he was born in America he had never seen a sugar-cane field, and had never been in Louisiana; and I was astonished to hear him that day say he was well acquainted with sugar growing, and showing the people what a profitable thing it would be, when he knew nothing about it.
176. Did not Mr. Dean tell you on one occasion that he had been educated in England? Never; I will tell you what he told me, if it is worth while to do it: On one occasion we were drinking a bottle of very good wine at his own place; he pretended to be a good judge of wine, and I thought I was a pretty good judge of a glass of sherry, and I asked him how he came to have such good wine; he told me that he had one brother at Oporto, and another at London. I was led to believe afterwards that he never had a brother at all. That is all I know about England, or his family.
177. He did mention that he had a brother in London? Yes.
178. And one in Oporto? Yes; and that they sent out these wines. I do not recollect his ever saying anything about his parents being English-born, at Cundletown; we had several conversations at Cundletown, and some strange ones that it would be no use telling here, but I do not recollect that.
179. You will not swear he did not? I will swear he did not at Cundletown.
180. At any other place? I do not think he ever did in his life; but I have not a good recollection.
181. You say that this paper was circulated in 1864? I think it was 1864.
182. I believe there has been a considerable increase upon the Electoral List of the Manning since 1864? Not a great deal; we were then under the present Electoral List.
183. Has there not been a good deal of land taken up on the Manning? Not a great deal.
184. In the Electoral District? If it has been taken up in the district it has been taken up by the Manning people.
185. *Mr. Garrett.*] In the whole district of the electorate? Yes, I think there is a good deal of addition in the whole electorate.
186. *Mr. Walsh.*] With respect to the post office—when have you been to the post office at Tinonee? I was at the post office I think the week before I came to Sydney—I posted a letter.
187. When was that? About the latter end of January, or the 1st of February; I have been in Sydney about five weeks on Sunday.
188. Do not you know as a matter of fact that before that Mr. Burton was appointed postmaster? I know it from Mr. Dean's paper, but not officially, for we never received an answer from the Government.
189. With reference to Mrs. Dean—do you know that before the election she was what was called a sworn assistant in the post office? She may have been.
190. Do you not know it as a fact? I cannot say—I may have sworn her myself; I have not a good recollection.
191. Do you not know that these sworn assistants at a post office are not paid? Yes.
192. You say you have seen a way-bill—where did you see it? At Taree post office.
193. When? I do not recollect—when Mr. Dean was residing on the Manning; after his return.
194. When? I cannot give you the date; but if the document is produced it will speak for itself.
195. Can you state the nature of the document? A way-bill.
196. Was there not a date on it? Yes, but I cannot state what it was.
197. You cannot state whether the date on it was anterior to the election, or subsequent? I will tell you what I can swear, that that document was dated at Tinonee on the morning I saw it—it was put in my hands for a certain purpose.
198. *Mr. Windeyer.*] Was that morning subsequent to Mr. Dean's return? Yes.
199. *Mr. Walsh.*] Have you any objection to state what that "certain purpose" was? The gentleman stated—of course it was well known on the Manning that another person had been appointed for postmaster—"What a shame it is that Mrs. Dean is still keeping the post office, though another person has been appointed." As he said this he showed me the way-bill.
200. Was not the way-bill signed by Mrs. Dean, as assistant to the post office? I do not think so, but I am not positive. However, that was signed by Mrs. Dean's hand; I think it was signed "postmistress."
201. Will you swear that that paper was signed "Jane Dean"? Decidedly; the paper I saw was signed "Jane Dean."
202. You say that? Yes, but I should like to see the paper again; perhaps Mr. Lambton will produce it.
203. With reference to this paper that you say was in circulation before the nomination, and respecting which you had a conversation with Mr. Dean? Yes.
204. Did you attend at the nomination? No.
205. Did you hear of there having been any public meeting at Port Macquarie in reference to that paper about the time of the nomination? The only thing I know was the questions put to Mr. Dean at the nomination.
206. You do not know anything of a public meeting about it? No; I was not there.
207. You gave the Committee some information as to some miscarriage of your letters? Yes.
208. In the Tinonee post office? Yes.
209. And which you were inclined to attribute to Mr. Dean? I was inclined to attribute it to Mr. Dean as an election ruse; and to prevent that I went with my own letters to the mailman. I do not know that Mr. Dean would do it.
210. I believe Mr. Dean was about to take some proceedings against you with reference to your statement about these letters? Not with reference to that letter.
211. In reference to some letters? Yes.

212. Is it not the fact that in reference to your charges of his dealing with this letter, or with some letters, that you actually signed a written apology, apologizing for your statement? I did, but it was not for this letter. I reported a certain circumstance of the loss of a letter before or after this. I wrote to the Postmaster General, informing him of certain circumstances that came to my knowledge. I was afterwards led to believe I was wrong, and I did sign an apology. H. Flett, Esq.,
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213. That apology was signed under a threat of legal proceedings—was it not? It was. I was not going to stand an action if I was persuaded I was wrong; but that was not about this electioneering letter. Mr. Dean is aware that he sent this letter up to Wingham, or some one for him.
214. Is your memory quite accurate about that? I swear it was not with reference to this letter at the time of the election.
215. Are you the promoter of this petition? I know nothing whatever about it, further than merely report.
216. How report —? That Mr. Smith was to get up a petition.
217. You have no connection with it otherwise? None whatever, I declare solemnly; but more than that, when Mr. Smith called upon me to ask me to give evidence before the Committee, I declined to do so; but afterwards, having spoken to some of the Members on the subject, who said it would be treating the Committee with contempt, I determined to come.
218. *Mr. Innes.*] You are not contributing anything towards the expenses of this petition? Me, Sir; not a farthing. I do not care three straws whether Mr. Dean keeps his seat, or whether Mr. Smith ousts him.
219. With regard to these letters, you signed an apology, you say, but you say it was about some other letters which had gone wrong, or which you supposed had gone wrong? Yes.
220. About what time was that? I do not remember just now.
221. Can you remember what the letters were about that had gone wrong? The letters that went wrong at the time of the election?
222. Not at the time of the election, but in respect of which he threatened you with the action for some report that you had made, and in respect of which you signed an apology —? I do not recollect the date.
223. About the time—it is not often a man is called upon to sign an apology —? It was the first one I ever did in my life.
224. Do you remember whether it was about five years ago—about the time of the last election? I think it was after that, some time.
225. After the nomination in 1864? Yes, I think so.
226. You said, in answer to my learned friend, that you had signed it on the threat of an action, but before you signed it you had been persuaded that you had been wrong in making the accusation? Yes.
227. You did not sign it merely because you were afraid of an action? By no means.
228. But because you were persuaded you had been wrong? In that instance—yes.
229. At the time you made this report to the Government, did you believe it to be well founded? I certainly did, but I was led to believe otherwise afterwards.
230. *Mr. Windeyer.*] You have told us that this document, which has been put in evidence, marked “A,” was widely distributed? Yes.
231. Do you know in what part of the electoral district it was widely distributed? From information I received I should say it went all over the Macleay; in fact, I believe it emanated from the Macleay. It went on to the Hastings, and it came also to the Manning. I saw it at the Manning, but I was not either at the Macleay or at the Hastings myself.
232. Was Mr. Dean proceeding to the election, to the proceedings at which this document purports to allude, when you told him he would be questioned? Yes.
233. Do I understand you to say that he gave you to understand generally that he was a citizen born of the United States, without any limitation as to the birth-place of his parents? There was no limitation at all that I am aware of; he gave me to understand that he was a born citizen of the United States, born and brought up there, till he left there for England some time after.
234. For the cause you have before mentioned? Yes.
235. *Mr. Walsh.*] Did not Mr. Dean tell you that this unfortunate occurrence, that took place in America, took place in a duel? Yes, I think he said he called him out and shot him; I heard that he did not—that he coolly took his life. However, we have nothing to do with that.
236. *Mr. Windeyer.*] You swear distinctly that he did not say anything at Cundletown about the birth-place of his parents, or either of them? I have no recollection of it; if he did, I have no recollection of it; he may have said it. I do not know under what circumstances he would allude to it.
237. You say there was a meeting of the Magistrates took place for the purpose of nominating to the Government some person as postmaster? Yes.
238. Who were the Magistrates attending that meeting? Mr. Hall, Mr. Lyons, Mr. Johnson, Captain Creagh, and myself.
239. Will you state how the Magistrates voted? Captain Creagh, the Clerk of the Court and Magistrate, and Mr. Johnson, for Mr. Dean; Mr. John Hall, Mr. James Lyons, and myself for Mr. Veitch Murray;—but I had before that proposed Mr. Thomas Rainford.
240. Your candidate being thrown out, you voted for the other? Yes.
241. I understood you to say that your nomination was not accepted by the Government, and that Mr. Burton was appointed? Yes.
242. Did you receive any answer from the Government as to your nomination? Not when I left the Manning; but I have since understood from Mr. Lambton that he had written to the Bench about the time I left; but I consider that a very long time was allowed to elapse before replying to our letter, and that the Bench were treated with complete contempt—nearly two months was allowed to pass.
243. Do you know who nominated the person who was ultimately appointed? Mr. Dean states in his own paper, which I presume is under his own hand, that he nominated him. He wrote an article stating that he had nominated Mr. Burton.
244. I understood you to say that the post office is still conducted on Mr. Dean's premises? Yes.
245. Not on the premises of Mr. Burton? No; Mr. Burton is a married man, living at his own house.
246. Has he any business? He is the mechanical producer of that paper of Mr. Dean's.
247. He does not carry on any other business? No.

- H. Flott, Esq., J.P. 248. This way-bill you have spoken of, as signed "Jane Dean," is in the handwriting of the sitting Member you saw at Taree? Yes.
- 16 Mar., 1870. 249. Where was it a way-bill from and to? From Tinonce to Taree. I do not know whether the proper name is a way-bill, but really and truly a document was shown to me by the postmaster there, showing that the business was still conducted by Mrs. Dean.
250. *Mr. Garrett.*] You say Mr. Dean has been on the Manning River some eight or nine years? I think so; I will not be positive to the exact time.
251. In the course of your duty as a Magistrate have you had the revision of the Electoral Roll? Never.
252. The revision of the Electoral Roll comes annually before the Bench? Yes, but I have never sat.
253. Can you say whether Mr. Dean's name appeared as an elector on the Electoral Roll? I cannot swear to that, perhaps it does; I might be wrong if I swore. Always imagining that I might one day stand as a member for the district, I never sat at the revision of the Electoral Roll.
254. Were you present at Port Macquarie, at the nomination for the last election? Yes.
255. Did anyone on the hustings announce that Mr. Dean was disqualified to sit, from being an alien? No.
256. At what polling-place were you present on the day of election? At Wingham.
257. Did anyone at that election mention by voice, or by putting up a notice, that Mr. Dean was disqualified as a candidate, being an alien? I was in the house a great part of the day, and a good many things might have been done that I did not know about.
258. Are you aware that any such step was taken at any of the polling-places? I am not aware.
259. With regard to the letter received from the post office by the Bench, as to the appointment of a postmaster, you say the letter was dated from Sydney, 13th December? Yes.
260. What is the course of the post? Overland, or by steamer; if it came overland and were posted on Monday, it would be received on Wednesday; if posted on Thursday, it would be received on Saturday.
261. Supposing this letter were posted on the 13th, when would it reach Tinonce—Monday, being the 13th? On the 16th; it takes three days.
262. You sat on the 21st? Yes.
263. What would be the latest date before the 13th at which a letter could have been written from the Manning River to Sydney, intimating that Mr. Dean had resigned his office as postmaster —? Perhaps three or four days before this—I do not know when this was written. Of course this was written at the office of the Postmaster General.
264. The nomination took place on the 10th? Yes.
265. Mr. Dean was present at the nomination? Yes.
266. Could Mr. Dean have written a letter at any time after the 10th, or from the 10th, from Port Macquarie, which could reach Sydney, and to which they could reply on the 13th? Yes.
267. So that any letter to which that is a reply must have been written before the 10th? There can be no doubt about that.
268. With regard to the document that was placed in your hand, have you ever seen the manuscript of that? I have seen a manuscript taken from it—I suppose taken from this document. It was sent to me about a month ago.
269. Do you know where it was printed? I have heard it was printed at the printing office at the Macleay.
270. Does it bear any imprint upon it? No; I have understood it was printed at the Macleay.
271. Of your own knowledge do you know who is the author of this document? I do not decidedly. I have heard that Mr. Arthur Dangar got the document; but I know nothing of it—that he sent to South Australia.
272. As a matter of fact, of your own knowledge do you know whether these proceedings took place? Not of my own knowledge. I was not at the nomination—I have stated that before.
273. *Mr. Windeyer.*] Did you ever have any conversation with Mr. Dean about that paper? Not about that one.
274. *Mr. Garrett.*] With regard to the allegations about which you say you asked Mr. Dean some questions? Yes.
275. That was an anonymous letter, addressed to you? No, it was a printed paper.
276. Of that paper you say you know of the existence of only four copies? I saw four, but I believe there were some twenty or thirty. Of my own knowledge I have seen only four copies. One was sent to me, and I believe I have it yet.
277. In that paper was there a direct allegation that Mr. Dean was an American citizen by birth, and that he had not been naturalized? Nothing about it, but about his killing a man.
278. Nothing in it about naturalization? No.
279. It does not bear upon the question of his naturalization? I do not think so; it merely states what I have stated to the Committee before—upon what I spoke to Mr. Dean.
280. At the previous nomination in 1864, when Mr. Dean and yourself were candidates, were there on that occasion any public objections taken to him on the ground of his being an alien? I am not aware; I was not at the nomination at all. Those are the objections that I believe were taken. I was not there.
281. You have read this paper over? Yes.
282. Is there anything on the face of that document that shows there was any objection taken to him? You are asking me for my opinion.
283. I ask you is there anything on the face of that document that shows there was any objection taken to him? Decidedly; certain questions were put to him which he did not answer.
284. Does it appear that any objection was lodged in the hands of, or made to the Returning Officer, either verbally or in writing? No; but certainly I think Mr. Dean had a right to answer the questions; in fact, it took the district by surprise to find —
285. To find what? I have given all the evidence that I think necessary; I don't want to say anything against Mr. Dean. Well, to find such a man as Mr. Dean in our midst; Mr. Dean is a very clever man—well known on the Manning.
286. There has been some statement made about a public meeting held in regard to these statements —? I was not there; I do not know anything about it.
287. Does Mr. Dean hold any other position of trust and importance on the Manning other than that of being its representative? None whatever. They have tried to put him on the Bench, and perhaps he will be there by and by to answer the view of some of the people who returned him.
- 288.

288. In what form did they try to put him on the Bench? By petition—but you know petitions are got up for anything. H. Flett, Esq.,
J.P.
289. Do you think it is possible, if it were a matter of such general report as you say it is, that he is an American and bore a disreputable character, that any large number of people would try to get him appointed to the Commission of the Peace, and would return him to Parliament? There are people in this Colony who would do anything. 16 Mar., 1870.
290. Do you say especially on the Manning? Anywhere, especially such men as Mr. Dean—you see his actions in South Australia. There are people on the Manning who would put in a bullock-driver.
291. With regard to his business being carried on at the post office—how far does Mr. Burton live from the present post office? Some three or four hundred yards.
292. What sort of a house is it? A wooden cottage.
293. Has he a large family? I think not.
294. Has he any children? I think so; it is a new cottage he lives in.
295. It is not a place suitable for a post office? It might be if he had a separate room for it.
296. Is there any such room? I do not know.
297. Is not Mr. Dean's a more convenient place for the public? I should think Mr. Dean's is the more convenient place, although there is not much difference if the man crosses the punt with the mail bags.
298. How far is it away? About 300 yards.
299. *Mr. Innes.*] On the same side of the river? Yes.
300. *Mr. Windeyer.*] Where did you see these things stuck about—placarded? I think I have mentioned several places; at Redbank I saw them placed on a board; and I saw men carrying them in their hands at Wingham and Taree.
301. Where did you see these posted up (A)? At these places.
302. Was it posted at Tinonee? I will not be certain about that; if it were put up there it would be very soon taken down; I saw a man with one pasted on his breast.
303. On the polling-day was that? Yes, I think it was on the polling-day.
304. You say there has not been much change in the residents of the Manning River in consequence of free selection? I think not; there are some few places taken up on the Nambucca, and some on the Myall, or Bellambi River; but the principal is taken by persons who were before resident on the Manning. Indeed, there is not much good land to be taken up now; it has all been taken before.
305. *Mr. Dodds.*] Is the business of the post office carried on under the same roof as formerly? Yes.
306. *Mr. Innes.*] Was the fact of Mr. Dean being an alien as notorious in the district at this last election in 1869 as it was in 1864? I believe the whole district, from one end to another, knows perfectly well that Mr. Dean is an American.
307. *Mr. Windeyer.*] This being known, to what cause do you attribute the fact that nothing was said about it at the last nomination? I cannot say; I said nothing about it myself. There is another thing if I may say so, that very few people understood that it would be against his election; I for one did not.
308. *Mr. Garrett.*] Look at this Electoral Roll? (*Handing a printed document to witness*)—What is that—Is that the Electoral Roll of the Hastings? Yes. "Horace Dean, Tinonee, 625."
309. Do you know any other Horace Dean, of Tinonee? No.
310. Is that the Electoral Roll under which the election took place? Yes.

Stephen H. Lambton, Esq., having been sworn, was examined by Mr. Innes:—

311. What are you? Secretary to the General Post Office.
312. Do you produce all the documents with regard to the resignation of Mr. Dean of the office of postmaster at Tinonee? I do; that is the earliest document in connection with his resignation. (*The witness handed in the same. Vide Appendix B 1.*)
313. Have you any other documents in connection with the resignation? I have the original letter written upon that minute—a letter to the Bench, and also one to Mr. Dean; I can produce either the letter-book or a copy of the letter.
314. Do you produce a copy of the letter to Mr. Dean? That is the letter accepting the resignation; that is a correct copy. (*The witness handed in the same. Vide Appendix B 2.*) The next letter to the Bench was not written until the 13th. (*The witness handed in the same. Vide Appendix B 3.*)
315. What is the next letter referring to this matter? The next was the reply from the Bench, dated 21st December, 1869. (*The witness handed in the same. Vide Appendix B 4.*) There is also another letter from Mr. Dean, dated 25th December, 1869. (*The witness handed in the same. Vide Appendix B 5.*)
316. *Mr. Windeyer.*] Is there no correspondence in the office between the first letter you produce, or rather the minute on the same paper by Mr. Dean, dated the 5th December, 1869, and this letter of the 11th January? No. The letter was written on the same day that I got Mr. Robertson's verbal directions. The letter was written on the same day as the memorandum on the paper marked B 1.
317. Are there no documents either from the Postmaster General to Mr. Dean, or from Mr. Dean to the Postmaster General, between the 25th of December, 1869, and the 25th of January? There is nothing in my possession. The matter was left with Mr. Robertson, and the whole of the papers were left in the Colonial Secretary's Office till the other day, when I asked for them. There is another paper which I have not got, but I do not think it bears upon the case.
318. Where is it? At the Colonial Secretary's; it was left with the other papers. So far as I recollect it was merely from Mr. Dean, renewing the recommendation of his wife.
319. What was the letter? It was from Mr. Dean.
320. Dated what? It was dated about the 20th or 21st December.
321. The letter you have handed in was dated 25th December? The letter I speak of must have been dated before Mr. Dean was elected.
322. Do I understand you that all the letters were laid before the Colonial Secretary? They were—all I have produced.
323. When did they come back into your possession? On Friday or Saturday last.
324. Did you then for the first time discover that this letter, which you now say was with the Colonial Secretary, was not with them? I had discovered that there was a document short.
325. When did you last see them with the Colonial Secretary? I left them with Mr. Robertson.

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Esq.
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- S.H. Lambton, Esq.
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326. When? I forget the precise date; it was when the Bench replied.
327. *Mr. Innes.*] You could get it, I suppose? I presume it could be got if it were required. I may explain that probably it was a document I would not have brought if I had had it in my possession, for it did not bear upon the points mentioned in the summons. It appeared to be more of a private matter, addressed to the Postmaster General, than anything bearing upon Mr. Dean's election. I now hand in a minute of the Postmaster General, dated 25th January, 1870. (*The witness handed in the same. Vide Appendix B 6.*)
328. *Mr. Garrett.*] The Bench was informed of that? Yes.
329. *Mr. Windeyer.*] Whose handwriting is that (*referring to preceding minute*)? My handwriting
330. How did you know that Mr. Dean did withdraw the recommendation of Mrs. Dean? Only by a verbal intimation from the Postmaster General. That minute was written at Mr. Egan's dictation.
331. He dictated the minute to you? Yes; he gave me the substance of it.
332. Do you know whether this withdrawal of Mrs. Dean's nomination is conveyed in any written document? To whom?
333. To anybody connected with Government? No, not to my knowledge.
334. Was Mr. Dean there when this minute was written? He was not.
335. Do you know how the withdrawal of Mrs. Dean's nomination was communicated to the Postmaster General? I do not.
336. *Mr. Innes.*] Have you any other documents with regard to the resignation? There is a letter to Mr. Dean, the usual printed notification, dated the 25th January, 1870, and another to Mr. Frederick Burton, of the same date, appointing him to the office. (*The witness handed in the same. Vide Appendices B 7 and B 8.*)
337. Is it usual with persons who are appointed to office in this way, for their appointments to date back to the period of the resignation of their predecessor? It is always usual to date back, unless a person is temporarily appointed in the interim to perform the duties.
338. Who receives the pay? Mr. Burton from the 11th, and Mr. Dean up to the 10th, inclusive.
339. Now I want to see the salary abstracts? I have not them.
340. Where will they be? In the Treasury. I have here a letter to the Bench of Magistrates, dated 31st January, 1870. (*The witness handed in the same. Vide Appendix B 9.*) I also produce the bond and the post office declaration of Mr. Dean. (*The witness handed in the same. Vide Appendices B 10 and B 11.*)
341. The bond is marked as "Obsolete"—when was that word written? I cannot say when that word was written there, but according to the usual practice it would become obsolete and that word would be written there when Mr. Dean's successor was appointed, which was the 25th January, 1870.
342. *Mr. Garrett.*] Do you not say that the other appointment was from the 11th? Yes.
343. Up to the 25th January nobody was appointed? No.
344. *Mr. Innes.*] The bond was in existence till then? Yes; although Mr. Burton's bond would make him responsible from the 11th.
345. I want Mr. Burton's bond? I have not that with me.
346. Could you produce it at some subsequent period? Yes.
347. That closes the whole of the correspondence, with the exception of the one missing letter which you say has gone astray in the Colonial Secretary's Office? Yes.
348. Mr. Egan is the name of the Postmaster General? Yes.
349. Was he out of town all this time? Yes, during the whole month of December and part of January.
350. During his absence these documents were at the Colonial Secretary's? Yes; I consulted Mr. Robertson with reference to these matters, and left the documents with him.
351. When were they got by you from the Colonial Secretary? Only a few days ago. When I saw this petition had been presented I thought I might be required to give evidence—
352. Within this month? Yes.
353. Although Mr. Egan had returned early in January? Yes.
354. Do you produce the way-bills or official letters of advice—? I produce the way-bills and time-bills for the month of December. (*The witness produced the same.*)
355. Do you know Mr. Dean's signature? Yes.
356. Is that Mr. Dean's signature (*handing paper, marked B 13*)? Yes, I believe that to be his signature—"Mail from Tinonee to Cundletown," dated December 2, 1869.
357. Is that also (*handing paper, marked B 14*)? The handwriting is Mr. Dean's, but the name is "J. A. Dean, acting despatching postmaster—mail from Tinonee to Cundletown," dated December 26, 1869.
358. Who is the "J. A. Dean" described as acting despatching postmaster? Mr. Dean has several members of his family as his assistants. This is a list of their names, as taken from our books. (*The witness handed in the same. Vide Appendix B 12.*)
359. What sort of assistants are they? Assistants employed by himself.
360. When was that paper you have just handed in, written? Taken from our books the day before yesterday.
361. Is that Mr. Dean's handwriting (*handing paper, marked B 15*)? No, that is not. It is signed "J. A. Dean," and is dated Tinonee, December 30th, 1869.
362. *Mr. Windeyer.*] Did the letter that has not been produced, but which is now in the Colonial Secretary's Office, come to you as Secretary to the Post Office? I believe it did; I am not quite certain.
363. Did it come to you in the same way as other letters? Yes.
364. Did all this correspondence come to you in the absence of the Postmaster General? Yes.
365. Did you open that letter in the same way as other letters? Yes.
366. Was it registered? Yes.
367. When you got the letters from the Colonial Secretary were you aware this letter was not among them? I was not aware until I came to look over them.

THURSDAY, 17 MARCH, 1870.

Present:—

Mr. Brown, Mr. Dodds,	|	Mr. Garrett, Mr. Windeyer.
J. Lackey, Esq., in the Chair.		

T. Iceton, Esq., appeared as Solicitor on behalf of the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel on behalf of the Petitioner.

S. H. Lambton, Esq., again called in, and further examined by Mr. Innes:—

368. Will you look at these documents, and state if you can identify the handwriting of the persons who S.H. Lambton, have signed the name of Dean to them (*handing several documents to the witness*)? This, dated 1st December, from Tinonee to Gloucester, I believe to be signed by Mr. Dean himself. (*The witness handed in the same. Vide Appendix B 16.*) This, from Tinonee to Cundle, dated 5th December, bears, I believe, 17 Mar., 1870. the signature of Mr. Dean. Esq.
369. That is Mr. Dean's own signature? I believe it is, but it is not so plain as usual. (*The witness handed in the same. Vide Appendix B 17.*) This is dated 22nd December, from Tinonee to Gloucester, signed "J. A. Dean, acting despatching postmaster."
370. In whose handwriting is that? I believe the handwriting to be Mr. Dean's. (*The witness handed in the same. Vide Appendix B 18.*)
371. Here is one, dated 26th December, from Tinonee to Stroud, signed "J. A. Dean, acting despatching postmaster"? I believe that to be in Mr. Dean's handwriting also. (*The witness handed in the same. Vide Appendix B 19.*)
372. Another from Tinonee to Stroud, dated 29th December, signed "J. A. Dean, acting despatching postmaster"? I believe that also is Mr. Dean's. (*The witness handed in the same. Vide Appendix B 20.*)
373. Another dated, I believe, December 26th, from Wingham to Tinonee, received by J. A. Dean, receiving postmaster? I believe that is Mr. Dean's handwriting also. (*The witness handed in the same. Vide Appendix B 21.*) Another, dated December 29th, from Tinonee to Gloucester, signed "J. A. Dean, acting despatching postmaster," also in Mr. Dean's handwriting, to the best of my belief. (*The witness handed in the same. Vide Appendix B 22.*)
374. Will you look at the endorsement upon this document and tell me in whose handwriting you believe that to be? —
375. *Mr. Garrett.*] How do you identify that document? It is the time-bill despatched from Tinonee on the 30th December.
376. *Mr. Innes.*] Will you read the endorsement (*The witness read the same*)? The handwriting is, I believe, Mr. Dean's; it is signed "J. A. Dean, acting P.M."
377. Not merely the signature attached to it, but the whole handwriting? The whole endorsement appears to be his writing. (*The witness handed in the same. Vide Appendix B 23.*)
378. You believe all that you have read to be in the handwriting of Mr. Dean? Yes.
379. Would it be within the ordinary functions of a postmaster to make such an answer to such an inquiry as is here? Yes.
380. *Mr. Windeyer.*] By whom is the inquiry made? By the clerk in the Sydney office, who usually examines these bills, and calls attention to any irregularities.
381. *Mr. Innes.*] Will you look at that document, and state how that can be identified (*handing a paper to witness*)? That appears to have been despatched from Tinonee on the 26th December, signed by J. A. Dean, as despatching postmaster.
382. In whose handwriting is that? It looks like Mr. Dean's.
383. You believe it to be Mr. Dean's? I believe it to be Mr. Dean's.
384. Look at that endorsement? That is apparently in the same handwriting.
385. Will you read that? (*The witness read the same.*)
386. Do you believe that to be in Mr. Dean's handwriting? It is very like.
387. Do you believe it to be his? To the best of my belief I should say it is.
388. That also would be written in the discharge of the functions of a postmaster? Yes. (*The witness handed in the same. Vide Appendix B 24.*)
389. Will you look at this (*handing a paper to the witness*)? This is a time-bill—"Tinonee, Stroud, Sydney"—received at Tinonee 26th December. I believe this to be signed by Mr. Dean. (*The witness handed in the same. Vide Appendix B 25.*)
390. Have you the time-bills for the month of January? I have. (*The witness produced the same.*) In the month of January a new form of letter-bill was introduced, and these took the place of that kind. (*Referring to the different forms.*)
391. With regard to these three—take them in chronological order, and say sufficient to indicate what they are? One from Tinonee to Cundle, dated January 13, 1870, signed "J. A. Dean, postmaster."
392. Whose handwriting do you believe that to be? Mr. Dean's. (*The witness handed in the same. Vide Appendix B 26.*) Another, dated January 16th, from Tinonee to Cundle, signed "J. A. Dean, postmaster," also apparently in Mr. Dean's handwriting. (*The witness handed in the same. Vide Appendix B 27.*)
393. Here is one, dated January 23rd, from Tinonee to Cundle, signed "J. A. Dean, postmaster."
394. Is that in Mr. Dean's handwriting? That is not in Mr. Dean's handwriting; at least I do not believe it is Mr. Dean's. (*The witness handed in the same. Vide Appendix B 28.*)
395. Will you kindly look through the way-bills for January, and see the latest date wherein you can recognize the handwriting of Mr. Dean? Do you refer to the way-bills, the time-bills, or any, or all of these?
396. To the latest document relating to the post office that you believe to be in Mr. Dean's handwriting, either as an endorsement or on the face of the document? The latest date on the time-bills is the 13th January. 397.

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397. *Mr. Windeyer.*] Is that a signature written in the handwriting of Mr. Dean? In the handwriting apparently of Mr. Dean. (*The witness looked through the papers.*) There appears to have been nothing later than the 16th, so far as I have gone—this is a letter-bill of the 16th. (*The witness handed in the same. Vide Appendix B 29.*)

398. *Mr. Innes.*] A new form of letter-bill was substituted for the older form? Yes.

399. Did I understand you to say that up to the time of the new bond being entered into, the person who was the former holder of the office continues to be responsible? We would consider him so until the execution of the new bond.

400. Ordinarily, when resignations are sent down, is the former holder of the office—the person intending to resign—considered responsible for the proper performance of the duties of the office, until his successor is appointed.

Mr. Iceton objected to the question.

Objection sustained.

401. *Mr. Iceton.*] You have a letter of the 5th December I think? I produced a letter of the 5th December yesterday, or a memorandum, which was read. (*The document was handed to Mr. Iceton.*)

402. This is a memorandum, dated 5th December—will you state at what date that memorandum was in your office? On the 8th December.

403. Not merely the letter on the white paper—the letter of the 27th November—but the memorandum underneath, written on the foolscap? The memo. of the 5th was received by me on the 8th.

404. As to assistant postmasters, I believe the practice is to appoint a very large number of these? It is left entirely to the postmaster.

405. To have as many assistants as he pleases? To have as many assistants as he pleases.

406. They are not paid any salary? No.

407. *Mr. Garrett.*] Are they sworn? They have to make the declaration required by the Act.

408. *Mr. Iceton.*] Mrs. Dean was an assistant postmaster? She is down in our books, and we have her declaration as an assistant.

409. Before the time of Mr. Dean's resignation? Before that.

410. She continued to act after the receipt of that letter? I presume so; I have heard nothing to the contrary.

411. Some other members of Mr. Dean's family were also assistants? I handed in yesterday the names taken from our books.

412. They appear, or some of them appear, to have continued to do the duties after Mr. Dean was elected? Judging from the signatures to some of these documents, I should say so.

413. Without any salary or profit? We pay them no salary.

414. None to Mrs. Dean for being assistant postmaster, or to any members of Mr. Dean's family for acting as assistant postmasters, since the 5th December? Since the 10th December; the salary was paid up to the 10th, inclusive.

415. There was no payment to any assistant postmaster in respect of that office? No payment has been made to any assistant postmaster.

416. There was no other contract between the Post Office and Mr. Dean, excepting the bond, with reference to the performance of the duties of his office? No.

417. You have spoken of two or three of the documents before you as bearing Mr. Dean's writing; the rest of the series do not profess to bear his signature? They do not.

418. *Mr. Innes.*] There was a letter I asked you about yesterday, which you said you would produce, if possible? I have not been able to get it.

419. Have you searched for it? I have inquired, but I have not been able to get it.

420. Where have you inquired? From the Colonial Secretary I inquired.

421. What answer did you get? —

Mr. Iceton objected to the question.

Objection sustained.

422. Did you see the document yesterday? I did not see it yesterday.

423. When did you last see it? Either on Monday or Tuesday last—I will not be sure which. I think Tuesday morning.

424. On Tuesday morning last—the day before yesterday? Yes.

425. Where did you see it then? In the Colonial Secretary's Office.

426. Is the date of that document in evidence? —

427. *Mr. Garrett.*] You gave it yesterday—the 23rd? I do not think I gave it yesterday.

428. What is the date of it? It was dated the 22nd December, 1869: received here on the 28th.

429. *Mr. Iceton.*] Will you produce some letters by Mr. Flett—a complaint made by Mr. Flett against Mr. Dean some four or five years ago—you have not them with you? No.

430. Could you produce them at the next meeting of the Committee? I dare say I can get them in the office.

431. *Mr. Windeyer.*] What is the registered number of this letter? That I cannot say; but I can ascertain from the letter-book.

432. Is it in the Colonial Secretary's Office now? That I cannot say.

433. Do you believe it to be? I believe it to be.

434. It has not been returned to your office? It has not been returned to my office.

435. Did you inform the Colonial Secretary that the Committee desired to have the letter? I did.

436. Was there any search made for the letter? No, none.

437. Have you any reason to believe it is lost? I cannot say whether it is or not.

438. I did not ask you that—have you any reason to believe it is lost? No; I have no reason to believe it is lost.

439. Do you produce Mr. Burton's bond? I do. (*The witness handed in the same. Vide Appendix B 30.*)

440. Is it usual to antedate bonds like that? It is.

441. *Mr. Dodds.*] Are these declarations usually made before the parties enter upon the duties of their office? Not always; the law requires it, and we comply with it as far as we can.

442. I understood you to say that that was dated the 27th January, that was after he entered into the bond? No, he probably would have given a declaration as an assistant at an earlier date, and I think that declaration will probably be found in the papers I handed in yesterday.

443. *Mr. Garrett.*] (*Referring to a paper.*) His name is not here? Then he was not an assistant.
444. On what date did you receive directions from the Colonial Secretary to accept Mr. Dean's resignation? On the same date as the minute appears on the paper—the 11th December.
445. How do you account for the delay between the 8th and the 11th? It is usual when a postmaster resigns to have his accounts adjusted, and to have a report from the Clerk in charge of the Bonds to see whether all amounts have been paid, and these inquiries appear to have occupied from the 8th to the morning of the 11th.
446. Then practically pending a satisfactory report from this officer, Mr. Dean's resignation, as far as that was concerned, was complete on the 8th? His resignation was received on the morning of the 8th; and I observe, from the minutes on the paper received, that it was sent for the usual report on the same day, and that it did not come before me again till the 11th. The officer reports "The P.M. owes £6 17s. on a stamp account."
447. Was that over and above the amount of salary then owing to him? No, that would not include his salary I imagine, because the salary was not due until the 30th, unless his resignation were previously accepted.
448. Then in fact he would not owe the Government anything on settlement? No.
449. Mrs. Dean was acting legitimately in the office as assistant or acting postmistress or postmaster from the 5th until Mr. Burton went into the possession of the office? I presume she was; we did not recognize her in any way as having control of the office.
450. *Mr. Windeyer.*] Who did you recognize? We had no recognized person as a matter of fact.
451. *Mr. Garrett.*] What is the meaning of this minute written 1/12/69—"There is no objection to the office being left in Mrs. Dean's charge, as requested, P.M. himself being of course responsible for any irregularity that may occur during his absence"? Because the resignation was not as I thought sufficiently formal. I considered it an application for leave of absence on account of ill-health, and for permission to trust another to take charge during the time of absence. If there had been a formal resignation—"I hereby resign my appointment as Postmaster," it would have been considered as a resignation, no doubt.
452. Mrs. Dean was acting as assistant postmaster in charge, with the consent of the department? I have already said there was no recognized person in charge.
453. None whatever? None whatever.
454. *Mr. Innes.*] Except Mr. Dean. Was Mr. Dean the only person recognized as postmaster at that time? —

Mr. Leeton objected to the question.

Objection overruled.

I have already stated that no one was recognized as postmaster; but in the event of anything going wrong, as a matter of official practice we would consider him responsible under the old bond.

455. Up to the time that it was declared obsolete? Up to the time it was declared obsolete.
456. *Mr. Windeyer.*] Which was up to the time that Mr. Burton entered into his bond? Yes. I would wish to explain, with reference to the evidence given yesterday, in answer to Mr. Windeyer's question, when the papers were handed back to me by the Colonial Secretary, that I knew this document was not with them.
457. *Mr. Innes.*] Will you say when that was? That was on Tuesday morning.
458. You saw it on that morning? I am not quite sure about that; I saw it the day before.
459. *Mr. Windeyer.*] Do I understand you to say that the word "obsolete" was written upon Mr. Dean's bond at the time Mr. Burton's bond bears date—when it was executed? I have no doubt, although it was not written by me, that the word was written as soon as the bond was executed.
460. *Mr. Garrett.*] Was Mr. Dean informed of the cancellation of his bond by any letter? I do not think he was.
461. He was not aware of this word "Obsolete" being written? No.
462. *Chairman.*] Is it usual to inform postmasters of their bonds being cancelled? No.
463. *Mr. Windeyer.*] The usual practice is to cancel the existing bond in that way at the time the second bond is entered into? Just so.
464. With reference to this letter that has not been produced, you say you were aware when you got these letters from the Colonial Secretary that it was not among them? I was.
465. Were you aware it was retained there? I was.
466. Did you ask for it? I did not ask for it.
467. Why, when you were directed to produce the whole of the correspondence, did you not ask for it? The summons I got made it very doubtful whether I should produce any letter after the date of Mr. Dean's resignation. The summons said I was to produce "all letters, books, papers, &c., with regard to Mr. Dean's holding the office of postmaster at Tinonee." I therefore felt it to be right to consult the Colonial Secretary, who dealt with the matter during the Postmaster General's absence.
468. You consulted with the Colonial Secretary as to what letters you should bring? Yes.
469. It was after that consultation this letter was not handed over to you with the others? Just so, I presume, as not bearing upon the case.

Henry Lane, Esq., having been sworn, was examined by Mr. Innes:—

470. You are Under Secretary to the Treasury? Yes.
471. Do you produce the pay-sheets for the month of December, 1869, and for January, 1870, for the office of the postmaster at Tinonee? I cannot produce that for January, 1870, for it does not exist, but I have that for December, 1869; and I produce the voucher for the last payment of salary made to Horace Dean, postmaster at Tinonee.
472. Is that the last voucher upon which a salary has been paid with reference to this office? Yes.
473. No other vouchers have been forwarded to your office with reference to that salary? None have been received by me. (*The witness handed in the same. Vide Appendix C.*)
474. Have you in your possession any other document with reference to salary paid or to be paid to the postmaster of Tinonee? Not yet received.
475. You have no other document, neither letter, memorandum, nor minute? None.

- H. Lane, Esq. 476. You know the signature of Mr. Day, I suppose, the witness to this? I do not myself.
477. This bears date the 3rd March, 1870—that is the day on which the payment was made? The day on 17 Mar., 1870. which the payment was made.
478. *Mr. Windeyer.*] Has no salary been paid to anybody for doing the duty of postmaster since the 10th December? None at that place.
479. *Mr. Garrett.*] Not yet? Not yet.
480. *Mr. Windeyer.*] Are not Government salaries usually paid monthly? These are paid quarterly.
481. Do you mean all accounts on the Post Office? The country postmasters'.
482. Then there is nothing in your office to shew, till the end of the quarter, who is the person entitled to the salary from the time of your last payment? Nothing whatever.
483. *Mr. Garrett.*] I suppose you would gather from that abstract, as it is for a broken period, that the service terminated at the end of that period? Certainly.
484. *Mr. Innes.*] That is, I understand, a payment up to the 10th, inclusive? Inclusive.
485. *Mr. Windeyer.*] How is it that as this service apparently terminated on the 11th December, the money was not paid till the 3rd March? Because it was not sent to the Treasury. We received that a few days before the 1st March—I cannot say exactly the date; but we pay as these accounts are sent in by the Postmaster General.
486. *Mr. Innes.*] That was sent in late in February? Late in February, to the best of my belief.
487. *Mr. Garrett.*] If a person gives up his office at any time during the day, supposing at 12 o'clock on the 10th, would he be paid up to that time? It depends upon certificate sent up by the head of the department. Mr. Lambton's certificate is that he did duty up to the 10th, inclusive.
488. Supposing this officer held office until 12 o'clock on this day would he be paid the full day's salary? Yes.
489. *Mr. Innes.*] Would he be paid any more salary if he held office till 12 at night? Nothing more.

Charles Alexander Sinclair, Esq., J.P., having been sworn, was examined by Mr. Innes:—

- C. A. Sinclair, Esq., J.P. 490. Have you held the office of Police Magistrate at Port Macquarie? I have.
491. From what period? I held it I think about five years—from the beginning of 1865 till the 30th March of this year, when it was done away with, owing to retrenchment.
- 17 Mar., 1870. 492. What was the police district of Port Macquarie under your charge, comprised in your jurisdiction? I used to go to Port Macquarie, and there are three separate police districts in the electorate—the Manning, Port Macquarie, and the Macleay.
493. You were the Police Magistrate of the Macleay and Port Macquarie? Yes.
494. You are still a Magistrate of the territory I believe? Yes.
495. At present residing at Sydney? At Hunter's Hill.
496. Do you know Mr. Horace Dean? I have no personal acquaintance with him.
497. Have you any other? No; I have not even had correspondence with him.
498. Have you known him by sight and repute? I did not even know him by sight until he was pointed out to me yesterday. I know him by repute, and have known him for a long time as the editor of a paper.
499. For how long? Ever since I have been in the district of Port Macquarie.
500. You have had no personal communication with him? Not any.
501. Do you know, as a matter of repute, to what country he belongs? Yes, I have heard it rumoured very generally that he belongs to the United States of America. I have heard conversations during the time I have been there with different people, both at Port Macquarie and at the Macleay, that he was in the United States army—a surgeon in the United States army; at all events I believe he is generally reputed to be an American.
502. A native of America—of the United States? Yes.
503. Have you heard that very generally? I have heard that during the five years I have been there, and I have always been under that impression.
504. It has been a matter of general notoriety? Yes.
505. Both at Port Macquarie and at the Macleay? Yes; I have always understood, and I believe people generally suppose that he is so.
506. Has he been to any extent a public character? Yes, he has been the editor of a paper, a paper which I believe is the leading paper there.
507. Has he contested an election on more than one occasion? Yes, he contested an election shortly before I arrived at Port Macquarie.
508. In December, 1864? Yes.
509. The River Hastings I believe forms a portion of the district of Port Macquarie? Yes, that is in the district of Port Macquarie.
510. *Mr. Windeyer.*] And in the electorate of the Hastings? Yes, the whole of it is in the electorate of the Hastings, which consists of three different police districts.
511. *Mr. Innes.*] Were you up there at the time of the recent election? No, I was not there.
512. Shortly before? No; my appointment was done away on the 30th November, and I came away a few days before. I asked for a few days leave, and I think I left Port Macquarie about the 24th.
513. Up to the time of your leaving Port Macquarie was the nationality of this gentleman a matter of notoriety? Up to that time.
514. It was the general rumour? Yes; I never thought Mr. Dean's nationality would be a matter of any importance to me, but I had heard it during the five years I had been there, and he was reputed where I have been, and talked of as an American.
515. That is a native of the United States? A native of the United States. I heard that he had been a doctor in the American army. I have heard many stories about him; of course it was merely conversation about him.
516. The matter was generally talked of throughout the district? Yes. Whenever he was talked of his nationality was referred to, and he is generally before the public—a man in his position—being the editor of a paper.
517. *Mr. Iceton.*] Your place was Port Macquarie? My head-quarters was Port Macquarie.

C. A. Sinclair,
Esq., J.P.

17 Mar., 1870.

- 518. You did not very frequently go to the Macleay? Latterly about once a month.
- 519. I suppose you did not always go; it was not necessary? Yes, I always went about once a month.
- 520. Would you have occasion more than very seldom indeed to hear anything of Mr. Dean in any other place than Port Macquarie—at the Macleay for instance? Yes, I have heard Mr. Dean talked of at the Macleay as well.
- 521. Not very frequently I should think? I really cannot say how often; I took no particular notice of it.
- 522. You did not pay any particular attention to it; it was not a matter you cared about, or had an interest in? I had no interest in it.
- 523. You heard, as a mere matter of talk or hearsay, that he was born in America? I have always heard from report that he was a citizen of the United States; in fact I have heard him called a Yankee.
- 524. Every report of this sort is made up of an immense number of conversations or of opportunities of hearing the talk of other people. Upon such occasions can you charge your memory with this: Whether Mr. Dean was spoken of as a person who had been born in America, or whether he was called a Yankee, or whether he was called an American? I have heard him called a Yankee.
- 525. Without reference to the place of his birth, or with reference to the place of his birth? These general rumours were that he was a Yankee.
- 526. *Mr. Innes.*] Did you understand by the word "Yankee," a citizen of the United States? —
Mr. Iceton objected to the question.
- 527. Have you heard him called a citizen of the United States? Yes; as I said before I have heard him talked of as a doctor in the United States army—a surgeon in the United States army.
- 528. *Mr. Brown.*] I suppose you see at once that it would not follow, because he was a doctor in the United States army that he must be a citizen of the United States? No, I only mention this as forming a part of the conversation whenever Mr. Dean has been talked of. He is a man in a prominent position, and like almost all public men is frequently spoken of.
- 529. *Mr. Innes.*] Was the general impression —
Mr. Iceton objected.
- 530. Was the general rumour, general belief, general understanding, that he was a citizen of the United States? Yes, I think so.
- 531. *Mr. Windeyer.*] Do I understand you to say that you gathered from these rumours that he was not a British subject? Yes; I do not know whether he was naturalized or not, but I have always heard him spoken of as an American citizen—that he came from America, and was born there.
- 532. *Mr. Innes.*] Have you heard anything of his having got into difficulty in America, and having had to leave his country in consequence—as a matter of general rumour? —
Mr. Iceton objected to the question.
Objection sustained.

FRIDAY, 18 MARCH, 1870.

Present:—

Mr. Dodds,	|	Mr. Lackey,
Mr. Garrett,		Mr. Macleay,
Mr. Windeyer.		

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor on behalf of the sitting Member.
 J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

The Rev. Allan Webb, having been sworn, was examined by Mr. Innes:—

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- 533. You are a Baptist Minister, residing in Sydney? I am.
- 534. Did you, on or about the year 1859, reside in Adelaide, South Australia? I did.
- 535. Do you remember a case being tried there in the Court of Contested Elections, wherein Mr. Horace Dean was a party, and his return was petitioned against? I remember the case being reported in the newspapers.
- 536. Do you remember the decision that was given in those cases? —
Mr. Iceton objected to the question.
- 537. When did you leave South Australia? In 1864 I think it was.
- 538. You had no personal knowledge of Mr. Dean in South Australia? None whatever.
- 539. Do you know, as a matter of general rumour, of what country he was a subject?
Mr. Iceton objected to the question.
- 540. You left South Australia in the year 1864? Yes.
- 541. To what part of New South Wales did you come then? I came to Sydney then.
- 542. Did you see Mr. Dean after you came to New South Wales? After I had been in New South Wales about nine months I went on a tour to the Manning River, preaching, and then I became acquainted with Mr. Dean for the first time personally.
- 543. At the Manning River? Yes.
- 544. And you have known him from that time to this? Yes.
- 545. Have you, on various occasions, or on more than one occasion, conversed with him about the country of which he was the subject?
Mr. Iceton objected to the question.
- 546. As to the land of his birth; I must indicate what I mean in some way or other? That subject has been spoken of in conversation.
- 547. Has Mr. Dean told you anything about the country to which he belonged? He has.
- 548. What country did he tell you? America.
- 549. Can you remember what he said; repeat it as well as you can remember? That he was born in America was understood by me when I first knew him; and afterwards it was stated precisely by him that he was born in America.

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550. In what part of America? He did not say.
551. As far as you understood? In the United States.
552. Not in British America? No.
553. Anything further that you remember with reference to that topic? He told me some particulars about his life.
554. In America? Yes.
555. Can you remember any of the particulars to which he referred? He held, I believe, a commission in the army.
556. In the United States army? Yes.
557. Anything else? Some particulars connected with his life in the army were spoken of.
558. What particulars, as well as you can remember? It was in relation to the cause of his leaving America he told me.
559. You are now telling your conversation with himself? Yes; it was fighting a duel, and he found it necessary to leave the United States as the result of that.
560. In consequence of the result of that duel? Yes.
561. Did you speak to him at all about South Australia? When first we met of course I spoke about South Australia, because it was through his having been in South Australia that I was led to make his acquaintance. I believe, as far as I can recollect, the name was familiar to me, and I believe that is how I came to be acquainted with him.
562. Did you talk about matters connected with Mr. Dean in South Australia? We did.
563. Can you recollect what was said about that matter? The recollection I have is indistinct of the particular statement, because it is now five or six years since we had that conversation, but we spoke generally of the treatment Mr. Dean had received at Mr. Angas's hands.
564. Who is Mr. Angas? He is the gentleman who initiated proceedings against Mr. Dean in South Australia.
565. Do you know what Mr. Angas was in 1857? I imagine he was a Member of the Upper House; but as I tell you it is so long ago, and I have had nothing since to refresh my memory, that —
566. Do you know Mr. Angas personally? I did not know him then, but I have since known him personally.
567. Do you know what he is? Yes, I know him well —
568. Is he a man of mark in South Australia? Decidedly.
569. A Member of the Upper House? Yes.
570. A Minister of the Crown? I believe not.
571. A man of substance and position? Decidedly.
572. Standing high in South Australia? Very high indeed; scarcely anyone stands higher than he does.
573. Mr. Dean spoke of the treatment he had received at Mr. Angas's hands? He did.
574. What did you say in reference to that? I tell you I cannot state particularly, but we agreed that it was overbearing; I myself sympathised with Mr. Dean upon that ground.
575. After hearing his story? No, before hearing his story; there was a great deal of sympathy in South Australia at the time.
576. Have you any doubt whether the Mr. Dean, of whom we are now speaking, is the Mr. Dean who was concerned in those proceedings at South Australia? Not the slightest doubt.
577. Mr. Angas, you say, was the person who initiated the proceedings—do you know whether, in the matter of the contested election, Mr. Angas was personally concerned? I am not able to say; I thought so at one time, but I am not able to say.
578. Or Mr. Bakewell? I think it was Mr. Bakewell.
579. Mr. Dean considered he had been ill-used by Mr. Angas? He did.
580. Did he mention Mr. Bakewell's name? He did not.
581. Then you do not know whether the suit you speak of was between Mr. Angas and Mr. Dean, or between Mr. Bakewell and Mr. Dean? I cannot say.
582. But you think it was between Mr. Bakewell and Mr. Dean, although Mr. Angas initiated the proceedings? Yes, that is how I think it was.
583. Had you been in Adelaide before 1857 for any period? Yes, I arrived there in 1854.
584. Did you know anything between the time of your arrival and 1854 of any hostile proceedings on the part of Mr. Angas against Mr. Dean? I did not.
585. Did you have any conversations with other people about Mr. Dean's place of birth, or his native country? When I was on the Manning I did not.
586. Or in any part of the electoral district of the Hastings? Not on that occasion.
587. On any other occasion? I was on the Macleay about four months ago, prior to the elections.
588. Did you then hear anything said as to the matter—that was just prior to December? It was in November—I think Mr. Smith's address had come up, but no candidate was really publicly presented to the community. There were rumours that Mr. Smith and Mr. Dean, and I think Mr. Palser, would be nominated for the electorate.
589. What conversation did you hear with reference to Mr. Dean's character? It was the day before I left, a meeting had been held to consider the desirability of inviting some gentleman up —
590. A public meeting? A public meeting. I asked a knot of loungers whether anything had been done—I knew they had been at this meeting, and were just talking in the street—and they said these names, Mr. Smith's, I think Mr. Dean's, and Mr. Palser's, had been mentioned; and then I heard one of them speak disparagingly of Mr. Dean, and I, having heard nothing against Mr. Dean's moral character, said I thought they ought not to disparage him; and then this gentleman —
591. They were canvassing his qualifications pretty freely? Yes, pretty freely; and then Mr. Dangar stated that he knew all about him; that he had got the newspapers from South Australia, had confronted Mr. Dean, and asked him various questions that quite nonplussed him at the last election.
592. With reference to what? With reference to his ejection from Parliament in South Australia.
593. Now more particularly on the matter of his country? I cannot positively state that that was mentioned specially, but in connection with the statement that he knew what was the cause of his ejection I presume that that was understood.
594. That was generally understood? It was understood by Mr. Dangar. I do not know that it was by others.

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- 595. And by you at all events? Yes, I knew it.
- 596. As far as you are able to judge from your residence in this particular locality, on the Manning, the Macleay, and other places in the locality, is it, as far as you know, a matter of general notoriety that Mr. Dean is an American? Beyond that one occasion —
- 597. I am not talking of conversations? Then I have no ground for stating.
- 598. Did I understand you to say a little while ago that it was a matter generally understood —? No, I did not say that.
- 599. Was it, as far as you are able to say? I am not able to say that, for I had no conversations about Mr. Dean, except on that occasion; therefore I am not able to say whether it was notorious. I was on the river only about a fortnight, and Mr. Dean's name came up only just before I left, so I am unable to state that.
- 600. Then I suppose you took no interest in political matters? I took certainly this interest, that I did not like to hear Mr. Dean's character defamed.
- 601. Just as you might take an interest in any other person whose character you thought was unfairly attacked? Just so.
- 602. But as far as the contest was concerned? I took no interest in it.
- 603. You did not care whether Mr. Smith, Mr. Palsler, Mr. Dean, or anyone else, was returned? No.
- 604. *Mr. Iceton.*] Mr. Angas was a person well and deservedly respected in South Australia? I think he is generally respected.
- 605. Did it not appear to you that Mr. Angas had some reasons for taking these proceedings against Mr. Dean, and not because Mr. Dean was a person of bad character, or to bring any reproach upon him? Not at all.
- 606. In conversation with Mr. Dean did he not tell you that his parents were British subjects? He did.
- 607. Did he explain to you how he happened to be born in America? I do not think he did explicitly make any statement on that point.
- 608. Did he tell you anything —? He told me his father died when he was still an infant—his own father, Horace Dean; and that his mother married a gentleman named Williams, and that then from childhood he bore the name of Horace Dean Williams.
- 609. Have not you become aware, from Mr. Dean's talk with you at the Manning, that although he was born in America, yet that his parents were British, and all his connections, except his stepfather, Williams? No, I have not become aware of that.
- 610. When did you first become acquainted with that? It is about I think a month or six weeks ago—shortly after Mr. Dean came to Sydney—he called upon me, and then I was speaking to Mr. Dean about my conversations on the Macleay, and then he told me something about this duel and some other matters. Before then I had not presumed to speak of matters so personal to Mr. Dean, for my acquaintance with him was not very intimate, but then he told me how it was, and in the course of conversation he told me that his parents were British born subjects.
- 611. Had he not told you in the district also in one of the conversations you have referred to? I never remember it; he may have done so, but I never remember it.
- 612. You do not recollect? No.
- 613. You cannot undertake to swear whether he did or did not, but you do not recollect it? I do not.
- 614. Mr. Dean, I think, was not present at this affair when Mr. Dangar mentioned his name? No.
- 615. Did Mr. Dangar say anything about a meeting, at which this matter was gone into, in the district? No, he did not.
- 616. Did not Mr. Dean, on the occasion of the last conversation in Sydney, suggest that he had told you these things in the district? He did suggest that in the last conversation I had with him.
- 617. *Mr. Windeyer.*] Was that the conversation you have before alluded to, when he called upon you? I do not know whether he meant that, but he reminded me he had told me.
- 618. You said in "the last conversation"—is that the conversation you before spoke of? I have had one since that time when he called at my house.
- 619. When was that? I met him in the street; about a fortnight ago.
- 620. Was that the time when he reminded you that he had told you these things on the Manning? Yes.
- 621. *Mr. Iceton.*] Did Mr. Dean ever say to you that he was an alien? Never.
- 622. Was it notorious, or was it ever stated in the district so far as you are aware, that he was an alien? Not that I am aware.
- 623. You never heard him called an alien? —
- 624. The talk was that he was born in America—was that so? The one conversation —
- 625. You had only one conversation in which you heard anything about it? Yes, only once.
- 626. Was the distinction drawn, or any distinction made, between an alien and an American? No.
- 627. I suppose he was spoken of perhaps slightly as an American? I do not know even that the subject of his birth was so much referred to as that Mr. Dangar seemed to regard his character as being disreputable, on the ground of certain things that had taken place in South Australia, and I said I did not think these things militated against his character at all.
- 628. That is to say, you regarded it as an unsuccessful election in South Australia simply? That there was nothing in that which militated against his character.
- 629. *Mr. Innes.*] You say he suggested to you on one occasion and reminded you on another—is that so? Yes.
- 630. He suggested to you a month ago? He told me a month ago.
- 631. You say as far as you can remember that was the first time he mentioned anything of his parents being British? As far as I can remember.
- 632. He reminded you when he met you in the street that he had told you this? Yes.
- 633. Was it not a week ago—did you not meet him a week ago, here, in this place? I think it is about a week ago.
- 634. After this Court began—this investigation? No, not after.
- 635. Was something said about you being summoned as a witness? Yes.
- 636. In this case? Yes.
- 637. But notwithstanding these suggestions and reminders you had no recollection whatever of his having told you —? Yes, he told me when he first came to Sydney.

- The
Rev. A. Webb. 638. That is a month or six weeks ago? Yes.
639. Except this—there had been nothing prior to that? Nothing prior to that.
640. You were not acquainted with the transactions in South Australia? I knew but little beyond what
18 Mar., 1870. was reported in the papers.
641. You did not know what truth there was in any of the accusations brought against him, or whether they were true or untrue? No, I did not know at all.
642. Did he tell you anything about his tampering with documents, or altering documents, or anything of that sort? Nothing of the sort.
643. Of getting anything on the ground of improper or untrue representations? No.
644. Saying his name was one thing when it was another? No.
645. This conversation you speak of with Mr. Dangar was, you say, while there were a knot of electors standing together, just after a public meeting, and they were canvassing the qualifications of the various candidates? Yes.
646. *Mr. Windeyer.*] When Mr. Dean called upon you about a month ago in Sydney, what appeared to be the object of his calling upon you? It was in relation to this disputed election that he called upon me; that was the immediate object of his coming. He believed that it would be disputed, and he wished to see me in order to confer with me, and possibly gain some evidence that might be of value to him. He thought that having known something of his character in South Australia, it might be of value to him to have my testimony, to the effect that I never heard anything that was disparaging to him.
647. It was in the course of that conversation he reminded you —? He did not remind me; he told me. He was narrating the circumstances of his early life, and it was in the course of that he told me his father and mother were English, but that he was born in America.
648. Did he say anything then as to his having told you this on the Manning? No.
649. Then it was only on the later interview that he reminded you—as you express yourself—that he had told you this on the Manning? Yes.
650. Did you tell him anything as to whether his reminding you did bring it to your recollection? Yes, I told him I did not remember it.

Mr. James Birch, having been sworn, was examined by Mr. Innes:—

- Mr. J. Birch. 651. Have you been a resident for any period of time at Tinonee? I have.
652. During what period? About five years. I left at the end of the year 1869.
18 Mar., 1870. 653. Do you know Mr. Horace Dean? I do, well.
654. Have you known him during that period? Yes.
655. What was he during the time you knew him? A journalist, a storekeeper, and a doctor sometimes; he combined those three businesses.
656. And postmaster? And postmaster.
657. Was he postmaster, so far as you know, when you left the Manning—to your own knowledge? The last time I saw him postmaster was upon the morning that the news came in from Port Macquarie that he was elected. He did the usual duties of the post upon that morning, and read, and gave information as to the state of the poll to the parties assembled outside the post office, to the mailman, and to those who generally came down upon the Sabbath morning.
658. Was that some days after Christmas? Yes, long after Christmas; I forget the date now.
659. You were at the post office in the morning? I was.
660. Who distributed the letters to the people at that time? Mr. Dean handed the letters as was usual, as if the letters for the town were in pigeon-holes here (*pointing*); Mr. Dean handed them from the pigeon-holes, and his son handed them out, as was usually the case.
661. That was the course of business in the post office for years before? Yes, and while I was postmaster there myself.
662. Were you at the post office several times immediately before, that is within a few days before that? Yes, I have been there, calling for letters.
663. Did you see Mr. Dean there, apparently discharging the duties of postmaster as ordinarily? Yes; but I must explain that in the post office Mr. Dean discharged the duties also of editor, and so, excepting in handing the letters out on those times—excepting in handing those letters from himself to his daughter, who generally handed the letters over the counter—that was all you could say he did as postmaster.
664. Was there any difference between what he did on that day and what he had done for months before? Not the least.
665. So far as you saw on this occasion there was no change in the conduct of the business up to Christmas, from what there had been during the whole of 1869? With this exception, that I had seen some days before Mrs. Dean's name as being postmistress.
666. Where had you seen her name? In Mr. Dean's—I am not sure whether it was the Times or the News. I think it was in Mr. Dean's own paper.
667. Some few days before? Yes.
668. Was it known in the place that he was the postmaster? Yes, it was, until we had seen this news in the paper of Mrs. Dean having been appointed postmistress, for this reason: There was a man named Murray, who was trying to get it—the brother of a publican —
669. I mean during the month of December, up to a day or so before Christmas, was it known that he was the postmaster? It was.
670. Had it been known all the year of 1869? Yes, that was the opinion; anyone who said he was not would be looked at with astonishment.
671. Was there any change in the building—was the post office transferred during the time from Mr. Dean's house to any other? No.
672. Do you know a man named Burton? Wait a bit; what did you ask?
673. I ask you whether the post office was transferred during the time from Mr. Dean's house to any other? During the whole time I was at Tinonee? —
674. No, during 1869? No. I think Mr. Dean shifted from one store to another.
675. Did he carry the post office with him? Yes.

676. That was some months before, was it? I think about two years before.
677. Do you know a man named Frederick Burton? I do.
678. What was he? When I left Tinonee he was Mr. Dean's foreman in the printing office.
679. He is a married man I believe? He is.
680. Where did he live? He lived — Tinonee is built upon a hill, and Mr. Dean's is here (*describing the position*)—supposing this to be the Manning River, the hill gradually ascends for three or four hundred yards, and then descends. On the other side of this hill a house has been recently built, and when I left Tinonee Mr. Dean's foreman, Burton, lived and slept in this house on the other slope of the hill.
681. *Mr. Windeyer.*] How far is that from Mr. Dean's store? As a bullet would go, about 400 yards; the one house is out of sight of the other.
682. *Mr. Innes.*] Have you conversed with Mr. Dean during your residence at Tinonee? Yes, many a time.
683. Have you had any conversation with him about his country, or anything of that sort? Yes, I have.
684. As to whether he was a British subject or not? I have.
685. What has he told you, as well as you can remember, on that point? He told me that his father was a Judge, as far as I can remember, in Virginia, and that he was born in America.
686. *Mr. Windeyer.*] Who was born in America? Mr. Dean. If I had been in America, when I flogged his boy, that his father would have done to me what he did to a teacher at one time; that he would have cow-hided him.
687. *Mr. Innes.*] Had you had some disagreement with Mr. Dean about flogging one of his sons? I will explain all that:—Mr. Dean lives at Tinonee; before I came to Tinonee I had been a teacher up the Manning, about the river, at a place called Wallawallah; having had a disagreement with the local patrons of my school, being a non-vested school, they gave me notice to leave. I came to Sydney and got appointed to Tinonee. A day or so after I had taken charge of the school, Mr. Dean wrote me a letter, saying he did not believe that corporal punishment should be delegated—that it was a something that should be performed by the parent and by the parent alone, and for this reason he, having in view the sending of his children to my school, had informed his children that if ever I attempted to strike them they were to take their hats and go home —
688. Well you need not go into all that? Mr. Dean had a very troublesome boy—his eldest boy—and he having come to school, and having pulled a boy backward, and struck him against the wood, and having hurt him severely, I was surprised out of my usual caution in these cases, and gave the boy a slap on the cheek. The boy attempted to go home, and I told him I would not allow him; he tried to rush out; I caught him, threw him over my knee, and gave him a good caning. The children went home at dinner-time, and about five or ten minutes after I had a very violent letter from Mr. Dean about this affair. A party came to me and told me that Mr. Dean was about to tomahawk me. I said, "I will go down and see if he will do it." I went down and found him in a violent passion, when he told me this about his father being a Judge, and having cow-hided a teacher; and the children were taken away for a long time.
689. How long ago is that? Between four and five years.
690. Since that have you been on friendly terms with Mr. Dean? Not for a long time.
691. Have you since then? Yes.
692. Do you remember any occasion when he said the State in which he was born? I do.
693. In what State did he say he was born? In Missouri.
694. One of the United States of America? Yes; he pointed it out on one of my —
695. When was it—can you remember it so particularly? About two years ago there was great work on the Manning about sugar-growing, and Mr. Dean was endeavouring to get up a company to take shares to get up a sugar-mill; and he gave lectures in different places on the Manning River. My school was one of the places in which he gave one of the lectures. I was there and sat beside him. After we had had some conversation, before he commenced to speak—I forget whether he was the first to speak—some man I think had spoken before him, and then the proceedings of the meeting took a conversational turn. After which Mr. Dean got up to explain the sugar-growing capability of that part of America, which he described to us, and he took a pointer from my hand, and having pointed to North America on a map of the Western Hemisphere, which was hanging up in the room, he said there was no person on the Manning could by any means have a better idea of what sugar-growing was practically than himself, because he had been born in the State of Missouri, which he pointed to. He said he had been over all these States, and he talked about another State—Louisiana—and of the people there having to cover up their canes there after they had cut them; and he went into other detail.
696. Did he give the meeting to understand that he had been born, bred, and reared, in this State of Missouri? Unquestionably; that was my feeling.
697. Was that meeting pretty largely attended? Yes, the school was nearly full.
698. Was there a report of it in the newspaper? I cannot speak positively; I am nearly sure there was in the Manning River News.
699. Was it generally understood over all the place that this —
Mr. Iceton objected to the word "understood."
700. Was it generally notorious all over the Manning that this gentleman was an American subject? Yes; any person saying anything to the contrary would be looked upon as a lunatic.
701. Did he talk to you at all about any particular transaction in his native country in which he was concerned? After this affair or before it?
702. Do you remember attending a meeting of the electors? Yes—at Wallawallah—that was the first time I saw Mr. Dean.
703. That is some years ago? Yes, it must have been more than five years ago.
704. Before the election—the last but one? Yes; when Messrs. Forster, Dean, and Flett, were canvassing the electorate—the last general election but one.
705. At the meeting of the electors did you hear Mr. Dean say anything about his native country? Yes, I did.
706. What was it? I will explain:—A question had been asked him as to whether he did not murder a man in America, to the best of my belief by a man named Churchill, who is at present the teacher who succeeded me in the place I left. Mr. Dean entered into a lengthy explanation of this very act, defending the course he pursued in this particular instance. He said he had been to some war; I forget now what it was, or where it was.

- Mr. J. Birch. 707. Mexico was it? I forget; but while he was away some gentleman had seduced his sister, and in consequence of this seduction she died in child-birth, and when he came home he "shot him like a dog."
 18 Mar., 1870. These were the words he made use of at the meeting, and he said that as having a soldier's ideas of honor at the time, and he being an honorable man, that he thought he was right in taking this man's life.
708. Do you recollect his saying that he had been serving in the army of any particular country? Yes, but I cannot mind the name of the war.
709. Do you remember the name of the service in which he was? Yes, it was —
710. Was it the British army? No. Some war in America.
711. What army was it—was it the American army? Yes, some American army;—as a doctor at the time I think he was.
712. That you say was stated publicly at a meeting of electors, in answer to some question that was put to him? Yes.
713. Was that a tolerably large meeting? Yes, the school-house, about half as large as this room, was crammed.
714. Do you mean half as large, or as large again? Three parts the size of this room. It was crammed, and people were on the verandah, looking in at the windows. Mr. Flett was there and spoke to the electors at the time—that was the first time I had seen Mr. Flett.
715. Do you remember whether the meeting, of which you have spoken, was the nomination of the then pending polling? It must have been after the nomination.
716. Do you remember his having any document in his hand? There were documents distributed among the electors, casting reflections upon Mr. Dean's character.
717. Had he one of such documents in his hand at the time, or were there any at the meeting? I cannot say. I know I had one.
718. And other people? Yes.
719. Could Mr. Dean see that they were there? Yes.
720. Will you look at that (*handing paper, marked A, to the witness*) and see whether it was such a document as that? Yes, that was one of the documents, but I have seen another. There was another I think circulated before this, setting forth a lot of things against Mr. Dean. I recognized that as one that was there upon that day.
721. Such a document as that—not that particular piece of paper? Yes, I will tell you how I recognized this—"Mr. Enoch Rudder," "Mr. Doust," "Mr. Redgate," on the Macleay.
722. Did you ever hear Mr. Dean deny that he was an American subject? Never in my life; on the other hand he seemed rather proud of it; in fact they talked American in his printing office, and if you said or did anything that did not jump with their ideas they would say, "That is not the way they do in the States"—a favourite expression of Mr. Dean's.
723. At this last election do you remember anything about any decoration he wore, or any medal? I saw it; it was shown in proof of his having been at the war, of his being an honorable man, and all that sort of thing.
724. Of having distinguished himself? Yes.
725. Did he show it? He gave it into my hand.
726. What sort of thing was it? A gold medal, about 2½ inches in diameter. A large gold medal, printed on both sides.
727. Did you read it? I read it.
728. When he gave it to you? Yes; just after the meeting was over he showed the meeting the medal, and it passed into a number of our hands.
729. He showed it? He showed it to Mr. Flett and me at the same time.
730. Do you remember what the medal purported to be? I can only charge myself with saying to the best of my memory it was given for distinguished services in the field to one Horace Dean Williams. I think Williams was the name, and I remember I thought to myself at the time how is it that his name is Williams while your name is Dean, although I did not say anything about it.
731. *Mr. Windeyer.*] By whom did this medal purport to be given? I cannot mind the name of the war—I think it was the Mexican War.
732. By whom did it purport to be given? I think it was given by the citizens of his native place—I forget the name of the place—something commencing with M, I think, for having distinguished himself in taking a prisoner.
733. That was what the inscription purported to represent? Yes, as far as I can recollect. I am sure of the name of Williams, for it struck me at the time.
734. Was the name of the State given short, as is the custom in America? I cannot say; I mind reading the name of the place, but I cannot tell the place or whether the State was on it or not; but I know he told the meeting that the medal was given to him by his countrymen for distinguished services.
735. Do you remember whether it was the name of a town in the United States? I am not sure, but I think it was something like Minne —
736. *Mr. Innes.*] Did it specify what the State was at all—can you remember? No, I cannot remember.
737. *Mr. Windeyer.*] Were there any insignia upon it—any armorial bearings? —
738. *Mr. Innes.*] Anything like a castle and key? —
739. *Chairman.*] Or an eagle? I do not remember.
740. *Mr. Innes.*] At any meeting held at Tinonee during the last contest when Mr. Dean was present, were you also there? I was.
741. Did you hear Mr. Dean make a speech? I did.
742. Was it a large meeting? Yes, a pretty large meeting in that house.
743. Did he say anything about any particular benefit that would accrue to his constituents, particularly to the Tinonee part of them, if he were returned—any mutual interchange of benefits? Yes, he promised us what he would do; he sketched out what his policy would be to the meeting.
744. Did he say anything about log-rolling, or anything of that sort? Yes; I remember it particularly. After the meeting was over and somebody was leaving the chair—I forget his name—and some one had called for a vote of thanks, and it was given to the Chairman, and then a man named Murray, a publican, came forward with some questions to Mr. Dean as to what he would do as to free distillation and some other things, and Mr. Dean explained himself, and told us in the course of his explanation that when he would

would go to Parliament he would go quietly among the Members, feel each one about what they were made of, and that he would become acquainted with them and with all their characters, and all that sort of thing, and that then he would make them do what they did in his country, a little bit of log-rolling—that they went to each other, and one said, "If you vote for my object I will vote for you;" and he explained fully what log-rolling was in America. Mr. J. Birch.
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745. When was this meeting held? I do not remember the date.

746. I do not mean the date—was it before or after the nomination, do you remember—it was before the polling of course? It was before the nomination.

747. *Mr. Windeyer.*] How many persons were present at this time, when he made use of these expressions about the custom of log-rolling in his own country? I should say forty, which is considered a large meeting there.

748. *Mr. Innes.*] On the occasion you have spoken of—more than five years ago—did you see many of these documents (*Appendix A*) throughout the place? Lots of them were circulated all about.

749. Stuck about? Yes, they were stuck up here and there. I have seen them stuck up. I saw one like this, and another stuck up in a place called Redbank for years—stuck up on a board—a man named Blair had it.

750. *Mr. Iceton.*] You saw the notice of Mrs. Dean being appointed postmaster? Yes.

751. Are you aware whether it was postmaster or assistant postmaster? I am sure it was postmaster.

752. Now your attention is called to the distinction, are you sure it was postmaster, and not assistant postmaster? I should have recollected it before had it been assistant.

753. Although your attention is called to the distinction, your recollection is that she was appointed to the office of postmaster? So far as I can recollect.

754. I am asking you whether you do recollect it or not—does your recollection enable you to say, or does it not, whether it said postmaster or assistant postmaster—have you any recollection? Yes; it said postmaster.

755. You are positive it did not say assistant postmaster? Yes, to the best of my opinion.

756. To the best of your opinion? In this advertisement I saw it was said postmaster.

757. Do you say that to the best of your opinion, or without any qualification? Yes.

758. You are not going to add to that, "to the best of your belief?" I might.

759. Do you or do you not? I do not qualify it.

760. You swear positively? Yes.

761. It was in a newspaper, was it? Yes.

762. In whose newspaper was it? Mr. Dean's, Manning River News.

763. You saw in that that Mrs. Dean had been appointed postmistress? Yes.

764. Upon how many occasions do you suppose you have heard Mr. Dean say anything about the place of his birth, or his country? Hundreds of times.

765. In the course of six or seven years? Yes, I lived close to him, and I used to go and talk to him nearly daily.

766. Upon any one of these occasions can you recollect whether he ever said in these words, or using the word "alien"—that he was an alien—did he say that? An alien? No, I recollect this about aliens, that when he had talked to me I went down to report for him, and —

767. I do not wish to stop your explanation, but make it as short as you can? I will do so. I recollect when coming home from going eight or nine miles into the country, he explained all about his going into Parliament, and having been put out by the Governor; that they had attempted at that time to prove him an alien.

768. In South Australia? Yes.

769. He did not say that he was an alien? Only in this conversational way; he did not say directly, "I am an alien."

770. Did he say he was born in America? Yes; and I can recollect how and when —

771. How he was born in America? No; I can recollect the circumstances of his having said it, and how he came to say it.

772. Did you not state that he had said so to you on several hundred occasions? You are asking me for one particular case.

773. I understood you to say that on several hundred occasions you talked with him about his being born in America—is that right? Yes. I was under the impression until a few days ago. My idea of an alien has been changed within a few days altogether.

774. Since you came to Sydney you have ascertained from Mr. Smith, the Petitioner, what an alien is? —

775. *Mr. Innes.*] He did not say he had ascertained it from Mr. Smith.

776. *Mr. Iceton.*] I suppose it interrogatively? I did not understand it from Mr. Smith.

777. From whom did you acquire your information within the last few days as to what in this Colony constituted an alien? A gentleman in this room showed me the Electoral Act.

778. You ascertained it from some one showing you the Act? Yes.

779. Now you think you do know what an alien is? Yes.

780. At the time of these conversations with Mr. Dean did you think he was an alien? No, I think—I thought from the fact of his having resided a number of years in the country that he had become naturalized, and so does every other man in the district. They all know that he is an American on the Manning, but every one, if you asked the question—ninety-nine out of a hundred—whether Mr. Dean was an American, he would say, "Yes, by all means;" and then if you asked him again whether he was entitled to all the privileges of a British subject, they would say, "Yes, because he has resided here so many years."

781. This is what people on the Manning would say if they were asked? Yes.

782. *Mr. Windeyer.*] You entertained that opinion at the time? Yes, and have till a few days ago.

783. *Mr. Iceton.*] He said over and over again that he was born in America? Yes, over and over again.

784. Did he not say that his father and mother were British subjects? Never to me.

785. Did you ever hear that in your district? I never did; he never spoke to me of his mother, yet he has told me that his parents were Americans.

786. Upon how many occasions has he told you that they were Americans? Things that are equal to the same thing are equal to each other, therefore I believe both his parents were American.

- Mr. J. Birch. 787. That is an answer to my question whether he ever told you his parents were British subjects? Yes.
788. That is an answer to my last question, is it?—(*The Shorthand-writer reads the five preceding questions.*) My answer to the question as to British subjects is that he never did tell me so; as to whether they were Americans, he told me hundreds of times by implication and otherwise.
789. By implication and otherwise he told you so, did he? Yes.
790. Can you call to mind what terms he used in speaking of himself, upon any one of those occasions—whether he said he was a native of America, or anything to that effect—whether he said he was a Yankee, a native of America, an American, or any more precise or less precise term? He never seemed to dislike the term Yankee. If he were talking about the way they did things in America, he would tell you “the Yankees beat creation.”
791. Did he call himself a Yankee, or did you call him one? I have told him many times about people calling him a Yankee, and he never seemed offended about it; he seemed rather to like it.
792. Did he ever say that in America he had taken oaths of allegiance, or anything of a corresponding nature, or anything of that sort? No, he said nothing to me.
793. Did he never tell you that all his relations on his father's and mother's sides were English? Never; he told me his wife was English.
794. About this medal, Horace Dean Williams—did you understand from him, or did you not, or have you understood since, that Williams was the name of his stepfather? I never heard of his stepfather until I heard Mr. Flett talk about it—about his stepfather.
795. His stepfather was named Williams? I do not know.
796. Did you hear from Mr. Flett about his stepfather's name being Williams? Yes, I heard from Mr. Flett this: That on the previous election to this, Mr. Flett had met Mr. Dean going or coming to—something about the nomination, and that they had some talk about his being Dean, and that Mr. Dean explained how he had the two names by saying that when he was a very young man his mother married a man named Williams, and that the people always knew him to be young Williams.
797. Did Mr. Flett not tell you that Mr. Dean said that his mother had married an American, but that she and his father were born in England? No.
798. You swear that Mr. Flett never said that? I am positive I never heard it before it came out of your mouth.
799. Mr. Dean never said he was an alien—I think you have said that already? Yes.
800. And you now understand the difference between an alien and a person born out of the British dominions? Yes.
801. You first became acquainted with that a few days ago? Yes, by reading the Electoral Act.
802. During the whole of your conversations with Mr. Dean you did not know that difference? No.
803. Of course if he had used such a word as alien you must have known that, for it is an unusual word? He used the word “alien” a hundred times about this arrangement in South Australia.
804. About their trying to make out that he was an alien? Yes; he never told me he was an alien.
805. He said he was born in America; he said he was an American? Yes.
806. Did he say he was an American subject, or an alien, or what? He said he was an American. I always understood him to be an American, heart, soul, and sympathy.
807. Will you be good enough to recollect, as nearly as you can, what he said—you are sure he did not say he was an alien; he very often said he was an American, perhaps a Yankee, but not an American subject; what other term did he use? I do not remember nearly any of these terms but the word “American,” but he certainly told me dozens and dozens of times that he was an American.
808. He did not say that he was either an alien or an American subject? I never heard him say so.
809. Not both or either of them separately, that is as to his own use of these words? No.
810. Alien is not an usual term to use? No.
811. He did not say he was an American subject, or an alien? He did not in my hearing; he said he was an American; of course “subject” is understood.
812. If he had used either the words “alien” or “subject” you would recollect them now, would you not? I might not; the thing might have escaped my memory. I think such an unusual word as “subject” possibly I might have noticed, or possibly I might have forgotten it—we have had so many talks about America; in fact we have had questions about America, and he has lent me an atlas, which, if I mistake not, he has told me he has used for years—from a boy—an American atlas, in which the States are drawn out very largely, more largely than in Phillips' atlas, or any of those.
813. I suppose it was well-known he was postmaster there, on the Manning? Yes.
814. Of course your knowledge is confined to the district of the Manning—your knowledge as to what is notorious? No, it is not.
815. Notoriety is from something you have heard or said? Yes, notoriety is from something heard or said.
816. Do you know anything of the other two parts of the district? Frequently during the holidays I have generally ridden up there.
817. Up to where? Up to the Hastings; I have never been on the Macleay.
818. Do you mean to say that you are able to say what is notorious on the Hastings as to Mr. Dean—what occasion have you had to —? I do not understand what you are asking me.
819. As to its being a matter of notoriety on the Hastings that Mr. Dean was an American? Yes; a man lived there that —
820. There is a man there —? There are lots of men there that I know.
821. *Mr. Windeyer.*] What were you going to say when you said there was a man there? A man named Calvin that I went up to see during the holidays, and this Calvin is a friend of mine; he has been unfortunate in his farm speculations, and he owes Mr. Dean money, and we therefore had a good deal of talk about it, and about his crops, and when he will be able to pay Mr. Dean, and all that; he knows him well.
822. *Mr. Icton.*] On how many occasions during these five or six years have you gone to the Hastings? Three or four times.
823. With how many people on each of these occasions did you talk about Mr. Dean? I was at a party the last time I was there; the house was full, and his name was mentioned as to how he was getting on.
824. With how many people during that time have you talked about Mr. Dean? Dozens of people.
825. About the Macleay you know nothing? No.
826. You are a schoolmaster I understand—a teacher or schoolmaster? No, I was a teacher.
827. You are not a teacher now? No, I am not under the Council of Education now. 828.

828. When did you leave? 31st December.

Mr. J. Birch,

829. You resigned, I suppose? I did not. I had a letter to say that my services would be no longer required—that it would be detrimental to the school for me to stay there. When I say I am not a teacher I must explain that I saw the Secretary a day or two ago, and that I am to go to Carcoar. I am appointed, although I have not got my letter of appointment.

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830. Did the letter you have referred to give any reasons for its being considered detrimental to the interests of the school? Yes, as far as I remember the words of the letter are these:—"The Council having had under consideration the report of the Local Board, forwarding reports from Mr. Mather and Mr. Barton, charging you with being intoxicated, and taking the report of the Board thereon, have come to the conclusion that it would be detrimental to the interest of the school for you to remain there, consequently you will cease to be master of that school on the 31st December."

831. *Mr. Innes.*] Since then you have been promised another appointment under the same Board? Yes, I had a letter to say I had better get off as soon as possible, and I should have been off now but for this Committee.

832. Will you look at this document (*handing a paper to the witness.*)—In whose handwriting is that? Mr. Dean's.

833. Will you read that? (*The witness read the same as follows*):—

"Sydney, February 25th, 1870.

I have known Mr. James Birch for the last five or six years as an honest straightforward man; during that period he has been a teacher on the Manning, and I shall be glad to assist him in obtaining any employment for which he may be suited in or about Sydney.

HORACE DEAN."

(*The witness also read other documents, signed by the Rev. Mr. McIntyre and Mr. Dean, expressing satisfaction with his general conduct.*)

834. You have been asked questions as to whether Mr. Dean made use of the words "alien" or "American subject"—has he given you to understand that he was an American citizen or subject, although he may never have used the word "subject"? Yes.

835. And that but for his long residence here he was an alien? Yes.

836. You were under the impression that long residence in this country gets rid of the disabilities of an alien? Yes; and that was the impression upon the Manning.

837. You say you have been to the Hastings? Yes.

838. Can you say from your own knowledge whether that impression exists there as well as about Tinonce? Yes.

839. Do you know a place named Taree? Yes.

840. And another place called Wingham, close by? Yes.

841. Within two or three miles? Yes.

842. Is that impression general throughout that part of the district? Yes; that impression is there and all over the river. I remember one instance, although I do not wish to drag an inspector's name into it—by asking a witness that will come in here, and that is here now, as to whether that impression is general all over the electorate, refer him to a conversation that took place between he and I and the inspector the last time he examined the public school at Cundletown ———

843. You say this impression obtains all over the place—Taree, Cundletown ———? Yes, from Taree and Cundletown, from the head of the river to the bottom.

844. I suppose this matter is largely discussed up there? Yes, week by week, for Mr. Dean was keeping himself before the public as a candidate.

845. *Mr. Windeyer.*] How many people were present at the meeting when the document marked A was in the hands of people there? That house was full and the verandah outside. A great many, close upon a hundred I should say, more or less.

846. In the meeting was this document referred to in any way publicly? Yes.

847. In Mr. Dean's presence? Yes; he was asked about this killing-a-man affair.

848. Was he asked questions with reference to any of the statements made in the document marked A? I know he was asked questions as to whether it was as to anything contained in this or in the other one I cannot say. I know it was about that. He was asked a number of questions, and one of the questions was did he not kill a man and run away from America.

849. There were forty persons present when he pointed out the spot in Missouri where he said he was born? Yes, I should say about forty.

850. When he said he was born in Missouri and pointed out the place? Yes, he took the pointer from my hand and gave us a lecture upon the map about sugar-producing countries in America.

851. And then said he was born in this town in Missouri? Yes; he said nobody could know better than him, for this was his native place, pointing to it.

852. You say he has spoken to you more than once about his parents being Americans? Yes, many times.

853. Do you recollect any expressions he made use of upon that point? He just talked about his parents being—I recollect taking his son's copy-book to him, after it was finished, and showing him what a nice writer he was, and that he was a good grammarian and that he could parse well, when he entered into an explanation how things were done when he was a boy; he talked about his mother soothing him when he was earning grammar—his Latin grammar. I recollect his talking about his mother distinctly on this occasion.

854. My question was whether you recollect any of the expressions he used when he spoke about his parents being American; his mother might have soothed him in the same way if she had been an English-woman or a Frenchwoman? I recollect his telling me his parents were American.

855. Did he tell you anything about the history of his father, the Judge? Nothing; merely that about the cow-hiding; he said his father was a violent man; and I said the teacher must have been a coward, or he would have cow-hided the Judge.

856. *Mr. Innes.*] Was that Judge Williams, or Judge Dean? I do not remember.

857. *Mr. Windeyer.*] When you use the expression American, do I understand you to mean by that, a citizen of the United States of America? I do; that was always my impression.

Mr.

Mr. John Fitzgerald, having been sworn, was examined by Mr. Innes:—

- Mr. J. Fitzgerald.
18 Mar., 1870.
858. What are you? I have no profession—I reside in Sydney at present.
859. Where have you resided? For some time back I have resided on the Manning—for some years.
860. How many years? I could not say to a year or two.
861. Ten or twelve years? More than that—about fourteen or fifteen.
862. Near Tinonee? I lived at Cundletown.
863. How far is that from Tinonee? I do not know exactly—it might be 6 miles, I think—I am not sure. I cannot swear to the distance.
864. Do you know Mr. Horace Dean? Yes.
865. How long have you known him? I have known him by repute, since I came to the Manning—how long that is I do not know—I suppose seven or eight years.
866. Is he a man of mark up there—a man very well known? Yes; I believe he is a man every man, woman, and child, on the Manning knows; I believe so.
867. How long have you known him personally? I could not speak definitely; perhaps five or six years. I have known him since he first offered himself as a candidate for the Manning.
868. The election of 1864? Yes; if it were 1864 it was when Mr. Forster was returned.
869. He was a candidate then? Yes.
870. Do you know, as a matter of general repute, general notoriety, that Mr. Dean is a native of America? Yes, I always understood that Mr. Dean was an American.
871. Is that generally understood? I believe it is; I never heard it contradicted as a report.
872. You have heard that very generally throughout the district—in what part of the electorate? Wherever the matter of country came up in association with Mr. Dean's name, I always heard him spoken of as an American, or as a Yankee.
873. Has that been on several occasions? Yes; I do not know what you define “as several occasions”; whenever the conversation turned upon Mr. Dean's nationality.
874. Was the matter freely and generally spoken of on the occasion of the election of 1864—do you remember any placards being stuck about? It was known, and I have seen slips of paper—what are termed circulars.
875. Was the matter generally talked of among the electors on that occasion? I believe it was; I could not say generally; it will depend upon what you mean by the term “general.”
876. What do you mean by the term “general”? The majority—the majority of the electors. I would not know —
877. You speak only of your personal observation—did it come under your personal knowledge with regard to many people—several people? Yes.
878. Did you ever hear anything to the contrary? I never did.
879. *Mr. Windeyer.*] Was it current among your acquaintances? Among those I conversed with at the time of the election, all had seen this paper, and this paper had left that impression upon their minds; that is if I understand the question aright.
880. *Mr. Innes.*] You are speaking of the election of 1864? Yes.
881. Were you on the Manning on the occasion of the recent election? Yes.
882. What was the impression generally obtaining among the electors as to his nationality? That Mr. Dean was an American.
883. Was it understood by your saying American that he was an American subject? —
Mr. Iceton objected to the question.
884. When you use the word “American,” do you mean a citizen of the United States? —
Mr. Iceton objected.
Objection overruled.
(*The Shorthand-writer read the preceding question.*)
- I mean an American in the same way as I would apply the word Frenchman to a person living in France, Italian to a person living in Italy,—to a person living in the country, and under the government of the country.
885. *Mr. Windeyer.*] There are a great many people living in America who are subjects of the United Kingdom and of other countries—do you mean a subject of the United States? I mean American as an American subject.
886. Subject to what Power? To America, if an American.
887. *Chairman.*] You are aware that Canada and New Brunswick are under the British Crown, although in America—do you mean by an American a citizen of the United States, or any person born in British America? I confine the word to those who are subject to the American Government.
888. What do you mean by the American Government? Those who live in the United States.
889. *Mr. Innes.*] You mean citizens of the United States? Yes. I may explain that those who live in Canada are called Canadians —
890. You do not mean a British subject of any part of British North America? No.
891. Do you say that you saw these pamphlets stuck about—have you seen such documents as that circulated through the electorate? Yes, I have seen documents like that.
892. Many copies? I might have seen a dozen; there might not have been so many, or there might have been a few more.
893. Were they stuck up in places? No, I saw them circulated in the hands of persons.
894. Have you heard conversations relative to their contents? Yes, I have seen during the election perhaps one person reading them to half-a-dozen others.
895. That was during the election of 1864? This was not during the election but after the nomination—not before.
896. Are you an elector of this district? Yes.
897. I believe you are about to enter upon the study of the law? Yes.
898. Have you heard Mr. Dean himself speak of his native country? No.
899. Have you ever heard him say anything of America? I have heard him speak of America several times—I could not say several times. I have heard him refer to it in a lecture upon sugar, and perhaps I may have heard it once or twice elsewhere.

Mr. J. Fitzgerald.
18 Mar., 1870.

- 900. A lecture upon sugar—where at? At Cundletown.
- 901. That is where you live? Yes.
- 902. Do you remember what he said at all—did he say he was familiar with America? I cannot suggest what he said. The impression he left on my mind at the time was that he had been connected with sugar, either with growing or manufacturing sugar, in America, for a number of years, and had had some experience. The purport of what he then said (I could not give it *verbatim*) was this: There had been other persons lecturing upon sugar, and these persons were generally looked upon as being men of theory rather than of practice, and Mr. Dean said what he was about to give them was his practical experience of sugar; that his arguments would be of more worth on account of their being practical rather than theoretical, he having been connected with sugar in America, but I could not say whether with its manufacture or its growth.
- 903. Can you recollect whether he stated in what particular part of America, or the particular State? I do not remember.
- 904. Was that meeting largely attended? No, not largely attended.
- 905. How many were there, as well as you can recollect—about? About a score there might be.
- 906. Do you know anything about his being postmaster? Yes, I know he was postmaster.
- 907. Was that generally known? Yes.
- 908. Up to what time? Some short time before I left the Manning.
- 909. When did you leave the Manning? About a month ago; but I am not swearing he was postmaster up to that time, or to any particular time, only that he was known as postmaster.
- 910. You do not know that he has ever ceased to be postmaster, to your knowledge? Yes, I have seen in the paper, of which he is editor, something connected with the office of postmaster and Jane Dean.
- 911. Do you remember when that was? I could not say.
- 912. Was it ten years ago, or about Christmas time? Somewhere about Christmas time.
- 913. 1869? Yes, somewhere about that time.
- 914. *Mr. Iceton.*] As to the notoriety you have spoken about in the Manning River district? Yes.
- 915. The electorate consists of three places? Yes.
- 916. As far as your evidence goes, you confine your evidence of notoriety to the Manning River district? Yes.
- 917. Upon any of these occasions, when this matter has been mentioned, did you ever hear anyone say that Mr. Dean was an American subject, or an alien, or use the word "subject," or was the word "Yankee," or "American," used merely—Did anyone in your hearing say Mr. Dean is an alien or an American subject;—upon any occasion did you hear such expressions in the district? I never heard these actual expressions; such words as "alien" or "subject" are not commonly used among us; but I heard that Mr. Dean was an American, and I was led to the inference that he was an American subject, from the fact of its being said that he was a naturalized British subject.
- 918. You came to the conclusion that he was an American subject, or had been one? That was what was generally understood.
- 919. *Mr. Windeyer.*] Because you heard he had been naturalized? Yes.
- 920. *Mr. Iceton.*] It was upon that you founded your opinion that he had been an American subject? It was a matter of general repute; he was generally spoken of as an American.
- 921. You never heard him spoken of in terms as an American subject, or as an alien, and there is no doubt about that? I never heard these expressions applied to the case, but I have always heard him spoken of as an American.
- 922. I suppose the number of electors is vastly greater than it was in 1864? That I cannot say.
- 923. You have no knowledge? I have no knowledge what was the number of electors in 1864.
- 924. *Mr. Innes.*] At the time of the last election was the matter spoken of in Cundletown—when Mr. Smith was a candidate—this matter of Mr. Dean being an American? Yes, of course I have heard it spoken of.
- 925. Among electors? Yes, among electors. I have heard it said that he was an American, and some said he was not qualified to take his seat. I then heard others say he was, because he had been naturalized; and I was under that impression myself.

TUESDAY, 22 MARCH, 1870.

Present:—

Mr. Brown,	|	Mr. Lackey,	
Mr. Garrett,		Mr. Macleay,	
	Mr. Windeyer.		

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.
 J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

The Honorable Charles Cowper, Esquire, M.P., having been sworn, was examined by Mr. Innes:—

The Hon. C. Cowper, Esq., M.P.
22 Mar., 1870.

- 926. You are the Colonial Secretary and Prime Minister of the Colony? Yes.
- 927. Do you produce a letter written after the 10th December of last year, in connection with Mr. Horace Dean, and the situation of postmaster at Tinonee? I do not produce any such letter.
- 928. No such letter at all relating to any such person? No.
- 929. Have you had any such letter in your possession since the 1st of this month? Well, I do not know that any such letter was ever in my possession. Certain letters were left among what Mr. Robertson called his private papers, in the office of the Colonial Secretary, which I never saw, and did not know where they were. He had boxes of some private papers, and some lay about the room in all directions, and

- The Hon. C. and some papers were afterwards brought to me, said to have been taken out of the office of the Colonial Secretary; but I had never seen them—they were not in my possession —
- Cowper, Esq.,
M.P.
- 22 Mar., 1870.
930. Do you remember seeing Mr. Lambton, the Secretary of the Post Office, with reference to some letter? I did.
931. Did you give Mr. Lambton any letter with reference to that matter? No.
932. You did not? No.
933. Were you there when Mr. Lambton got any letter in reference to the matter, on Tuesday morning of last week? No. I will tell exactly what occurred without your questioning: I heard that some papers, with reference to this election, were floating about among the offices, and I spoke to Mr. Robertson to know whether he had any such letter, or whether there was any such letter in my office. He said there were certain papers which he considered private letters, and which he had received when in office, and left them among his private papers; I said I had never seen them; he said they had no business out of the office; I said I had never given them out of the office—I had never seen them. Then Mr. Lambton came to the office, and brought these papers, which he got somewhere. I do not know where he got them. There was then a letter dated 22nd December, which Mr. Robertson stated was a private paper, and I handed it over to Mr. Robertson.
934. The letter of the 22nd December you handed over to Mr. Robertson? Yes.
935. When did you do that? I returned it to him.
936. When was that? A few days ago.
937. Since you saw Mr. Lambton? Yes.
938. Since Mr. Lambton asked you for the letter —? He did not ask me for the letter. The fact is the whole thing is so irregular that when one gives evidence on oath one's memory is so treacherous that I cannot give you what I consider a strictly correct account of the matter. Mr. Robertson asked me about some private papers —
939. The one of which you have given the date is the one to which I wish to confine the inquiry at present—do you know from whom that letter was? From Mr. Dean, I think.
940. Do you know to whom it was addressed? To somebody in the Post Office, I believe.
941. Was it not to the Postmaster General? I think not.
942. To the Secretary of the Post Office? Possibly it was.
943. Not to Mr. Robertson? I do not think it was.
944. Mr. Robertson held no office in the Post Office? He was acting for the Postmaster General, I believe. Mr. Egan was away at his election at Monaro—so Mr. Robertson told me. The fact is a vast number of papers were left in the office and it was difficult to say which were private and which were public, and I fancy each Minister, when he retires from office, uses his discretion as to what papers he shall take away. I have understood that Mr. Parkes, a former Colonial Secretary, when he left the office, took a number of papers away.
945. Did you read that document? I did not read it. In fact it seemed to be of no importance as to its bearing upon this matter. It is dated the 22nd, and therefore could not have anything to do with the circumstances affecting Mr. Dean's election—it could have no relevancy.
946. That is a matter upon which the Committee will form their own opinion? I formed my own opinion.
947. You say it had no reference to Mr. Dean's election—can you tell us what you think it contained, as far as you are informed? My impression was that it had reference to a successor to his office.
948. You cannot give the details of it? No.
949. From its date you came to the conclusion that it was immaterial to this inquiry? Yes, it was the 22nd December.
950. When did you see it last—when did you give it to Mr. Robertson? One day last week.
951. Since Tuesday last? It might have been on Tuesday.
952. Was it after you saw Mr. Lambton at your office? I gave it finally up then; I had not a very long conversation with Mr. Lambton, for it was a matter that did not concern me. I was anxious not to come into collision with Mr. Robertson, and I had not seen these papers until —
953. Did you find this with the official documents relating to the Post Office? I did not find it at all; I did not see it upon my table.
954. How did it come first under your notice? It came first under my notice by Mr. Lambton. Mr. Robertson said to me that certain papers in the office were private; he was Minister at the time he received them. I said, "I will give up what you like—retain what you like." The Committee can examine Mr. Robertson with reference to the matter, but my impression is that the letter is wholly immaterial to the result—that there is nothing in it affecting the election.
955. Have you seen Mr. Robertson in reference to it since you gave it him? I intended to ask him, but in consequence of the wet, of my going up the country on Saturday, and not seeing him last night, I have not seen him.
956. Nor heard from him? Nor heard from him.
957. You know the dates of the nomination and polling at the Hastings, I suppose? I do not know.
958. You do not know? No.
959. How was it then you thought this letter immaterial, if you did not know the date? When you asked me as to the fact I said I did not know the date of the nomination, but I know it by common report; some one told me it was the 10th, the nomination, but I do not know the day of election, or the polling.
960. You know the nomination was the 10th? So I was told.
961. Do you not know when the polling was? Three or four days after, I understood.
962. *Mr. Windeyer.*] I understand you to say that this letter was addressed to the Postmaster General? No, I did not say so; my impression was that it was not.
963. Or to the Secretary? I will not say that it was not.
964. Was it addressed to Mr. Robertson? It was not addressed to Mr. Robertson, but he was considered as acting for the Postmaster at the time; all the papers were his.
965. Do you know that the letter is a registered letter in the office? I do not know that. There was some date mark on it, which I supposed was the office stamp.
966. Do you consider that a letter registered in a public office is a public document? Not always; I think there are great blunders made in that respect, and I often withdraw them. I think the Clerks are very stupid sometimes, and I am sometimes very angry with them when I find letters registered that I think ought not to be.
- 967.

967. How did you come to give this letter up to Mr. Robertson? He asked me for it. He said there were certain private papers which he had left, and I gave it to him. There are a number now which were left lying about in the office, and if he asked me for them to-morrow I should give them to him.

968. As the letter was addressed to an official in the Post Office, and not to Mr. Robertson, and only came into the possession of Mr. Robertson, as discharging the duties of Postmaster General—did you not think the Postmaster General was the proper officer to whom it should have been returned? It was in my office and was stated to have been found in the office, and Mr. Robertson having asked me for it, stating that he was the Minister acting for the Postmaster General—in fact he told me he thought I ought to give it to him.

969. Knowing he was not the person to whom the letter was addressed? I had nothing to do with how it got into his possession; I do not know how it got into mine. The irregularity arose from Mr. Robertson acting for Mr. Egan when he was absent during his election.

970. Did I understand that you gave it back to Mr. Robertson, having been informed by Mr. Laidlaw that this Committee required to see it? No; I did not understand that.

971. Did Mr. Lambton inform you the last time he saw you that the Committee wanted this letter? No, he did not. I understood that this Committee wanted the papers connected with Mr. Dean's election, and as this was written several days after I could not conceive what it had to do with Mr. Dean's election.

972. Assuming that the election did not take place till a few days after? I am not assuming what is not the fact.

973. The polling did not take place until the 23rd? I did not know that until this moment.

974. Do you not see now that it was important, now that it turns out that the polling was on the 23rd—do you not see that this letter might have been important? No, I do not.

975. You say the letter was about appointing a successor to Mr. Dean? I think that was the general purport of it.

976. You distinctly state that Mr. Lambton did not inform you that the Committee required that letter? Not that particular letter.

The Hon. G.
Cowper, Esq.,
M.P.

22 Mar., 1870.

Francis Henry Stephen, Esq., having been sworn, was examined by Mr. Innes:—

977. You are the Chief Clerk of the Supreme Court Office? I am.

978. Do you produce the roll of persons who have been naturalized in this Colony since the passing of the Naturalization Act? I do. (*The witness produced two books.*)

979. Have you gone through it? I have carefully.

980. Is there upon it any such person as Horace Dean? No.

981. *Mr. Windeyer.*] What are the books you produce? The Records of Naturalization; the certificates are in the Colonial Secretary's Office.

982. These are the record of persons who have received certificates? Yes.

983. Are these kept in the Supreme Court Office? Yes; they are kept for my convenience.

F. H. Stephen,
Esq.

22 Mar., 1870.

Robert Burdett Smith, Esq., having been sworn, was examined by Mr. Innes:—

984. You are the petitioner in this inquiry? I am.

985. You were one of the candidates at the recent election for the Hastings? I was.

986. Were you returned second on the poll? I was.

987. You know Mr. Horace Dean, the sitting Member? Yes.

988. During the recent contest did you proceed to the electorate? I did.

989. To various parts of the electorate? All over the electorate, from one end to the other.

990. What time did you spend? One month—exactly thirty days.

991. When did you return to Sydney? I left Sydney on the 30th November, and returned to Sydney on the 30th December.

992. Did you converse with many people with reference to the election? I did.

993. Was the name of Mr. Horace Dean, the then candidate, but now sitting Member, very freely discussed? It was.

994. Was anything said to you with reference to his country? Yes; wherever I went he was mentioned as being an American, and an American subject.

995. Was that mentioned —? That is to say after Mr. Dean had been in the field; he was not in the field at first.

996. During what time had you these conversations? It was freely mentioned when I arrived at Port Macquarie. Mr. Dean had not announced himself as a candidate until the Saturday as I left the Manning on the Monday morning.

997. Before the 10th? Before the 10th. I may mention that I had an interview with Mr. Dean at Tinonee. I met him at Tinonee, I think, on the Thursday preceding the day of nomination—No; on Thursday week preceding the day of nomination—No, Tuesday was the 30th; Wednesday was the 1st; Thursday the 2nd;—either on the 2nd or 3rd I went to Tinonee to publish my advertisement in his newspaper; Mr. Dean was at that moment undecided whether he would be a candidate or not.

998. He told you so? He told me so. He mentioned that he was waiting the result of a letter he had sent to Mr. Flett, and said he would give him till Friday, and if he did not hear from him by that time he would announce his candidature—he, Mr. Dean, would then come into the field.

999. Where was that? At Tinonee, where Mr. Dean resided.

1000. At what places in the electorate did you have conversations wherein it was objected to Mr. Dean that he was an American subject? At Port Macquarie it was very freely spoken of—it was generally spoken of there; that is where the nomination took place; I heard it also on the Macleay, as well as at the Nambucca and Bellinger. I may mention, that at the time I addressed the electors at Wingham—that is in this part of the Manning—I was the only candidate in the field; and also, when I was at Taree Mr. Dean had not announced himself as a candidate—and at other places; after Mr. Dean had announced himself as a candidate I pushed on to Port Macquarie.

1001. Mr. Dean is the publisher and proprietor of a newspaper up there? Yes; he told me he was; he told me so at the time I took my address, and desired him to publish it.

R. B. Smith,
Esq.

22 Mar., 1870.

R. B. Smith, Esq. 1002. Is this a newspaper published by Mr. Dean (*handing the same to the witness*)? It is; I got this paper on the Manning, I think, on my return on the second occasion.

22 Mar., 1870. 1003. There is a notice in the corner—will you refer to that? “List of Letters remaining in the office at Tinonec yesterday (Friday) morning,” signed “H. Dean, P.M.”

1004. What is the date of that? The date of the paper is Saturday, December 18th, 1869. (*The witness handed in the same, Vide Appendix E.*)

1005. I believe nothing was said at the nomination about Mr. Dean being an alien? No, I had no desire to say one word in disparagement of Mr. Dean, for this reason: That when I went to Tinonee he was very courteous and gentlemanly, and we had agreed to carry on the contest in a friendly amicable manner. Of course Mr. Dean adhered to that resolution, and I did so as well, and that was the reason I did not wish to say one word against him or to his prejudice in any way whatever; all I wanted was a fair field. He threw out the suggestion to me, and of course I reciprocated. I had no desire to say anything in disparagement of him in any way whatever.

1006. With reference to these ballot-papers, do you know the number of votes polled for each candidate? I was present at the declaration of the poll, and I heard the Returning Officer declare the state of the poll; and I can, I think, give the numbers from memory:—

Mr. Dean	474
Myself	444
Mr. Flett	307
Mr. Forster	253
Mr. Eagar	2
Mr. Vickery	1

I was at the official declaration of the poll by the Returning Officer, Mr. Farmer,—these candidates I have mentioned having been nominated on the 10th December, at Port Macquarie.

1007. Can you say on how many occasions—about how many—and about how many people, you have heard speak of Mr. Dean as an American subject? It was the general topic of conversation; numbers of persons mentioned it—in Port Macquarie particularly.

1008. And in other places in the electorate? In other places—on the Nambucca, the Bellinger, and the Macleay. On the Macleay Mr. Dean polled only 30 votes, and I polled 350; on the Bellinger Mr. Dean polled only 1, and I polled 60.

1009. Were you back at Tinonee at all after the nomination? No, I did not go back to Tinonee.

1010. When was the latest day when you were there? I was at Croki on the polling-day.

1011. How far is that from the Manning? That is on the Manning River; it may be ten miles, or something of that kind, from Tinonee.

1012. You were not at Tinonee after that? No, I was not at Tinonee.

1013. Did you have any conversation with Mr. Dean afterwards with reference to his election or disqualification? No, I did not care about mentioning it to him; of course I frequently had conversations, but I did not care about referring to it.

1014. *Mr. Leeton.*] When did you cease to be upon friendly terms with Mr. Dean? I have not, that I am aware, ceased to be upon friendly terms, only Mr. Dean seems to have taken offence at me. I met him when, I presume, he was in search of your office, and he cut me, and of course since that I have taken no notice of him; but I have not the slightest ill-feeling towards him.

1015. Did you think it consistent with a friendly spirit to give evidence of charges of an infamous nature against Mr. Dean, such as of his having done something very wrong in the United States, and all that sort of thing? I cannot understand your question.

1016. Did you not procure evidence of acts of Mr. Dean, derogatory to his character as an honest man, in the course of this inquiry? I have procured evidence with a view to substantiate my case.

1017. Are you sure you did not go beyond that? Yes; all these facts were elicited in South Australia—the whole—and worse facts.

1018. You think you have only given evidence enough to support your allegations? That is all.

1019. You are not moved by any spirit of unfriendliness to Mr. Dean? Not by any.

1020. Are you acting for your own behalf, or for other people? Entirely for my own behalf.

1021. *Mr. Brown.*] Did you know before the nomination that Mr. Dean was commonly reported to be an American? It was reported.

1022. Did you know? The matter had been mentioned.

1023. It is a plain question, and you can answer a plain question as well as any gentleman I know—Did you know before the nomination that Mr. Dean was an American? About the nomination I did. I will explain that in this way:—Mr. Dean did not present himself till about an hour before the nomination. We did not dream of Mr. Dean coming forward; we thought he had given up the contest.

1024. Do you not see that that may be a reason why you should think Mr. Dean would not be at the nomination; but I ask you, did you know before the nomination that it was currently reported that Mr. Dean was an American? It had been stated.

1025. I am asking you did you know? I said yes.

1026. I ask you did you know before the nomination that it was currently reported that Mr. Dean was an American? Yes; it depends upon the way in which a question is put—the tone and the demeanour.

Mr. Brown appealed to the Committee to state whether there had been anything in the tone or manner of his putting questions to the witness unbecoming the conduct of one gentleman towards another.

The Chairman stated that he had observed nothing in the conduct of the honorable gentleman to justify the imputation.

1027. *Mr. Windceyer.*] How do you account for nothing having been said about this at the nomination? I can account for it in this way: Of course my friends never suspected that Mr. Dean would be the successful candidate.

1028. Was that on account of his being late in the field—there was not much importance attached to his candidature? On other grounds, I have no desire to mention.

1029. *Mr. Garrett.*] Were you present at the nomination? I was.

1030. In what order were the candidates proposed? I was proposed first, Mr. Flett second, Mr. Dean, I think, third, I think Mr. Forster, fourth—I am not quite certain—Mr. Vickery fifth, and Mr. Eagar, sixth.

1031. After all the nominations had been made was there any objection to Mr. Dean's candidature on the ground of his not being a naturalized or born British subject? No objection was taken. R. B. Smith,
Esq.
1032. Did you allude to it yourself in your speech? I did not.
1033. You were present at the polling-place on the day of the election? I was at Croki part of the day; I did not arrive there till late. 22 Mar., 1870.
1034. Was any notice given to the electors that they would be throwing away their votes if they voted for Mr. Dean? Not at Croki; I arrived there about 2 o'clock in the afternoon, or later than that. While canvassing that day on Mitchell's Island it was mentioned that Mr. Dean was disqualified to sit or to act if elected.
1035. Who mentioned it? It was mentioned by electors. If you wish it I will tell you the name of one gentleman who mentioned it to me.
1036. To you? Yes.
1037. Are you aware that such a proceeding as a caution to voters, that their votes would be thrown away if they were given to Mr. Dean, was taken at any of the polling-places? I am not aware.
1038. You did not give such a direction to your committee? I did not.
1039. Do you know where Mr. Dean was upon the 17th December? I really cannot say; I saw him at Port Macquarie on the 10th, and I saw him at Rolland's Plains on the 11th, and I think on the Macleay on the 12th.
1040. Going away still further from the Manning? Yes.
1041. Will you read that paragraph—"Accident to Mr. Dean"? (*Handing to the witness the Manning River News, Saturday, December 18, 1869, a paragraph in which had been marked E.*)
Mr. Iceton objected to the newspaper being referred to, on the ground that a note only with reference to the Post Office had been put in.
1042. Do you notice that about the accident? Yes, that is substantially correct.
1043. When did that accident occur? It is mentioned as an accident; whether it was an accident or not I cannot say. Mr. Dean might have had an object in view in not coming to the nomination until an hour before.
1044. Will you read that paragraph headed "Electioneering"? Yes; it refers to Mr. Dean's accident —
1045. Read the paragraph above it? "Mr. Dean not having returned from the Macleay will, we hope, be a sufficient excuse for the non-appearance of our leading article in this issue; we expect Mr. Dean home to-morrow."
1046. That is in the paper of the 18th? Yes.
1047. Turn to the notice signed "H. Dean, P.M."? (*The witness referred.*) There is no date to this.
1048. Does it not say "Remaining in the post office at Tinonee yesterday"? Yes.
1049. Could Mr. Dean have been present at Tinonee, and have signed that? I cannot say.
1050. If he had been laid up by accident —? Of course not. You say he was laid up by accident; he met with no accident all—no accident ever took place—he met with no accident. This paragraph mentions that he was lost in the bush for thirty hours. He was in perfect health when I left him.
1051. This paper shows that he was not on the Manning on the 18th? You wish the Committee to understand that he met with an accident.
1052. Does not that paper convey the impression that he was not on the Manning on the 17th? According to this.
1053. Then he could not have signed that notice? I suppose not; if he were on the Macleay he certainly could not be there.
1054. Are you an elector of the Hastings? I am not.

Stephen H. Lambton, Esq., again called in, and further examined by Mr. Windeyer:—

1055. What is the registered number of the letter you were asked about? 10,736. S. H.
Lambton, Esq.
1056. Have you obtained that since? I have not.
1057. Where did you see it last? I think I answered that question the last time I was here. 22 Mar., 1870.
1058. Answer it again? I think on Monday or Tuesday; I cannot call to my recollection whether it was Monday or Tuesday.
1059. In the hands of the Colonial Secretary? Yes.
1060. Did you inform him we wished to have it? I did. I did not identify the letter by number, but I described the letter as being one from Mr. Dean, which the Committee directed me to procure.
1061. And as being one that was not delivered to you with the other papers? Yes.
1062. *Mr. Macleay.*] What was the tenor of the letter—do you know what it was? The substance of it, as recorded in our books, is requesting to be allowed to continue the office—no not to be allowed to continue the office—requesting the appointment of his successor might be deferred. I think those are the words in our books.
1063. *Mr. Windeyer.*] I did not understand you to say that the letter requested his appointment not to be continued? It requested the appointment of his successor to be deferred; that is the entry.
1064. *Mr. Garrett.*] Who was then acting? I am not sure.
1065. *Mr. Windeyer.*] You used the word "not"—not as to his being continued in office —? Nothing was said in the letter about his own appointment being continued at all.
1066. *Mr. Garrett.*] Who was acting at that time? I am not quite certain whether in that letter he stated that Mrs. Dean would continue to act or not; I think he did.
1067. *Mr. Iceton.*] Has Mr. Dean or Mrs. Dean been paid anything for any services they have rendered to the Post Office since Mr. Dean's resignation? No one has been paid at present.
1068. Will any payment be made to Mr. Dean or Mrs. Dean? —
Mr. Innes objected.
1069. I dare say the witness will say what he knows? I shall have to certify the payment.
1070. You are able, from your official position, to answer that question? Yes.
1071. Under the circumstances will any payment be made to Mr. Dean or Mrs. Dean for any service either of them may have rendered since the resignation of Mr. Dean? No payment to either.
1072. No matter who may be appointed or who may be postmaster, no payment will be made to Mr. or Mrs. Dean for anything they may have done since his resignation? None.

WEDNESDAY, 23 MARCH, 1870.

Present:—

Mr. Garrett,
Mr. Lackey,

Mr. Macleay,
Mr. Windeyer.

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

John Robertson, Esquire, M.P., having been sworn, was examined by Mr. Innes:—

- J. Robertson, Esq., M.P.
23 Mar., 1870.
1073. You are Member of Parliament for West Sydney? I am.
1074. And you were, during the month of December, 1869, Colonial Secretary? I think I was—yes.
1075. Do you remember when you ceased to be Colonial Secretary? I think the 13th January; I am almost sure that is the date; it is easy to ascertain.
1076. Have you been served with a subpoena to produce a document? Yes.
1077. Do you produce a letter written by Mr. Horace Dean, dated 22nd December? No.
1078. Have you such a letter now? No.
1079. I do not mean about you now, but have you such a letter? No.
1080. Do you remember getting the letter from Mr. Cowper last week? I remember Mr. Cowper enclosing me a note that Mr. Dean had written to me as Acting Postmaster General, which note I immediately destroyed.
1081. Mr. Cowper's note? No, the note from Mr. Dean.
1082. When did you destroy it? As soon as I got it.
1083. When was that? About a week or ten days ago; it was a private note.
1084. A private note from Mr. Dean? Yes.
1085. To you, as Acting Postmaster General? Yes.
1086. Do you remember the contents of it? Yes, I remember some of it.
1087. Do not you remember it all? No.
1088. Tell us what you do remember of it? Mr. Dean said this—it was written on the eve of the polling—I think the evening before the election; I remember his saying, what I thought was a rather extraordinary and very stupid thing for any man to say—that he was sure to be elected on the morrow—that will enable the Committee to fix the date, whenever the election took place; this was written on the evening before; and he recommended the appointment for the vacancy;—he mentioned a lady's name. I looked upon the whole thing as a ridiculous affair, and I said, "This is a private letter; I shall keep this"; and I put it away.
1089. For the office of postmaster at Tinonee? I do not think I am called upon to say what it was.
1090. Was that the office? I do not think I am called upon to say what it was; it was a private matter.
1091. I submit to the Committee that the witness must be compelled to answer the question? If the Committee say I am to answer, I shall answer, but as a lady's name was mentioned in the note, as it was a private one, I cannot imagine that it can have anything to do with the matter before the Committee.
1092. Do you know that it was a registered letter? I do not know that it was a registered letter.
1093. Do you not know that the registered number was 10,736? Very likely it may be; notes of this kind may become registered, but the moment I got it I put it among my private papers in my private box. I had a box in which I put my private papers; and when Mr. Cowper took office I offered him the key of this box and said, "These are separate papers; you can have it if you like."
1094. Will you be kind enough to tell us the office to which the letter referred, which Mr. Dean made some application about? I looked upon it as a private matter. I therefore submit to the Committee—
1095. I submit the Committee should compel the witness —? There is no compulsion in the matter—if the Committee say I should, I will; if they say I should not, I will not;—there is no compulsion.
Strangers were ordered to withdraw, when Mr. Windeyer proceeded with the examination as follows:—
1096. This letter was not addressed to you personally, was it? No.
1097. To the Postmaster General? Yes, when I was Acting Postmaster General.
1098. On what ground do you say it was a private letter? Because it was mainly about a lady. I thought the whole thing absurd at the moment I saw it; and I said to Mr. Lambton—
1099. Never mind what you said to Mr. Lambton—was it about the appointment of a lady to an office in the Public Service? The appointment of a lady to an office in the Public Service.
1100. Was the letter with reference to the appointment of this lady to an office in the Public Service? I decline to answer the question unless I am told I must.
1101. I submit the witness has no right to refuse to answer a question put by the Committee? If the Committee say I must, I will.

The Committee room was cleared. The Committee deliberated. The parties were again called in, and the Chairman informed the witness that the Committee were of opinion the witness should answer the question of Mr. Innes.

The Short-hand writer read the question as follows:—

1102. Will you be kind enough to tell us the office to which the letter referred, which Mr. Dean made some application about? Relative to the office of postmaster or mistress.
1103. Of Tinonee? Tinonee, I think—one of these townships.
1104. On the Manning, where Mr. Dean lived? Yes.
1105. Can you tell us the contents of the letter besides that? Yes; it said that Mr. Dean was quite sure he would be elected on the morrow; and then, as representative of the district, he thought he was entitled to recommend the appointment of a person to the office. It was a most ridiculous proposition.
1106. Who was the person? A lady.
1107. Who was the lady? The lady was Mary Dean, or Maria Dean—I presume his wife; but I do not know that.

1108.

1108. That was all the contents of the letter, as far as you know? That was all.
1109. You were then acting as Postmaster General, during the temporary absence of Mr. Egan? Yes.
1110. This office was in the gift of the Postmaster General? No doubt; I could at once have made the appointment if I had chosen, but I thought it undesirable to do so, and I did not do so.
1111. Do you remember anything more of the contents of it? That was all that was in it; it was only a small note on a sheet of note paper.
1112. Was there any request that the appointment of Mr. Dean's successor should be deferred at all? No, I do not remember that; it recommended that Mary, Maria, or Martha Dean should be appointed postmistress; and there was an allegation that Mr. Dean had more letters—I do not know whether he did not say more letters than the whole of the people who came to the post office, being the proprietor of the local paper, and that, therefore, he was more interested in the appointment of a proper person.
1113. Mr. Lambton has told us that the official note or entry in the minute book, or whatever it is called, is, that the purport of the letter was requesting the appointment of his successor as postmaster might be deferred; do you remember that? I do not remember that, but I am certain it recommended the appointment of a Mary or Martha Dean.
1114. Jane A. Dean? Her name was mentioned, but I am not sure whether it was Jane, Mary, or Martha, or something else Dean. I understood at the time from Mr. Lambton, and there was reason enough to show, that it meant his wife. I thought it a most extraordinary recommendation, and I said, "It is a ridiculous thing; give me that letter."
1115. When did you have this conversation with Mr. Lambton? It must have been—the business was done very promptly—as soon as ever it arrived I apprehend.
1116. You did not destroy it then? No; I put it in my box with private notes and other things.
1117. It went to Mr. Lambton first, and Mr. Lambton brought it to you? I will tell you what I did with it.
1118. I am not asking you what you did when you got it, but whether Mr. Lambton brought it to you? Mr. Lambton brought it to me.
1119. When he brought it to you had it been opened? Yes; and it was pasted on a sheet of foolscap.
1120. Was it marked "O.H.M.S."? No.
1121. Are you sure of that? Sure.
1122. Did you see the envelope? No.
1123. The inside of a letter is not marked "O.H.M.S." but the superscription? I never saw that; I think I may be permitted to say that when I received this letter from Mr. Lambton I said to him, "This is a most ridiculous affair; give it to me." He did so, and I put it up with a number of semi-private things in a box. I never gave it to Mr. Halloran, the Under Secretary, because I looked upon it as private. When I left the office I went over these papers with Mr. Cowper, giving him the key of the box, and telling him they might be of use to him; but I did not consider them official.
1124. In point of fact, the letter was destroyed only last week? I suppose eight or ten days ago.
1125. You do not know that it was in existence at the Colonial Secretary's on Monday or Tuesday? I have no doubt it was.
1126. You got it from Mr. Cowper, I believe? Mr. Cowper spoke to me at breakfast; he said, "What about that letter of Dean's—one of those in your private box?" I said, "That is mine." He said, "Well, somehow it has got out of the box." I said, "You had no business to leave it out of the box" —
1127. Did you make the appointment of the successor of Mr. Dean? No.
1128. Have you had any conversation with Mr. Dean since, about this matter? No, only just now, when we were chatting outside. If I had remained in office I had intended to send for Mr. Dean, and give him back his letter; but as I happened to leave office that was the reason the letter was not given back.
1129. *Mr. Iceton.*] Were not some private matters mentioned in the note? The whole thing was private.
1130. Private—as different from the Post Office? No; all matters of the Post Office.
1131. *Mr. Windeyer.*] Then your grounds for saying it was a private letter was, because it was written with reference to the appointment of a lady to a public office? The whole thing was preposterously ridiculous. The whole letter was more like the writing of a man demented than of one writing on an official subject.
1132. Do you judge whether a letter is official or unofficial by the amount of wisdom it displays? I judge of it from my own reasoning. I claim a right to judge whether a letter is official or unofficial from my own judgment.
1133. It is not an unusual thing for a female to hold the office of postmistress? There are several of them now.
1134. *Chairman.*] Do I understand you to state that the letter you describe was a letter delivered to you by the Secretary to the Post Office? Yes.
1135. And the contents of the letter were exclusively on business connected with the Post Office? Yes, exclusively on business. I would hardly say that when I have already told you that the gentleman said he was going to be elected on the morrow; that was not connected with the Post Office.
1136. I am pointing my questions to the request contained in the letter—was that request connected with the appointment of a person to a public office? That was part of the letter, as I have explained.
1137. Is it your practice to exercise your discretion in tearing up or destroying letters that may have come to you through the official channel of the Post Office, referring to official business? The only way one can do is to look at the thing and see whether it is intended to be official or not. If you see it is not intended to be official, do not make it so—that is the only reasonable practice one can adopt. The moment I saw this I said, "This is private."
1138. Was not this received through the usual official channel of the Post Office? Yes; but my own banking account might come addressed to the Colonial Secretary, and might be opened often and often—such things occur; nothing is more common.
1139. There was no matter connected with the banking account of any Member of the Administration in this letter? No.
1140. Was there any other matter, except the expression of opinion of the writer that he would be elected for the district of The Hastings, beyond the request that the Postmaster General would make some appointment? The fact was, that he recommended a person, whom I believed to be his wife, and the thing was so preposterous that I should have given the letter back to Mr. Dean.

J. Robertson,
Esq., M.P.

28 Mar., 1870.

- J. Robertson, Esq., M.P.
23 Mar., 1870.
1141. Did you consider the request, on the part of Mr. Dean, to appoint his wife as postmistress, a ridiculous request? Yes.
1142. Why? Being a Member of Parliament, if he were elected, he had asked his wife to be appointed, and everyone knows that if his wife were appointed he would be appointed—that she could not hold it—the thing was ridiculous.
1143. You consider the thing to be ridiculous, supposing Mr. Dean to be returned to be a Member of Parliament? Yes. There was something said too about if he were not elected he would like to be re-appointed; I said Mr. Dean's resignation must be accepted unconditionally, which it was.
1144. *Mr. Garrett.*] And had been some time before? Yes. The recommendation of his wife to be appointed was refused.
1145. *Mr. Innes.*] Was there any promise of support to the then existing Government conditional upon his recommendation being acted upon? No.
1146. Nothing of that kind? No.
- Mr. Innes stated that he had closed his case.

John Bartholomew Casey, Esq., J.P., having been sworn, was examined by Mr. Iceton:—

- J. B. Casey, Esq., J.P.
23 Mar., 1870.
1147. You are Clerk of Petty Sessions—where? At Kempsey, Macleay River.
1148. And a Magistrate I believe? I am.
1149. How long have you lived in the district? Nearly ten years.
1150. You are well acquainted with it? Yes; I know it pretty well.
1151. I suppose you know a great number of people there? Yes; mostly all.
1152. Do you know Mr. Dean? I have met him several times.
1153. I suppose you have known him a long time? Yes, I have heard of him.
1154. Do you recollect the election of 1864? I recollect there was an election in that year.
1155. Do you recollect a meeting being held at the time of that election, at which Mr. Dean was present? I do not recollect.
1156. With reference to some charges against him? I know a meeting of that kind was held at Kempsey—I have some recollection of reading of a meeting of that kind being held at Port Macquarie.
1157. That is not your place? That is not my place; it is quite a distinct district.
1158. Was it a meeting to consider the charges against him, and their refutation? If it is regular I will mention what recollection I have of the matter: Some questions were put by parties to Mr. Dean; as to some events, what the purport of those questions was I cannot recollect now. My recollection goes this length, that subsequently, at a meeting of electors at Port Macquarie, Mr. Dean gave an explanation which they considered satisfactory, and from my recollection of reading the account in the newspaper of the day, the decision the people came to was to the effect that he had cleared himself in their opinion of what was imputed to him by these questions.
1159. We understand that it is generally rumoured or understood in the district that Mr. Dean is not an Englishman? I cannot speak for any other portion of the district but my own.
1160. Speaking of your own district, what have you to say to that statement? At the last election in the course of conversation one or two parties mentioned to me that he was an American.
1161. That was at the last election? Yes.
1162. Previously to that election? No, I cannot remember that it was mentioned to me by anyone else; but probably it is my duty to tell you that a great number of persons were hostile to Mr. Dean, and they came to the Court House to see the electoral roll, and to me they expressed their hostility and determination to oppose Mr. Dean, yet they never mentioned anything of his being an American to me.
1163. Previously to, or just about the time of, the last election, had it been reported or rumoured in your district that Mr. Dean was an American? No, I heard nothing of it.
1164. Or that he was ineligible on account of his place of birth? I have heard it stated that he was an American, but I never heard it stated as a disqualification.
1165. With reference to the meeting you have spoken of, can you recollect whether it was not one of the matters objected to Mr. Dean that he was born an American? No.
1166. I am speaking now of your recollection, whether that was one of the matters? No, I can only recollect that the purport of the questions was to reflect upon him.
1167. Upon his character you mean? Yes.
1168. Not upon his status as a subject? I have no recollection of anything of that kind at all. It occurred at Port Macquarie.
1169. There was a newspaper there at that time in existence, called the Macleay Herald? Yes.
1170. It has since ceased to exist, I believe? No.
1171. *Mr. Innes.*] You are the Clerk of Petty Sessions up there? Yes.
1172. You are bound not to interfere at all in the elections? I am.
1173. And of course you do not violate your duty by any such interference, and took no part in the election? I took very little interest in it.
1174. Your recollection of the matter is very dim? Certainly very dim about 1864, beyond what you have heard me mention.
1175. You have not had the thing constantly before your mind since that time? No.
1176. You are not an elector at all? No, I am not.
1177. Do you remember as well as you can, that you saw placards stuck about in the district, with reference to these questions? I have no recollection at all of it.
1178. Will you look at that (*handing witness paper marked A*), and see if you remember ever to have seen such a document as that, or a copy of that, published in the local newspaper? I think I saw this in the local newspaper. I think I did.
1179. There is but the one local newspaper? The only one at that time was the Macleay Herald.
1180. That was extensively circulated throughout that part of the electorate? I cannot say what the circulation of the paper was. I have some recollection of seeing this.
1181. And you have heard it stated you say, previously to this last election of 1869? Just before the election was going on.

J. B. Casey,
Esq., J.P.

23 Mar., 1870.

1182. That Mr. Dean was an America? Yes, an American.
1183. By that do you mean a British subject or not? —
Mr. Iceton objected to the question.
1184. Did you say that you did not know anything about the circulation of the local paper? I cannot say anything as to the circulation of the paper.
1185. How many people are living in this place—Kempsey? Three or four hundred now.
1186. Of course you know a great number of the people there—do you know whether ten or more copies of that paper are circulated every morning? No doubt a good many more.
1187. How many more—there may be only five copies printed—it may be some hobby of a wealthy man—was the circulation nothing, or was it at that time tolerably extensive—were there at least a hundred or were there only a couple of copies circulated? I think I might say there were a hundred. I do not think the circulation at that time was very extensive; it is much more so now.
1188. When you use the word “American,” do you mean to convey to the Committee one who is not a British subject? —
Mr. Iceton objected to the question.
- Only two persons mentioned it to me.
1189. *Mr. Windeyer.*] What did you understand them to intend? A person born in America.
1190. *Mr. Innes.*] What part of America, North or South, British or Foreign, America? My answer to that would be mere conjecture.
1191. *Mr. Windeyer.*] What you understood at the time; that was not a matter of conjecture? That he was born in America.
1192. *Mr. Innes.*] Canada is America? Yes; probably the impression conveyed to my mind was, that he was born in some part of the United States.
1193. Only a few persons mentioned it to you? Only two persons mentioned it to me; that was at the last election of 1869, when Mr. Smith was there. It was in reply to an observation of my own that the answer was made.
1194. You were not at this meeting at all? I was, at one part of the time—No, I beg pardon, I thought you were alluding to the meeting at the last election. No, I was not there.
1195. Do you remember the word “Yankee” being used at one of these meetings during the last election of 1869? I was not at many; only at one I think.
1196. At that do you remember the people using the words, “You are a Yankee”? No.
1197. How long were you at the meeting. Were you there from the beginning to the end? No.
1198. Only a few minutes? Yes; I was there the greater portion of the time.
1199. *Mr. Garrett.*] At whose meeting was that? Mr. Dean’s.
1200. *Mr. Innes.*] Called by Mr. Dean? I do not know whether it was called by him or by his supporters.
1201. What is the distance of Port Macquarie from Kempsey? By mail road—the road usually travelled—45 miles.
1202. You were not at the nomination or the election proceedings? Except at this one meeting.
1203. Besides seeing the things you have spoken of in the local paper, did you see any of these independent documents (*referring to paper marked A.*)? I have no recollection of seeing them; I could give no information upon that point. I have no recollection of seeing them circulated through the district.
1204. They may have been, and it may have escaped your memory? Yes; I recollect very distinctly seeing that in print.
1205. You cannot say whether it was posted up or circulated as an independent document, in addition to its being published in the local paper? No; it is a good many years ago now.
1206. *Mr. Iceton.*] I suppose if it had been notorious in the district that Mr. Dean was an American, you would have known it? It is very probable indeed.
1207. Does not your position enable you to say whether it was notorious or not—your position and your means of knowledge? I think so; a great number of people come to me; and as I told you, a great number of people came to the Court House to see the electoral roll, and canvassed and discussed his claims to be a Member; and they never mentioned, directly or indirectly, that he was an American or disqualified.
1208. Could it have been notorious without your knowing it? I hardly think it could.
1209. Could anything in the district be notorious without your knowing it?
1210. *Mr. Windeyer.*] What district?
1211. *Mr. Innes.*] The Macleay? I hardly think it could.
1212. You could not speak as to a matter of notoriety in the Manning River, or Port Macquarie, or at any place but Kempsey? The Macleay River.
1213. *Mr. Iceton.*] Is not the position of the electorate such that a thing may be well known in one part of it and not known in another? Yes, it is. It is a very long, straggling electorate, and the people are very much divided.
1214. The parts of it are divided by mountains and other obstacles to travelling? Yes.
1215. Is it not the fact that there is very little communication between different parts of the electorate? There is not much.
1216. So that it might happen that a thing might be well known in one part of the electorate and not known in either of the other parts? Yes.

Mr. Robert Campbell, having been sworn, was examined by Mr. Iceton :—

1217. What are you? I am a trader in grain.
1218. And reside at Paddington? Yes.
1219. You trade in grain between Sydney and the Macleay? Yes, and Melbourne—anywhere.
1220. What about the Manning River—have you anything to do with that? I have a farm there.
1221. You know the district pretty well? I have been there two or three times.
1222. How long have you known the district—over what period does your acquaintance with it extend? About sixteen years, I think.
1223. You see a great many people from there—do you not? Yes.
1224. Are you acquainted with a large number of people from the Manning River District? I am personally acquainted with a good many, and with others through corresponding and trading with them.

Mr. R.
Campbell.

23 Mar., 1870.

- Mr. R. Campbell.
23 Mar., 1870.
1225. Do you know Mr. Horace Dean, the sitting Member? Yes.
1226. Is it notorious in the district that he is an American? —
Mr. Innes objected to the question.
Objection sustained.
1227. I believe you have property in the district? Yes.
1228. Are you an elector of the district? I am not sure whether my name is on the roll; it should be.
1229. About the time of, or shortly previous to, the last election, were you in personal communication with a number of persons who are electors, upon the subject of this election, and of the candidates? No, I cannot say that I was with reference to the election. I think the only party that I had any communication with in reference to the election was a man I had employed on the Macleay River in charge of a steamer, and I asked him to use that steamer for one of the candidates, to bring up the electors. I think that is the only communication I remember.
1230. On looking at the electoral roll for the Electorate of the Hastings, for 1868-9, which I have in my hand, I find "385, Robert Campbell, Sydney, freehold, Mount George"—is that your name? Yes.
1231. Then you are an elector? Yes, if I am there.
1232. I now propose to ask the witness this question—Was it notorious in the electorate, or among the electors, that Mr. Dean was an American? —
Mr. Innes objected to the question.
Objection sustained.
1233. During this election were not many of the electors at your place discussing in your presence the merits of the various candidates, shortly before the election, while the matter was being canvassed? It is possible some may, but there could not be many.
1234. I am speaking not as to the possibility? Some may; I have no distinct recollection of it. Sometimes they come in and talk of things in general; perhaps they might speak of the various candidates.
1235. Mr. Innes.] Where are you speaking of now? My office.
1236. In Sydney? Yes.
1237. You were not in the electorate at all during either the last election or the election before that? No.
1238. Do you know how many electors there are on the roll? No, I do not think I ever saw the roll.
1239. You never personally procured the placing of your own name thereon—you never made any personal application? It is very likely I did; that I wrote to my brother to have my name put on the roll.
1240. You did not know till now that your name was on the roll? No, but I stated before that it ought to be.
1241. You have a qualification there—Mount George is the name of your farm? Yes.
1242. You mentioned that you directed some person in your employ to use your steamer for one of the candidates; that candidate was not Mr. Smith? Not Mr. Smith.
1243. Nor Mr. Dean? I did not say so; I said it was not for Mr. Smith.
1244. Mr. Windeyer.] Was it for Mr. Dean? —
1245. Mr. Innes.] You do not know how many electors there are upon the roll at all in those places? No.
1246. You never voted yourself, nor took any part in the election, except that you told some person in Sydney to use the steamer in this way? No, I wrote.
1247. Mr. Iceton.] Was it for Mr. Dean you required the steamer to be used? I decline to answer the question unless I am directed to do so.
1248. Did Mr. Dean, or anyone authorized by him, ever ask you to render him any assistance of that sort? No.
1249. Mr. Garrett.] Have you a brother in charge of this farm of yours? Yes.
1250. In his correspondence with you did he mention anything about the election? No, not on this last election; on a former occasion, when Mr. Dean was a candidate, he asked me which of the candidates I would like that he should support, and I remember writing to him that he should act as he thought proper.
1251. In that letter he made no reference to Mr. Dean's nationality at all? No.
1252. Has the matter ever been discussed in your presence about Mr. Dean's nationality? No.
1253. I suppose in the pursuit of your business you come across many persons from the Manning, the Macleay, and the Hastings? Yes.
1254. And it never formed a subject of discussion? No.
1255. Mr. Windeyer.] Have you never heard anything about his nationality? Not until recently; I have heard he was an American.
1256. When? Since this recent discussion.
1257. Mr. Garrett.] Since this inquiry commenced? Before that I understood he was American.
1258. Mr. Windeyer.] When did you understand that? I cannot say what time I understood it before.
1259. About how long? I cannot state.
1260. Do you mean weeks, days, or years? Years ago; for instance, at the time my brother wrote about Mr. Dean's candidature I knew Mr. Dean was an American—at least I understood so.
1261. What did you understand by an American? A man who came from America.
1262. What part of America—North or South? That I could not answer you.
1263. Did you understand by it that he was a British subject? I would not understand it otherwise than as being a British subject during the time he was in the Colony.
1264. Did you not understand by it that he was a citizen of the United States, as we may speak of Mr. Hall as an American? No, I would not understand it in that light.
1265. Mr. Innes.] You say from long residence? Just so, from long residence.
1266. Mr. Windeyer.] Do you understand that he was originally a citizen of the United States? I could not answer in that way.
1267. What then do you mean by referring to his long residence? That he was a man who had resided a long time in America and hailed as an American, and that he had been a long time here, but I never doubted that he was a British subject.
1268. Mr. Innes.] In consequence of his long residence here? Yes.
1269. Chairman.] Can you say when you first visited the district of the Hastings? I cannot.
1270. Have you any idea of the time when you were last there? Some three years I suppose.
1271. About three years since? Yes.
1272. Can you state when you were there the time before last? I cannot; I could by referring, but I cannot from memory.

1273. How long were you there when you visited the district last? About a week or ten days.
1274. Were you likely to have been there much more than a week or ten days on your previous visit? I do not think I was ever more than that at a time.
1275. How many visits have you paid altogether to the district? Three.
1276. On each of those visits your stay has been confined to a temporary sojourn of a week or ten days? Yes.
1277. *Mr. Garrett.*] During any of these visits have you heard any expression of opinion as to Mr. Dean's nationality? No.
1278. *Mr. Innes.*] Did Mr. Dean's name come up? Yes, we have conversed together.
1279. Not about election matters? No.
1280. *Mr. Windeyer.*] Was an election going on when you were up there? No.
1281. Where did you receive the information from which you believed he was an American? If I remember rightly it was when he kept the Exchange Hotel in Sydney.
1282. *Mr. Innes.*] That was before he went to the Manning? Yes.
1283. When did he keep this Exchange Hotel—how many years ago? I suppose fourteen or fifteen years ago.
1284. Then you understood that he "hailed from America," to use your own expression? I understood that he was an American then.
1285. You say in consequence of his long residence since then in the country you thought he had become a British subject? No, I do not say so. When Mr. Windeyer asked me the question I said I understood by an American a person who had been a considerable time in America, and then from the length of the time he was here it was possible he might have been a British subject all the time.
1286. You knew you say that he had resided a long time in America? I do not know that; I was under that impression.
1287. Did he not tell you when he kept this Exchange Hotel? No, I do not know that I ever exchanged a word with him when he kept the Exchange.
1288. *Mr. Iceton.*] You did not intend to imply by the word "American" that he was a foreigner in the sense in which we usually employ the term? No, just in the sense I explained just now.
1289. *Mr. Innes.*] Then he might have been a foreigner and you not know it? Of course he might.

Mr. R.
Campbell.
23 Mar., 1870.

TUESDAY, 29 MARCH, 1870.

Present:—

Mr. S. Brown,	|	Mr. Lackey,
Mr. Garrett,	|	Mr. Macleay,
	Mr. Windeyer.	

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

Horace Dean, Esquire, the sitting Member, was sworn and examined by Mr. Iceton:—

1290. You are the sitting Member? I am.
1291. We have heard that you were born in America—is that so? That is true.
1292. What were your parents? My parents were British born subjects.
1293. What was your father? My father, so far as my recollection goes, was a retired gentleman. I believe he had been engaged in trade at an earlier period of life; he was not in trade at that time.
1294. What was his name? William Dean.
1295. Where did he live? In America-square, off the Minories, London.
1296. Do you know what was your mother's name? The name of my mother—her maiden name was Mary Miller.
1297. In what part of England was she born? She came from Devonshire.
1298. Your father's relatives—where do they live? My father's relatives all live in England.
1299. In what part? Some in London, some in Liverpool, some in Sussex.
1300. As to your being born in America—will you tell us what you have heard about that? I have heard about it just as I have heard my parents and relatives speak of the place where they were born —
1301. Was your father carrying on business in America at the time you were born? He was not.
1302. How did he come there? My father and mother, some months after they married, went over to America on business, and whilst they were in America I was born.
1303. Have you heard how long after your birth they stayed with you in America? A very short time; I have no recollection of America at that time; I was taken back to England when an infant.
1304. Did your father and mother go back to England, as you are informed? They did; and my father ultimately died, and was buried in England.
1305. What relatives, on your father's side, were you acquainted with in England? My father had three brothers in England—James, John, and Henry Dean.
1306. All resident in England? All resident in England; besides them my father had a sister married in England.
1307. Where were the three brothers living? John Dean in America-square, off the Minories; he carried on business in the Minories; the second of these brothers, James Dean, resided in Fenchurch-street, London; the third, Henry Dean, was a farmer, residing in Devonshire. My father's sister was married to a man named — engaged in a rope manufactory, in Bermondsey, near London.
1308. What relatives had you on your mother's side? My mother also had brothers living in England, and also a sister; two brothers and a sister who were married in England.
1309. Were you partly brought up among these relatives of yours? In part.

H. Dean, Esq.,
M.L.A.
29 Mar., 1870.

- H. Dean, Esq.,
M.L.A.
29 Mar., 1870.
1310. Were you received by them as the son of your father and mother whom you have mentioned? Invariably; the first time I ever saw England was when an uncle, my own father's brother John Dean came over to America, and took me back with him to England.
1311. Were you treated and received by him as a relative? Most decidedly.
1312. As the son of your father and mother? Yes; there was never any question about it raised.
1313. And you were so treated by every member of the family with whom you were acquainted? Most decidedly.
1314. At any period after your father's death did you receive any property that was said to have been his? After I came of age I received some property.
1315. From whom? I received it from my mother, but it had come through my father, from my father's third brother, Henry Dean.
1316. Sent out by whom? I never exactly understood the state of my father's pecuniary affairs during all my boyhood; I understood that some money came from my father's estate, through my mother, but I never understood exactly how these affairs were managed.
1317. As to your mother—some time after your father's death she married again? The second time.
1318. To whom? Mr. Williams, a solicitor.
1319. An English solicitor? An American solicitor.
1320. Where did they live after they were married? After they were married they went to America.
1321. What part of America? They went first to Philadelphia, afterwards to Missouri, and ultimately to Louisiana.
1322. Did Mr. Williams practice his profession as a solicitor? Yes, he did.
1323. They are called lawyers in America? Yes; my father was a lawyer; he did not in his latter days practice his profession. He did at first when I first knew him.
1324. Did you ever see any certificate relative to the baptism of your father and mother? I did.
1325. How long is it since you saw those certificates? The last time I saw them was just before the great flood in 1857.
1326. Where? They were in this country. I have also witnesses here who will swear that they saw them at the time.
1327. Had you these certificates yourself in this Colony? Yes.
1328. On the Manning? Yes; they were destroyed in 1857, when one of my houses was carried away all together with its entire contents, and the other was filled to the joists.
1329. You lost other papers? I lost nearly all my books, books of accounts, as well as papers.
1330. What were these documents, as far as you can recollect them—these two documents? They purported to be the baptismal certificates of my father and mother.
1331. Did it appear from these certificates or these papers that your father and mother were born or baptized in England? It did.
1332. Both, or either of them? Both.
1333. What sort of papers—were they printed or written? Partly written and partly printed.
1334. Did they purport to be signed by anyone? They purported to be signed by the parish clerk.
1335. How came you to have those documents? I wrote for them to America after I came to this Colony. I found out after I came to this Colony that such evidence might be valuable to me, and I wrote for them.
1336. To whom did you write in America? To my step-brother.
1337. Did you write to him to send these documents, or to get them? No, to send them, for I had previously seen them in my mother's possession in her lifetime.
1338. Being aware of their existence there you sent to him to send them to you? Yes, I sent to him to send them to me, and also for copies of entries from the family Bible, which I knew to be in his possession, for I took it from England to him, or rather to my mother, and after my mother's death it passed into his hands.
1339. How long has your mother been dead? About twenty years.
1340. You wrote to your step-brother or half-brother? Yes, to John Williams.
1341. For these certificates, and for a copy of the entries in your family Bible? Yes.
1342. What was that family Bible; whose Bible was it? It was always in the family; I suppose my father's and mother's. After my mother married the second time the Bible was left in England, and on my return from my second visit to England from America, I took that, with a number of other family articles, the property of my father and mother, to her, and after her death it passed into her son's hands.
1343. There were entries in this Bible, were there? Yes.
1344. In whose handwriting? I suppose in my father's handwriting; I have always understood they were in his handwriting; they were received as his handwriting, and purported to be entries of the marriage of my father and mother, the places and dates of my father's, my mother's, and my own births.
1345. Are you aware from those entries where your father and mother were married? They lived in London, and were married at the parish church of Aldgate, St. Botolph's. I think that is the name; I am not positive.
1346. Something of that kind? Yes.
1347. The Bible then remained in America after it had been sent to your mother? Yes; and I presume is there to this day.
1348. And you sent to your half brother for extracts from it? I sent to him to send such evidence as he could get hold of of the fact that my parents were British born. I may state that this does not depend upon my evidence alone, as I showed these documents to the witnesses who will be here, and I also exhibited them to hundreds of others.
1349. You received these extracts and copies of certificates from America? Yes.
1350. What became of them? I have already stated that all my papers were destroyed in the great flood of 1857—two years and a half ago.
1351. Before they were lost or destroyed had you shown them to any persons in this Colony? I had shown them to numbers, I dare say to hundreds, several of whom will be here to bear witness to the fact.
1352. Did you give them an opportunity of examining them? Decidedly. I put them into their hands expressly for that purpose. When the question of alienage first arose, a public meeting was held at Port Macquarie, one of the largest perhaps that was ever held there, for the express purpose of enquiring into this matter. The question was fully discussed, and I brought these proofs before the meeting, and placed them

them in their hands. And at another part of the district, at Timonee, the public were called together for the purpose of considering the charges brought against me. The proofs were put before them by me, and I asked them to give their verdict. They did give the verdict in these cases most unanimously.

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M.L.A.

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1353. Where were these meetings held? One at Port Macquarie, and another at Timonee. Witnesses are here as to the Timonee meeting, and others will be here as to the other.

1354. Was this during the election of 1864, and before the termination of the election? Yes.

1355. We understand from other evidence that you have frequently said you were an American? So I have many times; hundreds of times; I have never said anything else.

1356. Did you say at the same time anything about your parentage? I never said to any human being that I was born in America without accompanying the remark with the statement that I was born of British parents. A moment's reflection must satisfy any reasonable person that I must have done so, as I could gain nothing by declaring myself a foreigner while I had everything to gain the other way.

1357. Did you ever tell Mr. Flett that your parents were British subjects? Yes, I did distinctly, and I think I can prove it—I think I have a witness who heard me tell him so.

1358. *Mr. Windeyer.*] Who is that witness? *Mr. Elsc.*

1359. *Mr. Icton.*] Whether you have any witness or not, is it the fact that you did tell Mr. Flett? It is the fact.

1360. Did you tell him more than once? I remember one conversation positively, and I cannot understand how it is that Mr. Flett does not. I think there were more than that one, but that which I positively remember was a conversation at Cundletown. I was sitting at a table at Cundletown at a time when a number of persons were present, two or three years ago; they were talking about America, and I said something about what I had heard or seen in America. Mr. Flett turned round abruptly and said, "Do you mean to say you are an American?" as if he had never heard it before. I then said to him and those who were present, "It is certainly true that I was born in America, but my parents were British subjects." That conversation is distinctly and forcibly impressed upon my mind.

1361. Did you ever tell Mr. Birch that your parents were British subjects? I do not think I ever had any conversation with Mr. Birch in my life about it. Mr. Birch is not the sort of man I am in the habit of associating with, and I am certain I had no confidential conversation with him upon the subject. He may have been present when I have been speaking to others.

1362. I suppose you know this district well? Yes.

1363. How long have you been there? I have been in the district twelve or thirteen years.

1364. We have been told that it is well known in the district that you are an American. I ask you whether it is not as well known throughout the district that your parents were British subjects? If I had not heard it sworn to here—had anyone asked me do you believe there is any man in the district who believes you to be an American, using the word "American" in the sense of a "foreigner," I would at once have sworn that I did not believe any such person existed in the district. There was some talk of the kind five or six years ago, before this meeting was called, when the question was decided and set at rest. The rumour then died a perfectly natural death, and I have never heard anything of it since. From the beginning to the end of all the public meetings in connection with the late election the question was never mooted—no one ever came forward to say a word about it.

1365. Is it true or untrue that it is well understood in the district that you are an American in the sense of being a foreigner, or not a British subject? It is not true; people would not have voted for me if they had thought I had been a foreigner; but, as I have just said, the question was not raised at all during the last election anywhere, or at any meeting.

1366. You were in South Australia, were you not? I was.

1367. It appears that you there took out letters of naturalization? I did.

1368. Will you state how you came to do that? Up to the time of my leaving South Australia I never supposed there was any question about a person being a citizen or subject of the place where he was born. I had lived under that impression all my life; and if I had asked a person whether he was born in America, and he had answered affirmatively, I should have taken it for granted that he was a citizen of the country where he was born. It never came into my mind, until I came to New South Wales, that it depended upon where the parents were born, and not where the person was himself born—I never had the slightest doubt about it.

1369. Had you any other reason for saying that you were an alien than that you understood you were born in the United States? Most decidedly not.

1370. Is that your only reason? Most decidedly. I always believed, till I came to this Colony, that a man was a citizen or a subject of the place where he was born—and having been born in America, and spent the greater part of my life in America, as a matter of course I considered myself a citizen of that country.

1371. Was it under that impression you took out letters of naturalization? Most decidedly; and I should have taken out fresh letters of naturalization when I came here if I had not learned otherwise.

1372. After you came here you discovered —? I discovered from various sources that the better opinion was that I needed no naturalization; and a few months after I came here the Electoral Law of 1858 was passed, which settled the question.

1373. It was shortly after you came here you sent to America for the papers relative to your father and mother? Most decidedly. A year or so after I came to Sydney I sent to America for them.

1374. Did you ever visit your relatives in England, in different parts of England, or only in London? Only in London. I was never in Devonshire until the last time I was in England, and then I was in Devonshire. I married in England, passed through Devonshire, took my passage at Bristol, and came to Adelaide in the ship "Augusta," Edward Donald, commander. I came out as surgeon-superintendent in the ship.

1375. Mrs. Dean, your wife—was she an Englishwoman? She was never anywhere else but in England and this Colony; she was born, reared, and married in England, and came here.

1376. Your mother had several children by her second marriage? Yes.

1377. You state most distinctly that until you arrived in this Colony you did not know that it was unnecessary to take out letters of naturalization? Yes.

1378. You were not aware that at that time you were by law a British subject? I state most distinctly and positively, as I have done twice before, that I always considered myself an American subject until I went to South Australia and took out letters of naturalization.

1879.

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1379. What was your reason for so supposing? Because I was born in America.
1380. Was it for any other reason, or for that alone, you considered yourself to be an alien? My petition for naturalization states that as the reason—because I was born in America.
1381. Any other reason? None whatever—I can imagine no other reason.
1382. How did you arrive at the conclusion, after you came here, that your impression as to that was incorrect? From conversations I had with a great variety of persons; I may mention that, until I could determine what I should do in the Colony, I took the Exchange Hotel, in George-street. That was, and continued to be for some time, the head-quarters of the liberal party; and meetings were held there with reference to the Electoral Bill then under consideration; and persons who were then making themselves prominent in that matter were in the constant habit of coming there. The man Benbow came there day by day; and it was during my conversations with these people I learned that fact.
1383. Since that time you have been the owner of land in this Colony? I had been the owner of land before that time. I have been the owner of land in the Colony for the last twelve or thirteen years. I have bought and sold land at the Manning, and I was, at this time, the owner of land there. I may also mention, and this will be proved by a witness who will attend for the purpose, that my name has been on the electoral roll for twelve or thirteen years, and has never been questioned; nobody has ever raised the question of alienage about it.
1384. You were formerly postmaster of Tinonee? I was.
1385. You are not now? I am not postmaster now.
1386. Do you receive any part of the emoluments of the office? None whatever.
1387. Have you since the election? No; I have received nothing since the 10th of December.
1388. Have you made any agreement with anyone to receive any share whatever from the holder of that office? Decidedly not; I wanted my wife to be appointed postmistress, the Government would not do it, and the Government then appointed another person.
1389. You do not receive, as I understand you, any part of the emoluments whatever? None whatever; I have no more interest in the post office now than you have.
1390. You are neither actually nor by collusion with anyone the postmaster? None whatever.
1391. Are you the holder of any office under the Crown? None whatever. The present postmaster, Mr. Burton, is a very respectable young man, the son of a solicitor whom I knew, and I appointed him to the office, because I thought it would do him as much good as anyone else.
1392. Have you the power of appointing anyone to the office of postmaster? I recommended; I believe the postmaster is generally appointed by the Postmaster General upon the recommendation of his predecessor. That is the way I was appointed; I received a recommendation from the former postmaster when the Postmaster General appointed me.
1393. *Mr. Innes.*] Since the 10th December you say you have had no more connection with the post office at Tinonee than Mr. Iceton? I have had no more connection with the pay part.
1394. You said just now that you had no more interest in the post office at Tinonee than Mr. Iceton had? I mean thereby no more interest in the profit.
1395. Where is the post office? In my house.
1396. In your house still? Yes.
1397. The present postmaster—is he still in your office? He is foreman in my office.
1398. In your pay? In my pay.
1399. It is to some extent an advantage to have the post office in your office? A convenience—that is all that I am aware of; I write and receive more letters, a great many more letters, than anyone in Tinonee, and I receive more money through the post than anyone in Tinonee, and therefore I prefer to have it there.
1400. You write all those letters to various parts? When I am at home.
1401. You are the proprietor of a newspaper? Yes.
1402. What is the name of that newspaper? *The Manning River News.*
1403. You have been postmaster, and are now Member for the District—do you hold any other office? I am Chairman of the Local Board of Education there.
1404. That is not an office of emolument at all? It is not an office of emolument.
1405. Anything else? Not that I am aware.
1406. Are you agent of any companies? I was at one time.
1407. Banking, or otherwise? Yes; I was agent at one time for the London, Liverpool, and Globe Life and Fire Insurance Company.
1408. When did you cease to hold that? I think some months ago. I was appointed agent, and was to be paid by a commission; but as I never got anything to do I ceased to be the agent some months ago.
1409. You contested an election before? I did.
1410. Prior to contesting the election were you postmaster? I was.
1411. And subsequently too? I resigned previously to the election, and was re-appointed.
1412. How long after were you re-appointed? I think about a month.
1413. Who held the office during that interregnum? No one filled it.
1414. The office was vacant during that time? It was vacant.
1415. Who was acting postmaster—may I ask for how long you were out of office? I cannot remember; a very short time.
1416. How long—you have told us a month after the election—and the nomination I suppose took place some days before the polling? My recollection of that matter is that I resigned a few days before the election of 1864.
1417. Before the nomination? No, before the election.
1418. Do you mean before the nomination, or before the polling? Before the polling; I resigned a few days before the polling —
1419. After the nomination —? I do not wish you to trap me into giving an answer that —
1420. You have no right to say I am trying to trap you; I am trying, if possible, to get the truth from you? The facts are few and simple —
1421. Did you resign before or after the nomination? I resigned after the nomination, and before the polling.
1422. How long after the polling was it before you held the office again? I am not certain; I cannot remember; I think three or four weeks.
- 1423.

1423. During that time no person was appointed as postmaster? Yes; but he did not act.
1424. Who was appointed? Mr. Else.
1425. Is that the same Mr. Else about whom you spoke just now, and whom you say you have as a witness here? The same.
1426. No one else? No one else.
1427. Did he act as postmaster? He did not.
1428. Do you know who received pay? I received it.
1429. For the whole time? For the whole time. I was trying to explain when you stopped me, that my resignation had scarcely reached the Postmaster General when, finding the election was gone against me, I wrote to the Postmaster General to re-appoint me.
1430. Who was the Postmaster General at that time? Major Christie; but the appointment was in Mr. Eagar at that time.
1431. The office was not then a political office? It was not then a political office.
1432. Who was the ministerial head of the department? Mr. Geoffrey Eagar.
1433. Did you represent to Mr. Eagar anything about your political leanings—what party you would support? I think not.
1434. You will not say positively? I will not say positively, for I do not know what my political leanings at that time were; I do not think I had any.
1435. They have not always been the same I suppose? Most decidedly I have never been connected with any party, and I am not connected with any party now.
1436. There are no cross-benches, and you are therefore obliged to sit on one side or on the other, are you not? Yes.
1437. You sit on the ministerial side, do you not? Generally, yes; but I may state, as you have asked me thus much, I may state a little more —
1438. You will have a full opportunity of stating what you like by-and-by —
1439. *Mr. Brown.*] Allow the witness to finish his answer? I wish to state that on the first day of the Session it seemed to be a tacit understanding that those who wanted to sit on cross benches should sit below the gangway, though afterwards finding I could hear nothing in that position I shifted my seat higher up.
1440. I did not know that; I thought you were still in the seat below the gangway? No.
1441. I understood you to say that you lost your papers in the big flood of 1857? No; of 1867. It was a *lapsus lingua*—in the year 1867. I was not there at the flood of 1857.
1442. You had those papers some considerable time before that? I had them several years before that.
1443. After you came to this Colony? Yes.
1444. When did you come to this Colony? I came, I think, in 1857; if I remember properly, about August, 1857.
1445. You had not these documents with you then? No.
1446. You had seen them in your mother's possession? I had seen them years before.
1447. How old were you when your father died? About 36 or 37. My father died about two years after I came to South Australia. I mean my stepfather.
1448. I am asking you about your own father? My own father died when I was some twelve or eighteen months old. I may explain to the Committee, lest anything of that sort should be misunderstood, that I have been so constantly in the habit of speaking of my stepfather as my father, and of my stepbrothers as my brothers, that I sometimes inadvertently use the word "father" when I should say "stepfather."
1449. Have you ever gone by any other name than that of Dean? By no other name, except Williams.
1450. Have you gone by those two names? Yes.
1451. At what period did you go by the name of Williams? I was more generally known as Williams till I came to England or to Adelaide than by any other name.
1452. What was the first name you ever knew yourself to be possessed of? I always knew my first name was Horace Dean, and a hundred people knew that.
1453. In your native State do you mean? I mean to say this —
1454. How old were you before you left your native State? When I left first, two or three months old.
1455. When you left America first? I went to England and remained there till my mother married the second time.
1456. How long did you remain in England? Till my mother's second marriage. I was then, I believe, four or five years old.
1457. Do you remember anything of England before you went to America? Very indistinctly.
1458. *Mr. Windeyer.*] Do you remember England on that first occasion; have you any childish recollection of it? I suppose I have some such childish indistinct recollection, as a child of four or five years old would be likely to have.
1459. Do you recollect the fact of being there? I recollect from my parents that I was there.
1460. *Mr. Innes.*] Some children recollect things that happened when they were two or three years old, and some do not until they are nine or ten? I have since had places shown to me in England of which I had a childish recollection, as for instance, I seemed to have some recollection of the houses in America-square.
1461. You had no distinct and independent recollection apart from what you were told? No.
1462. You did not know whether you lived in England, or in what part, whether in London or in Yorkshire? I remember this: I had some recollection of the appearance of the houses and buildings as a child that I have since known to be America-square, England. Of course at that time of my life I did not know whether it was in England, Nova Scotia, or Scotland.
1463. You have no personal recollection of your father? None whatever.
1464. Have you ever said at all that you understood that you were born before your father was married to your mother? A wanton falsehood, published in the Adelaide Register.
1465. I ask you whether you have ever said that you were born before your father was married to your mother? I have never said that I was born before my father was married to my mother.
1466. Such a statement was published in the papers? I think such a statement was once published.
1467. On what occasion? I do not remember.
1468. You do not remember on what occasion? —
1469. *Mr. Windeyer.*] Was it in an Adelaide paper? I do not remember—I think —

- H. Dean, Esq., 1470. *Mr. Innes.*] Do you swear that you do not remember on what occasion you saw it in the papers?
 M.L.A. I will swear —
1471. Did you see it in the paper on more than one occasion? I do not think so. I remember that during a prolonged personal controversy that was carried on for months between another person and myself, some such —
1472. Who was the other person? George Fife Angus; but I will swear distinctly and positively that I do not know at what particular stage of the controversy that statement was made.
1473. Is your only recollection of the time it appeared in the papers when you were engaged in the controversy with Mr. Angus? I think so.
1474. Do you remember the time when Mr. Bakewell and yourself were engaged in controversy? Mr. Bakewell and myself never had a controversy in our lives.
1475. You never had a controversy in your lives? We were opposing candidates in an election, and Mr. Bakewell afterwards petitioned against my election, but we never had a controversy.
1476. Did not Mr. Bakewell petition against your return? Yes.
1477. On the ground that you were an alien? On the ground that I was an alien.
1478. On the ground that you obtained a certificate of naturalization by false statements, and by the production of false documents? I would state this —
1479. What do you say to this question? I state this, that —
1480. I desire to have yes or no to the question—give your answer and then give the explanation? I will state the facts fully —
1481. I insist upon your answering yes or no—say yes if it is yes, say no if it is no—I have a right to a categorical answer? I would suggest to the Committee that there are many questions to which it would be impossible to answer yes or no.
1482. Will you answer my question? I will answer your question, and answer it fully.
1483. Will you answer this question—You state that he petitioned on the ground of your being an alien; did he petition on the ground that, notwithstanding you had obtained a certificate of naturalization, you had obtained it by false representations, and by the production of forged documents? If I am obliged to say yes or no, I believe Mr. Bakewell did so state in his petition, and I also state that such an allegation was totally false.
1484. Although you state it was totally false, Mr. Bakewell was successful in the result? Mr. Bakewell succeeded in unseating me, but he did not succeed in proving what the papers you have applied for showed to be false. At the time of my naturalization I signed no certificate, but as your own papers show, the clergyman resident in the parish did.
1485. I asked you if you had seen a statement in the paper that you were born before your father was married to your mother; and you said that in the course of a controversy —? I said something to that effect appeared in the *Adelaide Register*.
1486. You further stated that it was only on this occasion you could remember having seen it in the paper? I remember only to have seen that once.
1487. That statement? That statement.
1488. Did you read the reports in the *South Australian Register* at the time of the trial between Mr. Bakewell and you? I think it is very likely I did.
1489. Have you any doubt of it? Really I am not positive, but I think I did. I could not undertake to swear what was contained in those reports years afterwards.
1490. No doubt you cannot undertake to swear—will you be kind enough to look at this, by way of refreshing your memory. (*Handing a paper to the witness.*) You have no doubt that is the *South Australian Register*? No.
1491. Was Gwynne the name of your counsel? Yes.
1492. Did you state this:—"I was born in America a few days before my mother's marriage, and therefore my legal name is Dean"? That statement is not correct; I remember that now since you have called it to my recollection.
1493. You see this farther on:—"My father's name was Williams and my mother's name was Dean—I was born in America a few days before my mother's marriage, and therefore my legal name is Dean"? That whole statement is a mixed-up statement; that is not the evidence that was given.
1494. Can you suggest how that came to appear in the paper? Yes.
1495. What explanation can you give? There was a good deal of evidence given upon that trial, just as it has been given here now, in reference to my mother's two marriages, and there was the same confusion evidently in the report that has arisen here, and which I attempted to put the Committee on their guard against from my calling my stepfather my father, and my stepbrothers my brothers, and there is no question of the fact that the reporter has got hold of part of the statement without having the whole of it correctly.
1496. That does not get rid of the difficulty about your mother's maiden name being Dean? That is wrong; it means my mother's first married name was Dean.
1497. You tell us now your mother's maiden name was Miller? Yes.
1498. Will you look throughout your evidence and see if the name of Miller is there at all, either as her maiden name, or as the name of one of her husbands? (*The witness referred to the paper.*) I do not see the name here.
1499. Have you read the evidence as it is detailed there? I have glanced over it; I did not read it carefully.
1500. I desire you to read it carefully, with the view of saying whether it is there or not? If you want me to read it carefully you must give me a quarter of an hour, for it extends over a column or two.
1501. I beg your pardon, you are mistaken. The counsel's speech is fully reported? It extends through a part of two columns. (*The witness again referred to the paper.*) I state that the evidence as reported there is not a correct statement of what was given in evidence.
1502. Having read that statement twice, once cursorily and once carefully, do you see the name of Miller at all? I do not.
1503. Did you there tell them your mother's name was Miller? I do not think so. I do not think I was asked as to my mother's maiden name. I state positively that the reporter got into confusion with reference to my proper father's name, and confounded it with my stepfather's, and also with reference to my mother's name.

1504. You were not asked your mother's name, and did not volunteer the information? I do not think so. Where "maiden name" is used it evidently means the name of my mother's first husband. H. Dean, Esq.,
M.L.A.
1505. I must read again to you—"My father's name was Williams, my mother's maiden name Dean. My parents emigrated from England to America many years ago, about the year 1814. I was myself born on the 10th November, 1814. I have held Government appointments in this Colony as a stipendiary Magistrate and postmaster. I was appointed stipendiary Magistrate several years ago by Sir Henry Young. I was born in America a few days before my mother's marriage, and therefore my legal name is Dean"? That is all wrong; not a word of that is true. It is all mixed up; it is not the evidence that was given. 29 Mar., 1870.
1506. It is so far true as that your father's name was Dean? My father's—my mother's second husband—was Williams.
1507. Did you ever pass by any other name? Did I ever call myself by any other name decidedly not.
1508. Were you ever called by any person who knew you by any other name? No, by no other names than Williams or Dean.
1509. For how long during your life were you generally called Dean? I endeavoured to explain before that I was generally called Williams up to the time when I sailed from America for England, previous to coming to this Colony.
1510. Just immediately previous? Yes; I was generally known as Williams; but there were people all the time who knew my legal and proper name was Dean. I grew up in the family of Williams, and was called one of the Williams'.
1511. Do you remember in what year you were born? I was born on the 10th November, 1814.
1512. How long was your father in America—I mean Mr. Dean? I think he was there two or three months—three or four. I do not remember—a very short time.
1513. He had gone over for a trip there? He had gone for a trip there; I was born there and taken back with my parents to England.
1514. He died in England? He died in England.
1515. Where your mother married a second time? Yes, in England, and went back to America.
1516. How long after her marriage? I cannot say; a few months, I suppose.
1517. Your stepfather—your mother's second husband—where did he die? He died in America.
1518. He remained in America the rest of his life, and died when? About twenty years ago; I cannot remember the precise time.
1519. You did not care much about it? I did as a matter of course, but I cannot give all these dates.
1520. *Mr. Windeyer.*] You cannot give any idea of the date? —
1521. *Mr. Innes.*] Whether he were your stepfather or not he was the only father you had ever known? I think he died in 1847; but I am not positive; in 1846 or 1847.
1522. When did you leave America to go to England finally—when did you leave America last? I think in 1848; I am not positive; if I did, my father died in 1849; he died after I left.
1523. You have heard what has been said about your having had a duel with some one? Yes.
1524. Is it true that you had a duel with some person? It is certainly true that I had a duel.
1525. And you had the misfortune to shoot some one? Yes.
1526. Is it true that you made haste away from the place where that occurred? It is true that I left there shortly after.
1527. What place was it where this duel occurred? This duel occurred in Louisiana.
1528. Where were you born? I think I was born in Missouri; when my parents were on their way to Missouri. It is entered in the records that I was born in Missouri.
1529. Were there any proceedings at all initiated or threatened against you for this duel—at the time? None that I am aware of.
1530. Previous to your leaving America? None whatever.
1531. You had never heard of any proceedings being initiated against you—it was not in consequence of any that you left? Not in consequence of anything that had been begun.
1532. It was not in consequence of any fear of such proceedings that you left? That is asking too much; I will not say that —
1533. Had you any intimation from any person that any proceedings were likely to be taken? None whatever; still I was aware that proceedings might be taken if anyone chose to take them.
1534. Is duelling in Louisiana punishable? Yes.
1535. Criminally? Yes.
1536. Do you know what offence it is by the law of Louisiana? I suppose manslaughter or murder; I do not know which. I know this, however, that no Louisiana jury would ever convict a man for fighting a duel, but a trial might subject him to a great deal of trouble and annoyance notwithstanding.
1537. Were you in America at the time you shot this gentleman? Yes.
1538. Under what name were you going then? Williams.
1539. You came then to England under the name of Dean? Yes; I was always known as Dean in England.
1540. You were also at South Australia under the name of Dean? Yes.
1541. *Mr. Windeyer.*] Were you in the service at the time of the duel? Yes.
1542. In the United States army? I had just left the army before.
1543. I asked you if you were in the service and you said yes? I did not understand the question; I had left the army previously; I had just left the army.
1544. *Mr. Innes.*] The United States army? Yes.
1545. What year was that in? 1848, I think.
1546. 1848 or 1849? In 1848. I came away in 1849; I left England in 1849.
1547. How long were you in England on your way from America to South Australia? I think six or seven months; somewhere about that—a few months.
1548. Would you tell us the name of the person whom you shot? Colonel Kane.
1549. At what town in the State of Louisiana? Opelousas; Baton Rouge is the district.
1550. Is that far from Missouri? It is down the river, four or five, or five or six hundred miles.
1551. You tell me that you have never gone by any other name than either that of Williams, or that of Dean? Never.
1552. Did you ever go by the name of Haskell? Never.

H. Dean, Esq., M.L.A. 1553. Thomas William Haskell? No, nor William Thomas Haskell, which is the way the name was stated.

1554. Then there is something in it? No, there is nothing in it, but it is not a new charge. I have heard of it a long time before this.

1555. William Thomas Haskell—that is how it ought to be? Yes.

1556. In the petition of Mr. Bakewell against you at the time of the election, did he state that your name was not Horace Dean, but William Thomas Haskell? At the time, with a view of creating a prejudice against me, a great number of things were stated respecting me that were known to be false; certainly that there was no evidence to sustain.

1557. Did anyone besides Mr. Bakewell know that there was ground for stating that your name was William Thomas Haskell, and not Horace Dean? Dr. Graham once told the Governor that was my name.

1558. Governor MacDonnell? Sir Richard MacDonnell.

1559. He was a witness at this trial of Mr. Bakewell and yourself? Yes.

1560. He gave evidence? He gave evidence.

1561. Did he state in his evidence that Dr. Graham, a person whom you had called to speak as to your antecedents, had said that he had known you by the name of William Thomas Haskell? I cannot tell you what the Governor said. I remember the Governor gave evidence, the purport of which was that Dr. Graham had told him so.

1562. *Mr. Windeyer.*] How did the Governor come to know this person—Graham? I introduced Dr. Graham to the Governor. I had known him in America; had known him to be a very creditable man, and would have believed everything he said. Afterwards I learned that his character had greatly changed during the lapse of time since I had known him in America—that he had become very much worse, and I was sorry I had introduced him to the Governor. At the time I knew him he was a very respectable man.

1563. For what object did you introduce him to the Governor? During a prolonged controversy between Mr. George Fife Angas and myself—during which period he was endeavouring to say and do everything he could to injure me—he got hold of a number of letters from persons, or professed to have letters from persons, of which I knew nothing, nor could I be satisfied of their genuineness. He professed to have letters from a number of people in America, who said among other things that they had been looking at the Army Lists, and they could not find my name—this thing, that thing, and the other thing. These papers were sent to me by the Governor for my report upon them. In consequence of that I called upon the Governor, and I took Dr. Graham with me to satisfy his mind. Dr. Graham, I may mention, had just at that time come to the Colony as surgeon of a vessel from America—I believe it was an American vessel, but it brought out British immigrants to Adelaide. I had known Dr. Graham to be a very respectable man at the time I knew him, and I took him to the Governor to satisfy himself on the subject of some of the allegations that were contained in the letters, or which were mentioned in the letters that professed to be genuine, that were received by Mr. Angas. I never saw them and did not know whether they were spurious or genuine, and they contained a lot of stuff respecting me. I took Dr. Graham with me, relying upon his integrity and believing he would tell the Governor a straightforward story on the subject. I afterwards discovered that Dr. Graham's statement could not be relied upon—that it was not a truthful one. I discovered very soon after that Dr. Graham's character was very different from what I had supposed; that during the many years that had elapsed from the time I had known him he had become a very different man; and I wrote to the Governor to discard from his memory everything I had said. I withdrew the recommendation I had given on my introduction of him to the Governor, and I wrote to the Governor to that effect.

1564. *Mr. Innes.*] You have spoken about writing a letter to the Governor—will you kindly look at this letter—"Blenheim Hotel, Adelaide, Friday morning"—will you read that and see if that is the letter—(*Handing a newspaper—"The South Australian Register," Friday, May 8th, 1857, to the witness*)—you wrote to the Governor? I cannot say that it is, without comparing it with the original.

1565. *Mr. Windeyer.*] Have you any doubt about that? I have no doubt I wrote a letter something like that; I cannot say whether that is the particular letter.

1566. *Mr. Innes.*] Did you hear the Governor give his evidence? Yes.

1567. You know the letter you wrote was given in evidence? I do not think so; I do not remember it; I will not say whether it was or not, but I do not think so.

1568. Was it not read in Court? Really so many things were read in Court that I cannot say.

1569. You see it in the report—can you have any doubt that it was the letter? —

1570. *Mr. Windeyer.*] Does it appear there in the report as part of the Governor's evidence —

1571. *Mr. Macleay.*] You believe it to be your letter? I believe a letter substantially to that effect was written, but I cannot say whether that is a copy or not. That paper does not purport to have been brought in by the Governor; it does not state so in these proceedings.

1572. *Mr. Innes.*] How does it come there? The statement is this:—"He then called Oliver K. Richardson, who produced a letter, dated November 13th, 1855, received from Dr. Dean. It was in his handwriting. He received it in the state in which it then was on the previous day from the Clerk of the Executive Council. The obliterations had then been made. It was not in the present state when previously in his possession. The parts erased were the minutes of the Executive Council. Mr. Gwynne objected to the document being received in its mutilated form. He argued that as the letter referred to a previous investigation made in reference to Dr. Dean, the whole of the contents should be laid before the Court, or it could not be put in at all in its mutilated state. The Attorney General argued that as the letter was addressed to His Excellency as Governor of the province, and as the endorsed memoranda were not of a private and confidential character, it could be received in its present form. The Court, having ascertained from the witness that the letter was in the same form as it was received from Dr. Dean, with the exception of the erased notes, decided that it could be received as evidence. The witness, in reply to Mr. Gwynne, stated that the letter was not received as one of a series. He did not know whether any answer was returned to it. There were official letters written to Dr. Dean, and others received from him. Mr. Gwynne, argued that the whole of the correspondence should be produced. It was the invariable rule in cases of that kind. The letter produced commenced by referring to another received from the Governor by Dr. Dean, which showed it to be one of a series. The Attorney General challenged his learned friend to

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to produce a single case in support of his argument. He denied that he was bound to produce any other letter than that put in, and referred to the decision of Baron Parke in a case quoted in 3 Carrington and Cowan, page 72, to the effect that a party producing a letter in Court was not bound to produce another to which it was an answer. The Court having agreed to this view directed the Clerk to read the letter referred to." H. Dean, Esq.,
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1573. You have no doubt it was your letter? I think a letter something like that was put in, but I will not swear that is a copy of it.

1574. Will you read it? I object to this side-way of getting in evidence.

Mr. Iceton objected to the admission of the letter as evidence.

1575. You mentioned, in reply to Mr. Windeyer, that you had written a letter to the Governor, and you have been asked some questions about it? Yes.

1576. You stated to Mr. Macleay that you believed this was substantially the same letter? I did not say that, I said this: I wrote a letter to the Governor upon that subject, but I say I cannot, without having the letter before me, say whether that is a copy or not.

1577. Listen to the letter and then see what it will recall to your memory:—"Blenheim Hotel, Friday morning. Sir,—I reached Adelaide on Wednesday last, and found on my table a letter written by the order of your Excellency, in relation to the charges brought against me by Mr. Angas. This letter clearly indicated my duty, and I at once determined to tell your Excellency the whole truth in relation to the matter, although in doing so I am obliged to recur to events long passed, of so painful a character that you can have no difficulty in saying why I desired to avoid the necessity of making them known." Having read the first paragraph of your letter, does that assist your recollection at all? No; it only enables me to remember what I stated before; that I did write a letter to the Governor.

1578. Does it assist your recollection as to the letter you wrote? No.

1579. Is there such a place as Blenheim Hotel? Yes.

1580. Were you staying there at the time you were in communication with the Governor? Yes.

1581. You did write a letter to the Governor? Yes.

1582. From Blenheim Hotel? Yes; more than one, I think.

1583. About the letter which you wrote to the Governor from Blenheim Hotel, were there some questions asked in the course of the inquiry in Adelaide between Mr. Bakewell and yourself? There was a letter written by me in answer to certain allegations made by Mr. Angas.

1584. In reference to that letter which you wrote, was there a discussion raised, or any evidence tendered in the investigation between Mr. Bakewell and yourself? It seems so, from that report.

1585. Have you any doubt about that? I have no distinct recollection.

1586. Have you any doubt about it? I say I have no distinct recollection of that letter having been produced.

1587. Have you any doubt? I have already said that there were any quantity of letters about one thing or another produced on that trial; and I will not swear—after the lapse of fourteen or fifteen years—as to a particular letter.

1588. Have you any recollection of such a letter having been produced? I have no distinct recollection of that fact, but I think it is highly probable such a letter was produced.

1589. Why do you think it highly probable? Because I see it stated in the report.

1590. That helps you to think it was so? I think there was a letter substantially like that produced.

1591. Now go on to the next paragraph:—"In the first place, then, I beg to say I am all I ever professed to be, and am in a condition to prove this by living witnesses at present in the City of Adelaide. I am a graduate of an American University; I was a Captain of Cavalry in the army which invaded Mexico; I afterwards served as an army surgeon; and yet there is one circumstance which makes it difficult to prove these facts in the usual manner, and it is that circumstance to which I am about to call your Excellency's attention"—Do you recollect that now? I read that before, and can only repeat what I said then, that I wrote a letter to the Governor upon the subject, in the course of which I mentioned a number of circumstances connected with the duel. I do not know whether that is a copy of it.

1592. You do not remember whether it is an exact copy, but you still adhere to what you said, that it was substantially the same? I do not know that the word "substantially" is the proper one; I say I have a distinct recollection of writing a letter upon the subject to the Governor.

1593. You might have written a letter to say that it was altogether untrue? It was a letter, explanatory of the circumstances, but I cannot say that that is a copy of the letter. I will not swear to a letter that I wrote yesterday.

1594. You will not swear to a letter you wrote yesterday? Certainly, to the contents.

1595. Will you answer this question: If you heard me read to you to day a letter which purported to have been written by you yesterday, would you not be able to say whether that letter had been so written by you? *Verbatim?*

1596. Substantially? Substantially. I would not say substantially with reference to a letter fifteen or sixteen years old.

1597. "Soon after the close of the Mexican war it was my misfortune to quarrel with a brother officer about a matter of very little consequence to either of us. He challenged me, and after I had used every means consistent with the laws of honor to avoid a meeting, I was obliged to accept his challenge. We met, and at the first fire he fell. By the laws of the State in which the affair occurred, duelling is highly penal; so that whilst the law of public opinion—all powerful as it is in America—required me to meet my opponent or to be ruined, the written law of the same land attached to such meetings consequences scarcely less ruinous. The friends of the deceased pushed the matter, and I came away. As God is my Judge, I solemnly declare to your Excellency this is the reason and the only reason I had for leaving my native country; but having determined to come away, it was impossible to bring with me my proper name, for this would have enabled the prosecutors to follow me up and annoy me in various ways. I am not sure, but I suppose that duelling having been made felonious by Statute, it is in the list of offences provided for by the International Treaties of England and the United States for handing over, upon demand, persons who have fled from 'justice'. It was necessary, therefore, to take a new name, and it is because enquiry has been made for me by my new name that so much difficulty has been experienced by Mr. Angas and his American correspondents in tracing my former career. Your Excellency will perceive, that whilst I remain subject to the virulent attacks which Mr. Angas has made upon me here during a

H. Dean, Esq., series of years."—Does that call anything to your mind? It only calls to my mind that Mr. Angas and myself had, as I have already stated, a lengthened controversy —

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1598. Is it likely that —? Bear in mind that not a word of that, from beginning to end, is my composition.

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1599. I do not care whether it was your composition or not? Not one word.

1600. "Whilst he continues to threaten (as I am in a position to prove he did no later than yesterday) that he will never stop until he ruins me; it is highly impolitic to throw off the disguise of an assumed name, and by giving proper local information, enable my enemies here to communicate with equally powerful enemies on the other side of the water—hence the difficulty in relation to the written or rather printed testimonials."

1601. Whose composition was this? Mr. Matthew Smith's, the solicitor in Adelaide.

1602. "When I came to South Australia, a little more than six years ago, I only desired that so much of my history should be known as might enable me to earn an honest livelihood in my profession. I could not publish papers containing my real name, and yet all the pretensions I felt inclined to make were warranted by the facts. I therefore, from memory, gave the substance of testimonials which had once been in my possession, intentionally changing nothing but the names of persons and places; of course exactness of date could not be pretended to in quoting papers I had not seen for years. I now see that I erred in taking this step, but at the time I did not see this as I was aiming at a legitimate object, the support of my family—by the exercise of honest means, the practise of my proper profession,—I did not, at the moment, see that it would be wrong to publish as a Missouri diploma, the diploma of a University having really a much higher standing."—What University was that? I think you had better finish one thing at a time.

1603. What University did you substitute for that of Missouri? I did not substitute any University for that of Missouri. I published a diploma, which diploma came from Dartmouth in New Hampshire.

1604. I was wrong; you did not substitute Dartmouth for Missouri but Missouri for Dartmouth? You confuse me by going into a number of things.

1605. I will read it again—"I did not at the moment see that it would be wrong to publish as a Missouri diploma the diploma of a University having really a much higher standing." ? —

1606. What diploma is it you refer to as the diploma of a University having a much higher standing? I have not said I ever said anything about it.

1607. Did you not say that you did not see that it would be "wrong to publish as a Missouri diploma the diploma of a University having really a much higher standing"? I have not said so.

1608. Did you say anything about it? It is impossible for me to say whether that is a copy of the letter I sent or not.

1609. I am not going back again to that general matter, nor am I to be put off. I ask you whether you did, in a letter you sent to the Governor of South Australia, refer to the publishing "as a Missouri diploma the diploma of a University having really a much higher standing"? I cannot say whether I did or not. I cannot remember whether any such statement as you allude to was contained in the letter I sent to the Governor or not.

1610. Did you as a matter of fact, when you came to South Australia, when you wanted to get a certificate of naturalization, state that you held a diploma from any University in the United States? As a matter of fact when I came to South Australia I published a hand-bill, in which I stated that I had studied medicine in the University at Missouri.

1611. And you held a diploma —? No; certificate.

1612. You had not a diploma? I had a certificate from Missouri and also a diploma from New Hampshire. I did not publish one, and I did the other.

1613. Which did you publish? The certificate from Missouri, and I did not publish the diploma from New Hampshire.

1614. From what University had you a diploma? From Dartmouth, and a certificate from Missouri.

1615. Did you publish a certificate from Missouri as a diploma from Dartmouth? No, I published it as a certificate.

1616. Then in point of fact you never did this at all, and Mr. Smith, who composed this letter, drew upon his imagination? Listen to this passage again: "As I was aiming at a legitimate object—the support of my family—by the exercise of honest means, the practice of my proper profession—I did not at the moment see that it would be wrong to publish as a Missouri diploma, the diploma of a University having really a much higher standing"? Remember I say distinctly and positively that I do not know that I ever made such a statement.

1617. Will you swear you never did? No, I will not swear that I never did, but I do not remember it.

1618. That is the statement—we will now go behind the statement and come to the matter of fact—Did you publish as a Missouri diploma the diploma of any other University? I published a paper for what it was worth—a certificate—

1619. *Mr. Windoyer.*] Will you explain the meaning of the words Mr. Innes read to you? Just listen while I endeavour to explain. When I came to Adelaide first I published a paper, a hand-bill, and I published in that hand-bill something I spoke of as a diploma; it was in fact a certificate.

1620. Was it a certificate from Missouri? It was a certificate from Missouri.

1621. Then you did not publish a certificate from Missouri as a diploma from any other University? No.

1622. Then the statement is altogether without foundation in fact? I do not say that.

1623. This states that you published as a Missouri diploma the diploma of another University? That paper says so.

1624. The question is,—what was the diploma which you published as a Missouri diploma? I cannot at this moment see the idea intended to be conveyed by that expression; but the facts are as I have stated. I published that thing—some might call it a diploma, some a certificate—but in point of fact it was a certificate.

1625. Purporting to be from what University? Purporting to be from the University of Missouri.

1626. *Mr. Innes.*] As in fact it was? As in fact it was.

1627. Then you did not rightly or wrongly publish as being from one University a diploma from another? I have not put it forward as from Dartmouth University.

1628. That is not the question at all? —

1629. *Mr. Windeyer.*] You represent yourself in that letter as putting forward as a Missouri diploma a diploma from another University? You put a question with an assertion in it.
1630. Do you not see that the letter represents that you put forward as a diploma from Missouri a diploma from some other University? I see that that paper states so.
1631. Do you not see that the letter represents that you did do that? I see that paper represents that.
1632. Do you admit having written that statement? I do not.
1633. Have you any doubt that you did? I cannot say whether I did or not.
1634. You see the effect of this accusation is that you falsely represented the diploma of one University as the diploma of another? I say that when I came to Adelaide I had a certificate from Missouri and a diploma from Dartmouth in my possession. I published one, and did not publish the other.
1635. You say you substituted one for the other? There was no substitution about it.
1636. Do you say you admit that you represented the certificate of Missouri as the diploma of Dartmouth? No, I do not.
1637. *Mr. Innes.*] "Or brief extracts from letters received from a public department under one name which had really been addressed to me under another"? I do admit that I recollect saying to the Governor, that the very reason why Mr. Angas had not found my name on the public records was that they had looked for Horace Dean when they should have looked for Williams, that being the name by which I was generally known.
1638. By public records do you mean University records? No, I do not mean the University at all; I mean in reference to some other. I admit that in a letter I wrote to the Governor I did say that the difficulty that had been experienced in finding my name in documents and records that were supposed to be in existence, was, that they had looked for the one name when they ought to have looked for the other; but I say again, what I have said twenty times over, that I cannot say whether that is a copy of the letter or not.
1639. *Mr. Windeyer.*] Have you any doubt whether you wrote a letter containing such a representation as that? No, I cannot say that. If you ask me to say yes or no, it is impossible for me to do so, unless I could compare it with the original letter.
1640. I do not think if I were to represent that I had graduated at Oxford when I had graduated at Sydney University, and were accused of having made such a statement, I should forget whether I had been guilty of doing so or not, after a lapse of twenty years? I do not say that at all.
1641. Have you any doubt whether you made such a representation as that in a letter, considering the nature of the charge? I cannot add anything to what I have said.
1642. *Mr. Innes.*] Now, I will go on with the letter—"Nobody was deceived by this, nobody was misled upon any point in reference to which he was entitled to ask for information. The 'pretence' set up by the testimonials was that I had been an army surgeon, and that I had a diploma from a University authorized to grant degrees. Both these pretences were literally true"—Did you say that? Something of that sort.
1643. "All I wanted was a short trial; this being given, I had, within six months after my arrival, made a sufficient number of difficult operations to prove, much more conclusively than any written testimony could do, that I understood my profession"—You said that? I cannot say that; I said something to that effect.
1644. Have you made operations? Yes.
1645. "From that time the hand-bill was forgotten. It would never have been thought of by anyone again, had not Mr. Angas brought it upon the carpet; and now, Sir, referring to the bearer of this, my friend Matthew Smith, Esq.,"—is that the gentleman who made this composition? Yes, and it was signed by me.
1646. "Referring to the bearer of this—my friend Matthew Smith, Esq., to Anthony Forster, Esq., J.P.,"—did you refer to two such gentlemen? I think it likely I did.
1647. Did you know two such gentlemen? Yes.
1648. "To Joseph Gilbert, Esq., J.P., and to the Magistrates of my district generally, for the value of my statements, any of whom will, I think, give your Excellency reliable information as to my veracity and honor, and as to my whole course of conduct since I came here, referring also to the accompanying statements, signed by witnesses now in the Colony, one of whom, Dr. Graham, is known to the Colonial authorities as late surgeon superintendent of the emigrant ship 'Taymouth Castle,' and the other is commander of the finest ship now in this port, and stating also that I am informed and believe like testimony can be had from other American gentlemen now residing in Victoria and New South Wales. I submit the whole case to the consideration of your Excellency."—Did you write anything to that effect? I can only repeat that I wrote a letter, in which I endeavoured to make an explanation of these things to the Governor, but I cannot say whether that is an actual copy of it.
1649. "Sincerely do I trust your Excellency will see how far I have been impelled by circumstances which I could not control—how far any errors I may have committed have been errors of the head—errors of judgment rather than of purpose. And that your Excellency will extend to me that charity and forbearance which most men require at some period of their lives. My friend, Mr. Smith, will communicate further with your Excellency on my behalf, and will receive your reply.—I have the honor to be, Sir, &c., HORACE DEAN."? I can only repeat what I have already said twenty times over, that I wrote a letter in explanation of these charges to the Governor. Mr. Smith drew it up and I signed it.
1650. Dr. Graham,—was he Thomas Graham, the late surgeon superintendent of the emigrant ship, "Taymouth Castle"? Yes.
1651. You took him with you to the Governor? Yes.
1652. He said when the Governor inquired about you that he knew you under the name of William Thomas Haskell? Yes.
1653. You say that is untrue? Yes.
1654. He never had known you by that name, inasmuch as you had never gone by it? I can say that most decidedly.
1655. Did you in the Governor's and Dr. Graham's presence, contradict it? Not at that moment, but a day or two after I did in a letter to the Governor.
1656. Did you contradict it in this letter to the Governor, while Dr. Graham was in the Colony? Most decidedly; Dr. Graham remained weeks afterwards.
1657. Did you call Dr. Graham's attention to that? Yes? I got a letter from Dr. Graham.
1658. Where is that letter? It is destroyed.
1659. In the flood? Yes.
1660. Where? The Manning River.

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- H. Dean, Esq.,
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1661. Were you living then in the same place as you are now? No, I have since built another house; one building was completely swept away with the entire contents, and the other was filled to the joists with water.
1662. Was the building that was carried away that where your letters were? No, they were in the building that was filled with water.
1663. They were destroyed? Yes.
1664. All your documents were destroyed on that occasion? Almost every thing of any value—all the documents of any value and most of my books.
1665. Was the medal carried away on that occasion? No; I have the medal here.

WEDNESDAY, 30 MARCH, 1870.

Present:—

Mr. Garrett,	|	Mr. Macleay,
Mr. Lackey,		Mr. Windeyer.
W. R. Piddington, Esq., in the Chair.		

T. Icceton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

Horace Dean, Esquire, the sitting Member, was further cross-examined by Mr. Innes:—

- H. Dean, Esq.
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- The witness said:—Before the Committee proceed with my examination I wish to correct one or two statements made by me in my previous evidence. I was asked yesterday whether I lived in the same place now that I lived in before 1857—1867 I mean. I understood that question to relate to my place of business, to my offices, and I said No, I had built a new place. My place of business, my offices, where business is done and where my books are kept, has been changed since 1867; but my private residence has not been changed since 1867.
1666. You have a private residence on part of an allotment, and your place of business on another part? They were separate, but they are under the same roof now.
1667. Part of the building is standing in the same place that it stood on at the time of the flood? The residence, but not the place of business.
1668. The place of business is under the same roof as the private residence? The new place of business is, but the other was not.
1669. But they are all together; there is no difference as far as locality is concerned; the buildings adjoin? You do not understand me yet. Before the flood of 1867 my private residence was upon one allotment, and upon the second allotment from that, nearly 100 or 80 yards, or something of that sort, stood the stores and offices. These were the places that were flooded; the private residence was not flooded. I am living still in the private residence, but the store which stood two allotments away from my residence has now been pulled down, and a store has been built up adjoining the residence.
1670. I was asking you yesterday about this letter? Yes.
1671. You told us that substantially that was the letter you had written to the Governor. The Governor, Sir Richard MacDonnell, gave evidence on the first of the cases that was heard, was it not so? One of them; I do not remember which.
1672. There were two cases? Yes.
1673. On the first the Governor was heard, and Mr. Beresford, his Private Secretary? I remember the Governor being heard upon one of those cases. I do not remember about Mr. Beresford being examined; he may have been.
1674. You do not remember Mr. Beresford being examined? I do not say he was not; he may have been.
1675. Is your memory altogether so hazy about this matter? I am conscientiously telling you the truth, and the whole truth, and I assure you I do not remember whether Mr. Beresford was present or not; he may have been.
1676. You have a very indistinct recollection? My memory is certainly not very good—it has failed very much during the last two years; since my long spell of illness; probably he may have been.
1677. Mr. George William de la Pocr Beresford was the Private Secretary of the Governor? I think so.
1678. You have no doubt about that—do you remember? I do not think he was the Private Secretary of the Governor at the time of these trials; he was then, I think, Clerk of the Assembly.
1679. He had been Private Secretary to the Governor? Yes.
1680. You have spoken of an interview you had with the Governor and Dr. Graham? Yes.
1681. Mr. Beresford was then Private Secretary to the Governor? Mr. Beresford was then Private Secretary to the Governor.
1682. Mr. Beresford was present at that interview? Yes.
1683. Who else besides Mr. Beresford, the Governor, yourself, and Dr. Graham? Mr. Thompson.
1684. Who was Mr. Thompson? Captain Thompson.
1685. Who was Captain Thompson? The Captain of some American vessel then in port; I forget the name of it.
1686. Did not both these gentlemen say they had known you by the name of William Thomas Haskell? I think not. Permit me to say that that interview—what took place at that interview was a matter of discussion in the newspapers. Mr. Beresford said one thing, the Governor said another, and I said another, and it was never settled what actually occurred.
1687. Did you not hear the Governor and Mr. Beresford both swear on the occasion of the first trial between Mr. Bakewell and yourself, that both of these gentlemen, Captain Thompson and Dr. Graham, had stated that they had known you by the name of William Thomas Haskell? I cannot say—I cannot remember having heard it. The testimony given before the Court, the contents of the publications, placards,

placards, circulars, and hundreds of other things relating to this matter, are so mixed up in my mind that I cannot undertake to say at the end of thirteen or fourteen years what was said on that occasion. H. Dean, Esq., M.L.A.

1688. I am trying to fix your memory as to certain events—Will you look at this (*handing a paper to the witness*, "The South Australian Register," Wednesday, May 6, 1857) and say whether that refreshes your memory—"His Excellency Sir Richard Graves MacDonnell, who immediately took his place in the witness-box"—"His Excellency deposed that he knew the sitting Member for Barossa"—You were the sitting Member for Barossa? Yes. 30 Mar., 1870.

Mr. Iceton objected.

1689. Will you look at the top of this paper and see what it purports to be? The South Australian Register, Wednesday, May 6, 1857.

1690. Will you look at the third column and state of what that purports to be a report? "Court for the trial of disputed elections—Petition against Dr. Dean's return for Barossa."

1691. Are you the Dr. Horace Dean there referred to? Yes.

1692. Mr. Bakewell was the petitioner in that case? Yes.

1693. Will you kindly look at this (*pointing to the paper*) and read to yourself the Governor's evidence, and let me know when you have done so—If you will allow me I will show you the particular part to which I desire to call your attention? I would rather read the whole of it. (*The witness read the same.*) I have read Mr. Beresford's and the Governor's evidence on that occasion.

1694. You have read the report of the Governor's evidence? Yes.

1695. Did the Governor swear in the witness-box—"On the occasion of the interview Dr. Dean made some statements relative to his name. He brought two gentlemen, who said they had known him in the United States as William Thomas Haskell"—Do you remember the Governor swearing that? I think he did.

1696. Do you remember his swearing this—"I fancy that he exhibited some confusion of manner, and consequently questioned him as to the accuracy of those gentlemen's statements"? I cannot remember *verbatim* what was said. I believe that report of the Governor's evidence is substantially correct.

1697. That is as far as you have read it? Yes.

1698. I submit that the shorter way would be to take this, as the Committee did with the document yesterday? I do not wish the admission I just made to be misunderstood. I do not admit that the statement is correct.

1699. Did I correctly understand you to say that the report I read is substantially correct? That it is a substantially correct report of what the Governor said upon that occasion, but not that I admit the truth of what he said.

1700. I quite understand that? I only want to guard myself against misapprehension—I think that is substantially what the Governor said, but I would add to that, that the Governor said something just before that, in writing, quite contrary to that statement.

(*The counsel handed in the paper. Vide Appendices G and H.*)

1701. Will you kindly take the newspaper again? (*The witness referred to the paper.*)

1702. You have already read the evidence of George William de la Poer Beresford, but what has since occurred may have caused some confusion;—is that a substantially correct report of the evidence? I believe also that this is substantially what Mr. Beresford swore, but I would call the attention of the Committee, while it is in my hands, to the fact that it contains within itself intrinsic evidence that what Mr. Beresford is here testifying had been a matter of dispute and discussion before. He says here—"Did not consider the interview private and confidential. Had no recollection of his offering to leave the room, nor of Dr. Dean's saying that he need not go for he would rely upon his honor." That question was put to him because it had been previously asserted in the papers that I had said so. I had said over my own signature that Mr. Beresford was present by my own special permission; that the Governor had asked should Mr. Beresford leave, and I said, "No, your Honor," or "No, your Excellency, I trust to Mr. Beresford's honor." Just before that there had been a controversy in the newspapers upon the subject. My understanding of what occurred at that time was different from what Mr. Beresford understood and that was stated in the public prints at that time. Now here is another matter:—"Two persons came into the room afterwards, who gave their names as Dr. Graham and Captain Thompson. Could not say which came first. Dr. Dean addressed Dr. Graham, who, in reply to some questions from His Excellency, said he had known Dr. Dean in the United States; that they had been fellow students at Dartmouth College, in Massachusetts." Now Dr. Graham could not have said that, because Dartmouth is not in Massachusetts, it is in New Hampshire, and the Governor had my diploma and Mr. Graham's diploma both in his hands during the time of this interview.

1703. It should have been New Hampshire instead of Massachusetts? Yes, for he had the diploma in his hand. I mention these things to show that the Governor and Mr. Beresford, in repeating these things, had an indistinct recollection of what occurred, and that the accuracy of their statement was questioned at the time it was first made. I admit that Mr. Beresford made substantially that statement, but although he did so it had been questioned, and was questioned afterwards.

1704. Have you also read the cross-examination by Mr. Gwynne? Yes.

1705. He was your counsel? Yes; he is now one of the Judges of the Supreme Court; and I have a letter from him, which I want to make evidence presently in reference to that trial.

1706. Will you again look at the paper—look at the termination of the report; you will see the Court adjourned till Thursday morning? Yes.

1707. Will you look at the paper of the following Friday where the Court seems to have been resumed—merely to see if it is a report of the same case—That is the same paper of Friday, May 8, 1857—This is merely with the view of identifying the report (*handing the newspaper to the witness*)? It seems to be a continuation of the report.

1708. Will you look at the termination of the report? (*The witness referred to the paper.*) I submit to the Court that there are other portions of this trial which ought to have been read. My eye falls upon a portion of which I did not know the existence before.

1709. Before you read I am willing to make this offer to put in the whole of the report? I could not assent to that without reading it first. You have been asking me about what the Governor swore; here is Dr. Graham's statement and Captain Thompson's statement in the printed report.

1710. I make that offer of admitting the whole? I cannot agree to that without reading it. I cannot say whether it is correct or not.

1711.

H. Dean, Esq., 1711. You see that appears to have concluded the proceedings? "The Court then rose, having completed its duties."

M.L.A. 1712. You see the judgment is there? You have the judgment in a more authoritative form before the Committee. I may state, in reference to that judgment, that in the opinion of one of the Judges of the Supreme Court —

Mr. Innes objected to the witness proceeding with the statement.
Objection sustained.

1713. You went back as a matter of fact to the same constituency of Barossa, and again contested the election? Yes; I did. I think this is the proceeding of the second trial you are reading, and not the first.

THURSDAY, 31 MARCH, 1870.

Present:—

Mr. Brown,	|	Mr. Garrett,
Mr. Dodds,	|	Mr. Macleay,

Mr. Windeyer.

J. Lackey, Esq., in the Chair.

T. Icton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

Horace Dean, Esq., the sitting Member, further cross-examined by Mr. Innes:—

H. Dean, Esq., 1714. We left off yesterday at the result of the first trial in the Court for the trial of disputed elections, when you were unseated, and I asked you if you did not go back to the electorate and contest the election? Yes.

M.L.A. 1715. You were returned? Yes.

31 Mar., 1870. 1716. Mr. Bakewell opposed you again on that occasion? Mr. Bakewell opposed me again on that occasion and was second on the poll.

1717. You took your seat? Yes.

1718. Mr. Bakewell again petitioned against your return? He did.

1719. That question was tried before the same tribunal as the former one? The same Committee.

1720. On the first occasion you did not give evidence? On the first occasion I did not give evidence.

1721. On the second you did? On the second I did.

1722. Did you give evidence on that occasion with reference to your country upon this matter of alienage or not? I think I did—I do not remember what I gave evidence about: A number of questions were put to me, but I do not remember what they were.

1723. Do you remember whether a question was put to you as to whether you were an alien or not? I do not think so. I will tell you the reason of my opinion, because the question before the Committee related only to the certificate of naturalization; there was no question as to where my parents were born; the question was whether the certificate was a good certificate.

1724. Whether it was obtained by fraud? Whether it was obtained improperly or not; that was the only question before that Committee.

1725. Behind that, was there not the question of whether you were an alien or not? No, that fact seemed to be confessed by allowing a certificate of naturalization.

1726. Did you not on that occasion give evidence as to your parentage? I think I did.

1727. Do you remember being asked anything about the reason why you did not contradict the statements of Dr. Graham and Captain Thompson to the Governor, as to your having gone by the name of William Thomas Haskell? I do not remember whether any questions were asked; I do not remember them; there might have been.

1728. Will you be kind enough to read this report of your evidence and see if it refreshes your memory (*handing to witness "The South Australian Register," Monday, June 15th, 1857*)? I have read this evidence, and the greater portion of it I believe to be correct, but there are some serious errors in it.

1729. Perhaps it would be better that you should read it right through and stop when you come to something that you wish to explain, or that you wish to say is not correct? I will read such portions as are correct.

1730. I would rather you would read it right through—if you will begin from the beginning? "Dr. Dean was then called by Mr. Gwynne and gave evidence as follows, partly in reply to Mr. Gwynne's questions, and partly as voluntary statements:—My only legal name is Horace Dean; I have been several times in England, and was there in 1838; I cannot, of course, have any personal knowledge as to whether my parents were British subjects."—I mean to say by that that I cannot say where my father and mother were born—of my own knowledge.—"My mother was from Devonshire, and my father from London; I have an uncle now living in London; I came here in 1848 or 1849 from England, as surgeon on board the 'Augusta'; I think it was in 1849; I shipped in the name of Horace Dean."—All that is correct.—"I passed by that name in England; I was married in that name, and I have retained that name since I have been here; my father's name was Williams."—That means my stepfather, as I have already stated to the Committee. I always spoke of Mr. Williams as my father; I had never known any other. It should have been my stepfather—"and my mother's maiden name was Dean."—What I said at that time was that my mother's name was Dean before she married the man Williams, and the reporter may have put that as the maiden name. I may have said her name was Dean before she married Williams, and he may not have heard of her second marriage, and therefore may have supposed it was her maiden name.—"My parents emigrated from England to America many years ago, about the year 1814; I was myself born on the 10th November, 1814; I have held Government appointments in this Colony as a stipendiary Magistrate and postmaster;

I was appointed stipendiary Magistrate several years ago by Sir Henry Young."—That is all correct.—"I H. Dean, Esq.,
 was born in America a few days before my mother's marriage, and therefore my legal name is Dean." M.L.A.
 —That is all nonsense; I never said any such thing.—"I never in my life passed as Thomas William
 Haskell, or by any other names than those I have given—namely, Williams and Dean; I am not aware
 31 Mar., 1870.
 that I have ever been charged with any other crime than that of fighting a duel; I was never charged
 with felony or misdemeanour in any part of Her Majesty's dominions or in any other part of the world; I was
 never charged with any criminal offence in any Court of Justice."—All that is true.—"The duel I have
 referred to was a fatal encounter, and it was the only reason of my leaving America, but I did not leave
 America to get rid of the legal consequences of the duel, as most improperly stated at the last meeting
 of this Court, but the disagreeable consequences arising from the death of my sister and of the other party;
 when I said to the Governor I left America because of the duel, and that I was afraid of the other party
 pushing the matter against me, I did not mean that I was afraid of being punished by the law but I should
 probably have to fight half a dozen more duels."—That is all right enough.—"The legal consequences that I
 feared were not those which would occur to me on the spot where the duel took place, but those in which
 I should be involved here; it was the being taken up as a prisoner and taken away from my family to
 America, which I wished to avoid, though sure of being acquitted there."—All that is true.—"Now that I
 am giving evidence on this subject for the first time on oath, I wish to say that so far from desiring to kill
 that man I stood and received his first fire, and fired my first shot in the air; I have now determined upon
 going back to the spot, and there meet the legal consequences, if such there be, in a few months."—That
 was also true.—"I wish also to state on oath that when I came into the Colony, Mr. Smillie was acting as
 Advocate General, and I informed him of the circumstances of my change of name; it was upon his advice
 that I put the name of Horace Dean into my memorial."—That is all true.—"The reason why the Governor
 could not obtain any information respecting me in America was because I had changed my name."—That
 is true.—"I wish also to explain on oath the reason why I did not contradict the statements of Dr. Graham
 and Captain Thompson to the Governor.—"It was arranged that Dr. Graham should inform the
 Governor of my real name; I took them with me to the Governor, with the expectation that they would
 tell him the truth, the whole truth, and nothing but the truth; but when I heard Graham say my name
 was Haskell I was perfectly astonished, and the instant we left the house I requested Graham to call again
 upon the Governor and retract what he said, telling him at the same time that so far from his having served
 me he had ruined me."—That is all true.—"He positively promised me that he would do so; he repeated
 this promise, both verbally and in writing, during the three or four weeks he was in the Colony, and I confi-
 dently relied upon his fulfilling his promise; the very morning that I heard he had left the Colony without
 doing so I wrote to the Governor, asking him to consider Graham's statement as withdrawn."—I did not
 remember the other day, when I was giving evidence here, but I do remember now, that I was constantly at
 Graham to correct his statement, and the very morning that I found Graham had left the Colony without doing
 so, I myself did so.—"I could have corrected his statement at the time had I not been so much taken by sur-
 prise; after that I took the course which at the time I considered to be best; I had known Graham
 formerly, and his family were very respectable; one of his brothers was a clergyman, but I had not seen him
 for many years, and having introduced him to the Governor as my friend, I felt that I could not for
 delicacy's sake turn round upon him and accuse him of untruth."—That evidence is strictly correct, with
 the alterations and explanations I have given.—"Do you believe in the validity of an oath? Dr. Dean:
 Most unquestionably."

1731. Who puts that question? Mr. Waterhouse.

1732. One of the members of the Committee? Yes. "Mr. Waterhouse: You stated that you were in
 England in 1848; did you visit any of your parents' relatives?—Dr. Dean: I did, and corresponded with
 them. Mr. Waterhouse: Was it from their statements that you learned that your parents were from
 Devonshire and from London?—Dr. Dean: I have heard this from my parents' and here there is something
 rubbed or scratched out—something about "documentary evidence."

1733. "Had in their possession" perhaps? No, it is not that.—"Mr. Waterhouse: What reason do you
 think Graham had for telling such a lie?—Dr. Dean: I cannot tell. It was not certainly in accordance
 with any previous disposition on his part to do so. Mr. Waterhouse: Have you ever claimed to have been
 born a British subject?—I might have done so before I saw Mr. Smillie, on the ground that my parents
 were from England. Mr. Smillie informed me that I was not, but till then I had no correct views on the
 subject. By Mr. Bagot: He was a physician by profession and graduated at Dartmouth; he was married
 in England; remembered several professional gentlemen who were at College with him; some of them
 were alive when he was last in America. By Mr. Reynolds: Mr. Sawle, who signed his petition, did not
 know him in England; he resided about seven months in England before he came to this Colony; lived some
 part of the time in Sussex, and at others in London and Devonshire; his friends knew that he was about to
 come to South Australia; he sailed from Bristol; the vessel was consigned to 'Acraman, Cooke, & Co.'"—
 The evidence, with the correction of the two very natural errors I have pointed out, is correct.

1734. What you spoke of as having been scratched out is one word? Yes; I think so—something where
 the paper seems to have stuck together has been rubbed out.

1735. You were examined on oath on that occasion? I was.

1736. Were any other witnesses examined on that occasion—do you remember? Really I cannot remem-
 ber; I see no witnesses here (*referring to the paper*); I do not remember that I had—I do not think I had.

1737. Does this recall to your recollection that the Committee in their decision acted to a great extent
 upon the evidence taken in the former case—they did not go into any other evidence—does that recall it
 to your mind? No; the affair on both occasions was very short and hurried. The Committee sat I think
 twice on the first occasion, and once on the last.

1738. Did the trial last all day? Yes, I think so—the greater part of the day. I think they met at
 12 o'clock. I remember thus much about the last affair—that I left home in the morning, and came
 down in the coach to Adelaide on the day of the trial, and it was all settled on the same day.

1739. That was the second occasion. Not having had an opportunity of examining you upon the former
 occasion your evidence alone was taken on the second occasion? I do not see any other evidence reported
 here; and my recollection is that upon the second trial it was understood that the evidence given at the
 first trial should be considered as given at the second, and my evidence only was taken.

1740. Mr. Gwynne was your counsel on the second occasion? Mr. Gwynne was my counsel on both occasions.

1741. Had you any second counsel? No. I had a solicitor.

- H. Dean, Esq., 1742. I understood you to say that you had lost all your documents relative to your family? Yes unfortunately. I am sorry to say that I lost not only them, but the earnings of a lifetime at the same time, by the same accident.
M.L.A.
- 31 Mar., 1870. 1743. Were you a Member of Congress? I was.
1744. For what State? The State of Tennessee.
1745. Under what name were you returned? Horace Dean.
1746. When? Just before the American war broke out. I forget the dates—about 1843—42, I think. I am not so positive about the date.
1747. How long was it before you had the duel? Immediately after the war. I was in Congress just before going to the war.
1748. *Mr. Windeyer.*] How long were you in Congress? Two years. The elections are for two years.
1749. *Mr. Innes.*] You were elected for two years, just before the breaking out of the Mexican war? Yes.
1750. Who was President at that time—do you remember? I think it was Polk.
1751. President Polk? I think so.
1752. Cannot you remember that. Having been two years in the Legislature, you must, I should think, have some recollection of who was the President during that time? No, it was during the Presidency of Tyler; Polk succeeded Tyler, and it was in the Presidency of Polk that the war in Mexico broke out.
1753. You do not remember when the war broke out—how long were you in the Congress before the duel? A little over two years.
1754. The war lasted two years, and you were in Congress for two years? Yes.
1755. That brings you up to 1848? Yes, I think about 1848.
1756. Between 1845 and 1846 was it you were in Congress? I cannot be positive without thinking over these dates.
1757. What were you when you were elected to Congress—perhaps that may assist your memory—what business were you carrying on? I was a physician.
1758. Practising your profession? Practising my profession in Tennessee at that time.
1759. At what town in that State? Three or four places, chiefly at Jackson, in the State of Tennessee.
1760. Did you reside in Jackson? I did.
1761. Did you live in the township of Jackson? No, I lived in the neighbourhood—the same country.
1762. The same country may be very extensive —? I did not live in the town of Jackson.
1763. Did you live in any town? No, I lived in the country.
1764. Was there no village near you? Jackson was the nearest town.
1765. Your practice extended over several towns? Not over towns, but over a large district.
1766. That was in the name of Horace Dean Williams you were practising? Yes.
1767. Horace Dean, or Williams? Horace Dean, or Horace Dean Williams I generally signed my name.
1768. Were you a Member for the State of Tennessee, or for any particular town? People are not elected for States in Congress, but for districts as they are here.
1769. What was the particular district which returned you? They do not call them by names, they number them—First Congressional District, Second Congressional District, and so on of a State.
1770. Which Congressional District was it? The Seventh that I represented.
1771. You were elected for two years, were you? Yes, the elections are always for two years; they are never in any other way.
1772. Not for the duration of the Congress, whatever it may be? The duration of the Congress is two years. The Congress is not subject to dissolution in America as the Parliament is here. The Members of the Upper House—the Senate—are elected by the Legislature for six years; the Members of the Lower House for two years.
1773. The Congress expires by effluxion of time? By effluxion of time; it is not subject to dissolution.
1774. Did you say how long you were in England on your way from America? Six or seven months I think.
1775. Were you living then in America-square, off the Minories? Partly in America-square, partly in Devonshire, partly in Sussex.
1776. Did you carry on any business at all at that time? No.
1777. Are you sure of that? I may have seen a few patients, at their own request as friends, but I did not practice.
1778. Did you keep any boarding or eating-house? In England, or anywhere else —
1779. In England? Bawdy-house!
1780. I did not say bawdy-house; I said boarding-house? I thought you meant to insult me —
1781. I said boarding-house? Most decidedly not. I visited one or two patients as a personal favour at their request.
1782. Did you know Mr. Jones when you were keeping the “Exchange Hotel” here in Sydney—a gentleman from England, who had known Mrs. Dean or you in England? I knew no such person.
1783. Did you ever tell him, or converse with him about this eating, lodging, or boarding-house? Most decidedly not. I will give you all the particulars. I boarded in the house of Mrs. Stevenson—a house at which nearly all the Americans who went to London boarded—Mrs. Stevenson’s, America-square, London, No. 8; but I had no more connection with keeping it than you had. I was stopping in the house, boarding in the house, and paying two guineas a week for my board. Most decidedly it was impossible for me to keep a boarding-house; I was married only two or three weeks before I left England.
1784. In this flood did you lose all the certificates and diplomas you were speaking of yesterday? I did.
1785. You have no letters at all from any friends? None whatever. I told you yesterday that the flood rose to the ceiling of the house; it rose so rapidly that it was impossible to save my papers, and I lost not only them but about £3,000 worth of property—most of my books of account, most of my stock of goods in my store, and all my papers. I saved the letters out of the post office only by swimming for them.
1786. You left South Australia immediately after your unsuccessful attempt to retain your seat? Most certainly I did, and I intended at that time to go back to England —
1787. Did you carry out that intention? I did not.
1788. To England? Yes, and thence to America.

H. Dean, Esq.,
M.L.A.

31 Mar., 1870.

- 1789. You did not go to either? No, I came here.
- 1790. And you have been in New South Wales ever since? And have been in New South Wales ever since.
- 1791. Did you ever write at all to Mr. Else, after the contest of 1864, with reference to his office of postmaster? Did I write to Mr. Else?
- 1792. Did you write to Mr. Else about giving up the post office? I think so; he will be able to tell you more about that than I can.
- 1793. Do you remember what you said about his giving up the office? No.
- 1794. Did you make any accusation against him? I do not remember.
- 1795. You do not remember? I do not.
- 1796. Do you really mean to say that you do not know whether you made an accusation against him? Whether I charged him with anything to anybody?
- 1797. Either to himself or to anybody else? Really I do not remember such an accusation.
- 1798. In a letter you wrote to Mr. Else? Charging him with something?
- 1799. Charging him with something? I do not remember it.
- 1800. Cannot you say whether you did or not? I cannot say whether I did or not. Unless I see that letter (*referring to a paper held by the counsel*) I really do not remember.
- 1801. Do you make many charges or accusations against people without remembering that you have done so? My correspondence is with hundreds of people, and it is impossible for me to remember everything I write.
- 1802. You are not constantly making accusations against persons? I hope not.
- 1803. Had Mr. Else done anything that you supposed would make him amenable to the law about this time? In 1864?
- 1804. In 1864—the time you ceased for some little time to hold the office of postmaster? I should like to see that letter.
- 1805. Without seeing the letter? Without seeing the letter I must say I do not remember anything at all about it.
- 1806. You do not remember whether you did or not? I do not.
- 1807. It is possible you may have made an accusation against him? It is possible, but I do not recollect it.
- 1808. Do you remember whether there were any grounds for making such an accusation against him? I remember there was something said about that time, in reference to Mr. Else's insolvency, but I do not think I alluded to that in any way.
- 1809. In reference to fraudulent insolvency? I do not know whether it was fraudulent insolvency or not.
- 1810. I ask you whether you made any reference to his having committed such an offence—what was it you said about his insolvency? I do not know whether I ever did.
- 1811. Why did you remember the circumstance of his insolvency when I asked you if you had made any accusation against him? I said in the course of my life I never heard him charged with anything. I did hear at that time about his having been charged —
- 1812. What was it? I cannot attack a man's character in that way without knowing whether the charge is true or not. I say I never heard anything alleged against Mr. Else unless it had some relation to his insolvency. I may have heard something about Mr. Else at that time.
- 1813. Did he hesitate at all about giving up this office? He never had it; he was appointed but he did not accept it.
- 1814. Will you answer my question—Did he hesitate at all about giving up this office? I think he did as to whether he would accept it or not.
- 1815. That is not what I asked you? He could not give me anything that he had not in his possession. He had not the post office to give.
- 1816. Did you write to him about the post office? Yes.
- 1817. How came you to write to him about the post office if he had not it to give? Mr. Else, after my resignation, was appointed postmaster; he hesitated as to whether he would accept it or not, and I think there was some correspondence as to whether he should hold it or decline it, but he certainly never had it.
- 1818. Had you a correspondence with him about the matter, while the election was pending in 1864? do not remember any such correspondence.
- 1819. Then the correspondence began after you were defeated and were again eligible for office? I think so.
- 1820. Then was the time you spoke about his insolvency? If I did say anything about his insolvency, but I do not remember it.
- 1821. Did you not say that if he did not resign, or give up this appointment, you would bring a charge against him? In a letter to him.
- 1822. Did you in a letter to him? I might possibly have said so, but I do not remember it. I think I put it upon this ground —
- 1823. Put what upon that ground? My application to him not to accept. I think I put it upon this ground, that it was very unusual indeed when a person had given up an appointment of this kind, in order to become a candidate for a seat in the Legislature—if he were beaten, for the party who had taken his office to keep it back from him if he wanted it again.
- 1824. That was the influence you brought to bear? Yes.
- 1825. That is your idea of the proper course of affairs: If a public officer who resigns an office to become a candidate is defeated, and desires to return to his office, you think the other person should be obliged to give it up? Not obliged, but I think it is usual to do so.
- 1826. That is the etiquette? I understand that to be the case.
- 1827. That is the way you wrote to him to give it up? That is my recollection of it.
- 1828. I ask you once again if you will undertake to swear that you did not write to him, threatening to prosecute him for felony if he did not at once resign the post office in your favour? I certainly do not remember that. I should like to see that letter.
- 1829. You may have done so without remembering it? I may have done so, but I do not remember it.
- 1830. The charge you were going to prosecute against him was that of fraudulent insolvency? Most decidedly I never had any intention of prosecuting him.

- H. Dean, Esq. 1831. That was not what I asked you? I may have done so, but I certainly do not recollect it. The fairest way, if you want the truth about it, is to put the letter in my hands, and if I did I will say so.
- M.L.A. 1832. *Mr. Windeyer.*] Do you think it is possible you could forget whether you had threatened a man that if he did not resign an office which you wanted you would prosecute him for a crime? I think it is very possible I might forget. I know that Mr. Else and I have been always on friendly terms, except —
- 31 Mar., 1870. 1833. Do you think the fact that you and Else have been on friendly terms makes it possible you should forget it? No; but Mr. Else and myself being on friendly terms is a reason for believing I did not write to him anything of the kind.
1834. *Mr. Innes.*] Do you know anything about Mr. Else having consulted some friends as to what he should do about this letter of yours? I must protest against about being called upon to attack another man's character in his absence. How do I know whether Mr. Else consulted anyone or not —
1835. I ask do you know? How can I? I certainly do not know.
1836. Do you swear that you never heard from Mr. Else or anyone else about his having consulted some friends about the matter of this letters of yours? I certainly have no recollection of anything of the sort.
1837. It is possible that you have forgotten that a letter was written by you to Mr. Else, threatening at once to prosecute him for felony if he did not resign the post office, and whether you heard that that letter was shown by Mr. Else to any gentleman or to two gentlemen, asking their advice as to what he should do? How can I know who Mr. Else showed the letter to?
1838. That is not what I asked—I asked whether you had heard of his having done so? I do not remember.
1839. You may have forgotten it? I do not remember it.
1840. Do you know a person of the name of Plummer? Yes, I know several Plummers; which Plummer do you mean?
1841. Some gentleman resident on the Macleay—William Plummer? Yes, he was formerly of the Manning.
1842. Do you know anything of Mr. Else having shown that letter to him, which he received from you, and asking his advice? I do not.
1843. You never heard of it? If I did I have forgotten it.
1844. Do you remember his having shown it to Mr. Flett, and asked his advice with reference to it? I do not; I have not the faintest, the slightest, knowledge of the subject. I may have heard it as a passing rumour.
1845. As a matter of fact Mr. Else resigned shortly after, and you were reinstated? As a matter of fact he never accepted the office; the office never passed out of my hands.
1846. How came you then to write such a letter at all? I do not know anything of having written such a letter. I have no recollection of having written it.
1847. You say you may have done so and forgotten it? I may have done so, but I certainly have forgotten it.
1848. And you cannot say why you did so if you did? I remember having said to Mr. Else—"You and I have always been on friendly terms, and I do not see why you should turn me out of my office after I have been trying to become a representative of the district in the Legislature, and have been defeated."
1849. *Mr. Windeyer.*] Did you believe he had been guilty of fraudulent insolvency or of any crime? I do not think I ought to be called upon to express an opinion of Mr. Else's character.
1850. *Mr. Innes.*] He is one of your own witnesses? If he is one of my own witnesses that is no reason why I should attack his character.
1851. *Mr. Windeyer.*] I want to know if you believed he had been guilty of fraudulent insolvency or of any other crime? I appeal to the Committee if I am bound to express an opinion of Mr. Else's character—I do not feel disposed to attack him; and I do not see what he has to do with this matter.
1852. Were you ever a creditor of his? I have always been a creditor, and am a creditor now.
1853. *Mr. Innes.*] You decline to answer the question as to whether you believed he had been guilty of any crime? I do; unless I am compelled to do so. If you ask me do I know of his having been guilty of any crime? I say no, I do not.
1854. *Mr. Windeyer.*] You were never in a position to prove it yourself? —
1855. *Mr. Innes.*] You and Mr. Else are on very good terms now? Yes; we have generally been so; we may have had occasionally little differences.
1856. Mr. Else accompanied you on your canvas on the occasion of the recent election? Yes.
1857. He drove you over? He went in my vehicle to Port Macquarie, if that is what you mean.
1858. Your own private carriage? Yes.
1859. That is a spring cart I believe? Yes.
1860. Mr. Else drove the carriage? Mr. Else drove sometimes, and sometimes I drove.
1861. You took turn and turn about? We took turn and turn about.
1862. On one occasion he took the chair, after driving you over, or coming over in this way, to one of your meetings? I think so.
1863. After you had some difficulty in getting a chairman? I do not think I could have had much difficulty in getting a chairman; the state of the poll shows that. I believe Mr. Else was chairman at some public meeting somewhere—I really do not know where.
1864. Do you happen to have lent Mr. Else any money? Yes, several times.
1865. He is under pecuniary obligations to you? I do not know that he is under pecuniary obligations, except that he owes me some money, as some hundreds of others, I am sorry to say, do.
1866. He, like some hundreds of others, owes you some money? Most business men have large accounts out.
1867. What business do you carry on? Until very recently I have done a general wholesale and retail merchants business on the Manning. Latterly I have not —
1868. Do you not lend money? Sometimes I lend money.
1869. Are not the largest number of your debtors those to whom you have lent money? The great majority are not.
1870. How many do you suppose? I ask the Committee again am I compelled to disclose my private business—how many people owe me money?
1871. I ask whether there are many people to whom you have lent money? I say there are many people to whom I have lent money.

1872. Who owe you the money still? Who owe me the money still.
1873. Can you tell us to whom you wrote to get these certificates after you came here? The certificates of my father's and mother's births?
1874. Yes? I wrote to John Williams.
1875. Your uncle John? No; to my step-brother—my half-brother.
1876. Where does he reside? In America.
1877. But these certificates—did they come from America? Most decidedly they did.
1878. Baptismal certificates? Yes, I had seen them years before in America; my mother took these certificates to America when she went there.
1879. Did you tell any people in South Australia that fact? I have privately said that in South Australia. The question never arose as to where my parents were born.
1880. Your answer is you did not? I do not think I did; the question never arose.
1881. You have no letters at all I think—no letters whatever—at the time when these certificates — ? None—those letters were destroyed also.
1882. When was the first occasion on which you showed them to anybody? I think immediately after they came. I think I showed them to Mr. Else immediately after they came.
1883. When was that? Nine or ten years ago.
1884. Nine or ten years ago? I think so.
1885. Did you ever show them to Mr. Plett? I do not think I did.
1886. Did you ever show them to Mr. Birch? I do not think I was very likely to show Mr. Birch anything.
1887. Did Mr. Birch on any occasion render you great service? Mr. Birch said he did, and I thought he did; but I found out afterwards that he did not render me such a service as I had thought he did.
1888. How long after did you find it out? I think it was some months before I got all the facts.
1889. However, during that time you thought he had saved your life? I thought so during that time.
1890. Did you esteem that rather an obligation or not? An obligation? Yes, I did at the time, and I publicly acknowledged it in print.
1891. In your paper? In my paper. I afterwards found, however, that his part in that affair was not so distinguished as I had thought it was.
1892. Nor to Mr. Fitzgerald? Decidedly not. I had no intimacy with Mr. Fitzgerald.
1893. To whom besides Mr. Else did you show it? I do not think these documents were ever exhibited publicly, except to Mr. Else, until the election of 1864, when, for the first time, after coming to this Colony, I was charged with being an alien and incompetent to serve as a Member of Parliament. As soon as I heard that charge —. I must go back a little. Pending the election, after I became a candidate, I received an anonymous letter, informing me that I would be charged with being an alien, upon the authority of some South Australian paper, at the nomination at Port Macquarie. I therefore went with the certificates in my possession, prepared to answer any questions of that sort that might be brought forward. The allegations, however, were not made when I expected them, but were brought forward at the close of the day's proceedings, after the candidates had made their speeches, and talked nearly everyone out of the Court-house. When everyone was thoroughly tired these things came up.
1894. At the nomination? At the nomination. Certain questions were put to me by Mr. Dangar at that time, and put in a very offensive manner. They were put not only at a very improper time, but in a very offensive manner.
1895. You asked them if they doubted your veracity, and they said they did? Yes; not only so, but I wanted Mr. Dangar to make some statement or other, in order that I might answer it. I said I did not think he had any right to make objections in reference to my personal character, without stating what the objections were based upon. I objected to answer his questions,—first, on the ground of the offensive manner in which they were put; secondly, because they impeached my honour; and thirdly, because he refused to state the things upon which he based his allegations; and I refused, therefore, to reply. However, after a few moments, I thought it would be better to call a public meeting for the special purpose of considering the charges, on the same day. A public meeting was therefore called, on the evening of the same day, at which there were six times as many people present as there had been at any time during the proceedings of the day. At that meeting, which was convened specially for the purpose of inquiring whether there were any charges affecting my character, and whether I was eligible to a seat in Parliament, whether I was an alien or not, I produced some scores of testimonials, and among others, these to which I have referred, and at the conclusion of that meeting—a meeting consisting as well of my personal friends as of my personal enemies, of my political friends as of my political enemies,—it was unanimously resolved that there was no foundation for either of the charges.
1896. There were a great number of persons at that meeting? Yes.
1897. How many people who were at that meeting are here to-day? They have not arrived yet, but they will be here; they have been summoned.
1898. Mr. Else—was he there? Mr. Else was not there.
1899. There is no one here who was there? The Rev. Mr. Holland, who resided at Port Macquarie is here.
1900. Answer my question—Is there anyone here now who was present at that meeting? There is no one now in attendance who was at that meeting; but I have summoned witnesses to attend.
1901. Who are they? Mr. Platt, who was the secretary to the meeting.
1902. Who else? I do not know; I have written to him to bring any other witnesses who will come who were present at the meeting.
1903. These persons saw all these documents? Yes; they saw all these documents, because they were passed all round the room and were publicly examined by anyone who wanted to do so.
1904. How long after receiving this letter was this meeting held? More than three weeks, or a fortnight—something of that sort.
1905. Were they parchment documents? The certificates?
1906. Any of these documents? Some of them were of parchment and some of paper.
1907. Which were the parchment documents? My appointment as regimental surgeon, and my diploma were parchment; some others I think were parchment; the baptismal certificates were paper and a number of others were not parchment. There was a similar meeting afterwards held at Tinouee, at which these papers were publicly exhibited. It is also proper to state, in reference to the public meeting at Port

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Port Macquarie, that Mr. Platt, the secretary of that meeting, was required to publish the result of it in *The Macleay Herald*, the only local newspaper then in the district; he did publish it in *The Macleay Herald*, and he was requested to send copies of that paper to every polling-place in the district, and I believe he did so.

1908. Have you any of those papers here? I have not, but I saw several of them in circulation, and he will prove whether he sent them or not.

1909. *Mr. Iceton.*] You have received from the Manning since you have been here the medal to which reference has been made? Yes.

1910. Have you it with you? Yes. (*The witness produced the same.*)

1911. Is this the medal spoken of by the witnesses? Yes.

1912. Is it the only medal you ever exhibited? I never had a medal in my life but that.

1913. Be good enough to read the inscription? "The Mayor, Aldermen, and Freeholders of Independence in the State of Missouri, to Captain Horace Dean, for his gallantry during the Mexican war."

1914. Are you sure it is not Horace Dean Williams? Yes. On the obverse is this: "The offering of those who know him best, to the gallant youth who has lived among us without fear and without reproach."

1915. Is that the medal you showed to Mr. Birch? I do not remember having shown Mr. Birch a medal in my life; if ever I showed him any, that was the one.

1916. Did you ever show him any other medal than that? I never did; I never had any other medal than that in my possession in my life.

1917. You received this from the Manning? I sent for it from the Manning, after having heard Mr. Fitzgerald's and Mr. Birch's evidence.

1918. Is it true that you ever spoke to Mr. Birch about your father, the Judge? It is utterly false.

1919. You say these papers you produced at the meeting were freely handed about? They were freely handed about.

1920. That is, the certificates of the baptisms of your father and mother? Yes, they were freely handed about. Each of these documents, as I presented them, was not only handed to the chairman of the meeting, for his inspection, but notice was given at the commencement of the proceedings that if anyone wished to see them it was requested they would just say so, and I have no hesitation in saying that most of those present did examine most of the documents, and I wish they were here to be examined to-day.

1921. Where was that? At Port Macquarie. A similar meeting was held at Tinonee, and the same course was adopted there.

1922. Have you anything to add with reference to the evidence given by you before the Court at South Australia, on the second trial? I think not—I think that is substantially a correct statement—I do not remember anything material to add to it. I was going to state yesterday that this Committee—the Election Committee or Court in South Australia is not appointed by the Speaker, as it is here, but is chosen by the House. The House chooses four Members who are presided over by the Junior Judge of the Supreme Court. On that occasion, after having heard the evidence, the Committee divided —

Mr. Innes objected.

1923. Did the Members of the Court express their opinions upon this occasion, or state their conclusion only? They did.

1924. Were they unanimous? There were two for, and two against, the decision.

1925. The Court consisted of four Members and the President? Yes; and the President happened to be the bitterest personal enemy I ever had in the Colony.

1926. Upon the second occasion? Upon both occasions—Mr. Charles Mann.

1927. On the second occasion was the division the same? The division was the same on both occasions; it was the same Court. I may also mention, as a part of that transaction, that I have now the written opinion of Mr. Gwynne, who is one of the Judges —

Mr. Innes objected.

1928. *Mr. Innes.*] The President was the bitterest personal enemy you ever had in the Colony? Yes.

1929. Worse even than Mr. Angas? Yes.

1930. Who had persecuted you for years? Yes.

1931. With unfounded aspersions upon your character, and groundless charges? You are putting words into my mouth that I never used before; I never said that Mr. Angas had attacked me with unfounded charges, and persecuted me for years with them.

1932. Were they unfounded? I have not considered it necessary in the course of this inquiry to attack anyone, and I do not wish to say anything against Mr. Angas.

1933. I do not suppose what you say about either Mr. Angas or Mr. Mann will hurt them very much? There is no necessity for attacking them needlessly.

1934. What is this gentleman—Mr. Mann? He is dead now.

1935. What was he? A lawyer and acting Judge at that moment. He acted for a very short time in the absence from the Colony of one of the other Judges.

1936. *Mr. Windeyer.*] Was he a Judge of the Supreme Court? Acting Judge for a short time; he filled the vacancy during the absence of one of the Judges of the Supreme Court. He was never on the Bench proper.

Mr. Innes.] I tender now in evidence the report which appears as to the expression of opinion of the Members of the Tribunal, since the Committee has received oral evidence from Mr. Dean.

Mr. Iceton objected.

1937. Will you read what Mr. Waterhouse said? (*The witness referred to the paper.*)

1938. Does that appear to be right? I think so; I do not remember the particular words used.

1939. Will you read what the next gentleman is reported to have said? (*The witness referred to the paper.*) These two gentlemen, Mr. Waterhouse and Mr. Bagot, are the two who dissented.

1940. Is what is stated there a correct report of what they said? I cannot say—I only remember the fact that they dissented from the decision; I cannot say what were the words they used.

1941. Will you read what the next gentleman said? I do not know what either of them said. I only know that Mr. Reynolds was in favor of the decision of the Court.

1942. You see what Mr. Reynolds is reported to have said? Yes; but I do not think any sensible man could have said that; it is utterly false.

1943. Was he a bitter personal enemy of yours? No, but he was the shadow of Mr. Angas, who was a man I was fighting with at that time. Mr. Reynolds could not have said what is said here.

1944.

1944. Why could he not have said what he is here reported to have said? The reason why Mr. Reynolds concurred in the judgment of the Court—I will read this to show why he could not have said:—“He considered that the certificate of naturalization was obtained by fraud and misrepresentation,” while in point of fact the certificate of naturalization was obtained without any certificate whatever, or any representations. I say Mr. Reynolds could not have said that, because the papers you have filed here show that at the time I applied for naturalization I sent in no certificate whatever, forged or genuine, true or spurious, except the simple certificate of the clergyman, who resided in the same place in South Australia. H. Dean, Esq.,
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1945. Will you read what he said? “Mr. Reynolds concurred in the judgment of the Court, because he considered that the certificate of naturalization was obtained by fraud and misrepresentation.”
1946. Did you send in any document at all? None whatever, except Mr. Sawles’ certificate.
1947. That is one thing you sent in? That is one thing I sent in.
1948. Did you not send in anything else? No.
1949. Did you send a memorial? Yes.
1950. Did not that memorial contain representations made by you? Certainly nothing —
1951. Did it not contain representations made by you? It contained the representation that I was an alien.
1952. Was not the inquiry whether there were fraudulent misrepresentations in it? I cannot say; I think it was.
1953. Did you not tell me yesterday that that was the very allegation in the petition? Give me the petition to refer to if I am asked about it.
1954. Not the petition for naturalization—I am asking you about Mr. Bakewell’s petition. What I asked you yesterday was if Mr. Bakewell did not state in his petition that you had obtained your certificate of naturalization by fraud and misrepresentation—Did he not say so in his petition? He did.
1955. Do you say it was untrue? I say it was untrue; and I say, whether Mr. Bakewell said it in his petition, or anyone else, the papers filed by the Committee show it is false.
1956. Mr. Bakewell alleged this in his petition? Yes.
1957. And the Court were trying the truth of the allegations in that petition? Yes, they were.
1958. It was proved in evidence that you had sent in this memorial and another certificate? The certificate appended to it.
1959. Upon this your certificate of naturalization issued? Yes.
1960. The Court held that you had obtained that certificate of naturalization by fraud and misrepresentation? How could the Court find —
1961. Whether the Court found justly or not—was it not so? I should like to see the papers of naturalization.
1962. What do you want with them? I want to see them. This is what the Court found:—“The judgment of this Court is, that Horace Dean, returned by John Stewart Brown, Returning Officer of the District of Barossa, as one of the Members for that district, has not been duly elected and it declares and adjudges the election of the said Horace Dean to be absolutely null and void.”
1963. That is what the thing reads there? The Court does not find any such fact as you allege.
1964. Have you read all that Mr. Reynolds is stated to have said there? Yes, everything that I see here.
1965. Will you read it? “Mr. Reynolds concurred in the judgment of the Court, because he considered that the certificate of naturalization was obtained by fraud and misrepresentation, and that a certificate of naturalization so obtained did not entitle the holder to the rights and privileges of a British subject.” Now I say that these papers show that the Court did not find any such thing, and that therefore it is not likely Mr. Reynolds said so.
1966. You have had this article in your possession ever since 1848 (*referring to the medal*)? In the beginning of 1849 I think I received it.
1967. Did you have it before or after the duel? After the duel.
1968. How long after? I got it while I was in England; it was sent over to me.
1969. By a deputation? Not a special deputation.
1970. *Mr. Windeyer.*] How did you get it in England? It was sent over with an address by an American gentleman, Captain Brown.
1971. *Mr. Innes.*] Did you lose the address? I lost that at the time of the flood, when all my papers were destroyed.
1972. Did you show that address to any person? I do not remember; it is possible I may have done so.
1973. You do not remember? I do not remember having done so.
1974. *Mr. Windeyer.*] Do you know anything of how this medal was got up? Do not I know?
1975. *Mr. Innes.*] You heard nothing of it until after you had left America? I heard that a resolution had been adopted at a public meeting in America, proposing to give me a medal, and after I was in London I received it.
1976. *Mr. Windeyer.*] How long after you heard of the resolution? I think three or four months; it may have been five months.
1977. The resolution was adopted before you left America? Yes; it was resolved that a committee be appointed to procure a medal to be given to Mr. Dean, so and so; and some months after I was in England I received it.
1978. It was brought over from America by Captain Brown? I received it from Captain Brown with an address, and I also received a letter from my brother at the same time.

FRIDAY, 1 APRIL, 1870.

Present:—

Mr. Brown,
Mr. Dodds,Mr. Garrett,
Mr. Windeyer.

J. Lackey, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

Horace Dean, Esquire, the sitting Member, further examined by Mr. Innes:—

- H. Dean, Esq., 1979. On the occasion of the election of 1864 did you attend the nomination then? Yes.
M.L.A. 1980. How long were you absent from Tinonee on the occasion of that election? Really I cannot remember.
- 1 April, 1870. 1981. A month, or six weeks—two months? No, I made two visits to the northern part of the electorate during the pendency of that election; on one occasion I went as far as Kempsey; on the second occasion I do not think I did; from the nomination at Port Macquarie I returned immediately, for I heard that Mr. Forster had then come to the district.
1982. You opposed Mr. Forster on that occasion? Yes.
1983. Mr. Forster was not a member of the existing Administration? Yes, he was the Colonial Secretary.
1984. At that time? At that time.
1985. Did you not tell me the other day that Mr. Eagar was in the Ministry at that time? Mr. Eagar was the Treasurer at that time, and Mr. Forster the Colonial Secretary.
1986. Did you make a second application after your defeat to be re-appointed? I think so.
1987. Do not you remember that you had resigned, and that another person had been appointed? I did apply, yes.
1988. Was there any demur on the part of the Government about re-appointing you? I think there was some difficulty.
1989. You tell us that you have never had but this one medal? I never had any other medal in my life.
1990. Have you, ever since you got this medal, seen any of the gentlemen who are referred to as those "who know you best"? No, I never have.
1991. Who presented you with this medal? I told you that the medal was delivered to me in London, on my way to this Colony.
1992. With an address? With an address.
1993. *Mr. Windeyer.*] How long had you been in London when this was presented to you? I think four months or five months.
1994. *Mr. Innes.*] Do you know whether this is solid gold or not? I do not; I know nothing about it.
1995. Do you know whether it is solid at all? I do not; I know nothing about it.
1996. *Mr. Windeyer.*] Do you know where it was made? I do not; all I know is that the medal was voted to me before I left America, and that some four or five months after I had been in London it was brought over to me by Captain Brown.
1997. I suppose they make such things in America? In some parts of America; they could not make a thing of that kind in the distant Western States of America.
1998. *Mr. Innes.*] The California Gold Fields were opened up long before you left America? But California at that time was as distant by the ordinary means of transit as it is from Sydney. There was no way of getting to California from Missouri but by —
1999. You have always supposed it to be of gold? Yes.
2000. And of American manufacture? I never supposed anything about its manufacture—No.
2001. You supposed it to be—you had had it a long time—had shown it to many people, and were very proud of it? Who said I was very proud of it? You put words into my mouth that I never use.
2002. Are you not proud of it; I presume you are, to get a flattering testimonial of this kind of a valuable gold medal—you said you had no other such decoration? No, I never had any other in my life.
2003. That being so, have you never said so or fancied that you had a gold medal from America? If it were of iron I should have been quite as proud of it; it is not the intrinsic value of the medal but the inscription.
2004. I suppose you know that by paying a certain remuneration to an engraver he will engrave upon a medal, or any other article, any inscription you may take to him? I suppose an engraver could be employed to get up anything, but certainly no respectable engraver would engrave an inscription, knowing it to be false and fraudulent.
2005. No respectable man would—for no respectable man would do anything at all that was false and fraudulent;—but supposing you took a medal to an engraver, and told him to engrave a certain inscription which you had written, and paid him for his services, would he perform that? I very much question whether an engraver would engrave a thing of that sort for a stranger. I do not think any engraver would do such a thing.
2006. Why? Because it is so dishonest and so dishonourable.
2007. You think it dishonest and dishonourable? To engrave a thing of that kind, not knowing whether it is true or forged, most unquestionably I do—that would be highly dishonourable.
2008. So you do not think it would be done? So I think it would not be done.
2009. You think I suppose that an engraver would be bound to have references to some persons before engraving such a medal? The engraver would be most likely to ask why it is that this thing is to be engraved.
2010. Possibly he did;—suppose you stated that you were Captain Horace Dean? If you mean to imply by your series of questions that I had anything to do with the getting up of this medal in any way, I do not mean to be insulted; I say it is nothing of the sort. I have distinctly sworn that this was brought to me in England by Capt. Brown. If you mean to insinuate that I had anything to do with the getting up of this medal I must ask the protection of the Committee.
- 2011.

2011. You must thoroughly understand that I am here to show that you are a witness not worthy of H. Dean, Esq., belief, and if I ask you questions with that view you must consider them as an insult or not, as you please. M.L.A.
I say nothing of my own convictions as to whether you are the witness of truth or not—that is what you think I mean to imply, that you yourself —? Your questions seem to look like it. You ask me if I had gone to an engraver, and I say that if you mean to imply that I had anything to do with the getting up of the medal, that implication is utterly untrue. April, 1870.
2012. You see I am not the first person who has supposed your evidence unworthy of belief—I do not say I do so suppose, but if I did so I am not the first person? Whoever insinuated to the contrary?
2013. A great number of people in Adelaide seem to have been of that opinion? A great number of people seem to have been of a contrary opinion, for I was returned by a large majority in my favour.
2014. You do not know of what metal this medal is at all? No.
2015. You always supposed it to be of gold? I always supposed it to be gold.
2016. Have you ever seen the Capt. Brown who brought it over, since the time he gave it to you? Never, for I left London soon after.
2017. You never heard of him again? He was the captain of an American vessel which came to London.
2018. *Mr. Windeyer.*] Did you know him before then? Never before then.
2019. What vessel was he captain of? Really I cannot tell you now; some American vessel that arrived in London by whom these things were sent over.
2020. How old do you say you were when you left America the first time? About fourteen. No, no; that was when I went to — No—the first time? Yes, the first time when I went over I was about fourteen, when I went over with my uncle.
2021. You were born in America and then went to England? Yes.
2022. I understood you to say you were fourteen? No. There were three separate occasions on which I visited England previously to the last. In the first place I think I was some ten or eleven. I was a small boy when I went on a visit with my uncle, who came to see my parents in America for a few weeks — John Dean.
2023. How old were you then? Ten or eleven. I was a boy.
2024. How long did you stay in England then? A few weeks.
2025. After that visit of a few weeks you went back to America? Yes.
2026. Where did you go to then? To my father's—my stepfather, I mean.
2027. How long did you remain in America then? Three or four years. I think I was about fourteen when I was sent over the next time, and then I made a long stay.
2028. How long did you stay then? About three years.
2029. Did you return then to America? Yes.
2030. How old were you at the time you went to America the second time? About fourteen.
2031. You went over to England when you were about fourteen? When I went back to England I was about fourteen.
2032. You stayed there about three years? Yes.
2033. Then you were about seventeen or eighteen when you went back from England? Yes.
2034. Where did you go to then? To my stepfather's.
2035. What was he doing then? Practising his profession.
2036. What was he? A lawyer.
2037. Where? At Missouri.
2038. When did you go to England again? When I was about twenty, and stayed there a short time—two or three weeks. I was on business for my father. If I say father, the Committee will understand that I mean my stepfather, whom I was so much in the habit of speaking of as my father, that I always say father when speaking of him.
2039. *Mr. Innes.*] You went by his name? Yes.
2040. *Mr. Windeyer.*] How long did you stay in England on that occasion? I think about a month—a few weeks—a short time, however.
2041. Did you say when your mother died? Yes, after the close of the American war.
2042. About what time? About 1850 or 1851.
2043. What do you mean by the American war? The American war with Mexico; she died after I came out here.
2044. Under what name did you serve in the American army? Horace Williams.
2045. I understood you to say that you were generally known as Horace Williams? Yes; but there were persons all the time who knew what my proper name was—who knew the fact that I was not Williams's son; but for all that I was generally known as Horace Williams, and signed my name as Horace Williams.
2046. Then up to what time did you continue to sign your name as Horace Williams? Up to the time of my leaving America, when at the last interview I had with my friends, at a meeting of my friends at Missouri, I announced to them that from that time forward I wished to be called by my own father's name, and I wished them, if they desired to correspond with me, in London, to direct their letters to Horace Dean.
2047. How long after the war was this medal given to you—after your return from camp? It was voted almost immediately, at the meeting two or three months after; but it was nearly a year after the war before the medal was delivered to me in London.
2048. Under what name did you sit in Congress? Horace Williams.
2049. *Mr. Innes.*] Have you any objection to this gold being tested? I have an objection to anything being done to it that will deface it.
2050. Do you know yourself what is the character of the Hall mark in London? No.
2051. *Mr. Windeyer.*] I suppose no American could make such a medal as that? I suppose they could.
2052. *Mr. Innes.*] Will you look at this (*handing the medal to witness*) and tell me what the marks are as well as you can? (*The witness examined.*) I cannot make out what they are at all.
2053. Do you think a magnifying glass would enable you to tell? Perhaps it might. (*A magnifying glass was handed to the witness.*) I cannot see as well with this glass as I can without it. I do not know what it is.
2054. You do not know the Goldsmith's Hall mark, or whether there is any difference between the gold and silver mark? No.
2055. You never had any idea that that was silver gilt, I suppose? Never; I always supposed it to be gold. Of course that was a matter of supposition; it was never officially declared.

- H. Dean, Esq.,
M.L.A.
1 April, 1870.
2056. The address stated it was, I suppose, and begged your acceptance of the accompanying gold medal? It did not state anything of the kind; it said, "Herewith we send you a medal."
2057. It did not say whether it was gold, iron, or brass? No; it said, "We herewith transmit you a medal as a testimony of our respect."
2058. Have you a gold watch about you? (*The witness produced his watch.*) I dare say there may be some question whether that is gold or not; I suppose it is gold, but I am not a mineralogist.
2059. Will you say whether the marks are the same upon that as upon this medal? I cannot say what the marks are.
2060. You would be very much surprised to learn that this medal was silver gilt? Yes. I have no other reason for supposing it to be gold than that it looks to be gold. I cannot see the marks on it, and I cannot say whether it is gold or not.
2061. You do not know in point of fact that in the Goldsmith's Hall mark for gold the first thing is a crown, and for silver the first character is a lion? I have no knowledge of what the Goldsmith's Hall marks are.
2062. *Mr. Windeyer.*] What University were you at in Missouri? At the University of Missouri, Columbia.
2063. Did it contain a medical school? Yes.
2064. Did you take the medical degree there? No, I attended a course of lectures.
2065. How long were you there? One season.
2066. How long is one season—how many seasons are there in a year? Only one season.
2067. Were you ever at any other medical school? I am a member of ——— College, St. Louis; it is not a College at all; it is an association of Medical Practitioners.
2068. Answer my question. Were you ever at any other medical school besides that at Columbia, Missouri? Never at any other than that at Missouri—Dartmouth College, of course.
2069. How long were you there? At Dartmouth?
2070. Yes? Three years; the one course at Missouri was counted, making four years—a full course.
2071. Have you any diploma? I had one till this flood came. The Governor had it and examined it in South Australia.
2072. What did that diploma purport to be? That diploma purported to be from Dartmouth.
2073. Did you alter that diploma? I did not.
2074. What do you mean by saying in your letter that you did not see that "it would be wrong to publish as a Missouri diploma the diploma of a University having a much higher standing"? I mean to say this, that when I came to Adelaide in the first instance, instead of publishing one diploma, I published another. I did not alter the original paper.
2075. What did you publish? A Dartmouth diploma as if it came from Missouri—that is what I published. I have already told the Committee, as I told the Governor, that I was wrong to have done so; that I did not see it at the time, though I do see it now.
2076. What was your object in publishing that, having a real diploma from Dartmouth, as if it were a diploma from Missouri? Because I did not wish to put persons I had quarrelled with in this country in communication with the friends of the person I had killed. For many years I had religiously kept the secret of this duel in which I had been concerned, but somehow the secret had got out, and I was apprehensive some difficulties might arise out of that duel, and was anxious to conceal my connection with it.
2077. Were you ever an army surgeon? I was most decidedly.
2078. What do you mean by saying "the pretence set up by the memorial was that I had been an army surgeon"? That was the "pretence;" that was what the hand-bill asserted. I asserted in the hand-bill that I was an army surgeon. They talked of my having made "false pretences," and I say that pretence was a true pretence.
2079. What do you mean by calling it a "pretence"? Is not the word quoted? It had been alleged against me that I had introduced myself into the Colony upon "false pretences," and I say that "pretence" was true.
2080. Under what name did you serve as a surgeon in the army? Horace Williams, always; I served everywhere as Horace Williams. I was never known by any other name.
2081. I understood you to say that your real father, William Dean, was never domiciled in America? Never at any time; to the best of my belief he never paid but one visit to America; he returned to England, and died in England.
2082. During that visit you were born there? Yes; during his visit his house was kept open in London; he never broke up house-keeping. The visit was of two or three, or three or four months' duration. I do not know how long. I cannot recollect, of course. I was an infant, and was taken back with my parents, and have not the slightest recollection of America at that time. My first recollections are of England.
2083. *Mr. Innes.*] (*Handing to the witness a watch, apparently silver.*) Can you see what is the mark on that? I can see some sort of animal upon it. I cannot say what it is.
The medal was handed to the witness.
2084. *Mr. Windeyer.*] Do you know enough of old English to see that that is the letter G? I cannot see the letter at all—I cannot make it out.
2085. Where did your father, William Dean, die? He died in London.
2086. When? When I was about eighteen months old, I believe, but I cannot say. I have no recollection at all.

Mr. Arthur Thomas Else, having been sworn, was examined by Mr. Iceton:—

- Mr. A. T. Else,
1 April, 1870.
2087. What is your place? Tinonee, Manning River.
2088. What are you? A publican.
2089. How long have you been in the district? I have been ten years in the district.
2090. Do you know Mr. Dean, the sitting Member? I have known him ever since I have been there.
2091. Do you recollect the flood there some years ago? We have had several during the last ten years.
2092. Do you remember anything about some papers of Mr. Dean's in connection with the floods? Yes, I remember well.

2093. Do you remember Mr. Dean asking you to look for some papers? I do.
2094. Was there a flood there then? Yes.
2095. Was Mr. Dean's place of business flooded? Yes.
2096. To any extent? Up to the wall-plates.
2097. Were there, or had there been, books and papers about there? Yes.
2098. On shelves? On shelves and on the table.
2099. Had you previously seen some documents of Mr. Dean's, relating to the baptism of some persons? I had.
2100. When did you first see them? At the meeting that was held at the school-room.
2101. At Tinonee? At Tinonee.
2102. Upon what occasion? It was after the election, previous to this last election.
2103. Was it after the election, or during the election? It was at the time of the election.
2104. I suppose it was after the election had commenced? After the election had commenced.
2105. What occurred at this meeting--what was it about? The meeting was held for Mr. Dean to explain some matters--to give an explanation of something that occurred over at Port Macquarie.
2106. Of whom did the meeting consist? The inhabitants around.
2107. Electors? Electors.
2108. Supposed to be electors? Supposed to be electors.
2109. Mr. Dean was present, was he? He was present.
2110. He made some explanation? Yes.
2111. He produced documents? He produced documents.
2112. Did he say what the documents were, or was it stated what they were? He showed the documents, and stated what they were.
2113. Did he keep the documents in his hand, or give the persons who were present an opportunity of examining them? I think they were all passed about the room.
2114. To the best of your recollection were they so passed or so used that anyone in the room might see them who thought fit? Anyone.
2115. What did these documents purport to be, to the best of your recollection? One of the documents was relative to some political meetings that were held in Adelaide.
2116. About that I do not propose to ask you anything--tell us something about other documents? ---
2117. *Mr. Windeyer.*] Tell us all you saw; enumerate them if you can? There were three or four documents that were handed to prove that Mr. Dean had gone by the name of Dean, and not another name; that his name was Dean.
2118. *Mr. Icton.*] Was there anything about his parents? To prove that his parents' names were Dean he showed some documents that appeared to be the certificate of the church baptism of his parents, or of his parent.
2119. At all events that is what they were stated to be? Yes.
2120. They were examined by the meeting? They were examined by the meeting.
2121. Had you seen these documents yourself before the meeting? No, I had not seen them before the meeting.
2122. Did you see them afterwards? No, I did not see them afterwards.
2123. Did you take them in your hand at the meeting? At the meeting I had them in my hands and examined them.
2124. What did they appear to you to be? It was a small paper, half printed and half written on. At the back there was some writing--some memorandum at the back.
2125. What did it purport to be about? About the baptism of his father.
2126. Anything about his mother--were there more than one paper? More than one paper, but I remember that more particularly, for we looked to see the name of his father on it.
2127. Did you see the name of Dean on it? Yes.
2128. It appeared to refer to the baptism of some person named Dean? Mr. Dean represented that when we saw the name.
2129. Was the Christian name stated? It was.
2130. Do you recollect what it was? No.
2131. Can you recollect what part of the world these documents appeared to come from? Mr. Dean always told me from London.
2132. Without reference to what Mr. Dean told you, can you tell, from your recollection of looking at these papers, whether it was from London or any other part. Did it appear from the document itself, to relate to something that had occurred in London, that his father had been born in London.
2133. Was there any document of a similar nature that related to a person who Mr. Dean said was his mother? Yes.
2134. A document of a similar character? Yes.
2135. Do you remember that person's name or the place? That his mother's birth was in Devonshire.
2136. Do you recollect whether there were any papers purporting to be copies from an entry in a family Bible? There was something of that kind, but I cannot remember anything I am sure about? I know there were several papers that were connected with these.
2137. Did you say anything about the result of the meeting--whether the meeting expressed any opinion as to whether they were satisfied or dissatisfied? The meeting were satisfied that what Mr. Dean had stated was proved to the satisfaction of those who were present; and they gave him a vote of confidence.
2138. Referring again to the flood you have spoken of--did Mr. Dean lose any quantity of documents, papers, books, and other things? He did--a great deal.
2139. Did you render him any assistance in endeavouring to recover the lost things? I did; I picked up a great many, even as far down as the river bank.
2140. Do I understand you to say whether you had or had not seen this paper on any other occasion before? I had not seen them but I remember when Mr. Dean and I were speaking about our ages, Mr. Dean told me he had them, and went to look for them, but I did not see them then.
2141. Had you heard before from anyone anything as to Mr. Dean's parentage? Only from himself.
2142. What had you heard from him about it? He had frequently told me about his mother being born in Devonshire. My wife happens to be a Devonshire person; we had spoken of Devonshire, and he always told me his mother was born in Devonshire.

- Mr. A. T. Elsc. 2143. Mr. Dean, I suppose, is pretty well known in the district? Very well known.
- 1 April, 1870. 2144. Is it the rumour in the district that he is an American? No, I do not think so—not generally so. The general opinion was that he was a person from home.
2145. Is it the general opinion, so far as you know, that his parents were British subjects—is that as well known as that his country was America? It was very well known from the representation he made of it. I do not suppose people knew it.
2146. When it was said “he is an American,” was it as well known that his parents were born in Britain—one or both? A number of people knew it; it would generally be considered so.
2147. Is he known as a subject of the United States of America or not, in the district, so far as you are aware? No, I could not say more than that the people generally supposed him to be belonging to Britain.
2148. You think it is pretty well known in the district that Mr. Dean’s parents are supposed to be British? I think so; I have been frequently told so; I have always heard people say so; a number of people have told me so, but they have told me from what Mr. Dean told them; it was generally represented so.
2149. Is it as much talked of that his parents were British subjects as that he is an American, in the district? Quite as much.
2150. Do you believe there are any persons in the district who have not heard that Mr. Dean’s parents were British subjects? I should think very few, for it has been talked of the last five years—since the last election.
2151. You are speaking of the period since the election of 1864? Yes, since that period there has been great talking about it.
2152. Do you recollect applying to be appointed postmaster during the year before 1864? I do.
2153. Did Mr. Dean, in a letter, or by word of mouth, ever threaten you with any consequences if you did not give up your position to him after the election? No, he never threatened me in my life.
2154. Did he ever write a letter to you to say that if you did not give up the postmastership to him he would charge you with some crime—fraudulent insolvency or any other? Never—not a word.
2155. Did you ever tell anyone that he did so? Never.
2156. If anyone has said that you said Mr. Dean did so, is that true or false? I should say it was false.
2157. Did he ever, by any threat of any sort, induce you to let him have back again the postmastership after he was unsuccessful as a candidate? He never made any threat at all; I am sure he would not do so.
2158. Have you ever had any quarrel with him? Never.
2159. Have you ever authorized anyone to say about Mr. Dean that he forced you to give up the office of postmaster under the fear of your being punished for something? I am sure I never did; it would be a disgraceful falsehood if I did say so, and I am sure I did not.
2160. *Mr. Innes.*] Were you appointed the postmaster? I was appointed postmaster.
2161. Who procured for you that office? I should imagine Mr. Weekes, for I wrote and asked him.
2162. How long did you hold the office? I did not hold the office at all; I never went inside the office, except as a friend of Mr. Dean.
2163. How was that? Because I considered it would be dishonorable to take it when Mr. Dean lost the election. I left it in his hands till I wrote to the Postmaster General to say that as Mr. Dean had resigned for political purposes, and had lost the election, I begged he should be re-appointed. I thought it was unfair to take the office from under him.
2164. I understand you that you applied for the office—that your application was granted—that you never went into the office except as the friend of Mr. Dean,—and that you thought it unfair to him, as he had resigned for political purposes, which purposes had not been answered, to take the office, and so you resigned afterwards? That is the truth.
2165. You were on pretty friendly terms with Mr. Dean all that time? I always have been.
2166. You had been for some time before? Yes.
2167. Have you never been in any difficulty? I have been.
2168. Had you at that time? Not then, but after then.
2169. How long after? About six or nine months.
2170. About six or nine months after? I think so.
2171. As early as that? About that time.
2172. Are you sure it was not a year or two afterwards? I would not be sure; it appeared to me about that time. I know I came to Sydney about six months after, and then I went back to the Manning again; I think that would occupy another three.
2173. What did you come to Sydney for? To meet my creditors.
2174. Did you file your schedule? I did, afterwards.
2175. How long after? I had endorsed a few bills for a friend —
2176. I am not asking you about that—when did you file your schedule? About nine or ten months after the appointment of the postmaster you spoke about.
2177. You are sure it was not before nine or ten months afterwards? I think that must be about the time.
2178. You were not in any difficulty at all for six months afterwards—you were going on all clear? Until these bills fell due, for which I had given accommodation to a friend, I was going on all right.
2179. That was six months afterwards, or more? About six or nine months.
2180. You were not in insolvent circumstances at all about the time you held the office of postmaster in that way? These bills were due, but I was not being pressed for them, but when the party to whom I gave accommodation —
2181. That was a long time afterwards? When the gentleman failed, to whom I gave accommodation bills, the Bank sued me, and I came to Sydney.
2182. That was six or nine months afterwards? Yes.
2183. Up to that you had not had any pressing claims upon you—for no other money at all? Nothing particular.
2184. Then Mr. Dean never from first to last said anything about fraudulent insolvency? Never to me—never a word; I never had such a word put to me.

2185. Never any imputation? Never heard such a thing in any shape or way by anyone. You are the first one who ever said anything to me about fraud. Mr. A. T. Else.
2186. Suppose I derive this information from what Mr. Dean has told—how then? I do not know; I do not see how he can say anything about my defrauding in any way. 1 April, 1870.
2187. Was there not any imputation made of your insolvency being not exactly straightforward? I never heard it in any shape or way from any other person.
2188. There was never any difficulty about your giving up the office—you never accepted it? No.
2189. You thought it would be very unhandsome, to say the least of it, to —? I never accepted it.
2190. So there was no difficulty about your giving it up? Not the slightest; I did not even take it.
2191. Mr. Dean did not put the screw upon you in any way? Not in the slightest.
2192. You never hesitated in any way—in fact you never held it? I never took it; I did not wish to take it, had Mr. Dean felt satisfied and desired me to take it.
2193. Mr. Dean never had occasion to write to you to say it was very unhandsome in you to hold the office under the circumstances—he in no way mentioned that it would be dishonorable in you to keep it? He never wrote; in fact, it was more to say I might take it than not to take it.
2194. Will you swear that Mr. Dean never wrote to you, after his defeat upon that occasion, telling you that he knew of something against your character, and would at once enter an action against you for felony, if you did not resign the post office? I will swear positively he never wrote me such a letter, and never said such a word to me—that he would prosecute me, or anything of the sort.
2195. Or expose you? Or expose me.
2196. Or bring any charge against you? He never wrote such a letter.
2197. Did you ever receive such a letter from anybody? Never.
2198. Did you ever take such a letter to Mr. Plummer? Never.
2199. You will swear that you never took such a letter to Mr. Plummer, or to anybody else? No.
2200. Do you know Mr. Plummer? Yes.
2201. What is his name? There are three of them; I do not know which you allude to.
2202. Which did you allude to? I know them both.
2203. Which did you allude to about never taking a letter to him? To either; you asked me whether I ever showed a letter. I never wrote a letter or showed such a letter to either of them.
2204. Is either of them called William? Yes.
2205. Where does he live now? I think he has removed to the Richmond, or to the Macleay—one of the Northern Rivers.
2206. If he lives at Kempsey? That is on the Macleay.
2207. Will you swear that you never showed such a letter to Mr. Plummer or Mr. Flett? I will swear that I never showed a letter with such words as you make use of to anyone, either to Mr. Flett, to Mr. Plummer, or to any person.
2208. Did you show them any letter? That I cannot say, but I do not remember ever showing them any letter. I might have showed them some letter at some time, but I do not remember ever showing them any letter. It might have been, we were frequently meeting about other matters, and I might have shown them some letters at some time, but never such a letter as you allude to.
2209. Did you never show them any letter which you represented as having received from Mr. Dean, which threatened you with hostile proceedings if you did not give up the post office, and ask their advice? I will swear I never did—Mr. Dean never wrote me such a letter.
2210. Did Mr. Flett tell you, or did he not, when you asked advice of him and Mr. Plummer, to hold the office and defy Mr. Dean, and did not you tell him that Mr. Dean would ruin your family if you did not comply? I never wrote to Mr. Flett, or asked his advice, and I never used such words.
2211. Were you under any obligation to Mr. Dean? None at all.
2212. And never have been—none? None, except borrowing.
2213. You need not look at Mr. Dean? I do not want to look at Mr. Dean.
2214. You have borrowed money of Mr. Dean? Yes.
2215. Do you owe this money now? I have a bill running now.
2216. For how much? £50 or £52.
2217. Then if Mr. Dean has told you there were unpleasant rumours about your insolvency —? Mr. Iceton objected.

THURSDAY, 7 APRIL, 1870.

Present:—

Mr. Brown,	|	Mr. Lackey,
Mr. Dodds,	|	Mr. Macleay,
Mr. Piddington.		

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.
J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

Mr. Arthur Else further cross-examined by Mr. Innes:—

2218. Are you staying with Mr. Dean in town? No, I am not.
2219. You are not lodging in the same house? I am not lodging in the same house.
2220. You have seen him pretty frequently? I have seen him every time I have come to the Council.
2221. That is the only time you have seen him? That is the only time, excepting once or twice I have seen him in town. Mr. A. T. Else.
7 April, 1870.
2222. You have seen him in town? Yes.

2223.

- Mr. A. T. Elze. 2223. Have you not been for any walks with him? No, I have not—Yes, I went one day up the Park here with him.
- 7 April, 1870. 2224. And down the Gardens? Round the Gardens, yes.
2225. You had never seen these documents, I understand you to tell us, before this meeting? No, I had never seen them before the meeting. I remember on one occasion Mr. Dean and I having a conversation about our ages, and then he went to a box and looked at some documents, but I did not notice them.
2226. You did not see them at all? Yes.
2227. About your ages—who is the eldest? I think he was the eldest.
2228. In order to show his age he went to get these documents? Yes, it was for the purpose of looking at the dates.
2229. The documents showed that his father and mother were born in England; how would that prove that he was older than you? That was not the purpose. At that time nothing was said about it, except our ages.
2230. These were parchment documents, were they not? I should imagine not; but I really could not remember what they were.
2231. You know what parchment is I suppose? Yes, well.
2232. You cannot remember whether they were parchment or not? I do not at all remember the style of paper they were on.
2233. Were they all the same? The two papers that were presented at the meeting were of the same shape and form.
2234. There were two documents? There were two documents. There were several other documents than these.
2235. The two that bore upon this matter of where his father and mother were born? Yes.
2236. There were two, only two? There were only two that referred to that matter, but other documents that referred to other matters.
2237. They had nothing to do with that? That was the principal.
2238. Can you undertake to say, remembering that there were only two such documents, whether they were on parchment or on paper? No.
2239. Your recollection is not very clear about the matter? I have a clear recollection of their being shown at the meeting.
2240. The documents being shown in the meeting? Yes.
2241. Had you them in your hand? Yes.
2242. Cannot you remember whether it was parchment or paper? No, I cannot.
2243. There is a very great difference, is there not, between them? If I had thought it necessary to have examined them I should have known the difference, but as there was no necessity at the time I do not remember.
2244. You did not think there was any necessity at the time to examine them? I did not.
2245. You believed what Mr. Dean had stated, and you did not require the production of these documents? I did not require them.
2246. Therefore you did not bother your head about their contents, or what they were on? There was no necessity to bother my head.
2247. You did not know what the contents of them were? I did at the time.
2248. From your own reading of them? From my own reading.
2249. Then you did read them? Yes, several of us did.
2250. Did you? Yes, I read them.
2251. What did you mean just now by saying that you did not think it necessary to read them? They were read in the meeting, and I am sure I read them, because I had them in my hand; but I only casually looked down them, and threw them down again.
2252. Were they all in writing? No, part print, and the other filled up in writing, and some writing on the back of them.
2253. These two documents appeared to be one just like the other? Very similar.
2254. Do you remember any date upon them? No, not the slightest.
2255. Do you remember the name of any person who appeared to have signed them? No, only that they were signed.
2256. You do not know by whom? No; they were very old looking, as if the papers had been put by for a long time.
2257. Did you see the name of any office upon them—any registry office? I really could not say what was on them. We looked at them principally to see the name of Dean.
2258. That was the only thing you looked at? That was the principal thing we looked at them for.
2259. Who do you mean by "we"? It was at the meeting—I suppose thirty were there; there might have been more. It was at the school-room.
2260. At night-time or day-time? In the afternoon.
2261. You do not remember any registry office, or anything to show that they were from any registry office upon them? Nothing about registry, I think.
2262. What names were on them? The principal name I remember was Dean; what other there was I do not remember.
2263. That is the only name you remember? Yes.
2264. Did you tell us yesterday, or on the day when you were last examined, that there was something that appeared to come from a Bible? No, I did not.
2265. Did you say nothing about a Bible? No, I am sure of it.
2266. You are sure you said nothing about a Bible? Yes.
2267. That is the kind of recollection you have ———? That is all I recollect.
2268. About what took place on the last occasion, when you were under examination? I remember the questions you asked me, and I think I can remember the answers I gave you.
2269. I do not care whether I asked you, or whether Mr. Iceton asked you; but do you remember saying anything about a document that appeared to come from a Bible? No.
2270. Do you remember being asked about a document that seemed to come from a Bible—you need not look round ———? I do not wish to look round; I do not remember the circumstance.
2271. A nod is as good as a wink—you do not remember anything about Mr. Iceton asking you about copies of entries from a Bible? About entries in a Bible? 2272.

2272. You do not recollect anything about a Bible, or anything that appeared to come from a Bible? No. *Mr. A. T. Elise.*
2273. Nothing at all? No.
2274. I must ask you once again if all you are prepared to swear about this matter is, that the name of *Mr. A. T. Elise.* Dean was upon these two documents? That is all I remember taking notice of.
2275. What the documents were you do not know, or whether they came from any registry office? There was no registry office at all about it.
2276. You do not remember a single date about them? They appeared to be what Mr. Dean represented them to be, and upon looking at them we were satisfied, and saw no more.
2277. That was in consequence of Mr. Dean's representation—you had faith in what Mr. Dean said? Yes.
2278. You believed him to be a man "without fear and without reproach"? Yes, we believed in what he said to us.
2279. You do not remember the name of any office or date, or the contents of the documents written or printed, except the name of Dean upon them? I have no recollection at all about them.
2280. Mr. Dean represented them to be what? The baptism of his father and mother—one in England and the other in Devonshire.
2281. Whereabouts in Devonshire—what Devonshire? Devonshire, in England.
2282. Both in England? Yes.
2283. *Mr. Innes.*] Whether you recollect the contents of these documents now or not, did you and the people at the meeting examine them? Yes.
2284. Have you seen them upon other occasions? I do not remember any other particular occasion, except the case I spoke of, when he took them out of the drawer.
2285. Was that in the building that was afterwards flooded? No; that was in the other place.
2286. What other place? His residence.
2287. Were they some papers about Mr. Dean's age, or purporting to show something about the time of his birth? Yes.
2288. What were they? I could not tell; it seemed to be on the back of one of them.
2289. Have you seen a medal? Yes; I have seen a medal.
2290. Have you given any evidence about a medal? No; I have not.
2291. Have you seen that before (*handing the medal to the witness*)? Yes; I have seen that medal before.
2292. When did you have it last in your possession? When I came down here.
2293. To attend this inquiry? Yes.
2294. You brought it yourself? Yes, from Mrs. Dean.
2295. Previously to Mrs. Dean giving it to you had you seen it? I had seen it on two occasions before.
2296. On what occasions? One about five years ago, and the other about two years before that. Five years was about the time of the last election, when Mr. Forster was returned. I saw it on that occasion, and I had seen it previous to that occasion.
2297. Was this medal produced at the meeting? Yes.
2298. That is the medal? That is the same medal.
2299. You were asked just now about the name of Dean being on both those certificates, and I think your answer implied that it was on both;—Can you remember whether the name of Dean was on one or on both? I only remember that the name of Dean was on one.
2300. Do you mean to say, or to convey the impression that the name of Dean was on both? No.
2301. If you have said so would that impression be right or wrong? It would be wrong.
2302. The name of Dean was only on one? Only on one.
2303. On one of these certificates of baptism? Yes.
2304. At the meeting when these papers were produced was it not stated by Mr. Dean that these ———? Mr. Innes objected.
2305. Did Mr. Dean state at this meeting what these papers were produced for—did he tell the people why? Yes.
2306. What did he tell them they were produced for? Some one had made a report at Port Macquarie that he was a foreigner, and that he had held another name; he then called a meeting and satisfied them sufficiently there at Port Macquarie, and then he held another at Tinonee.
2307. What did he satisfy them about? That his parents were born in England, and that his name was Horace Dean.
2308. What had these papers to do with that? They were brought forward for the purpose of the name.
2309. For the purpose of showing that? Yes.
2310. And they were shown to the people? Yes.
2311. And after seeing them they said they were satisfied? Yes, and passed a vote of confidence.
2312. You said he had something, some paper or other, that appeared to you to show what his age was? I think it was on the back of one of these memoranda.
2313. *Mr. Innes.*] Who else was at this meeting? I know a number of names that were at this meeting; there was one man who came down in the steamer yesterday to go into the Infirmary, who was at the meeting.
2314. What is his name? James Hamilton.
2315. Who else? People around the township—McCann.
2316. In Tinonee? Yes.
2317. What is McCann? A blacksmith.
2318. Who else? I can hardly call to mind the names of the people now, but I could find out I dare say, if I was about the neighbourhood, twenty or thirty.
2319. You cannot call to mind any other names? No.
2320. You told us you were an Englishman? Yes.
2321. When you speak of anyone being from Home you mean from England? Yes.
2322. You told us that it was generally understood up there that this gentleman, Mr. Dean, was from Home? Yes, it was generally understood.
2323. That he was an Englishman? Yes, that his parents were English. It was the general impression that he was an Englishman on that account; he always spoke of himself as being an Englishman, from Devonshire.

- Mr. A. T. Elsc. 2324. Did you ever see a Devonshire man like him? I could not possibly say that.
 2325. Do I understand you to say that you were under the impression that this gentleman was born in England? No, not that he was born in England, but that his parents were born in England.
 2326. Where do you suppose he was born? I really do not know where he was born.
 2327. You never conjectured? No, I never gave it a thought in what country he was born. I never thought but what he was an Englishman.
 2328. Did you ever hear anything about his being in South Australia at any time? Yes.
 2329. You never heard of his being put out of Parliament there? No, I never did.

Captain Jasper Creagh, J.P., having been sworn, was examined by Mr. Iceton:—

- Captain J. Creagh, J.P. 2330. You are Magistrate and Clerk of Petty Sessions, at what place? Wingham, on the Manning River.
 2331. You have resided there a number of years? Fourteen or fifteen years.
 2332. Do you know Mr. Horace Dean? Yes.
 2333. How long have you known him? I suppose about eight or ten years—about ten years.
 2334. Have you known him as an Englishman or as a Foreigner? I knew him to be an American.
 2335. That is all you can say? Yes.
 2336. Do you mean American born—or subject—or a Foreigner? I could not consider him as a Foreigner, as I am aware, or have been informed, that he was of English parents—that and speaking the language. Altogether we never considered him on the Manning as a Foreigner.
 2337. Is it understood there that he was born of British parents? I rather think to the best of my recollection that some people are aware, though I am not aware, that it is generally known.
 2338. *Mr. Innes.*] You say “speaking the language”? Yes, speaking the English language. We generally put down as Foreigners, men speaking Spanish, French, and German.
 2339. You say you have known him as an American? Yes.
 2340. When were you informed about his being born of English parents? I have heard it—I cannot exactly remember the time, but not very long ago.
 2341. How large a place is Wingham? There are about a dozen houses there.
 2342. There is a good population around, is there not? Yes, a good population in the country around.
 2343. In the immediate neighbourhood? Yes, a rather extensive population.
 2344. You say you have known Mr. Dean? Yes; perhaps ten or twelve years.
 2345. Did you know whether he belonged to British North America, to Canada? No; I only knew he was an American.
 2346. You did not consider him as a Foreigner because he spoke the English language? I am the Registrar of Births in the district, and I think he registered himself as an American.
 2347. How long ago is that? Two or three years ago.
 2348. It is long since that that you were informed about his being of British parents? Yes.
 2349. *Mr. Iceton.*] When you say he entered himself as an American, was he describing the place of his birth? Yes.
 2350. Only as to his birth? Yes.
 2351. When you say you have known him to be an American, you mean only that you understood him to have been born in America? Yes.
 2352. Do you use the word “American” in any other sense than as indicating the place of his birth? The place of his birth only.

Joshua Cochrane, Esq., J.P., having been sworn, was examined by Mr. Iceton:—

- J. Cochrane, Esq., J.P. 2353. Where do you reside? At Wingham, Manning River.
 2354. What are you? A storekeeper residing there.
 2355. Are you in the Commission of the Peace? Yes.
 2356. How long have you resided in the district? About 6 years, I think.
 2357. Do you know Mr. Dean? Yes, I have known him for the last 6 years—between 5 and 6 years.
 2358. Do you recollect the election of 1864; the election previous to the last? No, I do not remember anything excepting the last. I did not take any —
 2359. Do you recollect something about a meeting that was held about the time of that election, respecting Mr. Dean's —

Mr. Innes objected.

2360. Respecting matters personal to Mr. Dean, and supposed to affect his interest about that election; as to his position in society, or anything else? Yes, I have known his character for the last 6 years. I have known him personally, and my friend, my father-in-law, Mr. Poole, who has lived in Tinonce, knows all concerning him, and has always been telling me about Mr. Dean. I know his history.

2361. Tell us what you know —

2362. *Mr. Innes.*] From whom do you know it? From Mr. Poole.

2363. That is your father-in-law? Yes.

Mr. Innes objected to the question of Mr. Iceton.

2364. *Mr. Iceton.*] Tell us Mr. Dean's history, so far as you know it, from what is notorious in the district?—

Mr. Innes objected to the question.

Objection overruled.

Mr. Dean, I have always heard, was an American, born in America, but that his parents were English. He is considered as a representative; in fact, he is considered by all who know him as a fit and proper person to represent the Hastings, and I believe there are very few in the district that do not think that Mr. Dean is a fit and proper person—I believe there are none—that he is considered to all intents and purposes an Englishman.

2365. When you say a fit and proper person, do you mean a person entitled by law to sit —? Entitled by law to represent the Hastings.

2366. That is, that he is a person who is not disqualified—is that your meaning? That is my meaning. I have the means of knowing, living in the district just in the centre, seeing all the people, and knowing the people personally.

J. Cochrane,
Esq., J.P.
7 April, 1870.

- 2367. Are you able to say whether that is, or is not, the general opinion of the public in your neighbourhood? The public in my neighbourhood, as far as I know, consider him as a fit person, and not in any way disqualified to represent the Hastings.
- 2368. I am obliged to ask you—in consequence of your using the word “fit,” whether you mean that he is a person entitled by law to take his seat in the Assembly, if elected? Yes, that is my meaning.
- 2369. Do you recollect any meeting being held about the time of the election of 1864? Yes, I recollect hearing about it. I recollect there was a rumour there going about that he was an American, and he brought forward papers, as far as I have heard, and fully proved it to the meeting; and I believe, but I cannot swear, that Mr. Poole was at the meeting.
- 2370. Do you know Mr. Flett? Yes, I have known him ever since I have come to the river—the last five or six years.
- 2371. What is his character for veracity? I really would not believe him on oath, because I believe the enmity of the opposition is so strong that he would go any length in a matter like this.
- 2372. Do you know Mr. Birch? Yes, I have known him for some time past, and he is well known as a drunkard and a man of very bad repute. He has been frequently in Wingham drunk, and he was dismissed from Tinonee school for the same. People could not stand it any longer, and I believe he would not have been in Tinonee school so long if it had not been for the forbearance of some of the trustees. Mr. Birch is well known by every person.
- 2373. *Mr. Innes.*] How long have you been up there? Five or six years.
- 2374. Have you been keeping a store all the time? Yes.
- 2375. Do you swear that? Yes.
- 2376. All that time? Yes, I swear I have been keeping a store.
- 2377. On your own account? Yes, on my own account.
- 2378. You started in business when you went up there on your own account? Yes, it was between myself and a partner for the first year, for about nine months.
- 2379. Has the business been carried on in your own name? Yes, except that first nine months between myself and partner.
- 2380. Has the business been carried on in your own name? For the last five years; but for the first nine months I was in partnership—I had a partner with me.
- 2381. In what name was it carried on then? McClellan and Cochrane. It was carried on under that name for the first nine or twelve months, and the partnership was then dissolved.
- 2382. Have you been a Magistrate all these years? No.
- 2383. How many years have you been a Magistrate? Not until the last six weeks or two months—I was one of the last appointments.
- 2384. Upon Mr. Dean's recommendation? Yes.
- 2385. Were you as a matter of fact a political supporter of his or not? I cannot say I assisted him in any way.
- 2386. Will you swear whether you supported him or not? I will swear that I put myself to no trouble.
- 2387. Answer my question,—Did you support him or not? Of course I gave him my vote, and would support him because I thought him a fit person.
- 2388. You opposed Mr. Flett? I opposed Mr. Flett.
- 2389. And you opposed everybody but Mr. Dean? I did not oppose Mr. Smith; Mr. Smith was a man I said nothing about; I do not know Mr. Smith.
- 2390. Would you believe Mr. Smith on his oath? I do not know Mr. Smith at all; he has a very good name as far as I know; at least I believe so; but I do not know Mr. Smith.
- 2391. You were not at this meeting of which you have spoken? No; I heard about it.
- 2392. When did you hear about the meeting? I heard of it often and often; I could not say the exact date.
- 2393. Some time ago? Yes, it was talked over; whenever any topic of a political nature is talked over in a place like that you hear of such things.
- 2394. Whenever a topic of a political nature was brought up, Mr. Dean was one of the most prominent —? He is very well liked.
- 2395. He is one of the most prominent men? Yes, he is very prominent.
- 2396. A child may be “very well liked,” but is not likely to be a very prominent member of society? I believe he is very well liked.
- 2397. You like him very well? I have no particular liking for him more than for any other man.
- 2398. Not more than you like Mr. Flett? I do of course.
- 2399. Or Mr. Birch? No, I have no dislike against Mr. Birch, but his character makes any person dislike him, and Mr. Flett's character makes me dislike him. It is not themselves.
- 2400. Have any Magistrates refused to sit on the Bench with you? Not that I know.
- 2401. Have you never heard? No.
- 2402. Have you sat on the Bench yet? No.
- 2403. You have not adjudicated in any case? No, I have not.
- 2404. Did you ever see any documents at all from Mr. Dean? No.
- 2405. Relating to his parentage? No, I never saw them.
- 2406. How far do you live from Tinonee? Seven or nine miles; I could not say exactly.
- 2407. Are you often in Tinonee? Often, often, often—my friends live there.
- 2408. You have known Mr. Dean ever since you have been up there? Yes.
- 2409. Your father-in-law, Mr. Poole—he has known Mr. Dean too? Yes, ever since he has been on the river; and he has been there sixteen years.
- 2410. Where is your father-in-law now? He lives at Tinonee.
- 2411. Where is he now? He should be in Tinonee, unless he has left home.
- 2412. Is he in pretty good health? Yes, I believe so.
- 2413. When did you come to the opinion that Mr. Flett was a man you would not believe on his oath? From many things; he is a man that persons have gone to and told their cases to before he has gone on the Bench —
- 2414. When did you come to the opinion; how long since? For the last four years.
- 2415. He has been a Magistrate all that time—has he not? Yes, ever since I have been there.

- J. Cochrane,
Esq.
7 April, 1870.
2416. Adjudicating in almost every case there? Very often.
 2417. Have you or has any one represented to the Government that he is a man of such disreputable character? Not that I know of; but his history is well known on the river. It is well known if his tenants want justice they will get it, but no one else.
 2418. You have never moved in the matter? Never.
 2419. Were you upon Mr. Dean's committee at all? No, I never saw my name in any print.
 2420. There was no committee? I do not think there was—not that I know.
 2421. *Chairman.*] Upon what ground do you state that you would not believe Mr. Flett on his oath? The way he has acted in every case when he hears a case —
 2422. You are speaking of his conduct as a Magistrate on the Bench? Yes; before he hears a case he often goes and hears them, and goes in and sits upon the same cases; and, as a Magistrate, I do not think he should do so.
 2423. Have you any other ground for stating that you would not believe Mr. Flett on his oath? From his general character and from particular —
 2424. What are the particulars? I could give you dozens of particulars.
 2425. Can you give us one particular case? It has been well known that any case that he wishes to gain, he will try any means to do so. It has been well known that—well known.
 2426. How did you acquire any information respecting Mr. Dean's parents being English? I have heard it many times. I have heard it from my friend Mr. Else, and from many others. I am in public and am constantly in the habit of hearing these things from the people who come to my place.
 2427. Your opinion upon that point is derived from rumour? Nothing except from the public. I have no other means of knowing, excepting from the public.
 2428. *Mr. Innes.*] Do you think Mr. Flett would believe you on your oath? I could not say. I could tell you several cases; Erwin's case is one.
 2429. *Mr. Iceton.*] What is Mr. Flett's character in the district for veracity? I do not believe the generality of people I know would believe him.
 2430. *Mr. Lackey.*] Have you been sworn in as a Magistrate? Yes.
 2431. *Mr. Innes.*] When? About four days ago.
 2432. I understood you to say that you supported Mr. Dean as much as you could? I gave my vote for him, but I did not put myself any way about.
 2433. Did you promise to support anyone else? I spoke to Mr. Smith; I think I promised I would give my vote to Mr. Smith, but I afterwards changed my mind.
 2434. And you broke your promise? I could not say that, for I gave no particular promise; I did not promise to do anything.
 2435. And you told a lie?

Mr. George Allen, having been sworn, was examined by Mr. Iceton:—

- Mr. G. Allen.
7 April, 1870.
2436. You are a farmer? Yes.
 2437. At Oxley Island? Yes.
 2438. How long have you been there? On the island, or in the district?
 2439. In the district? Twenty years last January.
 2440. Do you know Mr. Dean? I do.
 2441. How long have you known him? Since he came into the district.
 2442. Do you remember a meeting being held at the election before the last, in 1864? There were many election meetings then.
 2443. Can you tell us of one in which Mr. Dean was particularly concerned—a meeting held for the purpose, if there were such a thing, to hear something Mr. Dean had to say? There was a meeting held at Port Macquarie and another at Tinonee.
 2444. Tell us about them? There were some rumours about Mr. Dean, and it was to satisfy the people about these rumours a meeting was called to explain them.
 2445. What were the rumours? That he was not a British subject; something of that kind.
 2446. You understood that the meetings were called to hear some explanations about them? Yes.
 2447. The meetings were held? Yes.
 2448. What was the result? I did not attend either of those meetings myself.
 2449. Did you hear anything about them from many persons, electors of the district, as to what occurred at these meetings? Yes.
 2450. What did you hear about them? That Mr. Dean was exonerated from anything of that kind, and it was not believed after that that there was anything on his character, but that he was eligible to represent us.
 2451. That is that he was a British subject? That he was a British subject, and eligible to be a candidate.
 2452. Is it understood in the district that he is an American, or that he is a British subject? It is understood that he is a British subject and nothing else.
 2453. What have Mr. Dean's occupations been all the time you have known him? A storekeeper.
 2454. Anything else? He kept the post office.
 2455. Anything about land? Yes, he dealt largely in land.
 2456. Buying and selling? Buying and selling.
 2457. Has he been in the habit of attending meetings in the district? Yes.
 2458. Elections? A great many meetings; I have met him at a great many meetings.
 2459. Have you met him at meetings at which Mr. Flett has been present? Yes; I have been at meetings at which both were present.
 2460. Mr. Flett has never turned him out of the room as a foreigner has he? Never.
 2461. Has he ever turned out any other man as a foreigner? Yes; I remember his turning out another as a foreigner at a meeting about 1864; that was at Cundletown.
 2462. *Mr. Innes.*] Who was the man? I do not recollect the name, but he was a German.
 2463. Were you there? Yes.

2464. How came he to be turned out? It was a political meeting, and Mr. Flett thought he was not in favour of him, and when he was going to hold up his hand he said, "You go outside; you are a Foreigner; I know all on the electoral roll." Mr. G. Allen.
7 April, 1870.
2465. Do you know whether this man was on the electoral roll? No; but Mr. Flett said he knew.
2466. Mr. Flett said this man was not on the electoral roll and was not a voter? Yes.
2467. That had something to do with his leaving the room; it was an election meeting, and he was not a voter? It was not a poll; it was a political meeting.
2468. The people were there to determine upon the return of a Member? Yes.
2469. You were one I suppose? I was one.
2470. How did Mr. Flett come to know that this man was against him? He knows most of the people in the district, and knows, from their conversation and from other people, which way they are likely to vote.
2471. Was he pretty noisy, this German? He was talking a little as most of these people do at a meeting.
2472. Kicking up a bit of a bobbery? Not much; it was Mr. Flett drew my attention to him.
2473. How far were you from him? I was in the same room.
2474. How far—as far as you are from me? About as far.
2475. You could hear him talking? Yes.
2476. Do you remember his name? No, there were a number of Germans there.
2477. He was pretty noisy in his opposition to Mr. Flett? Not very noisy.
2478. Was Mr. Flett on the platform—was there a platform? No; he was on a chair at the end of a table.
2479. In a pretty big room? Not very.
2480. That was the only occasion you remember him turning anyone out, on the ground of being a Foreigner? Yes.
2481. Are you under any pecuniary obligations to Mr. Dean? No.
2482. You do not owe him any money? No.
2483. And never did? And never did.
2484. Do you live in Tinonee? No.
2485. How far from town? About thirteen miles I think.
2486. Did you vote for Mr. Dean at the late election? I did.
2487. This question of Mr. Dean being a British subject or not is pretty often called up I suppose? Never since 1864, that I have heard.
2488. You have never heard a word about it since 1864? No, I never heard it.
2489. Did you interest yourself much about the late elections? I did not.
2490. In attending meetings? No, I did not.
2491. Was it a pretty busy time on your farm—harvest? Middling busy times—not very.
2492. You stuck to your business? The weather kept me back more than anything else. It was very bad weather.
2493. You stated that you were not at either of these meetings at Tinonee or at Port Macquarie? Yes.
2494. Did you ever see any placards stuck up about Mr. Dean? Never.
2495. Where is the particular place you live at—Oxley Island—How far is that from Tinonee? About 13 miles.
2496. Being an island, it is in the river I presume? Yes.
2497. It is remote from town? It is remote from Tinonee.
2498. There are very few people there? There are plenty of people there.
2499. *Mr. Iceton.*] It is the most populous part of the river—is it not? Yes; nearly the whole of the island is taken up by agricultural settlers.

Mr. Richard Williams, having been sworn, was examined by Mr. Iceton:—

2500. Where do you live? At Croki.
2501. On the Manning River? On Jones' Island, Manning River.
2502. You are a storekeeper? Yes.
2503. Is your place one of the polling-places for the elections? Yes.
2504. It was so at the last election? Yes.
2505. Do you know Mr. Dean? Yes.
2506. How long have you known him? I have known him since he came to the Manning—between twelve and thirteen years now, I think.
2507. Is he an Englishman or a Foreigner? An Englishman, I believe.
2508. What is the repute about him as to that in the district? There was some talk about that in 1864, at the time of the election before this, that he was an American; but I believe he cleared himself at that time, and I have never heard anything since about it.
2509. Is it true that he is understood to be an American in the sense of being an American subject, and not a British subject? No, I never heard it.
2510. *Mr. Innes.*] Did you ever hear what part of England he was born in? No.
2511. Devonshire? I do not know.
2512. Did he not tell you he was born in Devonshire? No.
- Mr. Iceton handed in a letter from Mr. Flett, dated 14th December, 1864, and stated that his case was now closed.
- Mr. Innes requested permission to recall a witness.

E. Williams.
7 April, 1870.

Mr. George Allen was therefore recalled, and further examined by Mr. Innes:—

2513. You remember reading the account in a South Australian paper about Mr. Dean's being ousted from his seat in Parliament? I never saw a South Australian paper.
2514. Did you read a copy of the proceedings in South Australia? I saw a sketch of it in one of the Sydney papers.

Mr. G. Allen.
7 April, 1870.
2515.

Mr. G. Allen. 2515. What was the thing you read—you call it a sketch;—What did it purport to be?

Mr. Iceton objected.

7 April, 1870. 2516. Did it purport to be the report of a trial in which Mr. Dean was concerned, in which he was ousted on the ground of his being an alien, or something to that effect?

Mr. Iceton objected.

Objection sustained.

2517. Did you tell Mr. Smith at any time that you had read in the paper all about Mr. Dean being ousted in South Australia from a seat in Parliament, on the ground of his being an alien?

Mr. Iceton objected, but subsequently withdrew his objection.

I did say to Mr. Smith on the verandah, about his being ousted in South Australia; that I had noticed it in the papers.

2518. Did you not tell him that you had read all about it? That I had read it in the paper.

2519. *Mr. Brown.*] In which verandah? In this.

2520. *Mr. Innes.*] Was what you told Mr. Smith the truth? What I told him was true. I had read it in the paper.

2521. When? At the time it happened—many years ago.

WEDNESDAY, 13 APRIL, 1870.

Present:—

Mr. Brown,
Mr. Dodds,

Mr. Garrett,
Mr. Lackey,

Mr. Macleay.

W. R. Piddington, Esq., in the Chair.

T. Iceton, Esq., appeared as Solicitor for the sitting Member.

J. G. L. Innes, Esq., appeared as Counsel for the Petitioner.

MR. INNES asked Mr. Dean, the sitting Member, whether the answer as reported to Question 1767 was correct; Mr. Dean replied, "It should have been, 'I generally signed my name as Horace Dean Williams, or Horace D. Williams.'"

Mr. Iceton requested permission to examine a witness who had been unable to attend on a previous day, and the Committee having assented,—

Mr. John Platt, having been sworn, was examined by Mr. Iceton:—

Mr. J. Platt.

13 April, 1870.

2522. Where do you reside? At Port Macquarie.

2523. Are you any business? Bootmaker.

2524. Do you recollect the election of 1864? I do.

2525. Were you at the nomination? I was.

2526. Were you at the meeting held afterwards, on the same day in the evening? Yes, I was.

2527. Mr. Dean was present I believe? He was.

2528. Did he produce some documents? A great number of papers.

2529. Did he say what they were? Yes, he did.

2530. As to some of them—anything about his parents;—tell me what he stated as to what the documents were about as to his parents? Among other documents he read one, stating that his parents were British-born—at least a certificate to that effect; that his parents were British-born. He read that paper to the meeting, and held it out for any party to examine the paper who chose. I did not examine it myself.

2531. You heard him say that, and saw him hold out the papers in his hand to the meeting? Yes; any person who chose could take them.

2532. Are you able to say whether any person took them into his hands or not? There were several papers; I could not say whether that particular paper.

2533. Some papers were handed round to the persons who were present, but whether these particular documents were handed down you do not know? I do not.

2534. If any person wanted to see that particular document could he see it? Yes.

2535. Did he make the offer to the people to examine it if they pleased? Yes.

2536. What was the object of the meeting—what was it called for? Certain charges were brought against Mr. Dean at the nomination, and Mr. Dean wished to refute the charges. Among the rest was one that he was an alien, and there were none of the electors wished to vote for an alien. I am sure I would not give a vote to any party who I thought was not entitled to make the laws for me.

2537. The object of the meeting was to satisfy persons, or to give them an opportunity of inquiring into the matter? Yes, that was the object of the meeting; that was what it was called together for.

2538. Did the meeting arrive at any conclusion, and express it? Yes; they passed a unanimous vote that Mr. Dean had vindicated his character with regard to these charges that were brought against him.

2539. With regard to the question of alienage—was anything said or done about that? Yes, that in particular—that was what the meeting was called for.

2540. Were they satisfied about that? Yes, perfectly satisfied with respect to the papers alluded to. I remember a jocular remark he made, impressed it upon my memory: That on account of both parents being British he was entitled to two seats.

2541. That caused you to recollect? Yes; it caused a laugh in the meeting.

2542. *Mr. Innes.*] Were you the author of that joke? No.

2543. How many people were at the meeting—do you remember? It was in a large dining-room; I should say there were between forty and fifty.

2544. As many as that? Yes.

2545.

2545. Whose place was it? At that time it was called "Phillips' Hotel."
2546. Was it as large a room as this? No, not as large as this.
2547. Not half as large? Yes, about half.
2548. You did not see the papers yourself I believe? No, I did not see any of them.
2549. Were you a supporter of Mr. Dean? Yes, after that meeting.
2550. The generality of that meeting were his supporters? Yes.
2551. You had confidence in Mr. Dean, and did not care to examine this document; you were quite satisfied to take his statement of what it was? The room was so crowded that the people could not all get near them.
2552. Do you remember if the meeting had to do with these charges against his character? Against his character?
2553. What were the charges against his character? The charges Mr. Dangar put to Mr. Dean were with respect to an election that took place at South Australia, and Mr. Dean brought documents, letters, and testimonials that these charges were unfounded.
2554. What was he charged with having done in South Australia? He had been unseated.
2555. And he brought documents to show he had not been unseated? I believe he did—he brought documents; there were certain letters, certain correspondence—I do not exactly know what they were.
2556. Had you been at the nomination? Yes.
2557. Had you heard Mr. Dangar make these charges? Yes.
2558. Does that (*handing to the witness paper marked A*) seem correctly to report what took place at that meeting—Do you know Enoch Rudder? Yes, I have seen him; I have no acquaintance with him.
2559. Do you remember that scene taking place? Yes, I do.
2560. Did Mr. Dean call a meeting to show that the charges contained in that were untrue? Yes.
2561. That was what he satisfied the meeting upon? Yes.
2562. *Mr. Iceton.*] Was this a large or a small meeting for Port Macquarie? A large meeting for Port Macquarie.
2563. Unusually large? Yes, it was.
2564. It is not a very large place, and I suppose it is difficult to get a meeting? Yes; unless the people take a great interest in a thing they will not trouble themselves to go to a public meeting.
2565. Mr. Dean satisfied the meeting as to the charges against his character? Yes.
2566. It is not in your power now to recollect what the facts were, but he satisfied the meeting as to his character? My impression all along has been in regard to these documents in reference to his character that charges had been made that had no right to be brought against him.
2567. That is, that nothing ought to have been written against him? Yes.
2568. What I want you to recollect, if you can, is, whether Mr. Dean endeavoured to show the meeting, as my learned friend here suggests, that he had not been elected at South Australia;—did he show that? No, he showed he had been elected.
2569. Did he try to make it appear to the meeting that he had not been obliged to give up his seat in South Australia—did he try to make it appear to the meeting that he still held ———
- Mr. Innes objected.
- Objection overruled.
2570. Did Mr. Dean endeavour to convince the meeting that he had never been ousted from his seat in South Australia, or did he simply endeavour to make the meeting believe that there was nothing derogatory to his character in what had taken place in South Australia? He told the meeting that he went to his constituency the second time.
2571. With what result? He was elected the second time.
2572. What followed upon that? I really forget what followed upon that.
2573. Did he tell them that after being once elected he had lost his seat in some way or other? Yes.
2574. Did he tell them what rendered it necessary for him to go back to the electors the second time? I think it was in consequence of some informality about his naturalization.
2575. At all events it related to his naturalization? Yes.
2576. Did he tell you what occurred at the second election, or whether anything occurred? I forget.
2577. Did he endeavour to make the meeting believe that after he had been elected he never had lost his seat? The meeting were under the impression that he had lost his seat when he went back to be re-elected.
2578. Was that in consequence of something relating to his naturalization? Yes.
2579. *Mr. Innes.*] Having lost his seat in that case, he went back for re-election? Yes.
2580. And they re-elected him? Yes.
2581. Did he make the meeting believe he had lost his seat the second time? I stated before that I really forget.
2582. You were satisfied, although he lost his seat in consequence of some informality? Something about his naturalization papers; some informality, as far as I can recollect.
2583. That was the object of the meeting to ———? No, that was not the great object of the meeting; the object of that was to prove that he was a British born subject.

Mr. Henry Sharp, having been sworn, examined by Mr. Innes :—

2584. What are you? A working jeweller and goldsmith.
2585. Do you carry on business in Sydney in that capacity? Yes.
2586. How long have you been engaged in that business? In Sydney?
2587. In your life? About twenty years.
2588. Will you look at that medal—(*the medal in possession of the Clerk was handed to the witness*)—are you able to say whether that is gold or not? No, I should think it is silver; I am sure almost it is silver.
2589. Do you see the Hall mark? Yes. I should say by the Hall mark it is silver, but I can prove beyond doubt that it is. I have no doubt at all about it.
2590. Can you test it in any way without defacing it? If the Hall mark is true it is silver.
2591. *Chairman.*] What Hall mark? The English Hall mark.

Mr. J. Platt.

13 April, 1870.

Mr. H. Sharp.

13 April, 1870.

Mr. H. Sharp, 2592. Are there not two—one in London and one in Sheffield? It is, I think, the London Goldsmith's Hall mark for silver.

18 April, 1870. 2593. Mr. Innes.] Have you anything to try it by? I can show by scraping it.

Mr. Iceton objected.

2594. Chairman.] Is it silver, washed with gold, in your opinion? Yes, silver gilt. No injury would be done to it by scraping it but what could be rectified very easily.

2595. Mr. Innes.] What is the value of that? What would I make one for do you mean?

2596. What would be its value where it was made? About 30s., without the engraving.

2597. With the inscription upon it? That would cost about 30s. more, perhaps 35s.

2598. Are such things as these easily procurable in Sydney? I could make one if it were ordered.

2599. How long would it take to make it? I could make one in three days. It would not take three days to make, but I could finish it in three days.

2600. Engraving and all? Yes.

2601. Has it been washed since it was engraved? Yes.

2602. Mr. Iceton.] Is there anything to lead you to think what its age may be? Its age?

2603. Is there anything to guide you—anything from which a skilled person like yourself could judge of its age? It could be told by the number in the Hall mark, but I could not tell you that.

2604. Chairman.] Cannot you see the number? I could not tell you. I could tell you that to-morrow, exactly, if I had the medal.

2605. Mr. Iceton.] Do you think it has been made within three months? That is impossible, if it is English Hall-marked.

2606. Mr. Innes.] The English Hall mark would have to be put on in England? Yes.

2607. Mr. Iceton.] Upon the suggestion that it may have been made in this Colony within the last two or three months—? Then it would be a fictitious Hall mark.

2608. Mr. Innes.] That would render the party putting it on liable to a penalty? They could imitate it here, and I do not think they could be said anything to, but they could be prosecuted if they did it in England.

2609. It would be a very dangerous proceeding? Not here, so long as they did not send it Home. It is done every week here—a very similar thing to the English Hall mark.

2610. Mr. Garrett.] Is that (*referring to the mark on the medal*) the legal English Hall mark? I imagine so.

2611. Mr. Innes.] Is it not a forgery to imitate that mark? I do not think it is here.

2612. Mr. Garrett.] From your knowledge of the jewellery business, can you say whether it is the practice to have these things made and kept in blank for sale—blank medals? Yes, but I do not think they are generally made like that; that is a peculiar style; they would be made like a crown or half-crown piece, with a plain border.

2613. It is quite possible that a number of medals of that pattern might be struck off and kept in a jeweller's stock in blank, just as racing cups are kept by goldsmith's in blank? It is quite possible, but I never saw medals of that pattern kept in blank.

2614. Do you not think it likely, from the way that medal is finished, that an unskilled person might not detect that it was not gold? Possibly a person might; of course when it is covered with gold it is hardly possible to say whether it is gold or not without testing it.

2615. Mr. Innes.] Does it weigh the same? No, it is not so heavy.

2616. Chairman.] Can you form an opinion from looking at the medal as to where it was probably manufactured? By the Hall mark, I should think in London.

2417. Mr. Garrett.] Are such things as that made on the Continent to be sold in England, and brought to London to be stamped? They could have it stamped in London if it were sterling silver.

2618. No matter where it was made? So long as it was the proper standard. I never heard any objection to it if it had the name of some established house in London upon it.

2619. Is there any name upon that? Yes, there are two initials before the Hall mark, "EE."

2620. Chairman.] Your opinion is that it is of English manufacture? Yes; I believe to the best of my knowledge it is. As to its being gold or not, I could tell at once by scraping it, and I would not injure it at all.

Mr. Innes proposed to produce the "Statesman's Manual" in evidence.

Mr. Iceton objected.

Objection sustained.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

(SMITH *v.* DEAN—"THE HASTINGS.")

APPENDIX.

[Handed in by J. G. L. Innes, Esq., Counsel for Petitioner, 16 March, 1870.]

A

TO THE ELECTORS OF THE HASTINGS.

THE following are questions put to Mr. Dean at the nomination of candidates which took place at Port Macquarie, on Saturday, the 10th December, 1864:—

Enoch Rudder, Esq., put several questions to Mr. Dean, relative to the actions of the Martin Government, which Mr. Dean answered in rather an evasive manner.

Mr. S. Redgate remarked to Mr. Dean: In the commencement of your speech you stated that you had received a requisition, signed by 690 electors of the Hastings.—Will you be kind enough to inform me from what portion of the electorate that requisition emanated?

Mr. Dean: From all parts.

Mr. Doust, of the Manning, then came forward and said he could prove the requisition was not signed by 100 electors of the Manning, upon which an angry debate ensued, Mr. Dean challenging Mr. Doust to prove his statement, amid cries from all parts of the room for Mr. Dean to produce the requisition, which Mr. Dean said he could do in fifteen minutes.

An elector: Do so and prove your words.

Mr. Dean: Do you question my veracity?

An elector: Most assuredly I do.

Mr. Dean: Then I shall not produce the requisition.

Cries of "Shame!" and "You cannot."

Mr. Dangar then asked Mr. Dean the following questions:—

In choosing a representative for the Legislative Assembly, does not Mr. Dean consider the electors should judge of the merits of such candidate by his past public political career?

Mr. Dean: But not his private character.

Is this the first time you have been a candidate for the representation of an Electorate in the Australian Colonies?

After considerable hesitation Mr. Dean answered in the negative.

Is it true, as stated in the *South Australian Register* of March the 11th, 1857, you were elected second on the poll for the Electorate of Barossa, on the 9th of that month?

After objecting to the object for which these questions were put, and further hesitation, Mr. Dean was understood to acknowledge it was so.

Is it true, as stated in the same journal of April 23rd, 1857, a petition was presented on the opening of Parliament, by Mr. Hughes, a Member of the Assembly, from Mr. Blakewell, who was third on the poll, against your return, on the ground that being a foreigner by birth you had obtained your certificate of naturalization by false documents?

There was considerable interruption from Mr. Dean while this question was being put, which he refused to answer; and on Mr. Dangar proceeding to read it over again, Mr. Dean was noticed exciting some of his friends near him to make a noise, which the Returning Officer requested should be put a stop to.

Mr. Dangar then proceeded:—

Is it true that the result of that petition was that your return was referred to the duly constituted Court of Appeal of disputed returns, composed of the elected representatives of the people?

More interruption from Mr. Dean, who demanded Mr. Dangar should make a charge against him, if he had one to make, and he could deal with it in a Court of Law, but he would not answer the questions if they were asked till doomsday.

Is it true, as stated in the same journal of May the 6th and 8th, His Excellency Governor McDonnell gave evidence to the effect that you obtained your certificate of naturalization by false representations, and the productions of forged documents?

Is it true, as stated in the same journal of May 8th, as the judgment of the Court of Appeal: "That the election of Mr. Dean, for the Electorate of Barossa, be declared null and void; and that the said Mr. Dean be adjudged to pay Mr. Blakewell the sum of £50, as legal expenses, the Court having concluded that his certificate of naturalization was obtained by false means?"

Is it true, as stated in the same journal, a fresh election took place on the 1st June, 1857, at which you were returned by a majority over Mr. Blakewell, and that a petition was forwarded against your return by Mr. Blakewell, and that the case was once more referred to the same Court?

Is it true, as stated in the same journal of the 15th June, that the decision of the Court, after the second investigation, was: "That the election of Dr. Horace Dean be declared null and void, and Mr. Blakewell be declared the duly elected Member for the Barossa District, and the said Dr. Horace Dean be adjudged to pay the said Mr. Blakewell the sum of £50 as legal expenses?"

Is it true, as stated in the evidence of His Excellency at the trial above referred to, the Governor stated, on oath, that your name had been struck out of the list of duly qualified medical practitioners; and that had you not resigned your situation as stipendiary Magistrate and Justice of the Peace (stating you were about to leave the Colony), the same course would have been adopted with those appointments?

Have you ever prosecuted the Editor of the *South Australian Register*, for the various articles published in that journal referring to your private and public character?

Have you, since the decision of the Court of Appeal for disputed returns in South Australia, in 1857, obtained certification of naturalization?

The last seven questions were put during considerable interruption, and some high words from the candidate and one or two friends, but no answer could be obtained.

Enoch Rudder, Esq., remarked the questions asked by Mr. Dangar, referring to statements in the *South Australian Register*, must be taken as proven, as Mr. Dean had not made any attempt to refute them.

[Handed

[Handed in by S. H. Lambton, Esq., Secretary of General Post Office, 16 March, 1870.]

B

(1.)

Horace Dean, P.M., to The Secretary, General Post Office.

Post Office, Tinonee,
27 November, 1869.

Sir,

I beg to inquire whether any objection will exist to a transfer of the post office from me to my wife, Mrs. Jane Ann Dean, who is quite as competent to perform the duties as I am. If there be no objection, please cause the transfer to be made as soon as convenient.

My reason for asking this is that I am desirous to leave home for a time for the benefit of my health, and would rather that, at least for the present, the duties should be performed by the responsible head of the office. If the transfer cannot be made I must abandon the idea of going away, as I do not want the office removed from my place of business, of which also Mrs. Dean is the principal manager.

An early reply will greatly oblige—

Yours, &c.,
HORACE DEAN, P.M.

There is no objection to the office being left in Mrs. Dean's charge, as suggested, P.M. himself being of course responsible for any irregularities, &c., that may occur during his absence.—S.H.L., 1/12/69.

Noted. To be returned. Returned, 14/12/69.

The nature of this application is misunderstood. I wish to resign and to have Mrs. Dean appointed in my place. Having been ill two years I wish to spend a few months in Sydney, that I may see my medical advisers every day. Moreover, since the 27th (when I wrote the above) I have been solicited to represent the district in Parliament, and as I shall be in Sydney have no objection to do so if this difficulty does not stand in the way. I shall feel greatly obliged if Mrs. Dean's appointment as postmistress (for whom I am willing to be in every way responsible) can be sent me by next post.—H. DEAN, 5 Dec., 1869.

Accountant and Bond Clerk, for usual report.—S.H.L., 8/12/69.

P.M. owes £6 17s. on stamp account. Allusion might be made to the balance due when replying to him.—

CHAS. N., 8/12/69.

P.M. has given a bond. Salary, £40 per annum.—W.J.D., 11/12/69.

Acknowledge receipt of P.M.'s minute of 5th instant, and inform that his resignation has been accepted, and that the Bench of Magistrates, Wingham, have been invited to nominate a successor. Write to Bench accordingly.—S.H.L., 11/12/69, urgent.

P.M., Tinonee, 11/12/69. Bench, Wingham, 13/12/69. W.J.D., 13/12/69.

Resignation accepted by the verbal direction of the Honorable the Colonial Secretary, the P.M.G. being absent at Eden.—S.H.L.

Accountant. Note acceptance of resignation.—S.H.L., 29. Noted.—CHAS. N., 29.

B

(2.)

The Secretary, General Post Office, to Mr. Horace Dean.

General Post Office,
Sydney, 11 December, 1869.

Sir,

With reference to your memo., dated 5th instant, I am directed to inform you that your resignation of your office of postmaster at Tinonee has been accepted; and that the Bench of Magistrates at Wingham have been invited to nominate a successor.

I have, &c.,
S. H. LAMBTON,
Secretary.

B

(3.)

The Secretary, General Post Office, to The Bench of Magistrates, Wingham.

General Post Office,
Sydney, 13 December, 1869.

Gentlemen,

I am directed to inform you that Mr. H. Dean, postmaster, Tinonee, has resigned his appointment; and I am to request that you will, at your earliest convenience, be so good as to nominate a successor.

I have, &c.,
S. H. LAMBTON,
Secretary.

B

(4.)

The Bench of Magistrates, Wingham, to The Postmaster General.

Police Office, Wingham,
21 December, 1869.

Sir,

In acknowledging the receipt of your letter of 13th instant, No. 69/10,605, directing us to nominate a successor to Mr. H. Dean, who has resigned the appointment of postmaster at Tinonee, we do ourselves the honor of recommending Mr. Veitch Murray, of Tinonee, for the situation.

We have, &c.,
HY. FLETT, J.P.
J. LYON, J.P.
JOHN HALL, J.P.

B

(5.)

Mr. Horace Dean to The Postmaster General.

Post Office, Tinonee,
25 December, 1869.

Sir,

I have the honor to inform you that I have been elected as the representative of this district in the next Parliament, and again to request you to confer the office of postmistress on Mrs. Jane Ann Dean, who is in every way qualified to discharge the duties, instead of upon the nominee of three hostile Magistrates, who is wholly without experience or aptitude for the office. I trust the large personal interest I have in the matter will not be without its weight with you, and that my nomination as the representative of the district will weigh as much as that of a defeated candidate (Mr. Flett), who has been beaten upon every river in the electorate.

I have, &c.,
HORACE DEAN.

B

B
(6.)

MINUTE of Postmaster General.

Mr. DEAN, M.P., for the district, has withdrawn his recommendation of Mrs. Dean for the office of postmistress at Tinonee, and now advises the appointment of Mr. Frederick Burton.

Let Mr. Burton accordingly be appointed postmaster from the date on which the late postmaster's resignation was accepted. Draft letter to Bench, explaining the non-residence of their nominee; and that in order to prevent further delay, the recommendation of Mr. Dean in favour of Mr. Burton was taken.

D.E., 25/1/70.

Mr. F. Burton appointed postmaster. H. Dean, late postmaster.
Contractors—Hemingway, Young, Fitzpatrick, Petrie.
Postal Inspector—Memo. Book—C.T.C., 28/1/70. Bench of Magistrates, Wingham.—31/1/70.
Accountant and Cashier. To date from 11th December last.—H.S., 1/2/70. Jas. D., 28/1/70.
Noted.—J.D., 2/2/70.

B
(7.)

The Secretary, General Post Office, to Horace Dean, Esq., M.P.

General Post Office,
Sydney, 25 January, 1870.

Sir,

Referring to your letter of resignation, dated 5th ultimo, and to my letter of 11th ultimo, intimating acceptance of such resignation, I beg to inform you that Mr. Frederick Burton has been appointed to succeed you as postmaster at Tinonee, from the 11th ultimo.

2. You will be good enough on that date to hand over to him all letters, packets, book parcels, newspapers, printed notices to the public, printed forms and books, printed or manuscript letters of instruction, date and obliterating stamps, office seals, stores, or other Government property in your possession, for which he has been instructed to give you a receipt in duplicate, upon the enclosed form. One of these receipts you will forward to this office, as a voucher that you have ceased to be responsible for the articles in question; the other you will retain.

3. In order that your accounts with this department may at once be closed, I request you will forward, with the least possible delay, your postage stamp and postage accounts, made up to the date of your ceasing to be postmaster, and also the letter bills to the same date.

4. You will remit, in the usual manner, to the Cashier, any revenue you may have in your hands on the date of giving up office, and you will transfer to your successor any postage stamps you may have on hand, taking therefor a receipt in duplicate, upon the enclosed form. One of these receipts you will forward with your accounts, that credit may be given you for the value of the postage stamps transferred; the other you will retain.

I am, &c.,
S. H. LAMBTON,
Secretary.

B
(8.)

The Secretary, General Post Office, to Mr. Frederick Burton.

General Post Office,
Sydney, 25 January, 1870.

Sir,

The Honorable the Postmaster General has appointed you to succeed Mr. H. Dean as the postmaster at Tinonee, on and from the 11th ultimo.

2. The remuneration attached to the office is a salary of forty pounds (£40) per annum, and a commission of 10 per cent. on the value of the postage stamps sold by the postmaster.

3. You will be required to sell duty stamps, for which service you will be allowed the usual remuneration by the Commissioner for Stamps, to whom you must apply for these stamps.

4. Before you take charge of the office, or perform any duty in connection therewith, you must make a declaration before a Justice of the Peace upon the form I enclose; and if you intend employing any one to assist you, he or she must make a similar declaration upon the prescribed form, also enclosed. Such declarations must be forwarded to this office in the accompanying printed letter. E 16, No. 1.
E 16, No. 2

5. On such printed letter you must submit the names, &c., of two solvent and responsible persons willing to join you in giving a bond to the Crown for the sum of £200 for the faithful discharge of your official duties. In this bond you will be liable to the extent of £100, and your sureties to the extent of £50 each. The security of a Guarantee Society is preferred to personal security, and half the amount only, viz., £100, will be required if such security is offered.

6. Your predecessor has been instructed to hand over to you any postage stamps, letters, packets, book parcels, newspapers, printed notices to the public, printed forms and books, printed or manuscript letters of instruction, date and obliterating stamps, office seals, stores, or other Government property in his possession, for which you will have to give him a receipt in duplicate upon printed forms furnished to the retiring postmaster.

7. You will be guided in the performance of your duties by the Book of Regulations.

I am, &c.,
S. H. LAMBTON,
Secretary.

B
(9.)

The Secretary, General Post Office, to The Bench of Magistrates, Wingham.

General Post Office,
Sydney, 31 January, 1870.

Gentlemen,

In reply to your letter of the 21st ultimo, recommending Mr. V. Murray as postmaster at Tinonee, I am directed by the Honorable the Postmaster General to thank you for the trouble taken in the matter.

I am, however, to state, that as it has been represented that Mr. Murray is not a permanent resident of Tinonee, Mr. Egan did not consider it desirable to appoint him; and in order to prevent further delay in the matter, he has appointed Mr. F. Burton postmaster, on the recommendation of the Member for the district.

I have, &c.,
S. H. LAMBTON,
Secretary.

75

B

(13.)

MAIL from Tinonee for Cundletown.

Date Stamp of Despatching Office,—
Tinonee, Dec. 2, 1869, N.S.W.

	Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters.....		
Amount of postage to be collected on inland letters, &c.....		
Ditto on foreign letters, &c.....		
Total.....		

Mails enclosed.

Date Stamp of Receiving Office,—
Cundletown, Dec. 2, 1869, N.S.W.

H. DEAN,
Despatching Postmaster.

Total number of registered letters received Nil.

F. W. BROWNE,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B

(14.)

MAIL from Tinonee for Cundletown.

Date Stamp of Despatching Office,—
Tinonee, Dec. 26, 1869, N.S.W.

	Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters Three		
Amount of postage to be collected on inland letters, &c.....		
Ditto on foreign letters, &c.....		
Total		

Mails enclosed.

Date Stamp of Receiving Office,—
Cundletown, Dec. 26, 1869, N.S.W.

J. A. DEAN,
Acting Despatching Postmaster.

Total number of registered letters received..... Three.

F. W. BROWNE,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B

(15.)

MAIL from Tinonee for Cundle.

Date Stamp of Despatching Office,—
Tinonee, Dec. 30, 1869, N.S.W.

	Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters		
Amount of postage to be collected on inland letters, &c.....	0 1 4	0 1 4
Ditto on foreign letters, &c.....	.....	.....
Total	0 1 4	0 1 4

Mails enclosed.

Date Stamp of Receiving Office,—
Cundletown, Dec. 30, 1869, N.S.W.

J. A. DEAN,
Despatching Postmaster.

Total number of registered letters received Nil.

F. W. BROWNE,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

[Handed

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[Handed in by S. H. Lambton, Esq., during his second examination, 17th March, 1870.]

B

(16.)

MAIL from Tinonee for Gloucester.

Date Stamp of
Despatching Office,—
Tinonee, De. 1, 1869, N.S.W.

	Statement by Des- patching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters		
Amount of postage to be collected on inland letters, &c.		
Ditto on foreign letters, &c.		
Total£		

Mails enclosed.

H. DEAN,
Despatching Postmaster.Date Stamp of Receiving Office,—
Gloucester, De. 2, 1869, N.S.W.

Total number of registered letters received None.

B. LAVERS,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B

(17.)

MAIL from Tinonee for Cundletown.

Date Stamp of
Despatching Office,—
Tinonee, De. 5, 1869, N.S.W.

	Statement by Des- patching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters Two		
Amount of postage to be collected on inland letters, &c.	0 0 2	0 0 2
Ditto on foreign letters, &c.		
Total£	0 0 2	0 0 2

Mails enclosed.

H. DEAN,
Despatching Postmaster.Date Stamp of Receiving Office,—
Cundletown, De. 5, 1869, N.S.W.

Total number of registered letters received Two.

F. W. BROWNE,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B

(18.)

MAIL from Tinonee for Gloucester.

Date Stamp of
Despatching Office,—
Tinonee, De. 22, 1869, N.S.W.

	Statement by Des- patching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters None.		
Amount of postage to be collected on inland letters, &c.		
Ditto on foreign letters, &c.		
Total£		

Mails enclosed.

J. A. DEAN,
Acting Despatching Postmaster.Date Stamp of Receiving Office,—
Gloucester, De. 23, 1869, N.S.W.

Total number of registered letters received Nil.

B. LAVERS,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B

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B
(19.)

MAIL from Tinonee for Stroud.

Date Stamp of
Despatching Office,—
Tinonee, De. 26, 1869, N.S.W.

	Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters One.		
Amount of postage to be collected on inland letters, &c.		
Ditto on foreign letters, &c.		
Total..... £		

Mails enclosed.

J. A. DEAN,
Acting Despatching Postmaster.

Date Stamp of Receiving Office,—
Stroud, De. 27, 1869, N.S.W.

Total number of registered letters received One.

JAMES M'INTYRE, JUNR.,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B
(20.)

MAIL from Tinonee for Stroud.

Date Stamp of
Despatching Office,—
Tinonee, De. 29, 1869, N.S.W.

	Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of registered letters Two.		
Amount of postage to be collected on inland letters, &c.		
Ditto on foreign letters, &c.		
Total..... £		

Mails enclosed.

JANE A. DEAN,
Acting Despatching Postmaster.

Date Stamp of Receiving Office,—
Stroud, De. 30, 1869, N.S.W.

Total number of registered letters received Two.

JAMES M'INTYRE, JUNR.,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B
(21.)

MAIL from Wingham for Tinonee.

Date Stamp
of Despatching Office,—
Wingham, De. 26, 1869, N.S.W.

	Statement by Despatching Office.	Statement by Receiving Office.
* Amount of postage claimed on unpaid redirected letters, &c.		
* Amount of postage claimed on unpaid forwarded and missent letters, &c.		
Total..... £		
† Amount of postage on letters, &c., prepaid in money.....	0 6 6	0 6 6

* In claiming credit for the postage to be collected on letters, &c., of this description, the despatching postmaster must bear in mind that he is only entitled to claim such amount of postage as may have been charged against him.

J. COCHRANE,
Despatching Postmaster.

Date Stamp of Receiving Office,—
Tinonee, De. 26, 1869, N.S.W.

J. A. DEAN,
Receiving Postmaster.

N.B.—A letter bill of this description is only to be furnished when the mail actually contains letters of the class specified above.

† With the exception of the postage on letters, &c., prepaid in money, all the postage entered on this bill must be included in the amount entered on the ordinary letter bill that accompanies the mail

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B
(22.)

MAIL from Tinonee for Gloucester.

Date Stamp of
Despatching Office,—
Tinonee, Dec. 29, 1869, N.S.W.

		Statement by Despatching Postmaster.	Statement by Receiving Postmaster.
Number of reisterged letters	None.		
Amount of postage to be collected on inland letters, &c.			
Ditto on foreign letters, &c.			
Total.....		£	

Mails enclosed.

Date Stamp of Receiving Office,—
Gloucester, Dec. 30, 1869, N.S.W.J. A. DEAN,
Acting Despatching Postmaster.

Total number of registered letters received None.

B. LAVERS,
Receiving Postmaster.

N.B.—This bill must be sent back to the despatching office in the return mail.

B
(23.)

Contractor's name—J. Petrie.

TIME BILL.

Bags labelled as follows:—	Number of mail-bags.		Post Towns	Time of departure and arrival according to time-table.	Actual time of departure and arrival.	Behind time.	Reason assigned for delay by the party in charge of the mails, and Postmaster's Report thereon.
	Recd.	Despd.					
Port Macquarie ...	...	5	Post Office, Tinonee, the 30th day of December, 1869.	h. m.	h. m.	h. m.	
Cundle.....	...	1	Despatched the mails at	a.m.	a.m.		
Taree .....	...	1	J. A. Dean, Postmaster.	10'30	10'30		
	...	7					
Taree	1	...	Post Office, Taree, the 30th day of December, 1869.	a.m.			* Mailman reports delay from Port Macquarie—bag bursting on the road.—E.D.
Cundle.....	...	1	Received the mails at the 30th day of Dec., 1869.	11'0	12'0	1 0	
			Despatched the mails at	11'0	12'0	1 0	
			E. Doust, Postmaster.				
Port Macquarie ...	5	...	Post Office, Cundletown, the 30th day of December, 1869.	noon.	p.m.		
Cundletown	2	...	Received the mails at	12'0	1'0	1 0	
	7	...	the 30th day of Dec., 1869.	p.m.	p.m.		
Ghinni Ghinni ...	...	1	Despatched the mails at	12'30	1'30	1 0	
			F. W. Browne, Postmaster.				
Ghinni Ghinni ...	1	...	Post Office, Ghinni Ghinni, the 30th day of December, 1869.	p.m.	p.m.		
Croki .....	...	1	Received the mails at the 30th day of Dec., 1869.	1'30	2'10		
			Despatched the mails at .....	.....	2'20	0 50	
			T. W. Dugdale, Postmaster.				
Croki	1	...	Post Office, Croki, the 30th day of December, 1869.	p.m.	p.m.		
			Received the mails at	2'30	3'0	0 30	
			Richd. Williams, Postmaster.				

Ⓒ In entering the time, the postmasters must be careful to state "A.M." or "P.M.," as the case may be. This bill, when completed, must be forwarded as addressed. It must neither be sealed nor wafered, but merely folded according to the superscription.

* Memo. for P.M., Tinonee.—Was the bag in question in good condition when it left your office; if so, how do you account for its bursting?—G.P.O., Sydney, 3/1/70.

The bag seemed sound enough when it left here. It must have been one of the Sydney bags, for the bag made up here for Port Macquarie is a very small one, that could not burst. There are many ways of accounting for the accident. The bag might have been too full, or the string might have been rotten, or what is more likely than either, the mailman might have run his horse too near a tree or a fence, and thus burst the bag open. I never heard of the occurrence before, and therefore can only guess at the cause. Indeed I may remark that I am not free from doubt as to whether the whole story is not a fiction.—J. A. DEAN, Acting P.M., 6 Jan., 1870.

B

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B

(24.)

TIME BILL.

Contractor's name—J. Petrie.

Bags labelled as follows:—	Number of mail-bags.		Post Towns.	Time of departure and arrival according to time-table.	Actual time of departure and arrival.	Behind time.	Reason assigned for delay by the party in charge of the mails, and Postmaster's Report thereon.
	Reed.	Despd.					
Port Macquarie ...	...	4	Post Office, Tinonee, the 26th day of December, 1869. Despatched the mails at J. A. Dean, Postmaster.	h. m.	h. m.	h. m.	
Taree .....	...	1		a.m.	a.m.	.....
Tinonee .....	...	1		10:30	10:30	.....
		6					
Taree	1	...	Post Office, Taree, the 26th day of December, 1869. Received the mails at the 26th day of December, 1869.	11:0	12:0	1 0	Mailman reports daily at Tinonee.—E.D.
Cundle.....	...	1	Despatched the mails at E. Doust, Postmaster.	11:0	12:0	1 0	
Port Macquarie ...	4	...	Post Office, Cundletown, the 26th day of December, 1869. Received the mails at the 26th day of December, 1869.	noon	p.m.	0 40	Mailman reports that he was not despatched from Tinonee at time inserted.—F.W.B.
Cundletown	2	...		12	12:40		
Ghinni Ghinni ...	...	1	Despatched the mails at F. W. Browne, <i>pro</i> Postmaster.	p.m. 12:30	1	.....
Ghinni Ghinni ...	1	...	Post Office, Ghinni Ghinni, the 26th day of December, 1869. Received the mails at the 26th day of December, 1869.	p.m. 1:30	p.m. 1:30	.....
Croki .....	...	1	Despatched the mails at T. W. Dugdale, Postmaster.	.....	1:40	0 10	
Croki	1	...	Post Office, Croki, the 26th day of December, 1869. Received the mails at Richard Williams, Postmaster.	2:30	3:0	0 30	

In entering the time, the postmasters must be careful to state "A.M." or "P.M.," as the case may be. This bill, when completed, must be forwarded as addressed. It must neither be sealed nor wafered, but merely folded according to the superscription.

Memo. for Postmaster, Tinonee.—Is the time entered by you correct? G.P.O., Sydney, 3/1/70.
I believe the time mentioned is the correct time; but clocks and watches vary a little, and we have no standard of time on this river. See also the way down the list—the variation at the different offices.—J. A. DEAN, Acting P.M., 6 Jan., /70.

B

(25.)

TIME BILL.

Contractor's Name—J. Petrie.

Bags labelled as follows:—	Number of mail-bags.		Post Towns.	Time of departure and arrival according to time-table.	Actual time of departure and arrival.	Behind time.	Reason assigned for delay by the party in charge of the mails, and Postmaster's Report thereon.
	Reed.	Despd.					
Ghinni Ghinni ...	...	1	Post Office, Croki, the 26th day of December, 1869. Despatched the mails at Richd. Williams, Postmaster.	h. m. a.m. 4:0	h. m. a.m. 4:0	h. m.	
Ghinni Ghinni ...	1	...	Post Office, Ghinni Ghinni, the 26th day of December, 1869. Received the mails at the 26th day of December, 1869.	a.m. 5:0	a.m. 4:45		
Cundletown .....	...	1	Despatched the mails at T. W. Dugdale, Postmaster.	.....	5:0		
Cundletown	1	...	Post Office, Cundletown, the 26th day of December, 1869. Received the mails at the 26th day of December, 1869.	a.m.	a.m.		
Taree .....	...	1		6:0	6:0		
Tinonee .....	...	2		6:0	6:0		
Stroud.....	...	1		6:15	6:15		
Sydney .....	...	1	Despatched the mails at J. T. Moad, Postmaster.	6:15	6:15		
		5					

TIME

TIME BILL—continued.

Bags labelled as follows:—	Number of mail-bags.		Post Towns.	Time of departure and arrival according to time-table.	Actual time of departure and arrival.	Behind time.	Reason assigned for delay by the party in charge of the mails, and Postmaster's Report thereon.
	Recd.	Despd.					
Taree	1	...	Post Office, Taree, the 26th day of December, 1869.	h. m. a.m. 7 0	h. m. a.m. 7 0	h. m.	
Tinonee .....	...	1	Received the mails at the 26th day of December, 1869. Despatched the mails at E. Doust, Postmaster.	7 0	7 0		
Tinonee	3	...	Post Office, Tinonee, the 26th day of December, 1869.	a.m.	a.m.		
Stroud	1	...	Received the mails at	8 30	8 30		
Sydney	1	...	J. A. Dean, Postmaster.				
	5						

In entering the time, the postmasters must be careful to state "A.M." or "P.M.," as the case may be. This bill, when completed, must be forwarded as addressed. It must neither be sealed or wafered, but merely folded according to the superscription.

B

(26.)

Post Office, Tinonee.—Mail for Cundletown.

Date Stamp of
Despatching Office,—
Tinonee, Ja. 13, 1870, N.S.W.

Contents.	No.		£	s.	d.
		Dr. Despatching Office.			
Letters	28	Cash received in prepayment of letters posted at this office, postmaster being without stamps			
Packets	1	Dr. Receiving Office.			
Newspapers ...	17	"More to pay," letters, &c. Redirected, forward, or missent letters on which postage has been charged to this office Charge for error		0	1
			£	0	1

J. A. DEAN, Postmaster.

Date Stamp of Receiving Office,—	Mails, Stores, &c. enclosed.
Cundletown, Ja. 13, 1870, N.S.W.	

Received the above mail, &c.

F. W. BROWNE,
Receiving Officer.

N.B.—This bill to be carefully preserved by the receiving postmaster, and forwarded to Accountant, General Post Office, at end of the month, together with postmaster's monthly postage account.

B

(27.)

Post Office, Tinonee.—Mail for Cundle.

Date Stamp of
Despatching Office,—
Tinonee, Ja. 16, 1870, N.S.W.

Contents.	No.		£	s.	d.
		Dr. Despatching Office.			
Letters	112	Cash received in prepayment of letters posted at this office, postmaster being without stamps			
Packets	2	Dr. Receiving Office.			
Newspapers ...	23	"More to pay," letters, &c. Redirected, forward, or missent letters on which postage has been charged to this office Charge for error		0	0
			£	0	0

J. A. DEAN, Postmaster.

Date Stamp of Receiving Office,—	Mails, Stores, &c. enclosed.
Cundletown, Ja. 16, 1870, N.S.W.	One registered.

Received the above mail, &c.

F. W. BROWNE,
Receiving Officer.

N.B.—This bill to be carefully preserved by the receiving postmaster, and forwarded to Accountant, General Post Office, at end of the month, together with postmaster's monthly postage account.

B

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B
(28.)

Post Office, Tinonee.—Mail for Cundlc.

Date Stamp of
Despatching Office,—
Tinonee, Ja. 23, 1870, N.S.W.

Contents.	No.	Dr. Despatching Office.	£ s. d.
Letters	67	Cash received in prepayment of letters posted at this office, postmaster being without stamps .....	.....
Packets	4	Dr. Receiving Office.	.....
Newspapers ...	27	"More to pay," letters, &c. Redirected, forward, or missent letters on which postage has been charged to this office .....	..........
		Charge for error .....	.....
			£

J. A. DEAN, Postmaster.

Date Stamp of Receiving Office,—	Mails, Stores, &c., enclosed.
Cundlcotown, Ja. 23, 1870, N.S.W.	

Received the above mail, &c.

F. W. BROWNE,
Receiving Officer.

N.B.—This bill to be carefully preserved by the receiving postmaster, and forwarded to Accountant, General Post Office, at end of the month, together with postmaster's monthly postage account.

B
(29.)

Post Office, Tinonee.—Mail for Gloucester.

Date Stamp of
Despatching Office,—
Tinonee, Ja. 16, 1870, N.S.W.

Contents.	No.	Dr. Despatching Office.	£ s. d.
Letters	3	Cash received in prepayment of letters posted at this office, postmaster being without stamps .....	.....
Packets .....	...	Dr. Receiving Office.	.....
Newspapers ...	4	"More to pay," letters, &c. Re-directed, forward, or missent letters, on which postage has been charged to this office .....	..........
		Charge for error .....	.....
			£

J. A. DEAN, Postmaster.

Date Stamp of Receiving Office,—	Mails, Stores, &c., enclosed.
Gloucester, Ja. 17, 1870, N.S.W.	

Received the above mail, &c.

B. LAVERS,
Receiving Officer.

N.B.—This bill to be carefully preserved by the receiving postmaster, and forwarded to Accountant, General Post Office, at end of the month, together with postmaster's monthly postage account.

B
(30.)

KNOW all men by these presents, that we, Frederick Burton, of Tinonee, Horace Dean, of Tinonee, gentleman, and Henry Prince, of Sydney, merchant, all in the Colony of New South Wales, are severally and respectively held and firmly bound unto our Sovereign Lady Queen Victoria, in the several sums of money following (that is to say) the said Frederick Burton in the sum of one hundred (£100) pounds, and the said Horace Dean and Henry Prince in the sum of fifty (£50) pounds each, of lawful money of Great Britain, the said several sums to be paid to our said Lady the Queen, Her Heirs and Successors; for which said several payments to be well and truly made, we bind ourselves severally and respectively, and our respective heirs, executors, and administrators, firmly by these presents. Sealed with our seals, dated seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy.

WHEREAS the above-bounden Frederick Burton has been appointed postmaster at Tinonee, in the Colony of New South Wales; and whereas the said Frederick Burton, upon such his appointment, was required by the Government to become bound himself in the sum of one hundred (£100) pounds, and two sureties in the sum of fifty (£50) pounds each, for the diligent and faithful discharge of the duties of his said appointment, and for duly accounting for all moneys passing through his hands, by virtue of his said office or otherwise, from the eleventh day of December, one thousand eight hundred and sixty-nine: And whereas the said Horace Dean and Henry Prince have agreed to join in and execute these presents as such sureties for the said Frederick Burton: Now the condition of the above-written bond and obligation is such that if the above-bounden Frederick Burton do and shall from time to time, according to the general regulations for the time-being relating to the Post Office Department, or any special direction or regulation given or made by the Postmaster General, or Acting Postmaster General of the Colony, pay and deliver up, or cause to be paid and delivered up, into the hands of the said Postmaster General, or Acting Postmaster General for the time-being, or to such other person or persons as shall be authorized by him to receive the same, all moneys and securities for money which shall or may be paid to, or received by, or otherwise come to the hands of the said Frederick Burton, or with which he shall or may become justly chargeable or accountable as such postmaster as aforesaid, or otherwise howsoever on behalf of Her said Majesty; and do and shall from time to time produce and give to the said Postmaster General, or other such person authorized as aforesaid, sufficient vouchers for all payments made by him the said Frederick Burton, as such postmaster or otherwise, on behalf of Her said Majesty, and all other vouchers required by the said general

And whereas, on consideration of the said Memorial, and inquiry into the circumstances of the case of the Memorialist, the truth of the allegations contained in the said Memorial hath been proved by sufficient evidence to my satisfaction, as well as that the Memorialist is a fit and proper person to be naturalized :

Now, therefore, I, the Lieutenant-Governor aforesaid, by virtue of the said Ordinance, and of all other powers mo therunto enabling, do, by this certificate, grant to the said Memorialist (upon his taking the oath prescribed by the said Ordinance, and subject to Her Majesty's confirmation or disallowance) all the rights and capacities of a natural-born British subject, except the capacities of being a Member of Councils or of the Legislature : Provided always, that the said Memorialist shall in all respects conform to the provisions of the said Ordinance.

Given under my hand and the Public Seal of the said Province, at Adelaide, the ninth day of September, in the year of our Lord one thousand eight hundred and fifty, and fourteenth year of Her Majesty's Reign.

By His Excellency's Command,

CHARLES STURT,
Colonial Secretary.

This is the copy parchment writing, marked "A," referred to in the notarial certificate of Talbot Baines Bruce, hereunto annexed, dated the 7th day of March, 1870.

T. B. BRUCE,
Notary Public.

D

(2.)

B.

Memorial by an Alien for Naturalization under the Ordinance No. 7 of 1846.

To His Excellency Sir HENRY EDWARD FOX YOUNG, Knight, Lieutenant-Governor of the Province of South Australia, Vice-Admiral of the same, &c., &c.

The Memorial of Horace Dean, of Angaston, in the Province of South Australia,—
HUMBLY SHOWETH :—

That your Memorialist is an alien, being a native of the State of Missouri, in the United States of North America, of the age of thirty-five years, and by profession, trade, or occupation, a physician ; that he has resided in Great Britain or Ireland for the space of six months, and in South Australia for the space of nine months and a half, and is desirous of becoming a permanent settler in the said Province.

That your Memorialist now seeks to obtain the rights and capacities of a natural-born British subject, in conformity with the provisions of an Ordinance enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, passed on the twenty-eighth day of July, one thousand eight hundred and forty-six (No. 7) "To amend the Laws relating to Aliens," and hereby offers evidence of the allegations and grounds of this Memorial, to wit, the endorsed certificate.

Your Memorialist therefore humbly prays that your Excellency may be graciously pleased to grant your Memorialist a Certificate of Naturalization, in conformity with the provisions of the said Ordinance.

And your Memorialist will ever pray, &c.

HORACE DEAN, M.D.

21st August, 1850.

Exd., 21 October, 1850.—G. H. BARNARD, Dep. Regr.

This is the copy paper writing, marked "B," referred to in the notarial certificate of Talbot Baines Bruce, hereunto annexed, dated the 7th day of March, 1870.

T. B. BRUCE,
Notary Public.

CERTIFICATE to be signed by the Pastor, Consul, or reputable Colonists.

We hereby certify and declare that it consists with our knowledge that the allegations of the within Memorial are true, and that the Memorialist is a fit and proper person to receive a Certificate of Naturalization as prayed.

REV. JAMES SAWLE,
Pastor of the only Congregation at Angaston.

Approved—H. E. F. YOUNG, 2 August, 1850.

D

(3.)

C.

In the Court of Contested Returns.

In the matter of William Bakewell, petitioner, and Horace Dean, respondent.

ON Thursday, the seventh day of May, 1857, the Court having heard and considered the evidence adduced by and on behalf of the petitioner and also by and on behalf of the respondent, the Court did give judgment to the tenor and effect following :— The judgment of this Court is that Horace Dean, returned by John Stewart Brown, Returning Officer of the District of Barossa, as one of the Members for that District, has not been duly elected, and it declares and adjudges the election of the said Horace Dean to be absolutely void ; and the Court further adjudges that the said Horace Dean shall pay to the petitioner, William Bakewell, the sum of fifty pounds for his reasonable costs and expenses, and that such sum of fifty pounds shall be awarded under the hand of the President, to be paid by the said Horace Dean to the said petitioner, William Bakewell.

C. MANN,
Acting Judge and President.

Certified correct, 8th May, 1857.—C. MANN, A.J.

A true copy from the Journals of the House of Assembly.—GEO. W. D. BEBESFORD, Clerk of Assembly.
4th March, 1870.

This is the copy paper writing, marked "C," referred to in the notarial certificate of Talbot Baines Bruce, hereunto annexed, dated the 7th day of March, 1870.

T. B. BRUCE,
Notary Public.

D

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D

(4.)

D.

In the Court of Contested Returns.

In the matter of William Bakewell, petitioner, and Horace Dean, respondent, on Saturday, the thirteenth day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

THE Court having heard and considered the evidence adduced by and on behalf of the petitioner, and also by and on behalf of the respondent, did give judgment as follows :—The judgment of this Court is, that on the first day of the month of June in the present year, the respondent, Horace Dean, was disqualified from being a Member of the House of Assembly; and it declares and adjudges that the said Horace Dean has not been duly elected, and that the petitioner, William Bakewell, is duly elected; and the said Court further adjudges and declares that the said Horace Dean shall pay to the said petitioner, William Bakewell, the sum of fifty pounds for his reasonable costs and expenses; and that such sum of fifty pounds shall be awarded to be paid by the said Horace Dean to the said William Bakewell, by writing under the hand of the President of this Court.

CHARLES MANN,
President.

I certify this to be a correct copy,—CHARLES MANN, A. J., President.

A true copy from the Journals of the House of Assembly.—GEO. W. D. BERESFORD, Clerk of Assembly.
4th March, 1870.

This is the copy paper writing, marked "D," referred to in the notarial certificate of Talbot Baines Bruce, hereunto annexed, dated the 7th day of March, 1870.

T. B. BRUCE,
Notary Public.

D

(5.)

I, TALBOT BAINES BRUCE, of Waymouth-street, in the city of Adelaide, in the Province of South Australia, Notary Public in and for the said Province and its Dependencies, duly admitted and sworn, do hereby certify and attest unto all whom it may concern, that on the seventh day of March instant I examined the copy parchment writing hereunto annexed, marked "A," with the original Certificate of Naturalization of Horace Dean; also, the copy paper writing hereunto annexed, marked "B," with the original Memorial of the said Horace Dean kept in the Registry Office of the said Province; and also the copy paper writings, marked "C" and "D" respectively, with the judgments kept in the Journals of the House of Assembly of the said Province, and found the same to be true and correct copies thereof.

In testimony whereof, I, the said Notary, have hereunto set my hand and affixed my notarial seal of office, at Adelaide aforesaid, this seventh day of March, in the year of our Lord one thousand eight hundred and seventy.

T. B. BRUCE,
Notary Public.

[Handed in by R. B. Smith, Esq., Petitioner, 22 March, 1870.]

E

LIST of letters remaining in the Post Office at Tinonee, yesterday (Friday) morning :—

Tinonee letters :—John Bishop, H. Gollan, W. Gollan, Rev. A. M'Intyre, H. M'Lennon, J. Moore, J. Lairde, F. Street, J. M'Donald, John Reynolds, Wm. Withford.

Cape Hawke Letters :—G. Greenaway, J. M'Kinnon, W. M'Clymont, W. Norcott, J. Nixon, Mr. Breeze (2), W. Robinson.

H. DEAN, P.M.

[Handed in by J. G. L. Innes, Esq., Counsel for Petitioner, 23 March, 1870.]

F

VOTE of the Electorate.

Polling Places.	Dean.	Flett.	Smith.	Forster.	Total.
Wingham	80	58	16	3	157
Tinonee	88	23	3	0	114
Tarce	32	83	11	4	130
Cundle	55	29	11	11	106
Croki	43	48	30	1	122
Port Macquarie	101	2	16	37	156
Hursley	22	0	2	16	40
Carny's	14	1	3	8	26
Rolland's Plains	8	10	4	6	28
Kempsey	15	39	131	116	301
Fredericton	3	9	43	7	62
Darkwater	5	2	77	35	119
Nambuccra	7	1	37	18	63
Bellinger	1	1	62	2	66
Total	474	306	446	264	1,490

This

This is the vote as returned to us from the several polling places, but it *very slightly* differs from the official declaration of the Returning Officer, which is as follows:—

Horace Dean, Esq.....	474
R. B. Smith, Esq.	444
Henry Flett, Esq.	307
Wm. Forster, Esq.....	253
Geoffrey Eagar, Esq.....	2
Ebenezer Vickery, Esq.....	1
<hr/>	
Total	1,481
<hr/>	
Dean's majority over Smith	30
Do. do. Forster	221
Do. do. Flett	167
Smith's majority over Forster	191
Do. do. Flett	137
Flett's majority over Forster	54

(Handed in by J. G. L. Innes, Esq., Counsel for Petitioner, 30th March, 1870.)

G

"His Excellency deposed that he knew the sitting Member for Barossa; had an interview with him about the early part of September, 1865; the interview was granted to Dr. Dean in consequence of a letter he had written to the Private Secretary relative to certain charges brought against him.

"By Mr. Gwynne: The interview was not a private nor confidential one. Had never any interview with Dr. Dean except as Governor of the Colony; told Dr. Dean he should make enquiries on the subject in the United States.

"By the Attorney General: Those enquiries had terminated; on the occasion of the interview Dr. Dean made some statements relative to his name; he brought two gentlemen who said they had known him in the United States as William Thomas Haskell; fancied that he exhibited some confusion of manner, and consequently questioned him as to the accuracy of those gentlemen's statements; he confirmed them, either by stating that his name was Haskell, or that what they had said was the truth; one of them said he had known him by that name while he was conveying him with a transport of troops to Mexico, and the other that he had known him as a fellow-student; both said they had known him as a public man and a Member of Congress; could not say positively in what words he questioned Dr. Dean, but remembered that when Dr. Dean left he said, 'Now your Excellency knows all about me—all about my previous life, and I hope you are satisfied: replied that he saw nothing to prevent it, but that he hoped to be still more satisfied when he received a reply to a communication he intended to make to the United States.'

H

"George William de la Poer Beresford: Was formerly Private Secretary to His Excellency the Governor-in-Chief; was present at His Excellency's interview with Dr. Dean; Dr. Dean came into the room, and after some preliminary conversation on the subject of a letter from Mr. Angas, he stated that he had two witnesses who could satisfy His Excellency with regard to his name, previous history, and reasons for leaving America.

"By Mr. Gwynne: Did not consider the interview private and confidential; had no recollection of his offering to leave the room, nor of Dr. Dean's saying that he need not go, for he would rely upon his honor; did not remember His Excellency's saying, 'Shall this gentleman leave the room?' It was not likely, His Excellency's custom being to mention to him beforehand when an interview was to be private; he never offered him the indignity of ordering him out of the room; two persons came into the room afterwards, who gave their names as Dr. Graham and Captain Thompson; could not say which came first; Dr. Dean addressed Dr. Graham, who, in reply to some questions from His Excellency, said he had known Dr. Dean in the United States—that they had been fellow-students at Dartmouth College, in Massachusetts; believed that was the College he mentioned, that there he had known him as William Thomas Haskell, and that he had subsequently known him as a Member of Congress for Tennessee. Captain Thompson was asked by Dr. Dean whether he knew him in the States or not, to which he replied that he had known him. Dr. Dean asked him whether he knew his name there. Dr. Dean added, 'Was not my name William Thomas Haskell?' to which Captain Thompson answered it was. Was not quite sure whether on that occasion anything was said about the reason of his leaving America. Believed a duel was mentioned. After the two witnesses had left, Dr. Dean said, 'Now, your Excellency, you know my real name, my true history, and the reason of my leaving the United States, and I trust you are satisfied.'

(Handed in by Thomas Icton, Esq., Solicitor for Sitting Member, 7th April, 1870.)

I

H. Flett, Esq., to The Postmaster General.

Taree House, Manning River,
28 November, 1864.

Sir,

Enclosed I forward the envelopes of two letters received by me from the Taree Post Office yesterday. It will be seen that they are from Port Macquarie and Macleay River, and by the post mark of Tinonee, that they arrived at that post office on Wednesday, the 23rd instant; that they were forwarded from thence to the Wingham Post Office, on Thursday, the 24th (instead of being sent to Taree, their proper destination), where they remained until Sunday, the 26th (yesterday), when they were returned to the Tinonee Post Office, and the same day forwarded to the Taree Post Office, marked "Missent to Wingham."

I now charge Mr. Horace Dean, Postmaster of Tinonee, with wilfully missending my letters to the Wingham Post Office on Thursday last, purposely that I might not have the opportunity of answering them by the return post to the Macleay River yesterday morning; the said letters being very legibly addressed to me.

Mr. H. Dean, Postmaster of Tinonee, has thought proper to declare himself a candidate for the Hastings Electorate, and yesterday morning he started on a tour of canvass to Port Macquarie and the Macleay Districts. I have therefore no doubt in my own mind but that my letters were purposely sent astray by Dean to suit his own purpose, and that I might not have the opportunity of answering them before he reached his destination. It is my impression that they have been opened.

For the last six months I could not forward any Government letter or any letter of any consequence through Mr. Dean's post office.

I believe that when one declares himself a candidate for election he can no longer hold a Government appointment. Under these circumstances, I trust that the post office at Tinonee will at once be taken from Mr. Dean and placed under Mr. Else, storekeeper at Tinonee, who was an applicant for it at the time I procured it for Dean. Mr. Else is a man of first-rate character.

I have, &c.,
HY. FLETT.

J

J

H. Flett, Esq., to The Postmaster General.

Taree House,
14 December, 1864.

Sir,

I hereby withdraw my letter of the 28th of November, 1864, and all and every allegation therein, so far as they may affect in the slightest degree the character of the Postmaster at Tinonee.

I have, &c.,
HY. FLETT.

[Handed in by J. G. L. Innes, Esq., Counsel for Petitioner, 14 April, 1870.]

K

EXTRACTS FROM "ABRIDGMENT OF THE DEBATES IN CONGRESS, FROM 1789 TO 1856," BY THE AUTHOR OF THE "THIRTY YEARS' VIEW."

Vol. 14, pages 280 and 281.

Monday, May 31, 1841.

List of Members of the Senate.

Maine—Ruel Williams, George Evans	South Carolina—William C. Preston, John C. Calhoun
New Hampshire—Franklin Pierce, Levi Woodbury	Georgia—John M. Berrien, Alfred Cuthbert
Vermont—Samuel Prentiss, Samuel Phelps	Alabama—William R. King, Clement C. Clay
Massachusetts—Rufus Choate, Isaac Bates	Mississippi—Robert J. Walker, John Henderson
Rhode Island—Nathan F. Dixon, James F. Simmons	Louisiana—Mr. Barrow, Alexander Mouton
Connecticut—Perry Smith, Jabez W. Huntington	Tennessee—
New York—Silas Wright, jun., Nathaniel P. Tallmadge	Kentucky—Henry Clay, J. J. Morehead
New Jersey—Samuel L. Southard, Jacob W. Miller	Ohio—William Allen, Benjamin Tappan
Pennsylvania—Daniel Sturgeon, James Buchanan	Indiana—Oliver H. Smith, Albert S. White
Delaware—Richard H. Bayard, Thomas Clayton	Illinois—Richard M. Young, Samuel McRoberts
Maryland—Mr. Kerr, William D. Merrick	Missouri—Lewis F. Linn, Thomas H. Benton
Virginia—William C. Rives, William S. Archer	Michigan—Mr. Porter, Mr. Woodbridge
North Carolina—Mr. Graham, Willie P. Mangum	Arkansas—Ambrose H. Sevier, William S. Fulton.

List of Members of the House of Representatives.

Tennessee—Thomas D. Arnold, Milton Brown, William B. Campbell, Thomas J. Campbell, Robert L. Caruthers, Meredith P. Gentry, Cave Johnson, Abraham McClellan, Hopkins L. Turney, Harvey M. Watterson, Christopher H. Williams, Joseph L. Williams, Aaron V. Brown.

Vol. 15, pages 3, 4, 241, and 242.

Monday, December 4, 1843.

List of Members of the Senate.

Maine—John Fairfield, George Evans	South Carolina—Daniel E. Hugér, George McDuffie
New Hampshire—Levi Woodbury, Chas. G. Atherton	Georgia—John M. Berrien, Walter T. Colquitt
Vermont—Samuel Phelps, William C. Upham	Alabama—William R. King, Arthur P. Bagby
Massachusetts—Rufus Choate, Isaac C. Bates	Mississippi—John Henderson, Robert J. Walker
Rhode Island—William Sprague, James F. Simmons	Louisiana—Alexander Barrow, Alexander Porter
Connecticut—J. W. Huntington, John M. Niles	Tennessee—E. H. Foster, Spencer Jarnagan
New York—N. P. Tallmadge, Silas Wright	Kentucky—John T. Morehead, John J. Crittenden
New Jersey—W. L. Dayton, Jacob W. Miller	Ohio—Benjamin Tappan, William Allen
Pennsylvania—D. W. Sturgeon, James Buchanan	Indiana—Albert S. White, Ed. A. Hannegan
Delaware—R. H. Bayard, Thomas Clayton	Illinois—James Semple, Sidney Breese
Maryland—Wm. D. Morrick. [Vacancy.]	Missouri—T. H. Benton, D. K. Atchison
Virginia—Wm. C. Rives, Wm. S. Archer	Arkansas—Wm. S. Fulton, A. H. Sevier
North Carolina—Willie P. Mangum, W. H. Haywood, jr.	Michigan—A. S. Porter, W. Woodbridge.

List of Members of the House of Representatives.

Tennessee—Andrew Johnson, William T. Senter, Julius W. Blackwell, Alvan Cullom, George W. Jones, Aaron V. Brown, David W. Dickinson, James H. Peyton, Cave Johnson, John B. Ashe, Milton Brown.

Monday, December 1, 1845.

At twelve o'clock the Vice President took the chair, and called the Senate to order, the following Senators being present:—

Maine—George Evans and John Fairfield	South Carolina—George McDuffie
New Hampshire—Charles G. Atherton and Benning W. Jenness	Georgia—Walter T. Colquitt
Massachusetts—John Davis	Tennessee—Hopkins L. Turney
Vermont—Samuel S. Phelps and William Upham	Kentucky—John J. Crittenden
Rhode Island—Albert C. Greene and James F. Simmons	Ohio—William Allen and Thomas Corwin
Connecticut—Jabez W. Huntington and John M. Niles	Indiana—Edward A. Hannegan
New York—John A. Dix	Louisiana—Henry Johnson
New Jersey—William L. Dayton and Jacob W. Miller	Mississippi—Jesse Speight and J. W. Chalmers
Pennsylvania—Daniel Sturgeon and Simon Cameron	Illinois—Sydney Breese and James Semple
Delaware—Thomas Clayton and John M. Clayton	Alabama—Arthur P. Bagby and Dixon H. Lewis
Virginia—William S. Archer	Missouri—Thomas H. Benton and David R. Atchison
North Carolina—Willie P. Mangum and William H. Haywood	Arkansas—Ambrose H. Sevier and Chester Ashley
	Michigan—Lewis Cass
	Florida—David Levy and James D. Westcott.

Mr. Sevier presented the credentials of H. L. Turney, elected a Senator from the State of Tennessee for the term of six years from the fourth of March, 1845.

The credentials having been read, Mr. Turney was sworn, and took his seat.

Mr. Speight presented the credentials of Joseph W. Chalmers, appointed a Senator from the State of Mississippi, to fill the unexpired term of R. J. Walker, resigned.

The credentials having been read, Mr. Chalmers was sworn, and took his seat.

Mr. Crittenden presented the credentials of John Davis, elected a Senator from the State of Massachusetts, to fill the unexpired term of Isaac C. Bates, deceased.

The credentials having been read, Mr. Davis was sworn, and took his seat.

Mr.

Mr. Atherton presented the credentials of B. W. Jenness, appointed a Senator from the State of New Hampshire, to fill the unexpired term of Levi Woodbury, resigned.

The credentials having been read, Mr. Jenness was sworn, and took his seat.

The Vice President laid before the Senate a communication from the Governor of Florida, containing the credentials of David Levy and J. D. Westcott, elected Senators from the State of Florida.

The credentials having been read, Messrs. Levy and Westcott were sworn, and took their seats.

House of Representatives.

Monday, December 1, 1845.

Tennessee—Messrs. Brown, Chaso, Cocke, Crozier, Cullom, Gentry, Johnson, Jones, Martin, and Stanton.

Vol. 16, pages 115, 116, 144, 334, 351, and 352.

Monday, December 6, 1847.

List of Members of the Senate.

Maine—John Fairfield, James W. Bradbury	Georgia—Walter T. Colquitt, Jno. McPherson Berryen
New Hampshire—Charles G. Atherton, John P. Hale	Kentucky—John J. Crittenden, Joseph R. Underwood
Massachusetts—Daniel Webster, John Davis	Tennessee—Hopkins L. Turney, John Bell
Rhode Island—Albert C. Greene, John H. Clarke	Ohio—William Allen, Thomas Corwin
Connecticut—John M. Niles, Roger S. Baldwin	Louisiana—Henry Johnson, Solomon U. Downs
Vermont—William Upham, Samuel S. Phelps	Indiana—Edward A. Hannagan, Jesse D. Bright
New York—John A. Dix, Daniel S. Dickinson	Mississippi—Jefferson Davis, Henry S. Foote
New Jersey—William L. Dayton, Jacob W. Miller	Illinois—Sidney Breese, Stephen A. Douglas
Pennsylvania—Simon Cameron, Daniel Sturgeon	Alabama—Arthur P. Bagby. [Vacancy.]
Delaware—John M. Clayton, Presley Spruance	Missouri—David R. Atchison, Thomas H. Benton
Maryland—James A. Pearce, Reverdy Johnson	Arkansas—Ambrose H. Sevier, Chester Ashley
Virginia—James M. Mason, Robert M. T. Hunter	Florida—James D. Westcott, David L. Yulee
North Carolina—George E. Badger, Willie P. Mangum	Michigan—Lewis Cass, Alphous Felch
South Carolina—Andrew P. Butler, John C. Calhoun	Texas—Thomas S. Busk. [Vacancy.]

List of Members of the House of Representatives.

Tennessee—Washington Barrow, Lucion B. Chase, William M. Cocke, John H. Crozier, Meredith P. Gentry, William P. Haskill, Hugh L. W. Hill, Andrew Johnson, George W. Jones, Frederick P. Stanton, James H. Thomas.

House of Representatives.—Monday, February 7, 1848.

Thanks to General Scott, &c.

Mr. Hunt asked the consent of the House to introduce the following joint resolutions, of which previous notice had been given:—

Joint Resolutions expressive of the thanks of Congress to Major-General Winfield Scott and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Resolved unanimously by the Senate and House of Representatives of the United States of America, in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Winfield Scott, Major-General commanding in chief the Army in Mexico, and through him to the officers and men of the regular and volunteer corps under him, for their uniform gallantry and good conduct, conspicuously displayed at the siege and capture of the city of Vera Cruz and Castle of San Juan de Ulua, March 29, 1847; and in the successive battles of Cerro Gordo, April 18; Contreras, San Antonio, and Churubusco, August 19th and 20th; and for the victories achieved in front of the city of Mexico, September 8th, 11th, 12th and 13th; and the capture of the metropolis, September 14th, 1847; in which the Mexican troops, greatly superior in numbers, and with every advantage of position, were in every conflict signally defeated by the American arms.

2. Resolved, That the President of the United States be, and he is hereby, requested to cause to be struck a gold medal, with devices emblematical of the series of brilliant victories achieved by the Army, and presented to Major-General Winfield Scott, as a testimony of the high sense entertained by Congress of his valour, skill, and judicious conduct in the memorable campaign of 1847.

3. Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Scott in such terms as he may deem best calculated to give effect to the object thereof.

The House then seconded the demand for the previous question, and the main question was ordered to be now put.

The roll was then called, and—

Mr. Haskell rose when his name was called and desired to explain, that while voting with great pleasure for these resolutions, he did not wish to be understood as voting for himself. Having been an officer on the occasions referred to, he was placed in a delicate position; but with this explanation he gladly gave his vote in the affirmative.

The question on the passage of the resolution was decided in the affirmative—yeas 197, nays 1.

So the resolution was adopted.

March 2, 1849.

The Slave Trade.

Mr. Sidney Lawrence moved to amend the amendment of the Senate, by adding thereto the following proviso:

That nothing in this Act shall be so construed as to extend any law relating to the coastwise slave trade to California and New Mexico.

The amendment was agreed to.

The question then occurred upon agreeing to the substitute of the Committee of Ways and Means, which was read.

Mr. Grinnell called for the reading of the Senate amendment as amended, which was read.

The question was then taken by tellers (Messrs. Root and Meade), who reported—yeas 17; the noes were not counted.

So the amendment of the Committee of Ways and Means was rejected.

The question now came up on agreeing to that amendment of the Senate, to wit, that which extends the constitution and laws of the United States over the new Territories.

The yeas and nays were asked, and ordered; and, being taken, resulted as follows:

Yeas—Messrs. Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Bocoock, Botts, Bowdon, Bowlin, Boyd, Boyden, Bridges, Brodhead, Charles Brown, Albert G. Brown, Buckner, Burt, Cabell, Chapman, B. L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Daniel, Donnell, Garnett Duncan, Alexander Evans, Featherston, Ficklin, Flournoy, French, Fulton, Gaines, Gayle, Gentry, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Haskell, Hill, Hilliard, Isaac E. Holmes, George S. Houston, John W. Houston, Inge, C. J. Ingersoll, Iverson, Jameson, Andrew Johnson, R. W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas B. King, La Sdre, Lester, Levin, Ligon, Lumpkin, McClelland, McDowell, McKay, McLane, McQueen, Mead, Morehead, Morse, Outlaw, Pendleton, Peyton, Phelps, Pillsbury, Preston, Rhett, Richardson, Roman, Sawyer, Shepperd, Simpson, Stanton, Stephens, Thibodaux, Thomas, Jacob Thompson, John B. Thompson, Robert A. Thompson, Tompkins, Toombs, Venable, Williams, and Woodward—100.

Nays—Messrs. Abbott, Ashmun, Belcher, Bingham, Blackmar, Brady, Butler, Cauby, Cathcart, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Darling, Dickey, Dixon, Duer, Dunn, Eckert, Edsall, Edwards, Embrce, Nathan Evans, Faran, Farrelly, Fisher, Froedley, Fries, Giddings, Gott, Grooley, Gregory, Grinnell, Hale, N. K. Hall, Hammons, Jas. G. Hampton, Henley, Henry, Elias B. Holmes, Hubbard, Hudson, Hunt, Jenkins, James H. Johnson, Kellogg, Daniel P. King, Lahm, William

William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, McClelland, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Miller, Morris, Mullin, Murphy, Nelson, Nes, Newell, Nicoll, Palfrey, Peaslee, Peck, Patric, Pettit, Pollock, Putnam, Reynolds, Richey, Robinson, Julius Rockwell, John A. Rockwell, Rose, Root, Ramsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, Wm. Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, White, Wick, Wiley, Wilnot, and Wilson—114.

So the amendment was rejected.

Monday, December 3, 1849.

List of Members of the Senate.

Maine—Hannibal Hamlin, James W. Bradbury	Kentucky—Joseph R. Underwood, Henry Clay
New Hampshire—John P. Hale, Moses Norris, jr.	Tennessee—Hopkins L. Turney, John Bell
Massachusetts—Daniel Webster, John Davis	Ohio—Thomas Corwin, Salmon P. Chase
Rhode Island—Albert C. Greene, John H. Clarke	Louisiana—Solomon W. Downs, Pierre Soulé
Connecticut—Roger S. Baldwin, Truman Smith	Indiana—Jesse D. Bright, James Whitcomb
Vermont—Samuel S. Phelps, William Upham	Mississippi—Jefferson Davis, Henry S. Foote
New York—Daniel S. Dickinson, William H. Seward	Illinois—Stephen A. Douglas, James Shields
New Jersey—William L. Dayton, Jacob W. Miller	Alabama—Jeremiah Clemens, William R. King
Pennsylvania—Daniel Sturgeon, James Cooper	Missouri—Thomas H. Benton, David R. Atchison
Delaware—John Wales, Presley Spruance	Arkansas—William K. Sebastian, Solon Borland
Maryland—David Stewart, James A. Pearce	Florida—David L. Yulee, Jackson Morton
Virginia—James M. Mason, Robert M. T. Hunter	Michigan—Lewis Cass, Alpheus Felch
North Carolina—Willie P. Maugum, George E. Badger	Texas—Thomas J. Rusk, Sam Houston
South Carolina—John C. Calhoun, Arthur P. Butler	Wisconsin—Henry Dodge, Isaac P. Walker
Georgia—John M. Berrien, William C. Dawson	Iowa—George W. Jones, Augustus C. Dodge.

List of Members of the House of Representatives.

Tennessee—Josiah M. Anderson, Andrew Ewing, Meredith P. Gentry, Isham G. Harris, Andrew Johnson, George W. Jones, John H. Savage, Frederick P. Stanton, James H. Thomas, Albert G. Watkins, Christopher H. Williams.

L

1855-6.

No. 2.

An Act to establish a Constitution for South Australia, and to grant a Civil List to Her Majesty.

Qualification of electors for Legislative Council.

Clause 6. Every man of the age of twenty-one years, being a natural born or naturalized subject of Her Majesty, or legally made a denizen of the said Province, and having a freehold estate in possession, either legal or equitable, situate within the said Province, of the clear value of Fifty Pounds sterling money above all charges and incumbrances affecting the same, or having a leasehold estate in possession, situate within the said Province, of the clear annual value of Twenty Pounds, the lease thereof having been registered in the general Registry Office for the registration of deeds, and having three years to run at the time of voting, or containing a clause authorizing the lessee to become the purchaser of the land thereby demised, or occupying a dwelling-house of the clear annual value of Twenty-five Pounds sterling money, and who shall have been registered on the Electoral Roll of the Province six months prior to the election, shall be entitled to vote at the election of Members of the Legislative Council.

M

H. Flett, Esq., to The Honorable the Committee of Elections and Qualifications.

Smith v. Dean—Hastings Electorate.

Gentlemen,

I have been informed that the Committee have kindly allowed me to submit to them a statement in vindication of my reputation from the gross aspersions cast upon it in the course of the present inquiry, by a Mr. Joshua Cochrane and Mr. Arthur Else, of the Manning River.

In the first place I beg to inform you that I am a large landed proprietor on the Manning River, where I have resided for the last thirty (30) years, enjoying the esteem and respect of all classes of people in the district, and that I have acted uninterruptedly as a Magistrate on the river for the last twelve or fifteen years, during which period no decision of mine has been impeached or reversed by the Supreme Court or any other tribunal. I have also been elected as a representative of the people for the Hastings Electorate in Parliament on two different occasions. I cannot, therefore, refrain from expressing my indignation at the gross and unfounded imputations referred to, more especially as they were made by an obscure individual like Mr. Cochrane, a man who occupies no status whatever on the river, and is merely known as a storekeeper on the upper part of the river. I cannot conceive what influence could have prompted him to have so unjustifiably attacked me in my private and public capacity.

It is grossly untrue, as stated by Mr. Cochrane, that persons have come and told me their cases before I have gone on the Bench, and that my tenants and no one else can get justice. I have always acted conscientiously and with the strictest impartiality, without respect to persons, in every case in which I have adjudicated as a Magistrate. I have abstained from discussing the merits of any case that was likely to come before me in my capacity as a Justice of the Peace, and I have uniformly refused to adjudicate in cases in which my tenants have been concerned, but in no instance have I ever acted except with the strictest justice.

Having reference to the other unfounded statements made by Mr. Cochrane, that the generality of the people on the Manning would not believe me, I beg to submit to the honorable gentlemen comprising the Committee the accompanying letters and credentials from various clergymen, Magistrates, storekeepers, and residents of the Manning River, who have known me for years, and trust that the expressions of their unbiassed opinion will entirely relieve me from the stigma cast upon my good name by Mr. Cochrane.

With regard to Mr. Else's statements that he never showed me a letter written by Mr. Horace Dean to him at the time he (Else) was appointed Postmaster at Tinonee, containing a threat from Dean that unless he (Else) handed over the post office to him (Dean), he (Dean) would prefer some criminal charge against him,—I solemnly assure you that Mr. Else brought me such a letter, written by Mr. Dean, containing the charge and threat referred to, and asked my opinion on the subject. My advice to Mr. Else was to retain the post office and defy Mr. Dean, when Else replied—"Oh, but Mr. Dean will ruin me and my family."

In support of my statement I beg to hand to the Committee a letter from Mr. William Plummer, now of Kempsey, Macleay River, and also an affidavit from Mr. C. C. Crofton, storekeeper, Manning River.

I have, &c.

HY. FLETT.

Post Office Hotel,
Sydney, 25 April, 1870.

1870.

NEW SOUTH WALES.

FORMS OF OATHS OF ALLEGIANCE, &c.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES TO THE OFFICER ADMINISTERING THE GOVERNMENT OF
NEW SOUTH WALES.

(Circular.)

Downing-street,
8 May, 1869.

SIR,

I have the honor to transmit to you the copy of a Circular Despatch which has been addressed to the Governors of Colonies in which the Government is not responsible to the Local Legislature.

Her Majesty's Government attach considerable importance to the views there set forth, which they can hardly doubt will meet with the entire concurrence of your Responsible Advisers. I have to desire you, therefore, to bring that circular before them, in order that they may consider the propriety of making such amendments in the law and practice as may be required to carry out those views.

I have, &c.,
GRANVILLE.

[Enclosure referred to.]

(Circular.)

Downing-street,
8 May, 1869.

SIR,

You are probably aware that the question of simplifying and rendering more precise and exact the Forms of Oaths has of late received careful consideration in this country. A Royal Commission was appointed in 1866, and their Report was presented to Parliament in 1867.

Following upon that Report two Acts of Parliament (namely, 30 and 31 Vict., c. 75, and 31 and 32 Vict., c. 72) have been passed; and, as showing how very desirable it has been thought here to simplify the Form of Oaths, I may call your attention to the fact, that the Oath provided by the 5th section of the former of these two Acts, which was in itself considerably shorter than the Oaths provided by preceding Acts, was in its turn curtailed and simplified by the latter Act.

Copies of these Acts are transmitted for your information and guidance.

It appears to me that it is not only desirable that the Forms of Oaths should be exact and precise, but that they should also, as far as possible, be uniform throughout Her Majesty's Colonies. That this is, however, very far from being the case, will be seen from a Return made to the House of Commons in June, 1866, in which copies were given of each Oath required to be taken in any Colony by the Governor or other Chief Magistrate, the Members of the Legislature or Supreme Council, or other similar body respectively.

For the convenience of reference, I transmit a copy of this Return.

Now that the forms of the Oath of Allegiance and of Official and Judicial Oaths have been severally settled in the United Kingdom by the recent Act of 31 and 32 Vict., c. 72, the time has, I think, arrived for bringing this subject under the consideration of the different Colonial Governments and Legislatures, with a view of their taking such steps as may be necessary for the adoption of those forms in lieu of those now in use in the respective Colonies.

Upon an examination of the Oaths set out in the above-mentioned Return, I am strongly of opinion that some of them should be entirely dispensed with. I do not propose to consider those in detail, but I may state generally that the following are the Oaths which I am disposed to think should be taken by

the undermentioned Officers and persons, whatever be their creed or religious belief,—Declarations in the same form being of course substituted when necessary.

1. Governors and Officers Administering Governments, and other superior Executive Officers, should take merely the Oath of Allegiance and the Official Oath.
2. Judges and other Judicial Officers should take the Oath of Allegiance and the Judicial Oath.
3. Legislative Councillors should take the Oath of Allegiance only.
4. Executive Councillors should take the Oath of Allegiance and an Oath of Fidelity in the discharge of their duties. The form of this latter Oath varies considerably in different Colonies, but I am inclined to think that the form which is administered in Nova Scotia to the Members of the Executive Council is, upon the whole, most suitable.
5. Aliens, on naturalization, will merely take the new Oath of Allegiance.

The forms of the different Oaths which I should desire to see adopted, I have for convenience of reference, inserted in a Schedule to this Despatch.

I may add that for the future, Governors of Colonies will be directed by the Royal Instructions to take the Oath of Allegiance in the form provided by the Act 31 and 32 Vict., c. 72.

I have to request you to take such steps as may be necessary to secure the adoption of the Forms of Oath now suggested, and thereby to assist in securing the desired uniformity upon this subject throughout Her Majesty's Colonies.

I have, &c.,
GRANVILLE.

1870.

NEW SOUTH WALES.

PROPOSED SILK SUPPLY ASSOCIATION IN LONDON.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES TO THE OFFICER ADMINISTERING THE GOVERNMENT OF
NEW SOUTH WALES.

(Circular.)

Downing-street,
15 April, 1869.

SIR,

I transmit to you herewith copy of a letter from a Silk Supply Association, with copy of a Report of the Proceedings of a Meeting, and the Resolutions adopted for establishing a Silk Supply Association in London. In case you should be of opinion that the interest of the Colony might be advanced by giving publicity to the objects of the Association, you will take such steps as you may consider fitting for that purpose.

I have, &c.,
GRANVILLE.

[Enclosure.]

The Secretary to the Silk Supply Association to The Secretary of State for the Colonies.

Silk Supply Association,
Offices, 3, Castle-street, Holborn, London, E.C.,
8 March, 1869.

My Lord,

I have the honor to forward herewith a copy of the proceedings and resolutions establishing a Silk Supply Association in London.

Looking at the importance of the objects and of the national industry concerned therein, I have to ask, on behalf of the Association, for your Lordship's kind aid in bringing the subject officially under the notice of the Governors of the several Colonies, so as to promote the objects of the Association.

From the various specimens of silk shown at the last International Exhibitions at London and Paris, it is quite clear that there are many of the British Colonies, in Australia, South Africa, Mauritius, the West Indies, &c., which could profitably enter upon the production of silk, and in course of time contribute useful supplies to the Mother Country. What they chiefly stand in need of is, practical information as to the culture of the mulberry, management of the silkworm, and mode of reeling and shipping the cocoons; information which the Association proposes to circulate extensively.

Many of the Colonies which are anxious to introduce new industries will no doubt gladly further the objects of the Association.

I have, &c.,
P. L. SIMMONDS,
Hon. Sec.

1870.

NEW SOUTH WALES.

DISCHARGE OF SOLDIERS IN THE COLONIES.

(DESPATCHE.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF NEW SOUTH WALES.

Downing-street,
11 June, 1869.

SIR,

I transmit to you herewith copies of a correspondence with the War Office, relative to an arrangement which has been proposed by that Department for offering encouragement to a certain proportion of the Non-commissioned Officers and Privates of Regiments about to return to this country, after serving in Her Majesty's Colonies, to accept their discharge with a view to their employment in the Police and other positions of trust; and I have to request that you will submit this plan for the consideration of your responsible Advisers.

W.O., 16 February, 1869.
C.O., 3 March.
W.O., 8 May.

I have, &c.,
GRANVILLE.

[Enclosures.]

Sir E. Lugard to the Under Secretary of State, Colonial Office.

War Office, 16 February, 1869.

Sir,

I am directed by Mr. Secretary Cardwell to request that you will state to Earl Granville, that it appears to him to be desirable, both for the interests of the Colony and of the Mother Country, that when any of Her Majesty's Regiments are ordered to return Home from service in the Colonies, that a certain proportion of Non-commissioned Officers and Privates of good character should be allowed their discharge, if the Colonial Authorities desire to employ them as policemen, or in other places of trust.

The Colony, on the one hand, would obtain the advantage of the services of a class of men not easily to be met with, while, on the other hand, the expense of their conveyance Home would be saved to this Country, and the prospect of such employment, after Foreign Service, might prove an encouragement to recruiting generally, and especially to the re-engagement of men who are serving in the Colonies.

In order not to give these men an undue advantage over those who obtain their discharges by purchase, it would be desirable that some security should, if possible, be taken from the men accepting their discharge under this arrangement, by their engaging to serve for a certain period in the situation to which they may be appointed, or to remain in the Colony as settlers, if allowed to relinquish them.

Should Lord Granville agree with Mr. Cardwell, I am to suggest that a circular letter upon the subject should be addressed to the Governors of the several Colonies, in which case Mr. Cardwell would be happy to furnish his Lordship with the conditions under which men will be allowed to take their discharge.

I have, &c.,
EDWARD LUGARD.

Sir F. Rogers to Sir E. Lugard.

Downing-street, 3 March, 1869.

Sir,

I have laid before Earl Granville your letter of the 16th ultimo, conveying the proposal of Mr. Secretary Cardwell, that, as an arrangement of mutual advantage to the British Colonies and the Mother Country, when any of Her Majesty's Regiments are ordered to return Home from service in the Colonies, a certain proportion of Non-commissioned Officers and Privates of good character should be allowed their discharge if the Colonial Authorities should desire to employ them as policemen, or in other places of trust.

In reply, I am directed to express Lord Granville's concurrence with this proposal, which meets, in a certain degree, a portion of a suggestion which his Lordship has brought under the consideration of Mr. Cardwell, respecting Half-pay Officers and Non-commissioned Officers.

As soon as Lord Granville shall have been furnished with Mr. Cardwell's views on the whole subject of the Military Defence of the Colonies, he will gladly suggest the adoption of this arrangement in a circular despatch, addressed to the Governors of those Colonies in which British Troops may be stationed.

I am, &c.,

F. ROGERS.

Sir E. Lugard to the Under Secretary of State, Colonial Office.

War Office, 8 May, 1869.

Sir,

With reference to your letter of the 3rd March last, expressing the concurrence of Earl Granville in Mr. Cardwell's proposal, that inducements should be offered to a certain proportion of Non-commissioned Officers and men of Regiments serving in the Colonies, to accept their discharges, with a view to their being appointed as policemen, or to other offices of trust under the Governor, I am directed to request that you will inform his Lordship, that, in concurrence with His Royal Highness the Field-Marshal Commanding-in-Chief, it is the opinion of Mr. Cardwell, that the men, to whom free discharges might be given to this purpose, should be those who are within two years of completing the first term of service, and are desirous of remaining in the Colony, after the return of their regiment to this Country.

Mr. Cardwell considers it desirable, however, that no inducements should be held out to soldiers to give up their service in the Army, except for employment of a permanent nature, and of a sufficiently remunerative character.

I have, &c.,

EDWARD LUGARD.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ANNUAL INTERNATIONAL EXHIBITION IN LONDON.
(DESPATCH RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 8 March, 1870.

THE SECRETARY OF STATE FOR THE COLONIES TO GOVERNOR THE EARL OF BELMORE.

(Circular.)

Downing-street,
24 August, 1869.

MY LORD,

At the request of Her Majesty's Commissioners for the International Exhibition of 1851, I transmit to you, for your information, a copy of a communication which I have received from them, enclosing ^{10th August, 1869.} a copy of an announcement of the first of a series of International Exhibitions of selected specimens of Art and Industry, which it is intended shall be held in London in the year 1871; and I have to request that you will take such measures as may be necessary for giving publicity to that announcement within the Colony under your government.

I have, &c.,
GRANVILLE.

[Enclosures.]

Lieut.-Col. Scott to The Under Secretary of State, Colonial Office.

Office of Her Majesty's Commissioners for the Exhibition of 1851,
5, Upper Kensington Gore, W.,
10 August, 1869.

Sir,

I am directed by Her Majesty's Commissioners for the Exhibition of 1851 to transmit, for the information of the several British Colonies, copies of the announcement of the first of the series of International Exhibitions of selected specimens of Art and Industry which it is intended shall be held in London in 1871, and to request that you will move the Earl Granville to cause them to be forwarded to each Colony as early as convenient.

Her Majesty's Commissioners desire me to point out that these Exhibitions will be on a comparatively limited scale, that the objects sent from each Colony will not be arranged together as heretofore, but in their proper classes, and that it is desired that manufacturers should exhibit only a single specimen of each object.

Her Majesty's Commissioners will be prepared to receive colonial objects for exhibition, under the following special regulations, viz. :—

- (1.) Every object which can be exhibited on a vertical surface or wall space will be accepted, if accompanied by a certificate from the Government of the Colony where it was produced, that such object is considered worthy of exhibition.
- (2.) Every producer desiring to exhibit an object which will require for its exhibition superficial or floor space, must forward to Her Majesty's Commissioners, before a date to be hereafter appointed, a working drawing or photograph of such object, with accurate dimensions and descriptive particulars, on receipt of which, Her Majesty's Commissioners will, if the object be considered worthy of exhibition, transmit direct to the producer a certificate of the acceptance of such object, thereby guaranteeing its admission.
- (3.) Any producer may at his option, instead of conforming with either of the foregoing regulations, send any object direct to the Exhibition Building, for the inspection and approval of the judges selected for the other British exhibitors, and under the same regulations as shall be prescribed with reference to other British goods so submitted for inspection.

Further particulars having reference to the specialities of each Colony will hereafter be sent.

I have, &c.,
HENRY Y. D. SCOTT,
Lieut.-Col., Royal Engineers.

[International Exhibition of 1871. No. 1.]

**ANNUAL INTERNATIONAL EXHIBITIONS OF SELECT WORKS OF FINE AND
INDUSTRIAL ART AND SCIENTIFIC INVENTIONS.**

HER MAJESTY'S COMMISSIONERS FOR THE EXHIBITION OF 1851.

THE EARL OF DERBY, K.G., PRESIDENT.

<p>THE DUKE OF BUCCLEUCH, K.G. THE DUKE OF BUCKINGHAM AND CHANDOS. THE EARL DE GREY AND RIPON, or Lord President of the Council for the time being. THE EARL GRANVILLE, K.G. THE EARL RUSSELL, K.G. THE LORD PORTMAN. THE LORD OVERSTONE. GENERAL THE HONORABLE C. GREY. THE RIGHT HONORABLE W. E. GLADSTONE, M.P. THE RIGHT HON. BENJAMIN DISRAELI, M.P. THE RIGHT HON. ROBERT LOWE, M.P. THE RIGHT HON. SIR S. H. NORTHCOTE, BART., C.B., M.P. THE RIGHT HON. H. A. BRUCE, M.P. THE RIGHT HON. JOHN BRIGHT, M.P., or President of the Board of Trade for the time being. THE RIGHT HON. W. E. FORSTER, M.P., or Vice-President of the Committee of Council on Education for the time being.</p>	<p>THE RIGHT HON. A. H. LAYARD, M.P., or the First Commissioner of Her Majesty's Works for the time being. SIR CHARLES LYELL, BART. SIR RODERICK I. MURCHISON, BART., K.C.B. SIR ALEXANDER Y. SPEARMAN, BART. SIR FRANCIS GRANT, P.R.A., or President of the Royal Academy for the time being. SIR FRANCIS R. SANDFORD. THOMAS BARING, ESQ., M.P. THOMAS BAZLEY, ESQ., M.P. EDGAR A. BOWRING, ESQ., C.B., M.P. THOMAS FAIRBAIRN, ESQ. THOMAS FIELD GIBSON, ESQ. C. H. GREGORY, ESQ., or President of the Institute of Civil Engineers for the time being. PROFESSOR HUXLEY, F.R.S., or President of the Geological Society for the time being. DR. LYON PLAYFAIR, C.B., M.P. HENRY THRING, ESQ.</p>
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A.

Her Majesty's Commissioners for the Exhibition of 1851 announce that the first of a series of Annual International Exhibitions of selected Works of Fine and Industrial Art and Scientific Inventions will be opened at South Kensington, London, on Monday, the 1st May, 1871, and be closed on Saturday, the 30th September, 1871.

B.

The Exhibitions will take place in permanent buildings about to be erected, adjoining the arcades of the Royal Horticultural Gardens.

C.

The productions of all Nations will be admitted, subject to obtaining the certificate of competent judges that they are of sufficient excellence to be worthy of exhibition.

D.

The objects in the first Exhibition will consist of the following classes, for each of which will be appointed a Reporter and a separate Committee.

I. FINE ARTS APPLIED OR NOT APPLIED TO WORKS OF UTILITY.

1. Painting of all kinds—in Oil, Water-colours, Distemper, Wax, Enamel, Glass, Porcelain, Mosaics, etc.
2. Sculpture in Marble, Stone, Wood, Terra-cotta, Metal, Ivory, and other materials.
3. Engravings, Lithography, Photography, etc.
4. Architectural Designs and Models.
5. Tapestries, Carpets, Embroideries, Shawls, Lace, etc., shown not as manufactures but for the Fine Art of their design or colour.
6. Designs for all kinds of decorative Manufactures.
7. Copies of ancient Pictures, Mosaics, Enamels, Reproductions in Plaster, Electrotypes, of fine ancient Works of Art, etc.

II. SCIENTIFIC INVENTIONS AND NEW DISCOVERIES of all kinds.

III. MANUFACTURES.

- a. POTTERY of all kinds, viz., Earthenware, Stoneware, Porcelain, Parian, etc., including Pottery used in building; with any new raw materials, new machinery, and processes for the preparation of such manufactures.
- b. WOOLLEN AND WORSTED FABRICS.
With any Raw Produce from new sources or newly prepared, and New Machinery for Woollen and Worsted manufactures.
- c. EDUCATIONAL.
 1. School Buildings, Fittings, Furniture, etc.
 2. Books, Maps, Globes, Instruments, etc.
 3. Appliances for Physical Training, including Toys and Games.
 4. Specimens and Illustrations of modes of teaching Fine Art, Natural History, and Physical Science.

Detailed rules applicable to each of the above classes and lists of the separate trades engaged in the production of objects of manufacture will be issued.

IV. HORTICULTURE.

International Exhibitions of new and rare Plants, and of Fruits, Vegetables, Flowers, and Plants showing specialities of cultivation, will be held by the Royal Horticultural Society in conjunction with the above Exhibitions.

Special Rules for Horticultural Exhibitions will be issued by the Royal Horticultural Society.

E.

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E.

In Classes II and III, producers will be permitted to send one specimen of every kind of object they manufacture, such object being distinguished for novelty or excellence.

F.

The arrangement of the objects will be according to Classes, and not Nationalities as in former International Exhibitions.

G.

One-third portion of the whole available space will be assigned absolutely to Foreign Exhibitors, who must obtain certificates for the admission of their objects from their respective Governments. Foreign countries will appoint their own judges. The remaining two-thirds of the space will be filled by objects produced either in the United Kingdom, or, if produced abroad, sent direct to the building for inspection and approval of judges selected for the British Exhibitors. Objects not accepted for exhibition must be removed according to the notices given, but no objects exhibited can be removed until the close of the Exhibition.

H.

All Exhibitors or their agents must deliver at the building, into the charge of the proper officers, the objects unpacked and ready for immediate exhibition and free of all charges for carriage, etc.;

I.

Her Majesty's Commissioners will find large glass cases, stands, and fittings, free of cost to the Exhibitors, and except in the case of Machinery, carry out the arrangement of the objects by their own officers.

J.

Her Majesty's Commissioners will take the greatest possible care of all objects, but they will not hold themselves responsible for loss or damage of any kind.

K.

Prices may be attached to the objects, and Exhibitors will be encouraged to state their prices. Agents will be appointed to attend to the interests of Exhibitors.

L.

Every object must be accompanied with a descriptive label, stating the special reason, whether of excellence, novelty, or cheapness, etc., why it is offered for exhibition.

M.

Due notice will be given of the days for receiving each class of objects; and to enable the arrangements to be carried into effect, strict punctuality will be required from all Exhibitors, both Foreign and British. Objects sent or brought after the days appointed for their reception cannot be received.

N.

Reports of each class of objects will be prepared immediately after the opening, and will be published before the 1st June, 1871.

O.

Each Foreign country will be free to accredit an official Reporter for every class in which objects made in such country are exhibited, for the purpose of joining in the Reports.

P.

There will be no prizes, but a certificate of having obtained the distinction of admission to the Exhibition will be given to each Exhibitor.

Q.

A Catalogue will be published in the English language, but every Foreign country will be free to publish a Catalogue in its own language if it think fit.

HENRY Y. D. SCOTT, LIEUT.-COL., R.E.,
Secretary.

Office of Her Majesty's Commissioners for the Exhibition of 1851,
5, Upper Kensington Gore, London, W.,
23rd July, 1869.

1870.

NEW SOUTH WALES.

POLYNESIAN IMMIGRATION.

(FURTHER DESPATCH, ETC., RELATIVE TO ALLEGED ABUSES.)

Presented to both Houses of Parliament, by Command.

No. 1.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

Downing-street,
15 September, 1869.

MY LORD,

I have had under my consideration your Lordship's despatch, No. 80, of the 27th May, on the subject of the abuses connected with the introduction of Immigrants into the Fiji Islands.

The whole subject of the traffic which has sprung from the employment of Polynesian labour, will shortly be submitted to the Law Officers of the Crown, with the view of ascertaining the most effectual steps that can be taken for the repression of the evils to which my attention has been called. Meanwhile I need merely state that no advantage would, in my opinion, be gained by sending out at present a Commissioner, who could only investigate facts that are already known to Her Majesty's Government.

You will inform the planters at Fiji, who signed the memorial enclosed in your Lordship's despatch, that whilst Her Majesty's Government are ready to give to Mr. Consul March every power which they can legally confer, to enable him to deal with the case of the immigrants, the Committee and the European community in general can themselves most usefully co-operate with him, both by the establishment of good regulations, and by inviting his assistance in enforcing them.

I have, &c.,
GRANVILLE.

[N.B.—This is one of the enclosures to the Governor's Despatch to the Secretary of State, of 20th March, 1869. See Papers laid before Parliament in Session of 1869.]

No. 2.

THE ACTING CONSUL, FIJI, to GOVERNOR THE EARL OF BELMORE.

British Consulate,
Fiji, 2 February, 1869.

MY LORD,

I have the honor to lay the following matter before your Lordship, upon which I beg to request your Lordship's opinion and advice.

For some months past the heathen natives of Viti Levu have manifested a very aggressive spirit towards their Christian countrymen and European settlers. These latter have, in many cases, recklessly ventured to occupy lands in heathen districts; also, in a few cases they have, by their blustering manners and knaveries, drawn upon themselves the resentment of their aboriginal neighbours. In the exhibition of ill feeling towards settlers, natives are not likely to make distinctions. Owing to the folly of settlers the natives as a whole are well armed.

During the last month (January) the natives of Navua, south coast of Viti Levu, drove from their homes and violently assaulted some British settlers at that place.

I am now informed the natives of Sija Soke River, also on the south coast of Viti Levu, have utterly destroyed the plantations of Messrs. Burt and Underwood, two American settlers, killed their cattle, burnt their cotton, sixty bales of which (worth £1,200) was pressed and awaiting shipment. The members of the establishment mostly escaped, some much wounded, but one at least of the workmen and two of Underwood's children were killed and eaten. Thakobau, the Chief or King of Bau, is quite unable to afford aid to the injured parties; he has no sway or control, as I have long warned settlers, out of his immediate neighbourhood. In my despatch of the 22nd July last I had the honor of stating the same opinion to your Lordship. The settlers are now awakening to the truth of this opinion; and, excited by

sympathy for Messrs. Burt and Underwood, and personal fears, have forwarded a numerous signed address (enclosure A) to Maafu, a Tongese chief, occupying the Island of Vauna Balavu, situated in the windward part of Fiji. Maafu, a man of great energy and ambition, has only been restrained from subjugating Fiji by English and American influence; he is the *bête noir* of Thakobau's existence, and till lately has been the object of intense dislike on the part of Europeans in Fiji. This feeling is principally held and fostered by traders, who find it less easy to secure large profits from the Tongan than the Fijian, owing to the intellectual superiority of the former. This chief, my Lord, who by settlers and others has been threatened, bullied, and loaded with every opprobrious epithet, is now hailed as their saviour and only hope; and, with the title of Majesty, invited to descend upon the Viti Levu, and declare war on account of the Europeans. For years Maafu has waited an opportunity to enter Fiji with a plausible pretext; it has arrived, and if some unforeseen circumstance does not prevent his taking early action very serious disturbances will shortly occur.

Your Lordship will see the extreme danger settlers have drawn upon themselves by this act,—Thakobau, harassed by his American difficulties, defeated at all points in his late war, worried by settlers, and now threatened in a new quarter by the enclosed invitation, may be rendered desperate, and vent his rage upon all whites within his reach.

To counteract the invitation to Maafu, Thakobau has instructed his secretary to invite colonists to emigrate hither as military settlers, and assist in the subjugation of the Viti Levu tribes, whom he terms rebels.

I offer no remark, my Lord, as to the reception of this notice in the colonies, but in this group it is patent adventurous whites, ambitious warlike Tongans, and savage desperate Fijians, are preparing to put, sooner or later, their interests, passions, and rights to the issue of war. I beg leave to enclose copy of notice intended to be made public in the Australian and New Zealand Colonies. (Enclosure B.)*

Having been directed by the Foreign Office to inform His Excellency the Governor of New South Wales of all matters likely to be of interest, I have less hesitation in requesting Your Lordship's advice on a subject, which possibly requiring early notice, precludes the possibility of laying the matter before Lord Stanley, and receiving his instructions in time to avail myself of their contents.

I have, &c.,

JOHN B. THURSTON,
Acting Consul.

[Enclosure A.]

To Maafu, King of the Windward Islands.

Greeting :

WE, the undersigned inhabitants of Rewa and surrounding country have, with great sorrow, heard of the fearful murder and cannibalism committed by the mountaineers of the Upper Siga Soke, together with the total destruction of Messrs. Burt and Underwood's plantation; also, the driving out of the settlers on the Navua, pray that your Majesty may be pleased to listen to our prayer for assistance of you and your warriors, in conjunction with the good chief, Ratu Kini, to bring the mountaineers of the head waters of Siga Soke to peace and subjection; and your Petitioners, feeling every confidence in your power, ability, and humanity, will, as in duty bound, ever pray, &c., &c., &c.

* Copy of Notice omitted from these Documents.

1870.

NEW SOUTH WALES.

APPOINTMENT OF BRITISH VICE-CONSUL IN NEW CALEDONIA.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES TO GOVERNOR THE EARL OF BELMORE.
(Circular.)

Downing-street,
17 December, 1869.

MY LORD,

I transmit to you a copy of a letter from the Foreign Office, announcing the appointment of Mr. John Cruikshank as British Vice-Consul in New Caledonia, and enclosing a copy of the instructions which the Earl of Clarendon has addressed to him on his appointment. 5 Nov., 1869.

I request that you will give Mr. Cruikshank such support as you can properly afford.

I have, &c.,
GRANVILLE.

[Enclosures in foregoing.]

Mr. Spring-Rice to The Under Secretary of State, Colonial Office.

Foreign Office,
25 November, 1869.

SIR,

I am directed by the Earl of Clarendon to request that you will state to Earl Granville that Mr. John Cruikshank has been appointed British Vice-Consul in New Caledonia, and I am to enclose copy of the instructions which Lord Clarendon has addressed to him on his appointment.

I am to request that you will suggest to Lord Granville that this appointment, as well as the nature of the above instructions, should be communicated to the Governors of the Australian Colonies, and that they should be at the same time instructed to give to Mr. Cruikshank such assistance and countenance as they can properly afford.

Mr. Cruikshank will leave for his post at the beginning of next year, proceeding, *via* New Zealand, to New Caledonia, where he will act as the resident partner of Messrs. Gilbert Kerr and Company, of Abchurch-lane.

I am to enclose, for Lord Granville's information, copy of a letter from these gentlemen, calling attention to acts stated to have been committed in the islands of New Caledonia by parties from New Zealand.

I am, &c.,
CHARLES SPRING-RICE.

The Earl of Clarendon to Mr. Cruikshank.

Foreign Office,
25 November, 1869.

SIR,

I have to acquaint you that, having received strong recommendations in favour of your appointment as British Vice-Consul in New Caledonia, I have great pleasure in appointing you to that post.

The usual instructions for your guidance will be forwarded to you in another despatch, but as your appointment is the first which has been made of a British Consular Officer in the island in question, I think it necessary to direct your special attention to the following points :---

You will distinctly understand that you hold your appointment under the express understanding that you have no connection, either direct or indirect, with Missionary societies or enterprises. On this point I am assured by Messrs. Gilbert Kerr & Co., as partners of yours, that you are in a position of entire independence. On your arrival in New Caledonia you will, however, probably be pressed to give your personal and active support to Missionary undertakings, and you will therefore bear in mind the conditions which I have above laid down for your guidance, and from which it is not to be inferred that Her Majesty's Government are indifferent to the success of Missionary efforts, but that they consider that such matters are best left in the hands of the Missionaries themselves, and that the influence and usefulness of Her Majesty's Consul would rather be impaired than increased by any active participation of theirs in Missionary operations.

I have further to acquaint you that in the course of the last two years Her Majesty's Government have received through the French Government complaints from the authorities in New Caledonia, regarding the alleged proceedings of British subjects with a view to carry off from the Colony and from the adjacent islands natives, as so-called "immigrants," for other fields of labour.

These complaints have been extended generally to the alleged breach by British vessels of rules regarding emigration, or the employment of natives, established by the French Government in islands under their Sovereignty or Protectorate.

On this point Her Majesty's Government have informed the French Government that the authorities in the adjacent British Colonies will be directed to discourage, by all proper means, the infraction by British subjects of the regulations in force in French territory for the regulation or suppression of emigration, but that the Colonial Governors have no means of punishing English traders, because they may have broken such regulations. Such regulations must in fact be enforced by the unaided power of the authority which enacts them.

In case of any representation being addressed to you in such matters, you will be guided by the principle thus laid down, bearing in mind that Her Majesty's Government would wish that, as the agent of a friendly Government, you should within these limits show every disposition to support the French authorities. You will furnish me with any information which you can supply as to the nature of the French regulations in question.

A serious question has also arisen in regard to operations undertaken in the Pacific Islands for procuring immigrants to be conveyed to other quarters, such, for instance, as the Fiji Islands; and from the information which has reached this country it is evident that, owing to the unscrupulous conduct of persons engaged in such operations, and to the absence of any effective control, proceedings have been set on foot on an increasing scale, which have given to the operations in question a character differing but little from that of a slave trade. The attention of Her Majesty's Government has in consequence been given to the subject, and the British, Colonial, and naval authorities have been instructed to use their best endeavours to watch the proceedings, and to check and punish illegal enterprises.

This matter must therefore receive your attention, and you will carefully watch any proceedings of a suspicious nature, and warn any British subjects concerned, against embarking in undertakings of doubtful legality. You will also avail yourself of any opportunities which may present themselves for communicating freely on the matter with Her Majesty's Colonial and naval authorities.

I have taken steps to request the Secretary of State for the Colonies, and the Lords of the Admiralty, to direct the officers under their orders to place themselves in communication with you, and to give you every proper countenance and support.

I have only to add, in conclusion, that I shall be glad to receive from you any information which you can supply as to the state of things existing in New Caledonia, as to the resources of the Colony, and as to the progress made in developing them.

I am, &c.,
CLARENDON.

Messrs. Gilbert Kerr & Co. to The Earl of Clarendon.

3, Abchurch-lane,
London, 24 September, 1869.

MY LORD,

We have the honor to address your Lordship in reference to the appointment of a British Consular Agent for the French Colony of New Caledonia, which, we believe, must soon come under the consideration of Her Majesty's Government.

The necessity for some one being appointed to look after British interests in that settlement is shown in the following extract from a letter recently received by us from one of our correspondents in New Zealand, who was then visiting Nowmea, the capital of the Colony. He says:—

"Since I have been here I have seen more than ever the necessity for a British Consul of some sort being resident here. Some three months ago the authorities in New Zealand heard of a man selling ammunition to the Maories on the east coast; a chase was made after him, but he escaped to Norfolk Island; from there he arrived here some days ago in an Auckland schooner with a cargo of cattle; he seemed taken aback at seeing me here, but his surprise did not last when he knew that no official tidings of his doings had reached this. Nobody here can touch him, and he is going back for a second cargo, taking dutiable goods with him, which he will land somewhere. This is a regular resort of smugglers, and without a Consul they can't be stopped."

As no doubt a difficulty may exist in finding a suitable representative, owing to there being no English mercantile house in Nowmea, our chief object in now addressing your Lordship is to advise of our having made arrangements to establish business relations with that port, and to solicit the appointment in favour of Mr. John Cruikshank, who is shortly leaving England to be resident partner.

We can produce ample testimony as to Mr. Cruikshank's character and fitness for the position, and we may further add that we have reason to believe his appointment would give satisfaction to the authorities in New Caledonia.

We have, &c.,
GILBERT KERR & CO.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED CONFERENCE OF THE AUSTRALIAN COLONIES, RELATIVE
TO AN AUSTRALIAN COMMERCIAL FEDERATION.

(LETTER FROM COLONIAL SECRETARY, TASMANIA, RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 8 March, 1870.

THE COLONIAL SECRETARY, TASMANIA, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

(Circular.)

Tasmania.
Colonial Secretary's Office,
18th February, 1870.

SIR,

It will be in the recollection of the Government of New South Wales that towards the close of 1868 Mr. Stafford, then Colonial Secretary of New Zealand, in a circular despatch to the Governments of the Australian Colonies, under date 29th October, 1868, proposed that a conference of delegates should be held in Sydney, for the purpose of considering the Colonial relations of the Australasian Colonies with each other, and with the United States and other foreign countries, as affected by treaties made by Great Britain with Foreign Powers; and to consider and advise upon other cognate subjects of common interest to the collective group of Colonies.

The proposals met with ready acquiescence from the Governments of New South Wales, Tasmania, Victoria, South Australia, and Queensland.

The Government of Queensland suggested that, in addition to the principal subject of deliberation indicated by Mr. Stafford, the delegates should be invited to confer and advise upon the questions of—

The admission into other countries, duty free, or upon such terms as may be agreed upon, of the products of Australia and New Zealand.

The free interchange of products between New Zealand and the Australian Colonies respectively.

The expediency of establishing a uniform tariff for the Colonies, and also Immigration, Ocean Steam Postal Service, Telegraph Extension, Light-houses, Legal Comity, and an Australian Court of Appeal.

To these subjects the Government of South Australia proposed to add the question of the reduction of the Imperial Troops in Australia.

The Government of New South Wales, in reply to Mr. Stafford's circular, "invited the Governments of the other Australian Colonies to express their opinion upon the advisability of adopting the suggestion for a conference of delegates to consider:—

" 1. The introduction of free trade in intercolonial products.

" 2. A uniform tariff. And

" 3. A union of Customs."

The same Government subsequently intimated its intention to propose for discussion at the conference, the question of telegraphic communication with Europe, via India and Java; and further suggested "that the question of the naval defence of the Australasian Colonies, which formed the subject of Earl Granville's circular despatch of the 26th January, 1869, should be referred for discussion to the Conference," and the Government of New Zealand intimated its intention "to bring forward for discussion at the intercolonial conference, the question of paying direct, without the intervention of the Board of Trade, the expenses incurred in one Colony in the relief of distressed seamen belonging to another Colony, as suggested in a despatch from the Secretary of State, Circular No. 2, of 1st May, 1869."

Those preliminary arrangements led to no practical results, and the Government of Tasmania has observed, with sincere regret, that notwithstanding the general recognition of the Australian Governments of the gravity of the questions suggested for their joint deliberations in 1868, the year 1869 has been allowed to close without witnessing the assembly of an intercolonial conference—a project which seemed to promise a sensible enhancement of the commercial prosperity and political importance of the Australasian Colonies.

Impressed with these views, the Government of Tasmania desires to renew the suggestion of combined action on the large and important question of intercolonial commercial relations; and I have now the honor to propose that a conference of accredited representatives of the several Governments of Australia and New Zealand be held in Melbourne in the month of May next, to consider and decide upon the advisability of establishing an Australian Commercial Federation on the basis of a Customs Union, with a common tariff, and a free interchange of products and commodities.

Of all the questions hitherto proposed for the consideration of an Australasian Conference, that of a Customs Union with intercolonial free trade is unquestionably the most important, and the most likely, at this moment, to combine the suffrages of the Governments and Legislatures of the several Colonies.

I am inclined to think it is not desirable to complicate the discussion, or jeopardize the settlement of that question, by formally referring to the conference now proposed other subjects of common interest on which from whatever causes a considerable difference of opinion is known to prevail, or would probably be provoked.

At the same time the various questions of common Australasian concern that were suggested for discussion at the conference projected by Mr. Stafford, still demand the joint deliberation of the Governments of Australia and New Zealand, and the conference, now proposed, might be thought a favourable opportunity for dealing with them. It would therefore be well that these questions should not be formally excluded from consideration by the delegates, who, being members of the respective Governments represented, would be fully empowered to confer and advise upon all such matters without any special authorization.

But the question of Customs Union should, I think, be deemed the first and principal object of the conference.

It will scarcely be denied that the commercial and producing interests of the Australasian Colonies demand the recognition of the collective group by the Imperial Government as a geographical unit for all purposes of Customs revenue.

That recognition would, at once, free the colonies from the restrictions imposed upon their fiscal legislation by the existing Imperial veto on differential duties, and would also permit the establishment of a system of mutual interchange amongst themselves, free of all duties of Customs on their respective natural products, and on all manufactured commodities imported into any of them from Great Britain or Foreign countries.

I deem it superfluous to enlarge upon the beneficial effect such a system would be likely to produce upon the foreign commerce and domestic industry of the federated colonies, or to point out how seriously and inconveniently those advantageous results would be inevitably lessened by any combination that failed to comprise the whole group.

The despatch, addressed by the Duke of Buckingham to the Governor of New South Wales, under date 7th January, 1868, announces "that Her Majesty's Government would gladly aid in the establishment of a Customs Union, comprising all the adjacent Australian colonies, and providing for an equitable division of the Customs duties and for a uniform tariff as between Australia and other countries or places."

More recently Lord Granville's circular despatch of the 8th September, 1869, conveys the assurance that Her Majesty's Government "have every desire to encourage the combined action of any of the colonies in furtherance of their wishes and interests."

There would, consequently, seem to be no reason to apprehend that any difficulty would be experienced in securing the sanction of Imperial legislation to measures designed to unite these colonies in a commercial federation.

I trust that the Governments of Australia and New Zealand will be willing to adopt this suggestion of a conference for the special object of bringing about commercial federation and intercolonial free trade.

At such a conference the Government of Tasmania will be prepared to submit a proposal that the revenue derived from the collection of Customs' duties on a uniform tariff throughout the Union, should be paid into a common fund or federal exchequer, to be periodically distributed amongst the colonies rateably in proportion to the population of each, as ascertained by the last, or next, and each succeeding decennial census, or by such other means as the conference may decide upon.

Melbourne, from its central position, seems the most suitable locality for the conference, and I beg to name the 2nd of May next as the most convenient period for the first meeting of the delegates, as during that month no Australian Legislature is likely to be in session.

I beg to invite your serious attention to the subject matter of this communication, and to request the favour of an early reply.

I have, &c.,
JAMES MILNE WILSON

1870.

NEW SOUTH WALES.

EMIGRATION FROM THE UNITED KINGDOM.

(DESPATCH.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES TO THE OFFICER ADMINISTERING THE GOVERNMENT OF
NEW SOUTH WALES.

(Circular.)

Downing-street,
14 February, 1870.

MY LORD,

The distress prevailing among the labouring classes in many parts of the United Kingdom has directed public attention to the question of emigration as a means of relief. It has been urged on Her Majesty's Government, that while there are in this country large numbers of well-conducted industrious labourers for whom no employment can be found, there exists in most of the Colonies a more extensive demand for labour than the labouring class on the spot can supply. The result of emigration would therefore, it is said, be equally advantageous to the emigrant and to the Colonies: to the former, by placing him in a position to earn an independence; to the latter, by supplying a want that retards their progress and prosperity.

Under these circumstances, Her Majesty's Government are anxious to be furnished with your opinion as to the prospects which the Colony under your government holds out to emigrants, both of the agricultural and the artisan class. I am aware that in 1863, at the time of the Lancashire distress, the late Duke of Newcastle addressed a similar inquiry to the Governor of _____ but the circumstances of new countries change so rapidly that the answer returned to his inquiry at that time may probably not represent the facts of the case now. His Grace's inquiry, moreover, had reference to a class of people whose previous occupations were not calculated to fit them for the life of a Colony; while a large proportion of those now out of employment are men who have been accustomed to hard out-door labour. I do not feel, therefore, that the particulars then obtained can be regarded as supplying the information we are now desirous of procuring.

The points on which we should be specially desirous of receiving information are,—the classes of labourers whose labour is most in demand in the Colony under your government—the numbers for whom employment could be found—the probable wages they would earn—whether married men with families could obtain wages to enable them to support their families and house accommodation for their shelter—what assistance or facilities would be provided to pass the emigrants to the districts where their labour is in demand—and whether any pecuniary assistance would be granted, either towards their passages, or towards providing depôts and subsistence on their first arrival, or towards sending them up to the country. I should be glad, also, to be furnished with any additional particulars and observations which your knowledge of local circumstances may suggest as likely to be useful.

I have, &c.,
GRANVILLE.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SILVER CURRENCY OF THE COLONY.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 6 April, 1870.

SCHEDULE.

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No. 1.

THE COLONIAL TREASURER TO THE EARL OF BELMORE.

The Treasury,
Sydney, 27 August, 1869.

MY LORD,

I have the honor to inform your Excellency that complaint has been made to me by the Commercial Banking Company of this city, in reference to the state of the silver currency in this Colony; the coins at present in circulation being represented as to a considerable extent worn out and defective.

I take leave to enclose herewith specimens left with me by the Secretary of the Bank, together with others taken from the Treasury chest; and I am given to understand that the shopkeepers and others find it difficult to pass silver coin similarly worn out and defaced, which it is stated bears a large proportion to that of legible impressions and recent dates.

Having regard to the fact that the renovation by the Mint authorities of the *copper* currency has already been attended with the best results, and inasmuch as the condition of the *silver* currency seems to warrant the complaints that have been made with reference to it, it would appear that the time has arrived when the same might be improved with advantage, by the introduction of a supply of new coin of the respective denominations.

The ready acquiescence of the Lords of Her Majesty's Treasury in the application of this Government in the former case leads me to trust that in the latter equally satisfactory arrangements might be made. By such means the Imperial silver currency in this, and eventually in the adjacent Colonies, would be restored to a sounder footing, and acquire a more uniform character.

Before, however, entering upon details, I would, if your Excellency approve, suggest that reference might be made to the Deputy Master of the Mint upon the subject.

I have, &c.,
SAUL SAMUEL.

MEMORANDA UPON THE FOREGOING.

(No. 1.—*Minute of His Excellency the Governor.*)

THE Deputy Master of the Mint will please to report upon this letter.—27/8/69, B.

(No. 2.—*Minute of the Deputy Master of the Mint, in reply.*)

THE silver currency at home is maintained in a healthy condition through the agency of the Bank of England, which withdraws from circulation the worn and defaced coins, and sends them into the Mint for recoinage, receiving also and sending into circulation the new coin. It is possible, as suggested by the Colonial Treasurer, that the Imperial Government might be induced to extend similar benefits to this Colony, in which case the presence of a Branch of the Royal Mint might perhaps be considered to afford facilities such as are obtained in London through the Bank of England.—C.E., 28/8/69.

(No. 3.—*Lord Belmore's Minute upon the same.*)

THE Colonial Treasurer.—Shall I make any application home?—B., 28/8/69.

(No. 4.—*The Colonial Treasurer's reply.*)

I SHALL be glad if His Excellency will make an application to the Imperial Government to send to the Colony sufficient silver coin to replace that now in circulation which is worn and defaced.—S.S., 31/8/69.

No. 2.

THE EARL OF BELMORE to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 129.)

Government House,
Sydney, 3 September, 1869.

MY LORD,

I have the honor to inform your Lordship that, in a communication dated the 27th ultimo, the Colonial Treasurer informed me that complaint has been made to him, by the Commercial Banking Company of this city, in reference to the state of the silver currency in this Colony, "coins at present in circulation being represented as to a considerable extent worn out and defective."

2. Mr. Samuel at the same time enclosed (forwarded herewith) specimens left with him by the Secretary of the Bank, together with others taken from the Treasury Chest; and he was given to understand that "shopkeepers and others find it difficult to pass silver coin similarly worn out and defaced, which it is stated bears a large proportion to that of legible impressions and recent dates."

3. Mr. Samuel further observes that "the renovation by the Mint authorities of the copper currency has already been attended with the best results; and inasmuch as the condition of the silver currency seems to warrant the complaints that have been made with reference to it, it would appear that the time has arrived when the same might be improved with advantage by the introduction of a supply of new coin of the respective denominations."

4. Upon receipt of this letter I drew the attention of the Deputy Master of the Mint to it, who has furnished me with the following Report:—

"The silver currency at home is maintained in a healthy condition through the agency of the Bank of England, which withdraws from circulation the worn and defaced coins, and sends them into the Mint for recoinage, receiving also and sending into circulation the new coin. It is possible, as suggested by the Colonial Treasurer, that the Imperial Government might be induced to extend similar benefits to this Colony, in which case the presence of a Branch of the Royal Mint might perhaps be considered to afford facilities such as are obtained in London through the Bank of England."

5. I have communicated the Deputy Master's Report to the Colonial Treasurer, who has now requested me "to make application to the Imperial Government to send to the Colony sufficient silver coin to replace that now in circulation which is worn and defaced."

I have, &c.,
BELMORE.

No. 3.

THE EARL OF BELMORE to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 160.)

Government House,
Sydney, 18 October, 1869.

MY LORD,

With reference to my Despatch, No. 129, of 3rd September, 1869, I have the honor to enclose a paragraph extracted from the *Empire* newspaper of the 14th instant, showing the public inconvenience experienced here by the present defaced and worn state of the silver coinage.

I have, &c.,
BELMORE.

[Enclosure

[Enclosure in No. 3.]

EXTRACT from *Empire*, 14th October, 1869.

"MUCH inconvenience has already been felt at the refusal on the part of some of our public institutions to accept shillings, half-crowns, and sixpences, that have become smooth through constant use. At the Post Office the officials object to the coinage to a greater extent than anywhere else; but at some of the Banks and other public places of business the silver is strictly scrutinized, and objections are often taken to what is tendered. The places of worship have perhaps been the greatest sufferers as yet by the halt in the circulation of silver. At St. Andrew's Cathedral, we are informed, the Churchwardens are in possession of many pounds' worth of silver, received upon the plate, which cannot be put into circulation; and other churches and chapels have in all likelihood been similarly enriched. There is no doubt that something should be at once done to prevent the inconvenience which the stoppage of a large amount of the silver circulation will otherwise be productive of. The directors of public institutions and others who refuse to take current coin because it is much worn, act, in our opinion, in a most unwise and censurable manner. There can be no doubt means will be taken at no distant date to retire the over-used coins without loss to the holders; and until arrangements are made for that purpose all ordinary coin ought to pass current.

"We believe that much of the present inconvenience is occasioned by a number of designing persons who offer to take the worn shillings at ninepence each, and other coins at a proportionate value. If this kind of thing is promoted by the over-scrupulousness of the Banks in taking worn coin, much fraud will eventuate from it. Those unscrupulous individuals who buy at ninepence will ever be attempting to quit at twelpence, and thus the unwary will be victimized. All respectable business people ought to discountenance these things, and continue to take as usual all coins not clipped or defaced purposely, but reduced by ordinary wear. The Government Offices in particular should not set an example which may serve the ends of dishonest people and lead to much public inconvenience."

No. 4.

THE SECRETARY OF STATE FOR THE COLONIES TO THE EARL OF BELMORE.

(No. 6.)

Downing-street,
24 January, 1870.

MY LORD,

I have to acknowledge the receipt of your Lordship's Despatches, No. 129, of 3rd September, and No. 160, of 18th October, representing the inconvenience caused in New South Wales by the defaced state of the silver coinage.

I directed your Despatches to be referred to the Lords Commissioners of the Treasury; and I transmit to you, for your information, a copy of a Report which their Lordships have communicated to this ^{3rd December, 1869,} department from the Deputy Master of the Mint, with a copy of the instructions which they have addressed ^{10th January, 1870,} to the Bank of England.

I have, &c.,
GRANVILLE.

[Enclosures in No. 4.]

Mr. Fremantle to The Secretary to the Treasury.

Royal Mint,
3 December, 1869.

Sir,

In returning the letters from the Bank of England and the Colonial Office referred to this department by your orders of the 20th and 26th ultimo, I have the honor to make the following observations.

Both the Commercial Bank of Sydney and the Governor of New South Wales prefer a request that the Imperial Government will supply that Colony with silver coins in exchange for the existing silver currency, which has become much worn by use; and I would submit that, as no authority has been given to the Branch of the Royal Mint at Sydney to coin silver, a supply of silver money from this country offers the only means of reintegrating the silver currency of the Colony, and that the Bank of England should be authorized therefore to receive silver coin on the application of the Agents for the Government of New South Wales, on the same conditions as those under which it receives it from persons resident in this country.

The result of this arrangement will no doubt be to increase the loss incurred by the Imperial Government on the receipt of worn silver, which now amounts to £15,000 a year.

One point of difference is to be noticed between the application of the Government of New South Wales and that of the Commercial Bank of Sydney. The former requests that sufficient silver coin may be "sent to the Colony to replace that which is now in circulation," whereas the latter suggest that "as it would not be worth the trouble and expense of shipping the worn coinage from the Colony, merely to exchange it for the current silver circulation of this country—two or three thousand pounds monthly in new silver should be supplied" for the use of the Colony.

Upon this point I would remark that it would be difficult, if not impossible, for the Bank of England to guarantee that new coin shall in all cases be given in exchange for worn silver; and I submit that, while granting the Colony the same privileges as those enjoyed by the home community, the Imperial Government should not restrict the discretion of the Bank of England as to whether the silver issued by them for transmission to Sydney should or should not consist entirely of new coins.

I am, &c.,
C. W. FREMANTLE.

Mr. Law to The Governor and Deputy Governor of the Bank of England.

20,089.

Treasury Chambers,
10 January, 1870.

Gentlemen,

The Lords Commissioners of Her Majesty's Treasury have had before them your letter of the 30th October last, enclosing a copy of a communication received from the London Manager of the Commercial Bank of Sydney, inquiring whether the Bank of England would receive £1,000 or £2,000 monthly in worn silver coins to be withdrawn from circulation in New South Wales, and give in exchange an equal amount in new silver coin.

In reply, I am to acquaint you that it appears to their Lordships to be desirable that the usual facilities for the exchange of worn and light silver coins should be afforded to the Agents of the Australian Banks who may present at the Bank of England such worn or light silver for exchange (the Bank or the Colonial Government undertaking the cost of its transport to and from the Colony), but that their Lordships must leave it to your convenience to supply the applicants with new coin, or with old coin legally current.

I am, &c.,
WM. LAW.

No. 5.

No. 5.

MINUTE OF THE COLONIAL TREASURER.

REFERRING to the Despatch from the Secretary of State for the Colonies, No. 6, of 24th January last, and its enclosures, on the subject of replacing defaced coin in this Colony, I desire to call attention to the fact that it is not therein stated that the request made by the Government of this Colony, through me, on the 27th August, 1869, will be complied with; and I would again respectfully urge the necessity of some steps being taken to obviate the serious inconvenience felt by the public here, owing to the depreciated condition of the silver coins in circulation. What really is required is that, as in the case of the copper coinage, a supply of perfect coins should be sent to replace those in circulation, which cannot be otherwise withdrawn.

The application of the Commercial Bank of Sydney, mentioned in the despatch, was not made with my knowledge.

I shall feel obliged if His Excellency the Governor will renew my request of August last, to the Imperial Authorities, by the outgoing mail.

SAUL SAMUEL.

25 March, 1870.

No. 6.

THE EARL OF BELMORE TO THE SECRETARY OF STATE FOR THE COLONIES.

(No. 45.)

Government House,
Sydney, 25 March, 1870.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 6, of 24th January, 1870, in reply to my application, at the instance of the Colonial Treasurer, to the Imperial Government, for a supply of silver coin to be sent out to this Colony.

2. Mr. Samuel does not consider that the arrangements proposed by Mr. Fremantle would meet the necessities of the case, and has forwarded to me a Minute Paper, which I beg to enclose, in which he renews the request made by him in the first instance.

I have, &c.,
BELMORE.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RULES OF COURT.

(10 AND 18 NOVEMBER, 1869, AND 9 MARCH, 1870.)

Ordered by the Legislative Assembly to be Printed, 31 March, 1870.

In the Supreme Court of New South Wales.
Wednesday, the 10th day of November, 1869.

REGULÉ GENERALES.

STANDING RULES.

THE following Additional Rules are hereby established for the despatch of business in the Supreme Court, after the present year :—

Motions Nisi for New Trial.

1. All Causes in which the usual Memorandum has been filed of a Motion *Nisi* for a New Trial, shall be entered in a separate List, in the order of filing; and be called on in that order, at the sitting of the Court, on every day in Term (including the first) until disposed of.

Filed Memorandum always necessary.

2. A filed Memorandum shall in all cases be necessary, under the Rules of the 19th August, 1861; the Rule made on the 24th November, 1864, notwithstanding.

Where Parties not ready to proceed.

3. Every case so called on, in which no Counsel shall move in pursuance of such Memorandum, shall (unless the Court thinks fit to extend the time) be struck out of the paper—with leave to the adverse Party to sign Judgment. And the like, where a Rule *Nisi* has been granted and the Moving Party is not prepared to proceed.

Moving Party to begin.

4. Every Rule *Nisi* for a New Trial shall be entered in the Term Paper, and called on in the order in which it was granted; and the Moving Party shall in all cases begin, and the Party showing cause follow—one Counsel having the reply.

Precedence of Certain Business.

5. Motions *Nisi* for New Trials will on every day, except Friday have precedence of all other business. On *Fridays*, Criminal and Crown cases will have precedence, and then Motions. On *Tuesdays*, Motions will have precedence; but by leave of the Court, Common Motions may be taken on any day.

Other Business when taken.

6. On every day in Term, subject to the preceding Rule, all matters in the Term Paper for argument shall be entered, and called on and heard, in the order of their date.

Rules Nisi generally.

7. Rules *Nisi* for New Trials will be classed under the last preceding Rule. All other Rules to show cause (unless the Court shall otherwise order), will be entered for and heard on some Tuesday of Friday only.

Repeal of certain Rules.

8. The following Rules of this Court are, after the 31st December next, repealed. The 7th, 9th, and 11th of the Rules made on the 19th day of August, 1861,—the Rule made on the 24th day of November, 1864,—and the 4th, 5th, and 6th of the Rules made on the 18th day of November last.

ALFRED STEPHEN, C.J.
JOHN F. HARGRAVE.
ALFRED CHEEKE.
PETER FAUCETT.

Wednesday, the 18th day of November, 1869.

REGULE GENERALES.

DESPATCH OF COURT BUSINESS.

THE following Rules are hereby established, for the despatch of business in the Supreme Court, after the present year :—

Terms, Sittings for Causes, &c.

1. The Terms of the Court, and the Holidays and Vacations to be observed therein, together with its Sittings for Causes, for the Gaol Delivery at Darlinghurst, and for Equity and Insolvency Appeals, shall, in every year, be those mentioned in the Law Almanac for that year.

Special Days for Certain Business.

2. Provided that Appeals in Equity and Insolvency, and Demurrers and Special Cases may be heard on such additional days as any two of the Judges shall appoint.

Equity Appeals.

3. After the disposal of Equity Appeals, on any of the days appointed for that purpose, such other business will be taken as the Judges or any two of them may direct.

Sittings in Equity, &c.

4. The Primary Judge will sit, in and out of Term alike, on every Tuesday, Wednesday, and Friday;—except on the first Tuesday and Wednesday in Term, and on Equity Appeal days, and during the Judge's absence on Circuit.

Ecclesiastical Matters, &c.

5. On Wednesdays in Term, Ecclesiastical Matters, and Matters which may (by 22 Vic., No. 14) be heard before one Judge, will be taken *exclusively*. On Wednesdays out of Term, those Matters will have precedence only.

The Like.

6. Ecclesiastical Motions and Matters, and applications to a Judge or the Court in Insolvency (Appeals excepted), whether in or out of Term, will be taken by the Primary Judge only.

Fines and Estreats.

7. All Schedules of Fines, and Estreated Recognizances, shall be returnable on some Friday in Term, at 10 o'clock; to be then heard before the Primary Judge.

Chamber Business.

8. Chamber Business will ordinarily be taken on Tuesdays and Fridays, at 10 o'clock, in Term and out of Term alike. Provided that a Summons may be returnable on any other day by order of a Judge.

The Like.

9. No chamber application will be entertained on any day, in or out of Term (except in cases of emergency), after 1 o'clock.

Saturdays.

10. There will be no Sitting of the Court in Sydney (except for the trial of Prisoners, and except the last day of Term) on any Saturday. Provided that any Argument or Trial, not concluded on Friday, may be continued on Saturday, if the Court or Presiding Judge shall think fit.

Jury Causes.

11. The days for setting down and trying Causes, whether in the Jury Court or Banco Court List, shall be those specified in the Law Almanac, and prescribed by the 5th, 6th, and 7th of the Rules made on the 23rd day of February, 1856.

Juries of Twelve.

12. Provided that Causes for Trial by Juries of Twelve (whether Special or Common Jurors) shall be set down for such days only as the Prothonotary shall in each case direct.

Unconcluded Causes.

13. Any Cause, not concluded on the last day of the Sittings, may be continued on such day or days as the Presiding Judge shall think fit.

Transferring Causes.

14. Causes, on the List of either Court, may be transferred to the List of the other (for those Sittings only), by order of two Judges, for trial on any day not earlier than two clear days following, nor being before the day for which the Cause was first entered.

Remanets Generally.

15. Remanets from any Sitting will have precedence over other Causes; and shall be set down by the Prothonotary, each according to its appropriate List, for the next Sittings.

Causes on Circuit.

16. Causes for trial in the Circuit Courts, respectively, shall be entered for the days specified for that purpose in the Law Almanac.

Cases reserved on Circuit.

17. Special Cases reserved on any Criminal Trial, on Circuit, shall be set down for hearing in Sydney (unless a Judge shall otherwise order) on the first *Friday* of the next Sittings for Causes.

Midsummer

Midsummer Vacation.

18. Except for the purposes specified in the next Rule, no business will be taken in the month of *January*; nor shall any Pleading be then filed or delivered, or Proceeding be commenced, without leave of a Judge; nor shall Time run at Law or in Equity.

Vacation Business.

19. Provided that Summonses, in case of emergency, may be returnable in Chambers on any *Friday*; and that Causes may be set down, and Notices of Trial and to admit or produce Documents be given; and all Writs may be issued, executed, and returned, and all necessary Proceedings be taken for the purposes of an Appeal, and for obtaining or dissolving any injunction.

The Like.

20. The 21st Rule will not apply to the *July* Vacation, nor to any portion of the *Midsummer* Vacation, except *January*. But Summonses in Chambers will, during both Vacations, be returnable on *Fridays* only.

In the Supreme Court of New South Wales.

Wednesday the 9th day of March, A.D. 1870.

THE undermentioned Attorneys and Solicitors of this Court are hereby appointed a Board for conducting the examination during the present year of clerks seeking admission to practice as Attorneys, namely:—

George Swinnerton Yarnton,
John Dawson,
Eyre Goulburn Ellis,
Thomas Salter, and
Edward Manby,—

Of whom any three shall be a quorum.

ALFRED STEPHEN.
JOHN F. HARGRAVE.
ALFRED CHEEKE.
PETER FAUCETT.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ORDER IN COUNCIL--ALTERATION IN SCALE OF FEES.)

Ordered by the Legislative Assembly to be Printed, 2 March, 1870.

ORDER IN COUNCIL.

At Government House,
Sydney, 9 February, 1870.

PRESENT:—

His Excellency the Governor,
The Honorable the Vice-President,
The Honorable the Colonial Treasurer,
The Honorable the Secretary for Lands,
The Honorable the Postmaster General, and
The Honorable Robert Owen.

WHEREAS by an Act passed by the Parliament of New South Wales in the 22nd year of the reign of Her present Majesty, and intituled "An Act for establishing District Courts and for enabling the Judges thereof to Act as Chairmen of Quarter Sessions," it was enacted by the 42nd clause thereof that it should be lawful for His Excellency the Governor, with the advice of the Executive Council, from time to time, to alter the Scale of Fees mentioned in the Schedule to the said Act, in any particular: Provided that no such alteration "shall come into operation until the expiration of one month after the same shall have been notified to both Houses of the Parliament of the Colony and that no such alteration shall take effect if within such period either House of Parliament shall by an address to the Governor signify its dissent therefrom." And whereas it appears to the Governor and Executive Council to be expedient and necessary to alter the said Scale of Fees in certain particulars: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth by this present order authorize and direct the following alterations in the Scale of Fees stated in the Schedule to the said Act, that is to say:—

"The mileage fee payable in respect of the service of any summons or subpoena, for every mile beyond two miles from the Court House of any district other than Sydney, shall be sixpence in lieu of threepence.

"The fees for the service of every summons and subpoena shall be transferred from the Schedule of 'Court Fees' to the Schedule of 'Bailliff's Fees.'" And the Honorable the Colonial Secretary shall give the necessary directions herein accordingly.

ALEX. C. BUDGE,
Clerk of the Council.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.
(APPOINTMENT OF CLERK OF THE BENCH AT TUMUT TO THE MAGISTRACY.)

Ordered by the Legislative Assembly to be Printed, 8 March, 1870.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 4 March, 1870, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of the letter addressed to His Excellency the Governor, from
“ certain Magistrates of the Tumut District, as to the appointment of the
“ Clerk of that Bench to the Magistracy.”

(*Mr Wilson.*)

ADMINISTRATION OF JUSTICE.

THE BENCH OF MAGISTRATES, TUMUT, to GOVERNOR THE EARL OF BELMORE.

Tumut, 13 September, 1869.

MY LORD,

We beg most respectfully to lay the following facts before your Excellency, regarding a matter which deeply affects the administration of justice in this district.

We have observed with much astonishment a notice in the Government Gazette of Friday last, the 10th instant, to the effect that Mr. John Francis Blake, C.P.S. here, has been appointed a Justice of the Peace for the District of Tumut.

We regret that we feel it to be a duty incumbent upon us as the Bench of Magistrates for the District, to apprise your Excellency of the fact that Mr. Blake is an uncertificated insolvent, having, about three years ago, while a resident here, filed his schedule, and that consequently he would in his new position as Magistrate be called on to decide cases between his creditors and others. We therefore humbly beg to submit to your Excellency that, for the above and other apparent reasons, Mr. Blake's acting as a Magistrate would be an example highly injurious in its effect to this District; that the standing of the Bench would be lowered; and that, in fact, we fear it might tend to raise doubts as to the due administration of justice.

And we also would most respectfully submit to your Excellency that it is our conscientious opinion (and one shared in, we believe, by the majority of the residents of this District) that Mr. Blake lacks to a painful degree the intelligence and ability requisite to discharge with efficiency the duties of a Magistrate.

We have, &c.,

L. MANDELSON, J.P.
EDWARD O'MARRA, J.P.
GEO. W. SHELLEY, J.P.
J. B. SHARP, J.P.
E. G. BROWN, J.P.

P.S.—Angus Rankin, Esq., J.P., the remaining member of the Bench, is unable to sign this communication, being at the Merrool Creek, 200 miles from Tumut.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PETITION—CERTAIN INHABITANTS OF NEW SOUTH WALES.)

Ordered by the Legislative Assembly to be Printed, 18 March, 1870.

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

The humble Petition of the undersigned Inhabitants of the Colony of New South Wales,—
SHOWETH :—

That great dissatisfaction exists in the minds of the community at large on the subject either of the Criminal Law or of its administration, as regards the lenity of the sentences recently passed on various grades of criminals, and the great contrast between the degree of punishment inflicted by the different Supreme Court and other Judges, for offences of a like nature.

That in illustration of the grounds of the dissatisfaction referred to, your Petitioners beg to adduce the following instances :—

That at the Armidale Circuit Court, holden in the month of October last, Thomas Vivers was found guilty of cattle-stealing, that the prisoner was proved to be a man of wealth, yet to have been, nevertheless, in the habit of committing similar offences. His Honor, Mr. Justice Cheeke, in sentencing the prisoner, stigmatized the offence as “a gross act performed in the light of day, in the presence of servants, and by their aid,” yet inflicted a punishment of only two years imprisonment without hard labour.

That at the recent Circuit Court at Queanbeyan, Moses Joseph was found guilty of cattle-stealing, that the facts of the case bore a striking similarity to those of the last-mentioned case, both as regards the affluence of the prisoner and the mode of committing the offence ; yet the sentence passed on the prisoner by the presiding Judge was that of eight years imprisonment with hard labour.

That at the sittings of the Central Criminal Court holden at Darlinghurst in the month of November last, John Clark was indicted for the wilful murder of his wife ; that the facts of the case disclosed conduct of gross violence and brutality on the part of the prisoner, that he was found guilty of manslaughter, and that His Honor Mr. Justice Cheeke, after commenting in severe terms on the aggravated nature of the crime, sentenced the prisoner nevertheless to only three years imprisonment with hard labour.

That at the same sittings John Mason was indicted for the wilful murder of Elizabeth Moore ; that the facts disclosed the most brutal treatment of the deceased by the prisoner, without any apparent provocation ; that the prisoner was found guilty of manslaughter, yet that His Honor Mr. Justice Cheeke sentenced him only to twelve months imprisonment with hard labour.

That at the same sittings and at the same time an old and decrepit man named Arthur Gore, standing in the same dock with the last two named prisoners, was sentenced to three years imprisonment with hard labour, for the crime of stealing in a dwelling-house goods of the value of five pounds, without personal violence.

That at the same sittings, Denis Mackinlay, Patrick Mackinlay, James Rogers, George O'Brien, Alexander Shaw, and James Bourke, were indicted for conspiring to defraud the creditors of Denis and Patrick Mackinlay, and found guilty of the charge ; that the facts of the case disclosed a deeply premeditated and carefully executed design to abstract property of the value of six thousand pounds and upwards from the estate of the insolvents, and previously to insolvency, to defraud various merchants in the city to the amount of several thousand pounds ; that the prisoners with the exception of James Bourke were all found guilty, yet were sentenced by His Honor Mr. Justice Cheeke to only two years imprisonment without hard labour.

That at the same sittings Denis Mackinlay was indicted for fraudulent insolvency, and found guilty ; that the circumstances of the case disclosed an elaborate and carefully laid plan of fraud, commencing many months before the insolvency, and involving gradual and protracted execution ; that the prisoner contemplated and almost effected the secretion of property in goods and money to the extent of from seven thousand to ten thousand pounds ; yet on being found guilty, His Honor Mr. Justice Cheeke sentenced him to only three years imprisonment without hard labour.

That at the same sittings George O'Brien and James Rogers were indicted for fraudulently receiving goods in the same estate, and under the circumstances already disclosed, yet that His Honor Mr. Justice Cheeke passed only a similar sentence upon them to that passed on Denis Mackinlay for fraudulent insolvency.

That at the same sittings Alexander Shaw was indicted for arson of the ship "Snowbird," and found guilty; that His Honor Mr. Justice Faucett, on passing sentence, stated that as the prisoner had already received sentence of two years in the conspiracy case, which crime he considered was substantially included in that of which he was then found guilty, he would only pass a similar and concurrent sentence and passed such sentence accordingly, thereby in effect passing no sentence whatever, for a crime but recently punishable as a capital offence; and further justifying the inference that if a man conspires to defraud, and in execution of his original design, commits a most heinous offence, such as murder, he neither aggravates his guilt nor enlarges his liability to punishment.

That the measure of punishment awarded in all of the above cases, with the exception of that of Moses Joseph and Arthur Gore, is wholly inadequate to answer either of the acknowledged ends for which punishment is inflicted,—the amendment of the offenders or precaution against future offences; that such sentences act as an inducement to crime, lower the tone of morality, subvert the very foundations of society, and bring the administration of justice into contempt.

Your Petitioners therefore humbly pray that your Honorable House will take the above facts into your consideration, and cause such steps to be taken as shall obviate a recurrence or continuance of the evils complained of.

And your Petitioners will ever pray, &c.

Dated this day of , 1870.

[Here follow 751 Signatures.]

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(STATISTICS OF GAOLS AT ALBURY, YASS, AND BERRIMA.)

Ordered by the Legislative Assembly to be Printed, 31 March, 1870.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 18 March, 1870, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House, a Return showing,—

- “ (1.) The average number of male and female Prisoners confined in the Gaols at Albury, Yass, and Berrima, respectively, during the four months ending 28th February, 1870.
- “ (2.) The number of Officers employed in each of such Gaols during the same period (including Visiting Justices and Visiting Surgeons), and the salary and emoluments of each such Officer or employé.”

(Mr. Fitzpatrick.)

ADMINISTRATION OF JUSTICE.

AVERAGE daily number of Male and Female Prisoners confined during the four months ending 28th February, 1870.

Gaol.	Male.	Female.
Albury	30	{ 1 for 2½ months. Nil „ 1½ „ 8 Nil.
Yass	26½	
Berrima	96½	

PARTICULARS of Officers employed in each of such Gaols during the above period.

Office.	Albury Gaol.		Yass Gaol.		Berrima Gaol.	
	No.	Rate.	No.	Rate.	No.	Rate.
		£ s. d.		£ s. d.		£ s. d.
Visiting Justice .....	...	.....	1	50 0 0	1	75 0 0
Visiting Surgeon	1	40 0 0	1	50 0 0	1	200 0 0
Gaoler	1	140 0 0	1	140 0 0	1	200 0 0
Matron	1	20 0 0	1	20 0 0	1	42 0 0
Clerk and Schoolmaster .....	...	.....	...	.....	1	150 0 0
Chief Warder .....	...	.....	...	.....	1	7/6 per day.
Senior Warder .....	...	.....	...	.....	1	6/9 „
Warders	4	0 6 6	4	0 6 6	16	6/6 „
Chaplain, Church of England .....	...	.....	...	.....	1	100 0 0
Do. Roman Catholic .....	...	.....	...	.....	1	100 0 0

GEORGE F. WISE,
Sheriff.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(TRIALS AND COMMITTALS IN THE RIVERINE DISTRICT.)

Ordered by the Legislative Assembly to be Printed, 25 March, 1870.

RETURN (*in part*) to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 16 March, 1869, that there be laid upon the Table of this House,—

“ A Return, shewing the number of Committals by the Benches of Magistrates at Wentworth, Moorna, Euston, Menindee, Wilcannia, and Balranald, during the past five years, showing, in each case, the nature of the offence, place of trial, and cost thereof to the Colony; also, a similar Return of the number of Civil Causes tried at the Circuit Court and District Court, Deniliquin, during the same period, in which the parties thereto were residents of the Balranald Electorate.”

(*Mr. Phelps.*)

ADMINISTRATION OF JUSTICE.

THE PROTHONOTARY OF THE SUPREME COURT TO THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Supreme Court Office,
4 August, 1869.

SIR,

In pursuance of your letter of the 24th June last, I do myself the honor to forward herewith the enclosed nominal return of the number of Civil Causes tried at the Circuit Court, Deniliquin; I beg to state that there was no Circuit Court held at Deniliquin prior to January, 1866, and the last was held in April of the present year.

Whether the parties were actually residents of the Balranald Electorate I am unable to say; but I have set forth in the return the residences of the plaintiffs and defendants, as far as the papers in the causes will show.

That fact may be ascertained upon reference to the Electoral Roll.

I remain, &c.,

D. B. HUTCHINSON,
Prothonotary.

RETURN, showing the number of Civil Causes tried at Deniliquin during the Circuits commencing in January, 1866, and ending in April, 1869.

Plaintiffs.	Residence.	Electorate.	Defendants.	Residence.	Electorate.	Nature of Action.
Henry Geo. Lane	Henry Ricketson .....	.....	.....	Slander.
Lachlan M'Bean	Deniliquin	.....	Robert Landall	Deniliquin	.....	To recover price of cattle sold.
James Smith	George Smith .....	.....	.....	For breach of contract and work done.
Henry George Lane, John Gresham, and Alfred Wm. Lane.	John Taylor and James Willoughby.	.....	.....	Trespass.
Peter M'Farlane	Henry Burne .....	.....	.....	Trespass to a run.
William Walsh	Forbes	.....	John Taylor	Deniliquin	.....	Breach of contract.
D'Archy	Tyson .....	.....	.....	Trespass to a run.
James London Loban	Daniel Griffiths Jones .....	.....	.....	For wages.
George Drew	Henry George Lane, John Gresham, and Alfred Wm. Lane.	Deniliquin	.....	On bill of exchange.
Tyson	D'Archy .....	.....	.....	Trespass to a run.
George Raynor	William Hammat .....	.....	.....	To recover rent.
Keogh	Dawson .....	.....	.....	Damages for wrongly impounding.
Wilson	M'Bean .....	.....	.....	Do.
Robertson	Healy .....	.....	.....	On a guarantee.
John Dickson	Samuel Wilson .....	.....	.....	Trespass for obstruction of watercourse.
O'Sullivan	Keane .....	.....	.....	Trespass to a run.
Soloshin	M'Can gly .....	.....	.....	For goods sold and delivered.
Gideon Scott Lang and Thos. Lang.	Arthur Robinson .....	.....	.....	Assessment.
Alfred Napoleon Gilbert...	William Clarke	Deniliquin	.....	Do.
Clark	Harvey .....	.....	.....	To recover amount of bill of exchange.
John Taylor	Henry Beaumont Welsh...	.....	.....	To goods sold, &c.
Twynam	Sutherland .....	.....	.....	Damages for assault.

THE REGISTRAR, DISTRICT COURT, DENILIQUIN, TO THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Deniliquin, 1 July, 1869.

SIR,

In reply to your letter of the 23rd ult. (No. 234), having reference to a return showing the number of Civil Causes tried at the District Court, Deniliquin, during the past five years, in which the parties thereto were residents of the Balranald Electorate, I do myself the honor to state that no such causes were tried at Deniliquin; and as Balranald is in the Police District of Hay I apprehend the Clerk of Petty Sessions there will be able to furnish the information sought.

I have, &c.,

J. A. BROUGHTON,
R., D.C.

WM.

WM. FARRAND, Esq., P.M., to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Wentworth, 16 August, 1869.

SIR,

In forwarding the enclosed return, I have the honor to explain that I only arrived here on Saturday evening last, when your letter of the 30th ultimo, together with others, was placed in my hands.

I am not aware whether a printed form was received with your letter of the 18th June, but being unable to find any amongst the papers of this office I have taken care that, in the preparation of the return, the terms of your last letter be strictly adhered to.

I have, &c.,
WM. FARRAND, P.M.

No. 2.

TELEGRAM from THE POLICE MAGISTRATE, WENTWORTH, to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

HAVE been absent on duty at Pooncarie. Return of committals by this Bench does not include Moorna. No committals from Moorna during last five years.

RETURN, showing numbers of committals, names of the offenders, nature of offence, and place of trial in each case by the Wentworth Bench, from the 1st January, 1864, until the 31st January, 1868, inclusive.

Date of Committal.	Name.	Offence.	Place where Tried.	Remarks.
2 April, 1864	Thomas Johnstone	Forgery and uttering	Deniliquin	Nil.
11 July, 1864	Charley (an aboriginal)	Stealing money		
31 Jan., 1865	James Patterson	Forgery and uttering		
9 Mar., 1865	John Rooney	Assault with intent to do grievous bodily harm		
23 Nov., 1865	Charley (an aboriginal)	Murder		
29 Nov., 1865	Francis Scott	Stealing money		
12 Mar., 1866	Benjamin Dowling	Stealing money from letter		
14 May, 1866	John Belt	Stealing money from a dwelling		
14 May, 1866	Thomas Russell	Stealing money from a dwelling		
2 Aug., 1866	James Matherson	Stealing money		
1 Nov., 1866	William Lee	Cutting and wounding		
4 Dec., 1866	James Reddie	Stealing cheques and money		
4 Dec., 1866	Charles Vincent	Stealing cheques and money		
17 Jan., 1867	John Shunk	Stealing goods and clothing		
17 Jan., 1867	Oscar Shultz	Stealing goods and clothing		
6 Feb., 1867	Samuel Bailey	Horse stealing		
7 May, 1867	Edmond John Quinn	Forgery and uttering		
26 May, 1867	Andrew Frampton	Forgery and uttering		
19 May, 1867	Robert William Miller	Stealing money		
27 Sept., 1867	Hector M'Lean	Stealing wearing apparel		
1 Feb., 1868	James Furlong	Stealing watch and other articles		
26 Mar., 1868	John Francis	Stealing money		
30 Oct., 1868	Robert Halliday	Cutting and wounding		

23 cases in all.
I certify the above to be a correct return,—
WM. FARRAND, P.M.

No. 3.

THE BENCH OF MAGISTRATES, EUSTON, to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Court House, Euston,
27 August, 1869.

SIR,

I have the honor to annex the return of committals called for by your letter of 23rd June last, and to state that it would have been furnished at an earlier date but for my absence from the Murray for some months past.

I have, &c.,
STEPHEN COLE, J.P.,
For the Bench of Magistrates.

NOMINAL RETURN of the number of Committals by the Bench of Magistrates at Euston, during the past five years, showing in each case the nature of the offence and place of trial.

Year.	Names of Persons committed.	Nature of Offence.	Place of Trial.
1864.....	Nil	.....	.....
1865.....	Nil	.....	.....
1866.....	Nil	.....	.....
1867.....	Nil	.....	.....
1868.....	Barney, an Aboriginal; committed 18 July—tried Apr., 1869	Murder	Deniliquin.
	George Graham; committed 2 October— do.	Do.	Do.
	Peter Leigh; tried April, 1869	Do.	Do.

Court House, Euston,
27 August, 1869.

For the Bench of Magistrates,
STEPHEN COLE, J.P.

Nos. 4 & 5.

THE POLICE MAGISTRATE, MENINDEE, to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Police Office, Menindee,
27 July, 1869.

SIR,

In compliance with the directions contained in your letter of the 22nd ultimo, No. 230, I have the honor to forward to you herewith nominal returns of the committals for trial by the Benches of Magistrates at Menindee and Wilcannia, for the last five years.

I presume it was not intended that cases of commitments in execution should be included in these returns.

I have, &c.,
J. MAIR, P.M.

NOMINAL RETURN of the number of Committals by the Bench of Magistrates at Menindee, during the last five years, showing in each case the nature of the offence and place of trial.

Names of Offenders.	Nature of Offence.	Dates of Committal.	Place of Trial.
James Wilson	Larceny	15 October, 1867	Deniliquin.
Joseph Hennessy	Do.	16 October, 1867	Do.
James Wilson	Do.	23 October, 1867	Do.
James Mathewson	Do.	28 January, 1868	Do.

Police Office, Menindee,
27 July, 1869.

J. MAIR, P.M.

NOMINAL RETURN of the number of Committals by the Bench of Magistrates at Wilcannia, during the the past five years, showing in each case the nature of the offence and place of trial.

No.	Name of Offender.	Nature of Offence.	Date of Committal.	Place of Trial.
1	Jane Taylor	Stealing from the person	15 March, 1867 ...	Deniliquin.
2	Thomas Melville	Horse-stealing	21 March, 1867 ...	Do.
3	William Nelson	Stealing a saddle	31 October, 1868 ...	Do.

Police Office, Wilcannia,
27 July, 1869.

J. MAIR, P.M.,
For the Bench of Magistrates.

No. 6.

THE BENCH OF MAGISTRATES, BALRANALD, to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Court House, Balranald,
17 September, 1869.

SIR,

In reply to your telegram of the 14th instant, calling on us to name the parties who have been committed from this Bench during the last five years, omitted in our letter of the 1st instant, we do ourselves the honor herewith to transmit the same:—

Murder Richard Brice Southee.
Horse-stealing Archibald Nelson.
Forgery Augustus Mahoney.
Stealing moneys..... Thomas Stanley.
Joseph Spencer.
John May.
William Ward.

We have, &c.,
R. B. MITCHELL, J.P.
(Pro the Bench.)

No. 7.

THE BENCH OF MAGISTRATES, BALRANALD, to THE UNDER SECRETARY TO THE LAW DEPARTMENT.

Court House, Balranald,
1 September, 1869.

SIR,

We do ourselves the honor to acknowledge the receipt of your letter of the 23rd of June last, requesting us to furnish to the Department a nominal return of the number of committals by our Bench during the past five years, and in reply we beg to state that during the time specified one committal has taken place for murder, one for forgery, one for horse-stealing, and four for stealing moneys. All these committals have been to the General Sessions at Deniliquin.

1 Murder.
1 Forgery.
1 Horse-stealing.
4 Stealing money.

We have, &c.,
R. B. MITCHELL, J.P.
(Pro the Bench.)

The names of these persons must be given, so as to ascertain the cost to the Colony.—14/9/69.

STATEMENT, shewing the cost of trials of cases committed from the Benches of Magistrates at Wentworth, Moorna, Euston, Menindee, Wilcannia, and Balranald, during the five years ended 31st December, 1868, so far as can be ascertained from the accounts in this office.

No.	Place whence committed for trial.	Nature of Offence.	Place of Trial.	Year.	Cost.
1	Wentworth	Forgery and uttering	Deniliquin	1864	£ 36 18 8
2		Stealing money		"	42 11 6
3		Forgery and uttering		1865	15 18 6
4		Assault with intent to do grievous bodily harm		"	25 14 4
5		Murder		"	78 5 10
6		Stealing money		"	12 7 6
7		Do.		1866	140 14 8
8		Do.		"	25 2 2
9		Do.		"	49 18 8
10		Do.		"	61 0 8
11		Cutting and wounding		"	25 6 4
12		Stealing money		"	23 3 3
13		Do.		"	23 3 3
14		Stealing goods and clothing		1867	10 2 10
15		Do.		"	10 2 10
16		Horse-stealing		"	81 9 4
17		Forging and uttering		"	40 13 8
18		Do.		"	7 10 0
19		Stealing money		"	20 5 8
20		Stealing wearing apparel		"	20 5 8
21		Stealing watch, &c.		1868	32 18 10
22		Stealing money		"	47 18 10
23		Cutting and wounding		"	89 3 6
					£ 820 16 6
1	Menindee	Larceny	Deniliquin	1867	61 13 10
2		Do.		"	76 6 6
3		Do.		"	72 11 2
4		Do.		1868	78 18 8
					£ 289 10 2
1	Wilcannia	Stealing from the person	Deniliquin	1867	65 19 4
2		Horse-stealing		"	76 1 6
3		Stealing a saddle		1868	27 0 6
					£ 169 1 4
1	Balranald	Murder		1865	26 8 10
2		Horse-stealing		1868	14 15 4
3		Stealing money		"	28 11 4
4		Do.		"	24 14 4
					£ 94 9 10
...	Moorna .....	.....	.....	.....	.....
...	Euston .....	.....	.....	.....	.....

Audit Office, Sydney,
13th October, 1869.

CHRIS. ROLLESTON, A.G.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

RETIREMENT OF MR. DISTRICT COURT JUDGE CARY, AND APPOINTMENT OF THE HON. J. F. JOSEPHSON.)

Ordered by the Legislative Assembly to be Printed, 5 April, 1870.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 18 March, 1870, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“Copies of all Minutes of the Executive Council, or of any Minister,
“together with copies of all Correspondence, relating to the retirement of
“Mr. District Court Judge Cary, and the appointment of the Honorable
“J. F. Josephson to the office so vacated.”

(*Mr. Webb.*)

SCHEDULE.

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ADMINISTRATION OF JUSTICE.

No. 1.

JUDGE CARY TO THE COLONIAL SECRETARY.

Civil Service Club,
Sydney, 16 August, 1869.

SIR,

I have the honor to inform you that being "constrained by infirmity of body to leave the Public Service," I feel it incumbent on me to request that you will lay before His Excellency the Governor my resignation of the office of District Court Judge, coupled with a recommendation of its acceptance.

At the same time, I must express a hope that the full superannuation allowance will be awarded me under the Superannuation Act.

I may add that I am sixty-five years of age; still, should the Medical Referees of the Government be of opinion that I am not entitled to retire on the most favourable terms, I am willing to resume my duties as soon as called upon after my present leave of absence has expired.

I have, &c.,

HENRY CARY.

No. 2.

MINUTES OF THE COLONIAL SECRETARY AND THE PRINCIPAL UNDER SECRETARY.

THE Attorney General to be asked whether or not this can be treated as a resignation, and generally, what course is the best to be taken having regard to it.

JOHN R.—21 August.

The Under Secretary, Law Department. B.C., 23 August, 1869.—H.H.

No. 3.

OPINION OF THE ATTORNEY GENERAL.

THE Government might perhaps treat the letter of Mr. Cary as a resignation of his office, but the general tenor is such as to induce the impression that it would scarcely be right towards him to act upon it as such, without further communicating with him as to his wishes, or conveying to him the decision of the Government as to the rate of superannuation allowance which can be awarded to him. The last paragraph imports that his ceasing to hold office may depend upon whether the Medical Referees of the Government shall be of opinion that he is entitled to retire upon the most favourable terms; and in the second paragraph, he expresses a hope that he may be awarded the "full superannuation allowance," which he might expect the Government not to disappoint, if it should adopt the resignation at the same time conveyed.

By the Blue Book, I find that Mr. Cary's services commenced on the 1st January, 1856, and that they have not been continuous. As therefore he has not served for fifteen years, he does not come under the combined operation of the third and fourth sections of the Superannuation Act. If therefore Mr. Cary be allowed to retire, his claim must be under the seventh section; and by this clause the rate of allowance is peremptorily fixed in the form of a gratuity of so many months' pay according to length of service. In this case, the gratuity must be at the rate of three months' pay for each two years of service, as I believe Mr. Cary's services have, though not continuous from 1st January, 1856, been altogether for ten years or more.

It will be seen that this clause is imperative, inasmuch as it expressly says that the officer "shall be entitled" to the stated rate of gratuity; in which respect this enactment differs from those in sections 2 and 3, under which, as I lately advised in reference to Mr. Dulhunty's claim, that the Executive had a discretionary power.

To entitle Mr. Cary to the gratuity, it will be necessary to have proof of his being "constrained by infirmity of mind or body to leave the Service," and therefore the opinion of the Medical Referees of the Government, to which Mr. Cary alludes, should be obtained before the gratuity is awarded. It will also of course be necessary to obtain from the Auditor General a note of the periods of service, and to submit it to Mr. Cary.

W. M. MANNING,
Attorney General.

The Under Secretary, Colonial Secretary's Department. B.C., 24th August, 1869.—W.E.P.

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No. 4.

JUDGE CARY TO THE COLONIAL SECRETARY.

Civil Service Club,
Sydney, 24 August, 1869.

SIR,

I have the honor to inform you that being constrained by infirmity of body to leave the Public Service, I request that you will lay my resignation of my office of District Court Judge before His Excellency the Governor, with a recommendation on your part that such resignation be accepted.

Should my former letter on the same subject be of doubtful interpretation, I beg permission to withdraw it.

I have, &c.,
HENRY CARY.

No. 5.

MINUTES OF THE COLONIAL SECRETARY AND THE PRINCIPAL UNDER SECRETARY.

MAY go on to the other papers now in the hands of the Attorney General. Of course this makes the matter clear, and the resignation may be accepted.

The papers should go on to the Superannuation Commissioners.

JOHN R., 24 August.

Forwarded to the Attorney General, by direction of the Colonial Secretary, B.C., 30 August, /69.—

H.H.

The Under Secretary to the Law Department.

No. 6.

OPINION OF THE ATTORNEY GENERAL.

THE Government must of course satisfy itself as to the fact of Mr. Cary's case coming within the 7th section of the Act. I know nothing beyond the statement in his letter that he is "constrained by infirmity of body to leave the Service," which it seems to me requires to be supported by medical testimony before it can be finally acted upon; but there may be no objection to the papers being sent forward at once to the Superannuation Board.

31 Aug., /69.

W.M.M., A.G.

No. 7.

THE PRINCIPAL UNDER SECRETARY TO JUDGE CARY.

Colonial Secretary's Office,
Sydney, 2 September, 1869.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 24th ultimo, resigning, in consequence of continued infirmity of body, your appointment of District Court Judge of the Western District, and to inform you that such resignation is accepted.

2. At the same time, I am desired to request that you will submit yourself to Doctors Cox and Jones, Medical Referees of the Government, who have been duly communicated with, in order that the medical certificate required by the Superannuation Act may be furnished.

I have, &c.,
HENRY HALLORAN.

No. 8.

THE PRINCIPAL UNDER SECRETARY TO DRs. JONES AND COX.

Colonial Secretary's Office,
Sydney, 3 September, 1869.

SIR,

Mr. Henry Cary having resigned, in consequence of continued infirmity of body, his appointment of District Court Judge of the Western District, I am directed by the Colonial Secretary to request that you will have the goodness to proceed, in conjunction with Dr. Cox, to examine Mr. Cary, who has been desired to submit himself to you for that purpose, with a view to your furnishing the medical certificate required by the Superannuation Act.

I have, &c.,
HENRY HALLORAN.

P.S.—I am to request that you will call, for the above purpose, at the Civil Service Club.

H.H.

[A similar letter was also sent to J. C. Cox, Esq., M.D., Sydney.]

No. 9.

No. 9.

CERTIFICATE OF DRS. COX AND JONES.

WE have this day examined His Honor Judge Cary, and find him to be incapacitated by infirmity of body from discharging the duties of his office.
September 2nd, 1869.

To HENRY HALLOBAN, Esq., Principal Under Secretary.

JAMES C. COX, M.D.
P. SYDNEY JONES, M.D.

No. 10.

MEMO. OF THE PRINCIPAL UNDER SECRETARY.

Urgent.

The Auditor General. B.C., 6 Sept. /69.—H.H.

Certificate of service herewith. B.C., 7/9/69.—C.R.

No. 11.

CERTIFICATE OF THE AUDITOR GENERAL.

Audit Office, Sydney,
7 September, 1869.

I HEREBY certify that the records of this office show Mr. Henry Cary's service as a salaried officer to have been as follows:—

As Master in Equity, from the 1st January, 1856, to 31st March, 1857; and as District Court Judge, from the 20th January, 1859, to the 31st August, 1869, and that on the latter date he was in receipt of a salary at the annual rate of £1,000.

CHRIS. ROLLESTON,
Auditor General.

No. 12.

THE PRINCIPAL UNDER SECRETARY TO THE SUPERANNUATION COMMISSIONERS.

THE Superannuation Commissioners. B.C., 7 September, 1869.—H.H.

No. 13.

REPORT OF THE SUPERANNUATION COMMISSIONERS.

Mr. Henry Cary, Judge, District Court.—Application to retire under medical certificate.

THE medical certificate in this case being clear as to the applicant's incapacity by infirmity of body, the Commissioners beg to recommend the claim for a gratuity under clause 7.

11 September, 1869.

CHRIS. ROLLESTON,
MICHL. FITZPATRICK,
E. O. MORIARTY,
Superannuation Fund Commissioners.

No. 14.

THE PRINCIPAL UNDER SECRETARY TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

WILL the Under Secretary for Finance and Trade be good enough to cause a computation to be made of the gratuity to which Mr. District Court Judge Cary is entitled for the service rendered by him.

B.C., 16th September, 1869.

H.H.

No. 15.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE PRINCIPAL UNDER SECRETARY.

MR. Cary's service is 11 years 10 months 12 days. The computation is made on 11 years' service, which, at the rate of 3 months' pay for 2 years' service, will entitle to a gratuity of 16½ months' pay on £1,000 per annum. Amounting in all to £1,375.

B.C., 17th September, 1869.

H.L.

No. 16.

No. 16.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office,
Sydney, 21 September, 1869.

MR. Henry Cary, District Court Judge, having been necessitated, in consequence of infirmity of body, incapacitating him from discharging the duties of his office, to leave the Public Service, and the necessary certificates and report of the Superannuation Fund Commissioners having been furnished, I recommend the allowance to him of a gratuity of £1,375, being the amount to which he is entitled under the provisions of the 7th clause of the Superannuation Act of 1864, calculated upon his length of service, viz., eleven years, and the salary received by him at the date of his retirement, viz., £1,000 per annum.

JOHN ROBERTSON.

UNDER the reports herewith submitted, the Executive Council advise that authority be granted for payment to Henry Cary, Esquire, District Court Judge, of the sum of one thousand three hundred and seventy-five pounds, stg. (£1,375), being the gratuity to which he is found to be entitled, on his retirement from the Public Service on account of ill health, in terms of the 7th clause of the Superannuation Act of 1864.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 69/39. 24/9/69. Confirmed, 27/9/69.
Appd.—B., 30 September, 1869.

No. 17.

THE PRINCIPAL UNDER SECRETARY to H. CARY, Esq.

Colonial Secretary's Office,
Sydney, 30 September, 1869.

SIR,

With reference to correspondence respecting your retirement from the Public Service in consequence of infirmity of body incapacitating you from performing the duties of your office, I am now directed by the Colonial Secretary to inform you that, under the report of the Superannuation Fund Commissioners, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the payment to you of a gratuity of one thousand three hundred and seventy-five pounds, being the amount to which you are entitled under the provisions of the 7th clause of the Superannuation Act of 1864, calculated upon your length of service—eleven years—and the salary received by you at the date of your retirement, viz., £1,000 per annum.

I have, &c.,

HENRY HALLORAN.

No. 18.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Colonial Secretary's Office,
Sydney, 30 September, 1869.

SIR,

With reference to your blank cover communication of the 17th ultimo, relative to the retirement of Mr. Henry Cary, District Court Judge, from the Public Service, in consequence of infirmity of body incapacitating him from performing the duties of his office, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that the necessary certificates and report of the Superannuation Fund Commissioners having been furnished, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the payment to Mr. Cary of a gratuity of one thousand three hundred and seventy-five pounds, being the amount to which he is entitled, under the provisions of the 7th clause of the Superannuation Act of 1864, calculated upon his length of service—eleven years—and the salary received by him at the date of his retirement, viz., £1,000 per annum.

I have, &c.,

HENRY HALLORAN.

II.—Appointment of Mr. Josephson.

No. 19.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office,
Sydney, 3 September, 1869.

MR. HENRY CARY, District Court Judge of the Western District, having resigned his appointment in consequence of continued infirmity of body, I recommend that Joshua Frey Josephson, Esquire, be appointed to succeed Mr. Cary as District Court Judge and Chairman of Quarter Sessions in the District named.

JOHN ROBERTSON.

The Executive Council advise the appointment of Joshua Frey Josephson, Esquire, as District Court Judge and Chairman of Quarter Sessions for the Western District, *vice* Cary.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 69/36, 3 September, 1869.
Confirmed, 7 September, 1869.
Appd.—B., 9/9/69.

No. 20.

THE PRINCIPAL UNDER SECRETARY TO JUDGE JOSEPHSON.

Colonial Secretary's Office,
Sydney, 13 September, 1869.

SIR,

His Excellency the Governor, with the advice of the Executive Council, having been pleased to appoint you to be District Court Judge and Chairman of Quarter Sessions of the Western District, in the room of Henry Cary, Esquire, resigned, I am directed by the Colonial Secretary to forward herewith the Commissions that have been prepared in your favour as such, and to inform you that, in the event of the Government deciding on the establishment of a District Court at Bourke, you will be expected to hold the same.

I have, &c.,
HENRY HALLORAN.

No. 21.

THE PRINCIPAL UNDER SECRETARY TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Colonial Secretary's Office,
Sydney, 13 September, 1869.

SIR,

I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint J. F. Josephson, Esquire, to be District Court Judge and Chairman of Quarter Sessions for the Western District, in the room of Henry Cary, Esquire, resigned.

I have, &c.,
HENRY HALLORAN.

No. 22.

THE PRINCIPAL UNDER SECRETARY TO THE UNDER SECRETARY, LAW DEPARTMENT.

Colonial Secretary's Office,
Sydney, 13 September, 1869.

SIR,

I am directed by the Colonial Secretary to state, for the information of the Crown Law Officers, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint J. F. Josephson, Esquire, to be District Court Judge and Chairman of Quarter Sessions for the Western District, in the room of Henry Cary, Esquire, resigned; and Mr. Josephson has been apprised that, in the event of the Government deciding on the establishment of a District Court at Bourke, he will be expected to hold the same.

I have, &c.,
HENRY HALLORAN.

III.—Charge against Judge Josephson.

No. 23.

THE COLONIAL SECRETARY to JUDGE JOSEPHSON.

Sydney, 21 December, 1869.

MY DEAR JOSEPHSON,

It has come to the knowledge of the Government that Mr. Cary, late Judge Cary, has stated, with regard to his retirement from the office of District Judge,—

- 1st. That you paid him £240 in some sort to induce him to retire, and that this was, so far as he understood, with the knowledge of the Government, and to come from public funds.
- 2nd. That in order to influence him further, you held out some kind of hopes that a son of his in the Public Service should have promotion or some other kind of advantage, if he would so retire.

Will you be good enough to furnish me, for the information of the Government, with a narrative of the facts of the case.

Yours, &c.,
JOHN ROBERTSON.

No. 24.

J. F. JOSEPHSON, Esq., to THE COLONIAL SECRETARY.

Sydney, 24 December, 1869.

MY DEAR ROBERTSON,

I am in receipt of your note of the 22nd instant, on the subject of Mr. Cary's retirement from the office of Judge of the Western District, and my connection therewith.

You express a wish that I should give you a narrative of what occurred in relation to this matter, and you draw my attention to certain particulars which I assume you think require more especially to be referred to by me.

In July last I became acquainted with the fact that Mr. Cary could not, in view of his failing health, hope to be again able to perform the duties of District Court Judge.

It then occurred to me that the best of my education—my natural inclination and my habits, pointed out the position of a District Court Judge as a suitable one for me—indeed much more suitable than that of a political Solicitor General; and knowing the practice with regard to Crown Law Officers in the Mother Country, I felt that if I sought the position, the Government of which I was a member would follow the English precedent, and meet my wishes.

About this time I met Mr. S. H. Smyth, a mutual friend of mine and Mr. Cary's, and in conversing on the state of Mr. Cary's health it was mentioned by Mr. Smyth that his sick leave of absence, then existing, would soon expire; but that it was very improbable that an old servant of the public, such as he was, would be refused three months' further leave; to which observation I assented.

During this conversation it no doubt became apparent that I intended to apply for the office on Mr. Cary's retirement.

The idea then suggested itself that he might retire at once, and that I should perform the duties of his office for three months, giving him the emoluments for that time, viz., £250, less the sum to be deducted in aid of the Superannuation Fund, leaving the net amount to be received by Mr. Cary £240.

Some days after this Mr. Smyth wrote to me a note—having in the meantime conferred with Mr. Cary, who had consulted with the Rev. Mr. Allwood and others on the subject of his retirement, which note brought about a meeting between Mr. Smyth and myself, when I agreed that Mr. Cary should receive the salary for three months without doing the duties of his office, and that, as a matter of convenience to him, I should pay the salary in advance, leaving my reimbursement to be made by monthly instalments.

It is unnecessary for me to tell you that the Government knew nothing of this arrangement. I may say, however, that had it not been for your absence from Sydney at the time on your tour to the northern parts of the Colony and on your visit to Queensland, I should most probably have mentioned the matter to you.

Officially it had nothing whatever to do with the Government, and therefore I made no communication to the Government on the subject.

The idea that the money was to be paid from public funds is simply absurd. I paid it from my own private means, and no other course was ever contemplated.

Your informant must have been misled as to any promise of mine of advantage to Mr. Cary's son occurring during this or any other conversation with Mr. Smyth or Mr. Cary: I made none; indeed I at once said that nothing of the kind could be considered in the matter, and I am quite sure they will do me the justice of bearing me out in this statement.

I remain, &c.,
J. F. JOSEPHSON.

No. 25.

MINUTE OF THE COLONIAL SECRETARY.

REFER this correspondence to Mr. Cary, who will perhaps desire to say whether or not he concurs in the statements of Mr. Josephson's or make another statement.

JOHN R.
10 Jan., 1870.

No. 26.

No. 26.

MR. CARY'S REPORT.

Note on Mr. Josephson's letter to Mr. Robertson, of 24th December, 1869.

THE negotiation (if so it may be called) for my retirement originated with Mr. Josephson, and was carried on throughout between him and Mr. Smyth. The latter gentleman reported progress to me, I doubt not, with accuracy. His account was very different from that given by Mr. Josephson in his letter of 24th December last; so different that I must crave permission to answer Mr. Josephson's statement at length, and at such leisure as the present infirm state of my health will allow of my doing.

Mr. Smyth is at present absent from the Colony. On his return I will show him my statement, and correct it if I find I have mistaken or misrepresented either his or Mr. Josephson's conduct in the matter.

HENRY CARY.

11 Jan., 1870,

164, Phillip-street.

No. 27.

H. CARY, ESQ., to THE PRINCIPAL UNDER SECRETARY.

164 Phillip-street,

21 January, 1870.

SIR,

I have the honor to forward to you a statement of the circumstances that led to my resignation of the office of District Court Judge, together with Mr. S. H. Smyth's letter to Mr. Josephson of 31 July, 1869, and his Memo. of 30th November.

I know not whether Mr. Cowper is desirous of receiving this communication, but I have thought it better to make it, as I have reason to believe that the matter will be brought under the notice of Parliament.

I have, &c.,

HENRY CARY.

[Enclosures in No. 27.]

Henry Cary's Statement in relation to his resignation of the office of District Court Judge.

BEFORE stating what, so far as I know or was informed, took place with regard to my resignation of the office of District Court Judge, I must beg leave to make a statement in explanation and justification of the 3rd condition in Mr. Smyth's letter to Mr. Josephson of July 31st, 1869, a copy whereof accompanies this.

In May last my eldest son was, as he still is, an extra tide-waiter in the Customs. In that month I called two or three times on the Hon. the Treasurer, hoping to get my son appointed as permanent tide-waiter. The Treasurer received me graciously, but made me no promise. In June my end was pronounced to be near at hand. Mr. Smyth, who visited me almost daily, observing that my spirits were much depressed with the apprehension of leaving my son, who has a wife and seven young children, almost destitute, kindly interfered, and by means of some friends of his, obtained, as I understood, a promise from the Treasurer of an early appointment in the Customs for my son.

Moreover, on the 10th July Mr. Josephson voluntarily went with Mr. Smyth to the Collector of Customs to further my son's appointment. Mr. Smyth on that day, in a note informing me of the circumstance, says—"I think, and Mr. Josephson assures me that upon this promise of Mr. Duncan's you may rely; so pray let this matter cease to trouble you."

When therefore a few days later Mr. Josephson, on behalf of the Government, requested me to resign, I thought it but reasonable to make a fulfilment of my hopes on my son's behalf a condition of my own resignation.

This is my reason and excuse for the 3rd "condition" referred to. I now proceed to my statement.

Late in July Mr. Smyth told me that he was requested by a gentleman, whose name he was not to mention, but who had the express sanction of the Government, naming specially Mr. Robertson and Sir William Manning, to offer me *six months'* full pay if I would resign at once. A week was allowed for my answer. Before I sent that answer in, I learnt from circumstances, and Mr. Smyth admitted to me, that Mr. Josephson was his correspondent.

When the time came I authorized Mr. Smyth to write the letter of July 31st, but never saw that letter until the 30th November last; it however accurately expresses my verbal instructions to Mr. Smyth.

Immediately after that letter was sent I doubted whether I had done right in agreeing to take more than I felt myself legitimately entitled to, that is, three months' pay in lieu of leave of absence. I therefore consulted Mr. Allwood, who was visiting me frequently. I cannot remember that he gave me any positive advice, but what he said, added to my own scruples, determined me to desire Mr. Smyth to withdraw the 1st condition, and substitute for it three months' pay. This was done and acted on.

My 2nd "condition" was, as I believe, to be carried out on the express authority of the Attorney General, who I supposed was referred to because of Mr. Robertson's absence in Queensland.

Of the 3rd condition I have already spoken. I have only to add that I believe Mr. Josephson made no promise in his own name or that of the Government, in reference to it. I was content to rest on the promises of the Treasurer and the Collector of Customs, confirmed in some sort by Mr. Josephson's assurance of July 10th. I made no secret of this transaction, but mentioned that I was about to resign, at the request of the Government, and for the stipulated compensation, to Dr. Cox, Mr. Allwood, Mr. A. W. Scott, Mr. Goodchap, Judge Francis, and probably others. When Parliament met in September, I read Sir James Martin's strictures on the case, and with much surprise Mr. Robertson's indignant denial of any extra payment having been made to me. Shortly afterwards I was urged to make the facts known to a Member of the Opposition. This I declined doing, but waited Mr. Josephson's return to Sydney in November, when I first learnt from him that neither Mr. Robertson nor Sir William Manning had been privy to the transaction.

I then asked Mr. Smyth for a copy of his letter of July 31st, which he sent me, with his additional statement of November 30th, and thought it my duty to communicate them to the Government through Sir William Manning.

I have only further to remark that every passage of Mr. Smyth's letter of July 31st, and of his statement of November 30th, shows that he believed, as I did, that Mr. Josephson was acting as a Member of the Government, and with the sanction of those of his colleagues whom the matter concerned. Neither Mr. Smyth nor I had the least notion that Mr. Josephson was to be my successor until after my resignation was sent in.

HENRY CARY.

164, Philip-street,

January 15th, 1870.

P.S.—Mr. Josephson has objected to me that Mr. Smyth's letter to him was to be "private and confidential." It was so to be between the parties to the treaty, including Mr. Robertson and Sir William Manning. Moreover, if Mr. Josephson has purposely misled Mr. Smyth, and me through him, all question of privacy and confidence is put an end to.

H. C.

Mr. Smyth's letter to Mr. Josephson, and his Memo. of November 30th, 1869.

Sydney, July 31st, 1869.

My dear Sir,

With reference to the conversation we had yesterday respecting Judge Cary, I beg to state that, from information received from him, I find that his present leave of absence expires on the 19th August next; that his further duties for the present year do not recommence until September and end on the 25th November; and further, that they do not commence again till the 3rd February, 1870. He considers that he would not be refused an extension of his leave of absence if applied for accompanied by the requisite doctor's certificate, which would carry him over till February 3rd, 1870. He, however, is quite willing to meet any wishes of the Government on the subject by resigning his appointment at once if required, on the following conditions:—

- 1st. That his salary be secured to him for the remainder of the year 1869.
- 2nd. That his superannuation allowance be made payable to him at once, so as to enable him to make his own disposition of it.
- 3rd. That a permanent appointment be given (as has already been promised) to his son, Henry Cary, who is now an occasional tide-waiter in the Customs.

I have stated his wishes in this unofficial form for your guidance as suggested by you. To be considered private and confidential.

I am, &c.,
SAMUEL H. SMYTH.

P.S.—I may add that Mr. Cary's doctor considers that although he may not recover his strength sufficiently to be able to undergo the fatigues of travel in the country, it is not improbable that he may do so sufficiently to undertake duty in town.

S. H. S.

MEMO.—In a conversation with Mr. Josephson, after his receipt of my letter to him of July 31st, he stated that he had seen the Attorney-General on the subject of Mr. Cary's resignation; and he was authorized to state that, in the event of his resignation, his superannuation allowance would be granted at once, as there were at that time sufficient funds for that purpose.

SAMUEL H. SMYTH.

Sydney, November 30th, 1869.

No. 28.

H. CARY, Esq., to THE PRINCIPAL UNDER SECRETARY.

164, Phillip-street,
25 January, 1870.

SIR,

I have the honor to inform you that since I forwarded to you my statement relative to my resignation of the office of District Court Judge, dated, I believe, 11th January, I have seen Mr. Smyth, who tells me that statement contains some errors. I therefore beg leave to withdraw it, and will send in a statement that shall meet Mr. Smyth's approval.

I shall be obliged if you will return me the statement with its annexures.

I have, &c.,
HENRY CARY.

No. 29.

THE PRINCIPAL UNDER SECRETARY to H. CARY, Esq.

Colonial Secretary's Office,
Sydney, 25 January, 1870.

SIR,

In reply to your letter of the present date requesting to be allowed to withdraw your statement relative to your resignation of the appointment of District Court Judge, I am directed to inform you that the Colonial Secretary cannot permit the withdrawal of your letter, but that it is quite open to you to send in any explanation you may wish.

I have, &c.,
HENRY HALLORAN.

No. 30.

THE PRINCIPAL UNDER SECRETARY to JUDGE JOSEPHSON.

Colonial Secretary's Office,
Sydney, 25 January, 1870.

SIR,

I am directed by the Colonial Secretary to forward to you, in order that you may have an opportunity of making such observations as you desire, the accompanying copy of a statement made by Mr. Cary in relation to his resignation of the office of District Court Judge.

I have, &c.,
HENRY HALLORAN.

No. 31.

THE ATTORNEY GENERAL to THE COLONIAL SECRETARY.

31 January, 1870.

MY DEAR COWPER,

In reference to our conversation of to-day, I must first say that I have not been officially consulted as to the authority of the Executive to deal with Mr. Josephson's case, and that having been absent for some time, I did not until now see the statement of Mr. Cary and the appended documents; and

and my impression has been that the Government is bound to take the matter up in some definite way, though I must admit that it is very doubtful whether the conduct complained of can be brought strictly within the provision giving the Governor and Executive Council power to deal conclusively with the case. Up to the present time it has not perhaps been necessary to do more than has been done, namely, to invite Mr. Josephson and Mr. Cary to give their respective statements and explanations, and therefore the time may not have hitherto arrived for deciding what the more definite action of the Government should be; but now it seems that Mr. Josephson's circuit is about to commence, and the question peremptorily arises whether the Government can and should take any step to prevent his acting as a Judge before he shall have removed the imputations cast upon him by Mr. Cary's statement. That it is undesirable that he should so act, in the present state of the inquiry, is to my mind perfectly clear; and that the Government ought to interfere to prevent it, so far as it may possess the power, is to me equally clear. But the questions are, *what power* has the Government, and *how* should it be exercised? I certainly think it doubtful whether the Executive has power to remove a District Judge for misconduct committed before becoming a Judge, and not directly affecting his acting as a Judge, and therefore the doubt must further be, whether it can suspend, and whether it can even initiate any proceeding which could only be effective on the assumption that it has power to condemn or acquit, and to enforce its decision. My colleague is clearly of opinion that the power does not exist in this particular case, but my own opinion is not so clear. I however think it doubtful; and therefore what I would suggest, pending further inquiry as to the facts, is, that Mr. Josephson be informed that the Government cannot approve of his exercising the functions of a Judge in the present state of the inquiry, and that it therefore invites him to take leave of absence for such time as will be sufficient to cover the approaching circuit. It might be added that if this invitation be not promptly adopted, so as to enable the Executive to supply his place in time for the approaching Courts, the Government reserves to itself the consideration of what other step will be necessary under the circumstances.

I need hardly say that I am profoundly grieved to have to advise thus in reference to a late colleague.

Yours very truly,
W. M. MANNING.

I have not time to get a copy made of this note.

No. 32.

JUDGE JOSEPHSON TO THE COLONIAL SECRETARY.

Sydney, 1 February, 1870.

SIR,

My late severe illness, and consequent continued weak state of health, obliges me to ask the Government to grant me two months' leave of absence, under the certificate of my medical adviser, herewith enclosed.

I have, &c.,
J. F. JOSEPHSON.

[Enclosure in No. 32.]

Dr. Cox to Judge Josephson.

1 February, 1870.

My dear Sir,

In reply to your letter of this day, requesting my advice as to the advisability of your undertaking the duties of your next Circuit, to commence on the 4th instant, I beg to inform you that in my opinion your health has not yet sufficiently recovered for you to undergo the exposure and fatigue which such a journey, during the present hot weather, would necessitate; and knowing as I do, the mental anxiety which depresses you, the cause of which is known to me, I would not advise your undertaking it.

I remain, &c.,
JAMES C. COX, M.D.

No. 33.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office,
Sydney, 2 February, 1870.

I RECOMMEND that three months' sick leave, as applied for in the accompanying communication, be granted to J. F. Josephson, Esquire, District Court Judge, and that the salary of his office be paid to the gentleman who will be appointed to perform his duties during his absence.

I the more readily advise a compliance with this request, as I do not think it desirable—whilst the inquiry as to the allegations of Mr. Cary is still proceeding—that Mr. Josephson should continue to perform the functions of a Judge.

CHARLES COWPER.

UNDER the medical certificate, herewith submitted, the Executive Council advise that (3) three months' leave of absence, on sick leave, be granted to J. F. Josephson, Esquire, District Court Judge, upon the terms herein specified.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 70/6, 2/2/70.
Confirmed, 9/2/70.
Appd.—B., 11/2/70.

No. 34.

No. 34.

THE PRINCIPAL UNDER SECRETARY to JUDGE JOSEPHSON.

Colonial Secretary's Office,
Sydney, 3 February, 1870.

SIR,

In reply to your letter of the 1st instant, applying for leave of absence on the ground of ill health, I am directed by the Colonial Secretary to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to grant you leave for three months; salary of your office being paid to the gentleman who will be appointed to perform your duties while you are away.

2. I am desired at the same time to state, that the Government the more readily accede to your request, as they do not think it desirable, whilst the inquiry as to the allegations of Mr. Cary is still proceeding, that you should continue to perform the functions of a Judge.

I have, &c.,

HENRY HALLORAN.

No. 35.

JUDGE JOSEPHSON to THE COLONIAL SECRETARY.

District Court Judge's Chambers,
4 February, 1870.

MY DEAR MR. COWPER,

Herewith I forward to you my rejoinder to the statements made by Mr. Cary, a copy of which you kindly directed to be sent to me.

I understand that Mr. Cary has intimated a desire to withdraw his statement, on the ground of his having arrived at the conclusion that much of it was written under a misconception of facts. Therefore, in dealing with it at the present time, I am placed at a great disadvantage, having no means of knowing what those portions may be which Mr. Cary desires to withdraw, and what portions he may wish to retain.

I regret very much the position in which I am placed in the matter, by having to contradict, almost in their entirety, Mr. Cary's statements. I cannot avoid this necessity. You very kindly sent me a copy of them, and I have a duty to the Government and myself to perform in this matter which I cannot shrink from performing.

Should Mr. Cary have sent in an amended statement, I trust that you will kindly direct a copy thereof to be sent to me.

Believe me, &c.,

J. F. JOSEPHSON.

No. 36.

JUDGE JOSEPHSON to THE PRINCIPAL UNDER SECRETARY.

District Court Judge's Chambers,
4 February, 1870.

SIR,

I have the honor to acknowledge the receipt of your No. 69-720, covering a copy of a statement made by Mr. Cary, in relation to his resignation of the office of District Court Judge, sent to me by direction of the Honorable the Colonial Secretary, in order that I might have an opportunity of making such observations as I might deem necessary in reference to such statement.

From Mr. Cary's statement it is quite apparent that I was in no way concerned with what occurred in relation to any promise for his son's appointment to an office under the Government; for he states that late in July Mr. Smyth told him of my first interview with him (Mr. Smyth), he having previously mentioned that he saw the Colonial Treasurer in May; and that in June Mr. Smyth, through the influence of some friends, obtained a promise from the Colonial Treasurer of an early appointment for his son.

The note of the late Colonial Secretary to me refers to two matters: first, as to the payment to Mr. Cary of the sum of £240; secondly, as to an allegation made, as I understand by Mr. Cary, that in order to induce him to resign, I promised, or held out hopes on the part of the Government, that his son should have a permanent situation in the Customs. I have no copy of this note, and I write these headings from memory. I believe they are the two matters mentioned by Mr. Cary.

I now proceed to make my observations upon Mr. Cary's statements.

With reference to his statement that I voluntarily went with Mr. Smyth to the Collector of Customs to further his son's appointment:—In the early part of July last, I was proceeding from the Circular Quay to my chambers, when I met Mr. Smyth, near the Custom House; and in the course of conversation he said he had just left Mr. Cary, who was in some trouble about one of his sons, for whom he wished to get permanent employment in the Customs Department. I told him to see Mr. Duncan. He said that he was not acquainted with him. I then offered to, and did introduce him to that gentleman; and Mr. Smyth made to him a request for permanent employment in the Customs for Cary, junior. I do not believe that I said a word in support of Mr. Smyth's application. Mr. Duncan gave no pledge, but said that if a vacancy should open he would consider Mr. Cary's claims for permanent employment. This interview took place more than a fortnight before I entertained any idea whatever of the Judgeship, and Mr. Smyth has admitted that it occurred a fortnight before I spoke to him of Judge Cary's resignation.

Mr. Cary states—"When therefore, a few days later, Mr. Josephson, on behalf of the Government, requested me to resign," &c. But it is evident from what next follows that at that time, viz., a few days after the 10th July, Mr. Cary did not know who the gentleman was who spoke to Mr. Smyth; for he afterwards states that it was *late* in July when Mr. Smyth first mentioned the subject of his resignation to him,

him, without mentioning my name. And yet he states that a few days after the 10th July, I, on the part of the Government, requested him to resign. I did not see Mr. Smyth on the subject of Mr. Cary's resignation until the 29th or 30th July. I never made a request, or urged Mr. Cary to resign, either personally or through Mr. Smyth; and I never represented myself as authorized by the Government to see Mr. Smyth or Mr. Cary on the subject of Mr. Cary's resignation; but on the contrary, whenever I approached Mr. Smyth on the subject, I told him, as he has admitted, that I did not see him or speak to him officially, or in my official capacity. I never mentioned Mr. Robertson's or Sir W. Manning's names to any one in connection with Mr. Cary's resignation, and no limitation of time was ever mentioned by me for an answer to be given by Mr. Cary; and I feel quite confident that Mr. Smyth will not support this statement of Mr. Cary's.

When I received Mr. Smyth's letter of 31 July, I went to him the following day and told him that the Government did not desire Mr. Cary to resign. That if the Government wanted the office, they could call upon Mr. Cary to resign for incapacity by reason of ill health; and that they had no wishes on the subject. That my conversation with him was unofficial, and entered into in my individual capacity; and therefore, that as his letter referred to the Government, I could not consider it as forming a basis of any arrangement between us. I did not ask Mr. Smyth to communicate with me in writing. I then left Mr. Smyth, and gave up all idea of the Judgeship; and I do not believe I saw him again until about the middle of August.

On the 4th August Mr. Cary wrote me a note, requesting me to call upon him the next day. I saw him on the 5th August, and, as soon as I was seated, he said—"I am willing to resign whenever the Government wishes me to do so." I said—"The Government have no wishes on the subject; they don't want you to resign; and they know nothing of my interviews with Mr. Smyth. You are labouring under a mistake if you imagine the Government wants your appointment." He replied that he wished to resign, and that as he would, he thought, be entitled to three months' extended leave of absence, he would be glad to receive his three months' pay in advance, as he wished to get in all the money he could, to settle upon a granddaughter. He then asked my opinion upon a section of the Superannuation Act, which I promised to consider, as he desired to be superannuated. On the afternoon of the same day I wrote to him, *inter alia*, as follows:—"Immediately upon Mr. Robertson's return to Sydney, if circumstances require it, I will speak to him upon the subject of your wishes." I did not speak to Mr. Robertson, nor did I again see Mr. Cary; but on or about the middle of August, I gave Mr. Smyth Mr. Cary's three months' salary. I never imagined there was any impropriety in paying Mr. Cary an amount equal to his salary in advance. I looked upon such payment simply as a consenting on my part to do his work gratuitously for three months, allowing him to enjoy the emoluments of the office. My motive was one of kindness to him—to meet his wishes and to soften his anxiety. I never thought that the Government would be concerned to know any other reason for his resigning his office than that which was apparent to all,—his illness and supposed dying condition.

Mr. Cary states that "late in July Mr. Smyth told me that he was requested by a gentleman (whose name he was not to mention, but who had the express sanction of the Government, naming specially Mr. Robertson and Sir William Manning) to offer me six months' pay if I would resign at once. A week was allowed for my answer."

I am quite certain that such a statement was never made by Mr. Smyth.

Although Mr. Cary made the second allegation against me, mentioned in the third paragraph of this letter, he in his statement entirely, although apparently somewhat unwillingly, exonerates me from having made a promise in my own name, or that of the Government, to obtain a permanent situation for his son in the Government Service. Yet he endeavours to associate a kind act of mine in introducing Mr. Smyth to Mr. Duncan, as an act of confirmation of promises which, he alleges, were made by the Treasurer and Collector of Customs, which promises I never heard of.

There can be no doubt that the allegation, if true, would have been a grievous charge, unpardonable in itself, and dishonorable to me; but Mr. Cary has absolutely acquitted me of this serious offence, which, at some former period, and to some person of influence, he preferred against me.

I note a memorandum, signed by Mr. Smyth, stating that, "in a conversation with Mr. Josephson, after his receipt of my letter to him of 31st July, he stated that he had seen the Attorney General on the subject of Mr. Cary's resignation; and he was authorized to state that, in the event of his resignation, his superannuation allowance would be granted at once, as there were at that time sufficient funds for that purpose." I observe that this memo. is dated 30 Nov. I am quite certain that Mr. Smyth has unintentionally confused dates. Mr. Cary resigned somewhere about the middle of August. Some question arose about Mr. Cary's superannuation allowance. Mr. Smyth saw me several times about it, as Mr. Cary was anxious to get it; and I remember telling Mr. Smyth, after all doubts were removed, that Mr. Cary would get his superannuation allowance as soon as the Commissioners should receive the proper certificates; and I most probably did mention that the Attorney General's opinion was in favour of Mr. Cary's claim. I could not have stated this to Mr. Smyth until such opinion had been given.

In conclusion, I feel justified in writing that Mr. Cary's statements with respect to my conversations, actings, and doings, have in the main been made by him under misapprehension, and I feel confident will not be supported by Mr. Smyth, and that my statements will in the main be supported, if evidence should be taken in the matter, and when not supported by direct evidence will remain uncontradicted.

I have, &c.,

J. F. JOSEPHSON.

P.S.—I beg to forward with the above a copy of a letter sent to me by Mr. Smyth. Should the Government so desire, I will forward the original.—J.F.J.

[Enclosure

[Enclosure in No. 36.]

S. H. Smyth, Esq., to J. F. Josephson, Esq.

Sydney, 31 January, 1870.

Dear Sir,

I much regret my absence from Sydney during the period in which a correspondence has taken place between you, Mr. Cary, and the Government, in relation to Mr. Cary's resignation. Mr. Cary, without doubt, under a misconception of some of the facts of the case, has inadvertently made some incorrect statements, so far as my name is mixed up with them.

I have read your letter of 24th December last, addressed to Mr. Robertson, in which you give a narrative of what occurred in relation to Mr. Cary's resignation; and it seems to me, on the whole, a fair statement.

Of course I never stated to Mr. Cary that you on your own part, as well as on that of the Government, promised to obtain a permanent place in the Customs for his son; and I observe Mr. Cary acquits you of having made any such promise.

With respect to my introduction by you to Mr. Duncan, that took place at least a fortnight before our conversation respecting Mr. Cary's resignation, and you, at my request, introduced me to Mr. Duncan.

I have also read the letter which you have prepared to send in as a rejoinder to Mr. Cary's statement; and from what I know *personally* of this matter, your reply appears to me to be, on the whole, fair and correct.

I must admit that whenever you spoke to me with respect to Mr. Cary's resignation, you mentioned that your interviews with me were unofficial; although, from your speaking to me at all, I was led to believe, and continued under the impression, that you were authorized by Government to speak on the subject.

I certainly cannot corroborate Mr. Cary's statement that you told me you had the express authority of the Government (naming specially Mr. Robertson and Sir William Manning) to offer to Mr. Cary six months' full pay if he would resign at once, allowing him a week for his answer. Mr. Cary could only have made such a statement from misunderstanding some conversation with me during his illness. The same remark applies to his statement that you, or the Government, requested him to resign. You did not, that I am aware, ask me to communicate in writing to you the note of 31st July.

As I do not pretend to have a very accurate recollection of this matter, having no particular interest therein, it may be, as you state in your letter, that you told me of Mr. Cary's superannuation being granted after the Attorney General had given his opinion upon the matter. The whole affair occupied but a small share of my attention, and most probably you are correct on this point.

I may add that I regarded myself in the transaction merely as Mr. Cary's amanuensis and spokesman, as he was too ill to attend to it himself. This will account for any inaccuracies which may have crept into his statements, which, I am quite certain, were unintentional, and arose entirely from the state of his health.

I am, &c.,
SAML. H. SMYTH.

No. 37.

THE COLONIAL SECRETARY TO THE ATTORNEY GENERAL.

15 February, 1870.

MY DEAR SIR WILLIAM,

Will you kindly read through Mr. Josephson's explanation, and at your early leisure let me know what you think of the matter now.

Yours, &c.,
CHARLES COWPER.

No. 38.

CONFIDENTIAL REPORT OF THE ATTORNEY GENERAL.

I HAVE given full consideration to Mr. Josephson's reply to Mr. Cary's charges, and to Mr. Smyth's letter in confirmation (partly) of such reply. I have at the same time had in remembrance the statements made to myself personally by Mr. Cary, as well as his letter to the Colonial Secretary, conveying some of the same statements, and also his subsequent note to that Minister, intimating a wish to withdraw that letter, on the ground that upon conference with Mr. Smyth he found he had fallen into errors, which he was desirous of correcting; and I have taken into consideration the fact that, although the Colonial Secretary refused to allow of such withdrawal, and invited Mr. Cary to make such further communication as he might think fit, yet he has hitherto made none. Under these circumstances I assume the correctness of Mr. Josephson's statements, and have to report accordingly—

First.—That Mr. Josephson has wholly cleared himself of the imputation originally cast upon him, but subsequently withdrawn by Mr. Cary, of having held out to Mr. Cary, as an inducement for his retirement, the promise of public employment for his son.

Secondly.—That he has relieved himself of the charge of having used the name of the Government, or the names of any of his then colleagues, as being parties to, or cognizant of, his negotiations with Mr. Smyth or Mr. Cary, for Mr. Cary's retirement.

Thirdly.—That he has succeeded in mitigating, but not in removing, the charge of having, by a secret payment of £240, induced or precipitated Mr. Cary's resignation, in the expectation of becoming his immediate successor.

It remains to report on the special features of this payment as now explained, and to consider what authority the Government has in the matter.

The substance of Mr. Josephson's statement as to the payment is, that the idea of giving £240 (*i.e.* a quarter's salary, less superannuation deduction) arose out of Mr. Cary's saying to the effect that, though desirous of retiring, he thought the Government might allow him three months' further leave of absence under pay, and that he would be glad to get it in advance in order that he might employ it in a settlement on a grand-daughter; that he, Mr. Josephson, some time afterwards gave Mr. Smyth Mr. Cary's three months' salary (*i.e.* out of his own private funds), in the view expressed in the following passage in his letter, that is to say,—“I never imagined there was any impropriety in paying Mr. Cary an amount equal to his salary in advance. I looked upon such payment simply as a consenting on my part to do his work gratuitously for three months, allowing him to enjoy the emoluments of the office. My motive was one of kindness to him—to meet his wishes and to soften his anxiety.”—And that he did not consult or inform his colleagues, which he excuses in the following passage:—

“I

"I never thought the Government would be concerned to know any other reason for his (Mr. Cary's) resigning his office than that which was apparent to all—his illness and supposed dying condition."

Of course this cannot be satisfactory to the Government, or to the colleagues who recommended his appointment in ignorance of the irregular proceeding which has now come to view; but in reference to Mr. Josephson's statement of the motive by which he was actuated, I think it due to him to mention an observation made to me by him, on one occasion, when Mr. Cary's extreme illness and the circumstances of his family were spoken of. It was to the following effect, namely—"That he (Mr. Josephson) would not mind doing his (Mr. Cary's) duty for him without the pay for (as I think he said) six or twelve months."—This remark struck me at the time as one expressive of kindness towards Mr. Cary, whilst at the same time evincing a wish for the position of a Judge, with a comparative disregard of the emolument. I think it must have been made prior to the date of the payment of the £240; of this, however, I am not certain, as it was only a passing remark, and was not, until the late disclosure, associated in my mind, with any action on the part of Mr. Josephson or Mr. Cary.

I do not offer any opinion as to the view the Government should now take of this matter, as it would appear to be beyond my province to do so, otherwise than in confidence (if desired) with the Ministers.

I may, however, be permitted to remark that the public has not suffered financially by the act of Mr. Josephson, and may indeed have been protected by it from some expenditure during further sick leave to Mr. Cary; and that the aspect of the case which requires consideration is that which affects, or may be supposed to affect, the honor of the Ministry and the purity of the Bench.

I have only further to advise as to the powers and authority of the Government in respect of this matter.

It is highly questionable whether the Executive possesses any legal power of dealing with the case; but my opinion is not so clearly against the power as that of the Solicitor General. The question arises upon the 29th section of the District Courts Act, which gives tenure "*during ability and good behaviour*," and gives no power over the Judges but such as is conveyed by the words giving the Governor, with the advice of the Executive Council, power to "*remove for inability or misbehaviour*."

The more obvious meaning of these words confines the power to such misbehaviour as the Judge may be guilty of in his character of a Judge, and therefore subsequent to his appointment; and therefore, *unless the fact of the alleged prior misbehaviour being connected with the obtaining of a Judgeship brings it sufficiently within the enactment, the Government can do nothing by way of authoritative action*. Mr. Salomons is decidedly of opinion that such misbehaviour is not cognizable; and I, though unprepared to advise with the same confidence, think the power too questionable for exercise in this case.

At the same time, it must be competent to the Government to consider the degree of the alleged misbehaviour, and to convey to the Judge the expression of its views upon the case. This much will clearly be proper and necessary in this case, not only by reason of the general supremacy of the Executive, but also on account of Mr. Josephson's relation to the Government, as one of the responsible Ministers, at the time when, by virtue of such relation, he obtained the appointment; and it may be added, that Mr. Josephson has to this extent submitted to the jurisdiction of the Government, by laying his defence before the Colonial Secretary.

It will also of course be competent to Ministers, if they shall think fit, to lay the correspondence before the Houses of Parliament.

W. M. MANNING,
Attorney General.

No. 39.

THE COLONIAL SECRETARY to J. F. JOSEPHSON, Esq.

Colonial Secretary's Office,
Sydney, 29 March, 1870.

SIR,

The circumstances connected with the payment, by you, to Mr. Cary, of a sum of money, in order to facilitate his retirement from the office of District Court Judge, to which you were subsequently appointed, at your own request, having been formally brought by the Attorney General under the notice of the Government, I have the honor to inform you that the subject has engaged their anxious consideration.

The Government were at first seriously impressed with what appeared to them the great irregularity of the transaction; but their views have been since considerably modified by your explanation, by a subsequent minute of the Attorney General, adopting a more lenient view of your conduct, and particularly the vacillating and unsatisfactory statements and conduct of Mr. Cary,—all which appear to lead to the conclusion that, although not chargeable with any intentional moral wrong, or deliberate offence against public interests, you cannot be acquitted of great imprudence and indiscretion, in having, while occupying the position of Solicitor General, and being at the same time a Member of the Cabinet, become a party to negotiations of the character above described.

It is not, however, considered necessary that any further proceedings should be taken in the matter than to convey to you the opinion of the Government to the above effect.

You will accordingly resume your duties upon the expiration of your leave of absence.

I have, &c.,
CHARLES COWPER.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(RETRENCHMENT IN POLICE MAGISTRATES.)

Ordered by the Legislative Assembly to be Printed, 4 May, 1870.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 9 February, 1870, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House, a Return showing,—

“(1.) The names of the Police Magistrates whose services have been dispensed with during the last six months; together with the names of the places to which they were appointed, the names of the places visited by them, and the amounts of their salaries and allowances respectively.

“(2.) The amount in each case of the travelling and other expenses paid to other Police Magistrates and otherwise, for the performance of the duties formerly discharged by the Police Magistrates whose services were dispensed with, as stated in the last paragraph.

“(3.) The total amount of the retrenchment effected down to the end of last month, by dispensing with the services of these Police Magistrates.”

(*Mr. E. Brown.*)

ADMINISTRATION OF JUSTICE.

RETURN showing the names of the Police Magistrates whose services were dispensed with during the six months ending the 9th February, 1870, together with the names of the places to which they were appointed, the names of the places visited by them, and the amounts of their salaries and allowances respectively; also, the amount in each case of the travelling and other expenses paid to other Police Magistrates and otherwise, for the performance of the duties formerly discharged by the Police Magistrates whose services were dispensed with; also, the total amount of the retrenchment effected down to the end of the month of January, 1870, by dispensing with the services of these Police Magistrates.

1.				2.			3.		Remarks.		
Name of Officer dispensed with.	Place to which appointed.	Names of places visited.	Salary per annum.	Allowances per annum.	Total Annual Saving.	Name of Officer performing duties.	Situation.	Places visited.		Amount of travelling and other expenses paid.	Total amount of Retrenchment to 31st Jan., 1870.
			£ s. d.	£ s. d.	£ s. d.				£ s. d.	£ s. d.	
Vyner, F. W.	Tumut	Adelong and Tumbarumba.	420 0 0	75 0 0	420 0 0	A. C. S. Ross	P.M., Gundagai	Tumut, Adelong, Tumbarumba and Cootamundry.	38 15 0	66 5 0	Salary paid to 31st Dec., 1869, for loss of office; allowance paid to 31st July, 1869.
Grant, A. O.	Gosford		300 0 0		300 0 0					62 10 0	Salary paid to 15 Nov., 1869; other appointment given by vacancy.
Sinclair, C. A.	Port Macquarie.	Manning and Macleay	350 0 0	75 0 0	350 0 0					60 8 4	Salary paid to 31st Dec., 1869; allowance to 31st Aug., 1869.
Dulhunty, L. V.	Carcoar	Cowra	420 0 0		420 0 0	J. Tom Lane	P.M., Orange	Carcoar and Moolong.	18 15 0	35 0 0	Salary paid to 31st Dec., 1869.
Scott, J. H. L.	Tambaroora.	Windroyer and Har- graves.	400 0 0		400 0 0	Hugh Brisbane George Warburton	P.M., Sofala P.M., Mudgee	Tambaroora Windroyer and Har- graves.	8 0 0	33 6 8	Do.
King, J. G.	Canonbs		350 0 0		350 0 0					29 8 4	Do.
Pearce, J. E.	Young	Boorowa and Murrumboola.	420 0 0	50 0 0		G. O'Malley Clarke	P.M., Young, and Gold Commissioner	Boorowa and Murrumboola.	500 0 0 travelling expenses. 10 0 0		Salary paid to 31st Dec., 1869; allowance paid to 31st July, 1869; no salary paid to Mr. Clarke as Gold Commissioner.
Dalton, F.	Grenfell		400 0 0		400 0 0	Joseph Cox	P.M., the Lachlan	Forbes, Condoulin and Grenfell.		33 6 8	Salary paid to 31st Dec., 1869.
Snape, J.	Warialda	Moree and Bingera	500 0 0		500 0 0					41 13 4	Do.
Weaver, C. T.	Armidale	Walcha, Bendemeer, Uralla, and Rocky River.	500 0 0	25 0 0		James Buchanan	P.M., New England, and Gold Commissioner.	Armidale, Bendemeer, Bundarra, Uralla, and Walcha.	500 0 0 travelling expenses. 29 0 0		Mr. Weaver was relieved from duty on the 18th Oct., 1869; and Mr. Buchanan commenced duty at Armidale, on the 19th of the same month; no salary paid to Mr. Buchanan as Gold Commissioner.

* £30 have been taken from this amount as an increase to the salary of the Police Magistrate at Gundagai.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(DEPOSITIONS IN CASE OF ANDREW HUME.)

Ordered by the Legislative Assembly to be Printed, 22 March, 1870.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 1 March, 1870, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“A copy of the Depositions in the case of Andrew Hume, at present a
“prisoner in Parramatta Gaol, who was tried, convicted, and sentenced to
“ten years imprisonment for the crime of bushranging, some time about
“the month of April in the year 1866.”

(Mr. Buchanan.)

ADMINISTRATION OF JUSTICE.

23 May, 1866.

DEPOSITIONS—Regina v. John Smith, *alias* John Connor, *alias* Mat and Andrew Hume, *alias* James Cox, *alias* Black Prince—Robbery under Arms—Coonamble. Q. S. Wellington. 1-6-66.—C. LETT.

In the Court of General and Quarter Sessions of the Peace, holden at }
Wellington, in and for the Colony of New South Wales. }

New South Wales,)
Wellington, to wit.)

BE it remembered that Joseph Chambers, Esquire, attorney-at-law, the officer duly appointed by His Excellency the Governor of New South Wales, by whom and in whose name all crimes, misdemeanors, and offences cognizable in this Court of General and Quarter Sessions may be prosecuted, and who, as such officer, for our Sovereign Lady the Queen in this behalf prosecutes, in his proper person cometh into this Court of General and Quarter Sessions of the Peace for the Colony of New South Wales, holden at Wellington, in and for the said Colony, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and sixty-six, and for our said Sovereign Lady the Queen informs the said Court that John Smith and Andrew Hume, on the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and sixty-six, at Barradein, in the Colony aforesaid, being then armed with certain offensive weapons and instruments, to wit pistols, in and upon one Henry Border then and there together feloniously did make an assault, and him the said Henry Border in bodily fear and danger of his life then feloniously did put; and six glasses of brandy, two bottles of rum, two bottles of brandy, two sheets, and one coat, of the property of the said Henry Border, from the person and against the will of the said Henry Border then together feloniously and violently did steal.

JOSEPH CHAMBERS.

Coonamble Police Office,
9 May, 1866.

Before Chas. Wm. Sheridan, Esq., J.P.

John Smith, *alias* John Connor, appears before the Court, having been apprehended by Senior Constable Ewing, charged with robbery under arms in company with a man styling himself the Black Prince.

This deponent, *Senior-constable Ewing*, having been duly sworn, on oath states:—On Saturday the 28th April last, from information I received, I apprehended the prisoner now before the Court on the above charge; I charged him with having, in company with another party styling himself the Black Prince, *alias* Andrew Hume, *alias* James Cox, with having committed a robbery under arms at the public-house of one Henry Border, at Barradein, on the 24th April last; after charging him I cautioned him in the usual manner that any statement he made would be given against him on his trial; he replied—"I have a statement to make; I was at Barradein on the day you named and saw a person there calling himself the Black Prince, but who he was I don't know; I saw no robbery of any sort take place under arms." The prisoner stated that what goods he got from Border was with Border's consent, on the understanding that he was to pay for them out of money he would receive from Teredeuyer, as he was going to hire there as a shepherd. Prisoner stated—"I got a shirt from Mrs. Border and made a present of it to the Black Prince"; he also stated he left with the Black Prince, as the Black Prince stated he would introduce him to Captain Thunderbolt; the prisoner being in liquor at the time complied and went with him, but parted company with him in the bush, but how and when prisoner did not know, as when he awoke next morning he was in sight of the houses; he did not return to the public-house, but went on to Teredeuyer and engaged as a shepherd; on searching him and his swag no fire-arms were found on him nor any of the property which Border had lost; I took him into Coonabarabran as the nearest Police Office, but there being no Bench there I brought him on to Coonamble.

Prisoner asks no questions.

J. P. EWING.

Constable Ewing prayed for a remand. Remanded for eight days.

Sworn before me, at Coonamble, this 9th May, 1866.

CHAS. WM. SHERIDAN, J.P.

Coonamble Police Office,
16 May, 1866.

Present—Chas. Wm. Sheridan, J.P.

Andrew Hume, *alias* James Cox, and John Smith, *alias* John Connor, appear before the Bench on remand warrant, charged with robbery under arms, at the house of one Henry Border, innkeeper of Barradein.

This deponent, *Senior-constable Elliott*, having been duly sworn, on oath states:—On the 26th of last month, in company with the other constables of the station, I apprehended the prisoner now before the Court, on suspicion of stealing a horse, for which offence he was this morning discharged—I not being able to produce witnesses against him in that case. In a coat-pocket which prisoner had worn I found a revolver and mask, which I now produce before the Court. I charge the prisoner this morning with having robbed Mr. Henry Border, of Barradein, he being armed at the time, and taking a coat, a Crimean shirt, a bottle of grog from the said Henry Border; prisoner stated he had not taken the goods by force of arms; I previously cautioned him that anything he said would be given in evidence against him.

Prisoner asks no questions.

The coat in question I now produce to the Court.

ROBERT ELLIOTT.

Sworn before me, at Coonamble, this 16th May, 1866,—

CHAS. WM. SHERIDAN, J.P.

This deponent, *Henry Border*, having been duly sworn, on oath states:—I am an innkeeper and storekeeper, and live at Barradein; prisoner now before the Court, namely John Smith, *alias* John Connor, who gave his name to me as Mat, came to my house in the afternoon of the 21st April last; he asked me if I would let him stop there, as he was tired and had not much money; I told him he could; he stopped the next day, being Sunday, until Monday morning; on Monday he went over to Purday's public-house, and had a dog with a chain round its neck; when he came back he said he had lost the chain at Purday's, but there would soon be some one there who would pay him double; on Tuesday following he again went to Purday's and came back accompanied by the prisoner, Andrew Hume, *alias* James Cox, *alias* the Black Prince; prisoner Mat, *alias* John Smith, asked my wife for a Crimean shirt, and said he would settle for it when prisoner Andrew Hume had cleaned himself; he also got two glasses of grog at the same time; he wanted to get two more, but I declined letting him have them until

until he paid for the shirt and the former two glasses, he being a stranger to me; I told Hume to pull off the shirt, as I wanted payment for it; I told him if he did not pull it off I would do so; he immediately sprang back about two yards and drew a revolver, saying, if I wanted payment he would pay me double; the revolver was pointed at me; I cannot swear whether the revolver produced is the same, but it looks like it; I went and got my double-barrelled gun, but it was not loaded at the time; the prisoner Mat saw me with it and said, don't bring that out as there were some more in the creek, within 400 yards of the place; this went on for an hour or two, I giving them a glass or two; they told me if I did not give them glasses they would blow it out with the revolver—Hume, *alias* Black Prince, threatening with the revolver all the time; the Black Prince said he did not want to stick me up, but they were going to stick up the other house (meaning Purday's); towards night, about 9 o'clock, prisoner Hume saw another shirt like the one he had on at the time; he told me to bring out the shirt and a coat; I told him I had not got a coat; he said he would soon make me fetch one; I brought him one, the commonest coat I had in the house (coat produced in Court); it was like the one now produced, and the shirt the prisoner is now wearing is something like the one taken from me; prisoner stated they wanted a bottle of brandy and a bottle of rum, but I do not know which took the rum or brandy, each prisoner taking a bottle; they also wanted bread and meat—they said their mates were hungry in the bush; they said there were seven in the bush, and that Captain Thunderbolt was among them; prisoner Mat, *alias* Smith, said I had better shut up the house quick, as they were coming to stick up the other house about 11 or 12 o'clock that night; I think it was about 10 o'clock when prisoners went away—one riding and one on foot; my man loaded the gun and went over to Purday's to help them if he could, but they did not want him; as my man was coming back he fired off one of the barrels, and had just time to get to my verandah when prisoner Hume galloped up and asked who was that firing; the man (my servant) told him it was the blackfellow who fired; prisoner said—"No, it was not, it was you, and it is a challenge for us bushrangers; my man was walking away, when prisoner Hume told him to stand, at the same time levelling a revolver at his head; I spoke to prisoner, when he said he would shoot me too; I told him he was not game to shoot me; at that time we were expecting the others would come up, but they did not; prisoner rode away, and I have not seen him since until this morning in Court House; neither of the prisoners seemed the worse for liquor, but they had had a few glasses.

Cross-examined by prisoner Hume: You came to my house in company with prisoner Mat, *alias* Smith; there was also another man with you who was working for me—his name was Dick; you asked me for grog when you came to my house; you afterwards went over to Purday's; you were away about half an hour; you came back by yourself; I am not aware that any one went from my place for you; you were about two or three yards from me when you pointed the revolver at me in the passage; I swear you pointed a revolver at me; you were drinking at my place; you were playing cards with Dick the fencer; you would have the cards; I cannot say you demanded the cards, but you had them, and was playing in the bar; I think there were about four people in the bar; I never saw the revolver in my wife's hands, behind the bar; you were not drunk at the time you asked me for the coat; I gave you a shirt at the same time; I did not give you the crape now produced, nor did my wife to my knowledge.

Cross-examined by John Smith, alias John Connor, alias Mat: You came to my house about 2 or 3 o'clock on Saturday, the 21st April; I was in the bar when I first saw you, at least I think so; you had a glass of brandy from me, and paid for it.

By the Bench: He was by himself at this time.

By prisoner Mat: I cannot say whether you had any grog before I served you with the brandy; you told me you had 12s. 6d.; you slept on a stretcher underneath the verandah; you were not drunk when you went to bed; you did not tell me you were going to Teredeyer.

Cross-examined by the Bench: A young man named Glass came to my house about 10 o'clock in the morning; he went on to Yarragan, and came back about dusk; when he was at my house in the morning Mr. Glass wore a gold chain and a watch; prisoner Mat saw Mr. Glass, and I heard Mat conversing with prisoner Hume.

By the Bench: Prisoner Hume said Mr. Glass had £35 in the waistband of his trousers; I watched for Mr. Glass returning and put him on his guard, and told him to plant his money and watch; he did so; when Mr. Glass went to bed I locked the door, and prisoner Mat wanted to stick Mr. Glass up; I begged of him not to do so; prisoner Hume, *alias* Black Prince would not do so; it was on Tuesday, the 24th April, when Mr. Glass came.

his
HENRY × BORDER.
mark

Sworn before me, at Coonamble, this 16th May, 1866,—

CHAS. WM. SHERIDAN, J.P.

This deponent, *John Cushley*, having been duly sworn, on oath states:—I am employed in driving horses by Mr. Border of Barradeen; I have seen the prisoners now before the Court before; I saw them both together on the 24th April, under the verandah; I saw the prisoner Hume with a revolver; he called for drinks, having his hand on his breast and resting his elbow on the counter; he presented a revolver at me that evening; I did not see him present it at any one else; I heard the old man Mat say there were bushrangers about; I was away nearly all day round Barradeen, looking for my horses; when I came home prisoner Mat tried to set prisoner Hume on me by telling him I was a spy; about half-past 10 at night I went over to Purday's, having a double-barrelled gun with me loaded; I did not see the prisoners at Purday's; after conversing a little with Purday I turned back to Border's, and while going fired off one barrel of the gun; after I had put away my gun I went into verandah, and saw prisoner Hume coming up at a full gallop; he did not dismount, but rode up to verandah; he asked who fired the gun; I said it was some of the darkies at the camp who fired; prisoner replied no, the gun was fired in front of Border's house, and was fired as a challenge to bring him and the mob back; prisoner insisted on knowing who fired the gun; I stepped out a little, when the prisoner Hume exclaimed (levelling a revolver at me)—"Keep back you wretch, I do not like the looks of you—I will blow out your brains if you go any further"; I then told him it was I fired the gun; prisoner asked who it was lying on the sofa in the verandah at the time; I told him it was Border; prisoner said if he did not get up he would fire at him; Border told him to fire and be damned, for he was a coward; prisoner Hume called for a glass of port wine, but would not let me go to get it; he made Mrs. Border go to get it; he drank the wine when it was brought by Mrs. Border and then went away; I have not seen him since until to-day in police office; prisoner Mat asked me why I did not go to bed as on other nights; I said I wanted to see the sport; he replied I had better go to bed and see nothing.

Cross-examined by Hume: I did not see you present the revolver at any one only myself; I had three or four glasses of grog with you but did not see you pay for it; I did not hear you use any threatening language, saying I would take by force; I saw you playing cards in the bar with Dick the fencer; I did not see Mrs. Border with your revolver behind the bar, but I saw Mrs. Border with a revolver in her hand in the dining-room; prisoner told her to put it down; I did not see Mrs. Border give you the piece of crape now produced; I did not give you anything that I remember; yes, I do remember, you asked for caps out of the store—I gave you some of my own; you demanded them by force; I saw the revolver in your belt; I did not hear you say that evening that you had neither powder nor ball; I heard you trying the caps; I did not see a second revolver, but heard you say you had taken another one out of your swag and given it to prisoner Mat; you went away once and came back; there was about four people in the bar when you came back; I did not hear you say you would blow Border's liquor out with our revolver.

his
JOHN × CUSHLEY,
mark

Sworn before me, at Coonamble, this 16th May, 1866.

Remanded for eight days for another witness, Mrs. Border.

CHAS. WM. SHERIDAN, J.P.

Coonamble Police Office,
23 May, 1866.

Before Chas. Wm. Sheridan, Esq., J.P., and S. B. Daniells, Esq., J.P.

Andrew Hume, *alias* James Cox, *alias* "Black Prince" and John Smith, *alias* John Connor, appear before the Court, charged with robbery under arms at the house of one Henry Border, innkeeper, of Barradeen.

This deponent, *Mary Border*, having been duly sworn, states:—I am the wife of Henry Border, innkeeper, of Barradeen, in Colony of New South Wales; I have seen the prisoners now before Court before; the prisoner Mat on the 21st April last,
and

and prisoner Hume on 24th April; prisoner Mat brought prisoner Hume to my house on the 24th April; prisoner Mat asked for a shirt for the other man Hume, stating that I should be paid for it when Hume had cleaned himself; I told my husband about it, and then proceeded with my household duties.

Cross-examined by prisoner Hume: I had your revolver in my hand; it was in the dining-room; you did not use any threatening language to me; you asked me for something to make a veil to keep away the flies; I will not swear the crape now produced is the same I gave you—it looks something like it.

Cross-examined by prisoner Smith: I do not know where you slept; I know a person called Dick the fencer.

By the Bench: The revolver spoken of was lying on the dining-room table; I merely took it up out of curiosity to look at it; I put it down again; I exclaimed it was a nasty looking thing; I never saw either of the prisoners present the pistol at my husband; I did not hear any shots fired.

MARY BORDER.

Sworn before us, at Coonamble, this 23rd May, 1866,—

CHAS. WM. SHERIDAN, J.P.
S. B. DANIEL, J.P.

Both prisoners committed for trial at Wellington Quarter Sessions, June 28th, 1866.

The evidence having been duly read over to the prisoners, they were duly cautioned, and asked if they had any statement to make? Prisoner Mat, *alias* Smith, declined. Prisoner Hume, *alias* Cox, states as follows:—I asked the prisoner Hume when I went with him to Border's to get me a shirt; I had not a revolver with me at that time; I went over again to Purday's and brought my things over to Border's.

CHAS. WM. SHERIDAN, J.P.
S. B. DANIEL, J.P.

(O. 1, 11 & 12 Vic., cap. 42.)

Recognizance to give evidence.

Coonamble, New South Wales, }
to wit. }

The Queen *v.* John Smith, *alias* John Connor, and Andrew Hume, *alias* James Cox.

BE it remembered, that on the twenty-third day of May, in the year of our Lord one thousand eight hundred and sixty-six, John Cusly, Robert Elliott, Senior-*c.* Ewing, Henry Border, Mary Border, personally came before us, two of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe our Sovereign Lady the Queen the sum of forty pounds sterling, of good and lawful money of Great Britain, to be made and levied of our goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if we the said John Cusly, R. Elliott, S.-*c.* Ewing, Henry Border, Mary Border, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Coonamble, in the said Colony, before—

CHAS. WM. SHERIDAN, J.P.
S. B. DANIEL, J.P.

The condition of the within-written recognizance is such, that whereas John Smith, *alias* John Connor, and Andrew Hume, *alias* James Cox, *alias* Black Prince, were this day charged before two Justices of the Peace within mentioned, for that they did, on or about the 24th of April last, rob, steal, and carry away certain goods the property of one Henry Border, of Barradeen, by force of arms; if, therefore, we the said John Cusly, R. Elliott, S. C. Ewing, H. and M. Border, shall appear at the next Quarter Sessions, to be holden at Wellington, in and for the Colony of New South Wales, on Thursday, the 28th day of June, and there give such evidence as they know, upon an information to be then and there preferred against the said John Smith, *alias* Connor, and A. Hume, for the offence aforesaid, to the jurors who shall pass upon the trial of the said John Smith, *alias* Connor, and Andrew Hume, *alias* James Cox, then the said recognizance to be void, or else to stand in full force and virtue.

CHAS. WM. SHERIDAN, J.P.
S. B. DANIEL, J.P.

I certify the within to be a true copy of the original depositions in the case of Regina *v.* John Smith, *alias* John Connor, *alias* Mat, and Andrew Hume, *alias* James Cox, *alias* Black Prince, tried at Wellington Quarter Sessions, on or about the 28th June, 1866.

Bathurst, 12 March, 1870.

L. F. LAYARD,
Deputy Clerk of the Peace.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BERNARD M'GUCKIN AND DANIEL M'BRIDE.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 3 May, 1870.

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

The humble Petition of Bernard M'Guckin and Daniel M'Bride,—

RESPECTFULLY SHOWETH :—

That your Petitioners complain of having been apprehended by the police and subjected to a lengthy imprisonment on a false charge unsupported by the slightest evidence, and solicit the attention of your Honorable House to the following statement of the particulars of the case. Bernard M'Guckin was taken into custody by Detective Wm. Hogan, on the 16th July, 1868, by virtue of a warrant, charging him, the said Bernard M'Guckin, with having feloniously abetted some person, whose name was unknown, on the 28th April, 1868, in shooting at John Gray with intent to murder the said John Gray. He, M'Guckin, was brought before the Bench at Kiama on the following day and remanded till the 22nd July. Daniel M'Bride was apprehended by Detective Richard Elliott, on the 18th July, by a similar warrant, and on the same charge brought before the Bench at Kiama, and remanded without bail also till the 22nd July. A third party named Patrick Lennard had been apprehended on the same charge and remanded also till the 22nd July. All three prisoners were brought before the Bench at Kiama on the 22nd July, and remanded without bail being allowed till the 28th July. They were again brought before the Bench on the 28th July, and remanded without bail being allowed till the 1st August. They were again brought before the Bench on the 1st August and remanded till the 7th August; bail personally allowed, £20 each. All three prisoners answered to their bail on the 7th August, and without any further evidence being taken were unconditionally discharged by the Bench.

That your Petitioners beg to refer your Honorable House to the records of the Court of Petty Sessions at Kiama in proof that no evidence in support of the charge against them was adduced by the police.

That while undergoing this lengthy imprisonment your Petitioners were subjected to many needless indignities, Daniel M'Bride having been twice marched backwards and forwards from Shellharbour Lock-up to Kiama in irons, past the door of his own house, in sight of his wife and children, and pointed out by the constable who had him in custody to the people he met on the road as a Fenian; while Bernard M'Guckin was urged by the police to inform or bear false witness against his fellow prisoners M'Bride and Lennard, and told that if he did so, and thereby procured their conviction, he should receive two hundred pounds from the Government and have his passage paid to any country he might wish to go to.

That your Petitioners arrived in the Colony as bounty immigrants (Bernard M'Guckin on the 29th July, 1855, and Daniel M'Bride on the 3rd June, 1861), bringing their wives with them. Bernard M'Guckin has now a family of seven young children and Daniel M'Bride a family of five, the eldest not eight years of age. Patrick Lennard, who was taken into custody on the same charge as they were, is an immigrant also, and has a wife and six children.

That your Petitioners brought with them testimonials of character from gentlemen of high respectability in Ireland, and have conducted themselves in a creditable manner since they have been in the Colony. One of them (Bernard M'Guckin) has been upwards of four years, and the other (Daniel M'Bride) upwards of seven years in the hired service of Samuel Charles, Esq., J.P., of Eureka. And they desire to add, that this gentleman was so confident, from his knowledge of their character and habits, of their being entirely innocent of the charge brought against them, that he employed a lawyer to defend them, and maintained their families while they were in prison.

That your Petitioners are natives of Ireland, and members of the Roman Catholic Church; but they have never belonged to any political society or association, have never joined in any demonstration of opinion, or taken any part whatever in respect to public questions; nor has their conduct at any time been such as to bring them under the notice of the police as disorderly persons. They are led to conclude, therefore, that they were singled out for accusation in regard to the great crime which was said to have been committed in shooting at John Gray merely on account of their belonging to the Roman Catholic religion.

That your Petitioners have been deterred from looking for satisfaction for the wrongs and losses which they have suffered from the oppressive conduct of the police in a Court of law by the supposed prevalence of party feeling in the Kiama District, as well as by the want of means; but relying on the impartiality of Parliament, your Petitioners humbly pray that your Honorable House will cause an inquiry to be instituted into the truth of the foregoing statement, and in respect to the circumstances to which it relates, and afford such redress as to your Honorable House may seem meet and just.

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

BERNARD MAGUCKIN.
DANIEL M'BRIDE.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLERK OF PETTY SESSIONS, LIVERPOOL.

(PETITION—BENCH OF MAGISTRATES, LIVERPOOL.)

Ordered by the Legislative Assembly to be Printed, 29 March, 1870.

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

The humble Petition of the undersigned Magistrates of the Liverpool Bench,—

SHOWETH :—

That the Bench of Magistrates at Liverpool have been deprived of the services of their late Clerk of Petty Sessions, by the substitution of the Senior-Constable to act in that capacity, an officer of much merit in his subordinate position.

That your Memorialists protested by letters to the Honorable Colonial Secretary and the Honorable the Attorney General against this needless alteration, effecting in reality no economy, on the ground that the offices were incompatible—the Chief Constable being often the prosecutor—and therefore there must arise difficulties in recording the evidence, also in drawing up many important documents.

That the said Senior-Constable holds his appointment without any securities, although the Clerk of Petty Sessions has had to enter into heavy bonds for moneys received; and that the records of the Court are placed in his custody without securities.

That the responsibility of the Magistrates, acting as they do gratuitously, will be much increased by the said change; the ends of justice may be seriously affected, as well as being a breach of custom if not of faith, in depriving the Bench of an efficient officer in whom the Magistrates could rely and the public could confide.

Your Petitioners pray that your Honorable House will protect the Bench and the public against needless interference with a Court which, during the year 1869, had no less than 169 cases, besides other duties under their administration.

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

RICHARD SADLEIR, J.P.
CLEMENTS LESTER, J.P.
W. F. BUCHANAN, J.P.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LORD HOWE ISLAND.

(REPORTS, &c., OF OFFICIAL VISIT TO.)

Ordered by the Legislative Assembly to be Printed, 15 February, 1870.

LORD HOWE ISLAND.—Official visit by the Water Police Magistrate and the Director of the Botanic Gardens, Sydney; together with a description of the Island, by Edward S. Hill.

PREFACE.

It is intended that the introduction to this pamphlet shall be a key to its contents.

It treats of early discovery, under whose auspices, and what had been learned at that time.

The cause which led the Government of New South Wales in the present year, 1869, to institute an inquiry into an alleged outrage said to have been committed on that island, will be found in the official report of the officer of the Government entrusted with that duty.

It treats of the Botany, by the Director of the Botanic Gardens; of the Natural History, by the Curator of the Museum; of the attempt to ascend Mount Gower, by R. D. Fitzgerald, Esq.; of the Geology, Natural History, Statistical Register, and incidents of travel, as recorded by the writer, together with a recommendation for the future disposition of the island and its present inhabitants.

These pages are meant to afford a faithful account of the island, in a compendious form. They are records of things seen or learned—knowledge freshly gained, and like most travellers' books, "not for learned professors, but for that class who wander and think for themselves."

E. S. HILL.

Woollahra Point,
Sydney, 8 June, 1869.

LORD HOWE ISLAND.

1788.

EPITOME of Events prior to, and the cause which led to the discovery of Lord Howe Island.

CAPTAIN JAMES COOK discovered Norfolk Island in October, 1774. It is situated in latitude 20° 2' 30" south, and in 168° 16' east longitude.

Governor Phillip arrived at Botany Bay in H.M. armed tender "Supply," preceding the first fleet. The remainder of the fleet arrived and anchored in Botany Bay.

1788.
January 18.
January 19 & 20
January 22.

Governor Phillip went from Botany Bay with three boats, round to Port Jackson to examine the harbour, and fixed upon the present site where now stands the city of Sydney.

The cove, in honor of Lord Sydney, the Governor distinguished it by that name—"Sydney Cove."

January 24.

Governor Phillip returned to Botany Bay, with the intention of removing the fleet to Port Jackson.

The fleet in Botany Bay were astonished by the appearance of two ships under French colours. Wind and current prevented them working into the harbour, and drove them out of sight again to the south.

Governor Phillip quitted Botany Bay and sailed to Port Jackson; the rest of the fleet were ordered to follow. The French ships again appeared off the mouth of the harbour. It was now learned that these were, as the Governor had supposed, the "Boussole" and the "Astrolabe," on a voyage of discovery under the conduct of Monsieur de la Perouse. These ships anchored in Botany Bay on that day.

January 25.

The transport and store ship, attended by the "Sirius," finally evacuated Botany Bay, and in a short time were all assembled in Sydney Cove.

January 26.

The 7th of February, 1788, was the memorable day which established a regular form of government on the coast of New South Wales. The Royal Commission was on that day read by the Judge Advocate, and by which instrument Arthur Phillip was constituted and appointed Captain-General and Governor-in-Chief in and over the territory called New South Wales.

February 7.

On the 14th February, 1788, a party was sent out in H.M. armed tender "Supply," Lieutenant Ball, to settle on a small island on the north-west of New Zealand, which was discovered and much commended by Captain Cook, and by him named Norfolk Island, in honor of the noble family to which that title belongs.

To the office of Superintendent and Commandant of this island and the settlement to be made upon it, Governor Phillip appointed Philip Gidly King, at that time Second Lieutenant of His Majesty's Ship "Sirius," with instructions, and Commission dated at head quarters, in Port Jackson, New South Wales, 12th day of February, 1788.

February 12.

In one of Lieutenant King's despatches from Norfolk Island, he says:—"Fish are caught in great plenty, and in the proper season, very fine turtle. The woods are inhabited by innumerable tribes of birds, many of them very gay in plumage. The most useful are pigeons, which are very numerous, and a bird not unlike the Guinea-fowl, except in colour (being chiefly white), both of which were at first so tame as to suffer themselves to be taken by hand. Of plants that afford vegetables for the table, the chief are cabbage-palm, the wild plantain, the fern-tree, a kind of wild spinach, and a tree which produces a diminutive fruit bearing some resemblance to a currant."

But the productions which give the greatest importance to Norfolk Island are the pines and the flax plant; the former rising to a size and perfection unknown in other places; the latter not less estimable for the purposes of making sail-cloth, cordage, or even the finest manufactures; growing with great plenty, and with such luxuriance as to attain the height of 8 feet. The fern-tree is also found to be of great height for its species, measuring 70 to 80 feet. A plant producing pepper, and supposed to be the true oriental pepper, has been discovered lately in the island, growing in great plenty. Rats are the only quadrupeds which have been found in this island, and from these, as well as from the ants, it was feared the crops might suffer.

It was during the passage from Port Jackson to Norfolk Island that Lord Howe Island was discovered by Lieutenant Henry Lidgbird Ball, Commander of His Majesty's tender "Supply," on the 17th February, 1788, and was so named by him in honor of the Right Honorable Lord Howe. At the same time he observed a remarkable high pyramidal rock at a considerable distance from the island, which has been named Ball's Pyramid.

Lat. 31° 31' S.
Long. 159° 5' E.
February 17.

There is no danger in approaching Lord Howe Island,—the "Supply" anchored there in 13 fathoms, sand and coral; but there lies from the south-west part of the pyramid a dangerous rock which shows itself a little above the surface of the water, and appears not to be larger than a boat. Lieutenant Ball had no opportunity of examining whether there is a passage between them or not.

The island is in the form of a crescent, the convex side towards the north-east. Two points, at first supposed to be separate islands, proved to be high mountains on its south-west end, the southernmost of which was named Mount Gower, and the other Mount Lidgbird. Between these mountains there is a very deep valley, which obtained the name of Erskine Valley; the south-east point was called Point King, and the north-west point, Point Phillip. The land between these two points forms the concave side of the island facing the south-west, and is lined with a sandy beach, which is guarded against the sea by a reef of coral rock at the distance of half a mile from the beach, through which there are several small openings for boats; but it is to be regretted that the depth of water within the reef nowhere exceeds 4 feet. They found no fresh water on the island, but it abounds with cabbage-palms, mangrove and manchineel trees, even up to the summit of the mountains.

No vegetables were to be seen. On the shore there are plenty of gannets, and a land-fowl of a dusky brown colour, with a bill about 4 inches long and feet like those of a chicken; these proved remarkably fat and were very good food. There are also many very large pigeons, and the white bird resembling the Guinea-fowl, which were found at Norfolk Island, were seen here also in great numbers.

The bill of this bird is red, and very strong and sharp-pointed. Innumerable quantities of exceeding fine turtle frequent this place in the summer-season, but at the approach of winter they all go to the northward. There was not the least difficulty in taking them. The sailors likewise caught plenty of fish with a hook and line.

1788.
May 6th, 17th
and 18th.

The "Scarborough," Captain Marshall, left Port Jackson and touched at Lord Howe Island, where was seen the "Supply" brig, "Lady Penrhyn," and the "Charlotte," standing off and on. Captain Marshall sent his boat on shore with the chief officer, in the expectation of procuring some turtle, as the "Supply," Lieutenant Ball, had caught a large quantity at this island in February. However, they were not able, after the most diligent search, to meet with any turtle, but they brought off a quantity of fine birds, sufficient to serve the ship's crew three days; many of them were very fat, somewhat resembling a Guinea-hen, and proved excellent food.

OFFICIAL REPORT BY THE WATER POLICE MAGISTRATE.

HOMICIDE AT LORD HOWE ISLAND.

Water Police Office,
Sydney, 9 June, 1869.

The Hon. Colonial Secretary,—
SIR,

I do myself the honor to forward herewith the depositions taken by me at an inquiry held at Lord Howe Island, which terminated on the 2nd June instant, concerning the alleged murder of a man called John Leonard. I also enclose certain depositions taken by the inhabitants of the island touching the same matter, and which were in course of being forwarded to the Government here. Immediately on my arrival, and before it was generally known who we were, I had the accused man (Lloyd) arrested, and took him on board the "Thetis," as I could see from the nature of the island that it would be almost impossible to apprehend a man who wished to secrete himself in the mountains. After a very careful investigation, extending over three days, I discharged the prisoner, feeling clearly convinced that he (Lloyd), who is an old man, 70 years of age, having been without provocation brutally assaulted by the deceased Leonard, a young and strong man, 32 years of age, had used his knife only when he believed his life to be in positive danger, and when he had no means whatever of escape.

The history of the case is briefly this:—Lloyd has been a resident of Lord Howe Island for about twelve years, and bore the character of being an industrious and peaceable man. The deceased Leonard was an American, a native of Lowell, in the State of Maine, and had deserted at Lord Howe Island about five years ago from the American whaler "Gayhead." He lived with Lloyd for about two years, when he left with Lloyd's daughter, and they erected a homestead of their own—Captain Field having read the marriage ceremony to them. Since then there have been constant quarrels between them, the young woman (Lloyd or Leonard) being of a very passionate and violent temper, and, as I was generally informed, having complete control over Leonard. On the 13th of February, the day before Leonard's death, Lloyd and Leonard were both on board the ketch "Sylph," which had just arrived from Sydney. They went on board together, mutually assisted each other in getting their stores, and came again on shore together, apparently on very friendly terms. Lloyd then went to work at an angle where two fences join inwards, and where the banyan tree, palms, and other vegetation close in so thickly as to prevent the retreat of any man there attacked. He was so seen at work that evening by the witness Whybrow, with whom he left, saying it was too dark to finish the fence then, but he would come back early in the morning and do it. He was then using (in whittling pegs for the fence) the identical knife with which he voluntarily stated he had stabbed Leonard. Lloyd states that the next morning he returned to the work, and had not been there more than two minutes when, in the act of stooping to pick up a batten, he received a severe blow at the back of his head. He turned round and saw Leonard. Lloyd said—"So you mean to kill me?" Leonard replied—"Yes, you old —, and Mooney too." Leonard then pursued him into the garden, and kept on assaulting him until he (Lloyd) received a violent blow in the pit of the stomach, when, feeling dizzy and believing he was being killed, he used the knife with which he had been whittling pegs, which he had in his hand when attacked, and struck Leonard the blow from which he died. Lloyd gave himself up to the people, who found a wound bleeding in the back of his head, and the exterior of both of his arms, on the guard, and chiefly from the elbow down, most severely cut and bruised. The wounds, as described by the witnesses, were such as would be received by a man in guarding his head. This is so far confirmatory of Lloyd's statement. Leonard, on receiving the stab, said—"Now I shall get the gun and shoot you," but he was exhausted by loss of blood when he reached home, and bled to death, probably from want of proper and efficient means to staunch the wound. Lloyd wished at once to be sent to Sydney, and volunteered to allow himself to be battened down or put in double irons, or taken down in any way the people chose, so long as he could but surrender himself to the proper authorities in Sydney. He never attempted to leave the island, but always expressed his anxiety to be tried and have the matter inquired into.

It might seem strange that, after being so amicable on the 13th, Leonard should so suddenly and so violently assault Lloyd on the 14th; but the motive is here supplied by the fact that on the evening of the 13th Lloyd's daughter (Mrs. Leonard, as she was called) went to the house of a man called Thompson, to whom she expressed her surprise at not having received a letter from her sister in Sydney, by the ketch that day, when Thompson told her that perhaps it was because of the letter her father had written, saying that she was not his child, and complaining of her conduct generally. Another person also informed her that Mooney had written this letter for Lloyd. I believe it to have so acted on her mind as directly or indirectly to cause the attack on Lloyd next morning. It would also account for the expression stated by Lloyd to have been used by Leonard—"Yes, you old —, and Mooney too." Whilst Lloyd had many wounds and bruises, Leonard had only but the one stab on the top of the right shoulder, which would corroborate

corroborate Lloyd's statement, that he had all the time acted on the defensive solely, and had at the last moment only, and when he believed he was being killed, struck Leonard with a knife. Under these circumstances I did not consider it my duty to bring Lloyd to Sydney, but, calling all the people together, I explained the whole case freely, and told them the conclusion I had arrived at.

I omitted to remark that, though Leonard was sensible for an hour before his death, he never said a word as to how the affair had occurred, or mentioned Lloyd's name to any one of the people who were in constant attendance upon him, but only to Mrs. Leonard, as she states. The whole evidence therefore against Lloyd is solely his own statement.

In a separate paper I have given a general account of the island, so far as time allowed me to inquire and observe.

I have the honor, &c.,

P. L. CLOETE, W.P.M.

Water Police Office,
Sydney, 10 June, 1869.

The Principal Under Secretary, Sydney,—

SIR,

I do myself the honor to offer a few observations regarding Lord Howe Island, which though not actually connected with the mission on which I was despatched, may yet be of some use to the Government. Lord Howe Island is distant N.E. from Sydney about 450 miles, and its general features I found accurately described by Mr. White in his report in 1835, with exception, however, of his statement as to the scarcity of water, for there are two good streams—one on each side of the island—and abundance of water to be almost everywhere obtained by sinking from 10 to 20 feet. On the S.W. side, and about three-quarters of a mile from the shore, a reef extends N.W. and S.E.; about three miles over this, in westerly winds, there is a very heavy break. There are three entrances—the one at the northernmost end leading to a small harbour, available for vessels drawing not more than 6 feet. On the outside of this reef there is an anchorage and shelter from the N.E. winds, the best holding ground being in nine fathoms, near to a small island just outside, and near the centre of the reef; and here also there is an opening through which to land. From the S.W. winds there is anchorage and shelter on the N.E. side, where the "Thetis" lay all the time we were there. Two or three small bays with sandy beaches afford very easy landing. The best watering is from a considerable stream about the centre of the N.E. side, in a small bay facing Mutton Bird Island. There are altogether thirty-five souls on Lord Howe Island, occupying thirteen homesteads, and having under cultivation about 33 acres of land. The houses are built of the cabbage-palm, and covered with the frond; they are clean and comfortable; two or three of the better buildings are of sawn timber procured from Sydney, the wood on the island not being adapted for building purposes. These small settlements are all on the S.W. side, standing away from the beach from about 50 to 200 yards; they are *not* observable from the sea, being hidden by the woods which shelter them from the S.W. winds. The names, length of residence, and other particulars concerning the inhabitants of this island, I append in a tabular form, taking them in order from north to south.

The soil is decomposed trap and coral, and varies much in its quality, the spots now occupied being the best selected, and producing very good crops—potatoes, maize, onions, cabbage, oranges, lemons, bananas, peaches, grapes, arrowroot, and coffee, all thrive there exceedingly well; but the inhabitants care little to cultivate more than just sufficient for their wants. The only product they export is onions, which are brought to Sydney in a small ketch of about 14 tons, the joint property of Thompson, Wainwright, and Field. The freight charged is £2 per ton; the balance over this is returned in tea, sugar, &c.—luxuries, however, which they are often for a very long time without. After the season, whalers often touch to water and provision, when the people exchange their pigs, potatoes, onions, &c., for soap, salt, slop-made clothing, and any other articles they may require. The people seemed quite happy and contented, and beyond the unfortunate affair which I investigated, I could hear of nothing having occurred for years past to disturb the monotony of their lives. Numbers of pigs and goats run wild on the island. There is excellent fishing, and turkeys, ducks, fowls, &c., are reared in great numbers. The scenery on the island is very beautiful—the cabbage-palm and magnificent banyan-tree covering all the low-lying parts. Some rare birds were procured for the Museum by Mr. Masters, and Mr. Moore has also much enriched the Botanical Gardens by obtaining rare and valuable plants.

The inquiry I held occupied the whole of my time, and consequently I had no opportunity of accompanying any of the gentlemen with me in their scientific researches, and I did not care to remain any longer than absolutely necessary, by reason of heavy weather to be expected at this time of the year, which would render our anchorage insecure; and further also, on account of the limited quantity of coal we were enabled to carry. On our way back we encountered a heavy S.W. gale, about 180 miles from Sydney. We were hove-to about 16 hours, and the Government steamer "Thetis" had thus an opportunity of proving her almost perfect sea-going capacity.

I have the honor to be,

Sir,

Your most obedient servant,

P. L. CLOETE, W.P.M.

SKETCH

SKETCH OF THE VEGETATION OF LORD HOWE ISLAND.

BY THE DIRECTOR OF THE BOTANIC GARDENS.

Botanic Gardens, September, 1869.

The Under Secretary for Lands,—

SIR,

I have the honor to submit for your information the following sketch of the vegetation of Lord Howe Island, drawn from plants either noticed or collected by me during a three days' sojourn there in the month of June last. I would state that the sketch is necessarily a very imperfect one, arising from the very short time which I was enabled to be upon the island, and my physical inability from illness to explore many interesting localities, but above all, from the fact that scarcely any of the plants were either in flower or fruit, so that, for the most part, the specimens collected have been found insufficient to clearly determine whether they were previously known and described or otherwise. To write the interesting Flora of this island, more perfect materials will be required than have as yet been procured. With this end in view, arrangements have been made with one of the settlers to collect and dry specimens of the flowers and fruit of plants of every description, and if this work be carried out properly, the plants can then be correctly determined and their characters furnished.

This island is situated in latitude 31 degrees 31 minutes south, longitude 159 degrees 5 minutes east (or about 300 miles east of Port Macquarie, the nearest part of our coast), is seven miles in length, by about an average of one mile in breadth, and is said to contain 3,220 acres, of which it is calculated that more than 2,000 are capable of cultivation. Of volcanic origin, the soil generally is of a rich character, that in the lower or flatter parts extremely so, being of a dark unctuous loamy nature, largely impregnated with humus, overlying a deep bed of yellow clay. It is only land of this description that is now cultivated; that on the more elevated places being of a lighter kind, its principal components consisting of decomposed porphyritic and calcareous rock, and more affected by atmospheric influences than the former. On this account, much of it formerly under cultivation is now left untilled, the demand for produce having of late years greatly failed. These as well as some abandoned clearances on the flats are now almost wholly occupied by two grasses which are common about Sydney, *Cynodon dactylon*, and *Sporobolus elongatus*, called by our colonists respectively "Couch" (the *Doub* of India), and "Tufty-grass," the former growing most luxuriantly, and forming a superabundance of food for the horses and cattle now upon the island. On the sides of the two highest mountains, each nearly 3,000 feet high, which terminate abruptly the south-eastern point of the island, the soil is for the most part composed of decomposed basaltic rock, strong and stiff, and suitable for the growth of many plants valuable to man, yet the surface is so covered with loose stones, varying in size from huge boulders to small pebbles, that it would be difficult if not impossible to clear it.

Every part of the island is covered with a dense vegetation, the undergrowth being kept comparatively clear by pigs and goats, which are allowed to roam at large. These crop off the lower branches of the trees, and in too many instances, it is feared, have destroyed the smaller kinds of plants altogether. The absence of undergrowth, and the very remarkable scarcity of ferns and orchids in the lowest and richest parts of the island, would indicate a dryness of climate which is not the case, as a drought of any great continuance is seldom or never experienced here, rain being said to be frequent and abundant at all seasons. While the want of undergrowth may be accounted for by the action of the pigs and goats, yet the rarity of the classes of plants referred to cannot be so readily explained. Thus, in the rich low flats, extending upwards of three miles, where the trees were the thickest and most lofty, only one orchid—*Dendrobium gracilicaule*, *Muel.*—and five or six kinds of ferns, were all that were observed, and these sparingly. At the end of this flat ground towards the east, in gullies near the base of the mountains, and up to their very summit, ferns increase in numbers, both as regards genera and species. The presence among these of *Trichomanes* and *Hymenophyllum* would dissipate the notion of a very dry atmosphere, and prove at least a greater abundance of moisture in proximity to the mountains than occurs elsewhere. A second and smaller species of *Dendrobium* was gathered at a rather high elevation. This, with the former, and a species of *Sarchochilus* found sparingly upon trees growing on the hilly sides, at the other end of the island, were the only representatives of the family of *Orchidaceæ* noticed. One of the most remarkable features of the vegetation is the prevalence of Palms, of which there are four species, all of which appear to be as yet undescribed. Two of these, called by the settlers, respectively, "Thatch Palm" and "Curly-leaved Palm," and both sometimes "Cabbage Palms," are very general, and most abundant. They reach to a height of at least 1,000 feet on the side of Mount Lidgbird, at which point their place is supplied by another very distinct species, of a noble appearance, called the "Umbrella Palm," from its compact, gracefully drooping, arched, dome-like, pinnate fronds. The zone of this plant is of limited extent, as it does not reach within some hundreds of feet to the top of the mountain, where a dwarf species, not more than 6 feet high, also with pinnate fronds, and altogether different from any of the others, occurs in large quantities. In appearance and character, the two first-mentioned species closely resemble each other; both grow to about the same height, the highest observed being about 35 feet, and both have pinnate fronds, from 6 to 8 feet in length. The spadix of both is simple and drooping; that of the "curly-leaved" species being nearly twice as long as that designated "Thatch Palm,"—a term applied to it because of the fronds being employed for covering the roofs of houses. They are otherwise readily distinguished from each other, even to the ordinary observer, by the pinnæ of the former slightly converging upwards, while those of the latter droop; and by the straight and more robust stem of the latter, the former being more slender, of a darker colour, and usually slightly bent in the middle. In habit these palms resemble those of the genus *Areca*, but their carpological characters would indicate that they belong to the genus *Kentia* of Blume, which is not surprising, as all the palms of New Caledonia (eight species) are referable to this genus; but until fully developed flowers of all the kinds are obtained, the genus or genera to which they may belong cannot with certainty be determined. From the very imperfect specimens procured of the "Umbrella Palm," it has been impossible for me to refer it to any known genus. Of this no flowers were seen, but its large reddish-coloured fruit (the size of a pigeon's egg), borne upon a branching spadix, is unlike that of any other palm as yet found in this quarter of the world. The small species,

species, which only grows on the tops of the mountains, has also a branching spadix. This plant was not seen by me in a growing state, but the specimens obtained would represent it as of a dwarf rigid habit, with pinnate fronds not more than from 2 to 3 feet in length.

The *Pandanus*, or "Screw Pine," of which there appears to be two species, marks the vegetation in a peculiar manner, wherever it occurs. One species, known to the settlers as the "Tent Tree," *Pandanus Forsteri*, Moore, grows plentifully in some parts of the flats, but is more general on the mountain sides, increasing in number as they ascend, and attaining to an elevation of at least 2,000 feet. This often grows to a height of over 30 feet, the lower half of which is usually constituted of spreading stem-like roots, which proceed from the main stem at various heights, and as the earlier roots perish, in a manner almost corresponding with the production of those from above, a clear space is thus left beneath, the plant being supported by these root-props, having a tent-like resemblance. The most remarkable plant however upon the island is a species of *Ficus*, and the only one of the genus found there. Along the whole extent of the flat and richest ground, on the south-west side, this noble tree grows in large numbers—very rarely in exposed situations—but marks distinctly an inner zone of vegetation, being protected on every side by belts of trees of various descriptions. It possesses to an extraordinary degree the branch-rooting characteristics of the famous "Banyan" of India, *Ficus indica*. From its high wide-spreading branches, adventitious roots are produced, which descend to the ground, then rapidly enlarge, and become in the course of time huge stems drawing nourishment from the earth for the support and increase of the parent branch, which, as it extends, produces similar root-stems; the tree by this means covering a very large space of ground. In some instances the original stem had perished altogether, the branches becoming separate trees, each with numerous root-stems, and forming by the whole a beautiful amphitheatre of considerable dimensions. This interesting tree appears to be new, and confined to the island; its column-like stems suggesting the specific name *columnaris* proposed to be given to it. In character it is allied to *Ficus macrophylla* of this Colony, but the smaller size of the fruit and foliage, and its numerous root-stems, at once distinguished it from that species.

The trees of most frequent occurrence throughout the island were *Hibiscus Patersonii*, *Myoporum acuminatum*, Br., called "juniper," and *Ochrosia elliptica*, all most abundant near the coast, and forming for the most part the outer or most exposed belt, the latter being, it is supposed, the "manchineel" mentioned by Lieutenant Ball, the discoverer of the island. These and a species of *Achrotychia*, *Hemicycelia australasica*, Muel., the latter remarkable for its bright-coloured foliage and red-coloured fruit, *Olea paniculata*, *Achras costata*, *Pisonia Brunoniana*, *Baloghia lucida*, and a species of *Tetranthera*—the latter appeared to yield the largest useful timber—constitute at least three-fourths of the tree vegetation. Climbing plants were represented by *Marsdenia rostrata*, *Stephania hernandiifolia*, *Smilax latifolia*, *Flagellaria indica*, *Ipomœa palmata*, *Ipomœa pes-capræ*, *Tecoma australis*, and *Canavalia obtusifolia*. Among the more rare and interesting plants, special mention may be made of a magnificent species of *Dracophyllum* discovered by one of our party—R. D. Fitzgerald, Esq., of the Survey Office—in a valley between the two highest mountains, called Erskine Valley. This magnificent species (perhaps the finest of the genus) being new, will henceforth bear the name of its discoverer, *Dracophyllum Fitzgeraldii*, who describes it as "a tree between 40 and 50 feet high, with a trunk at least two feet in diameter. It produced the leaves in tufts at the ends of the branches, and panicles of flowers of a reddish white colour, from nine inches to a foot long, springing from the centre of the tufts. Altogether it had a strange appearance, growing in a rambling way, the small branches forking like a *Pandanus*, the whole tree having the semblance of producing young pine-apple plants." It is allied to some species indigenous to New Caledonia and New Zealand, but quite distinct from any of these. A beautiful species of *Randia* (*R. macrophylla*, Moore), with large bright-shining foliage and stipules, was met with in several parts of the island. No flowers of this were seen, but the foliage alone will be sufficient to entitle it to a place in our gardens. A singular plant of the Mistletoe kind, *Viscum opuntioides* of Forster, found also on Norfolk Island, was observed growing in considerable quantities, but only upon two kinds of trees, *Hemicycelia* and *Elæodendron*. Every tree attacked by this curious parasite, which confined itself to the ends of the top branches, either presented evident signs of decay, or appeared to be dying from its effects altogether. No other Loranthaceous or parasitical plant of any kind was noticed. A most offensive-smelling plant—a new species of *Coprosma* (*C. putida*, Moore and Muel.)—was met with, both on the high and low grounds. It is called by the settlers "Stink-plant,"—a most appropriate name, as the smell which is emitted from its bruised leaves or broken branches is perfectly abominable. Were it not for this peculiarity it would be a shrub worthy of cultivation, having a rather pretty habit of growth. A large Iridaceous plant, termed the "Wedding Flower," was found sparingly in two or three situations. Of this seed-vessels only were obtained, but the flowers were described as being very beautiful. The leaves were upwards of six feet long, and from two to three inches in breadth. In appearance it resembles a large species of *Morœa*, but will probably prove to be a new genus.

At the mouth of a creek or small rivulet, near the base of Mount Gower, *Ægiceras fragrans* was observed for the first and only time, although it is said that this or some other kind of mangrove grows where another rivulet enters the sea. Along the coast on the northern side, *Crinum pedunculatum*, *Juncus maritimus*, *Rhagodia Billardieri*, *Senecio insularis*, *Mesembryanthemum æquilaterale*, *Ipomœa pes-capræ*, and *Canavalia obtusifolia*, occupied for the most part the sandy ridges raised by the wind from the beach. Curiously enough, on this the warmest side of the island, the trees and shrubby plants appeared to suffer more from exposure to the sea than they did on the opposite or southern side. There especially, *Hibiscus Patersonii*, *Ochrosia elliptica* and *Myoporum acuminatum*, which, as has been before observed, constitute the principal part of the outer belt of tree vegetation, grew to be both good-sized and well-formed, whilst here they were reduced to a low-sized and nearly impenetrable scrub, the more so as they were usually intermixed with *Guilandina Bonducella*, a sub-climbing prickly shrub. In some parts of the interior, *Verbea bonariensis*, *Ricinus communis*, *Solanum laciniatum*, *Sonchus oleraceus*, and other smaller kinds, evidently foreigners to the soil, had, from neglect, taken almost entire possession of fine tracts of cleared ground, and had become in other parts very troublesome weeds.

Two interesting arborescent ferns (species of *Alsophila*), which are considered to be new, were observed in a small valley near the base of Mount Gower, growing in company with *Alsophila excelsa*, Br. Both of these are allied to *Alsophila Australis*, Br., but of a more slender habit. In the same locality with these, *Trichomanes meifolium*, var. *Bauerianum*, grew plentifully. Another fine species of *Trichomanes*, as well as *Lomaria capensis* and *Hymenophyllum tunbridgense*, were brought from the top of the mountain

by

by one of the settlers, who stated that they all grew there in the greatest profusion, as well as a large and beautiful moss, more than a foot in height—a species of *Spiridens*. Among ferns it is not a little remarkable that the genus *Adiantum* was missing, although indigenous to all the countries with which the island is surrounded.

The Phanerogamic plants and ferns of the island, to which my attention was especially confined, are fairly represented, it is believed, by the following list of genera and species collected or noted by me. With the exception of Ferns, very few Cryptogamic plants were collected, and of these *Tmesipteris*, and the beautiful moss *Spiridens*, from the top of Mount Lidgbird, are the only kinds enumerated. It may be remarked, however, that very few Fungi were seen. Lichens of the *Parmelia* and *Sticta* class were frequent on the rocks and trees in elevated places, and numerous *Algae* were noticed lying on the small sandy beaches on the northern side of the island.

THALAMIFLORE.

<i>Ranunculaceæ</i> ...	<i>Clematis glycinoides</i> . <i>D.C.</i>	<i>Flacourtiaceæ</i> ...	<i>Phoberos</i> (?)
<i>Magnoliaceæ</i> ...	<i>Drimys Howeana</i> . <i>Moore & Muel.</i>	"	" (?)
"	sp.	<i>Sapindaceæ</i>	<i>Dodonæa viscosa</i> . <i>Linn.</i>
<i>Menispermææ</i> ...	<i>Stephania hernandifolia</i> . <i>Walp.</i>	"	<i>Cupania</i> sp.
<i>Cruciferaæ</i>	* <i>Capsella bursa-pastoris</i> . <i>Moench.</i>	<i>Meliaceæ</i>	<i>Dysoxylon</i> sp.
"	<i>Lepidium foliosum</i> . <i>Desv.</i>	"	sp.
"	* <i>Senebiera didyma</i> . <i>Pers.</i>	<i>Rutaceæ</i>	<i>Evodia</i> sp.
<i>Malvaceæ</i>	<i>Hibiscus Patersonii</i> . <i>D.C.</i>	"	<i>Acronychia</i> sp.
"	" <i>diversifolius</i> . <i>Jacq.</i>	"	sp.
"	" <i>tiliaceus</i> . <i>Linn.</i>	<i>Xanthoxylaceæ</i>	<i>Xanthoxylon Blackburnia</i> . <i>Benth.</i>
<i>Caryophyllaceæ</i>	* <i>Stellaria media</i> . <i>Linn.</i>		

CALYCIIFLORE.

<i>Epacridaceæ</i> ...	<i>Dracophyllum Fitzgeraldii</i> . <i>Moore & Muel.</i>	<i>Compositæ</i>	<i>Senecio insularis</i> . <i>Benth.</i>
<i>Leguminosæ</i> ...	<i>Canavalia obtusifolia</i> . <i>D.C.</i>	"	<i>Cassinia tenuifolia</i> . <i>Benth.</i>
"	<i>Edwardia chrysophylla</i> . <i>Sal.</i>	"	sp.
"	<i>Dolichos</i> sp.	"	<i>Olearia</i> sp.
"	<i>Guilandina Bonducella</i> . <i>Linn.</i>	"	<i>Gnaphalium luteo-album</i> . <i>Linn.</i>
<i>Myrtaceæ</i>	<i>Leptospermum</i> sp.	"	* <i>Sonchus oleraceus</i> . <i>Linn.</i>
"	<i>Melaleuca</i> sp.	"	Genus ?
* <i>Ficoideæ</i>	<i>Mesembryanthemum æquilaterale</i> . <i>Haw.</i>	<i>Celastraceæ</i>	<i>Elæodendron australe</i> . <i>Forster.</i>
<i>Umbelliferaæ</i> ...	<i>Apium</i> sp.	<i>Cinchonaceæ</i> ...	<i>Psychotria Carronis</i> . <i>Moore & Muel.</i>
<i>Loranthaceæ</i> ...	<i>Viscum opuntioides</i> . <i>Forster.</i> (<i>V. articulatum</i> . <i>Burm.</i>)	"	<i>Coprosma putida</i> . <i>Moore & Muel.</i>
<i>Lobeliaceæ</i>	<i>Lobelia anceps</i> . <i>Thun.</i>	"	sp.
<i>Compositæ</i>	<i>Wedelia biflora</i> . <i>D.C.</i>	"	<i>Randia macrophylla</i> . <i>Moore.</i>

COROLLIFLORE.

<i>Myrsinaceæ</i>	<i>Myrsine</i> sp.	<i>Sapotaceæ</i>	<i>Achras costata</i> . <i>Endl.</i>
"	<i>Ægiceras fragrans</i> . <i>Koenig.</i>	<i>Loganiaceæ</i>	<i>Geniostoma petiolorum</i> . <i>Moore & Muel.</i>
<i>Oleinaæ</i>	<i>Olea paniculata</i> (?) <i>Br.</i>	<i>Solanaceæ</i>	* <i>Physalis peruviana</i> . <i>Linn.</i>
<i>Jasminaceæ</i>	<i>Jasminum didymum</i> . <i>Forster.</i>	"	<i>Solanum laciniatum</i> . <i>Ait.</i>
<i>Apocynaceæ</i>	<i>Alyxia gynopogon</i> (?) <i>Forster.</i>	<i>Convolvulaceæ</i>	<i>Ipomœa pes-capræ</i> . <i>Linn.</i>
"	sp.	"	<i>palmata</i> . <i>Forster.</i>
"	<i>Ochrosia elliptica</i> . <i>Lab.</i>	<i>Acanthaceæ</i>	<i>Eranthemum variabile</i> . <i>Br.</i>
<i>Asclepiadaceæ</i> ...	<i>Marsdenia rostrata</i> . <i>Br.</i>	<i>Myoporineæ</i> ...	<i>Myoporum acuminatum</i> . <i>Br.</i>
<i>Verbenaceæ</i>	* <i>Verbena bonariensis</i> . <i>W.</i>	<i>Goodeniaceæ</i>	<i>Scævola Koenigii</i> . <i>Vahl.</i>
"	<i>Prenna</i> sp.		

MONOCHLAMYDEÆ.

<i>Nyctaginaceæ</i> ...	<i>Boerhaavia</i> sp.	<i>Moraceæ</i>	<i>Ficus columnaris</i> . <i>Moore & Muel.</i>
"	<i>Pisonia Brunoniana</i> (?) <i>Endl.</i>	"	<i>Morus</i> sp.
<i>Chenopodiaceæ</i>	<i>Rhagodia Billardieri</i> . <i>Lab.</i>	<i>Euphorbiaceæ</i> ...	<i>Euphorbia</i> sp.
<i>Polygonaceæ</i> ...	<i>Muehlenbeckia</i> sp.	"	<i>Hemicyclia australasica</i> . <i>Muel.</i>
<i>Laurinaceæ</i>	<i>Tetranthera</i> sp.	"	<i>Omalanthus populifolius</i> . <i>Grah.</i>
<i>Thymeliaceæ</i> ...	<i>Exocarpus</i> sp.	"	<i>Baloghia lucida</i> . <i>Endl.</i>
"	sp.	"	* <i>Ricinus communis</i> . <i>W.</i>
"	<i>Pimelia prostrata</i> (?) <i>Vahl.</i>	<i>Urticaceæ</i>	<i>Elatostemma nemorosa</i> . <i>Seem.</i>
<i>Piperaceæ</i>	<i>Piper</i> sp.	"	<i>Behmeria</i> sp.
"	<i>Peperomia reflexa</i> .		

MONOCOTYLEDONEÆ.

<i>Smilacææ</i>	<i>Smilax latifolia</i> . <i>Br.</i>	<i>Amaryllidaceæ</i>	<i>Crinum pedunculatum</i> . <i>Br.</i>
<i>Commelynaceæ</i>	<i>Flagellaria indica</i> . <i>Linn.</i>	<i>Iridaceæ</i>	<i>Morœa</i> (?) sp.
<i>Palmaceæ</i>	<i>Kentia</i> (?) sp.	<i>Juncaceæ</i>	<i>Juncus maritimus</i> . <i>P.S.</i>
"	" (?) sp.	<i>Graminaceæ</i> ...	<i>Chloris pumilio</i> . <i>Br.</i>
"	Genus (?)	"	<i>Stipa</i> sp.
"	<i>Areca</i> (?) sp.	"	* <i>Digitaria humifusa</i> .
<i>Pandanaceæ</i>	<i>Pandanus Forsteri</i> . <i>Moore.</i>	"	* <i>Sporobolus elongatus</i> . <i>Br.</i>
"	sp.	"	<i>Spinifex sericeus</i> . <i>Br.</i>
<i>Orchidaceæ</i>	<i>Dendrobium gracilicaule</i> . <i>Muel.</i>	"	<i>Cynodon dactylon</i> . <i>Rich.</i>
"	sp.	<i>Cyperaceæ</i>	<i>Lamprocarya</i> sp.
"	<i>Sarcochilus</i> sp.	"	<i>Carex</i> sp.

FILICES.

<i>Davallia flaccida</i> . <i>Br.</i>	<i>Alsophila</i> sp.
<i>Pteris Milneanum</i> . <i>Baker.</i>	" sp.
" sp.	<i>Marattia salicina</i> . <i>Smith.</i>
<i>Polypodium tenellum</i> . <i>Forster.</i>	<i>Trichomanes meifolium</i> , var. <i>Bauerianum</i> . <i>Endl.</i>
" <i>serpens</i> . <i>Forster.</i>	" sp.
" <i>scandens</i> . <i>Lab.</i>	<i>Hymenophyllum tumbridgensc.</i> <i>Smith.</i>
" <i>australe</i> . <i>Nutt.</i>	<i>Lomaria capensis</i> . <i>W.</i>
<i>Asplenium nidus</i> . <i>Linn.</i>	" sp.
" <i>lucidum</i> . <i>Forster.</i>	<i>Hypolepis</i> sp.
<i>Diplazium</i> sp.	<i>Nephrolepis tuberosum</i> . <i>Hook.</i>
<i>Alsophila excelsa</i> . <i>Br.</i>	

LYCOPODIACEÆ:—*Tmesipteris tannensis*. *Lab.*MUSCI:—*Spiridens lavior*. *Moore & Muel.*

The

* Apparently introduced.

The position of the island, which may be regarded as Australian, being only 300 miles from our coast, and more than 500 from Norfolk Island (the next nearest land), with New Caledonia still further to the north and New Zealand to the south, would lead to the expectation of a somewhat different Flora from this. *Myrtaceæ* and *Leguminosæ*, which prevail to a great extent on the coast districts of this Colony, have here but few representatives; the former of these by two species, each of different genera—one an arborescent *Leptospermum*, of which only a single tree was found, high up on the side of Mount Lidgbird; the other a shrubby *Melaleuca*, inhabiting rocky exposed situations near the coast, on the south-western side. The last, locally called "Kilmogue," is used as a substitute for tea, and said to be a pleasant and exhilarating beverage. The leguminous plants were also single species of distinct genera, and more indicative of other countries than of Australia. *Proteaceæ*, a family equally abundant to the two last with us, is wholly wanting, although it has representatives both in New Caledonia and in New Zealand, of which countries the Cinchonaceous plants found here are also typical. Taken as a whole, the plants are perhaps more nearly allied to those of Norfolk Island than of any other country.

I have the honor to be,

Sir,

Your most obedient servant,

CHARLES MOORE.

LORD HOWE ISLAND, 1869.

By E. S. HILL.

A CASE of murder having been reported to the Government of New South Wales as having occurred on Lord Howe Island, on Sunday, the 14th February of the present year, it was determined by the authorities that an officer of the Government should be immediately despatched to inquire into the particulars of the outrage, and vindicate the administration of justice. P. L. Cloete, Esq., the Water Police Magistrate, was the gentleman intrusted with this duty; and he had placed at his disposal the steamer "Thetis," commanded by Captain Hutton, and a police crew to man a whaleboat. This arrangement was made in order that the ship's company might be left for the management of the vessel, either in an open roadstead, or in the event of boisterous weather, in keeping her under any lee which the island might afford.

1869.
February 14.

An opportunity thus offering for an examination and collection of the *fauna* and *flora*, as well as for the procurement of specimens of the geology of this interesting place, and for the purpose of acquiring generally such information as could be obtained, application was made, and granted, for passages only to Charles Moore, Esq.; and his assistant, Mr. Carron, of the Botanic Gardens; to Mr. Masters, collector for the Museum; R. D. Fitzgerald, Esq., of the Surveyor General's Department; and the writer, who was accompanied by "Tombone," an aboriginal of New South Wales. All preliminaries having been arranged, we started, and cleared Sydney Heads on Wednesday, 26th May, 1869, at 11:30 p.m., for the purpose of going into Newcastle to coal for the voyage, this process being more expeditious and economical than obtaining coal here. After a pleasant passage, with a smooth sea during the night, we arrived at Newcastle the following day at 6 a.m.

Thursday, 27th.—Berthed at once alongside the wharf, and took in about 100 tons fuel from the Wallsend cranes. This, together with stowing away in the bunkers, leaving but a few tons on deck, took the greater portion of the day. It was then discovered that the propeller had fouled a line, which had got so firmly fastened round the blades that it was necessary to have recourse to a diver for the purpose of getting it disentangled—an operation which did not occupy very long, as the diver exerted himself and liberated the screw. At 5:30 p.m. we cleared Nobby's and steamed in the direction of Port Stephens, and at 8 p.m. the light was abreast of us. From thence, with a westerly breeze and all sail set, we steered E. by N. direct for our destination. The wind having continued fair during the night, and still continuing, with the appearance of an increase, the little vessel skipped over the waters in good style, averaging about 10 knots. During the night the wind shifted to the S.W. for a couple of hours, and increased the pace for that time to 11 knots.

Friday, 28.—Fresh breezes from the west with fine weather throughout the day, passengers getting their sea legs better. In the course of the day a land-bird (*Dicrurus bracteatum*) which appeared, from its exhausted state, to have been blown from the main, endeavoured to find a resting-place on board the ship, but was so alarmed at the motion and the people who recognized it as not belonging to the sea-fowl, and who were on the alert to seize it, that it took flight, but came back again on the lee side, when the wind out of the foot of the sail twice nearly beat it down into the water. The poor thing again flew off and went towards the bow, and I think, in its endeavour to get footing, fell into the water, for we saw it no more.

Saturday, 29.—At 6:30 a.m. land was sighted, distant between 60 and 70 miles. The first appearance was of two small hummocks on the horizon, which gradually rose till the general features became distinct, and then it was seen that the hummocks were the towering mountains Lidgbird and Gower, close together, with an elevation of nearly 2,800 feet, and constituting the south end of the island. These huge headlands are joined together more than half-way up by a saddle ridge. The valley coming down west bears the name of Erskine; and on the southern end the face of the escarpment of Gower appears nearly perpendicular, receding a little northerly, and affording but scanty resting-place for vegetation. The top of this mountain Gower is nearly flat, and comprises, according to Captain Field, an area of half a square mile, well clothed with vegetation, watered by small streams, and abounding with wood-hens and wild pigs. The mosses hanging to the trees indicate a much calmer atmosphere than is generally experienced below.

The

The appearance of its near neighbour, Lidgbird, would be very similar, but for the existence of a noble dome-like eminence rising out of, but at no great height from its centre, and having precipices of from 100 to 200 feet sheer down from its base. The summit has not been reached, but is crowned with vegetation, and under the walls palms and similar vegetation to the other exist. On a nearer approach and to the S.E., distant from this headland 10 miles, Bali's Pyramid was descried towering out of the ocean 1,810 feet, presenting to the eye at the distance of 35 or 40 miles a perfectly shaped pyramid, altering only in appearance the nearer we approached.

The main land in a northerly direction began to show its hummocky appearance, dividing as it were the north from the south end. On nearing, the whole became revealed to the view—presenting only to appearance scant and stunted vegetation, diversified by hill and dale, with occasional patches of brown as if fires had been in these portions of the island; and which idea was only dispelled on reaching these spots and ascertaining that the cause was the rufous colour of the under leaf of the *ficus* blown over by the west wind.

The island is of a crescent form, the western side protected by a coral reef, between which there are three or four passages for boats and two for small vessels of light draft. To the southern opening, opposite Big Creek, at which place I had landed before, our course was directed; but seeing no signal or indication of inhabitants, we steered along the reef northerly, and as the breeze was freshening the captain had almost determined to run round to the east or lee side, when the northern signal was hoisted, then a centre one also. Our ensign, which had been hoisted, was dipped several times—a signal well understood on shore, that we required some one to show the boat-passage through the reefs. We were not long in suspense, as a small boat was soon seen with three hands on board, making inside the reef towards a spot, on reaching which they hoisted a flag on a staff, and waited in that position till our boat got to them.

Immediately Mr. Cloete had his boat lowered, and offered myself and Mr. Moore a passage to the shore, of which we availed ourselves.

As soon as we got to where the boat awaited us, we proceeded to the shore and landed at a spot under the direction of Captain Field, where we met two or three others of the inhabitants who had come from their houses. As it was desirable to have the steamer berthed in as snug a position as possible, Mr. Cloete, after inquiries, was advised to send her round to the anchorage on the lee side. One of the shore party—Captain W. O. Spurling, an old whaling master out of Port Jackson—having volunteered for this service, Mr. Cloete therefore dispatched his boat and crew, with instructions to Captain Hutton to take the steamer round to the lee and anchor. The distance from where we landed to the beach on the opposite bay, to which place the steamer had to go, was a little over a mile. In the interim Mr. Cloete gave such instructions to the inhabitants as he deemed advisable, whilst Mr. Moore and I strolled across the island among the avenues of palms, and under the shade of the magnificent banyan trees, and before we got to our destination the steamer had anchored at a distance of half a mile from the shore, in 16 fathoms, in a very convenient position for slipping away in case of a shift of wind. Our three fellow-passengers then came on shore with their camp luggage, and towards evening Mr. Moore and Mr. Cloete joined the ship. I returned to the settlement, and enjoyed the hospitality of Captain and Mrs. Field.

Sunday, 30th.—After breakfast, I walked over to meet my companions and await the arrival of Mr. Moore. We then all sauntered over the middle part of the island, looking at the various points of interest—the cultivations, the trees, and the people—and arranging plans for active and energetic work for the morrow. We had come to the conclusion, from what we saw during the day, that we might expect to find forms of animal and vegetable life peculiar to the island, as well as intermediate links, and probably *fac similes* of our Australian type. In some instances we were justified in this conclusion, but in others we were doomed to disappointment.

Monday, 31st.—We commenced early, and shot specimens of nearly all the feathered tribe; collected specimens of the *flora*, examined the rocks, and secured land shells of *Balimus* and *Helix*, and some of the *Coleoptera*; and after a thorough day's work, with enough to do till midnight in each department, we retired, pretty well fatigued.

Tuesday, 1st June.—We all, with the exception of Mr. Cloete, mustered early, for the purpose of endeavouring to reach the summit of the flat-topped mountain, for the double purpose of getting specimens of two varieties of palms which do not grow below, and some of the brown hens which have been known to exist from the earliest account of the island; and also to examine the difference of existing *flora* between the up and low lands, as well as the rocks. Accordingly, we started with but scanty provisions, and under the guidance of two young men, who had with them two hunting dogs and one holding dog—the latter led by a cord.

Our first part of the ascent was tolerably easy, taking the longer route round by the east side; but we were delighted with the vegetation—palms and *pandanus*—which on approaching the island appeared only like heath, now reared themselves up in the rich basaltic *debris* to the height of sixty feet. The first ridge gained is called the smoking-tree, affording a breathing space to enjoy the pipe, at the elevation of 450 feet, measured by my compensated aneroid, adjusted to sea level before starting. It is necessary to point out this spot, as all the mountains and ravines round about the south of this ridge are the common hunting grounds of the inhabitants, and any animals, goats, or pigs, whether branded or not, caught in these regions, are the common property of the hunters. This recognized rule also applies to a defined portion of the north end of the island, but only so far as goats are concerned. It may not be out of place to describe the method of hunting. The hunting dogs, always loose, though in good command, as soon as they reach the ground are sent forward to seek the wild hogs. As soon as one of these is fallen in with he is bailed up, the holding dog is taken to the place, and after a careful examination as to whether it is a barrow, sow, or young boar, he is let go (otherwise, if it is a dangerous old boar the dog is not loosed); the dog seizes the animal at once, when it is secured, killed, and singed, and carried home, the offal being given to the dogs. Strange to say, they will eat fresh killed and raw pork with gusto—although I never saw a dog, even a famished one, in Australia, that would look at raw pig—to use a familiar expression, much more eat it. After reaching Smoking-tree Ridge, we directed our course to Red-clay Saddle. Before we arrived at this point Mr. Moore's exertions began to tell on him in his present delicate state of health. The track became more rugged, and the rocks, concealed by undergrowth, made it very tedious. We halted for a time, and urged on him to return, but to no purpose, and we again started, and not till he was physically incapable of going upward another step would he consent to return. After

a short respite, and with a guide, he got back as far as Smoking-tree, and thence he leisurely examined for botanical specimens down a gully, the parallel ridge of which he had before ascended. As agreed, the rest proceeded with one guide to Red-clay Saddle, there to await the arrival of the other who had returned with Mr. Moore. We reached that point, and examined successfully for *Helix*. I noted its elevation as 540 feet. Here we found the second specimen of *Myrtacca*, a *Leptospermum*, apparently aged, but dead, yet having the seed-case in good preservation. We could find no living specimen of the tree in the neighbourhood, but we found the skeleton of a brown hen hanging in a tree, which one of our guides said he had placed there some time ago, but had either forgotten or could not find it again. Our second guide having returned, we made progress, keeping round the mountain, and in some places huge walls of basalt. In a ravine we saw, for the first time, one of the palms for which our search was directed. This appeared to be a *Seaforthia*; its fronds, drooping over very gracefully in a dome shape, cause it to bear the name of umbrella palm, to distinguish it from the others. Several ferns, in addition to those already collected, were added to the list, making about eighteen. A great deal of toil over sharp rocks and edged stones brought us to an elevation of 990 feet; and here we had a consultation about the advisability of going onward, as the climbing made it so laborious, and the ground was so slippery from recent showers that it was very difficult to get footing. When approaching this elevation, and toiling at the base of a basaltic wall, we saw in a hole, situated in the face of the rock, a number of small white eggs, about the size of a swallow's. These were found to be firmly attached to the bottom, sides, and roof of the hole, which was five or six inches deep, and three wide. With the aid of a knife I succeeded in dislodging half a dozen, in perfect condition; but in doing so broke many of the others, which were found to be empty and clean, as if no substance had been in them for many years. We knew that they could not be eggs of the swallow, as there are no birds of this kind on the island, and conjectured, from their positions in the hole, that they might probably be eggs of some reptilia. Specimens of rocks were also taken from this elevation.

With the exception of Mr. Fitzgerald and the two guides, we determined to return, as no hopes were held out that the road would be a bit better as we ascended. The black boy was of considerable service, taking us back over our old tracks with scarce a deviation, and we got to the foot of the mountain at dark, but just in time to escape a smart storm of an hour's duration, from which we took shelter in the hut of Mr. Whybrow, who greeted us with a cup of hot tea. We thought of our companion, whose courage and zeal pushed him forward, even with the smallest hope that he would be able to gain the summit of the mountain. After the storm we started for camp, which was reached about half-past 9.

Wednesday, 2nd.—Mr. Masters at camp all day, skinning and curing specimens which we had shot. Mr. Carron, myself, and the black boy went towards Big Creek at south end, for the purpose of exploring a gully, both for plants and rocks. We fell in with a new fern or two, but the basalt showed no change. The party from the mountain returned by the western or nearer route, and got down about 5 p.m., but did not succeed in getting to the top, the ascent being too slippery. Mr. Fitzgerald discovered an interesting specimen of an *epacrid*, and the boys killed a couple of pigs and caught one brown hen.

I now quote Mr. R. D. Fitzgerald's interesting description of the island, and of their labour and results after we had parted with them the day before on the mountain:—

"Newcastle is well known, so are its coal trucks; nothing more, then, need be said of Newcastle than that the good ship 'Thetis' stayed one day there, and endured the disgorging of the coal trucks until she had enough and to spare. In the evening she steamed away for Howe Island, which is about 420 miles from Sydney, and east of Port Macquarie, and met with nothing very interesting on the way, unless the fluttering about her of a little land-bird, *Chabria bracteata* (?), when about 200 miles from shore, may be considered interesting. Poor little thing, with a forked tail, it lighted on the ship once or twice, but no doubt saw who was on board, and preferred being drowned to dying of indigestion in the Botanical Gardens. On we went, and in the morning, in the very position and time anticipated by the captain, up rose from the sea two great humps—no better term can be given them—and then the point of a perfect pyramid rising some distance from them higher and higher. The humps were Mount Lidgbird and Mount Gower, or the 'Big Hill,' and pyramid, Ball's Pyramid,—at first perfect and of stupendous height, then changing to a colossal statue of good Queen Bess, with hoops and frill, and then into anything you like. Then the lower mountain at the north end came in view, and at last the flat land in the centre. Approached from the Sydney side, the whole island may be likened to a camel submerged to the shoulder, and stretching its neck towards you, a little out of the line of its body,—the mountains at the north-west end forming the head, the low inhabited land the neck; the two humps, 2,500 feet high, Mount Lidgbird and the 'Big Hill,' and the point of the tail raised high above the water, Ball's Pyramid. There are a few high rounded islands beyond the head and neck, which may be considered portions of its loading; and the halter, drawn from the head to the shoulders, forms the reef, within which there are only a few feet of water, but sufficient to float the small cutter which, belonging to one of the islanders, trades to Sydney. The total length of the island, exclusive of Ball's Pyramid, is about seven miles, and part of the 'neck' not more than half a mile wide. Some of our party landed in the Water Police whaleboat, which was guided through an opening in the reef by a flag in a small shore boat; and the 'Thetis' went round to her anchorage on the opposite side of the island, being piloted by one of the islanders, where she lay with fires banked up ready for emergencies; and the company in the cabin dispersed, some to pitch their tent on the shore, some to take up their abode in one of the houses on the other side of the island, and some remaining on board.

"Inhabitants' houses, &c.

"The inhabitants are, with two or three exceptions, Europeans or Americans, who have, for the most part, been connected with the whaling trade, of a class quite equal, in my opinion, to the settlers on land in Australia, and are thirty-five in number. They seem to be very fairly provided with the necessaries of life, but to lack money, as their trade with the whalers is, in great part, carried on by barter. They exchange pork, potatoes, maize, fowls, and onions, for tea, sugar, clothes, &c., which must be taken at the whalers' valuation. The houses are well built of split palm battens, thatched on roof and sides with palm leaves. The leaf hangs down and the stem is bent over one horizontal batten and outside the next lower, an arrangement which gives a very white, clean, appearance to the inside, somewhat resembling basket work, and very distinct from any other style of building. Each house is surrounded

by out-houses, the sides of which are sometimes not thatched, and have a very light, tropical appearance. They consist of barns, fowl-houses, houses for goats, pigs, and dogs, and drying floors for onions. Each house, with its surrounding buildings, encircled by a fence of split palms and backed by lemon trees, arching banyans and clustering palm trees, is a picture of tropical comfort and beauty—not often to be seen or easily forgotten. The tillage is performed principally by hand labour, as there are only two horses on the island.

“*Fauna and Flora.*”

“*Birds.*—The land-birds are not numerous, a little green pigeon, a thrush (*Merula vinitincta*), very like a hen blackbird, but smaller, and having the same leaf-tossing habits and call-notes; a *Zosterops* or silver-eye (*Zosterops strenuus*), twice the size of that common about Sydney; a thickhead called ‘doctor,’ the male of which has a dark head; a *Rhipidura* or fly-catcher, very like one of the Sydney varieties, but even bolder; a little *Acanthiza* (?), a small black and yellow bird, very like, if not identical with *Pachycephala gutturalis*; a kingfisher; a ‘magpie’ or crow-shrick, and the woodhen, of which more anon. A large pigeon is remembered, but has become extinct. The sea-birds, as far as noticed, appear to be the same as those found throughout the Australian seas, but the winter season is not favourable for observation; the birds are then scattered far and wide. There are no indigenous animals; the ferine are goats, pigs, cats, and mice.

“The botany is not, as might be expected, intermediate between Australia and Norfolk Island, being, I believe, much more allied to Norfolk Island; hardly one being identical with those of this country—not a *Banksia*, not a gum-tree, not a grass-tree—nothing that could remind you of Sydney except one small tea-tree. The fig-trees—the splendid fig-trees—some of which nearly cover an acre—one look at them is compensation for all the horrors of ‘the middle passage.’ Arch on arch, forty feet from the ground, supported by straight, strong stems that once were pendulous roots; on they spread among the palms, arch on arch—no central stem, no tree from which you could say they came, but a grand combination of natural arches spanning the trees of the forest, and crowned with an evergreen foliage of their own; every new arched limb sending up a tree into the air, and a cord-like tasselled root to the ground, to swell, as soon as it touches it, into another strong buttress; and so on and on, arch on arch, till, blending with others, they form grand amphitheatres of columns, arches, and green foliage that fairly astonish and delight the naturalist.

“The palms, of which there are four varieties, are only second in interest to the figs, or banyans, as they are called. Two (the ‘common or flat-leaved,’ and the ‘curly’ arecas) grow on the rich land, in the flat and among the boulders everywhere. The mountain palm, which is like a *Seafortia*, but has seeds as large as pigeon’s eggs, grows on the ridges, and a little palm (not seen), on the top of the mountains.

“The orchids are very scarce, only two species, or perhaps three, being observed; and the ferns, of which twenty species were found, were remarkable for the absence of genera that might well be expected.

“So much for the more salient points of the botany of the island, which will, no doubt, be gone deeply into by a *master* of the subject.

“*Attempted ascent of Mount Gower.*”

“At about 11 o’clock a.m. the party for the mountain assembled at the extremity of the settlement, or where the neck joined the shoulder of the camel. The muster consisted of five travellers, one Australian black, and two guides, Ned and Tom.

“Of the ascent, by one man, of Mount Lidgbird, there is a legend, but the goats have not as yet succeeded in climbing it. It was necessary therefore to skirt it, leaving it on the right, and attempt the more accessible Mount Gower—the tail hump of the camel). Here a mistake was committed. The guides never informed the party that the ascent involved two days’ tramp and a camping-out on the mountain; so on they went in Indian file, winding through trees that varied in character as they ascended. Through ‘banyans,’ ‘grey-barks,’ ‘scaly-barks,’ trees of about fifty or sixty feet high, palms, *pandanus* (or ‘forked trees’ as they are called), that looked as though you might turn them over like an egg-glass and put on the leaves at either end; ‘stinking trees,’ a horrible invention, yielding bouquets for none but botanists; climbing plants, wild piper (like that eaten with the betel nut), and a stray plant of tobacco running wild. On they went, sadly detained by the botanists, who *would* stop to gather a branch, or turn into a little creek for a fern, or send Shoalhaven Billy up a tree for what *might* be a flower; or by the entomologist, who *would* turn over dead logs. Still on they went, along a slippery rugged path, winding and winding, and getting more rugged at every step, till at length the first halting-place is reached, the top of the camel’s shoulder, or ‘Smoking-tree.’ Here, in honor of the name, and as an excuse for a rest, those who could smoke smoked, and those who couldn’t smoke plucked the long grass and chewed the ends. A few minutes, and Ned is again following the marked trees along the eastern side of Mount Lidgbird, and the climbing and scrambling recommence, getting gradually more and more of a scramble, on to the Red-clay Saddle (a spur from the mountain). Then on again, and the rocks are larger, looser, rougher, with here and there the talus at bottom of ‘a face’ (that is, a precipice of basalt) to be got over, and the marked tree line stops, and the rasp-like prongs of the ‘forked tree’ have often to be grasped, and a few tree-ferns stand out from the crevices. On and on, and the first ‘mountain palm’ is seen in a gully; but the collecting book of the botanist is not so often opened, and the entomologist lets rotten logs lie, and the darkie breaks a twig as he goes, no doubt thinking of the return track, and the whole party become gradually silent as the day advances. Still on and on, when at last a halt is called, and there is a council of war, and the guides are interrogated as to the war path, and one after another declares he will go no further, till but one elects to go on with the guides, and the others return in charge of ‘Shoalhaven Billy,’ who, by great exertion, brings them out at nightfall at the settlement, and distributes them at their various resting-places at the other end of the island, whether homestead or tent, some time during the night. If honor be due to the native guide in Australia, ’tis doubly due to Billy from Shoalhaven, in a strange land.

“One traveller and two guides are left on the mountain, and again Ned leads, and the track gets worse, and the ‘faces’ more frequent, with water pouring over them; the ferns grow thicker and the orchids are in flower, but the path is steeper, and often the roots of the ‘forked trees’ that grow down like soldiers’ piled muskets, have to be cut through with a tomahawk, being too close for the traveller, though the

the guides may writhe through them, and Ned stops now and then and declares the 'face' to be impassable, when a descent has to be made with reluctance, for an ascent must be made to make up for it, and so 'face' after 'face'—which become very frequent towards the end—are passed, and at length 'the saddle' *par excellence*, or backbone of the camel between its humps, is gained, and the day's work is over. The view is glorious; but the sun is setting, and where are they to camp? The water on the saddle on which Ned counted has been destroyed by the pigs, so they descend a little into Erskine Valley, or the 'Between Hills,' as it is called, in search of water. The Between Hills is a hollow incline running down to a never-failing creek, and seems to be covered everywhere with boulders, through which grow palms, 'grey-barks,' &c. Night had set in, so there was nothing for it but to camp where they were; and palm trees were cut and a rough gunyah got up as a shelter, close to where a young pig was killed, part of which was given to the dogs. Then a fire of the very few dry sticks that could be found was made, and a magpie cooked and eaten, but there was no relish for pork still warm and without salt. What the guides termed 'torching out' was now had recourse to, in search of water, and a little procured in hollows in the trap rock. The method of 'torching out' is as follows:—Two dry leaves of a palm are gathered, one is lighted, and the holder advances, while the other is kept in reserve, and in turn lighted. When both are nearly burnt out, they are thrown on the ground, and any dry leaves about gathered round them, to give time for the selection of two more palm leaves. A considerable distance was thus torched down the valley, and the path to the gunyah retraced by the smouldering embers. The effect of the small fires here and there through the palms and other trees was very striking. All the sticks that could be gathered had burned out before the gunyah, and nothing remained that would light. The wind began to whistle up the valley, then came a peal of thunder, and the large drops pattered. Then peal on peal, and flash on flash, and the wind grew into a furious gale that cut through to the very marrow in the bones. What a night and what a place! Some two thousand feet above the sea, at the narrow end of a funnel, through which the wind and rain rushed furiously, with no food, no water, no blankets, nowhere to lie down, save to crouch upon the boulders, and no shelter but an extemporary gunyah of palm leaves. On the boulders they crouched for the night, as their teeth chattered and their limbs shook. On the boulders they crouched for the night, and longed for the morning. At length the morning came, and the rain abated, but the clouds still clung to the summit of the mountain. Dry palm leaves were gathered, and a blaze made to warm them. The traveller declared he was ready to go on, but the guides shrugged their shoulders, and asserted that after the rain the red clay was so slippery that it would be impossible, and that if they did get up they could not find their way back in the fog. The fog was a fact, but the red clay was a myth. No doubt, and no wonder, the night on the boulders was enough for them. There was nothing for it then but to return, and the guides proposed a shorter route—that by retaining the elevation and skirting the valley on the Mount Lidgbird side would afford the opportunity of procuring the nuts of the mountain palm—one of the objects for which they had gone on when the others returned.

"The plan was adopted. The track gave a fine view of Erskine Valley—a view that showed how deceptive the appearance of foliage may be where there are no great irregularities in the growth of the trees, for when looked down upon, though of considerable size, from the evenness of the general surface they looked dwarfed and stunted, which is the case in looking at them from the sea also. In a gorge off the valley a very fine wild sow was killed. The method of pig-hunting is worth a description:—The pig-hunter has at least three dogs—two 'finders' and one 'holder.' The finders seek for and bring the pig to bay. The hunter is guided by their cry, and hastens to the spot, having the holder—generally a coarse bull-terrier—in leash. When near enough the holder is slipped, and at once, at the risk of being torn open should it be a boar, or severely bitten if a sow, it takes hold of the pig by the ear; one of the other dogs then, if good, sometimes seizing the other ear. This is the moment for the hunter, who, watching his opportunity, rushes in, and taking the animal by a leg, overturns it, and planting his foot on its neck, the moment he can make his dogs let go, plunges his knife into the throat, and the hunt is over. The danger lies in the dog letting go too soon, or not being able to retain its hold; when the pig turns upon the hunter, and may inflict serious injury.

"The sow killed was very fat, and when duly prepared for the road must have weighed at least one hundred and forty pounds; and it was not the least astonishing thing in that day's march to see the lithe guide fit a complication of straps round it, then hoist it on his shoulders, and walk away barefooted over the boulders.

"A curious tree was observed in the gully into which the pig hunt had drawn them. It was about forty or fifty feet high, and the trunk was at least two feet in diameter. It resembled a *dracophyllum*, and produced the leaves in tufts (like little *dracenas*) at the ends of the branches; the flower spikes were of a reddish white colour, and from nine inches to a foot long, springing from the centre of the tufts. Altogether it had a strange appearance, growing in a rambling way, the small branches forking like a *pandanus*, and the whole tree having the semblance of producing young pine-apple plants. Only two of this species were observed, growing near each other, and of about the same size.

"The Wood-hen.

"Ned suddenly stops with the exclamation 'That's a wood-hen!' as a note like two rasps at a saw is heard at some distance among the loose stones and fern. Then he imitates the bird, and the wood-hen answers. He tries the imitation again, but the bird is silent. Tom strikes the back of the tomahawk against a tree; again the bird answers. Then the strokes of the tomahawk are of no use, and the barking of a dog is tried with effect, at each time the answer being a little nearer, and so on—anything that strikes him as strange, say a scrap of the National Anthem by all hands, or the crowing of a cock, or anything else with which the bird is not likely to be acquainted. Nearer and nearer comes the answer, till suddenly out runs a bird like a large corn-crake, in a daft sort of way, up to their very feet. The dog, previously held in, is slipped, and the bird is dead. Had the dog been kept back, and stones had recourse to, the bird, on being grazed by one of them, would retreat, but show itself again in a moment; all that is required for its destruction being to attract its attention. The poor wood-hen! One of those who saw its death cannot help thinking (as he passes a string through its beak so as to keep it nice and clean) that it is not the only pretty bird whom the love of variety and inordinate curiosity leads to ruin.

"The summit of the precipice, one of the flanks of Mount Lidgbird, facing the sea, and the ridge on which the mountain palms grew, was at length reached, and a considerable time spent in procuring the nuts, few of which were ripe. Then began a very rapid descent over loose rocks and crumbling basalt, and the

the guides spoke of a 'bad bit,' and the pig was hung up in a tree, to be returned for next morning, when Ned had recruited his strength. Down, and down, till a thousand feet from the ridge was reached; when, on turning a rock, they got the first glimpse of the 'bad bit,' and a 'bad bit' it was—a track across the face of the precipice, and the guides looked at their charge to see if he would do it; *do it*, or turn back to climb the weary road again, and be two days' more on the mountain, or *do it* and be in the settlement in an hour. It *must* be done. The precipice rose on the right-hand sheer and naked, perpendicular as a wall for a thousand feet; then a little rubbish, with here and there a stunted plant. Then the track not more than two feet wide, and then down 500 feet to the palms.

"Tom now led the way, then the too-confiding stranger, who *dared* not look up, who *dared* not look to the left, but kept his eyes on the path—*on nothing but* the path. Then came Ned and gave advice. There!—a nasty little bit is done, where a rock projects, and leaves nothing but the path. Now comes a slope covered with loose gravel, and the caution from Ned is, 'Have a care now; if you once begin to slip, you will —.' 'There, don't mention it, *please*.'

"Now the path is level with a few loose stones, probably sent down from the ridge above by the goats. The smallest of them had it fallen then might have been death.

"Tom kicks one of them off the path—Oh, the horror that it makes no sound—nothing *would* make a sound out there, over the edge of that path. What a treasure those little bushes are, but there are places where there are none, where there is nothing to grasp but the roughness of the perpendicular rock; and there are places—'gulches,' where the path itself is gone, and footholds have been cut with a pick in the rock or gravel, and where it is dreadful to start with the *wrong* foot. Is this ever coming to an end? is the thought as each angle is rounded; and in all that dangerous tract the rounding of the angles is the worst, when you cannot see where you are going, and grasp at anything with one hand reluctant to let go the other, and the other is sidled *on over nothing*. But the last angle is turned, and they stand again upon the talus of the precipice, and it is grand—oh, wonderfully grand to look up to it—1,000 feet of grey perpendicular basalt, the very highest mass of which overhangs the base. A sight that one turns to look at again, again, and again, to try and imprint it on the memory. A sight of awe and fascination!

"Goat-hunting.

"Immediately after passing the precipice, a group of goats, about thirty in number, were observed on a ledge, suitable for the method of hunting adopted in the island, that is, a ledge of about 20 or 30 feet above the detritus from the mountain, which went down at a very acute angle.

"Tom got round through the palms, and showed himself to the goats near the furthest extremity of the ledge, causing them to crowd towards the other end, where they were checked and then turned by Ned; the object being without scaring them but as little as possible (lest they should leap down and break away too soon), to narrow the space they occupied, and at length force them to come down, where the dogs (trained to tear their throats open in a moment) were waiting to receive them.

"It was a pretty sight to see them, of all colours, young and old, getting more and more crowded together, and more and more excited. The old he-goats, shaggy and bearded, stamping either in rage, or to intimidate, then turning timid, and crouching away. At last they were all huddled together, and the dogs below, when one great shaggy fellow hurled himself over them, among the tumbling rocks, and then the whole herd after him, as though it had been one animal; and this time they were too much for the dogs, for not a single goat was 'stopped'; but on a little shelf were found two pretty little kids, so bewildered that they could have been easily caught by the hand, but were left in peace to find their mothers, while their persecutors were refreshing themselves on pig and potatoes hospitably prepared for them in the first house in the settlement, in accordance with the smoke signal from the top of the precipice.

"Geology.

"As far as examined, the island seems to consist of coral and trap. The coral, either in its original state, or worn down and stratified, is in some places up-heaved at an acute angle, and in others borne up on the trap to considerable elevations. It even seems to cap the tops of the mountain, which are said to be plains covered with ferns, scrub, and small palms.

"The stratified coral passes into a very red clay as it approaches the trap, and is in some places much consolidated, but generally very loose and disintegrating rapidly, thus mixing with the soil numbers of a fossil *bulimus*, if not identical with, hardly to be distinguished from the living species except in its greater size and massiveness, and the adhesion of the coral. A species of cowry was also found in the decomposing coral, and the *bulimus* in the consolidated.

"In the inclined stratified coral in one place very distinct impressions were observed of palm leaves 10 or 15 feet long. Curious pipes pass through the stratification, which may have been formed by stems of palms. They are hollow at the centre and the particles of coral are solidified at the circumference, so that at some places they project like short chimney-pots. Altogether the feeling in rambling over the island is that it is comparatively of very recent origin."

Thursday, 3rd.—Mr. Cloete having reported that he had concluded his investigations, and that it was necessary for all to be on board by 3 or 4 o'clock, so that we might start with the first lull, and as the wind had been blowing hard right in our teeth for the past two days, we thought it probable there would be a shift; we packed up, and had all in readiness for shipment in good time. The investigations of Mr. Cloete were conducted in a most patient and careful manner, lasting the greater portion of three days. All the surrounding circumstances were closely examined, and the place where the act was committed narrowly inspected. The deed was held to be justifiable under the circumstances, and the case dismissed, with a severe admonition to the woman, who appeared to have been much to blame. This decision gave general satisfaction.

The number of inhabitants at present on the island amount to thirty-five. Their various callings, number of acres under cultivation, and quantity of live stock, are appended hereto.

A new arrival on going towards any of the establishments is at once struck with the number of apparently powerful and ferocious dogs—some loose, others chained up,—and at the same time is most agreeably disappointed at their extreme docility. The dogs which are loose are of various crosses—such as fox-hound, bull-dog, mongrel, and are the *hunters*; those which are secured are powerful bowlegged

"Bill

"Bill Sykes"-kind of bull-dog, without his sullen ferocity, and are the *holders*. These dogs are by accident occasionally loosed at an old boar, and catch a Tartar. Captain Field mentioned a most determined battle in this way. His dog was loosed at a boar, armed with cruel tusks; the dog however after a few dodges, went in and seized him by the throat; both reared up, and remained in that position for some time, each striving to get the mastery; the dog was victorious, never quitted his hold, threw the boar down, and cunningly held him there without getting ripped until the tips of both ears were cut off as a means of recognition for hunters hereafter in case he should be fallen in with—the usual practice when a dangerous animal is let go again.

Pigs and goats are abundant, both wild and tame; those within bounds are known by their markings or brands, and have special owners; those on the hunting-grounds are the property of whomsoever chances to catch them. Animals which are left untended or uncared for in a short time go wild. There appears to be a predisposition in animals to go wild on this island;—domestic pigeons have forsaken the dove-cote and have taken up positions in the mountain-cliffs, and have proved the correctness of Darwin's theory, for what were originally pied and mottled are now blue with bar shoulder, with rare exceptions. The island at one time abounded with large wild pigeons—so much so, that within the past twenty-five years it was no unusual thing for a man to snare, by aid of a stick and string, fifteen or twenty birds of a flock without the others taking the least alarm.

There were also white birds like a Guinea-fowl. All that we could now learn of any bird of this kind was that once or twice large birds, at certain seasons, and within the past two years, have been seen, the colour of which was bluish wings with slate-coloured body, but having a remarkable double red comb. This, with the exception of a double red comb, answered pretty well to the description of *porphyria* or red-bill of Australia; and probably the male birds only exist now, as evidently all the large birds seen both here and at Norfolk Island in 1788 were white birds, probably females. At the present time not a single specimen could be obtained. The paraquet also was a nuisance to the cultivators, once appearing in flocks; now I saw but a solitary pair in their rapid flight through the foliage, and recognized them only by their peculiar noise.

In the olden time, twenty-four years back, a number of cats were sent ashore from a whale-ship and turned adrift. These soon became populous, and found an easy prey in the pigeons, parrots, birds like a Guinea-fowl, and brown hens, decimating the former and driving the latter to the mountains. These cats are still numerous, and all black, and are always destroyed when a chance offers.

There are no indigenous animals except a small bat. Mice, within the past two years, have accidentally been introduced. These now swarm the island, and promise to become a great nuisance; they have taken to the fields, and burrow in every knoll. As yet (if true) they have been productive of some good, as well as harm. The island, before their introduction, swarmed with centipedes of large dimensions, which fortunately did not inflict a venomous or very painful bite; the slight inflammation was local, and only lasted twenty minutes. These now, however, are fast disappearing, owing, it is said, to the mice, which must prey upon them. I think however that there must be some other cause—probably domestic poultry, and the pigs, which are becoming very numerous, root them up in their search for palm nuts; besides, the magpies, which are attendants on the sound of the woodman's axe, seeking, as they always do, insects from the broken timber, may have had something to do in the destruction of the centipedes.

The earliest account of inhabitants residing on the island is in 1833 or 1834. These were Ashdown, Bishop, and Chapman, accompanied by Maori women and a couple of Maori boys from New Zealand, taken there in the whaling barque "Caroline," Captain Blenkinsop. The late Mr. R. Dawson, ironfounder, of Sydney, together with a Captain Poole, who it was alleged had been in the Army, bought out the first settlers, Ashdown and others, for the sum of £350, Ashdown getting the extra £50 for his improvements. Poole went down as the representative of the firm, and was joined by Dr. Foulis, who had bought half his interest; and the former people vacated the island, returning to New Zealand. In 1843, Wright, M'Auliffe, 1843, and Hesketh, with their wives, went to the island in Dawson's little vessel, the "Rover's Bride." During the same year Mosely landed from the "Jane," whaler, Captain Fairweather. Mr. and Mrs. Andrews had arrived just before. At this time Poole had a man (Moss) chained up to a tree, who had but recently escaped from a ship, and refused to do any kind of work for a living. He escaped from this kind of confinement during a night when the watch was asleep, and took to the bush, vowing that he would burn down their houses and store. This put the inhabitants in great fear; and the buildings were surrounded with casks kept filled with water, in case of need, to put out the fire, and constant watch kept night and day. Some time after, this man (Moss) was recaptured and confined in an orthodox stocks, fitted complete for the purpose; but as it was thought probable the man would become a cripple sitting in that position night and day, a different mode of captivity was adopted. A large cask, with a convenient trap-door to admit a small vessel, cut in one head, was prepared, and the man firmly and securely headed up, and was in but two positions—standing or lying, for some months, that is, when the cask was either on end or lying down. The cask and man were subsequently brought to Sydney, as also Poole, who was charged with the offence; but the case was dismissed, on account, as it was afterwards ascertained, of Poole having bought the man off for £10.

This was not the only cost to Poole, as the man again appeared and levied a further contribution of some £30 or £40, and left the country.

About the year '46 or '47 it appears that the island was not sufficiently productive to be remunerative to Dawson and his partners. The whole affair was broken up, and such as liked to remain worked on their own account independently.

This was not to be wondered at, as the early settlers chose the worst spots for cultivation—probably because they were the easiest cleared, and which consisted of the detritus of coral and calcareous rock worn down by the desiccating influence of the solar rays to a dust resembling coarse sand.

Subsequently, other arrivals, either by design or accident, augmented the population. It was a custom for whaling captains to leave their families for a season, and join them again, for the purpose of getting vegetables and fuel as well as other provisions, before cruising on what is called the middle ground. Those who came by accident left again as soon as chance offered and inclination led them to do so.

The present population appear to be poor, from the fact that their supply is far above the demand, and no means of regular transit. This was far different in the golden times of California, when whale-ships and other vessels called to get supplies in exchange for various commodities.

The supplies now remain on hand, less cultivation is needed, and the people are living from hand to mouth, and are chiefly engaged in the cultivation of maize and potatoes for home consumption, and onions for the Sydney market, or the whole to supply any ships which may call in need of necessaries. Turkeys may be obtained in barter or cash at 10s. a pair; fowls, 3s.; ducks, 3s.; geese, 12s.; pigs and goats, at 3d. per lb. alive, or weighed as they stand. Fuel may be had at \$5 or £1 a cord, cut and stacked on the beach; and water at any season from the big creek, at the south end, west side, but it can be only rafted out by boats. There are a few rabbits, which fortunately are confined to a small island on the west side, between the shore and the reef. At the present time the crops yield from 300 to 400 bushels maize a year, 25 tons potatoes; these are good flavoured but rather waxy, and are found to be the most suitable for shipping purposes, as they will keep from season to season; any others which have been tried have failed in this respect. Onions from 30 to 35 tons—pumpkins, melons, *ad libitum*.

The exports are taken by a small ketch (the "Sylph"), of 14 tons, owned by Captain Field—Messrs. Thompson and Wainwright—which comes and goes about twice a year, bringing back supplies. This means of transit, however, is said to be inadequate, and with further facility much more could be produced. This vessel when not employed in this way remains in what is called the hole, at the north end of the island, inside the reef. This being rather singular and remarkable it is worth noting. This hole has a circumference of 150 yards, with an average depth of 2 fathoms; and singular to say, although you can walk round the margin at low-water spring-tides, the bottom inside the reef as well as the beach consisting of coral *débris* shifting occasionally with the wind and seas, yet this hole keeps up a uniform depth. Across this by a chain-bridle the vessel is secured.

Exotics are becoming popular now—perhaps heretofore the population were more of a migratory and unsettled disposition. The common lemon grows rapidly, and bears abundant fruit. There is one old orange-tree, which produces ninety to 100 dozen a year, besides thirty other trees, some of which will soon come into bearing. There is but one seedling peach-tree at present in bearing, and that produces a fine clear stone fruit. Other young trees are coming on.

Plantains and bananas grow rapidly, and would produce abundant fruit if not allowed to grow too thick. In lieu of three or four plants, they have over twenty in the space.

Papaw, or mammy-apple, thrive well, producing forty to fifty fruit each plant. It was here noticed that both male and female plants bore edible and well-conditioned fruit, with this distinction—in the female plant the fruit, of an oval shape, are all clustered close under the base of the leaf-stalk, whilst in the male the peduncle or fruit-stalk was 2 feet long, and the fruit of a different shape, girt in at the centre.

One coffee-plant in bearing looks hardy, and with fine glossy foliage.

The passion-fruit (*Passiflora edulis*) has been introduced about two years since, as well as the yellow guava. This latter may, as in Tahiti, become a nuisance.

The few grape-vines remain untended, as the birds destroy the fruit before coming to maturity. This little pest is the silver-eye, but about twice the size of our Australian type. The Cape gooseberry and strawberry would also do well but from this cause, combined with the destructiveness of the goats. The castor-oil plant (*Ricinus communis*) threatens to become a nuisance.

There are certain recognized regulations among the people which are rarely infringed upon; such as definition of hunting-grounds, regulated prices of produce, boundaries of cultivation grounds, which must not be approached nearer to each other than what will allow a sufficient brake of palms to protect them against the wind.

The houses are built of palms, with two or three exceptions, and thatched with the same material. This thatching looks particularly neat. The frond of what is called the thatch-palm is doubled and looped over a batten, secured on the roof for that purpose. The feathery spray on the outside and the stalk on the inside close together, forming a close row of ribs—the outer covering forming by this means a thickness of 7 or 8 inches, cool, comfortable, and impervious to wet, and which lasts about seven years. In the two or three exceptions above alluded to, the houses are raised on calcareous blocks, procured close at hand, a couple of feet of base course, then boarded up with Australian pine, and painted, and roofed with galvanized iron. The designs are nearly all alike—one entrance door in the centre, which forms a room of the better description; at either end are one, two, or more small bed-rooms, as occasion may require, but no fire-place.

The kitchen, or general room, is detached, and forms one compartment, with a fire-place in one end and larder at the other; the centre side occupied by a large table for meals, with a long stool at either side.

The little granaries for maize are elevated on posts four or five feet from the ground, the roof well thatched, ingress at the end of the building by aid of a shifting ladder. Since the introduction of the mice alluded to, it has been found necessary to protect the grain from their depredations by placing horizontal discs of tin or iron round each post, some distance from the ground.

The piggeries about each establishment are comfortable for the animals, and are used chiefly for those intended to be killed in the winter season for salting and curing.

The live stock which has been recently introduced consists of a gelding and mare, the property of Captain Field and Mr. Thompson; one bull, two steers, and four heifers, none over eighteen months old, the property of Mr. Wainwright. The horses were put overboard from ships, and swam ashore; the horned cattle, as small calves, taken down in the ketch.

There is no general cemetery on the island; each party, when requisite, has his own little plot to deposit the remains of a friend or relative as its last resting-place. It is to be regretted that some of H.M. ships, which have a clergyman on board, have not called before now and consecrated a spot for this purpose. The people are very desirous that this should be done. There are other wants which may be easily supplied—such as an appointed registrar of births and deaths, who might also be postmaster. Their observance of the Sunday consists of a suspension of all forms of labour, but there is no public religious service.

There are but few children, and those very young. In a couple of years it will be necessary that they should receive at least a rudimentary education.

The general health of the people is good, dyspepsia being the rule, owing, as it is supposed, to so much pork diet. The constant use of Epsom salts is, I should think, rather an aggravation than otherwise of their complaint. Deaths are rare.

In 1868 some of the descendants, together with some friends of the Pitcairn Islanders, arrived in Sydney from Norfolk Island by the schooner "Pacific." After a sojourn here for some weeks, and in the meantime having travelled on the Northern Road as far as the Peel River, they started again for home; the

the measles, however, breaking out among them, soon after they left Sydney, which caused them to call on their way at Howe Island, where, having anchored their vessel in the hole already described, within the reef at the north end, they remained till they got well, leaving behind them a remembrance in the epidemic, which soon seized the people of the island.

Winds have not been regular for several years; the strongest gales are from the south-west. Cyclones from W.N.W. occasionally devastate a confined area of from forty to fifty yards wide; these are not of frequent occurrence.

Rain.—The heaviest is from the S.E. quarter, but showers are abundant throughout the year. There are no true periodical rains, although noticed at times more in April, May, or June. There is no rain-gauge on the island, and from its appearance one would be led to suppose that little or none fell; we were, however, assured to the contrary.

The S.E. and S.W. winds, impinging on the large mountains, bursting the rain-clouds, which give copious showers, and accounts for that part of the island being better watered—the northern shed finding an outlet by what is called the Big Creek, affording the best water on the island.

It will be advisable hereafter that many of the large trees should be protected for a similar purpose, on other parts of the island, as a general demolition might have the effect of lessening the rainfall. This has been proved beyond a doubt to have been the case in some parts of India, and also in Algeria, where large trees once grew. There they had periodical rains. On their removal the rainfall did not reach the same place; in consequence of which the various Governments are adopting the system of replanting, that they may recover their lost necessity. The margin of trees on the east and west side of the island should not only be protected, but replanted where necessary. Towards the south, on the north side of the mountains, a number of these trees have been wantonly removed, the ill effects of which is plainly apparent.

Temperature.—Not an instrument of any kind to record from. It is said that the summer is tolerably hot, but much more equalized than in Sydney, whilst the winter is very genial, no frost having been known.

Tides.—Rise and fall, 6 feet; full and change, 8 h. 30 m.

Fish are plentiful, and during the stay of the steamer from on board many blue-fish, king-fish, and rock cod were caught. At night abundance of sharks of the small shoal kind, and for three months of the year salmon, trawalley, and large mullet within the reefs are caught by line and hook; large eels in all the fresh-water creeks; oysters are very rare, occasionally only one or two are got; in the fresh water the needle-eel has been found.

The local names of plants are forky-tree, thatch-palm, curly-palm, umbrella-palm, and small palm; and of timber for hardwood, scaly-bark, rough-bark, grey-bark, yellow-wood, lignum-vitæ, black-bark, bastard honeysuckle, ditto tamana, and mall-wood, which is tough like mangrove, and kilmogue, a *myrtacea* from which a beverage in lieu of tea has been made.

The grasses are couch and a tufty grass (*sporobolus*), introduced. The former has taken possession of all the old cultivations which have been abandoned. Natural grasses are of two or three kinds, and a *Hystrix* binding the beach. I also saw one patch of blady-grass (*Imperata arundinacea*), but whether this is indigenous to the island I should think doubtful, as it was growing in the midst of the couch-grass, and may have been brought with it to that place.

The present amount of acres under cultivation is about 30; those which have been and are now under grass, about 100; at present available for clearing, probably 300, the cost of which would be at least £8 an acre.

The season was too far advanced towards winter for the purpose of collecting good flowering specimens of botany—with but an exception or two. Such specimens, together with fruit-branches or seed-vessels of all others, were collected, and are fully described by Mr. Moore in the Appendix. The same remark applies to the *Coleoptera* or *Lepidoptera*, which were either in other stages or concealed for the season. Such as were obtained also meet with attention from Mr. Krefft, the Curator of the Museum.

Botany.—After a close examination of the forests it was remarkable to observe the total absence of *Proteacea*, *Pittosporaceæ*, and almost the same in *Myrtaceæ*, with but two exceptions of the latter, one of which (*Melaleuca*) represented the tea-tree (kilmogue) of the inhabitants, the other a solitary *Leptosperm*, of good age, which had died, leaving its seed-vessels on the branches as a means of recognition. Epiphytical and parasitical plants are also poorly represented; one of the latter however is remarkable, and had in some instances taken possession of the tips of branches of the high trees, and not unlike *caccolobia* or *polygonum*, but with shorter and more fleshy joints—probably a misletoe.

Of the larger trees, the *Banyan*, a species of *ficus*, stands pre-eminent—the huge trunks which have been formed by pendent roots supporting horizontal limbs of fine dimensions, which again have thrown out shoots above, interlacing overhead, forms a complete canopy covering a large area, admitting through the woven lattice piles of crystal light, leaving the lover of nature wrapt in wonder and admiration. And where intermediate spaces have been cleared, and now grassed and surrounded by these trees, the whole forms an amphitheatre of such vast dimensions that the beholder is lost in astonishment at its magnificence and grandeur.

The others of the largest trees, some of which reach over 130 feet in height, represent the natural orders *Ebenaceæ*, *Mersinaceæ*, *Auranticeæ*, *Saxifragaceæ*, a species of *Tetranthera*, *Lauranaceæ*, and one or two others. The medium size are represented in the natural orders *Apocynaceæ*, *Rhamnaceæ*, *Rutaceæ*, *Solanaceæ*, *Nyctogenaceæ*, and *Chinonaceæ*. One of the latter, when cut or broken, sends out such an abominable odour that it very appropriately rejoices in the local name of “stink-tree.” *Leguminosæ*—in a *Dolichos* sp., *Guilendina* and *Edwardsia* sp.; the latter a very handsome tree. *Orchidaceæ*—*Dendrobium* sp. and *Sarcochilus*. Of the smaller kinds, shrubs and climbers—the *Myrtaceæ* already mentioned; *Euphorbeaceæ* in *Bologhia* and *Omolanthus*, *Hoya* sp., *Peperoma*; *Flagellaria*, *Ipomoea*, sp.; *Tecoma Australis*; *Smilax latifolia*. A *Piper mysticum*, requiring only cultivation to bring it like the kava of the Friendly Islands; a wild jasmin, loading the air with its fragrance; and the pungent *Crucifera ozothamnus*, and its confrère, a little *Goodenia*. *Urticaceæ*—a *Bomeria* of which the Chinese grass-cloth is made; *Iridaceæ* and *Orinum*.

Palms are of five varieties. The *Pandanus*, of magnificent dimensions, rearing many heads to the height of fifty feet, the pendent roots covering an equal circumference with the heads, and over thirty feet. “This is the forky tree of the people.” *Areca*, sp.: Thatch palm. *Areca*, sp.: Curly palm. This latter

latter is recognized also by its slender stem. *Seaforthia*, sp.: Umbrella palm, high up in the mountain, and a small palm which is said to grow on the summit of Gower Mountain, of which no specimens of this latter was obtained at the time, but have since been procured.

Cryptogamia is well represented, although there are many absent which we had reasonable grounds for hoping we might have found. The species procured form an interesting collection, and are—*Diplasium*, *Lytobranchia*, *Trichomanes*, *Davallia-dubia*, *Nephrolepis*, *Peteris tremula*, *Asplenium obtusatum*, *Polypodium tenellem*, *P. confluens*, *P. davallioides*, *P. regulosum*, *Neoptopteris nidus*, *Asplenium falcatum*, *Mahrattia*, *Altantodia*, *Alsophilla excelsa*, *A. Cooperii*, *Acrostichum alcicorne*, with one or two others. We searched, but did not find *Adiantum*, *Gleichenia*, *Nothoclinia*, or *Lindsea*.

The natural history of the island at one time formed a more important subject of interest than it at present maintains. The remnant of its former feathered population is represented now by the brown hen, which has been driven to the mountains. The light-coloured bird, like a Guinea-fowl, the large pigeons, and small parrots, have become nearly extinct. We shot, with but few exceptions, specimens of all the existing birds, which number over thirteen species.

Birds.—*Strepera graculina* sp., fruit magpie; *Chalcophaps* sp., green dove; *Ocydiomus* sp., brown hen; *Merula* sp., blackbird; *Pachycephala specie*, thickhead; *Rhipidura* sp., fantail or fly-catcher; *Zosterops specie*, silver-eye; *Gerygone specie* (?), the smallest bird seen on the island; *Halcyon* sp., blue kingfisher—no specimen—only one seen; *Limosa* sp., godwit; *Charadrius* sp., golden plover; *Hiaticula* sp., dotterel; *Phaeton* sp., boatswain. A black duck (*Anas superciliosa*), an owl (*Athena* sp.) have since been added to the list.

In *Coleoptera* were also secured 36 species, representing,—*Carabidae*, 7 species; *Staphylinida*, 4 species; *Heteromera*, 7 species; *Phytophaga*, 3 species; *Lamellicornis*, 2 species; *Curculionide*, 2 species; *Psilaphida*, 2 species; *Telephorus*, 2 species; *Longicornes*, 3 species; and a few others; and in cutting out the dead logs for insects, the larvæ of *Longicornis* were abundant; the pupæ of moths were found greedily devouring the decaying leaves of *crinum*; and in some of the logs *phasmas* were found—of the most repulsive forms of insect life—of formidable appearance, 4 inches long, the male armed with lobster-like claws, and mandibles sufficiently hard to gnaw the half-dead wood. The chirp of the cricket indicated their presence, grasshoppers revelled in the sun's rays, the wings and shells of the *cicada* bore out that they had sported their season, and the mosquitoes would not be denied their repast. Small black ants are troublesome in summer-time, but they have not that peculiar odour which a similar one has in Sydney. Large flies readily deposit their larvæ in animal substances, which soon come into active existence. Several of our bird specimens were attacked in this way in a few minutes, even though it was the approach of the winter season.

Land Shells.—*Bulimus*, probably 2 species; *Helix*, 5 species; *Vitrina*, 1 species; *Omphalotropis*, 1 species; *Diplomatina specie*, and some others. Hundreds of the first were found to be dead shells only—apparently dying out; a more diligent search gave a few of the live ones.

Reptilia is represented by three or four harmless lizards—1 *Gecko*, 1 *Hinulia*, and another. Centipedes were said to be numerous and large; we, however, had some trouble to procure three or four small specimens. The oldest inhabitants say that no snakes have been seen on the island, but water-snakes have been caught on the reefs.

Arachnidians.—*Epeira*, *Lycosa*, *Olios*, *Thomisus*, *Amourobis* (?) *Clubiona*, and *Delena*. A small green spider, the bite of which is said to be very sharp for half an hour, was not seen.

Geology.—There is nothing remarkable in the geological features of this island. At one time it appears to have been a chain of attols, linked together by the coral insects, having a vegetation and some land shells. The igneous action has upheaved the whole line both of attols and madreporic rock to a considerable elevation at the south, and a moderate one at the north end of the island. The basaltic *débris* having floated over parts of the centre has made patches of exceeding rich soil; whilst in some instances the calcareous rock outcrops, and which, by exposure has disintegrated, forming apparently a sandy soil. Organic remains exist in the upheaved coral *débris* of the east side of the island, and the north-east headland shows in the escarpment a partly decomposed bed of porphyry underlying the coral. The large mountains of the south consist chiefly of basalt, either vesicular or compact. I saw but the fragments of what appeared to be columnar, and which had toppled down from the heights.

Wells for water-supply have been dug to some depth on the island. In sinking, occasionally argillaceous beds of 14 feet in thickness have been cut through; these have been resting on a coral *débris*, and will retain no water; others which have been cut partly through the clay retain the water, but it is of considerable hardness on account of the lime.

A well near the settlement at the north end was dug nearly through the clay. At 30 feet it came to what was thought to be a solid rock and held water; subsequently it was determined to sink deeper, when it was discovered that the rock was detached; a sheers was rigged and the stone raised. I found it to be a piece of basalt, in the crevice of which was carbonate of lime in crystals. This well, though it held water no more, was of considerable advantage afterwards. The situation chosen happened to be a kind of basin in which heavy rains collected and there remained till evaporation or percolation relieved the surface. This well acts now as a duct, and draws off at once the superabundant water.

Another well was dug at no great distance from the same quarter, and which is said to be under tidal influence, rising and falling perceptibly, and the water unfit for domestic purposes; indeed most of the wells produce water with varied hardness and peculiar taste, the constant use of which may have something to do with the prevailing dyspepsia. Rain-water is collected, and which of course forms the best drink the island affords, although the stream forming Big Creek is unobjectionable.

3 June, 1869.

Thursday, 3rd June, 1869.—The time having now arrived, and all our specimens collected on the beach opposite to the vessel, we bid good-bye to the people who had come to see us off, and, together with our spoils, we were soon put on board again to await the first lull for a start homewards.

Friday, 4.—We remained at anchor all last night, and at peep of day were underway with a moderate breeze.

Saturday, 5.—The breeze holding favourable, though light the fore part of the day, but the heave of the sea indicated a past or a coming gale. At noon the breeze was increasing, and continued so the remainder of the day; at midnight the ship was labouring heavily, and going at slow speed, occasionally shipped heavy seas, completely washing the people out of the fore-castle.

Sunday,

Sunday, 6 p.m.—From the repeated assaults, at 4 a.m. the captain found it necessary to heave the ship to under a close-reefed mainsail. The vessel behaved admirably under this treatment, and we remained so for about sixteen hours. During the day, sights were obtained, as well as the meridian altitude, and which enabled Captain Hutton to get his position accurately, so that he could shape his course direct for Sydney light-house, and which he did with precision.

Sunday night, 6th.—Ship was again under steam, although at the first part the jumbling sea had not altogether subsided, yet we made fair progress till midnight, then our pace was considerably increased till morning, when at day-dawn "Light, oh!" was announced, and we entered the heads just before 8 a.m. on Monday, the 7th June, 1869, after at least a satisfactory cruise to Lord Howe Island.

I am sure that Captain Hutton must have been very tired, having been wet through and exposed during the heavy weather. His constant care and solicitude for the safety of his vessel during the whole trip, and especially whilst at anchor under the island, deserve high encomiums.

STATISTICAL REGISTER.

- W. Field, age 53, America, master mariner; Mary Field, his wife, age 50, Ireland; resident 12 years; cultivation, 4 acres; stock, 1 gelding. No children.
- Matthew C. Thompson, age 42, America, master mariner, single; two native women, S. S. Islands; 2 children—1 male 6 months old, and 1 female 18 months old; resident 12 years; cultivation, 5 acres; stock, 1 mare.
- David Lloyd, age 70, Wales, mariner; Mary Lloyd, his wife, age 56; 1 female child (reputed), age 23; resident 7 years; cultivation, 1 acre.
- Mrs. Leonard, the child above, age 23, New South Wales, married—husband just killed, resident 6 years; cultivation, 3 acres.
- Margaret Andrews, age 52, Ireland, widow, 1 female child, age 22, resident 23 years; cultivation, 1½ acre.
- Charles Nichols, age 32, Hobart Town, master mariner; Mary Nichols, as above, age 22, Howe Island; 3 male children—ages, 5 years, 2 years, and 2 weeks; resident 5½ years; cultivation, 2½ acres. Nichols has just gone to Tasmania to seek a ship.
- Thomas Mooney, age 27, Hobart Town, farmer; Mary Mooney, his wife, age 23, Ireland; 1 male child, age 7 months; resident 2 years.
- William Nichols, age 25, single, Hobart Town, farmer, resident 7 years; cultivation, ½ acre.
- John Lewis, age 53, London, farmer; Ellen Lewis, his wife, age 46, London; resident 4 years; cultivation, 2 acres.
- W. O. Spurling, age 63, London, master mariner; resident 8 years; cultivation, 2½ acres.
- Henry Wainwright, age 38, London, carpenter, resident 2 years; J. E. Wainwright, his wife, age 21, Hunter River, resident 1 year; cultivation, 2 acres; stock, 7 head of cattle.
- A. P. Mosely, age 58, London, mariner; Johanna Mosely, age 40 years; resident 25 years; cultivation, 1½ acre.
- David Whybrow, age 52, Sydney, master mariner, now away in the "Fanny Fisher"; Mrs. Whybrow, age 44; 3 children—2 females, ages 22 and 14; 1 male, age 18; resident 2 years; cultivation, 1½ acre.
- Lizzie Jones, age 22, Sydney, daughter of Whybrow (husband away); 1 male child, age 4 years; resident 2 years.
- Mary Whybrow, age 14 years; Thomas Whybrow, age 18 years. Son and daughter.
- Edward King, age 22 years, England, mariner, resident 2 years.
- Perry Johnson, age 38 years, United States, mariner; Sarah Johnson, his wife, age 28, Cape; resident 9 years; cultivation, 2½ acres.
- Campbell Stevens, age 24, New South Wales, resident 3½ months.

PENAL SETTLEMENT.

Lord Howe Island, from its position, climate, and capabilities, would be most suitable for a penal settlement, not particularly adapted for the management of desperate criminals, who might find means however dangerous to escape occasionally, but for that class where alienation from their homes and isolation from their friends would be a far greater punishment than other degradations which have now occasionally to be resorted to.

The present system of punishment in many instances is held to be but a mere farce; and excepting the restraint, the altered circumstances are rather beneficial to the prisoner than otherwise; on the other hand, a banishment to the island, under a proper discipline, rigid only under certain circumstances, would afford ample time for serious reflection and improvement in various ways, and prove more likely to be the means of reclaiming than by keeping them in constant contact with hardened ruffians, with a probability of contamination.

However painful the process might be of breaking up the homes of the present residents, some of whom have been half a lifetime on the island, nevertheless as they have avowed their poverty, or that their means are too slender, and that they are living from hand to mouth, and in some instances (to use their own phrase) dodging the workhouse, and without some help they are unable to cope with adversity or better their condition, perhaps it would be advisable for the Government to step in and relieve this state of things.

It must be borne in mind that the present residents have enjoyed perfect immunity—have never been in any way meddled with—even in the good times when ships frequently called to traffic and afford them a fine harvest. Certainly there is no reason why any such special privilege should apply to this island, more especially as it merely affords a bare subsistence to those already there, and when it could be made partly to sustain a far larger population, of the class alluded to. The utilization of their labour for clearing and seeding the patches of fine alluvial country and making general improvements would considerably enhance the value of the island.

The disposition of its present population may be arranged in such a manner that it would be of material benefit to those who may choose to adopt the proposition—namely, that they be concentrated into a village, and be the caterers or contractors to the Government for all such supplies that they could raise—having sufficient lands allotted to them for that purpose, and those who thought proper to vacate to receive a remuneration for the labour they had expended in clearing their land and for the stock which they would hand over, together with any right which might exist in the brands of those running wild.

The cost of prisoners to the country under the present system is, according to the returns now received from the Sheriff (and which will be found in the Appendix),—

	£	s.
For those of Darlinghurst Gaol	28	8 per head.
Parramatta	39	0
Berrima	59	14

It may be here remarked that the average cost of Darlinghurst cannot be taken as a fair guide to the cost of male prisoners, as those returns include women, and short-sentenced people, amounting only to a few days or weeks, as well as those of long-sentenced men, from which the average has been struck. Parramatta and Berrima Gaols contain male prisoners only. Nevertheless I feel convinced that the cost of prisoners alluded to as desirable to be sent to Lord Howe Island would be far less costly than any other system now in force in New South Wales.

Independently of these considerations, it must be apparent that the separation of this class from that of the more hardened offenders would be the most likely to create a desire in them to regain the path of honor which they had deserted, than being herded together in our common gaols, now crowded to excess; and that the opportunity thus afforded would give them a chance of their misdeeds being quietly expiated and forgotten and in opposition to the present system, where they have the eyes of those occasionally on them, those who had once been on terms of friendship, and would be the means of restoring them to industry, and a chance of regaining their former position.

APPENDIX.

NATURAL HISTORY.—LORD HOWE ISLAND, 1869.

BY THE CURATOR OF THE MUSEUM, SYDNEY.

BIRDS.

<i>Merula vinincta</i>	(Vinous-tinted Blackbird.)	<i>Halcyon</i> sp. (1 seen) ...	(Kingfisher.)
<i>Strepera graculina</i>	(Black Magpie.)	<i>Charadrius orientalis</i> ...	(Golden Plover.)
<i>Rhipidura</i> sp.	(Flycatcher.)	<i>Limosa</i> sp.	(Godwit.)
<i>Pachycephala</i> sp.	(Thickhead.)	<i>Phaeton phaenicurus</i>	(Red-tailed Tropic-bird.)
<i>Zosterops strenuus</i>	(Silver-eye.)	Ducks (3 seen) genus and species ?	
<i>Gerygone</i> (?) sp.	(The smallest bird seen.)	<i>Anas superciliosa</i>	(Black Duck.)
<i>Ocydromus</i> sp.	(Wood-hen.)	<i>Athene</i> sp.	(Owl.)
<i>Chalcophaps</i> sp.	(Green Pigeon.)		(Since added.)

COLEOPTERA.

Represented by the following families.

Carabidæ	7 species	Lamellicornes	3 species
Staphylinidæ	4 "	Telephoridæ	1 "
Pselaphidæ	1 "	Heteromera	7 "
Scydmanidæ	2 "	Longicornes	3 "
Histeridæ	1 "	Curculionidæ	4 "
Bostrichidæ	2 "	Phytophaga	3 "

MISCELLANEOUS.

Euracantha Australis.
Blatta orientalis.

THE ACTING SHERIFF'S RETURNS.

DAILY average number of Prisoners in, and gross Cost of the undermentioned Gaols, for the year 1868.

	DARLINGHURST.	PARRAMATTA.	BERRIMA.
Daily average No. of Prisoners.	430 men. 138 women.	249 men.	90 men.
Salaries	£ 8,866 7 0	£ 5,788 2 6	£ 3,130 18 2
Provisions	3,506 4 11	1,630 0 8	577 3 9½
Fuel and light	492 8 0	359 2 6	86 18 6¼
Clothing, stores, stationery, bedding, and medicines	2,374 3 3	1,236 15 0	1,300 9 4
Lunatic fees, cost of escorting lunatics, and incidental expenses	250 0 0	95 3 1	198 17 1½
Gratuities	188 5 3	98 17 3	31 15 6
Indulgences	381 4 8	503 2 10	47 6 1½
	16,058 13 1	9,711 3 10	5,373 8 7

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROMAN CATHOLIC ORPHAN SCHOOL, PARRAMATTA.

(DEPOSITIONS IN CASES SKEHAN v. O'SULLIVAN, AND ACRED v. O'SULLIVAN.)

Ordered by the Legislative Assembly to be Printed, 16 March, 1870.

In the Police Court, Parramatta.

The Queen (on the prosecution of Skehan) *versus* James O'Sullivan.—Assault.

COPY OF DEPOSITIONS.

A.

*Complaint on 18 Vict., No. 9, for an aggravated assault and battery.*New South Wales, }
to wit. }

BE it remembered that, on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and seventy, at Parramatta, in the Colony of New South Wales, John Skehan, of Parramatta, in the Colony aforesaid, personally cometh before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, and upon his oath complaineth to, and informeth me, that James O'Sullivan, of Parramatta, in the Colony aforesaid, did, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and seventy, at Parramatta, in the Colony aforesaid, unlawfully assault and beat the said complainant, contrary to the Statute in such case made and provided, and against the peace of our Lady the Queen; and thereupon the said complainant prays that I, the said Justice, will proceed in the premises according to law.

Sworn before me, at Parramatta aforesaid, on the }
day and year first above written,—GEORGE LANGLEY,
Justice of the Peace.his
JOHN X SKEHAN.
mark

Summons granted for Wednesday, 2nd March, 1870.—G.L.

2 March, 1870.

James O'Sullivan appears on summons to answer the complaint of John Skehan, as set forth in the information hereunto annexed, marked A.

Mr. Forster appears for complainant, and
Mr. Buchanan, assisted by Mr. T. H. Hellyer, for defendant.

Information read. Defendant pleads "Not guilty."

This deponent, *John Skehan*, on his oath, states as follows:—I live in the Roman Catholic Orphan School, Parramatta; I have been there a month; I am eight years old; I know the defendant; he is the person I charge with assaulting me; on Monday, last week, the schoolmaster took me from the dining-room into the school-room; it was about dinner-time; William Redfern and John Kinderland were in the school-room at the time; there was another boy there at the same time, named Frederick Acred; the schoolmaster told Acred and myself to take our coats off; he got a cane out of a basket, and twisted it twice, and beat us on the back with it; he caught hold of my hand, and beat me; he hit me hard, but did not hurt me very much; I don't know how many blows he gave me; after beating us he sent us out of the school-room into the paddock to play; I told Acred to pee in the pint-pot that we had at our dinner-table; he did pee in the pint; the statement contained in the information is correct that he did beat me on the 21st; a boy named George Brown told the master; we were all sitting at the dinner-table; we had finished our dinners.

Cross-examined by Mr. Buchanan, states:—No person instructed me what an oath was before I came here; nobody sent me to lay this information against Mr. O'Sullivan; it was just a whipping that I got for telling the boy to pee in the pint-pot; it did not hurt me much; I went out to play after, and played all the afternoon; I felt able to play about.

his
JOHN X SKEHAN.
mark

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *George Hogarth Pringle*, on his oath, states as follows :—I am a legally qualified medical practitioner residing in Parramatta ; I am the medical officer of the Roman Catholic Orphan School, Parramatta ; I recognize the little boy now in Court, John Skehan ; on the 22nd of February last I had occasion to attend upon this boy in the infirmary at the Roman Catholic Orphan School ; it was between 2 and 3 o'clock in the afternoon when I attended upon him ; in consequence of the information I received I examined the boy John Skehan ; I found, from the nape of the neck, over the shoulders and ribs, and for a considerable distance down the back, he was covered with marks of the most severe flogging—large weals, some of them nearly an inch in breadth over the whole surface described—from these weals the blood was still oozing ; I directed the boy to be kept in the hospital and prescribed the proper treatment for him ; I saw him on the 22nd, 23rd, 24th, 25th, and again on the 27th ; there was slight traces of the flogging on the 27th ; I produce an entry made in my diary on the 22nd (here Dr. Pringle reads a portion of the entry as follows) :—“ Frederick Acred and John Skehan have been brought to the infirmary last night, bearing the marks of brutal castigation over the shoulders and ribs—the weals, which are very severe, and have in several places drawn blood, are over the shoulders and ribs, and from the severity may be productive of serious consequences. Both boys must remain in the infirmary.”

By the Bench, states :—Blows of the severity given to these boys over the ribs might produce very serious consequences, such as pleurisy and disease of the lungs ; I used cooling ointments for the first twenty-six hours, followed by tincture of arnica ; the boys were still suffering on the 23rd, it was beginning to subside.

Cross-examined by Mr. Buchanan : The boy complained to me that he felt sore from the beating ; I was not sent for by the Matron until the following day ; I saw the boys the following day ; I don't know when the boys were whipped ; you could not raise weals such as were on the boys' backs when I saw them with the piece of paper produced ; I could make blood ooze with a little switch ; the boys got well in the usual time.

G. HOGARTH PRINGLE.

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *Catherine Colquhoun*, on her oath, states as follows :—I am boy's nurse at the Roman Catholic Orphan School ; I know the boy now in Court, John Skehan he is one of the boys I have to nurse ; I did not see anything particular upon this boy on the 21st ; I did not see any marks upon the boy's back until after he was beat ; I saw marks on his back ; I put some ointment on his back ; I don't know what the day was I did so ; I put the ointment on his back about 1 o'clock ; after I put the ointment on his back he went out from me ; the doctor came the next day.

By the Bench, states :—The boy was screaming through the passage, and I called him in, and put ointment on his back ; the boys have their dinner at half-past 12 o'clock ; there was no blood ; it was red ; there were many marks on his back, but no blood drawn ; I did not see him next day ; I saw him the day following—his back was bad enough then.

By Mr. Buchanan, states :—I have been in the hospital fourteen months ; I know the boy ; he was there before I went there ; I noticed his back the day he was beat ; his back was red ; there was no blood drawn ; no blackness ; no discoloration ; there was no lumps, nor was the skin raised ; I thought it was a severe flogging.

her
CATHERINE × COLQUHOUN.
mark

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *Eliza Maloney*, on her oath, states :—I am sub-matron at the Roman Catholic Orphan School, Parramatta ; I recollect Monday, the 21st February ; from information I received I saw this boy, John Skehan ; it was about 3 o'clock I examined his back—it was very much bruised ; they were red, lengthy, bruises ; the back was very red ; the boy was neither laughing nor crying at the time ; I left the boy in that state until the matron came home at 8 o'clock ; the next day the doctor was sent for by the matron ; the boy slept in the dormitory on the night of the 21st ; he was taken into the hospital next day, and remained there for several days.

By the Bench, states :—When I saw the boy's back on the afternoon of the 21st there was no blood oozing from it.

By Mr. Buchanan, states :—When I saw the boy's back at 3 o'clock on that day I did not see any ointment on his back ; I saw bruises, but not raised ; it was very red ; I was in the place when the boy was flogged, and I heard him cry a little ; I thought it necessary to speak to Mr. O'Sullivan, but I did not do so ; very probably the boy's clothes rubbed off the ointment ; I was not an eye-witness to the flogging ; I was in the dining-room, and the flogging took place in the school-room, which adjoins the dining-room ; I heard a little of the blows that were inflicted ; crying could have taken place without my hearing it ; I did not speak to Mr. O'Sullivan about this matter ; the boys went out, leaving a number of boys in the room.

By the Bench, states :—These two boys were taken away during dinner.

ELIZA MALONEY.

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *George Hughes*, on his oath, states as follows :—I am a pupil teacher at the Roman Catholic Orphan School ; I was there on Monday, the 21st of February, at dinner-time ; the boy John Skehan was there ; he was punished by Mr. O'Sullivan ; I left the dining-room, and was in the school-room about five minutes, when two boys came in—John Skehan and Frederick Acred—followed by Mr. O'Sullivan ; he immediately left the room, and returned in about three minutes with a cane in his hand ; it was a cane from a basket, split in halves, and twisted ; he shut and bolted the school-room door, and then punished the boy Acred, and then Skehan ; he made Skehan stand up, and when he began to scream he told him to stop ; I meant to say he punished him before he screamed ; he beat him across the back and shoulders with the cane ; Skehan had his coat off ; O'Sullivan made him take it off ; he had his shirt on ; he flogged him on the shirt ; O'Sullivan told him to stop, and beat him the more ; after he had beaten the boys he sent them out of the school-room into the play-ground ; about 2 o'clock I went into where Catherine Colquhoun the nurse was, and there I saw John Skehan ; there were marks on his back ; his back was discolored—a reddish colour, a light red, flesh colour ; the boy slept in the dormitory that night, and the next day went to the infirmary, and remained there for some days.

By the Bench, states :—I did not notice the skin broken, nor did I observe blood oozing from the back ; I dare say there were twenty marks upon his back ; he twisted the cane in my presence ; the cane was about fourteen inches long ; it was an ordinary-sized basket cane ; I did not notice that the master held the boys by the hands whilst he punished them ; I saw Skehan's back on the evening of the same day.

By Mr. Buchanan, states :—I don't know whether O'Sullivan has left the school or not ; I recollect the day the boys were flogged ; they did not go to church next day ; I saw Skehan's back ; there was no blackness—no blood ; there was a light red colour—

colour—flesh colour; the cane used by O'Sullivan was light, about half as thick as the pencil now produced; the cane was not soft—it was rather hard; the flogging lasted about a quarter of an hour; he stopped occasionally for about three minutes at a time, and then resumed the flogging; I think Skehan got five and twenty strokes; there was a slight red, but no bruises on the back; they cried very loud; when the boys went out on the play-ground they did not join the other boys; they seemed down-hearted; they were not crying as they went along the passage.

GEORGE HUGHES.

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NELL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *Catherine Hall*, on her oath, states:—I was housemaid at the Roman Catholic Orphan School on the 21st of last month; I saw the boy Skehan in the nurse-room a little before 2 o'clock; the nurse was dressing his back; it was greatly swollen with wounds, and it was bloodshot; I saw no blood.

By Mr. Buchanan: It was immediately after the flogging the boy; I saw no blood; it was last Monday week.

her
CATHERINE × HALL.
mark

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NELL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

And this deponent, *Christopher M' Rae*, on his oath, states as follows:—I am a Magistrate of the territory; on Thursday, the 24th, I visited the Roman Catholic Orphan School; I saw two boys, Skehan and Acred; I examined their backs; they had marks on their backs and round to the ribs, and one was marked up to the neck, and they appeared to me to have been cruelly punished.

By the Bench, states:—The skin was healing up when I saw them, still it was not all healed up.

By Mr. Buchanan, states:—This was the third day after the whipping was inflicted when I saw him; there would be a slight white mark after ten days on the boy's back.

C. M'RAE.

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NELL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

2 March, 1870.

This deponent, *George Hogarth Pringle*, being re-examined, on his oath, states as follows:—With reference to the remarks which I made to-day respecting the marks upon the boy's back, black discoloration might not arise for a couple of days afterwards; blows of that kind might not show bleeding at first, but might bleed hours afterwards in consequence of the subsequent swelling rupturing the lacerated skin; I saw the boy's back two days afterwards, and the weals were raised excessively sore, and the blood oozing; the oozing ceased on the 23rd.

By Mr. Buchanan, states:—The black mark does not immediately appear after the blow; the weals are now discernable on the boy's back.

G. HOGARTH PRINGLE.

Sworn before us, this 2nd day of March, A.D. 1870,—

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NELL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

Case dismissed.

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NELL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

In the Police Court, Parramatta.

The Queen (on the prosecution of Acred) *versus* James O'Sullivan.—Assault.

COPY OF DEPOSITIONS.

Complaint on 18 Vict., No. 9, for an aggravated assault and battery.

New South Wales, }
to wit. }

BE it remembered that, on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and seventy, at Parramatta, in the Colony of New South Wales, Frederick Acred, of Parramatta, in the Colony aforesaid, personally cometh before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, and upon his oath complaineth to and informeth me, that James O'Sullivan, of Parramatta, in the Colony aforesaid, did, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and seventy, at Parramatta, in the Colony aforesaid, unlawfully assault and beat the said complainant, contrary to the statute in such case made and provided, and against the peace of our Lady the Queen; and thereupon the said complainant prays that I the said Justice will proceed in the premises according to law.

Sworn before me, at Parramatta aforesaid, on the }
day and year first above written,— }

GEORGE LANGLEY,
Justice of the Peace.

his
FREDERICK × ACRED.
mark

Summons granted for Wednesday, 2nd March, 1870.—G.L.

2nd March, 1870.

James O'Sullivan appears on summons to answer the complaint of Frederick Acred, for assault.

Information read—Defendant pleads "Not guilty."

Mr. Forster appears for the complainant, and Mr. Buchanan, assisted by Mr. Hellyer, for the defendant.

Case adjourned until Saturday next.

JAMES BYRNES, J.P.
W. M. H. GIBBONS, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.

5th March, 1870.

James O'Sullivan appears on summons to answer the complaint of Frederick Acred, for assault.

Case continued by adjournment from the 2nd March, 1870.

Mr. Innes, assisted by Mr. Forster, appears for complainant; Mr. Buchanan, assisted by Mr. Hellyer, for defendant.

Information read—Defendant pleads "Not guilty."

This deponent, *Frederick Acred*, on his oath, states as follows:—I am a boy in the Orphan School; my father and mother are not dead—they reside in Sydney; I have been two years in the school; I know Mr. O'Sullivan; I remember his flogging me on Monday, the 21st February—it was at dinner; Mr. O'Sullivan was in the room; the first thing defendant did was to order me out of the room—myself and another boy; he ordered us into the school-room; we went into the room with Mr. O'Sullivan, leaving the boys at the dinner-table; there were two other boys in the room—George Hughes was there besides; there were three boys—George Hughes, Radford, and Kinnavan, besides O'Sullivan, and the boy who came in with me; when defendant got us into the school-room he locked the door; he told me to take my coat off; I did so; he then beat me—he beat me very much; he hurt me—he hurt me very much; he beat me with a basket cane, doubled; I would know it if I saw it; he got it from his room (his bed-room), he went out and came back with the cane; after he let me go I went out into the play-ground; the nurse saw me; I was not put to bed during the day; I was not at school the next day, nor the day after; I was away from school for two weeks; I suffered pain for some days afterwards in my back, where he had beaten me; Dr. Pringle saw me in the hospital; ointment was put on my back; I have gone to school since; I went back to school the day before yesterday; I felt pain for two days after the beating; I feel no pain now; he held me across his knee while he beat me.

Cross-examined by Mr. Buchanan, states:—I remember getting this flogging; it hurt me much; I was flogged for making water in a pint that we drink out of; I put the pint on the table; Mr. O'Sullivan was in the dining-room at the time; I don't know that he looked at what was in the pot; a boy went to O'Sullivan, and after that O'Sullivan ordered me out; when I was getting flogged I knew it was for making water in the pint; I was whipped with a basket-cane doubled. [*Mr. Buchanan puts the cane in as evidence.*]

I think the cane produced is the one I was beaten with; he hurt me much and I cried; after the flogging I went into the dining-room; I did not go to eat more dinner; I did not stay long in the dining-room; I went to the play-ground; I did not play there; I went back to school yesterday; I recollect the day I was flogged; I did not go to school next day; I was taken to the hospital by "Kate"; they kept me there two weeks; I was playing on Wednesday in the play-ground; I was flogged the Monday before.

By Mr. Innes, states:—I was sent to hospital on the Tuesday after I was flogged; I did not go to play on the Wednesday.

By Mr. Buchanan, states:—I did go to play in the play-ground on the Wednesday following the Monday I was flogged.

By the Bench, states:—I was flogged for peeing in a pannikin; I think I was flogged for that because I did it; no person told me what I was flogged for; after I was flogged I was sent out to the play-ground by Mr. O'Sullivan; ointment was put on my back on the Monday; it was put on by Kate after we came out from dinner; I slept that night in the dormitory; I went to breakfast next day; I did not go to school after breakfast; the Sisters looked at my back the day after I was flogged; they looked at my back before breakfast—some more ointment was then put on my back by one of the Sisters; no other person saw my back on Tuesday—the day after I was flogged; I was sent to the hospital on the Tuesday, in the morning; no person but a woman looked at my back on that day in the hospital; a man looked at my back on Thursday; I think it was some priest; no other man looked at my back on either Wednesday or Thursday; I am quite certain of that; I know that a doctor visits the establishment; he saw my back the day I was sent to the infirmary; I was in the infirmary before the doctor was there; Kate sent me to the hospital; the doctor saw my back before dinner I think; I was two weeks in the infirmary; I am in the infirmary yet; I sleep there every night; I don't know why I am in the infirmary still; the schoolmaster did not say anything to me about peeing in the pannikin before he flogged me; he said to me before he flogged me—he told me to take off my coat; the schoolmaster said to me beside the fire-place, when I was crying, "If you don't stop I'll give you more"; the schoolmaster held me, while he was flogging me, by the hand; at first he had not hold of me; I kicked and jumped about, and then he caught me by the hand; the coat I had on then was not thicker than the coat I have on now.

his
FREDERICK × ACRED.
mark

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *Catherine Colquhoun*, on her oath, states as follows:—I am boys' nurse at the Roman Catholic Orphan School; I remember last Monday week; I saw the boy Acred that day after dinner, between 1 and 2 o'clock, after he had been flogged; dinner was at half-past 12; his back was in a very bad state; Acred's back was much worse than Skehan's; Acred's back was black; I saw his back shortly before; it was all right; his back was black and red—greatly bruised; flesh colour; it appeared to have been produced by a beating; I can't tell the number of marks; I put some ointment on both boys' backs; there was some blood on Acred's shoulder; there were marks down to the waist and up to the shoulders; I did not see them any more that day.

By Mr. Buchanan, states:—I was here last Wednesday; the matron said to me when I came home that she had been told I had made a mistake about the marks; I said I made no mistake, that I did say I saw the marks; the skin was turned over; I did not see the skin broken; I did not see the skin cut anywhere.

By the Bench, states:—I have nothing to do with the infirmary; there are two nurses in the infirmary; the marks on Acred's back were black and red, flesh colour, like a piece of raw beef.

her
CATHERINE × COLQUHOUN.
mark

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *George Hughes*, on his oath, states as follows:—I am pupil teacher at the Roman Catholic Orphan School; am 17 years of age; I know the defendant before the Court; I know the boys John Skehan and Frederick Acred; defendant was drill-master; I remember dinner-time last Monday week, the 21st February; the boys were in the dining-room; about 115 boys at dinner; O'Sullivan was the only master in the room; I was not in the dining-room when he went out; I had been in the school-room about 5 minutes when the boys Skehan and Acred came into the school-room with O'Sullivan; John Kinavane and Rutherford were in the room at the time; defendant immediately left the room; he had nothing in his hand when he left the room; he returned in about three minutes with a cane in his hand; the cane was like the cane produced, but was longer and

and thicker ; it was doubled up like the cane produced ; when he came into the room he twisted the cane ; he bolted the door ; he told Acred to take off his coat ; he was the first boy he thrashed ; he had a white pinafore on ; he made him take it off ; the boy had nothing on his back but his shirt ; he laid hold of his hand, and he then flogged him across the back and his shoulders with the twisted cane ; the boy began to scream and cry ; O'Sullivan told him to stop ; they were near the fire-place at the time ; the boy stopped for a little while ; O'Sullivan had said to him, " Stop, or I'll give you more " ; he began to cry again, but did not scream ; O'Sullivan was flogging Acred for about seven minutes ; he was hitting fast and hard all that time ; he seemed to me to be hitting as fast and as hard as he could ; when he had finished, the little boy ran to the door and got out ; I did not hear O'Sullivan say anything to him ; I saw the boy Acred again between 1 and 2 o'clock ; I thought the flogging was excessive ; I thought then, and I think so now ; I have been four years and nine months in the school ; I have seen many boys flogged, but I never saw a boy so mercilessly flogged as this boy ; about three quarters of an hour I saw Acred again ; I sent for him ; I saw before that Skehan's back, and knowing that Acred was more severely flogged than Skehan, I sent for Acred ; Acred came to me ; I was with the nurse ; there were blows all over the back and shoulders ; the blows reached down to the shoulders ; the marks on the back were some of them a reddish flesh colour (meat colour)—some black and some blue ; the skin was not broken ; the marks of the wounds appeared to have been recent ; the boy did not complain of being in pain ; the boy is rather of reserved quiet disposition ; some ointment was made for the boy's back by the nurse ; I saw him during the afternoon, and he was not playing with the other boys ; he seemed dejected, down-hearted ; in the evening, about a quarter to 5, I saw his back again ; it was much the same, but the red marks were getting darker ; the marks were getting swollen ; he went to bed about half-past 7 ; I have not seen the boy's back since then bare ; he has been in the infirmary ; I think I noticed the boy in the play-ground on Tuesday last for the first time ; I have no doubt about the identity of the boy and the defendant ; the defendant has ceased to perform the same functions he did perform before that ; I think he ceased to do so on the Tuesday or the Wednesday following the flogging.

By Mr. Buchanan, states :—I gave evidence here the other day ; I reside at the Orphan School ; Kate Colquhoun spoke to me about this case ; she said it was said by somebody that she said she saw no marks on the boy's back ; I had no conversation with any person ; she said that the matron had blamed her for the evidence not being true ; there were two other boys in the room besides myself ; I did not say anything last Wednesday about these boys because I was not asked ; the last day I gave my evidence I said the cane was 14 inches long ; the weapon produced I don't think is the one used by O'Sullivan ; I won't swear one way or the other as to the cane being the one O'Sullivan used ; the punishment of Acred took a longer time than Skehan's flogging ; there was an interval of three minutes in the flogging ; I can't say whether or not he stopped more than once ; I stated on the last occasion I gave evidence that he stopped occasionally during the flogging ; I made a mistake ; after his flogging Acred went into the dining-room ; he unbolted the door and got out ; he was crying whilst he was being flogged ; I can't say whether or not he was crying when he went out ; O'Sullivan sent him from the dining-room to the play-ground ; I saw him there ; he appeared quite dejected—standing by himself ; he was not with the boys ; he was about 5 yards from the other boys ; he staid there until I sent for him to get some ointment put on his back ; I sent for him of my own accord ; Acred was flogged more severely than Skehan ; the marks on his back were black, blue, and red (meat colour) ; it was not much swollen ; there appeared to be blood gathering under the skin ; I did not notice much of that appearance ; only about six of the stripes were raised ; there were many stripes on the back ; he said to the nurse that his back was a little sore ; I saw no blood from first to last ; he came to school yesterday morning ; he was in the infirmary until yesterday ; he had then the least faintest marks on his back ; I don't think the boy's back was in such a state yesterday as that he ought to be in the infirmary ; since Tuesday last I have seen Acred occasionally in the play-ground ; I have seen the boy playing several times since the assault.

By Mr. Innes : I noticed him for the first time in the play-ground on Tuesday last ; I have no watch ; it might have been from fifteen to twenty minutes or five and twenty minutes.

By the Bench, states :—Forshaw has charge of the boys in the play-ground and O'Sullivan of the boys in the dining-room ; I did not know what the boys were punished for of my own knowledge.

GEORGE HUGHES.

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *Mary Fitzpatrick*, on her oath, states—I have charge of the infirmary ; I remember the boy Acred being brought into the infirmary on Tuesday week last ; I saw his back shortly after his admission ; his back was marked with many stripes—from the neck to the waist ; the marks were a little raised ; the skin was taken off slightly, and the blood was oozing out in several places ; the back was blood-coloured principally—blackened and bruised ; the wounds were dressed with ointment ; Dr. Pringle was sent for, and saw the boy about half-past 2 o'clock ; he prescribed for the boy ; the boy has remained, up to the present, in the infirmary ; he has not been discharged from the infirmary ; Dr. Pringle saw him consecutively for several days ; there was nothing else the matter with Acred but his back ; there were black marks on Acred's back to the twenty-fourth ; on the latter part of the twenty-third day there were no marks on his back ; so late as the twenty-seventh or twenty-eighth there was still considerable discoloration ; I saw the boy daily ; Acred went to school yesterday for the first time.

By Mr. Buchanan, states :—I was not here on last Wednesday ; I was not asked ; I received the boys into the infirmary—Skehan and Acred ; Acred was the worst ; the blood was oozing out from many parts of the back ; this was on the morning of the 22nd ; the back was cut, bruised, and blood oozing ; on the 24th the skin was healing from the ointment applied.

By Mr. Innes : As soon as you step out of the infirmary you are in the play-ground ; I noticed, when Acred was playing in the play-ground on the 22nd and 23rd, he look pained and put his hand to his back.

By the Bench, states :—I applied the ointment myself to the boys' backs ; the last application of ointment was on the 25th ; the last application of tincture of arnica was on the evening of the 26th (Saturday).

MARY FITZPATRICK.

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *William Rutherford*, on his oath, states :—I remember Monday week last ; O'Sullivan came into the school-room with two boys ; he went out of the room ; he had nothing in his hand ; he returned in a few minutes with a cane in his hand—about fourteen inches ; the cane was split and twisted ; it was the same kind of cane as the cane produced ; it was larger than the cane produced ; it was about fourteen inches long ; he flogged Acred first ; he flogged him for five minutes ; he flogged him hard and fast.

By Mr. Buchanan, states :—I live in the Catholic school ; the pupil teacher, Mr. Hughes, told me I was to come down here to give evidence ; he said to me,—" You saw the thrashing, and you are to come down here and say what you saw " ; Acred cried bitterly ; I did not see the boy's back at all ; he kept longer flogging Acred than he did Skehan ; he flogged Skehan for three or four minutes.

WILLIAM RUTHERFORD.

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And

And this deponent, *John Kinnavane*, on his oath, states:—I am a pupil in the Roman Catholic Orphan School; I have been there for three years; I remember Monday week last; I was in the school-room at dinner-time; I don't dine with the other boys; George Hughes was in the school-room, also a boy named Rutherford; I saw the defendant bring in two little boys; he then went up stairs and brought down two canes; one was round and the other was plain; he twisted them into one; the canes were about fifteen inches long; he then told the boys Acred and Skehan to take their coats off; they did so; he then flogged them; he flogged Acred first; he flogged him across the back and shoulders; when he was flogging Acred he twisted round and round and fell near the fire-place; he hit Acred hard and fast; I had as hard a flogging as Acred got—very near; I have not been flogged much myself; I meant not often; Acred got the worst flogging of the two; it was the longest; he sung out, but not much; I don't remember O'Sullivan saying anything to him when he sung out; Acred's flogging lasted about ten minutes; he was laying into him all the time; the time I got so bad a flogging is long ago; I can't remember it; it was at the Hunter River; after the flogging was over Acred was sent to the play-ground; the door was bolted by O'Sullivan after he came in with the canes; I was present when the nurse was putting the ointment on his back; there were marks on his back, meatish colour; it was a raw-looking flesh colour; I talked to George Hughes about this matter; there were about thirty marks on his back; there were some of the marks blueish, some blackish, and some flesh-coloured; I know this, because I remember it—not that Hughes told me; it was about 2 o'clock when I saw the nurse putting the ointment on—about half-an-hour after the flogging; I saw the boy's back on Wednesday last; there were blue stripes, but no marks; it was yellow-like where he was beat; he has not been at the school since.

By Mr. Buchanan, states:—I live at the Orphan School; the Reverend Mother asked me to come to Court; I was up here last Wednesday; I did not give evidence; I never said a word to anyone about this case since Wednesday last; O'Sullivan has flogged me, but not severely; I never heard any complaints before this; I don't think the cane produced is the one Acred was flogged with; the cane he was flogged with was larger; I saw Acred's back twice, and I saw no blood; I saw the back on the first day and also on last Wednesday; O'Sullivan sent the boy to the play-ground; he was crying when he got the flogging, and also crying when he was going out of the room; I saw Acred or Skehan in the play-ground a few days after, close to the infirmary; this is not the proper play-ground; O'Sullivan was taking the two boys out of the infirmary; he took them out of the building; he was taking them away and Mr. Makinson stopped them; I did not see the boys in the play-ground that day; the cane produced is very like the cane used by O'Sullivan, but the one used by O'Sullivan was thicker.

By Mr. Innes, states:—Nobody told me what I was to swear here to-day.

By the Bench, states:—I had a conversation with Hughes and he suggested to me that the marks on the boy's back was meat-coloured; I heard O'Sullivan say, before the boys were beaten, "Watering in a pint-pot is the dirtiest thing I have heard yet."

JOHN KINNAVANE.

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *Eliza Maloney*, on her oath, states:—I am sub-matron at the Orphan School; I know the boy Acred; I saw him about 2 o'clock on the afternoon of the 21st of February; I saw his back; it presented a fearful appearance from the flogging he got from O'Sullivan; his back was black, blue, and red; healing ointment was applied by the nurse; I saw Skehan too; Acred was the worst of the two.

By Mr. Buchanan: I saw Acred on the day of the flogging; there was a little swelling; the skin was broken between the shoulders; there was no blood; I don't know that he was out playing in the play-ground on the 22nd.

ELIZA MALONEY.

Sworn before us, this 5th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

Case adjourned until Monday next.

JAMES BYRNES, J.P.
HUGH FAIRCLOUGH, J.P.
NEIL STEWART, J.P.
J. C. RUTTER, J.P.

7th March, 1870.

Case continued from 5th March, 1870.

AND this deponent, *Christopher M' Rae*, on his oath, states as follows:—I am a Magistrate of the territory; I reside in Parramatta; I remember having seen a little boy that was here on Saturday; his name is Acred; I saw him at the Orphan School on Thursday, the 24th instant; I went to the Orphan School in company with Mr. Langley and Mr. Hart, and in the presence of matron of the Institution, Mr. Hart, and Mr. Langley, and one of the attendants, the boys' backs were bared; it was in the infirmary; it is in connection with the Orphan School; Acred, from the nape of his neck to between the shoulders, was quite black, and lower down he had large weals, some extending round the ribs; some of the weals were black, and some red, and they looked in some places as if the skin had been broken in the first instance, and was healing up; the back appeared to have been treated medicinally; such appearances would be caused by very severe flogging; there were distinct stripes lower down the back; I saw the two boys; Acred's back presented the worst appearance of the two; I am not a member of the Roman Catholic Church; I never was inside the building before; and I am in no way connected with the institution.

By the Bench, states:—Mr. Langley invited me to go down to see the children; there were wounds which were broken and were healing up; there were little spots in some of the weals; if they were broken I think blood would flow.

By Mr. Buchanan, states:—Mr. Hart is living with me; he does not belong to this institution; when I went down I saw these boys in the presence of two ladies; the back was not as black as this hat; from the nape of the neck down to between the shoulders was black; such a blackness as would be caused by a blow of a fist in a man's eye; the appearance presented was as if it had been beaten until it got bruised; I saw no blood; it was the third day after the boy was flogged; I have nothing to do with this institution; I saw the back down to the waist; it was not black; it was black some little way between the shoulders from the nape of the neck.

C. M'RAE.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

Christopher

Christopher M'Rae re-examined, states :—There was no medical dressing of any kind prevented me seeing the actual state of the back.

C. M'RAE.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *Mary Ann Adamson*, on her oath, states :—I am matron of the Orphan School, and was so on the 21st February ; I have been so for nearly eleven years ; I remember, on the evening of the 21st February, having received some information, in consequence of which I examined two little boys ; the dressing was taken off their backs in my presence ; I saw Acred's back ; it had a lacerated appearance—sickening to look at ; it was red and swollen ; I could see weals where the lashes had been straightways, crossways, and in different directions ; across the shoulders, particularly on the right shoulder, down to the waist, and on the ribs on the left side ; the following morning I sent them to the infirmary ; I saw the doctor examining the boys the same day they were sent into the infirmary ; I sent for the doctor and he examined them in my presence ; I remember Captain M'Rae, Mr. Hart, and Mr. Langley coming to the institution on Thursday morning ; the boys' backs appeared to be much in the same state ; the discolouration appeared to be greater than when I first saw them ; one back was worse than the other ; Acred's was considerably the worse ; the infirmary is a Roman Catholic institution ; there are no members of any other religion in the institution.

By Mr. Buchanan, states :—I know there was another prosecution similar to this took place on Wednesday last ; I had no conversation with Kate Colquhoun until the day she was examined ; I said to her on that day that "if she said there was no marks on the boys' backs she told an untruth" ; Colquhoun said, "I did not say there was no marks" ; I was not angry, but I was annoyed when I thought she told an untruth ; I did not speak angrily to her ; I saw the boys on the evening they were flogged ; I saw them on the Thursday, when Captain M'Rae and Mr. Hart were looking at their backs ; I saw no blood ; I did not send the boys to the infirmary on Monday night ; they had been in bed and did not think it right to send them from their warm beds to another building ; when I saw the boys first on Monday night they had been in bed ; I know the defendant ; I did not say to him that if he would resign his situation this prosecution would be dropped, nor to anybody else ; there could have been blood on those backs without my seeing it ; if there had been blood on those backs my examination was not so strict that I could see it ; one boy was worse than the other ; there were more lashes on one than the other ; there were more lashes on his back and more swelling ; and this was gathered from my cursory examination, which did not enable me to see blood then.

Re-examination, states :—If there had been a large flow of blood I must have seen it ; but there may have been a drop or two oozing from those wounds without my observing it ; from the appearance of the shoulder there might have been blood ; I have never threatened the defendant in any shape or form ; he has not been threatened by any person that I know of ; about an hour after the doctor saw the boys on the Tuesday I sent a copy of his report to Sydney to the Vicar-General.

By Mr. Buchanan, states :—I did not remonstrate with the defendant ; I could not swear that the skin on the boys' backs was cut.

By the Bench states :—The boys' backs had been dressed before I saw them.

M. A. ADAMSON.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *Alfred Francis Hart*, on his oath, states :—I am a grazier ; I am not a resident of Parramatta ; the last witness, Mr. M'Rae, is my brother-in-law ; I remember last Thursday week ; I went to the infirmary on that day in company with Mr. M'Rae and Mr. Langley ; I went into the infirmary ; I saw two little boys there ; they seemed to be both flogged alike ; I saw their backs bare ; I touched the back of one of them ; they seemed to me to have been severely flogged as if they had been flogged with a stick or a cane ; the place had been risen up ; the flesh was risen up and discoloured ; I saw marks of stripes ; it extended from the nape of the neck down the back, round the ribs and loins ; some of the stripes were not as severe as others—there were different discolourations ; those that were more severe than others were more discoloured ; the discolouration commenced from the shoulders and extended down the back ; the whole back was not discoloured ; I don't think the marks could be caused with the cane produced ; I could mark a boy with this cane ; I am a Protestant ; I am not connected in any way with the Orphan School or the infirmary ; I did not count the marks ; there were I think five and twenty or twenty ; it might be more ; it might be less.

By Mr. Buchanan, states :—I have nothing to do with this institution—Mr. M'Rae asked me to go down to the infirmary ; he did not say for what purpose ; I heard that two boys had been punished there ; they were brought in by two ladies, in their shirt sleeves ; I saw both their backs—*(Question by Mr. Buchanan)* : "Can you tell whether one back was worse than the other?" *Answer* :—"I did not examine so minutely as that" ; I saw both the backs ; they appeared to me to have been punished both the same, neither more nor less ; I saw no blood ; the skin did not appear to me to have been broken ; those black marks were the same as you would see in a black eye ; the boys were brought in dressed ; from the nape of the neck down the back was not all bruised—there were some parts not touched ; the skin was not broken ; there was no blood.

Re-examination, states :—The skin was not broken at that time—it might have been broken before ; there was nothing on the wounds that I saw ; no dressing to prevent me seeing what I have described.

ALFRED F. HART.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And this deponent, *George Hogarth Pringle*, on his oath, states as follows :—I am a legally qualified medical practitioner residing in Parramatta ; I have been practising for upwards of the last eight years in Parramatta ; I have experience in dressing wounds since 1847-48 ; I am the medical attendant at the Roman Catholic and Protestant Orphan Schools ; I have been so for nearly eight years to both institutions ; I have not been suspended or dismissed from either of these institutions ; I remember having occasion to see the backs of two boys in the infirmary in the Catholic Orphan School, on the 22nd February ; I was sent for, for that purpose ; I saw them between 2 and 3 o'clock in the afternoon ; the appearance of Acred's back was—from the nape of the neck, over the shoulders, over the ribs, on each side, and far down the back—covered with large weals ; the marks were distinct weals,—lacerated and bleeding ; the blood was trickling from more than one wound ; I had to send for a basin of water to wash the blood off my hands after examining his back ; Acred's back was decidedly the worst of the two ; it presented the ordinary appearance of a very severe flogging with a cane—not a moderate, but an excessive flogging ; I have seen the backs of a good many boys that have been flogged, and I never saw one so severely flogged as this boy appeared to have been ; the cane produced I don't believe could inflict the stripes ; it is not long enough ; I suppose this cane to be about thirteen inches ; Acred's back had been dressed with a cooling ointment, which would have a cooling effect ; from that out I attended to him ; I ordered their backs to be dressed with repeated applications of tincture of arnica,—to keep their backs moist ; treatment of this sort causes a very rapid healing and disappearance of marks ; I attended the boy Acred ; I saw him on the 22nd, 23rd, 24th, 25th, and 27th ; up to the 25th his condition was such that I thought it necessary to see him every day, including that day ; I saw Acred on the 27th, and 1st March—Tuesday last ; he was almost well then ; the skin

skin had almost completely healed up; there was no swelling—no inflammation—but some very faint yellow marks where some of the stripes had been; I believe that any blows over the ribs, such as those received by this boy, would be likely to be attended with severe consequences, such as pleurisy, inflammation of the covering membrane of the lungs; pleurisy is a disease which often endangers life; the boy was in excellent health before this; he is a strong healthy boy for his age, which I suppose to be between eight and nine; it is not unusual for such marks to disappear in ten days under such treatment as this boy received; none of these serious consequences have actually resulted in this case; the risk would have been greater if the boys had not medical attendance; but for the treatment these boys received the marks would have not disappeared for three times the period; before this I never had any difference with the defendant; he had no action against me, nor I against him; four days after I had seen the boys and made an entry in my book I received a notice from the defendant, through his attorney; that was the first intimation I had of any hostile proceedings; I was perfectly sober on these occasions; I should think that there were over twenty marks; I know Professor Taylor to be the highest authority upon Medical Jurisprudence, and I agree with this proposition of Mr. Taylor's, as follows:—"It is a well-ascertained medical fact that a number of injuries, each comparatively slight, are capable of operating fatally as any single wound whereby some blood-vessel or organ important to life is directly affected"—a number of such injuries as were inflicted on this boy, each comparatively slight; and if one or two such blows had been inflicted on him I would have apprehended no serious results; from the appearances presented by this boy when I first saw him, I am of opinion that blood may not have actually flowed from any one of the wounds for several hours after the infliction; blood might flow from these wounds within one hour or forty-eight hours afterwards; many hours may have elapsed before blood exuded; the actual effusion of blood would be caused by the swelling going on, and at length breaking the injured skin.

By Mr. Buchanan, states:—I remember giving evidence here on Wednesday last; I then said that Skehan's back was bruised,—lacerated with large weals an inch broad, affording evidence of a brutal flogging; Acred's back was worse, because there were more weals, more laceration, and more bleeding points; in Skehan's case the blood was oozing,—in Acred's it was trickling down his back; I said in Skehan's case they were about an inch broad; Acred's flogging was more severe in its results than Skehan's. [The defendant produces Dr. Pringle's diary, marked "A."] I did not think it necessary to make any distinction in my entry in my diary as to the difference of punishment received by the boys; there was no necessity to make such distinction in the treatment of the boys, although one was more severely punished than the other; the effusion of blood was caused by the blows; the skin burst and let the blood out; there were five or six bleeding points; they may not be more than a pin's head in size; in no case did it burst along the whole weal; when the blood was exhausted the skin would go down; the old skin might contract and fill up the wounds; there would be a scab first; with arnica it would be safe to take it off; in this case the scabs were very slight, and they disappeared under the treatment with arnica; there were marks on this boy's back on Wednesday; he was not in bed when I first saw him; I ordered him to be taken to the ward; I told him to lie down, but I cannot say whether I told him to go to bed or not; I had no words with defendant until I had made the report, and then I had notice of action; the boys were considered going on well; there is not a mark on the boy's back—thanks to arnica.

Cross-examined by Mr. Innes, states:—It was hardly possible to inflict the wounds with a fourteen-inch weapon; the breaking of the skin was not produced by the improper application of medicine at that stage; I did what I thought best, with every precaution to guard against inflammation.

By the Bench, states:—When I first saw the boys they had their clothes on; there was a large soft piece of rag, with ointment, then on the boy's back; when I took off the rag it was sticking in one or two places; in other places it was bleeding, and the rag did not stick; the last application to the back, I think, was on the 26th; no dressing was required after this; this boy is now in the infirmary in consequence of the wet weather.

G. HOGARTH PRINGLE.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
HUGH FAIRCLOUGH, J.P.
NEIL STEWART, J.P.
J. C. RUTTER, J.P.

Evidence for the Defence.

This deponent, *Charles Lennox Cunningham*, on his oath, states:—I am a duly qualified medical practitioner; I have practised since 1857; I took my degree in Edinburgh and London; I have been in the navy; I was there for seven or eight years on service; during my service in the navy I had to treat persons who had been subjected to flogging—boys as well as men; I have seen the instruments used in flogging—there are two kinds—the one used for the boys is a cane about the size of my little finger—about 3 feet in length; the boys would be flogged for slight offences; they never got more than twelve strokes; they are stripped naked, and put over a gun; they are not flogged on the back; they are flogged lower down; the skin is broken; you can see the blood flowing down; bruises as well; there is an officer presiding to see that he does it properly; they recover in about twelve days, and the effects are visible at that time; the skin is grown over, but the marks remain; I have heard Dr. Pringle's evidence as to the state of this boy's back, the day after it occurred; suppose I was inspecting this boy's back twelve days afterwards, I would expect to see yellow discolouration notwithstanding the best medical treatment, even if arnica was used; from my own knowledge and experience I have found that the boys who have been flogged, as I have before stated, severely, would lose the marks in about eighteen or twenty days; I am speaking of the boys now who are punished across the breech; but men who have been flogged with a cat-o'-nintails, it takes more than three weeks before the marks disappear; the marks will remain sometimes for months, sometimes for years, and sometimes for life; the cat generally cuts, raises bruises, lacerated wounds, and weals an inch broad; wherever the skin has been destroyed it must be replaced by a new skin, and this formation would require a few days, but the marks would remain for days; where the skin was not broken in the first instance blood would not flow, unless in moving the dressing; I can see some remains of the marks on Acred's back—something very trifling; from hearing Dr. Pringle's evidence I do not believe the boy's back could be in its present state in twelve days; assuming that Dr. Pringle's evidence is correct, the boy's back could not have the appearance it has to-day; I should expect to see the yellow discolouration of the *ecchymosis*; fourteen days from the 21st a new skin would be created, which would present a different appearance to the skin on the other parts of the back.

By Mr. Innes, states:—I am a legally qualified medical practitioner of New South Wales; my name is on the roll; I have been in the navy for seven or eight years; I have been in eight different ships; when boys reach the age of 14 they are subject to the cat—this cat has twelve tails; I never saw a man die from a flogging with the cat-o'-nintails; twelve lashes is the minimum punishment with the cat-o'-nintails; under my treatment an A.B., who had received the minimum punishment, would take at least eighteen or twenty days before he would have a sound back; the actual wounds themselves would remain open for three days, but the back would not nearly be cured; a little boy of eight years would not be in the navy; it was not my duty to examine the bottoms of these men and boys daily; I prescribed for them; the jamming of a finger in a door, where the finger is so injured as to blacken up the nail, is one of the worst injuries one can receive; in the nail it takes a long time to get rid of the blackness; it might be three, it might be two, or it might be one month; I never heard of Mitchell Henry, F.R.C.S., Surgeon to the Middlesex Hospital.

By Mr. Buchanan, states:—I have listened to the description of the state of this boy's back for fourteen days, as given by Dr. Pringle, and the effects would decidedly have not disappeared within fourteen days; the boy's back might be lacerated with the cane produced, if hit on the bare back, but I don't think it could be caused by flogging over a linen shirt.

By Mr. Innes, states:—Men who have been flogged would be discharged after 24 (twenty-four) days, but the marks would have not disappeared; they flog on the ribs in the navy—that is—the lash twists round.

C. L. CUNNINGHAM.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

And

And this deponent, *Walter Brown*, on his oath, states :—I am a duly qualified medical practitioner ; I took my degrees in Edinburgh ; I heard a portion of Dr. Pringle's evidence read, respecting the chastisement of this boy ; I think some signs of the wounds would be present to day ; I see no signs on the boy's back ; if the blood did not flow in the first instance I don't think it would flow at all.

By Mr. Innes, states :—If blood were not drawn in a few minutes ; I don't think it would bleed at all ; I never saw an injury by whipping ; about five or six days ago I was asked by defendant to see the boys ; I didn't go.

WALTER BROWN, M.D.

Sworn before us, this 7th day of March, A.D. 1870,—

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

Case dismissed.

JAMES BYRNES, J.P.
NEIL STEWART, J.P.
HUGH FAIRCLOUGH, J.P.
J. C. RUTTER, J.P.

[9d.]

1870.

NEW SOUTH WALES.

POLICE.

(REVISED RULES.)

Presented to both Houses of Parliament, pursuant to Act 25 Vict., No. 16, sec. 6.

Colonial Secretary's Office,
Sydney, 16th July, 1869.

POLICE RULES.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to establish, under the Police Regulation Act of 1862, the following revised Rules for the general management and discipline of the Members of the Police Force of the Colony.

JOHN ROBERTSON.

DISTRIBUTION.

1. For Police purposes, every District will consist of one or more Police Districts as established by law, or of such subdivisions of the same as may be determined from time to time.

2. The Police will be distributed at various Police Stations throughout every District.

3. The Officer in charge of Police, as well as every individual policeman appointed to any division or subdivision, under whatever designation, will be held specially responsible for the peace, good order, and security of such portion thereof as may be committed to his charge, as well as for the general performance of other police duties.

4. The Depôt or Head Quarters of the Police will be in Sydney, under the immediate supervision of the Inspector General.

5. The Police Force will be divided into the following grades, viz. :—

Officers	Inspector General.
	Superintendents.
	Inspectors.
	Sub-Inspectors.
	Sergeants.
	Constables.

6. The Police will also be divided into Mounted, Foot, Water Police, and Detectives, on the ordinary Staff, and reserve Constables, to be called on for duty when required.

GENERAL RULES.

The following Rules are intended not only for the guidance of the ordinary Force, but also generally for the regulation of the Reserve Constabulary when not inconsistent with their position and duties, as hereinafter more particularly specified :—

7. The engagement of every Member of the Force will be for one year, and thereafter until legally discharged.

8. Three months' notice will be required from any Member of the Force who wishes to leave the Force, in default of which, in addition to any other penalty imposed by law, any pay due will be forfeited.

9. Every Member of the Force will be required to devote his whole time and energies to the service, and will be held responsible for obedience to all lawful orders, and conformity to all regulations.

10. Every Member of the Force will be presumed to know his duty in every case, and in the absence of orders or instructions will be held responsible for the due performance thereof, and in case of failure or neglect will be liable to punishment or dismissal.

11. The attention of the Police will be specially directed, in the first instance, to the prevention of crime, but whenever there is any reason to believe crime has been committed, its detection, and the apprehension or punishment of the perpetrators, and their accomplices, or agents, will, as a matter of course, be the duty of every Member of the Force, wherever stationed, or in whatever rank or position.

12. Every Member of the Force will co-operate with, and afford whatever assistance may be in his power to other Members of the Force, in all its various branches.

13. Members of the Force will be liable to dismissal for disobedience, neglect, or omission of duty, incompetency, disrespect to any person in authority, insolent or indecorous behaviour, or any misconduct punishable by law, in addition to such other legal penalty as may be incurred thereby.

14. With reference to religious observances, it is expected that the Officers will do all they can to facilitate the attendance of the men under their command at the places of worship to which they respectively belong, and that particular attention shall be paid to the proper observance of the Sabbath day.

15. Every Member of the Force will obey the orders of a single Magistrate or Bench of Magistrates.

16. The Police will constantly report to the nearest Police Magistrate, or Bench of Magistrates, the results of the issue of summonses or warrants, and the steps taken, from time to time, for the purpose of giving effect to Magisterial proceedings.

17. Members of the Force, when they have cases to bring before the Bench, will be instructed by their superior Officers how to obtain evidence, so as to present the necessary particulars to the Magistrates as clearly and intelligibly as possible. Officers will also frequently attend the Police Court, to see that their instructions are carried into effect.

18. When prisoners are remanded from one Bench of Magistrates to another, full particulars of the case, the reasons why the prisoner has been remanded, with any other information capable of being furnished, will be forwarded to the Member of the Force in charge of the Station to which the prisoner is remanded.

19. When Members of the Force are subpoenaed as witnesses in civil cases, the parties who subpoena them will be liable for their expenses.

20. Any Member of the Force who may arrest an individual committed or bound for trial at Assizes or Quarter Sessions will be considered a witness in the case, whether summoned or not.

21. Every Member of the Force will studiously observe neutrality in political matters.

22. No Member of the Force will be permitted to derive any pecuniary profit or advantage from any public contract, or from any purchase made by himself or others on behalf of the Government.

23. Every Member of the Force will avoid placing himself under pecuniary obligations to any person whatsoever.

24. No Member of the Force will, upon any occasion, or under any pretence whatever, take any money or gratuity from any person, without the express permission of the Inspector General.

25. No Member of the Force will leave his District, Station, or Division, without permission, unless in the necessary course and performance of Police duties.

26. In the absence of any Member of the Force from his District, Station, or post, his duties and responsibilities will specially devolve upon the senior Officer or Constable next in rank.

27. Members of the Force, whether Officers or men, on their arrival in Sydney, whether on duty or leave of absence, will report themselves at the Dépôt.

28. Every Member of the Force will endeavour, by every lawful means in his power, to make himself acquainted with the local features and peculiarities of the District or Division where he may be stationed, and with the names and characters of the inhabitants thereof.

29. Every Member of the Force will make the arrival of suspicious characters, or the occurrence of extraordinary circumstances within his District or

Division, in so far as they have come under his special cognizance, the subject of special report to his superior Officer.

30. Members of the Force in charge of Stations will be careful that Police duties are always impartially divided among the men.

31. Every Member of the Force in charge of a Station will be specially responsible for the conduct, appearance, and discipline of the Constables under him, and for the state of the arms, ammunition, accoutrements, and other public property committed to his charge.

32. Every Member of the Force in charge of a Station will keep a Roster of the duties performed by himself and the Constables under him, and will report without delay any instance of irregularity, neglect of duty, or breach of discipline.

33. Half-pay only will be allowed to Members of the Force in Hospital; but should they be suffering from the effects of their own misconduct, the whole of their pay will be stopped. Where no hospital or medical accommodation is afforded, they will have to provide themselves with medical attendance and medicines; but in cases where their illness has arisen from wounds or injuries received in the performance of their duty, a special report of the circumstance will be made to the Inspector General.

34. Members of the Force in uniform, whether on duty or not, are prohibited from smoking in the streets of towns or in public places.

35. Any Member of the Force suspended from duty, although not performing any Police duty, will remain within the limits of the Station to which he belongs, unless under orders to the contrary, and will not be entitled to salary for the time he remains suspended, unless by special authority from the Inspector General.

36. In addition to Special Rewards to which Members of the Force may be entitled, under the authority of the Government, from the Police Reward Fund, for bravery or other meritorious conduct displayed in the performance of duty, whatever sums may be from time to time offered, whether by the Government or private individuals, for the apprehension of notorious offenders, the recovery of lost property, &c., &c., will be equally open to all subordinate Members of the Force, as well as to persons who have given information or assistance, and will be divided among the various claimants, in proportion to the relative value of their respective services; but no Officer of Police, unless by special authority, will participate in any reward, whatever part he may have taken, or however instrumental he may have been in effecting the object for which it was offered.

37. An inventory in duplicate of all property found in the possession of a prisoner at the time of his arrest, and which the Police may be justified in seizing and retaining, will be drawn up and signed by the Constable making the arrest, and countersigned by the Inspector or other Officer in charge of Police. The prisoner will also be invited to sign it.

38. Property seized will remain in the custody of the Police until the prisoner on whom it has been found shall have been either discharged or convicted, or found guilty, and will be kept at the place of trial, previous to the time appointed for trial, so that it may be accessible either for purposes of identification, or returned to the prisoner, if discharged, or delivered with a copy of the inventory, to the Sheriff or Gaoler, if the prisoner be convicted.

39. Property necessary for purposes of identification, will remain as much as possible in the hands of the same Constable or Officer, so as to avoid complicating or embarrassing the question of identity.

40. If a prisoner be discharged, the property found on him will be restored to him, with the exception of such portions as may be necessary to be retained as

proofs in future proceedings, or proved to belong to another person, who will obtain possession on indemnifying the Police Officer against any proceedings of the prisoner.

41. If a prisoner be convicted of felony or misdemeanor entailing forfeiture, all property found in his possession or belonging to him will be confiscated, except such as may be identified as stolen property. The remainder will be delivered to the Sheriff, for the purpose of being sold, and the proceeds paid into the Treasury, unless the Government should otherwise direct.

42. If a prisoner be convicted of a misdemeanor not punishable with forfeiture, the property found in his possession and seized by the Police will be delivered to the Sheriff or Gaoler, to be held at the disposal of the prisoner, subject to Gaol Regulations.

43. In cases of summary conviction, a similar course will be pursued before and after conviction as before and after trial.

44. A record will be kept of money or other property which may come into the possession of the Police in any other way than by forfeiture or seizure; and should there be any doubt respecting its disposal, it will be forwarded, together with a report of the circumstances, to Head Quarters, with a view to its being disposed of by competent authority.

RESERVE CONSTABULARY.

45. Eligible candidates for the Police Service will be selected by the Superintendent of Police or other Officers empowered in that behalf to the extent authorized, who may be willing to act as Reserve Constables to be called upon for duty in emergencies such as unusual outbreaks, necessary escort duty, and on other special occasions, the necessity for which duty will be determined by the proper Officer in charge, and be reported and justified by him, at short periodical intervals, to the Inspector General of Police.

46. The pay of such Constables shall be a daily rate, to be fixed by the Government for the days of actual employment on duty, provided that, in no event, shall the remuneration of such Constables be less than twenty-five shillings per calendar month, whether called upon to serve or not, such pay to include all charges for travelling, horse-hire, forage, &c. Uniform clothing to be supplied at the discretion of the Officer in charge.

47. Such men will usually have the preference, on the occurrence of vacancies, for appointment to the regular Force.

48. They will be sworn in the ordinary manner under the Police Act.

49. Reserve Constables must be prepared to perform duty when called upon, and will not be at liberty to discontinue their police service, when required, without giving one month's notice of resignation.

50. Any Reserve Constable may be dismissed for misconduct, by the Superintendent of Police, or other Officer in charge of the District, subject to the approval of the Inspector General of Police.

51. Any Reserve Constable not returning when called upon, or properly accounting for any arms, uniform, or other article of Government property, will be liable to prosecution.

52. A monthly statement in the prescribed form (X) will be transmitted by the Superintendent of Police or Officer in charge of the district, to contain the particulars, with usual personal description, &c., of all men appointed to the Reserve Constabulary during the previous month; also, names of all such men who have resigned or otherwise discontinued their service, and a statement of the names of Reserve Constables employed during the month, number of days, nature of duty, &c.

OFFICERS.

53. The Inspector General of Police will be held specially responsible for the peace and good order of, and for the security of life and property throughout the Colony, and in general for the discipline, obedience, and organization of the Police.

54. The Inspector General will furnish the Government with periodical reports of the general state of the Police Force, its numerical strength, distribution, and general efficiency, the increase or diminution of crime, the formation of new Stations, and such other information as may be necessary.

55. The Officer in charge of Police in any District will be held responsible for the peace and good order of the same,—for the safety of life and property therein,—and for the discipline, obedience, and organization of the Force under him.

56. He will, as far as lies in his power, act in accordance with the wishes of the Bench, for which purpose he will frequently communicate personally with the Magistrates, to ascertain whether their lawful orders are duly carried out by the Members of the Force, and whether they are active, diligent, and efficient in the prevention of crime or the pursuit of criminals, and orderly, respectful, and steady in their conduct.

57. Every Officer of Police in charge of a District will use his own discretion in regard to accompanying the Police under him in the pursuit of offenders, and in the performance of other Police duties requiring change of place. His most important duties will be those of superintendence and inspection; and in general, it will be sufficient for him to enforce obedience to orders issued by himself or by any lawful authority.

58. No Officer of Police in the Commission of the Peace will act judicially unless in concert with one or more of the local Magistrates, and then only in cases of emergency, where his assistance may be urgently required; nor will any such Officer act as a Magistrate in any case wherein a Member of the Police has any direct interest, or is one of the parties.

59. Every Officer of Police will take such opportunities of drilling the Police under his charge as do not interfere with their Police duties, also exercising them in the use of fire-arms.

60. Every Police Officer will pay strict and constant attention to economy; and whenever he sees any means of reducing the expense and promoting the utility of the Force in the locality within his charge, will communicate his views to the Head of his Department.

61. On the receipt of an order for the discharge or dismissal of any Member of the Force, the Officer in charge will order the party in to Head Quarters, taking care that all his arms, accoutrements, &c., are returned in good condition, and will arrange payment of such salary as may be due.

62. On the discharge or dismissal of any man from the Force, his "Defaulter's Sheet" will be forwarded to the Office of the Inspector General, to be there filed for reference; and on the application, written or personal, of any one who has been discharged, a printed certificate of character will be made out, in accordance with his sheet, signed by the Inspector General, and furnished to him. No other certificates of character or service will be given to parties leaving the Force, and none to those who have been dismissed, or who have served less than twelve months.

63. On the transference of any Sergeant or Constable from one District to another, his "Defaulter's Sheet," together with his "Register," in proper form, detailing his name, description, date up to which paid, &c., &c., will be sent under cover to the Officer in charge of the District to which the party is transferred.

64. An Officer in charge of Police will neither himself follow any trade or business, nor suffer his men to do so.

SERGEANTS AND CONSTABLES.

65. Applications for enrolment in the Police must be made in writing to the Inspector General.

66. Every Member of the Force below the rank of Sub-Inspector will, in each District or Sub-District, be distinguished by a letter and number; the letter indicating the particular District, and the number, the man wearing it.

67. No Constable will be promoted to the rank of Sergeant who cannot frame or write with facility an official letter or report.

68. Any Constable who habitually quarrels with his comrades, will be liable to punishment or dismissal.

69. Every Constable will report to a Sergeant or superior Officer any circumstance which, however remotely, may appear to affect the public peace or safety, or the character of the Force.

70. Every person taken into custody without warrant (unless detained for the mere purpose of ascertaining his name or address) will be forthwith taken to the nearest Watch-house.

71. When a Constable on duty takes any one into custody, he should, as soon as possible, give notice to another Constable, so that his place may be supplied while he is taking the party to the Watch-house, and will return to his duty as soon as possible; or he may, when not himself required as a witness on the charge, deliver his prisoner to the Sergeant or Watch-house-keeper, and immediately return to his duty; but it is generally most advisable that he should accompany the party to the Watch-house, in order to substantiate the charge.

72. No Constable will search a prisoner by himself, but in all cases will take him to the nearest Watch-house or Police Quarters, and in the presence of the Watch-house-keeper or a Sergeant will take from such prisoner all property in his possession. Before confining the prisoner in the Watch-house, the property so taken will be given to the Watch-house-keeper, and entered by him in the "Charge Book," which will be signed by the prisoner, if he be willing, but if not, by the Sergeant or Watch-house-keeper and the apprehending Constable.

73. No Constable will leave his station while on duty, unless under circumstances already mentioned, or in case of great emergency; nor will he enter any house except in the execution of his duty.

74. On no pretence will any Constable frequent public-houses, except in the execution of his duty.

75. If a Constable observe anything in the street or highway likely to produce danger or public inconvenience, or anything which seems to him irregular or offensive, he will either remove it or report it to his superior Officer.

76. A Constable will not, when on duty, enter into conversation with any person whatever, except on matters relative to his duty; but will immediately give his name and number if asked.

COMPLAINTS, MISCONDUCT, PUNISHMENTS.

77. In every case of neglect, or failure of duty by a subordinate, the Officer responsible will deal with the matter according to law and regulation, or at his discretion, as may be requisite, making a record of every important occurrence of the kind, and reporting the same, with as little delay as possible, to the Inspector General.

78. No Officer will inflict on any Member of the Force, above the rank of Constable, any punishment greater than a reprimand, but in cases which require a more severe punishment, will await the decision of the Inspector General.

79. An Officer in charge of a District may inflict a fine not exceeding Three Pounds.

80. Any other Officer may inflict a fine not exceeding One Pound.

81. All punishments, however, awarded by subordinate Officers, will be subject to the approval of the Inspector General.

82. Cases of breach of Police discipline or regulations, insubordination, or disputes between Members of the Force, will be dealt with by an Officer of Police. Offences against the public, or where Magistrates have clear jurisdiction, will be always submitted to a Local Magistrate or Bench of Magistrates unconnected with the Force.

83. On a Constable's misconducting himself, the particulars of the case, with his name, description, &c., will be entered in a "Defaulter's Sheet," which will accompany him, should he be transferred to any other District. On a Constable who has never misconducted himself being transferred, a "Defaulter's Sheet," containing his name and description only, will be forwarded with him.

84. Every Officer in charge of a District will report, in writing, as early as possible, any complaint by or against any Member of the Force, which it has been considered necessary to refer to a Bench of Magistrates for adjudication, and will also, if necessary, suspend the individual against whom a complaint has been made, awaiting the decision of the Inspector General, but in no case will he dismiss or discharge any Member of the Force without due authority.

85. Appeal may be made, by any Member of the Police, against the order or decision of an Officer; but if the objection prove frivolous, the person appealing will be liable to punishment.

86. Every complaint will be made, in the first instance, to the Officer in charge of a District, who, if necessary, will forward it to the Inspector General.

87. In forwarding complaints, Officers will accompany them by such statements as they may consider necessary, having reference to such complaint.

88. Members of the Force may at any time make any representation they please to the Inspector General; provided the complaint be in writing, respectfully worded, and forwarded through the regular channel.

89. As a general rule, any Petition signed by numbers or combinations for any purpose, will subject the parties to punishment or dismissal.

CORRESPONDENCE, REPORTS, RETURNS, RECORDS.

90. All communications from Officers in charge of Districts intended to be brought under the notice of the Government or the Head of any Department, will be made through the Inspector General.

91. Every Officer of Police in charge of a District will report his movements and proceedings from time to time, and if compelled to leave his District or Station, upon necessary duty, will not fail to inform the Inspector General of the same.

92. All special or extraordinary acts or proceedings, or instances of the unusual exercise of authority, in cases of emergency, will require to be specially reported with as little delay as possible.

93. On offences being committed, a report of the case, on the printed form of criminal offence report, will be promptly transmitted to the Inspector General, the District Head Quarters, and any Police Stations on the route supposed to be taken by the offenders or where the co-operation of the Force is necessary.

94. When offenders are apprehended, or further information respecting suspected parties or cases is obtained, a report of the same should be made in a similar manner.

95. From these reports, the *Police Gazette* will be compiled each week in the Detective Office, containing particulars of offences committed, warrants issued, descriptions of stolen horses and cattle, and all other matter of Police interest. A copy of the *Gazette* will be sent to every Station in the Colony.

96. Merely local and petty cases need not be reported in the manner pointed out; but it is of the utmost importance that the information given in the reports should be accurate in every particular, and that the descriptions of offenders should be as clear and minute as obtainable.

97. Intelligence of importance, relating to serious offences committed, involving public peace or order, or the safety of life or property, will, when practicable, be communicated by Electric Telegraph.

98. All correspondence and reports will be expressed in clear and concise terms, and written in a neat and legible hand on foolscap paper, with one-third margin.

99. Reports from subordinate Members of the Force should be drawn up in the third person, according to the following form:—

"Police Station, 18 .

"Constable (or Sergeant, &c., as the case may be) No. reports

100. In forwarding returns, they will not require to be accompanied by any communication, unless it may be necessary to give some explanation or information respecting them.

101. In referring to communications previously received from Head Quarters, not only the date of such communications, but also the numbers and letters which they may have borne (if any) will require to be specified; and when any communication is forwarded with a minute, the party receiving it will, after noting and attending to it, return it without delay to the person by whom it was forwarded.

102. On transference, retirement, or removal from the service, of any Officer, all public records, books, (including files of the *Police Gazette*), or other documents the property of the public in that Officer's possession, will be handed over to his successor.

103. Every Officer of Police will be held responsible for a careful scrutiny of all statements, reports, returns, accounts, and vouchers connected with the Force under him, which will be supported and authenticated by his certificate of correctness.

104. Officers of Police in charge of Districts, will furnish to the Inspector General, on the 1st of each month, a General Monthly Report of their proceedings, the state of the District, crime, &c., &c.

105. The following books will be kept at the Head Quarters of every Police District:—

General Order Book, to contain copies of all general orders that may, from time to time, be received from the Inspector General's Office.

District Order Book, to contain copies of all other orders.

Letter and Minute Book.

Warrant and Summons Book.

Registry of Horses.

Miscellaneous Property Book.

Store Book.

Occurrence Book.

106. The following books will be kept at Police Stations:—

Order Book, into which all orders received from the Superintendent are to be copied.

Occurrence Book, to contain reports of patrols and other duties, of crimes committed, accidents, apprehensions, &c., and in which any Officer, senior to the one in charge, will enter his name, with a remark as to the state in which he finds the Station.

and the following Returns furnished:—

Weekly Duty Return, to be compiled in the proper form, from the Occurrence Book.

Weekly Forage Return.

107. Every Officer will keep a correct registry of all furniture and other Government property under his

charge; and in the event of being transferred to another Station, will obtain a receipt for the same from the Officer relieving him.

108. Letters and reports from any District, for transmission to the Inspector General's Office, will be forwarded through the Officer in charge of the District, except in case of any outrage, serious breach of the peace, or matter of an urgent nature, which the Officer in charge of a Station or Division will report direct to the Inspector General.

109. With the exception of Officers in charge of Districts, each of whom will be allowed the services of a Member of the Force as a Clerk, all Members of the Force will make out their reports in their own handwriting, and, except when in charge of Districts and important Stations, will supply themselves with stationery.

CONVEYANCE OF LETTERS AND DESPATCHES.

110. When it is absolutely necessary to send a letter or other document from one part of the country to another by despatch, it will be sent by a Mounted Constable to the next Police Station, to be handed over to the Officer in charge there, when the Constable will return to the Station from which he started; and the Officer to whom the letter was delivered will, in like manner, forward it to the next Station, and it will thus be forwarded to its destination without any Constable being taken further than from his own Station to the next.

111. When a despatch is forwarded from Station to Station, it will be accompanied by written instructions, called a "Route," which will specify the time of starting, the rate per mile at which the despatch will travel, and whether it will be conveyed by night. The time of arrival and departure of such despatch from each Station will be entered in the "Route," by the Officer in charge of the Station, who will also make such remarks as he may consider advisable as to the condition in which the man and horse arrived. This "Route" will be carefully preserved, in case of its being necessary to refer thereto.

112. No Officer will forward a despatch by means of a Mounted Constable, unless in a case so urgent as to require a more speedy delivery than could otherwise be obtained; and every such despatch will be indorsed "Urgent," and have the name of the writer written on its cover; and every Officer so forwarding a despatch will be held responsible for sufficient cause to justify his having done so. If the line of Stations be not specified, the Officer in charge of each Station where the despatch arrives, will use his discretion in forwarding it by the best possible line of road.

113. Weekly Reports, Returns, &c., when not sent by post, will, for the most part, be forwarded to Head Quarters by the usual patrols, and not by special messengers.

UNIFORM, CLOTHING.

114. Officers will dress alike, each, however, having a distinguishing mark of rank. They will provide their own uniform, which will be as follows:—

Blue cloth cap, with patent leather peak and black lace band.

Oilskin or leather cover for cap for winter, and white covers for summer.

Stock or black silk neckerchief.

Blue cloth single-breasted frock coat, with standing collar and uniform buttons.

Blue cloth single-breasted waistcoat, with ditto ditto.

Blue cloth single-breasted overcoat, with uniform buttons.

Blue cloth trousers, with black lace stripe down the sides.

White trousers for summer.

Grey or drab cord pantaloons.

Blue cloth jumper.

White cotton or buckskin gloves.
Wellington and Napoleon boots.
Bush and other spurs.

115. Officers will not appear out of uniform, unless on leave of absence, or when ordered on special duty in which other clothing may be necessary.

116. Every Mounted Officer will, in addition to his uniform, supply himself with a saddle, bridle complete, head collar and strap, breast-plate, crupper, revolver, pouch, belt, &c., in accordance with patterns at Head Quarters.

117. Members of the Force will be supplied with the following uniform:—

Cap, with oilskin and white covers.
Blue cloth dress coat, with uniform buttons.
Overcoat (foot), or cloak (mounted).
Waterproof cape.
Blue cloth trousers.
Grey or drab cord pantaloons.
Loose undress coat, of light material.
Wellington boots.
Napoleon ditto.

The Members of the Reserve Constabulary will be provided with the following articles of uniform clothing at the discretion of the Officer in charge:—

Cap (with covers).
Undress coat.
Waterproof cape.
Cord pantaloons.
Boots.

Such uniform not to be supplied when the Officer considers it unnecessary, nor is the same to be worn when the Officer in charge considers the duty upon which the Reserve Constable is employed should be performed in plain clothes. No article of Police uniform is to be worn unless the Reserve Constable may be actually called out on duty. Police uniform to be returned into store, or strictly accounted for, upon any Reserve Constable quitting the service.

118. The undress coat will be worn during the summer months, on fatigue or other duty of a similar nature, patrolling in the bush, or escort; on all other occasions the coat or jacket will be used.

119. Every Constable will provide himself with a box, according to the regulated pattern, a pair of sheets, three blankets, a rug, a bed-tick, a pillow-case, blacking-brushes, a memorandum-book, and a hold-all containing brushes, comb, razors, &c., and a sufficient supply of under-clothing. The Sergeants will be held responsible that the under-clothing is changed sufficiently often for cleanliness. Clean straw for filling the bed-ticks and pillow-cases will be supplied by the Government once per quarter. The regulation box is the only baggage which will be conveyed for Sergeants and Constables, from one Station to another, at the expense of the Government.

120. In addition to the above, every Mounted Constable will be supplied by Government with military and bush spurs, horse-brush, water-brush, curry comb, mane comb, hoof-pick, and sponge.

121. The uniform of Sergeants, whether mounted or foot, will be precisely the same as that of Constables, with the addition of stripes on the right arm, according to the grade of the wearer.

122. The uniform supplied to Constables of the Water Police will consist of—

Straw hat with badge.
Sou'wester.
White shirt, with blue trimmings.
Flannel shirt, with blue trimmings.
Blue cloth pea jacket, with uniform buttons.
Oilskin coat.
One pair blue cloth trousers for winter, and two pairs white duck trousers for summer.
One pair boots and one pair shoes.

ARMS, AMMUNITION, APPOINTMENTS, &c.

123. Every Member of the Force below the rank of Sub-Inspector will be furnished, at the expense of the Government, with the arms, ammunition, appointments, &c., named in one of the following lists, according as he may be attached to the Mounted or Foot Police:—

Mounted Police Appointments.

Carbine bucket and strap.	Revolver, case, and belt.
Regulation head collar.	Pouch belt.
Halter, log, and chain.	Swivel.
Carbine.	Handcuffs.
Sword.	Number and letter.

Foot Police Appointments.

Rifle.	Pouch belt.
Bayonet and sheath.	Waist belt and frog.
Baton.	Whistle.
Handcuffs.	Number and letter.

124. Every member of the Force, on being supplied with such articles as may be deemed advisable, will be required to sign a certificate containing a list of the same, specifying the date of issue, the condition when issued, together with any other remarks which may be necessary, and such certificate will be countersigned by the Officer issuing the articles, retained by the party supplied, and produced prior to his receiving his monthly pay; and the Officer by whom the pay is issued, after examining the articles, will enter in the Station Occurrence Book a certificate to the following effect:—

“I certify that, on paying the men of this Station I carefully examined all the articles mentioned in their certificates, and find that they were all in good and serviceable order.”

125. Any Member of the Force losing or defacing a certificate will be charged 1s. for a new one, and will be presumed to have been provided with every article mentioned in it.

126. Any Member of the Force leaving the service, and taking with him any of the articles supplied him by the Government, will be prosecuted for felony.

127. In case of any articles supplied by the Government being lost or damaged through intention or neglect, the cost of the articles lost, or the damage, will be charged against the individual to whom they were supplied, in proportion to their original cost, and will require to be paid for before other articles can be supplied.

128. When any Sergeant or Constable receives his discharge, or is dismissed from the Police Force, the Officer in charge of the District will see that his arms, accoutrements, or any other Government property in his possession, are returned to store in a clean and proper state, and not used till his successor is appointed. On the back of his parchment certificate it should be stated in what condition the arms, &c., issued to him were returned, and his certificate should then be forwarded to Head Quarters, whence a new one will be supplied for his successor.

129. Every Constable will be supplied with twenty rounds of ammunition; and in the event of the quantity being unaccounted for at any time, the amount of 6d. for every missing cartridge will be deducted from his pay; and in applying for more, it will require to be stated, in writing, how and when what had been previously issued was expended.

130. A certain number of handcuffs will be supplied to every Watch-house-keeper, and twelve pairs to every Officer in charge of a District.

131. No Constable will load or discharge his fire-arms unless ordered to do so by his superior Officer, or in case of emergency.

LEAVE OF ABSENCE.

132. An Officer applying for leave of absence will submit the name of the Member of the Force who will act for him, and such Member of the Force will be held responsible for the correct discharge of that Officer's duties during his absence.

133. Leave of absence granted to an Officer of the Force will not be extended, except in case of urgent necessity, which must be clearly shewn by the Officer applying. In the event of illness being the plea for an extension of leave, a medical certificate must accompany the application.

134. Sergeants and Constables will be allowed leave of absence, according to the following scale:—

For any period not exceeding fourteen days, on full pay; above fourteen, and not exceeding twenty-one days, on half-pay; and for any period exceeding twenty-one days, without pay.

135. Officers in charge of Districts will occasionally grant leave of absence for periods not exceeding seven days, but not beyond the boundary of their respective Districts. They will give to the party obtaining leave, a certificate of the fact, on one of the printed forms supplied for the purpose, carefully preserving the counterfoil for reference.

136. Applications for leave of absence for more than seven days must, in every case, be submitted for the approval of the Inspector General.

137. Members of the Force obtaining leave will not take with them any part of their arms or appointments, or any Government horse, and will report themselves to the Senior Officer of the Force at or near whose Station they may be residing while on leave.

138. In every application for leave of absence, it must be stated at what periods, and for what length of time, the applicant had previously obtained leave of absence.

139. Members of the Force when on leave will be subject to every order, rule, and regulation of the Force, and will be liable to be called on to act, and to the consequences of any breach of discipline or good order, as if they were serving at their proper Stations.

140. All Members of the Force, whether Officers or otherwise, will report all cases of misconduct on the part of men on leave of absence, whether such misconduct may have been witnessed by them or reported to them by others.

REQUISITIONS.

141. Requisitions for Stores, Stationery, &c., will be forwarded to the Inspector General.

142. In every case, requisitions will be signed by the Officer or Sergeant in charge of the Station where the supplies are required, and countersigned by the Officer in charge of the District; and no requisition whatever will be attended to, unless it contains particulars of former supply, how disposed of, and the quantity and condition of stock on hand.

143. For the purpose of providing for the supply of forage to Mounted Constables at a distance from any Police Station, or procuring conveyance for Constables or prisoners, and other services of the kind, a Requisition Book will be given to each Member of the Force in charge of a Station, who, in case of any supplies or services of this nature being required, will fill up one of the forms, and give it to the party making the supply or performing the service, stating on the back of the requisition the amount of the charge.

144. On a requisition so completed being presented to the Inspector General, attached to the Government form of account, and duly certified, payment will be made; but should it appear that a requisition has been given for any supply that was not required for the Public Service, or for any supplies for Constables,

such as meals, beds, &c., which should be borne by the usual sum allowed them as night allowance, the amount will be deducted from the pay of the Officer signing the requisition.

145. In making these requisitions, full particulars will be entered in the counterfoil of the book, which will be carefully preserved for reference.

BARRACKS, STABLES, &C.

146. Every Officer in charge of Police will be held responsible for the good repair of all buildings and premises occupied by the Force under him.

147. All damages will require to be promptly reported to the proper Officer; and when occurring through carelessness or negligence, the party in charge at the time will be responsible, unless it can be shewn through whose carelessness or negligence the damage has occurred.

148. A list of all articles the property of the Government, will be hung up in each room, and the Officer, Sergeant, or Constable in charge of the Station, will be held responsible for the articles mentioned therein; and in the event of such Officer, Sergeant, or Constable being removed, the party relieving him will take care that the articles correspond with the list, and are in such condition as stated in the list; if not, the circumstance will be reported to the Superintendent of the District.

149. If a Member of the Force report himself, from illness, unfit for parade or duty, the Officer in charge will note the circumstance in his Occurrence Book.

150. An immediate report will be made of any man who absents himself from any parade or duty (unless in case of illness), or from quarters at night.

151. No man will leave his barrack without acquainting the Sergeant or Constable on duty where he is to be found, or go from his Station any greater distance than a quarter of a mile, without permission, or absent himself under such authority for more than two hours at one time.

152. Except when on duty, no greater number than one-half the Force at a Station will leave their quarters, or the immediate vicinity.

153. No poultry, cows, horses, goats, pigs, or other animals, shall be kept by the Police without permission.

154. The Police will keep every part of their Barrack, its approaches, passages, and yards, clean and in good order.

155. The windows of Police buildings will be kept clean, opened whenever the weather will admit, and instantly repaired whenever required, at the cost of the Member of the Force chargeable with the damage.

156. If an Officer on inspection find any article of bedding requiring to be washed, he will order it to be washed at the expense of the person using it.

157. The following rules in regard to hours will, where practicable, be observed at all Police Stations in the Colony. All Constables, with the exception of those who have been employed on night-duty, will rise in the morning not later than half-past five in the summer and half-past six in the winter; they will dress and have their bedding neatly folded during the next half-hour, and the rooms swept and set in order immediately afterwards.

158. The hours for breakfast will be eight in the summer, and half-past eight in the winter; for dinner, half-past one in the summer, and one in the winter; and for tea or supper, half-past six in the summer, and six in the winter. At half-past nine such men as have not leave or are not on duty will go to bed, and all lights and fires, except such as are authorized to be kept up during the night, will be extinguished by ten o'clock.

159. The Mounted Constables will attend morning stable parade at six in the summer and seven in the winter.

160. After stable parade, horses will be taken to water; and on returning, should be properly groomed, and receive the regulated allowance of food; this, when water is in the neighbourhood, will not occupy more than one hour. At noon such horses as may not be on duty will be again watered and fed. The hours for evening stables will be half-past four in winter and five in summer, when the horses will be taken to water, and on returning be properly cleaned, fed, and bedded down for the night; every man's saddle and bridle being properly cleaned and carefully placed away on the saddle-rack.

161. When an Officer is at a Station, he will attend stable parade, to see the men groom their horses properly.

162. Regularity of hours will always be observed when it does not interfere with the performance of Police duties.

163. During summer, no fire will be allowed in any of the apartments except the cook-house or kitchen.

164. Whenever possible, the Police will supply themselves with wood and water, but otherwise the Officer in charge will make the most advantageous arrangement in his power, having due regard to economy, where no contracts exist.

165. Relatives of Members of the Force, but more particularly discharged Constables or other persons not connected with the Establishment, will not be allowed to sleep in barracks, and no person, except on public business, will be allowed to frequent Police premises.

166. Any person who has been dismissed from the Force will not be allowed to enter Police quarters on any excuse whatsoever; nor will any Member of the Force associate with such person, if the offence for which he was dismissed was of a disgraceful nature.

167. Smoking in the sleeping-rooms of the barracks, and card-playing, and every other species of gambling, will not be permitted.

168. Officers in charge of Districts, will pay particular attention to the establishment of messes, and take all necessary steps for forming and adapting them to the requirements of the Police under their charge, and for so managing them that Constables from other Stations who may be passing on duty, may obtain their meals at a moderate cost, even if somewhat in excess of the rate charged to Members of the mess.

169. Regularity of hours (whenever possible), cleanliness, proper costume, and correct behaviour at meals, will be strictly observed. In all matters relating to the expense and quality of food, the minority must give way to the majority, but the Officer or Sergeant will be held responsible for the quality and quantity of the food.

170. No Member of the Force will be permitted, from penuriousness, or any other cause, to subsist habitually on food the quantity or quality of which is insufficient or deleterious.

171. Every article in a barrack room, when not in use, will have its appointed place. Provisions will not be exposed to view, nor mess utensils left lying about or dirty.

172. The Officer in charge of a Station will take charge of the private effects of any Constable who dies thereat, and make a careful inventory of such effects, in the presence of a subscribing witness, and transmit a true copy of such inventory to the Officer in charge of his Division, who will again transmit the same with all necessary information on the subject to the Inspector General, with a view to the proper disposal of such private effects, in accordance with the Police Regulation Act.

173. The Mounted Police will provide themselves with horses, saddlery, forage, farriery, &c., at an allowance to be fixed by the Government.

174. The Officer in charge of each District will be responsible that such horses are in every way suitable for the work required, and frequent inspection will be kept up from Head Quarters.

175. Forage will be provided, however, at each Station for Police Officers, including Police Magistrates, and all Constables when travelling on duty. The whole to be duly accounted for.

176. Draught horses will also be retained, and spare horses for the transmission of prisoners, &c.

177. Members of the Force in charge of Stations will give due notice to local contractors, stating the supplies of forage needed, in accordance with the terms of contract.

178. When forage is delivered at any Station by a contractor, the net weight will require to be ascertained, and the receipt signed for that quantity for which the Officer in charge, who signs the receipt, will, in his issues, be held responsible.

179. If a Station be under the charge of a subordinate Member of the Force, he will permit no one but himself to issue forage; at large Stations, one Constable only will be authorized to issue.

180. When a fresh supply of forage is received at a Station, it will not be issued until the whole stock is consumed.

181. The Police at every Station will exert themselves to insure the supplies being stored in such a manner as to prevent any injury through the effects of weather or other causes; as, should any damage or loss occur, the strictest investigation will be made, and the party who, from negligence or other fault, allowed the same to take place, will be held personally responsible.

182. At out-stations, where the stores are kept in a tent or any insecure building, the Police on the Station will erect a strong fence, to prevent any damage by cattle, &c.

183. No forage will on any account be issued from Police stores, to any person whatever, without special authority; and in every instance where forage is issued for any other than Police service, a requisition will require to be obtained from the party requiring the same, which must be attached to the weekly Forage Return; in which also care will be taken to insert particulars of the amount of forage drawn, the Officer's name, and on what duty engaged.

The regulation scale of a ration of forage will be—

8	lbs. of Maize or Oats,
4	„ Bran,
12	„ Hay,
4	„ Straw for bedding.

184. Forage Returns will require to be entered day by day, and the draft copy filed at the end of each week, thus obviating the necessity for keeping forage books (unless under special directions). One copy of the returns only will be forwarded to Head Quarters, for transmission to the Office of the Inspector General.

185. The Officer by whom the correctness of returns has been certified, will be held responsible for any errors therein causing public loss or damage.

186. At every Station where grass can be found, the Officer in charge will turn out the horses on duty to graze, issuing them only half rations, or such other allowance as may be necessary, due regard being had to their being kept in serviceable condition; and whenever possible, Police horses will be kept without forage.

187. Police horses will not be foraged or stabled at hotels oftener than is absolutely necessary. In cases where it is unavoidable, a requisition in the printed form for the purpose will be given by the Officer in charge, and every horse will be groomed by its rider as at a Police Station.

188. No disputed horses or cattle will be foraged by the Police, unless the parties claiming, pay beforehand the regulation price; but otherwise the cattle will be turned into a paddock or handed over to one

of the claimants, on his giving sufficient guarantee for the animal's production when required. But in the event of its being necessary to retain an animal in the possession of the Police, as in a case of felony, when there would probably be danger of its being abstracted by the friends of the accused, half the usual ration of forage will be allowed for such animal.

189. On the charge of any Station being transferred from one Member of the Force to another, the forage in store will be weighed, receipts given for the actual weight, and any deficiency or surplus noted in the weekly Forage Returns.

190. If any Constable absent from his Station draw more than one ration per diem for his horse, *en route*, he will be charged with the amount overdrawn.

ESCORTS.

191. Police in charge of an Escort will be held specially responsible for the safety and security of prisoners or property committed to their charge; and on taking custody of the same, will give a receipt specifying that precautions have been duly taken for that purpose.

192. Having received their charge properly secured, it will be the duty of an Escort to guard against such security being diminished or impaired; for this purpose they will frequently and closely inspect the handcuffs, chains, &c., placed on the prisoners, and the fastenings of doors, windows, &c., of any place of confinement. They will also inspect the locks, seals, or other means by which property is secured. Neither by day or by night will an Escort separate from or lose sight of their charge.

193. Escorts will not stop during the night at public-houses, when it can be possibly avoided; but when absolutely necessary, an agreement must be made with the proprietor of the house, for the use of a room and for meals to be supplied to prisoners on the most moderate terms.

194. Police on Escort will neither drink nor allow the prisoners in their charge to drink any fermented or spirituous liquors whatever; but will place the prisoners in the most secure and private room obtainable, and adopt all proper and necessary precautions against escape.

195. Escorts with prisoners or property in charge will not call or halt at public-houses during the day; but the necessary provisions and refreshments will be procured at, and taken with them, from the place stopped at on the previous night.

196. While on march, prisoners will be kept in the centre of the party, and not allowed to separate or straggle; the rate of marching being regulated according to the powers of the prisoners if on foot, and if in carts, according to the pace at which the vehicles can conveniently proceed. Neither acquaintances of the prisoners nor other persons will be allowed to mix with or accompany the Escort.

197. The arms of an Escort will invariably be loaded, kept as dry as possible, and in a state for instant use. In escorting females, lunatics, or persons charged with trifling misdemeanors, Escorts will not require to be provided with fire-arms.

198. Everything belonging to prisoners under Escort will be made up into separate sealed packages, each marked with the name of the prisoner and the amount; and these separate parcels (with a list), enclosed in a strong sealed cover, with a memorandum, delivered to the Officer in charge, his acknowledgment and signature being taken to a duplicate retained. The memorandum and the sealed parcel will be handed, with the seal unbroken, to the person into whose charge the prisoners are delivered, a receipt being taken for the same.

199. The Officer in charge of a party on Escort duty will always march in the rear of such Escort, and enforce strict attention to duty on the part of the Police, who will not be allowed to straggle under any pretence.

200. Every Officer, before taking charge of prisoners, will cause them to be searched in his presence, and examine his authority for their custody.

201. Every Officer taking charge of gold, specie, or other treasure, or Government parcels, will take care that the same are duly entered in the way-bill, and obtain a receipt for them from the party to whom the articles are delivered.

202. Where practicable, after having given up charge of property or prisoners intrusted to them, Police composing an Escort will return to their Stations by twos, starting at different hours, and where convenient by different roads, the Officer in charge of the Escort forming one of the last party, so that he may be able to check any irregularity that may take place.

203. Any Constable accompanying a Judge when on Circuit, or any other Government Officer, as an Orderly, will be relieved at each Station, so as to avoid as much as possible taking any Constable to a distance from his Station or into another District.

204. No Officer of Police will under any circumstances be accompanied by a Constable as Orderly. When an Officer has to perform any duty in which his personal safety is endangered, he will take with him one or more Constables, as the necessity of the case may require; but under such circumstances the Constable or Constables will precede instead of following him, as the attendance of Constables on Officers as a mark of honor will not be permitted.

205. Patrols will not travel on stated nights, or at particular hours, but at irregular periods will visit suspected places, and observe suspicious houses and persons.

206. Patrols will not confine their attention to the main lines of road only, but will occasionally proceed through the bush, calling at houses to obtain information.

207. Constables on patrol will not smoke, separate, talk loudly, or enter public-houses except in performance of duty.

DUTIES AT A WATCH-HOUSE.

208. A Constable on duty at a Station-house will on no account quit it during his time of duty.

209. Such Constables will receive charges against prisoners, will ascertain their nature, and when satisfied of their propriety, will cause the name of each prisoner to be entered, with the particulars of his offence, in a book kept for the purpose, to be called the "Charge Book."

210. A Constable may admit to bail, persons charged during the night with any petty misdemeanor, such as a trifling assault or mischief, or other petty misdemeanor; and persons charged with drunkenness may, when they become sober, be admitted to bail, as in other cases of petty misdemeanor.

211. A person against whom a charge for assault attended by cutting and wounding has been received, or for felonies or aggravated misdemeanors, will, when such charges have been received and entered in the "Charge Book," be detained in custody at the Watch-house until taken before a Magistrate for examination; and no prisoner will be detained in the custody of the Police after he has been once brought before a Magistrate to answer the charge preferred against him, without a warrant for his detention.

212. A person apprehended on warrant for an offence not indictable should only be admitted to bail with the sanction of the Magistrate by whom the warrant was signed, or, in his absence, by an Officer of Police. In all cases of persons being taken into custody for indictable offences, whether by warrant or otherwise, they will not be discharged on bail until they have been brought before, and bail ordered by a Bench.

213. When a party is accused of having committed a felony or a misdemeanor (as the case may be), and

there is reasonable ground for preferring the complaint, inquiry as to the facts will be made only of the person who prefers the complaint (who does so on his own responsibility), and not of other persons, although they may be cognizant of the facts; but in a subsequent stage of the proceedings, before a Magistrate, such persons may be heard as witnesses. For this purpose, their names and addresses, if they are in attendance at the Watch-house, should be entered in the "Charge Book."

214. If a complainant, after having given a person into custody on a criminal charge, refuse to sign the entry in the "Charge Book," and the charge has been made in the first instance to a Constable, the Constable will, if he has seen the offence committed, enter and sign the charge himself, and the complainant may be summoned to substantiate it. The Sergeant on duty, or Watch-house-keeper will, for this purpose, always ascertain the name and address of the complainant before making any inquiry of him. If the Constable be himself unable to establish the charge, and the complainant refuse to support it, the party accused will not be detained, save in case of a serious offence, and when there are grounds to suppose the prisoner guilty, notwithstanding the prosecutor's refusal.

215. If the complaint in the first instance be not made by a third person, but by a Constable on his own view, the charge will be received, entered in the "Charge Book," and submitted to a Magistrate; but if it turn out, upon the statement of the Constable, that in point of fact there are not reasonable grounds for suspecting the offence to have been committed by the party accused, he will be discharged, and the case fully reported.

216. A description of property brought to a Constable on duty at a Watch-house, whether taken from persons apprehended or otherwise, will immediately be entered in the "Charge Book," and the several articles marked, so that they may be afterwards known. Such property should be taken by the Watch-house-keeper himself from the party bringing it, and not allowed out of his sight until marked in the manner directed; it should then be locked up, or if required as evidence, given back to the charge of the Constable who took possession of them.

217. As a confession from a prisoner in custody on a charge of felony, to be admissible as evidence against himself, must be free and voluntary, that is, must not be extracted by any sort of threat or violence, or obtained by any direct or implied promises, the Police in receiving a confession which a prisoner may be desirous of making, should warn him that it may be used against him. In such cases, the Constable will endeavour to fix in his memory any conversation immediately preceding the confession, so as to be able to prove it in connection with the detailed confession.

218. The daily ration allowed by Government to prisoners in Solitary Cells or Watch-houses will be 24 ounces of third quality bread or 20 ounces of the same quality flour, and to prisoners *in transitu*, awaiting trial, or under committal, 12 ounces of bread third quality, 12 ounces of maize meal, 4 ounces of fresh meat, 8 ounces of vegetables, half an ounce of salt, half an ounce of soap. In cases where maize meal or vegetables cannot be obtained, 12 ounces will be added to the allowance of flour, and 12 ounces to the allowance of fresh meat. The Officers in charge of Police at Stations where there are Lock-ups and where no Government contract exists, will call for tenders, according to the above scale, and transmit such tenders as they may receive, to the Inspector General's Office in the usual manner. As soon as the acceptance of any tender has been notified, rations may be ordered by the Officer in charge, and an account forwarded to the Inspector General's Office for payment through the regular channel.

219. When it is necessary for prisoners in confinement to have other refreshments than are provided by Government, no beer or spirits will be admitted into the cells, but only tea or coffee, with such eatables as are usually given in those cases; but this will not be permitted without the sanction of an Officer.

220. Prisoners in the Watch-house will require to be frequently visited, and immediate attention given to any case requiring assistance or medical aid.

SYDNEY.

221. The Sydney Police will consist of several Subdivisions, with a Senior Sergeant in charge of each, and to each Subdivision will be intrusted a certain portion of the City and Suburbs.

222. Each Subdivision will be subdivided into sections, each under the immediate charge of a Sergeant; and the sections will be divided into beats, for the safety of which, Constables on duty will be held responsible.

223. The hours for duty will be as follows:—

The day will commence at 6 a.m. and continue till 10 p.m., for which purpose half the available force will be told off, and divided into two reliefs, taking street duty four hours at a time.

The first relief will go on duty at 6 a.m. and remain till 10 a.m.

The second will go on duty at 10 a.m. and remain till 2 p.m.

The first will go on duty at 2 p.m. and remain till 6 p.m.

The second will go on duty at 6 p.m. and remain till 10 p.m.

224. During the intervening four hours between duties, one-half of the men relieved will remain in the barracks, and the other half will be allowed to go home, but will be ready to return at least a quarter of an hour before their tour of duty commences; the half who go away in the morning will remain in the evening, thus giving to each man twelve hours duty, eight of which he will be on beat by four hours at a time.

225. The night duty will commence at 10 p.m., and continue from that hour until 6 o'clock the next morning, a Sergeant taking charge of each section.

226. Two men from each Subdivision will be told off for Station-house reserve, which will be taken in turn by all.

227. The night and day duties will change every month.

228. The Sergeant in charge of a Subdivision will, both day and night, visit every part of his Division,—will see that the Sergeants and Constables are alert and understand their duties properly,—and that the men in reserve, both by day and by night, are prepared to turn out at a moment's notice.

229. Every Constable will move regularly through his beat, so that any person requiring assistance, by remaining in the same spot for any length of time, may meet a Constable. This regularity of movement will not, however, prevent his remaining at any particular place, if his presence there be necessary for the due performance of his duty, to observe the conduct of any suspected person, or for any other good reason, but he will be required to satisfy his Sergeant or superior Officer that there was a sufficient cause for such apparent irregularity.

230. Constables will attend at appointed times, to report to the Chief or Senior Constable anything requiring notice.

231. If at any time a Constable require immediate assistance, and cannot in any other way obtain it, he will sound his whistle; but this is to be done as seldom as possible, and always reported afterwards.

232. Married Constables will lodge as near as possible to the Subdivision to which they are attached, and all Members of the Force (whether on duty or

not) will be prepared to turn out in all emergencies, as fires, accidents of any kind, disturbances, &c.

233. Sergeants in charge of Subdivisions will take their turn of day and night duty, but will not be required to visit the guard-room or barracks of any other Subdivision than their own.

234. Every Sergeant in charge of a Subdivision will occasionally visit every part thereof, at uncertain hours, during the day and night; and when on duty, will attend the Court and visit the watch-houses at least once during the day and once after midnight.

235. Every Sergeant in charge of a Subdivision will be responsible for, and will take immediate charge of, the lock-up situated in that Division.

236. On any alarm of fire, the Police (including those who are off duty) will turn out and render every aid in their power which circumstances may demand.

237. Where there are Fire Brigades established, the duty of the Police will simply be to preserve order, protect life and property, and to procure a free scope for the exertions of the firemen and the parties more immediately interested; and with this view they will clear the street or ground in the immediate vicinity of the fire of all persons not usefully employed, taking care that all adjoining streets, as far as may be practicable, are kept clear of obstructions by crowds, or carriages, waggons, carts, &c., that the engines may not be delayed.

238. Every assistance possible will be given by the Police for the removal of property, conformably with the wishes of the proprietors; and if desired, such property will be conveyed to the nearest Police Station, for protection.

239. The Police will collect upon the spot all the information they can obtain relative to the cause of fire, which, together with the circumstances attending it, will be reported fully, as soon as may be, to the Officer in charge.

DETECTIVES.

240. Detectives will be selected from the ordinary Police Force, and after having been employed on trial as supernumeraries, during which time they will receive the pay of Ordinary Constables, and reported favourably by the Officer in charge, will be promoted to the rank of a second-class Detective Constable, with pay at the rate of 2s. per day increase on that of an Ordinary Constable; and in due course, if recommended for zeal and efficiency, will be further advanced to the rank of a first-class Detective, with pay of 3s. per day in excess of that of an Ordinary Constable. The rank of a first-class Detective will be equivalent to that of a Sergeant in the Preventive Police.

241. Nevertheless, candidates who, from previous habits, experience, or other reasons, may appear to be particularly adapted for Detective duties, will be taken on as supernumeraries without having served in the Police, and after due trial, promoted in the usual manner.

242. Detective Constables will correspond directly with the Inspector General, but will otherwise be under the orders of the Officer of Police in charge of the District, Station or Division, where such Detectives may be on duty.

WATER POLICE.

243. The duties particularly devolving upon the Water Police will be to protect and maintain order among the shipping; to enforce port regulations; to supervise the transshipment of powder; to examine and muster the passengers and crews of vessels in the intercolonial trade, with a view to prevent the escape of criminals; to supervise the ballast lighters, watermen, lights in harbour, &c.; to serve summonses, execute warrants, and other legal processes on parties afloat; to convey prisoners to and from vessels, &c., &c.

244. Every Constable in the Water Police will be on duty twelve hours in the twenty-four, and attend the Police Court when required.

245. All signals from vessels, for Police assistance, will be registered in the Occurrence Book, as well as the vessel's name, the hour by night or day when made, and the hour when the signal is answered.

246. In the event of fire occurring on shore, or in the harbour, all the available Force in the Water Police will proceed immediately to the spot, in readiness to render such assistance as may be necessary, either in extinguishing the fire or in saving and protecting property. Should the fire occur on shipboard, the guard-boat on duty will lose no time in warning the nearest vessel to the burning ship of its dangerous position, and at the same time send immediate notice to the Harbour Master.

INSTRUCTIONS.

The following Instructions for the guidance of the Members of the Police Force, in the performance of their duty, are published by the Inspector General.

1. It is intended here to state such parts of the law relating to the office of Constable, as may be sufficient for the general instruction of the Police Force.

2. Each individual will bear in mind the extreme importance of making himself perfectly acquainted with this subject, as it is necessary to enable him, with a due regard to his own safety, to act efficiently for the protection of the public.

3. It is specially necessary to take care that newly-appointed Constables do not form false notions of their duties and powers.

4. The powers of a Constable, as will appear hereafter, are, when properly understood and duly executed, amply sufficient for their purpose. He is regarded as the legitimate Peace Officer of his District; and both by the Common Law and by many Acts of the Legislature, he is invested with considerable powers, and has imposed on him the discharge of many important duties.

5. He is in many cases authorized and required, in the execution of his office, to arrest a party charged with or suspected to be guilty of some offence, to enter a house in pursuit of an offender, to quiet an affray, to search for stolen goods, to take possession of goods suspected to have been stolen.

6. It therefore becomes necessary that the Constable should inform himself in what cases he ought so to interfere, and what legal powers he possesses to effect the object, in case he meets with resistance. To assist the Police Constables in the discharge of their duties, the following observations are prepared for their attentive perusal and study.

7. It will be first shown for what offences of more ordinary occurrence a party may be arrested and detained in custody. With this object, offences may be divided into "Felonies" and "Misdemeanors."

8. Murder, rape, housebreaking, robbery, picking pockets, receiving stolen goods knowing them to have been stolen, assaulting any one with intent to rob, wounding, &c., with intent to do murder or some grievous bodily harm, setting fire to any church, house, or other building, are some of the principal felonies, besides a great many more too numerous to be inserted here.

9. Persons guilty of any of these offences are called felons.

10. Slighter offences, such as common assaults, affrays and riots, and various kinds of fraud, with numerous other offences, are called misdemeanors.

11. As it is more important to prevent and punish the commission of great crimes than of the lesser offences, the Constable has a greater power in cases of felonies than in those of mere misdemeanors.

12. But the first duty of a Constable is always to prevent the commission of crime.

13. A Constable, by his appointment as such, has power to arrest, without warrant from a Magistrate, a party whom, from his situation and character, the law judges to be likely to commit some felony, and persons found in the commission, charged with, or suspected of certain offences.

14. The Constable may arrest any one whom he has just cause to suspect to be about to commit a felony; thus, when a drunken person or a man in a violent passion threatens the life of another, the Constable should interfere and arrest.

15. He should arrest any person having in his possession any picklock, key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building; or any person armed with any gun, pistol, hanger, cutlass, bludgeon or offensive weapon, or having upon him any instrument with intent to commit any felonious act.

16. Every person found in or upon any dwelling-house, ware-house, coach-house, out-house, or stable, or in any enclosed yard, garden, or area, or found in or on board any vessel when lying in any place within this Colony, for any unlawful purpose; every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock or basin, or any quay, wharf, or warehouse, near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony.

17. If any party threaten another with immediate personal violence, or offer to strike, the Constable should interfere and prevent a breach of the peace; if he draw a weapon upon another, attempting to strike, the Constable should take him into custody; if persons are merely quarrelling or insulting each other, the Constable has in general no right to take them into custody, but should be ready to prevent a breach of the peace.

18. In cases where an offence has not been actually committed, the Constable must judge from the situation and behaviour of the party what his intention is; in some cases no doubt can exist, as when the party is a notorious thief, or acting with those who are thieves, or when the party is seen to try people's pockets in a crowd, or to attempt to break into a house, or to endeavour to take any property secretly from another. The Constable must not act hastily in case the intention is not clear, but content himself with watching closely the suspected party, that he may discover his design.

19. The Constable must arrest any one whom he sees in the act of committing a felony, or any one whom another positively charges with having committed a felony, or whom another suspects of having committed a felony, if the suspicion appear to the Constable to be well founded, and provided the person so suspecting go with the Constable.

20. Though no charge be made, yet if the Constable suspect a person to have committed a felony, he should arrest him; and if he have reasonable grounds for his suspicion, he will be justified, even though it should afterwards appear that no felony was in fact committed; but the constable must be very cautious in thus acting upon his own suspicions.

21. Generally, if the arrest was made discreetly and fairly in pursuit of an offender, and not from any private motive or ill will, the Constable need not doubt that the law will protect him.

22. On the apprehension of any party for felony, if there is any reason to believe that any property

connected with the felony will be found in the house or place in which the prisoner last resided, the arresting Constable should, in the presence of the party so arrested, search the premises he (the prisoner) has been occupying, and open any boxes, cases, or other receptacle of property belonging to the prisoner.

23. Every Member of the Police Force should do all in his power to prevent fraud upon the Revenue by evading the Acts for the regulation of Her Majesty's Customs, the Licensed Publicans, and Licensed Distilleries Acts, &c., for which purpose they will pay particular attention to the provisions of those Acts.

24. If after sunset and before sunrise, the Constable shall see any one carrying a bundle of goods which he suspects were stolen, he should stop and examine the person, and may detain him; but here also he should judge from circumstances, such as the appearance and manner of the party, his account of himself and the like, whether he really has stolen goods in his possession, before he actually takes him into custody.

25. He may also arrest any person whom he may find between sunset and sunrise lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of himself.

26. The Constable, when justified in making an arrest, must use every exertion to effect it, and the law gives him abundant power for the purpose. If the felon or party accused of felony fly, he may be immediately followed wherever he goes; and if he takes refuge in a house, the Constable may break open the doors, if necessary, to get in, first stating who he is, and his business; but the breaking open outer doors is so dangerous a proceeding, that the Constable should never resort to it, except in extreme cases and when an immediate arrest is necessary.

27. There are some cases in which a Constable may and ought to break into a house, although no felony has been committed, when the necessity of the case will not admit of delay, as when persons are fighting furiously in a house, or when a house has been entered by others with a felonious intent, and a felony will probably be committed unless the Constable interferes, and there is no other means of entering. Except in such cases, it is better, in general, that the Constable should wait till he has a warrant from a Magistrate for the purpose.

28. If a Constable finds his exertions insufficient to effect the arrest, he ought to require all persons present to assist him; and they are bound to do so, on his stating that he is a Constable and has lawful authority for what he is doing.

29. If a prisoner, on whatever charge lawfully taken, should escape, he may be retaken; and in immediate pursuit the Constable may follow him into any place or any house; and if the escaped prisoner take refuge in a house, the doors may be broken open, after demand of admission, and after notification by the Constable of his office and object in coming.

30. In cases of misdemeanor the powers of the Constable are not so extensive; he cannot generally arrest without a warrant, unless for offences committed within his own view, and when the arrest is specially authorized by law; and in executing the warrant and pursuing the offender, he must be specially careful to act with the greatest forbearance.

31. In cases of actual breaches of the peace, as riots, affrays, assaults, and the like, committed within the view of the Constable, he should immediately interfere (first giving public notice of his office, if he be not already known), separate the combatants, and prevent others from joining in the affray. If the riot, &c., be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and doing everything in his power to restore quiet.

32. A Constable, in cases of assault which have not been committed in his presence or within his

view, is not authorized to arrest or assist in arresting the party charged, nor is he to receive a person so charged, into his custody, unless the party has been arrested by some other Constable who saw the assault committed. But if a person has been seriously cut or wounded, and gives into custody the party charged with having cut or wounded him, or in the case of any party being charged with committing any aggravated assault, which there is good reason to believe has been committed, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender, the Constable is authorized to arrest the party, and keep him in safe custody until he can be brought before a Magistrate.

33. A Justice of the Peace may by word of mouth command any Constable or any other person to arrest another who shall be guilty of any felony or actual breach of the peace in his presence; and such command is a good warrant without writing, and must be obeyed accordingly.

34. A Constable may arrest any one assaulting or opposing him in the execution of his duty, or any one aiding or assisting any person so to assault or to resist him.

35. If a person forcibly enter the house of another, the Constable may, at the request of the owner, turn him out directly; if he enter peaceably, and the owner request the Constable to turn him out, the Constable should first request him to go out, and unless he do so, he should turn him out; in either case using no more force than necessary for that purpose.

36. When the offence has not yet been committed, but when a breach of the peace is likely to take place, as when persons are openly preparing to fight, the Constable should desire them to desist, and if they do not do so, should take the parties concerned into custody; but if they fly into a house, or are making preparations to fight within, the Constable should enter to prevent them, and likewise take the parties into custody; and should the doors be closed, he may break them open if admission is refused, after giving notice of his office and his object in entering; but in all such cases, if the parties are known, and no very violent breach of the peace has been committed, it is more advisable that they should be summoned before a Magistrate.

37. A Constable may take into custody without warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit any felony, misdemeanor, or breach of the peace.

38. A Constable has power to apprehend and carry immediately, or as soon as possible, before a Justice of the Peace, any person whom he may find wilfully damaging any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other public property; also any person who in his view commits any malicious injury to private property; and he should take charge of any person given into his custody who may have been arrested by the owner of the property damaged, or by his servant or any person authorized by him.

39. After the arrest, the Constable is in all cases to treat a prisoner properly, and impose only such restraint upon him as may be absolutely necessary for his safe custody.

40. The prisoner is to be taken, as soon as convenient, before the nearest Bench of Magistrates, who will dispose of the case; but he should in the first instance be taken to the watch-house, to have the charge regularly entered in the "Charge Book." When the prisoner is brought to the Justice, he still remains in the custody of the Constable, until his discharge, committal, or conviction.

41. The Constable is bound to follow the directions contained in a warrant, and to execute it with secrecy and dispatch. The power given to him for the purpose of arresting, has been already shown. If the warrant cannot be executed immediately, it should be executed as soon as possible afterwards.

42. The Constable must execute the warrant himself, or when he calls in assistance must be actually present. Upon all occasions he ought to state his authority, if it be not generally known, and should show his warrant when required to do so, but he should not part with the possession of the warrant, as it may be wanted afterwards for his own justification.

43. As it frequently happens that the warrant is in the hands of one Constable, whilst another Constable having undoubted information of such warrant, may find the accused person, or a person whom he has good ground to suppose to be such person, the latter ought in such cases to make the arrest; and if it be provable that a warrant has been issued, although it was not in his hands, he will be justified in his act, and will be entitled to the protection of the law. In such case he should communicate to the prisoner his information respecting the warrant.

44. A Constable may enter a house to search for stolen goods, having received a search warrant from a Magistrate for that purpose. He should, when it is possible to do so, execute it in the day-time. If he finds the goods mentioned, he is to take them to a Magistrate, and when the warrant so directs, he must take the person also in whose possession they are found. To avoid mistakes, the owner ought to attend at the search, to identify the goods, but this is not indispensably necessary in all cases.

45. In the following cases also, Constables are empowered to arrest without warrant, but they are to be specially careful not to do so upon light grounds.

46. Any person found in the streets and public places, in a state of intoxication, and behaving in a riotous and indecent manner, or incapable of taking care of himself.

47. Every common prostitute wandering in any street or public highway, or being in any place of public resort, who shall behave in a riotous or indecent manner.

48. Every person wandering abroad, or placing himself or herself in any public place to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do, or endeavouring by the exposure of wounds or deformities to obtain alms, or endeavouring to procure charitable contributions under any false or fraudulent pretence.

49. Every person wilfully exposing to view in any public place, or who shall expose or cause to be exposed to public view, in the window or other parts of any shop or other building situate in any public place, any obscene book, picture, or other indecent exhibition or representation.

50. Every person wilfully and obscenely exposing his or her person, in any street or road, or in the view thereof, or in any place of public resort.

51. Every person playing or betting at any unlawful game.

52. Every person playing or betting in any street, road, highway, or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance.

53. Any person who shall sing any obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any obscene language, in any public place, or within the view or hearing of any person passing therein.

54. Any person who shall use any threatening, abusive, or insulting words or behaviour in any public place, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

55. Or any person who shall cruelly beat, ill-treat, over-drive, abuse or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused or tortured, any animal.

56. In all these cases, not only are Constables empowered to arrest without a Magistrate's warrant, but on fair and sufficient grounds it is their duty to do so; and they are also bound to receive into their custody any person found committing any of these offences, who having been apprehended by another is delivered to them; and any refusal or wilful neglect to take such offender into their custody, or to take or convey him or her before some Justice of the Peace, will be a neglect of duty, and will render them liable to the penalty attached to such neglect.

57. In cases where any soldier or member of any other public service shall appear intoxicated, it is advisable that the Constable should communicate on the subject, through his superior Officer, with the Officer under whose command the party is, and to refrain, except in cases of strong necessity, from taking him into custody.

58. There are many cases in which it is desirable that the Constable should only ascertain the name and residence of the party offending, and take the means of finding him afterwards. A report should be made to the superior Officer, either immediately or when relieved, according to circumstances; and here it is to be remarked, that in any instance in which the power to arrest is not expressly stated, as in these and other instances to be hereafter mentioned, the Constable is authorized to take into custody any person who within his view shall commit any such offences, and whose name and residence shall be unknown to such Constable and cannot be ascertained by him.

59. The Constable should take notice if any houses, shops, or stores are kept open on Sunday for the purpose of trade, except for the dressing and selling of meat and victuals for such as cannot be otherwise provided, or chemists' shops, and should report the occupier of any such to the superior Officer.

60. He must report any gaming on Sunday in any public billiard room or other place of amusement, taking care to ascertain the name of the owner or occupier of the premises.

61. He must also report the name of any publican or keeper of any house, shop, room, or place of public resort, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, or knowingly suffer any gambling whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein.

62. Also, any premises in which the cesspool has been allowed to overflow, or in such a filthy state from an accumulation of manure, dung, offal, soil, filth, coal ashes, or other matter, as to be a nuisance to the neighbours or injurious to the public health.

63. He should caution any person who may be about to bathe within that part of any river reserved to the public use for the supply of water, and report any person who shall so bathe, or who shall throw into the water any offal, carrion, or other offensive thing, or obstruct any watercourse or public sewer, either by casting any filth or rubbish into the same, or in any other manner.

64. Protection is to be afforded to the Sheriff and Deputy Sheriffs in the execution of all writs from the superior Courts, if in their written requisition they shall state that they have grounds to apprehend violence or opposition in the discharge of their duty.

65. In addition to the cases that have already been mentioned, there are numerous others under the various laws of the Colony, in which Constables may

apprehend persons committing offences, without warrant. The principal of these are under the Vagrant Act and the Towns and Country Police Act, both of which are included in a volume containing extracts of these and other Acts, and published for the use of the Police, and which should be carefully perused by every Member of the Force. As to the manner in which the provisions of these Acts are carried into effect, as already stated, much must of necessity be left to the individual discretion and judgment of Members of the Force.

66. The Police are required to obey all Magistrates in the execution of their judicial duties, by serving all legal processes, such as warrants, summonses, orders of Court, &c.

67. The Magistrates are not vested with any powers of interference with the interior executive arrangements of the Police Force; but should they at any time suspect any felonious attempt upon life or property, of a nature so serious as to render it necessary for the public safety that they should act personally, then they are empowered to call for the attendance of such of the Police as they may deem necessary; and all Constables so called upon shall act under the Magistrate's orders, so long as he is personally present, and during the time necessary for the suppression of such attempt.

SUMMONSES.

68. Summonses will be delivered to Constables in duplicate, or with the original summons will be delivered a copy. The Constable should in the first instance endeavour to serve the duplicate or copy personally, that is, deliver it into the possession of the individual to whom it is addressed. Should it be a copy, he must produce the original if required to do so by the party summoned. In case the Constable is unable from any cause to serve the summons personally, it will be considered a legal and effective service if it be left at the then or last usual place of abode of the party named in the summons, or if it be affixed to one of the doors or some other conspicuous part of the outside of such abode. Although a summons may be served either by day or night, Constables will be careful to execute this duty between sunrise and sunset as much as possible; and in serving on the premises, they are not to require admittance into the dwelling-house. After service of a summons, the Constable will make before a Magistrate an affidavit of the service (which must be indorsed on the back of the original summons) as follows:—

"Colony of New South Wales, }
to wit. }
" of
Police Constable, maketh oath and saith that on the
day of
instant, he this deponent did (personally) serve the
within-named with a true copy of this
summons, by leaving the same (with)
at his usual place of abode.
" Sworn before me, at this
day of 18 .."
And will then return the original without delay to
the party from whom he originally received it.

CASES OF VIOLENT OR SUDDEN DEATH.

69. When the body of any deceased person is found by the Police, or reported to them as having been found, it should be immediately removed to the nearest public house in the neighbourhood; but where there are two or more public houses adjacent, the public houses in such neighbourhood are to be used alternately.

70. Every circumstance connected with the appearance of the body, the position in which it was found, and the probable length of time dead, should be noted; the body should then be carefully searched,

and the effects found thereon kept in the custody of the Police and produced at the inquest.

71. The circumstances of the finding of a body, or of any case coming to the knowledge of the Police where an inquest ought to be held, should be immediately reported to the Coroner, and to the Senior Officer of Police in charge of the Station.

72. Should the Coroner be absent, or unable to attend, a communication to that effect should be forthwith made to the nearest Magistrate, that he may hold an inquiry.

73. A Constable is to remain in charge of the body until an inquest or inquiry has been held thereon.

74. On all occasions a report should be made to the Coroner of the following cases:—Persons found drowned, persons found dead, persons killed by accident or otherwise, persons dying suddenly, prisoners dying in any of Her Majesty's Gaols or other places of confinement, suicides, and all other cases where death is suspected to have occurred from foul play; and a similar report, together with the result of the Coroner's inquest or Magisterial inquiry, should be made to the Inspector General.

75. In cases of suicide, murder, &c., the instrument by which death had been induced, such as a knife, razor, pistol, &c., or bottle or paper which contained poison, should be carefully preserved by the Police, and produced at the inquest.

76. Immediately on any death occurring from any of the above causes, the Police should endeavour to procure evidence of identity of the deceased, and secure the attendance at the Coroner's inquest of the persons who shall have found such body or witnessed the circumstance causing the death of the deceased, or who shall be able to give any necessary information on the subject.

77. When the place is remote, and no Coroner or Police or other Magistrate is within a reasonable distance, they should have the body examined by some medical gentleman if possible, but if not the Police must then make the best examination they can themselves—the object being in such cases to ascertain if death has been caused by violence.

78. Should there be marks of violence on the body, it is of importance to ascertain the instrument (if any) with which the wounds have been inflicted.

79. If the wounds consist of a cut, the length, breadth, and depth should be ascertained as far as possible, together with the exact position and appearances. If fire-arms appear to have been used to cause death, it is desirable to find the bullet or any other matter which may have entered the body; but in all cases, before the body or any weapon or other article which could in any way be connected with the case is moved, or its position altered, care should be taken that every particular is noted in writing.

80. Every exertion should also be made to find the particular weapon supposed to have been used; and if found, its state when first seen by the Police should be carefully noted, with all the other particulars.

81. The Constable should then wait upon the nearest Magistrate and give his deposition, forwarding a copy immediately to Head Quarters, with a full statement of all particulars which may enable the Inspector General to judge if the matter has been properly inquired into by the Police.

82. Where a suspicion of felony attaches, the most careful inquiry should be made of the names, both Christian and surname, of all persons who may be supposed to know any circumstances connected with the death. Above all things, every person without exception present at the time of death should be examined before the Coroner or Magistrate.

83. The Police should not take upon themselves to bury the body, unless on the receipt of a certificate in the form for the purpose from the Coroner or Justice of the Peace.

84. In inquiries into violent deaths, the Police Officer in charge of the Station at the time must consider himself as the person whose special duty it is to get up the case for the Coroner or Magistrate.

USE OF ARMS BY POLICE.

85. The Police are armed to enable them successfully to overcome opposition to lawful arrests, and to protect themselves against armed interference in the execution of their duty. It is therefore of great importance that they should clearly understand under what circumstances they are justified in resorting to the use of the weapons with which they are entrusted.

86. It is only in the apprehension or detention of felons that a Constable would be justified in proceeding to extremities, that is, when the Constable is armed with a warrant for a felony, or when a felony is committed in his own view, or when he is in immediate or fresh pursuit of a person known to have committed a felony. Being satisfied on this point, to make the resort to fire-arms justifiable, it must be owing to some unavoidable necessity to which he must be reduced in the execution of his duty.

87. If a person having actually committed a felony will not suffer himself to be arrested, but stand on his own defence, or fly so that he cannot possibly be apprehended alive by those who pursue him, with or without a warrant from the Magistrate, the Constable in pursuit would be justified in using his weapon to secure him. The necessity for this proceeding (*viz.*, that he cannot otherwise be taken) must be clearly apparent.

88. A Police Constable on duty at a Gaol, or any other place in which prisoners are confined, is only justified in firing on any prisoner attempting to escape who assaults or resists the Constable endeavouring to retake or secure him, or on a prisoner committed for or convicted of felony who persists in flying from the Gaol or other place of confinement, after reasonable efforts have been unsuccessfully made to capture him.

89. In all ordinary cases of Police duty the baton is a weapon to which the Constable should have recourse; and even the use of this should be avoided as much as possible, as good temper with determination will generally effect more than the use of violent measures.

90. The above remarks do not apply to cases of riot, &c., in which the Police are called upon by the Magistracy to act as an armed body, as on these occasions they will obey the orders of the Magistrates, with whom the responsibility will rest.

RULES for the Distribution and Appropriation of the Superannuation and Police Reward Funds, and Regulations for Police Pensions.

1. Claims for Pensions, Gratuities, or Rewards, from these Funds, are to be submitted to a Board, consisting of the Inspector General of Police, a Police Magistrate, and a Superintendent of Police, and of which the Inspector General shall be President.

2. Claims are to be duly supported by such certificates, vouchers, and testimonials as the Board may require; and each claim must be dealt with by the Board on its own merits, in reporting to the Government the amount of Pension, Reward, or Gratuity, which they may recommend to be awarded.

3. The maximum of Pension and Gratuity to Members of the Police Force duly certified to be unfit for service, is fixed, respectively, by the scale laid down in the 22nd and 23rd sections of the Police Regulation Act, which can in no case be exceeded.

4. Claims from widows and families of deceased Members of the Force, duly supported by certificates of marriage and birth, and by such other vouchers and testimonials as the Board may require, are to be dealt with as stated in Rule 3.

5. No widow is to be regarded as having any claim to Pension or Gratuity unless married more than twelve months previous to her husband's decease, except in cases of death having been caused by injury or accident when on duty.

6. Women of good character only are entitled to Pension or Gratuity.

7. Children being eligible for admission into the Orphan Schools, no Gratuity is to be paid to them; but the Board is to examine into the particulars of each case, and when there are grounds for doing so to recommend that the children be admitted into either of those Institutions.

8. Police Pensioners, on first taking up their residence in any locality, are to make themselves personally known to the principal Officer of Police stationed nearest to their residence, and notify their place of residence at the same time to the Inspector General of Police. They are to act in like manner on any subsequent change of residence.

9. Police Pensioners are not, without leave previously obtained from the Government, through the Inspector General, to leave the Colony. Any breach of this or the preceding rule will render them liable to the forfeiture of the whole or any part of their Pensions.

10. Pensions will be payable quarterly, viz., on the 31st March, 30th June, 30th September, and 31st December, to Pensioners resident in or near Sydney, personally, at the Office of the Inspector General of Police, on production of properly filled vouchers, according to annexed form. To Pensioners resident in the Country, on receipt of similar vouchers duly filled up and signed, the amount of Pension will be paid into such Bank, and to the credit of such person, as may be directed by the Pensioner in the printed form of authority annexed to voucher.

11. No charge of any kind, except for the necessary postage stamp, is to be made against Pensioners, for the presenting, declaring, or forwarding the vouchers; which are, when perfected, to be transmitted as soon as possible after the termination of each quarter, by the Clerk of Petty Sessions, to the Inspector General of Police.

POLICE PENSION.

Voucher No.

	£	s.	d.
Amount payable to Pensioner of Police of New South Wales, as _____ or _____ for the Quarter from _____ to _____ 186 _____, inclusively, at _____ per _____			
Total.....			

I _____ do solemnly and sincerely declare that I have not been appointed to, nor held any public situation subsequently to _____ 186; I further solemnly and sincerely declare that I am the individual entitled to a Pension at the above-mentioned rate, and for the period above specified, as witness my hand, this _____ day of _____ 186.

Subscribed before me, at _____, this _____ day of _____, 186.

Signature of a }
Magistrate. }

I certify that _____ now present is the Pensioner named in the above Voucher and Declaration.

Signature of Officer or }
Sergeant of Police. }

Received on the _____, from John McLerie, Esq., Inspector General of Police, the sum of _____ pounds _____ shillings and _____ pence, being the full amount of my Pension for the period above mentioned.

Signature of }
Pensioner. }

Witness.

I _____ now residing at _____ hereby authorize you to pay the amount of the Quarterly payment of my Pension to the credit of the account of _____ at the Bank of _____, Sydney.

Signature of }
Pensioner. }

{ Witness to Signatures
and Marks.

The Inspector General of Police,
Sydney.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE AND COCKATOO ISLAND.

(MINUTES OF EXECUTIVE COUNCIL ON THE SUBJECTS OF.)

Ordered by the Legislative Assembly to be Printed, 10 March, 1870.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office,
Sydney, 30 June, 1869.

I RECOMMEND that authority be given for carrying out the arrangements for the reorganization of the Police Force, the Police Magistrates, and Clerks of Petty Sessions, &c., shown in the accompanying Schedule.

JOHN ROBERTSON.

The Executive Council approve of the arrangements proposed in the annexed Schedule, with reference to the reorganization of the Police Force, Police Magistrates, and Clerks of Petty Sessions, &c., and advise accordingly.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 69/26, 30 June, 1869.
Confirmed, 6 July, 1869.
Appd. B. 8 July, 1869.

MEMORANDUM.

THE Colonial Secretary having learned from the Inspector General of Police that the proposal which that Officer had to submit for greater economy in Police expenditure, while insufficient as it appeared to him in that regard, was based on a reduction of strength by upwards of one hundred Constables, and that the assurance of public security and the successful repression of crime would therefore necessarily be reduced,—recommends the following arrangement which, if adopted, will, he hopes, secure even greater police efficiency than at present exists, and at the same time a largely decreased expenditure.

The Colonial Secretary would increase rather than lessen the number of Constables available when required; but would so alter the duties of (say) one-fourth of them that they should be called upon to act only in emergencies, such as unusual outbreaks, necessary escort duty, and other specialities, the necessity for which will be determined by the proper Officer in charge, and be reported and justified by him, at short periodical intervals, to the Inspector General of Police. The pay of such Constables to be at the rate of 10s. per day, for the time employed (having a minimum allowance of £1 5s. per month), and with clothing and boots, at discretion of the Officer, as allowed to other Constables. They will wear, when so ordered, the regular police uniform, and will usually have the preference on the occurrence of vacancies in the regular Force. They will be designated the Reserve Constabulary, and will be under the Police Regulations, which will require to be so far altered as to provide for their proper control and discipline, &c. Their services, it is hoped, will not be required for more than one day for every seven. For this branch of the Service, the Colonial Secretary believes that smart, able, and intelligent young men will be found in every district of the Colony, willing to supplement their present means by what will probably be equal, clothing included, to an average of £30 per annum each, and to give in return good and faithful service. It is likely, too, that many of the present Constables will be willing to retire from continuous occupation, in favour of such employment.

The other three-fourths of the present Force will be continued under present regulations, excepting that the practice of finding Mounted Constables in horses, saddlery, forage, &c., will be discontinued, and an allowance of £25 per annum each substituted, to provide, maintain, and shoe the horse or horses which each man may be called upon to keep for the performance of his duties. The Officer in charge of each district will be responsible that such horses, &c., are in every way suitable for the work required; and frequent inspection will be kept up from Head Quarters. To facilitate the contemplated arrangement, and to place the men in possession of horses of their own at once, without an immediate expenditure of their own means,—they will be allowed, if they desire it, to purchase such of the horses as they have now in use, and as are suitable for the duty, at a valuation, and to pay for them at the rate of one-twelfth of the price per month, until the whole cost be paid. Provision will be made that the horses continue the property of the Government, until they are fully paid for. The use of police stables, paddocks, &c., for their horses, will be allowed, as at present. Some of the remaining horses will be reserved for use at certain Police Stations, &c., to meet cases of emergency; the residue will be sold.

Contingent Funds will be provided for cases in which, from particular circumstances, forage, beyond what the allowance of £25 per annum would probably meet, as well as for forage for Police Officers, including Police Magistrates, and all Constables, &c., when travelling on duty. The whole to be duly accounted for.

It is not intended, so far as horses are concerned, that this arrangement should apply to Head Quarters, where the requisite number of Mounted Constables will be retained as at present. The Force will be so arranged as to make provision for eleven new Police Stations, of which a list, marked A, is hereto appended.

This arrangement will come into operation so soon as Police Regulations to meet the new circumstances of the Service can be provided. It is not intended, however, that the change should be made hurriedly, or in a manner to impair efficiency, or to cause inconvenience or hardship; but that the Inspector General and his Officers shall endeavour to merge gradually the old system in the new. It is hoped that by the end of the current year the change will be completed. It is understood that the present number of Police horses is about 600, and it is intended to retain about 100 for reserve and other purposes, to transfer to the Constables about 300, at an average rate of about £12, and to sell about 200 supposed to be unfit for police duty at (say) £5 each.

Paper marked B shows in detail and generally describes the changes already alluded to, as well as certain other reductions, &c.

Paper marked C shows the Police Magistracy intended, and believed to be sufficient for the Colony, and that the number of places provided with Police Magistrates will be increased by seventeen.

With the Police Magistracy it has been found convenient to place the Gold Commissionerships, as amalgamation of duties of the Gold Commission with those of the Police Magistracy is intended. All Police Magistrates will be called upon to act, without additional salary, as Deputy Sheriffs, Gold Commissioners, &c., if necessary for the requirements of their districts.

Paper marked D shows the number of Clerks of Petty Sessions, and the changes intended with regard to them; and also all places of Petty Sessions, distinguishing the new, which will be twelve in number.

The Police will be made available as far as possible in collection of Gold Fields Revenue,—a duty which, for some time, has been most unsatisfactorily performed.

Where reductions in amount of Salaries are intended, they will be carried out during the current year only in cases where new appointments have been, or may be, made at the decreased rates. Officers intended to be dispensed with will be re-employed so far as suitable vacancies can be found for them. In cases where such re-employment is unavailable they will receive the usual compensation, the means for which will be much aided by the saving in salaries for the remainder of the year.

The travelling allowances provided for Police Magistrates for 1869 will be applied under the Minute of the Executive Council of date the 2nd June, excepting that while Police Magistrates will be allowed at the Police Stations, forage, stabling, &c., for their horses, when away from their Head Quarters on duty, their allowance for travelling will be reduced from 25s. to 20s. per day.

Several Police Magistrates and Clerks of Petty Sessions have duties and emoluments in connection with the Lands Department, Registrar General's Department, and the Supreme and District Courts respectively, which will be made more uniform and be brought under consideration elsewhere.

The reduction of public expenditure that will be effected by these changes will be about £36,000, as hereunder recapitulated. This will be however somewhat decreased by the allowance intended for travelling expenses of Police Magistrates when actually required on duty. The contingencies and incidental expenses, &c., appear excessive, and the estimate generally can no doubt be greatly decreased; but it is considered safest to leave further reduction of expenditure until after a year's trial of the arrangement now determined upon.

RECAPITULATION.		
	1869.	1870.
	£	£
Police and Contingencies	153,268	127,725
Police Magistrates.....	22,620	17,170
Clerks of Petty Sessions	12,775	12,285
	188,663	£157,180
	157,180	
	31,483	
Proceeds of Sale of Horses	4,600	
	£36,083	

JOHN R.

A.

NEW POLICE STATIONS PROVIDED FOR.

District.	Locality.	Remarks.
Northern	{ Bellenger River. Yetman.	
North-western	Barradine.	
North-eastern	{ Bullah Delah (Myall). Lambton.	
Western	{ Warren. Balalie.	
South-western	Conargo.	
South-eastern	Grabben Gullen.	
Southern	{ Delegate. Buckley's Crossing.	

DESIGNATION.	No. of Persons.		*Appropriated for 1869.		Proposed for 1870.	
	Present.	Intended.	Rate.	Amount.	Rate.	Amount.
Salaries.						
Inspector General	1	1	£800	800	£800	800
Secretary and Superintendent	1	1	500	500	500	500
Clerk	1	1	300	300	300	300
"	1	1	200	200	200	200
"	2	2	175	350	175	350
"	1	1	125	125	125	125
Office-keeper	1	1	25	25	25	25
				2,300		2,300
Superintendent	1	1	£500	500	£450	450
"	3	3	450	1,350	400	1,200
"	1	1	400	400	375	375
Inspectors	5	4	300	1,500	300	1,200
Sub-Inspectors	15	12	200	3,000	200	2,400
				6,750		5,625
Sergeants, 1st class	43	40	9s. 6d.	} 100,974		83,384
Sergeants, 2nd class	55	50	8s. 3d.			
Senior Constables	150	150	6s. 9d.			
Constables	†588	441	6s.			
Supernumeraries	20	17	4s.			
Trackers	20	20	2s. 6d.			
Reserve Force—						
Constables		147			10s.	3,822
Detectives—						
Clerk	1	1	£225	225	£225	225
Detectives, 1st class	5	5	10s.	} 2,464		2,464
" 2nd class	5	5	9s.			
" 3rd class	5	5	8s.			
Police Surgeon	1	1	£200	200	£100	100
			£	103,863		89,995
Contingencies.						
Allowance to Members of the Police Force, when absent from their quarters on duty				3,500		3,000
Provisions for Prisoners in Lock-ups				1,500		1,500
Fuel, Light, and Water to Lock-ups				1,900		1,400
Rent of Premises for Police purposes				2,500		2,500
Forage				14,500		
Say allowance to 300 men in permanent Force, at £25						7,500
75 horses for Gold, Prison Vehicles, Drays, Prisoners, &c., at £18						1,350
25 horses in Sydney, &c., at £20						500
For horses for Reserve when on detached duty, and contingencies						500
For forage drawn on the road at inns, &c., for Prisoners' Escort Horses						800
Remount Horses				1,000		
Shoeing, Veterinary Attendance, and Medicine				1,700		400
Medical Attendance				700		300
Conveyance of Prisoners and Police				4,000		3,000
Fencing Paddocks				**500		
Incidental Expenses, Repairs to Arms, Saddlery, and Carts, and for destroying Dogs				1,300		1,000
Expenditure for Extraordinary Contingencies that may, during the year, arise out of the changed system, including Gold Fields						800
			£	33,100		24,550
Gold Contingencies.						
Freight and conveyance of Gold and Escorts				6,500		5,000
To meet unforeseen expenses in cases of Emergency connected with Gold Fields and Escorts				500		
Gold Receivers—						
Receivers at Goulburn, Orange, Mudgee, Grafton, Gundagai, Tamworth, Cooma, Fairfield, Yass, Araluen, Forbes, Tumut, Kiandra, Armidale, Scone, Moruya, Adelong, Tumberumba, Stony Creek, Uralla, Nundle, at £10 each; and at Bathurst, Braidwood, and Grenfell, at £15 each				255		255
Total			£	153,268		127,725

* This expenditure, with the exception of reductions of salaries of officers intended to be continued, will commence forthwith, and merge into the less costly arrangements proposed for 1870.

† 25 Constables provided for here have never been employed.

‡ It is in contemplation to amalgamate under one office these and other duties. The reduced amount will thus be sufficient for this Estimate to bear.

§ To be provided for as speedily as possible by Government buildings.

¶ The extended railways, and other changes, enable this reduction.

** Not properly in this estimate.

†† The extended Railway accommodation and the contingencies hereinbefore provided will amply meet these reductions.

1869.			1870.		
	Salary of Police Magistrate.	Allow- ances.		Salary of Police Magistrate.	Are to hold Courts at
	£	£		£	
Albury (a)	450	.....	Albury (d) (f)	(a)450	Albury and Howlong (b) (f).
Armidale (d)	500	25	.....	.....	.....
Gold Field Commissioner, North	500	.....	Gold Commissioner North and P.M. New England	500	Armidale, Bendemeer, Bundarra, Uralla and Walcha (Duties amalgamated with those of Gold Field Commissioner North).
Araluen (P.M. & C.P.S.)	375	.....	Araluen (P.M. & C.P.S.)	375	Araluen.
Bathurst (d)	500	50	Macquarie (d)	500	Bathurst, Oberon, and Rockley.
Bourke	500	50	Bourke	500	Bourke, Breewarrina (e), Belalie (b), and Gongolgon (f).
Berrima (P.M. & C.P.S.)	275	.....	Berrima	275	Berrima.
Canonba (P.M. & C.P.S.)	350	.....	Canonba .....	.....	.....
Carcoar	420	.....	Carcoar .....	.....	.....
Casino	450	.....	Richmond	450	Casino, Lismore, Balina, and Tweed (f).
Cooma (d)	450	50	Cooma (d)	450	Cooma, Kiandra, Nimitybelle and Buckley's Crossing-place.
Corowa	100	.....	Corowa .....	.....	Corowa (b).
Coonabarabran (P.M. & C.P.S.)	275	50	Coonabarabran (P.M. & C.P.S.)	275	Coonabarabran, Coonamble, and Denison.
Deniliquin (d)	500	.....	Deniliquin (d)	450	Deniliquin, Conargo (f) (b), and Jerilderie (b).
Eden (e)	150	.....	Eden (S.C.)	150	Eden (e).
Forbes	500	50	Lachlan	450	Forbes, Condobolin, and Grenfell (b)
Goulburn	500	75	Goulburn (d)	500	Goulburn, Collector, Gunning.
Grafton (a)	450	20	Grafton	450	Grafton and Lawrence.
Grenfell	400	.....	Grenfell (d) .....	.....	(Duties by P.M. Lachlan.)
Gundagai	420	.....	Gundagai	450	Gundagai, Tumut, Adelong, Tum- berumba, Cootamundry (b).
Gosford (e)	300	.....	Gosford (e) .....	.....	.....
Hay	450	50	Hay	450	Hay, Maud, and Booligal.
Hartley (P.M. & C.P.S.)	325	.....	Hartley	325	Hartley and Rydal (b) (f).
Maitland (d)	500	.....	Hunter (d)	500	Maitland East (d) & West, Morpeth, Singleton (f), and Paterson.
Mudgee (P.M.)	325	.....	.....	.....	.....
Gold Field Commissioner, West	500	.....	Gold Commissioner West and P.M. Cudgong	500	Mudgee (d), Windeyer, and Har- graves. (Amalgamated with Gold Commissionership West)
Moruya	470	.....	Moruya	450	Moruya, Nelligen, Nerrigundah.
Moama (P.M. & C.P.S.) (a)	275	.....	Moama (P.M. & C.P.S.) (a)	275	Moama.
Menindie (P.M. & C.P.S.)	350	50	Menindie (P.M. & C.P.S.)	350	Menindie and Willcannia.
Newcastle	500	.....	Newcastle	500	Newcastle, Waratah (b) (f).
Narrabri (P.M. & C.P.S.)	370	.....	Narrabri (P.M. & C.P.S.)	370	Narrabri, Wee Waa.
Orange	350	.....	Orange	350	Orange, Molong (f), and Carcoar.
Port Macquarie	350	75	Port Macquarie	350	Port Macquarie, Manning.
Queanbeyan	450	.....	Queanbeyan	450	Queanbeyan, Braidwood (f) (d), Bungendore, and Gundaroo.
Rockley	425	.....	Rockley .....	.....	(Duties by P.M. Macquarie.)
Raymond Terrace (P.M. & C.P.S.)	275	.....	Raymond Terrace	275	Raymond Terrace.
Sofala (P.M. & C.P.S.)	350	.....	Sofala (P.M. & C.P.S.)	350	Sofala, Tambaroora.
Seone	450	50	Upper Hunter	450	Seone, Muswellbrook, Murrurundi, Merriva, and Cassilis (f).
Stony Creek (P.M. & C.P.S.)	350	.....	Stony Creek (P.M. & C.P.S.) .....	.....	(Duties by P.M. Wellington.)
Tamworth	450	50	Tamworth	450	Tamworth, Gunnedah, and Nundle.
Tenterfield	450	50	Tenterfield	450	Tenterfield, Glen Innes, and In- verell (f).
Tumut	420	75	Tumut .....	.....	(Duties by P.M. Gundagai.)
Tambaroora	400	.....	Tambaroora .....	.....	(Duties by P.M. Sofala.)
Wagga Wagga	500	.....	Wagga Wagga	450	Wagga Wagga, Urana, and Naran- dera.
Warialda	500	.....	Warialda	450	Warialda, Bingera, and Moree.
Wellington	450	.....	Wellington	450	Wellington, Dubbo, & Stony Creek.
Wentworth (P.M. & C.P.S.) (a)	420	.....	Wentworth (P.M. & C.P.S.)	400	Wentworth, Euston (f), & Poon- caria (b).
Walgett (P.M. & C.P.S.)	350	.....	Walgett (P.M. & C.P.S.)	350	Walgett and Biree (b).
Wollombi	300	.....	Wollombi	300	Wollombi and Ellalong.
Young	420	70	.....	.....	.....
Gold Fields Commissioner	500	.....	Gold Commissioner and P.M. Young	500	Young, Burrowa, Murrumbarah, (Amalgamated with Gold Com- missionership South).
Sydney, Central Office (d)	600	.....	Central Office	600	.....
Water Police (d)	600	.....	Water Police	600	.....
Total	£ 21,790	840	.....	£ 17,170	.....
.....	.....	£22,630	.....	.....	.....

For the places with (a) marked against them, further arrangements will be made to amalgamate the duties of P.M. with those of Sub-Collector.

(b) Additional places provided with Petty Sessions under new arrangement.

(c) Has other pay as Sub-Collector of Customs.

(d) Places where an Officer of Police is or will be a Magistrate.

(e) Duties to be amalgamated with those of Clerks of Petty Sessions.

(f) Increased places provided with attendance of Police Magistracy.

(g) Arrangements to be made providing other duties.

(h) C.P.S. is or will be a Magistrate.

1869.			1870.		
	Salary.	Travelling Expenses.		Salary.	Travelling Expenses.
	£	£		£	£
Albury	175	.....	Albury	175	.....
Armidale	175	75	Armidale	175	.....
Araluen	(a)	.....	Araluen	(a)	.....
Bendemeer (Acting C.P.S.) ...	50	.....	Adelong	10 (b)	.....
Bathurst	225	.....	Bendemeer (Acting C.P.S.) ...	50	.....
Binalong .....	.....	.....	Bathurst	175	.....
Berrima	(a)	.....	Binalong	10 (b)	.....
Buckley's Crossing .....	.....	.....	Brewarrina	5 (b)	.....
Bega	150	.....	Belalie (e)	5 (b)	.....
Bourke	175	.....	Berrima	(a)	.....
Braidwood	175	.....	Ballina	5 (b)	.....
Bungendore .....	.....	.....	Buckley's Crossing	(b)	.....
Balranald	175	.....	Booligal	(b)	.....
Acting Clerk	50	.....	Bega	175	.....
Bundarra	50	.....	Bourke	175	.....
Burrows	175	.....	Braidwood	175	.....
Bombala	175	20	Bungendore	5 (b)	.....
Bellinger River .....	.....	.....	Bingara	5 (b)	.....
Casino	175	50	Balranald	175 (d)	.....
Cooma	175	.....	Bundarra	50	.....
Coonabarabran .....	.....	.....	Burrows	175	.....
Coonamble	175	.....	Bombala	175	.....
Carcuar	175	.....	Bellinger River (e)	10 (b)	.....
Cassilis	175	.....	Bullah Delah (e), Myall River	10 (b)	.....
Corowa	175	.....	Casino	175	.....
Camden	225	.....	Cooma	175	.....
Campbelltown	175	.....	Coonabarabran	(a)	.....
Collector (Acting Clerk)	50	.....	Coonamble	175	.....
Cowra	175	.....	Conargo (e)	(b)	.....
Deniliquin	175	.....	Condobolin	(b)	.....
Dungog	175	20	Cootamundry (e)	(b)	.....
Dubbo	175	.....	Carcuar	175	.....
Eden	175	35	Cassilis	175 (d)	.....
Forbes	175	.....	Canonba	10 (b)	.....
Grenfell	175	.....	Corowa	175 (d)	.....
Goulburn	200	.....	Camden	175	.....
Gundagai	175	.....	Campbelltown	175	.....
Gunnedah	175	.....	Clarence Town	10 (b)	.....
Glen Innes	175	.....	Collector (Acting Clerk)	50	.....
Grafton	200	20	Cundleton	(b)	.....
Gunning (Acting Clerk)	50	.....	Cowra	175	.....
Gosford	175	.....	Denison	5 (b)	.....
Hay	175	40	Deniliquin	175	.....
Inverell	175	.....	Dungog	175	.....
Kiama	175	.....	Dubbo	175	.....
Liverpool .....	.....	.....	Eden	175	.....
Maitland East, Maitland } West, and Morpeth }	225	.....	Euston	10 (b)	.....
Mudgee	175	.....	Forbes	175	.....
Carried forward	£ 6,550	260	Gongolgan (e)	5 (b)	.....
		£6,810	Grenfell	175	.....
			Goulburn	175	.....
			Assistant Clerk	70	.....
			Gundagai	175	.....
			Gundaroo	(b)	.....
			Gunnedah	175	.....
			Glen Innes	175	.....
			Grafton	175	.....
			Gunning	50	.....
			Gosford	175	.....
			Howlong (e)	(b)	.....
			Hay	175	.....
			Hartley	(a)	.....
			Hargraves	5 (b)	.....
			Inverell	175	.....
			Illalong	(b)	.....
			Jerilderie (e)	5 (b)	.....
			Kiandra	5 (b)	.....
			Kiama	175	.....
			Lismore	(b)	.....
			Lawrence	(b)	.....
			Liverpool	10 (b)	.....
			Maud	(b)	.....
			Maitland East, Maitland } West, and Morpeth }	225	.....
			Moama	(a)	.....
			Mudgee	175	.....
			Carried forward	£ 6,525	.....

(a) Clerks of Petty Sessions whose duties are amalgamated with Police Magistrates, and paid as Police Magistrates.
 (b) Duties to be done by police. (c) Other duties to be rearranged. (d) C.P.S. is a Magistrate.
 (e) New places of Petty Sessions.

D—continued.

1869.			1870.		
	Salary.	Travelling Expenses.		Salary.	Travelling Expenses.
	£	£		£	£
Brought forward	6,550	260	Brought forward	6,525	
Moruya	175		Moruya	175	
Molong	175		Menindie .....	... (a)	
Muswellbrook	175		Molong	175	
Murrurundi	175		Muswellbrook	175	
			Murrurundi	175	
Macleay	175		Merriwa	10 (b)	
			Macleay	175	
			Murrumburrah	175 (b)	
			Morce .....	... (b)	
			Moulamein	10 (b)	
			Nimitybelle .....	... (b)	
			Nelligen .....	... (b)	
			Nerrigundah .....	... (b)	
Newcastle	225		Newcastle	175	
Assistant	150		Assistant	125	
			Narrabri .....	... (b)	
			Nundle .....	... (b)	
			Narandera .....	... (b)	
Nowra	175	20	Nowra	175	
Orange	175		Orange	175	
			Oberon .....	... (b)	
Paterson	175		Paterson	175	
Port Macquarie	225		Port Macquarie	175	
			Pooncarria (e) .....	... (b)	
			Pambula .....	... (b)	
Parramatta	225		Parramatta	175	
Penrith	175		Penrith	175	
Queanbeyan	175		Queanbeyan	175	
			Rockley	5 (b)	
			Rydal (e) .....	... (b)	
			Raymond Terrace .....	... (a)	
Rylstone	175		Rylstone	175	
Ryde (Acting Clerk)	50		Ryde (Acting Clerk)	50	
Singleton	175		Singleton	175	
Sofala			Sofala .....	... (a)	
Scone	175		Scone	175	
			Stony Creek	10 (b)	
Stroud	175		Stroud	175	
			Twced (e) .....	... (b)	
Tamworth	200		Tamworth	175	
Tenterfield	175		Tenterfield	175	
			Tambaroora .....	... (b)	
Tumut	175		Tumut	175	
Tucna (Acting Clerk)	50		Tucna (Acting Clerk)	50	
Tumberumba	175		Tumberumba	175	
			Urana .....	... (b)	
			Uralla	5 (b)	
Ulladulla	100		Ulladulla	175	
Wellington	175		Wellington	175	
			Windeyer	10 (b)	
			Wilcannia .....	... (b)	
			Wee Waa	5 (b)	
Warialda	175		Warialda	175	
			Wentworth .....	... (a)	
			Walgett .....	... (a)	
Walcha	200		Walcha	175	
			Warren (e) .....	... (b)	
			Wollombi .....	... (a)	
Wingham	175	20	Wingham and Taree	175	
Assistant Clerk	50				
Wollongong	175		Wollongong	175	
Windsor	200		Windsor	175	
Wallabadah (Acting Clerk)	50		Wallabadah	50	
Wagga Wagga	175		Wagga Wagga	175	
Young	175		Young	175	
Yass	175		Yass	175	
	12,475	300		12,285	
	£12,775				

(a) Clerks of Petty Sessions whose duties are amalgamated with Police Magistrates, and paid as Police Magistrates.

(b) Duties to be done by police.

(c) New places of Petty Sessions.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office,
Sydney, 16 July, 1869.

THE accompanying memorandum shows the features of an arrangement for the disposal by lease of Cockatoo Island—the breaking-up of the Penal and Engineer Establishments there—the transfer of the prisoners from that island to the Gaol at Darlinghurst—the redistribution of prisoners in Gaols generally from the lesser to the larger Gaols—and the establishing of a body of reserved Warders,—by the whole of which a probable saving of upwards of £22,678 may be effected; and I recommend that this arrangement be adopted.

JOHN ROBERTSON.

The Executive Council approve of the proposed arrangement, as set forth in the memorandum herewith submitted, in connection with Cockatoo Island; and advise that it be approved and adopted.

ALEX. C. BUDGE,
Clerk of the Council.Min., 69/29. 16 July, 1869.
Confirmed, 19 July, 1869.
Appd. B. 21 July, 1869.

MEMORANDUM exhibiting the features of an arrangement for the reduction in the expenditure for the maintenance of prisoners—for the transfer of prisoners from Cockatoo Island to Darlinghurst Gaol—and for leasing the island, with its Dry Dock, workshops, &c. The item provided in the Estimates for the present year for the Penal Establishment at Cockatoo Island is £7,302, the whole of which, by this arrangement, would be saved to the Country.

It is further intended that the Engineer-in-Chief Establishment (Fitzroy Dock), should be discontinued, excepting the Engineer-in-Chief—£700, one Draftsman—£200, and one Clerk—£150, who would be charged with the management of any future Government works there, and with any other professional duties on behalf of the Government, which would be performed by contract. The item on the Estimates of the present year for this establishment is £5,860, and the saving thereon would be £4,310.

It is believed that the island may be leased, with its Dry Dock and workshops, &c., for at least £4,000 per annum—the lease to contain a stipulation for preserving to the Government the advantages now possessed in docking ships of Her Majesty's Navy and of Foreign Powers. The total saving as regards the island by this arrangement would be—

Saving on discontinuance of Penal Establishment, Cockatoo Island	...	...	£7,302
Saving on Engineer Establishment, Fitz Roy Dock	...	...	4,310
Rent of island	...	...	4,000

In the Gaols generally, the Sheriff shows, as below set forth, a probable saving of £7,066, exclusively of the provision made for the maintenance of the prisoners removed to Darlinghurst Gaol from Cockatoo Island. This saving is brought about by the transfer of prisoners from the lesser to the larger Gaols, and the establishment of a body of reserved Warders, thereby facilitating a reduction of the cost of Warders in the lesser, without any necessity for increasing the number in the larger Gaols. The Sheriff shows his reduction of expenditure in the following manner:—

Estimates for 1869 on account of Gaols only, exclusive of Cockatoo	...	£60,724	
Add one-half of salary to Visiting Magistrate	...	100	
			£60,824
			<i>Reductions.</i>
Cost of provisions, &c., &c., £23,808, may be put at	...	£18,000	
Add for Cockatoo Island prisoners	...	2,000	
			3,808
Present total amount of salaries to Warders may be reduced by	...		2,500
The three Visiting Justices at Wollongong, Braidwood, and Yass, now receive together £150 per annum. These will not be required when the longer-sentenced prisoners are removed; then Justices without salaries may be appointed, as in other places	...		150
Present salaries of Matrons of Minor Gaols may be reduced by	...		90
Visiting Surgeons at Minor Gaols may be reduced by	...		200
Offices of 4 Police Gaolers in Country Districts, at £10 each, to be abolished	...		40
Warder and Matron at Windsor	...		139
Warder at Eden	...		119
Matron at Tenterfield	...		20
			£7,066

N.B.—The difference between £7,000 and £9,000 before mentioned being caused by the probable reception of 150 prisoners from Cockatoo Island, for which £2,000 is allowed.

The total saving, therefore, under the arrangements proposed, will be £22,678.

JOHN ROBERTSON.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE ESTIMATES.

EVIDENCE

TAKEN AT

THE BAR OF THE HOUSE,

ON THE

RECENT CHANGES IN THE ORGANIZATION
OF THE POLICE FORCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 April, A.M., 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

[Price, 1s. 9d.]

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1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RECENT CHANGES IN THE ORGANIZATION OF THE POLICE FORCE.

MINUTES of EVIDENCE taken at the Bar of the Legislative Assembly, in
Committee of Supply.

THURSDAY, 31 MARCH, 1870.

JOHN LACKEY, Esq., Chairman of Committees, in the Chair.

THE Chairman read the following Resolution, agreed to by the House, on motion by Mr. Parkes, on Wednesday, the 9th of March, 1870:—"That it be an instruction to the Committee of Supply, before proceeding with the Police Estimates, to summon to the Bar any person or persons whose attendance may be considered desirable, to give evidence on the recent changes in the organization of the Police Force, and to have such evidence taken down by the Short-hand Writer."

Capt. McLerie was called in and examined:—

1. *Mr. Parkes.*] You have held the office of Inspector General of Police some years? Yes, since October, 1856.
2. Do you recollect the date of the Police Regulation Act passing? I do; it was in 1862—March, 1862.
3. Under that Act the Police Force of the Colony was entirely reorganized? It was.
4. How did the Force, as reorganized under that Act of Parliament, work up to 1869? It worked well; it was less expensive and more efficient than the former Force.
5. Was the Force, in your opinion, gaining in efficiency as compared with any former period? Very much indeed.
6. Was that efficiency brought about suddenly, or did it take some time to overcome the obstacles to the working of the new Act? I think so. We have only arrived at a state of perfect efficiency within the last year.
7. According to the Estimates voted by Parliament for the Police for 1869, was the provision made sufficient or more than sufficient, in your judgment? Not more than sufficient.
8. Was the Force, as provided for in 1869, in any degree above or beyond the demands of the Colony? Certainly not.
9. Was it adequate to the demands of the Colony? The Parliament voted money for twenty-five additional men for 1869; but as it was intimated to me early in the year by the late Colonial Secretary that it was the intention of the Government to reduce very much the Police expenditure for 1870, I did not take these twenty-five men ~~we had pay for~~ on at all.
10. How many men were provided for 1869? 909 individuals altogether.
11. How many ordinary constables? 588.
12. Do we understand that the whole of these 588 men were employed? No; less the twenty-five. There were twenty-five constables in addition to those of 1868, add^d to 1869; but in consequence of its³ ^{added} ^{it} having been intimated to me by the Government that a large reduction should take place in the Police Force, I did not think it expedient to take these twenty-five men on, and have to discharge them afterwards.
13. The number of ordinary constables employed was 563—was that so? Yes; 588, less the twenty-five.
14. 563? Yes.
15. I suppose the twenty-five extra constables were provided for on your representation to the Government? Yes; on my representation to the Government, to form additional stations where they were urgently required.

Capt.
McLerie.
31 Mar., 1870.

¹ Omit.

16.

NOTE.—The alterations printed in the margin were made by the Witness on revision.

- Capt. McLerie.
- 31 Mar., 1870.
- * Omit.
16. You said that they were urgently required? Yes.
 17. Did the police protection of the Colony suffer in any way by their not being employed? Fortunately the Colony did not suffer, because there was an apparent decrease in crime at that time, and it has continued since.
 18. The stations that you thought were urgently required—were any of them formed? They were not formed.
 19. And no serious consequences resulted? No; fortunately not.
 20. In 1869 the change was made in the reorganization of the police, I believe? Yes.
 21. That change was proposed about the middle of the year? On the 9th of June the change—the intended change—was intimated to me by the Principal Under Secretary.
 22. Are you acquainted with the minute of the Executive Council which authorized this change, dated 30th June, 1869? Yes; a copy was sent to me.
 23. In that minute it was stated that the change was to take place gradually during that year, so that the old system should gradually merge into the new? Yes.
 24. Did the change take place in 1869? A portion of the change directed has taken place; only a portion of it.
 25. Some portion of the ordinary constables were dismissed in 1869? Some portion of them. The number of constables has gradually been decreased, to meet the change in the system.
 26. What I want to know is, how many of the ordinary constables were removed during 1869, in order to bring about the new system? None were removed in order to bring about the new system. I was instructed by the Government not to remove any.
 27. Did anything happen in 1869 to bring about an alteration? Yes. As vacancies occurred by resignation, death, or dismissal, these vacancies remained unfilled up in order to meet the change directed by that Executive Council Minute.
 28. Can you say to what extent the changes, which took place in 1869, affected the police expenditure? There was a considerable reduction in consequence of the vacancies that occurred in 1869, to meet, or rather to bear upon the altered system; the vacancies were not filled up and therefore the pay of these men was never drawn.
 29. Can you state about how many men? The pay of the twenty-five men I never appointed.
 30. Independently of those? And the other men make up between £5,000 and £6,000 of the vote of 1869, never drawn from the Treasury. In fact the expenditure for the Police Department of 1869 was about £6,000 less than the vote.
 31. That was through vacancies not being filled up? Exactly; and through the twenty-five men never having been appointed.
 32. Provision was made for the modified system of police for the first time in 1870? Yes.
 33. In the Estimates? In the Estimates of the present year.
 34. By the Estimates of the present year it appears that 147 ordinary constables were removed? No; they are not removed. That number of effective constables has not yet been reduced. Sixty of that number.
 35. What is the number of ordinary constables at the present time—on the 31st of March? The strength of the police this day is sixty-three in excess of the number voted; that is, including the 147 reserve police.
 36. *Mr. Robertson.*] In excess? In excess.
 37. *Mr. Parkes.*] What is the number of the ordinary police at the present time? The strength—the Estimates for this year—is 721.
 38. 721 men? Excluding officers.
 39. Under the head of ordinary constables? Ordinary constables and sergeants.
 40. 700? 721; but in that number are included the Mint police, which are paid by a vote from that estimate, and the Governor's orderlies, which are paid by vote from the House.
 41. According to the statement you have just made, the number of ordinary constables is 158 over what were employed last year? I must have either misunderstood the question, or you must have misunderstood the answer.
 - Mr. Robertson.*] Quite so; it was sixty-three less.
 42. *Mr. Parkes.*] My question was this: What was the number of ordinary constables employed on the 31st of March? 784.
 43. *Mr. Jennings.*] Ordinary constables? No, not ordinary. All the constables, excepting officers—including sergeants.
 44. *Mr. Parkes.*] What I want to know is, the number of ordinary constables. In the Police estimates there is a number of descriptions of the different members of the Force—Superintendents, inspectors, sub-inspectors, sergeants, and so on, until we come to ordinary constables at 6s. a day. I want to know how many ordinary constables, at 6s. a day, were employed on the 31st March? 533.
 45. 533? Yes; that is including the police at the Mint and Government House, which are paid from other votes.
 46. Is that against the 563 that were employed last year? Yes.
 47. That is, there are thirty men less employed now than there were employed last year? Yes.
 48. The proposed change consisted of a proposal to decrease the Force by 147 men, and to substitute the same number of reserve constabulary—is not that so? Yes.
 49. There was a further proposal that the mounted constables should no longer be supplied with horses at the expense of the Government, but find their own horses—what other features were there in the proposed change? These are all the changes that were directed to take place. There were some other changes contemplated by the late Colonial Secretary, but afterwards abandoned.
 50. Up to this time then only thirty men have been dismissed; or, rather, the Force has been decreased by thirty men? More than that. I have been obliged to take on the Cockatoo men. When the establishment at Cockatoo Island was broken up there were a number of policemen there. Some of them took advantage of the two months pay offered by the Government, and left the service, and as to the others I was obliged to take them into the Force.
 51. Were not the men at Cockatoo included in the estimate for last year? No; they were included in the Cockatoo estimate last year.
 52. How many members of the reserve Force have you taken on? None.
 53. Have you had any applications? Yes, some.

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⁵ By the officers
of districts.

54. How many? One list was sent to me of thirty-five; and out of that number only eight were eligible under the regulations.

55. By whom were the applications sent? ~~By the officer of one district.~~⁵

56. Of what district? All the districts of the Colony.

57. You say one district? No; one list compiled from all.

58. Were there any other lists? There was a list of twenty-five since that. That makes sixty applicants. I have not looked at the eligibility of them.

59. There have been sixty applications sent into the office? Yes.

60. *Mr. Robertson.*] Thirty? Not that. There have been sixty applications, and I have examined thirty-five, and found eight eligible.

61. *Mr. Parkes.*] What you say is that the total number of applications is sixty? Yes, sixty.

62. And how many of these persons have been deemed eligible? There have been two lists sent to me. I have only examined the first list of thirty-five, and have found eight eligible. The second list I have not examined minutely enough to decide who are eligible and who are not.

63. Then there were eight candidates considered eligible so far as your examination extended? Yes.

64. Have they been employed? No.

65. Why have they not been employed? By my instructions they were not employed.

66. Were you consulted in any way as to the change—the proposed change in the organization of the police? I was.

67. Were you consulted in any way? I was.

68. Were you asked to give information? I was.

69. To give your opinion? I was.

70. Did you advise the change? I did not.

71. Will you be good enough to state what was the nature of your opinion on the proposed change, when you were asked, in your capacity, as Inspector General, for that opinion? My opinions were numerous. My reasons were given in my correspondence with the Principal Under Secretary.

72. Can you state the opinions which you expressed at the time, without reading the correspondence? I could give you the heads of them, but it would be clearer and better understood if I read the correspondence.

73. Is it very lengthy? No.

74. Perhaps you will be good enough to read it? Before I read the first letter of instructions I received from the Principal Under Secretary, I may premise that the late Colonial Secretary intimated to me —

Mr. Robertson rose to order. The correspondence ought to be obtained by moving for it in the House.

Witness was ordered to withdraw.

Debate ensued.

75. *Mr. Parkes.*] I think you stated that as Inspector General of Police you were consulted upon the proposed change in the organization of the police? I was not consulted as to the proposed change, but I was told what the change would be.

76. Were you at any time asked to send in any report as to the proposed change? Was I asked to send in any report?—No, I was not.

77. Did you send in to the Government any letter of report, embodying your views on the subject of the alterations proposed? I did.

78. Can you state to the Committee—refreshing yourself with the correspondence which I suppose you have with you—can you state to the Committee what your views of this change were at the time, as conveyed to the Government? By being allowed to refresh my memory I can.

79. Well take your own time, refresh your memory as much as you choose, but state as briefly as you can, and as accurately as you can, what were the views you communicated to the Government? The first communication I received on the subject was from the Colonial Secretary's Office.

80. What was the tenor of it? It was intimated to me —

81. *Mr. Couper.*] The date first? The 9th June.

82. *Mr. Parkes.*] What was the nature of that communication? Before stating what the nature of the communication was, I possibly may be allowed to premise that I had had a proposal on the subject of police reduction with the Colonial Secretary, and proposed to him a scheme which would render unnecessary any ⁶ changes of system, but would reduce the police expenditure by about £10,000 a year. I think the first communication on the subject of the change which I had was in reference to this interview with the late Colonial Secretary, on the 9th of June. That communication, or the purport of it, is conveyed in the Executive Council's Minute, which was afterwards published.

83. Can you state what it was—Did it ask you to do anything? It intimated to me that in consequence of the Colonial Secretary's having understood from his personal interview with me, on that day, that my proposed arrangement for reducing the expenditure, he could not receive from me any assurance that if this arrangement was adopted, public security would be guaranteed by me, or crime successfully repressed. In making this proposed arrangement of ⁷ the Colonial Secretary, these were my views at the time; although, ⁷ as it was determined to make a reduction, I proposed this as the least objectionable mode of ⁸ reducing it; ⁸ although, at the same time, I could not be responsible for the public security of the Colony, and the repression of crime, if it was carried out.

84. These last remarks of yours then refer to your own proposal? Yes, to my own proposal; and it was intimated to me that the late Colonial Secretary would submit to his colleagues another arrangement, which was explained to me at the time by that gentleman.

85. That intimation was conveyed to you in the letter of the 9th June? Yes.

86. *Mr. Robertson.*] That was communicated verbally I think, and afterwards by letter? Yes, after my interview with the Colonial Secretary.

87. Verbally at first? Yes; it was intimated to me that other arrangements would be submitted to the Government, which arrangements were explained to me at the time by the late Colonial Secretary.

88. *Mr. Parkes.*] Did that letter of the 9th June convey to you any specific information as to the character of the proposed change? Yes; certainly.

89. In substance, that minute—the Colonial Secretary's minute of the 30th June? Yes, and also requested me to submit an estimate to the Colonial Secretary under the arrangement which was explained to me by him on that date.

- Capt. McLerie.
- 31 Mar., 1870.
- ⁹ Omit.
90. An estimate of the modified arrangement? Yes.
91. Very well. Did you send a written reply to that letter? I did.
92. Have you got a copy of it with you? Yes.
93. Can you state the date of it? The 14th June.
94. Will you now inform the Committee of the substance of your reply? The first paragraph is ⁹ reporting and acknowledging the receipt of the letter of the 9th June, and giving my views on the proposed changes.
95. What were your views—state that if you please? Firstly,—I said I might be permitted to observe that the police expenditure, large as it was, was at present no greater than it was under the old system in the year 1861, whilst, since that date, upwards of seventy new police stations had been established in various parts of the Colony, previously unprotected, and to which the population has since extended. That was one matter, and I also referred to the number of stations in the Colony, showing that it would be impossible to carry out completely the proposed arrangement with reference to the 147 reserve men. In explanation of that, I said at the time we had 845 men in the Force of all ranks, and that they were divided into so many stations. The first were Sydney and the suburbs, twenty-nine stations, with a total force of 178. The dépôt, including sick transfers, &c., was thirty-two men. There were five stations in the Colony with a force of from twelve to eighteen men; nine stations with a force of eight to eleven men; fifteen stations with a force of five to seven; fifteen stations with a force of four men; forty-eight stations with a force of three men, including one acting gaoler or a lock-up keeper; fifty-eight stations with two men; and sixty-five stations with one man. I submitted this statement to show how impossible it would be to carry out any reduction to the extent of 147, by placing reserve men at each station.
96. Does the letter go on to show that, and give specific reasons why it could not be done? Yes.
97. Will you just state what they are? At stations where there were only three men, one was either acting gaoler or lock-up keeper, and it would be impossible to reduce stations of that strength by one man, by appointing a reserve man to it. The duty could not be carried on. The same with stations where there were only two men; you could not station a reserve man there. There were sixty-five stations with only one man, and you could not put a reserve man there to do duty one day out of seven. That was the reason I submitted the number of stations, and the strength of each, to show the impracticability of carrying the arrangement out in its integrity.
98. Is that all stated in the letter? In that part of it, yes. In fact in carrying it out it would be necessary to have it confined to the forty-four stations in the Colony, where four or more men are stationed, and these stations have a force of 310 men. Therefore we would have been obliged to apply the altered system of 147 men to these forty-four stations.
99. Go on if you please? I pointed out also, in taking into account the additional twenty-five constables voted for 1869, the proposed reduction of 147 men, not including officers, and so on, would necessitate a number of stations being broken up altogether, and I said at the time—I put this matter as plainly as possible—I said before the Colonial Secretary, but at the same time I assured him that upon having his instructions I should not fail to convey them to the various Superintendents of Police, and should not fail to consider in detail what proportion of men each station could best afford to lose, and reduce it accordingly, and carry out the scheme. In the interview I had with the late Colonial Secretary, he impressed upon me, or rather attempted to impress upon me, that there was no reduction of Force—that the numbers were the same; but of course I could not agree with him there; for if 147 men do duty only one day a week instead of 147 doing 365 days duty, in my view of the case it would be no other than a reduction. In order to meet this I pointed out, as well as I could, that by combining (these 147 men were to be employed on special duties or in cases of emergency)—I pointed out that ¹⁰ in all these cases of emergency, such as the conveyance of prisoners, &c., one station assisted the other, and the men did double duty in consequence. Then, with respect to the reduction of the Force not caused by this, I pointed out, I said, ¹¹ I pointed out, that the reduction of one-fourth of the pay ¹² would amount to £11,000 pay; and the ¹³ contingencies and ¹⁴ the apparent reduction of ¹⁵ the Estimates framed by the late Colonial Secretary. I said the apparent reduction, because the Government horses are now made available for many purposes for which they would have to be hired, such as the conveyance of prisoners, and the necessity of procuring the ¹⁶ means of conveyance. And then I said, as regards the allowance to ¹⁷ horses, shoeing, forage, &c., it would be impracticable to fix an equitable rule, as from the variations of the seasons and climate the cost may be high one season and low another, and the rates may be reversed at different places. I said that at present the cost of horse-feed under the Treasury contracts was a little over £20, and where there was a good paddock, as at Maitland, available ¹⁸ horses might be kept for £10—that is without the ¹⁹ forage. At Bathurst it is about £35 a year, and in some places about £75 a year. On some stations on the Bogan and the Darling, where there is frequently no feed at all, the forage is at an enormous price. It ²⁰ is sometimes £70²¹ per ton. I said, with reference to the allowance of forage, that on the average the forage would be double that mentioned by the Colonial Secretary—that is including the forage, the remounts, shoeing, and saddlery. A great many horses die from epidemic disease in this country, and the men often find it difficult to pay their way and support their families; and they could never manage to replace a horse in ²² place of one²² lost by disease or disabled. And I was satisfied it would result in the police laying themselves under obligations to persons from whom they borrowed horses, and thus affecting the impartial discharge of their duty. The next paragraph has reference to a picked body of men that the late Colonial Secretary intended to have in Sydney, but he did not carry that arrangement out. In the next paragraph I say that “having thus candidly and I sincerely trust not too freely made known my views to the Hon. the Colonial Secretary, I have only to add what is perhaps, ²³ necessary, unnecessary, that I am prepared to issue instructions at any moment to carry out the wishes of the Government, and no omission of mine shall be the cause of want of success in introducing the proposed alterations in the system.”
100. I understood you to say, Captain McLerie, that the proposed reserve Force could only be applied to forty-four stations, which consisted of four men each? Exactly so.
101. To what extent can the reserve constables be applied to these stations—what I mean is, how many of the permanent constabulary could be spared whose places would be supplied by the reserve Force? Certainly not more than one at each station.
102. Thus then, according to your view, the full extent to which this reserve Force could be applied in the country is to replace 44 men? Yes, in the country.
103. Will you state whether, in your opinion, these reserve constables would be effective for police duty? No, certainly not; I don't think they would. In fact I am sure they would not.

104. Would they not be effective for any part of police duty? Well they might for escort duty; but as I said before, escort duty frequently occurs and ²⁴ the ordinary police take double duty, and men are sent on to the different stations to go on escort duty. They do so now.
105. What do you understand by an "emergency"—when these reserve constables would be called into action what kind of emergencies arise in the ordinary demands for police? Oh, more than ordinary crime showing itself in the various districts.
106. In what way would reserve constables be useful in cases of that kind? By acting with the ordinary police.
107. Do you think they would be of great assistance to the police? No, I don't think they would.
108. Can you estimate their value at all—can you give any estimate of the value attached to them? Well I look upon the duties of a policeman as being a profession; and a man one day out of seven or ²⁵ five days out of seven ²⁶ sitting on a tailor's board or a shoemaker's seat would scarcely take that interest in the profession which would be taken in it by the man whose whole time is devoted to it.
109. What constitutes an effective policeman, in your opinion? An effective policeman is not made under a year or two at least. I have been twenty-three years a policeman, and am learning something every day.
110. What I want to arrive at is, the value of this proposed reserve constabulary for police purposes in your estimation? Well, no doubt it would be of some value, but nothing compared with the value of the ordinary and regularly paid policeman.
111. Supposing the change were carried out to the full extent embodied in the Estimates of 1870, would the property and lives of the community be as safe as under the Force as it existed last year, in your opinion? I don't think so.
112. Would you feel as fully responsible for the preservation of the peace and the protection of property as you did before? No, I would not.
113. Have you stated that opinion at different times, or at any time? Yes.
114. Have you stated it to persons in authority? I have.
115. Will you state briefly what was the character of the picked body of men it was proposed to have in Sydney? In Sydney?
116. Yes; you said it was proposed to have a picked body of men in Sydney—will you state briefly what was to be the character of that body of picked men to be placed in Sydney—
117. *Mr. Robertson.*] He did not say anything about "in Sydney."
118. *Mr. Parkes.*] Did you not state in your evidence that it was proposed to have a picked body of men in Sydney? I did.
119. *Mr. Robertson.*] By whom? By you.
120. In Sydney? Yes.
121. *Mr. Parkes.*] Will you be kind enough to give an answer to my question, Mr. McLerie? Yes.
122. I want to know what was the character of the picked body of men it was proposed to have in Sydney? It was intended that it should be a special band of, say, seven in number, with increased pay—chosen men of the most intelligent and reliable character—to be despatched, in cases of emergency, in the pursuit and capture of bushrangers; I could only give my opinion. ~~It~~ ²⁷ no cases where such parties ~~have~~ ²⁸ been formed, consisting of the most intelligent men, and supplied, without regard to cost, with arms, horses, and other equipments, ~~have~~ ²⁹ they met with the smallest success. I stated as a reason for this, that criminals can only be successfully coped with by men who know their haunts and friends, and are in a position to obtain information; in this manner alone have notorious offenders been captured.
123. Did you receive any communication in reply to that letter of June 14th, to which you have been referring? No, I did not get any reply to this letter.
124. Have you all the correspondence which took place between you and the Government? Yes.
125. Could you give me the date of the next letter in the order of time? The next is the 5th October.
126. Was there no communication from you, or addressed to you, from the 14th June till the 5th October? No; on the 2nd October I received from the Colonial Secretary's Office a letter covering a copy of the Executive minute, which was published.
127. On the 2nd October? Yes.
128. Simply covering a copy of the minute? Yes; containing a scheme for the reduction of the expenditure of the Police Force; and I say that in compliance with the instructions—
129. What is the date of the letter you are referring to now—your reply? The 8th November; I say that in contemplation of the receipt of the Executive minute I had taken steps to merge gradually the old system in the new.
130. Was there any other letter addressed to you, or by you, to the Government, after that? I received one on the 5th November.
131. Is that the next letter in the order of time after the 5th October? Yes.
132. November 5th? Yes; November the 8th was the date of my reply.
133. What was its nature? It reported what steps had been taken in regard to the police system, and intimated that no member of the Force had received notice that his services would be dispensed with in pursuance of the scheme. I stated, as I had already reported, that the permanent Force had been gradually reduced,—that no vacancies had been filled up for several months, and no appointments had been made since April, 1869, and that consequently I had been able to reduce the Force by seventy-one of all ranks, the proposed reduction of four senior sergeants and five sergeants having been already effected. I said also, that of the police dispensed with on Cockatoo Island, one senior constable and four constables had been retained for other duty on the island. Those who availed themselves of the terms offered by the Government—for retiring from the Force at the end of November—received pay up to the end of December. The remainder of the Force had been drafted into the regular police; otherwise the reduction would have been greater by that number,—that is, the senior constable and the four men who preferred to be left at Cockatoo. ³⁰ I say that still further reductions, amounting to eighty-nine in all, will be requisite to bring the Force within the permanent establishment provided upon the Estimates for 1870; and as only a small proportion of that number might be expected to fall in by vacancies before the close of the year, I should be glad to receive instructions as to the steps to be taken. I should mention that I have ³¹ been taking measures to get rid of the least active and worst conducted men, and shall ³² continue to do so in order to reduce the Force. And I said, as regards reductions in officers, that I had ³³ dispensed with the services of one inspector and three sub-inspectors. I state also that there is ³⁴ an existing vacancy for one sub-inspector

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²⁴ when escort
duty occurs²⁵ in the police
and
²⁶ Omit.²⁷ That in
²⁸ had²⁹ had³⁰ Omit.³¹ mentioned
that I had
³² should³³ Insert not
³⁴ stated also that
there was

on

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35 of that rank
would
36 Omit.
37 might

on the establishment provided for this year, and I should be glad to be informed if the juniors will³⁵ be permitted to fall back upon the next rank³⁶ (senior sergeant), and if so, if they may³⁷ retain their present rank, though reduced in pay. This course would, I considered, be equitable, as they have many years service, and were promoted from the lower grades. Mr. Davidson was the junior inspector on the list, but he was promoted for meritorious conduct, and I asked if his services were to be dispensed with at the end of the year, but I never received any reply.

134. Was there any other correspondence arising out of those changes? Not with the Colonial Secretary.
135. With regard to this letter, to which you have referred at great length, dated the 14th June, did you withdraw that letter after it was sent in? No.

136. Did you withdraw any letter sent in to the Government? No.

137. Will you be good enough to state what would be the effect of the change proposed by the Executive minute of the 30th June upon the character and efficiency of the Force as a whole—would it be beneficial? Quite the reverse. I think I should lose some of my best men. They are beginning to cry out already. I have three reports from intelligent sergeants, which would convince anyone that they cannot adopt the change without injury to their families.

138. Will you be kind enough to state more fully what it is you mean when you say that the proposed change will be the reverse of beneficial? It will make the men liable to expenses they cannot bear. I may refer to the Treasury contracts about to commence to-morrow. They were published by the Treasurer on the 7th of this month, and in all my experience in the police I have never seen contracts for forage so low. I have no doubt that after these rains a number of contractors will raise their prices. Calculating the price of forage at several stations under the contract rate, I find that at Liverpool the forage for a horse costs £24 12s. 9d.; at Goulburn, £24 16s. 3d.; at Kiama, £38 14s.; at Wellington, £28 1s. 9d.; at Maitland, £19 7s. 6d.; at Glen Innes, £38 7s. 6d.; at Bathurst, £22 7s.; at Kiandra, £56 12s.; at Denulquin, £45 6s. That is giving a proper ration of hay, bran, and maize, at the price contracted for.

139. In the minute of the Executive Council, dated 30th June, it is said, in reference to this branch of the service—that is the reserve branch—that the Colonial Secretary believes that "smart, able, and intelligent young men will be found in every district of the Colony willing to supplement their present means with what will probably be equal, clothing included, to an average of £30 per annum." Referring to those sixty applications for appointment as reserve constables, have they been, in your judgment, smart, able, and intelligent young men? I have not seen them; I merely take the description.³⁸

38 obtained their
descriptions

140. Are they so described? Oh yes, they are so described.

141. By what means do you judge of the eligibility of these men, when you say that you only passed eight out of a list of thirty-five? According to the minute these men are to be the same as the ordinary police, and to come within the³⁹ description. Only eight of that number came within the requirements as to age, size, and education.

39 Insert name

142. As to their character for smartness, ability, and intelligence, you know nothing? Except from the characters sent in; and some of these, when investigated, were not very good.

143. What is your opinion in regard to the effect of the mounted division of the Police Force finding their own horses—Would it conduce to their having better horses? I do not think so.

144. What do you think about it? It was tried before under the old police system.

145. What was the effect? The men became horse-jobbers; they trafficked in horses and kept "conscience screws"—just a horse to⁴⁰ draw the allowance. They were not under the supervision then to which they are subjected now.

40 Insert enable
them to

146. With the better supervision and organization which exists now, do you think that change will seriously affect the character of the mounted police? I think so; looking at the stamp of horses purchased now for the police, I do not think they are expensive horses.⁴¹

41 Omit.

147. And altogether you think that the change which has been proposed will have a prejudicial effect upon the police under your control? I do.

148. You do not think you would have the same efficient men at your command for the purposes for which the Force is established as you had before this change took place? I do not.

149. And, as a fact, up to this time, only thirty men have left the Force, and only eight candidates for the reserved constabulary have been passed by you? I have at this moment sixty-three⁴² above the number fixed by the Estimate for 1870, striking out the reserve men.

42 Sixty

150. *Mr. Robertson.*] Striking out the Cockatoo Islanders? Yes.

151. *Mr. Parkes.*] I understood from you that you had only dispensed with thirty men—Will you state what is the total reduction of the Force, irrespective of the men who were formerly employed on Cockatoo Island and the men employed in the service of Government House? And the Mint, twenty-five. There are five mounted police for Governor's orderlies, and I received sixteen men from Cockatoo.

152. I do not think you understood my question. It was,—What is the extent of the Force at the present time, or having regard to the ordinary constables, and irrespective of the police at Cockatoo Island, at the Mint, and at Government House? Do you mean the ordinary constables?

153. Yes? Sixty-one.

154. *Mr. Robertson.*] What is the reduction at the present time as compared with last year, without bringing in the constables from Cockatoo Island, the constables from Government House, and the Mint? Sixty-one.

155. *Mr. Parkes.*] Will you state in your own way, Captain McLerie, how the modified system of police, as prescribed in the minute of the 30th of June, will work? At the time?

156. Will you state, in your own way, how the system, as modified by the minute of the 30th of June, to which we have referred repeatedly, will work? It will work very badly. Fortunately, at the present time there is very little crime, but that state of things may not last, and I am very much afraid that if a change took place for the worse, the number of police I have would not be sufficient.

157. As to the change directed—has the sale of the police horses, and the mounted men supplying themselves with horses, been carried out? To a certain extent.

158. To what extent? In selecting the horses.

159. How many men have selected their horses—twenty or a hundred men? More than that. They are paying off so much a month, at the end of every three months. The sum fixed between the superintendents and the men is divided into twelve, and they pay quarterly, at the rate of so much a month.

160. What I want to know is the extent to which that particular change has been carried out? In its entirety as regards the men having their own horses; but some have not taken their old horses, but have bought horses for themselves.

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McLerie.

161. How many horses have been sold? I cannot tell you. We don't want to throw them into the market, for if sold now we get very little for them. Some have sold very well. A great many of them have been sold.

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162. How many mounted men have you? About 400.

163. The greater part of the Force then are mounted men? Yes. 369 men are regular mounted police; and at different stations I have nineteen men of the foot police that I allow horses.

164. Are all these men mounted at the present time on their own horses? Yes.

165. In some cases they have bought from the Government, under the terms prescribed by this minute? Yes.

166. And in others they have bought where they chose? Yes.

167. *Mr. Wilson.*] With regard to the purchase of these horses by the men, have the men generally accepted the change—have they cheerfully accepted it? No. So far from that—among the reports I have one from an intelligent sergeant in the Western District, who says:—"Sergeant No. 623 reports that the proposed allowance of £25 per annum to the mounted police in lieu of forage, horses, saddlery, and shoeing, is quite inadequate where there is no paddock, and no turn-out for a horse. There is little or no forage grown in this district, consequently the price of all kinds of horse feed is extremely high, and is usually governed by the rate of carriage to Bathurst, which at the present time is very low, namely,—£2 10s. per ton. The allowance of forage to each police horse, according to the scale of forage in the Police Regulations, was 39 cwt. of hay, 13 cwt. of straw, 52 bushels of maize, and 73 bushels of bran, which, at the present unprecedented low price of forage, would be as follows:—39 cwt. of hay, at 5s. 6d., amounts to £10 14s. 6d.; 52 bushels of maize, at 8s. per 56lbs., amounts to £20 16s.; 13 cwt. of straw, at 3s., amount to £1 19s.; 73 bushels of bran, at 1s., amount to £3 13s. To which may be added 12 sets of shoes at 6s., amounting to £3 12s.; wear and tear of saddlery, £1; deterioration of the value of horse, &c., £2 10s., altogether making a total of £44 4s. 6d. The sergeant respectfully submits the above statement to the Inspector General, and trusts that it may meet with favourable consideration. The prices of forage quoted above are the lowest wholesale prices for cash, and are considerably below the tenders for the coming year."

168. So that this policeman will be at a loss of £19 by this arrangement? Yes.

169. What is the pay of an ordinary constable? 6s. a day.

170. The cost of keeping the horse of an ordinary constable at 6s. a day is as much as the cost of keeping a sergeant's horse? Yes.

171. Consequently this is a deduction annually from the salary of a constable in that locality, who receives 6s. a day, of £19 a year? Exactly.

172. Have any of your good men in the police force threatened to leave the service in consequence of the change? Yes; some of my very best men have already gone.

173. Have gone in consequence of the change? Yes, they have taken to other pursuits.

174. With regard to these emergency men—even supposing that the scheme could have been carried out in its entirety, as proposed by the late Colonial Secretary—do you think that these emergency men could ever have been thoroughly relied upon? Never. The ordinary police would not trust them. It would be unsafe.

175. Consequently, from the want of dependence on these men, however reliable they might be in reality, in consequence of the ordinary constables not having confidence in them, a great deal of their efficiency would be destroyed? Of course.

176. Since these instructions were given by the late Colonial Secretary, have you received many applications for police protection where there is none at present? Yes; I have a list of stations required now.

177. Will you be kind enough to tell us the places from which you have received applications? Yes; there is one in the Metropolitan District, at Irishtown; one in the Northern District, at Yetman; two in the North-western District, at Collarindabai⁴³ and Barradine. Police protection is much required at both these places, where horse-stealing and cattle-stealing, almost the only crime which now exists⁴⁴ in the Colony, is going on.⁴⁵ There are six new stations required in the North-eastern District, at Gresford, Black Creek, Lambton, Coorabong, Broke, and Barragon. In the Western District, five—Warren, Dandaloo, Marsden Bland,⁴⁶ Balalie, Paroo; some of these places have long been seeking police protection. In the South-western District five stations are required,—Mossgeil, Barratta, Redbank, Conargo, Tocumwal. In the South-eastern District there is Grabben Gullen; in the Southern District there is Delegate and Buckley's Crossing; and in the Eastern District there is Moss Vale.

⁴³ Collarindabai
⁴⁴ is now prevalent
⁴⁵ Omit.

⁴⁶ (Bland)

178. How many of those stations are there required—will you be kind enough to tell me the number of those applications? Twenty-five.

179. Have you been compelled, in consequence of the late changes, to refuse those applications, or were any of them granted? Yes. Hitherto I have had the power to distribute the police as I think⁴⁷ necessary to certain places. I have been reducing the police in some of the towns and forming new stations. That is the way I have been able to economize the vote. For instance—at Albury they had thirteen, but they have now only ten; at Berrima they had eight, and they have now four; at Brisbane Water, where they had five, they have now two; at Campbelltown, Camden, and Picton, where there were sixteen,⁴⁸ there are now eight; at Carcoar, where there were ten, there are now three; at Dungog and Port Stephens, where there were six, there are now three; at Hartley, where there were six, there are now only two; at Parramatta, where there were thirteen, there are now seven; at Windsor where there were eleven, but now only five; and at Yass, where there were twelve, there are now seven.

⁴⁸ Insert in all

180. Are all these applications you mentioned for police protection? Yes.

181. Up to the present time have you been able to afford police protection? No.

182. Can you tell me how many have been granted? None of those.

183. You have not been able to grant any of these applications? No.

184. Some of the applications for police protection have been made to the Government a considerable time? Yes, for a long time.

185. With regard to the men taken away from Picton, Parramatta, Campbelltown, Carcoar, and other places—where have they been put? In the formation of new stations.

- Capt. 186. In the formation of new stations? Yes; that is how I have been able to do it.
McLerie. 187. You have only mentioned the applications you cannot grant? Yes.
- 31 Mar., 1870. 188. But there have been other applications when you have been able to take policemen from some localities, and thus form new stations in other places? Yes; the last stations formed in that way were one at Wooldeela,⁴⁹ one at Warren, one at Conargo,⁵⁰ on the Darling, one at the lately discovered gold-field, Trunkey, one at Bulla Delah and Lambton, and one at the Bellinger River.
- 49 Omit.
50 Poocaria
189. I believe you have already stated that every constable has to provide forage for his own horse? Yes.
190. There are certain localities where there are police barracks, and where the police horses are all stabled together? Wherever we have horse police we have barracks for them.
191. Do you find any inconvenience from these men storing and keeping their forage separate? That is one inconvenience I anticipate from this arrangement. There may be a station of three men, all of whom have different stores for their horses.⁵¹ In addition to that we must have forage kept at each station for Government horses passing through. There might be⁵² four stores of forage where we have only room for one.
- 51 forage.
52 Insert a necessity for
192. When Government horses come to a station, who has charge of them? The men.
- 53 police 193. Supposing a Police Magistrate comes to a station at night—who has charge of his horse? Does he look after it himself? I do not suppose that the policeman⁵³ would be so rude as to let him do it himself. Our orders are that the Police Magistrates' horses are to be provided with forage. No doubt the police would do it.⁵⁴
- 54 look after the horse as well.
194. Do you think that in case of any emergency arising, like the bushranging that occurred in the Braidwood district, and that we have seen in other districts in years past—do you think that the constables mounted on their own horses would act as efficiently as if they were mounted on Government horses? Certainly not.
195. Were the Force always as efficiently mounted as they were in the beginning of 1869? No, of course not.
196. Had the Government much difficulty in mounting the Force with efficient horses after the passing of the present Act? No, they had no difficulty.⁵⁵
- 55 Insert as to number.
197. Were your horses suitable for the work? They were⁵⁶ gentlemen who have travelled in the country say that the police horses are the best horses.⁵⁷
- 56 Insert many
57 Insert they saw.
198. But were they always the best horses,—were they always as efficiently mounted as at the beginning of 1869? No.
199. Had not the Government considerable difficulty in bringing the mounted men into such an efficient state, in regard to horses, as they were in at the beginning of 1869? Both as to horses and men the efficiency has been the result of training.
200. Had they not difficulty in procuring efficient horses? Yes, they had.
201. Consequently if it were found absolutely necessary to remount the men again with Government horses, the same difficulty would have to be met? —
202. Mr. Robertson.] He has not said that.
203. Mr. Wilson.] Have the Government, for these horses which they have sold to the constables and otherwise, received as high a price for them as would enable them to replace them with efficient horses again? The average price of the horses I purchased—~~which have been purchased during the last five years—~~was about £16; and I think that, looking at the description of the horses, they are low price⁵⁸ horses and very good horses. An impression has got abroad that ~~no system is adopted, and that~~⁵⁹ the horses were purchased by me in Sydney. That is wrong.
- 58 Omit.
59 priced
60 after the system of centralization was adopted that all
204. I do not wish to ask you about that now. You stated that £16 was the average price of the horses purchased for the police? Yes; £16, or rather £15.
205. Can you state the average price you have got for the horses you have sold? About £10; and then of course they were forced into the market. But I stopped it, and made the sales gradually; that is, for serviceable horses. There was a lot of horses that would have been cast.⁶¹
- 61 Insert as unserviceable.
206. But for serviceable horses the average price paid was £10? The average price was £10.
207. How are you keeping the horses at the present time that the men were mounted on? Where there are paddocks we are keeping them in paddocks, and where there are no paddocks we give them forage.
208. Mr. M. H. Stephen.] You say that in order to supply various stations you have reduced the number of the police in several localities you named. Where you have made these reductions, do you consider that those places are adequately protected? Well I think that under the present system of supervision they are better protected than they were. I have heard no complaints from the people. I have reduced the Sydney police. They are eighty men less in strength than they were ten years ago; and I have been enabled to send them up the country.
209. How long ago is it since these reductions you have spoken of were made? They have been going on gradually since 1862.
- 62 1855.
210. Since 1862? Yes; so that there are eighty men less doing duty in Sydney than there were in 1862.⁶²
211. I understood, when you spoke, that these reductions had been lately made? No.
212. Mr. Robertson.] In one of the earliest questions you answered to Mr. Parkes, you stated that you had learnt from the late Colonial Secretary—I presume meaning myself—that it was the intention of the Government to reduce the police force? The police expenditure.
213. That is what you meant to say? The police expenditure.
214. Then I suppose there is no harm in my asking you whether it is not the fact that, on your recommending a reduced number of constables, I refused to accept of your recommendation? No. There is where we differ. You did not call it reduction, but I called it reduction.
215. I hold the minute of the Executive Council in my hand: It is before Parliament, and therefore it is a document proper to be read. "The Colonial Secretary having learned from the Inspector-General of Police that the proposal which that officer had to submit for greater economy in the police expenditure, while insufficient, as it appeared to him, in that regard, was based on a reduction of strength by upwards of 100 constables, and that the assurance of public security, and the successful repression of crime would therefore necessarily be reduced, recommends the following arrangement which, if adopted, will, he hopes, secure even greater police efficiency than at present exists, and at the same time a largely decreased expenditure." Now that proposition was not for the reduction of the constabulary, was it? I did not say so. I said the police expenditure.

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216. Then what you meant was that my proposition was not for the reduction of constables, but for the reduction of expenditure? Both. I argued that 147 constables doing duty one day in the week is a reduction on 147 constables doing duty seven days in the week. That is my argument.

217. That is not what I desire to ask. What I desired to ask was this—not your argument, but what was the fact—Whether on the course that I desired to pursue, there was not absolutely an increased number available. The arrangement was to provide an increased number at a reduced price. I ask whether it was not absolutely to provide for, it might be erroneously, under a misconception, but was it not an arrangement to provide a greater and not a less number? It was a less number, because on the number, exclusive of that 147, there is a reduction of one inspector, one sub-inspector —

218. I am talking about constables now? If you mean ordinary constables you are right. There is no reduction in number.

219. Then was there not an absolute increase? That is what I am asking you; add them together.—No, the difference between the ordinary constables of 1869 and 1870 is made up by 147 reserve constables.

220. I don't ask you for opinions; but I ask you whether the estimate, as carried out by the minute, which you say you officially received, did not give you an absolutely increased number of constables? As far as number goes, I admit it.

221. That is all I am saying? As far as number goes.

222. Then you say that my estimate, however wrongful in your opinion, however impossible to be carried out, absolutely did provide for more? As regards number, but not as regards duty.

223. As regards number? Yes; but not as regards duty. As I said before, 147 men doing one day's duty in a week are not equal to 147, employed for seven days in the week.

224. I ask you whether we have not provided for all the year round by these men whenever they are called upon to perform police duty, and they are liable to be called upon any day of the week? To the extent of fifty-two weeks in the year they are liable to be called upon? Yes; but not to exceed one day in the week during the year.

225. I ask you whether the estimate was not that on an average the probability would be that they would not be called upon more than one day in the week. Surely there is nothing on the papers? There is the money voted.

226. Is there anything on the papers, or on the Estimates, showing that any one of these men cannot be called up every day of the week? There is no provision for paying them. I could not have called them up without authority from the Government.

227. Is there not a provision for 147 constables on the Estimates, at 10s. for each constable? For the day when employed.

228. Is it not, under the new police regulations, in the power of the officer to call them up as many days as he likes, not beyond fifty-two days in the whole year? I could not pay beyond this vote without the authority of the Government.

229. Suppose that at Windsor there was a constable provided if required, and that there was no occasion to call him out, and suppose that at Penrith the constable was wanted for two days in the week, would not this estimate cover the payment of them? ⁶³I expect it would.

⁶³ No doubt

230. That is all that I mean. Very well then, this Estimate provides for the calling up, should occasion require, of 147 men for one day in every week in the year. You have said that these men might be called upon to perform escort duties, and to perform other duties in cases of emergency? Yes.

231. Would not the instructions rather mean this, that they were to be called up when the other constables might be employed on escort duty, leaving it to the officer in charge of the district to employ them as he thought fit, either to send them on escort duty, or to employ them in the town? They might be employed in that way, but the instructions that I sent to the officer, conformably with the instructions I received from the Government were, that they were to be employed on occasions, such as unusual outbreaks occurring in the district, and on necessary escort duty—⁶⁴No doubt.

⁶⁴ Omit.

232. Would not that enable you, in a town like Muscleebrook or Campbelltown, in the event of an escort duty arising in those towns—would they not enable you to send your usual constables on that escort duty, and call up these when they were wanted for ordinary town purposes—would they not be able to do it? They might be.

233. You could have done that? It might be done—⁶⁵yes.

⁶⁵ Omit.

234. Then if that was not done, it would be the fault of the officers of the department and not of the regulations? The fault—well, I don't know whose fault it would be.

235. I ask you whether if that were the better mode, the officer in charge of the district could not adopt it? No doubt the officer could if he was on the spot.

236. Can the officer in charge of the district thus use these reserve men under the regulations? Yes, of course, if he is on the spot, but he may be many miles away from the place.

237. But under these regulations the officer in charge of the district means the senior. When you look at the regulations I am sure you will see that. Will you look at the regulations, and see whether the officer contemplated is not the senior wherever he may be? The officer in charge of the district is the officer who could do this.

238. But do the regulations say the officer in charge of the district—where do you find that interpretation? The officer in charge of a station at a town, the sergeant or senior-constable, whoever he may be.

239. Whoever is the senior—well take the case of Campbelltown—at Campbelltown I suppose there are one or two constables there? Yes.

240. How many? Two, and a watch-house keeper.

241. Supposing there was only one and a watch-house keeper—the reason there's two is I suppose because there's escort duty sometimes—that is one of the reasons? No, ⁶⁶there is not an escort—there is not much ⁶⁷now; ⁶⁸it is a different line.

⁶⁶ Omit.
⁶⁷ Insert escort duty
⁶⁸ It is on the railway line.

242. Well give me a place where there is an escort—take your own place? Well take Yass.

243. Yass—well there is escort duty to be done there? Yes, a good deal.

244. How many constables are stationed there? There is a sub-inspector, four constables, and a watch-house keeper.

245. I should like to know whether if this arrangement had been carried out there, where there is escort duty, and the constable sent away from there at times, whether on one being sent away there is not necessarily one off the town? Yes.

246. Therefore it is to be presumed that the town can do without that one? Yes.

247.

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247. Well then, would it not be on the reasoning of this regulation, which you take so much opposition to, would it not be possible to permanently rid ourselves of that one, and only provide for having a reserve man to do the town duty while the other went away? You mean to say that we could discontinue one altogether.

248. Knock one off altogether, and let the officer there in command, if he thought it necessary, employ a reserve constable while the other was away on escort duty? Of course it is quite possible to do that. You might discontinue the whole of them, and employ reserve men, but that would not give protection to the town.

249. Could you discontinue the whole of the constables with safety? No, certainly not.

250. No, very well; I am sure you could not—But can you not now, as well as sending away a man for three or four days on escort duty—Can you not as well do away with one altogether, and supply his place when an escort occurred, by allowing the officer to employ a reserve constable? Yes.

251. You could do that? Yes, of course; any order I receive I execute.

252. But could you not do that with a tremendous saving to the revenue? Well, to be candid with you, I don't think it could be done.

253. Well this idea you have put forward—that the duty of these reserve constables was to be that of carrying out escorts, and extraordinary duty; you admit that would be entirely in the hands of the officer in charge of the district? Of the officer; not of the officer in charge of the district, but the senior member in charge at the time.

254. Well, all the better for my view of it—The senior would have the power of sending away those men who were most suitable for the purpose, and getting in the town a reserve force if necessary? Of course such instructions could be given.

255. Under the regulations? Yes, under the regulations.

256. Even if such instructions were not given it would not be the fault of the regulations, but of the inspector? The regulations have not come into force. We have no reserve men, and the regulation should be applied—

257. But if you had them, and did not do this, it would be the fault of the administration and not of the law itself? It cannot be applied. We have not got the men to do it with. We have failed to get the men.

258. But if you had entered upon this arrangement, and if you had employed them by sending them away on escort duty, and extraordinary duty which they might be fitted for, and not employed them in the town, that would be the fault of the administration, and not of the regulation? If it had not been carried out; but there has been no fault committed yet.

259. I am not alleging any fault—I am making no attack—I am asking a question. Then your opinion is, that in a town like Yass, where there are four or five constables; you are of opinion that in a town like Scone, a town like Musclebrook, a town like Armidale, a town like Murrurundi, a town like Tamworth, a town like 100 towns that I could name, where there is escort duty—you are of opinion that while these towns can spare, on accidental occurrences as it were—irregular occurrences—to lose a constable for a week it may be, that having a reserve constable to come in and do his duty while he is away, that while that is the case, this town cannot rid itself of this one altogether, and with the permission of the senior officer there, call in a reserve constable—is that your opinion? I scarcely understand the question the way you put it.

260. Well I will try and put it again; I will try to make myself understood more clearly. You are of opinion that in a town like Yass, in a town like Goulburn, a town like Albury, a town like Wagga Wagga, a town like Scone, a town like Musclebrook, a town like Singleton, a town like Tamworth, a town like Armidale, or Tenterfield—where constables are at irregular periods taken away for the purpose of escort duty for a week at a time, without any provision for additional aid to the police while they are away—you are of opinion that the escort constable, or the constable who is used for it, might be struck off altogether? If the duties of the constable are confined to the town—

261. Pardon me—I like you to answer, but wait until I have put the question. You are of opinion that a town like Yass which can do without these constables for a week at a time at irregular periods, without any reserve constable to call out, cannot do with a reserve constable? It is my opinion, because there are other duties falling on the police, such as serving summonses, collecting returns, communicating with Coroners, and looking after many things not confined to the town.

262. But do they look after these things while they are away on escort duty? They frequently apprehend offenders while on escort duty.

263. Assuming the men to be on escort duty, would the town be any the worse for having the option of calling up a reserve constable? The town would not be so well protected, I think, as without them.

264. You think it would be better without them? Yes.

265. Well perhaps you are right. Now, Captain McLeric, you have said that I desired to reduce the police strength and expenditure, and you have said I was willing to provide and did provide (you spoke more of me) 154 reserve constables to be called up so as to get rid of a large number of the constabulary of the Colony. Now I would like to know whether anything ever fell from me, expressing an opinion that these 157 constables would ever be wanted—on the contrary, whether I expressed an opinion that they never would be wanted. That is, that in fact you had far too many, and that though I gave you the opportunity of bringing up these constables and paying for them, I said it was my opinion they would not be wanted? I⁹ might have said so, but I don't recollect it.

69 You

266. I should like to know whether they ever have been wanted? No.

267. They have not? No.

268. You have shown that since this interference of mine you have reduced the police strength of constables by sixty-one? Yes.

269. Did you not tell me before I left office it was seventy-five? Was it a verbal statement? I don't recollect it.

270. Verbally—You called upon me and said so. However, it is sixty-one now. Are you sure it has not been more than sixty-one since this alteration, or have you been filling up any new vacancies? No.

271. Have you been increasing? No; the increases have arisen from the causes I have pointed out—Cockatoo Island.

272. What I gather from you is that there is a reduction of sixty-one men now? A reduction of sixty-one—Yes.

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70 would be the pay of the reserve.

Note of revision: There is an evident error in the reply as printed. Vide answers to 285 and 289.

- 273. How much does their pay come to? About £108 a year.
- 274. How much for the lot? Oh, £6,344—something like that I suppose.
- 275. Now what would be the reduction of 147 constables—suppose you do away with 147, as provided for by me—What would be the reduction, allowing for these reserve constables? At 10s. per day?
- 276. Yes? £3,822.⁷⁰
- 277. Then the fact is you have reduced the expenditure nearly double what I contemplated reducing it? Yes, I admit that, but it is much to the injury of the efficiency of the Force.
- 278. But if you thought I had reduced it too much, it is difficult to understand why you doubled the reduction? I was compelled to do it.
- 279. Under what regulation? Where was the money to pay for these men?
- 280. But how were you compelled—where was the minute ordering such a thing? I had no provision for paying these men; I could not exceed the estimate.
- 281. You were told, were you not, that you were to merge the one system into the other? Yes; which I have been doing.
- 282. What do you take that to mean? As vacancies occurred in the permanent Force they were to be filled up by reserve constables.
- 283. You were to merge one system into the other, so? Yes.
- 284. Might that not be interpreted in this way—that while merging one system into the other you were not to exceed the whole amount of the estimate made for the whole service of 1870—would that not be an intelligible way of merging one system into the other? I foresaw that difficulty, and wrote for instructions, but never got them. I pointed out that, in consequence of keeping on the men until vacancies occurred, the expenditure for 1870 exceeded the estimate.
- 285. But you must have had some kind of authority, or you would not have gone on employing these men without authority—you have gone on evidently breaking what you have said is the law? I reported to your office in November what I was doing, but received no instructions. I said then that no members of the police force had up to the present date received notice that their services would be dispensed with.
- 286. Which was not objected to? No.
- 287. And your instructions being to merge one system into the other—and surely that would mean you were to keep within the estimate (and surely the Minister was not so difficult of approach)—it would mean that so long as you kept within the estimate in merging one system into the other you would be all right? I did so; I was desirous of carrying out my instructions to the letter.
- 288. You are aware, I suppose, that you have nearly doubled the reduction I contemplated—you will see by the figures you have done so. My reduction would have been £3,852—yours is £6,344? Exactly; but your reduction is the difference between £3,852 and the full-pay of 147 constables.
- 289. But the 147 constables would only be paid one day in the week—£3,822;—that is simple enough? Well, but your reduction would be —
- 290. Take 147 constables one day in the week, at 10s. per day—it is simple enough—any gentleman used to figures will do it for you? But your reduction, instead of being that sum alone, would be the difference between that sum and the pay of 147 constables, at 6s. per day, for a whole year.
- 291. My reduction would be £36,000. On this question of constables this was my reduction:—I proposed the reduction of 150 constables, and I proposed to provide for having in their place 147 reserve men by the day. You have employed 61 at the rate of their pay for all the year round. It is clear, I think, that the reduction has been made so far as the money goes; and therefore the merging of one into the other has been carried out a little faster than I contemplated, excepting that the appointment of no reserve constables has been made—Is it not so? There have been no appointments made.
- 292. I presume because none were wanted? They were not wanted.
- 293. As regards these reserve constables—you say that 60 have applied, and you have objected to them—Will you be good enough to tell us why? I am not provided with the return.
- 294. It is unfortunate that you have not these papers which are wanted—you have the papers that we have nothing to do with; but you don't bring the papers which are wanted? I have brought all the papers I thought necessary—all that ⁷¹pertinent to the inquiry.
- 295. Did it require a question of height—was there a question of that? There was.
- 296. Will you be good enough to say what matter it would be as to what the height of a constable was who was employed for a day for the purpose of looking after a town while another constable went away on escort duty? I should be ashamed to see a man 5 feet high doing duty with the police uniform on.
- 297. Will you be good enough to say whether there was anything about age? Yes; the age is fixed by the Police Act.
- 298. What is the age? 30 is the age fixed.
- 299. Therefore a young man of 28, offering himself for the purpose of doing this duty for 10s. per day—and after we made this large reform and saving in the police service—will be rejected because he is not 30? No, no; you misunderstand me. 30 is the limited. It is the maximum.
- 300. Then if he was 31? I could not legally take him on under the Police Act.
- 301. But there is nothing in the Police Act about reserve constables? But your minute says that they are to be the same as other constables.
- 302. Not as to height and age? The age is fixed by the Act and the height by myself.
- 303. Then it was quite within the power of the police authorities to crumple this system up by fixing some impossible height, or some unlikely age? I think I am bound in duty now to myself to read my instructions on the subject.—“Referring you to the amended Police Regulations, published in the *Government Gazette* of the 17th ultimo, No. 157, I have now the honor to transmit herewith, forms of application to be filled in by candidates for employment as reserve constables under the terms proposed. Before submitting the applications to this office, it would be desirable that you should make strict inquiries as to the applicants' fitness for employment in the reserve or general constabulary, the qualifications for the former being the same as for the latter.” These were my instructions. Here is a subsequent letter which I received:—“To prevent any further delay in the appointment of reserve constables to the reserve Force in terms with the new regulations, and my circulars referred to in the margin, I think it necessary to inform you further on the subject. As the reserve Force will amount to one-fourth of the whole number of men employed, and as for several months past none of the vacancies occurring in the permanent staff

⁷¹ Insert are

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staff have been filled up, it will be desirable that you should draw out a plan of distribution, showing the strength of the Force in your district at the commencement of the year (some slight increase to which may possibly be allowed); but distinguishing the men whom you propose should be employed on the reserve establishment to amount in the aggregate to the proportion of one in four. You will then having I presume already distributed the forms of application, and instructions to each station where reserve constables will be employed, to the officers in charge to post notices at the Court-house doors, calling for candidates, and also personally to enquire of eligible persons likely to be willing to serve, whether they will do so, their written applications being then transmitted to this office with your remarks, without loss time." So far from my throwing any impediment in the way, here are my instructions.

304. You barred no man from taking this service unless he was between the ages of 30 and —? Unless he was over 30.

305. Down to what age? I seldom took a man under 21.

306. And what height did you fix? I limited the height to 5 feet 8 inches in the country.

307. And how much over that? Oh, as much as you like—10 feet 8 inches if you like.

308. These are the provisions? Yes.

309. And you got very few men—only eight out of sixty? Yes.

310. I am quite satisfied about that. Now Captain McLerie you have told us that you did not approve of the constables finding their own horses—that is what you say? Yes.

311. Because you think that they would be under obligations to other people in riding their horses—is that so? Yes, I think so.

312. Will you tell me a single instance of a constable who has been in the service two years who has not been in the habit of riding his own or other persons horses? I don't know of one single instance in which they have done so.

313. I do. Of course I mean out of Sydney? Not a single instance have I heard of; except your own information, when you told me that when you went on your Northern tour, all the good horses you saw were the mens' own horses.

314. No, not all the good horses I saw. There were some capital horses, but the police had very fine horses —

Mr. Flood.] Mr. Chairman, may I ask which is the witness?

315. Do you think you could bring us a constable here who has lived in the bush for four years, who can say that he has not ridden his own or other people's horses in that time? Yes, I can; two or three hundred.

316. Perhaps you could give us the names of a few? It would be difficult to give you the names now.

317. I think your objection was that if the police borrowed horses they would be under obligations to those from whom they borrowed them? I think it is wrong. I think the public should provide horses without imposing on the inhabitants.

318. But you are not aware whether the constables are in the habit of doing this? I am not aware. I have known instances where the constable's horse has broken down and where he has been readily supplied with another. There are instances where persons lending horses have applied for payment, and I have been obliged to pay for the use of those horses.

319. Another objection you had was, that the allowance was not sufficient in some districts. I think you mentioned Glen Innes as one; you mentioned several districts? Yes, I mentioned three—the Western.

320. What district is that? The Bathurst district, and the Deniliquin district, and the Cooma district.

321. You said the £25 was not enough? It is not enough.

322. Is there not provision on the Estimates for special cases where it is not enough? I do not know about special cases.

323. Is there not provision on the Estimates to enable you to give assistance in districts where it is not enough? No; there is no power. (*Estimate handed to witness.*)

324. How is that £14,000 to be spent? That is not for forage.

325. Be good enough to read it? It is an expenditure for extraordinary contingencies that may during the year arise out of the system, including the gold fields. That says nothing about forage.

326. It is for extraordinary contingencies. Would not that enable you, if there were some special circumstances, to increase the allowance for forage? If this item followed immediately the item of forage, it might be considered by me to refer to forage, but it is the last item in the vote.

327. It is a general matter? You may intend it so, but I do not read it so.

328. Were you not present at the preparation of this estimate? I was; but that was never intended when this estimate was put down.

329. You are a military man, are you not? I am. I have been rather—I am a policeman now.

330. You have had a good deal of experience in regard to military matters, and read much about them? Yes, I held a position in the army as adjutant.

331. Have you happened to read any recent works on the question of whether horses are better provided for the purposes of military service by the men who ride them than by the Government? I have. That is the practice pursued in India in the native corps.

332. It is pursued there? Yes, but that is a different case.

333. I am asking you whether it is not there found and stated by recent writers, of the best testimony on military matters, that it is better for the men to find their own horses than that they should be provided by the Government? That applies only to the Indian cavalry, not the English.

334. But you have not answered my question. I ask you whether it is a fact or not? As regards the native cavalry of India it is a fact.

335. Why is it better for the native cavalry of India than for our constabulary in New South Wales? Because there is a great difference, not only between the men but also between the horses.

336. Where is the difference? The native cavalry of India are composed chiefly of Bedouins and the sons of chiefs, who take peculiar care of their horses, far greater care than an English soldier would do. They have an allowance of so much per annum for themselves and their horses.

337. Just as we propose to pay these men for themselves and their horses? Yes.

338. But I suppose that in India, in a special district, where forage would be especially expensive, there would be a provision for something additional? Their horses are fed differently altogether.

339. I am not asking you whether the horses are fed differently, but whether a further allowance is not granted for special districts? I am not aware of it. They only serve in certain districts; they would not serve out and out.

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340. Therefore in India they have not made the provision we have of giving them an addition in some specially difficult district? No.

341. Do you happen to know anything about the old system under which the constables bought their own horses? Yes.

342. Were those horses better or worse than the horses our constables ride? I never saw one of those horses yet that one would take as a gift. They were well known as a complete lot of scrubbers.

343. In regard to the horses you had, is it not a fact that you told me that out of the 600, 300 should be sold as useless? They were sold.

344. You said that they were offered to be sold, or were in the market, and that we ought not to allow the constables to buy more than 200; keeping the remainder for general use—Is that a fact or not? That I suggested that 300 should be sold?

345. That 300 were efficient for this service? I did not say so.

346. How many did you say—How many did you estimate were to be sold at £5? When the question of horses was put, I recollect perfectly well saying that the vote for horses during the last three years had been so small that I had been unable to replace them, and that I had no doubt there were a large number of bad horses in the Force, and that we had better get rid of them; but I did not propose any number.

347. You did not say 300? I do not think so. I may have done.

348. You said that the police officers were never so efficiently mounted as now? As a body.

349. And yet in the face of that you say there have been no remounts? £1,000 a year is not sufficient to provide remounts for a troop of 600 horse.

350. When you say the amount was put down as to what the horses would fetch, was that your recommendation? It was not mine; because I think it was too high a sum.

351. Did you not say that you thought £5 was too high, and that it would be better £4? I recollect that it either occurred to myself, and I stated that it was beyond the sum, or that if they fetched that, the whole of the best horses would be sold.

352. You said that £5 was more than they were worth—those inferior ones—and yet you told Mr. Wilson that they were worth £10, did you not? No; I said the horses we had sold averaged £10. Some of them sold as low as 30s.

353. That was contrary to your expectation—was it not? No. It was known that they were cast horses.

354. From whom did you receive those instructions to sell horses under £5? They were general instructions.

355. Were your general instructions not upset by a minute of the Executive Council, authorizing you only to sell for £5? My general instructions applied only to serviceable horses. Those sold as cast horses were not comprised in my instructions at all.

356. When you gave me a return of 600 horses, is it not a fact that you represented that you would require to sell a certain number of them, and that I put them down at £5, and you said £4? If I had said £4, the whole of the horses of the police would have been sold.

357. If you will look at the estimate you will see that only a certain number were to be sold in that way, and that the others, if they were fit, were to go to the policemen—You put as proceeds of the sale of horses, £4,600? I understood you to say that I put a price of £4 on them.

358. No; that you thought the average would be £10 or £12 for horses fit for the service, but that there were some worth only £4, and I said, "They must be worth £5 surely"? I may have said so; but the horses in that case are much overvalued. I said afterwards that the sum was too large.

359. That the horses were valued at more than they were worth? At more than they were worth.

360. Were not 500 of them sold? No, only 300.

361. How many were sold to the constables? As many as the troops⁷² would take of the best horses.

⁷² troopers

362. How many? I cannot say. Some were kept for general purposes on the stations.

363. Were there more than 100 kept altogether by the Government out of the 600? Yes, more than that.

364. How many more? 25⁷³ horses were kept for prison-vans and other vehicles; 25 were kept for use^{73 75} in Sydney; a number, not given, were kept for reserve duty. There was an average allowance for these of £600—that would be £20 per head for 30 horses.

365. That will be 130 horses—was not that to provide for Police Magistrates' horses and other things besides—Has not that reduced the amount? Never mind, 130 from 600 leaves 470 at least, does it not? Yes.

366. How many of these did you represent as likely to be fit for service and sold to the constables at from £10 to £12 a-piece, and how many did you represent as not fit to be sold to the constables? I think I represented that the constables might select about 300.

367. Irrespective of the 130? Yes.

368. That is 430 out of the 600? Yes.

369. Then on your statement 170 were worthless for the police service—you would not allow the constables to ride them? No.

370. Why were they to be sold? Because they were the worst of the horses—they were useless.

371. Do you consider that a mounted service of 450 horses are in a particularly efficient state if 150 of them are unfit for the service? I think so, as a body. I said that the worst of them were to be sold, and that 300 of them were to be selected by the constables, and others kept for special services. 130 of the worst were to be sold.

372. 130, at £12? I never said that they would fetch £12 a-head.

373. How much will they fetch? The average will be probably about £4—cast-horses and all.

374. You think the average value of these 600 horses will be £4 a-head? One horse was selected by a man at £18—a larger price than was paid for him.

375. Then you took him in? No, I did not allow him to be taken in. I said he should only pay what the horse cost.

376. How much did those horses cost? I have taken their cost from the stud-book. In 1865 there were ninety-seven horses purchased at a cost of £1,718, or an average of £17 each. Nine of those horses were purchased in Sydney, and eighty-nine in the country, by the officers. In 1866 fifty-seven horses were purchased at a cost of £1,021, or an average of £20 per head. All those horses were purchased by officers in the country. In 1867 142 horses were purchased at a cost of £2,054 or an average of £14 a-head—

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a-head—including in the number twenty-nine horses purchased in Sydney, and some for the Duke of Edinburgh's carriage;⁷⁴ and anyone who saw those horses would admit that they were splendid animals.

377. I suppose they were paid for out of the special vote for the Duke's reception? Yes. In 1868 ninety-three horses were purchased at a cost of £1,405, or an average of £15 per head. In the year 1869 fifty horses were purchased at a cost of £687, or an average of £13 per head. The whole number of horses purchased in those five years is 433, at a cost of £6,887, or an average of £15 per head.

378. And these horses, on the 1st January, 1870, you think were worth £8 a-piece? Yes.

379. And they cost on an average £15? Yes; but they had been used for years. I concluded that they would only fetch £8 in the market.

380. Such horses might be bought for £8? Yes.

381. Then the allegation that some tremendous sacrifice was made in selling them for anything like £8, or the allegation that they were worth what they cost, inasmuch as they were greatly worn out, must be a misconception? I think so.

382. Your opinion is that they were worth £8? I am taking an average. I have no doubt that a great many of these horses are worth now more than they cost.

383. Is it not within the bounds of possibility that you have taken an antipathy to a reserved constabulary, from certain failures which took place some time ago? No; I formed my opinion irrespective of that.

384. You do not think it possible that in view of that reserved constabulary—of that remarkable instance of an auxiliary constabulary sent to Braidwood some time ago by a Minister then in office, and of its failure—that your mind may have been impressed against any reserved constabulary? No; my opinion was formed irrespective of that.

385. You are sure that any opinion you have with regard to the success or ill success of that speculation—if we may so call it—has had no impression on your mind? It has had no impression on my mind.

386. You did form, I think, a strong opinion against that plan of sending out auxiliary constables? I was never asked to form an opinion.

387. But did you form a strong opinion against it? I thought it was very objectionable.

388. Very unobjectionable or objectionable? Very objectionable.

389. Was there not this difference—that the Inspector General of Police and none of his officers were to have anything to do with that auxiliary police, while these reserve police were entirely under the control of the Inspector General of Police? Duties were assigned to each.

390. The difference was, that the Colonial Secretary of the day privately, or, if I may use the words without offence, surreptitiously, employed the police, irrespective of the Inspector General of Police—that there was a difference in that case as compared —

Mr. Parkes rose to order.

Chairman.] It appears to me that the Honorable Member is going outside the limits of the instructions to the Committee.

Witness ordered to withdraw.

Debate ensued.

391. *Mr. Robertson.*] I was asking you whether you had not sometime or other felt or expressed strong convictions, very strong convictions, against the appointment in the case to which I referred, of that auxiliary or reserve police which was appointed for the capture of the Clarkes? Will you be kind enough to put the question again?

392. I was asking you whether you had not expressed strong opinions against the manner in which the Minister who preceded me had appointed an auxiliary, or reserve, or additional, or whatever you like to call it—volunteer, or anything else you like to call it—police, outside the ordinary police, for the purpose of taking the Clarkes—whether you had not expressed a strong opinion against it? I never expressed, officially, any opinion on the subject; any opinion I may have expressed privately, not in my official position, I am not responsible for, and I do not think I am called upon to answer.

393. Had you not formed a very strong opinion against interference—that that was a wrong course? If ever I gave expression to an opinion privately, I must have formed it before I expressed it.

394. I asked you have you formed a strong opinion? Not officially.

395. How do you form an opinion privately and not officially? Take an official view of it.

396. I ask you whether you have not formed a strong opinion against that? I have already answered that I did.

397. You did; and had you not arrived at the conclusion that a course like that—in your own mind, I mean, because I am asking your opinion with regard to a procedure which may have influenced your mind—had you not formed a very strong opinion, condemnatory of the course which induced the Minister to overlook you in your position, and send up a band of men like these? After the melancholy results I did, because I thought that if the police of the district were aware that these men were ever appointed without my supervision, it was a melancholy thing that they should be sent into the district without the knowledge of the local police. The result was melancholy.

398. And how did it spring? —

Mr. Webb rose to order.

Witness ordered to withdraw.

Debate ensued.

Witness directed to attend at the Bar.

399. *Mr. Robertson.*] What number was that of picked policemen? Seven is the number given.

400. And you say, I think, in your evidence in chief, that this was given up for some reason; what was the reason? The only reason that I can think of was the objection that I offered in my communication to you.

401. What was the objection? "With regard to the maintenance of a picked body of seven men, as suggested by the Honorable the Colonial Secretary, at an increased rate of pay, to be despatched on emergency in pursuit of bushrangers, &c., I can only give my opinion, after much experience, that in no case when such parties, consisting of the most eligible men, have been selected without regard to cost for arms, horses, and other equipment, have they ever met with the smallest success. The reason for this is I think obvious. Criminals can only be successfully coped with by men who know their haunts and friends, and who are in a position to gain information. In this manner alone have any of the notorious offenders of this Colony been captured, and the success of the police in this respect may reasonably be expected to increase, as it has up to the present time, by lengthening knowledge of their districts and inhabitants, without referring to improvements in other respects."

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- 402. You speak there of experience. Can you tell me whether that relates in any way, whether it is intended to relate in any way to the Braidwood affair? Is that part of the experience you refer to—to the Braidwood affair.
- 403. Yes; to the running down of the Clarkes; to the murder of the four men who were sent out after them? The result—the capture of the Braidwood offenders, is proof of my argument. They were captured by the local police.
- 404. That large experience of this kind, of hunting down bushrangers, shows it to be a fallacy. I did not bring that up—Mr. Parkes brought that up. Will you kindly read that again, that which you have just now read? "With regard to the maintenance of a picked body of seven men, as suggested by the Honorable the Colonial Secretary, at an increased rate of pay, to be despatched on emergency in pursuit of bushrangers, &c., I can only give my opinion after much experience, that in no case when such parties, consisting of the most eligible men, have been selected, without regard to cost for arms, horses, or other equipment, have they ever met with the smallest success. The reason for this is I think obvious. Criminals can only be successfully coped with by men who know their haunts and friends, and who are in a position to obtain information. In this manner alone have any of the notorious offenders in this Colony been captured, and the success of the police in this respect may reasonably be expected to increase, as it has up to the present time, by lengthening knowledge of their districts and inhabitants, without referring to improvement in other respects."
- 405. That will be after much experience of that kind of hunting. Can you tell me any other case of that kind of hunting, except the Braidwood case? No. My experience—the experience I refer to—is in connection with the capture of bushrangers.
- 406. After much experience, that is in sending out these picked competent police, you have arrived at the conclusion that they are a failure. I ask you whether you had in your mind the Braidwood case; if you have forgotten, say so —? I wrote this without reference to the Braidwood case. The capture of the Braidwood bushrangers, and the bushrangers of other districts of the Colony, occurred to my mind when I wrote this.
- 407. Will you tell me now that in my office you did not connect this with the Braidwood case? If you allude to everything that has transpired in your office between you and me, I should not like to tax my memory —
- 408. I don't want everything—I am not speaking of everything? Nor am I either.
- 409. Was it or was it not connected with that case, or was there any other case with which it could be connected? In every case.
- 410. Was there ever a case where there was special bushranger hunting, excepting the Braidwood case? Yes, many cases. As I say here—"after much experience."
- 411. Will you say what case? Half a dozen cases.
- 412. *Sir James Martin.*] Was there not the case of Mr. Laycock besides others? Yes.
- 413. *Mr. Wilson.*] And of Mr. Liardet? And Mr. Liardet.
- 414. *Mr. Robertson.*] They were in connection with the police officers? They were appointed by the Government. They were not under my control, but directly connected with the Colonial Secretary.
- 415. But with your knowledge? With my knowledge.
- 416. Was the Braidwood case with your knowledge? Not with my official knowledge.
- 417. Will you tell me whether under these new regulations which you had made, saving £6,000 in 1859, whether there were any reductions in the police stations? In what year?
- 418. In 1869. You have already told us that there was a saving of £6,000, or £6,300, and sixty-one constables. You told Mr. Parkes on his inquiry in chief that there was a saving of £6,000? About £6,000.
- 419. Will you tell me whether there were any police stations in the bush cut off? In that year?
- 420. Yes? No important stations.
- 421. Was there any cut off at all? There may have been.
- 422. Can you tell me one? I cannot. There are 300 stations.
- 423. There being none cut off, how many were added—how many new ones? In 1869?
- 424. Yes. How many new ones? Baradine, Lambton—I should not call that a new one, for a constable was moved from Hinton there—Warren, Conargo, Trunkoy, and the Bellinger River.
- 425. These five or six new stations were formed, none were knocked off, and a saving of five or six thousand pounds effected? Yes. I had to move them from other stations.
- 426. You are aware that in these police estimates there is provision for Police Magistrates? Yes.
- 427. Will you tell me whether there is any police station now where a Police Magistrate used to sit, and where he does not now sit—Is there one? Any police station where a Magistrate used to sit, and does not now sit?
- 428. Yes? I don't think there is—I am not aware of it.
- 429. Will you tell me how many new stations there are? It will take a long time to count it.
- 430. Give me the rough numbers—I don't care about exactitude—Give it me in round numbers? Eighteen or twenty, probably.
- 431. Eighteen or twenty more than before? Yes; Courts of Petty Sessions.
- 432. *Sir James Martin.*] Do they sit as often as before? No.
- 433. *Mr. Robertson.*] I ask you whether they sit there—I will come to that presently—There are eighteen or twenty places you say where they sit now, and did not sit before? Yes.
- 434. Now, will you say whether there is or is not provision made that these Police Magistrates shall sit when they are required at all these places, and at all the other places where they used to sit—Is there not provision made that they shall sit when required? Yes.
- 435. Then, will you tell me whether there is any one place of Petty Sessions knocked off that was a place of Petty Sessions before? No place that was a permanent place of Petty Sessions, but there are one or two places which were never used.
- 436. Not more than three? Two or three, I think.
- 437. How many were added? A great many.
- 438. How many under this new arrangement? Thirteen more and three less.
- 439. There were thirteen more places of Petty Sessions than there were before, and three less—Now, will you tell me whether the three less were struck off by your advice or not? By my advice.
- 440. Necessarily, I suppose, there required to be more Clerks of Petty Sessions—Is not that so? Yes; because the practice of itinerating Petty Sessions was abolished.
- 441. And the practice of appointing constables Clerks of Petty Sessions was largely increased? Yes.

- Capt. 442. *Sir James Martin.*] Adopted for the first time? For the first time—Yes.
 McLerie. 443. *Mr. Robertson.*] Was it for the first time that constables were made an allowance for doing Clerk of Petty Sessions duty? I never knew constables to receive an allowance for doing the duty.
- 31 Mar., 1870. 444. Not an instance? No.
 445. You don't remember? No. There may have been special cases, but at this moment I do not recollect them.
 446. Was it not a fact that these itinerating clerks left the records of the office in the charge of constables' wives, and that there was no one official responsible for these records—Was it or was it not so? The records of the Court would be in the hands of the Clerk of Petty Sessions; if not, I should consider the constable responsible.
 447. How could the constable be responsible when away after bushrangers? His wife.
 448. Was the wife of the constable paid for minding these papers? She gets an annual allowance for keeping the Court House.
 449. Was it not on your recommendation that these people should be appointed? In making my visits of inspection through the country I found places where there was no paid Magistrate and no paid Clerk of Petty Sessions, and I found that the papers and records were left to the mercy of the rats ⁷⁵almost.
- ⁷⁵ and other ver- 450. And what did you recommend? That the constables should be appointed more for the purpose of min. taking charge of the records than to act as Clerks of Petty Sessions. I gave reasons why they should not act as Clerks of Petty Sessions.
 451. Considering how little duty there was, did you or did you not recommend that the constables should be appointed? I have said so; more for the purpose of taking charge of the records than anything else.
 452. Because no one was responsible? When I proposed that, you may recollect that I said I had great objection to members of the police force acting as Clerks of Petty Sessions; because I thought it unjust to defendants brought before the Courts that the police should take evidence in their own cases.
 453. Balancing the *pros* and *cons* you thought that this was the best course? Yes. In many cases the unpaid Magistrates act as Clerks of Petty Sessions, but in other places they would not do it; and, therefore, frequently Courts were not held for months because they would not be there to take the depositions.
 454. I think you spoke of the estimate showing an apparent reduction, Captain McLerie—Have you any doubt that the estimate we made out was a reduction of £36,000 on the police? It was an apparent reduction, not a real reduction.
 455. How was it not real? Because there was medical attendance and fencing—two items, amounting to £1,200, transferred to other estimates. That was no saving. And the estimate for forage was for 300 mounted men; that is 100 less than it is, and makes £3,000 more.
 456. How was it that those items were omitted—were not you consulted about that estimate—were you not present? But there were alterations made in it after I was consulted.
 457. Is that all you can make out of the matter? Yes, that's all I can make out.
 458. You make out then an error of about £4,000? Yes, about that; and the pay of the twenty-five men who were taken off, which never appeared on the Estimates for 1869.
 459. Had it not been for my arrangements, would not these men have been employed? No, they were not employed; so that was an apparent reduction.
 460. It was not a reduction only on the present year, but on the year 1869, was it not? Yes, it was.
 461. You have not had a supplementary estimate—is this not the first year in which you have not had a supplementary estimate, and have instead had to give back something? Since I have been in charge of the police I am proud to say the Estimates have been reduced every year.
 462. I am asking whether you have not had supplementary estimates every year? Oh yes, frequently—that depends ⁷⁶upon the price of forage.
- ⁷⁶ Insert princ- 463. Had you one last year—1869? Yes, I think there was a small supplementary in 1869; but there pally was a saving.
 464. And how much was saved? In 1869?
 465. Yes? The saving, less the amount of the supplementary estimate, was about £6,000.
- ⁷⁷ at this moment 466. What was the supplementary estimate? I cannot say, ⁷⁷sir.
⁷⁸ Omit. 467. Was there anything? I cannot say ⁷⁸, sir; there may have been a small one.
- ⁷⁹ the police esti- 468. I don't think there was any—how much the year before? There was a large sum on ⁷⁹our paper in mates consequence of a great rise in the price of forage.
⁸⁰ not any 469. No fear of a saving then? No, ⁸⁰no saving then.
 470. In the year 1868 there was a large supplementary estimate, but in 1869 there was no supplementary estimate but a large saving? Yes, there was a saving of £6,000.
 471. *Mr. Couper.*] Did I understand you to say that the parties of Mr. Laycock and Mr. Liardet were appointed without any reference to you? Oh no; I knew of their appointment, but they did not report to me.
 472. You paid all their expenses? Yes, I paid their expenses, but their reports went direct to you.
 473. Mr. Laycock never corresponded with me? I think you will find it so.
 474. Nor did Mr. Liardet. Did not Mr. Laycock place himself entirely under you, and correspond with you? Yes, I recollect he did; I took the reports—took charge of them.
 475. Everything was done through you? Yes.
 476. *Sir James Martin.*] Did Mr. Huthwaite correspond with you? He was a sort of supernumerary, I think, and went out to Cooma.
 477. *Mr. Forster.*] Now, Captain McLerie, do you think you can manage to give me your attention for about a quarter of an hour, without serious injury to your health—you say you objected very strongly to this new plan or scheme—you remonstrated against it? I did not; but I felt it my duty as a public officer to state my ⁸¹grounds to it.
- ⁸¹ reasons why 478. Did you consider it would seriously impair the efficiency of the police? I did.
 the scheme would not be an im- 479. That was one of the grounds of your objection? Yes.
 provement. 480. Did you think it would produce serious evils in the country in consequence? If crime had increased—certainly.
 481. Did you think that one of the results would be the increase of crime? I did not think one of the results would be the increase of crime, but I thought that if crime did increase we should not have sufficient police to cope with it. I would not speak with confidence. ⁸²
- ⁸² Insert but 482.
- merely gave my opinion.

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482. But did you think that one of the objections to the scheme was that the police would not be sufficient to cope with crime as it existed, or as it would be found to exist? I looked upon it as a reduction of 147 men of the police force.

483. Do I properly describe this plan if I say it had four leading features—it proposed a reduction in the Force, in the number of men and in the cost; it proposed a new species of reserve Force, to be called into action in case of the absence of constables on emergencies; and it also proposed to give constables the purchasing of their own horses—Did you object to all these features of the scheme? I did.

484. To all of them? To all of them.

485. With regard to the reserve Force and the employment of these reserve men, I think you have stated that that has not come into operation to any large degree? It has not come into operation at all, except as to the receipt of eight eligible applications.

486. Then, in fact, it does not belong to the scheme yet? It has not come into operation yet.

487. Then that one feature of the four is not in existence yet? No.

488. Then as to the purchase of horses by constables—Do you think the other parts of the plan could be carried out without reference to that—Is that necessarily connected with the other parts of the scheme? No; it is a distinct part of the scheme altogether.

489. In that case I am entitled to say that you objected to the other two features left—to the reduction of the men and the reduction of the cost? The cost.

490. You said you objected to all the leading features of the plan, and there being two left aside now, does it not follow your objections were to the other reductions—the reductions in men and in cost? Yes; I objected to the Force being reduced.

491. You objected in fact to the Force being reduced? I did.

492. What was the number of men in 1869—Was it not 588? Yes, 588 ordinary constables.

493. Do you consider any reduction below that number would be injurious to the Force? I do.

494. You consider the reduction to 441, as proposed, is a great injury? Yes; of course it impairs the efficiency of the Force.

495. You said that this proposed reduction has only been carried out to the extent of sixty-one? Yes, sixty-one. At one time there was more, but the number has increased in consequence of taking on the police from Cockatoo.

496. There has been a gradual reduction of sixty-one? Yes.

497. How long is it since you objected to this plan in the beginning and up to the present time? A long time.

498. How long since? In June last. Not my objection; but I saw in the plan which I thought should be pointed out to the Colonial Secretary, was conveyed in a letter of mine of the 14th June last.

499. That is nearly nine months ago? Yes.

500. In the meantime has this reduction of sixty-one men been carried out? Yes, more than that; it was seventy-five at one time, but, as I said before, I have been obliged to take on men, and reduce the number again; I had to take on the men from Cockatoo.

501. In the meantime, have you not said that a number of applications have been made for police protection in places where you have been compelled to refuse them? Yes, for protection, ⁸³yes.

502. Have you not said that in consequence of carrying out this reduction you have been compelled to remove a number of men at some places—for instance, you mentioned Parramatta and Berrima—by nearly one half? That has no reference to this reduction. That has been gradually done by me since the passing of the Act in 1862.

503. But this reduction of sixty-one men or more has been carried out in those nine months? Yes.

504. You say that a number of your best men have left in consequence of this plan? Yes, so it is reported to me by their officers.

505. For what reason—Did they leave by reason of any theoretical objection to the scheme, or did they decline to serve under a Government which entertained such extraordinary opinions in reference to the police service? Nothing to do with the Government. The men saw that by keeping their own horses they would be in a worse position in point of income. Their pay would not be sufficient.

506. Then they left because their emoluments were not sufficient? Yes.

507. And you have lost some of your best men because they did not consider themselves sufficiently remunerated? They considered their income would be lessened by their keeping their own horses.

508. Do you consider that that is properly in consequence of the plan—Does it not arise more from the circumstance that they are not sufficiently paid—Would it not be possible to keep these men by paying them better, supposing the other features of the scheme were retained? That might be.

509. Then do you think their leaving the Force can properly be called a consequence of the introduction of this scheme, and their disapproval of it? So their officers tell me.

510. But you say it arises from insufficient payment? Yes, but that arises from their having to keep their own horses.

511. Do you think that in these nine months the police force has become more inefficient? I should not like to say that, but it imposes an amount of work upon the men that they should not be called upon to perform.

512. It imposes too much work upon those who are left? Yes, I think so. In Sydney the men have to go on duty for sixteen hours sometimes.

513. Do you think the efficiency of the Force has become impaired to the extent apprehended by you when you made objection to the scheme? No, not so much as I expected.

514. Not so much as you expected? No, the good spirit of the men and their efficiency kept up much better than I expected.

515. Then your expectations in that respect are not altogether realized? I am glad to say ⁸⁴no.

⁸⁵ they have not.

516. Are they to any great extent? I cannot say that they are to any great extent.

517. Then have all these consequences which you apprehended in the absence of sufficient police to repress crime, and the serious injury to the country generally followed? There has been less crime in the Colony for the last few months than I ever knew.

518. I suppose you don't attribute that to the new plan? No, not quite.

519. Has it anything to do with it at all? I don't think so.

520. Has it anything to do with the attitude or position of the police or circumstances? I attribute it to some extent to the number of well-known offenders now undergoing punishment.

521. Don't you think the circumstance of the police, being less efficient now than formerly, would have produced a contrary result? That would have been the natural result. 522.

- Capt. McLerie.
31 Mar., 1870.
522. During all the time this reduction has been going on of men and expenditure, on the whole the police have been becoming a little less efficient or in the position of having too much work imposed on them, and all this time crime is constantly diminishing, and the Colony has never before been so quiet in your opinion? No never.
523. Don't you think there is a great and extraordinary contrast between what you expected and what has occurred? There is a contrast. I put the matter down to the efficiency of the men, and their willingness to perform their work.
524. How long do you think you could go on with this strain on the men without serious evils? Not much further.
- ⁵⁵ in many cases become invalids. 525. How much would you say? If we go on much further the men will ⁵⁵become invalid.
526. Do you think the health of the men is becoming affected? I do. I had a parade at the dépôt some time ago, and could not help remarking the unhealthy appearance of the men; and the officers said—"You see what they have to do."⁵⁶
- ⁵⁶ Insert and the excessive duty is beginning to tell on them. 527. Did you have a medical opinion to that effect? No. At present there are a large number on the sick report.
528. You are inclined to attribute that to overwork? I am, to some extent.
529. What is your special objection to this plan of a reserve Force? They are not policemen in the proper sense of the term—that is my objection.
530. What is the difference between them and special constables? Special constables are never called upon to do police duty, except in cases of riot, to assist the regular police.
531. Are they never employed to arrest people? No.
532. Did you never hear of any being so employed? No.
533. Did you never find them effective and useful? They are not under my control.
534. But that's nothing—would they be better under your control? Well, yes; I think so.
535. In that case perhaps if these reserve men were under your control they would be better than without it? It was intended they should be under my control I presume.
536. Your objection to these men is that they are not constables? No, they are not.
537. But would they not have something more of the policeman about them than special constables have? Yes, they would.
538. They would be a little better than special constables? Yes, they would.
539. Do you think that in a place where there are three constables, and a fourth would be required—do you think it would be better to employ one of these reserve men in place of the fourth constable, rather than to have no fourth man at all? I do not think it would.
540. You think that three constables by themselves would be better than three constables and a reserve man? Three of themselves would afford just as much protection as three and a seven-day man.
541. Do you mean to say that the addition of this reserve man or half policeman would be of no use at all to the efficiency of the Force? No, they would be of no use.
542. I suppose in that case would it not be also the case that a special constable would be useless also? A special constable is appointed for special duties.
- ⁵⁷ Omit 543. But would it not be possible to appoint these men for special duties? No, ⁵⁷there are certain duties which I would not entrust to them.
544. Is there no possibility of making these constables in some degree approximate to the character and efficiency of policemen? They would be a great distance from efficiency—it is not to be expected. It is not in the nature of things that a man taken from his shop or plough for a day or week—⁵⁸you can't expect as much from him as from those who are trained policemen.
- ⁵⁸ that you can 545. Did you not say that one of the great advantages of the common police, compared with people picked out for particular services, was, that they were local and had acquaintance with the inhabitants? Yes, and the local knowledge they acquire they keep to themselves; but I should expect a reserve man would make it known all over the district.
546. Is it not possible to have a reserve man useful in that respect? It would take a considerable time to prove them worthy of confidence.
547. Do you speak against this Force from any sort of experience, or simply from conjecture? I have had experience of the old parish constables of England, and that is the only kind of police I can compare this reserve to.
548. You think there is some resemblance? Yes.
549. Were these old parish constables regarded as utterly useless? They were of very little use. Of course there were exceptions. Sometimes a man who took an interest in the town would do his duty properly as a parish constable.

TUESDAY, 5 APRIL, 1870.

John McLerie, Esq., Inspector General of Police, called in and further examined:—

- Capt. McLerie.
5 April, 1870.
550. *Sir James Martin.*] I believe it is the fact that a number of policemen have been appointed Clerks of Petty Sessions? Yes.
551. How many? Between thirty and forty; I am not confident of the number.
552. Do they receive any allowance for acting as Clerks of Petty Sessions? They have not as yet; but I believe it was the intention of the late Colonial Secretary to make them a small allowance, not exceeding £10 a year in any case; some as low as £5.
553. I believe you have already stated that you do not approve of the employment of policemen in this manner? I object to it only as regards taking depositions; I think in other respects it could be done with much public convenience.
554. What are the other respects? Drawing up informations for the signature of Magistrates, filling up summonses, communicating with the Government as to fees of Court, and taking care of the records. The only objection I offered to it was that I thought it would place them in an invidious position in cases in⁵⁹ they are themselves interested as prosecutors.
- ⁵⁹ Insert which 555. Do cases of that kind frequently arise? They do, where there are no paid Magistrates. Of course where there is a police Magistrate he would take the depositions in such cases; and in many cases the unpaid Magistrates would do so, seeing the objection to its being done by the police.

556. Are the policemen who have been so employed for the most part qualified by education to take depositions? A great many of them are perfectly qualified by as high a standard of education as many of the properly appointed Clerks of Petty Sessions.

Capt.
McLerie.

557. Are most of them equal to the ordinary Clerks of Petty Sessions? Not most of them—a large number of them. 6 April, 1870.

558. How many complaints reached you against the employment of these men in this manner? I have seen complaints, but they have not been made to me. I read this morning a petition to this House from the Magistrates of Liverpool, complaining of such an appointment.

559. You stated the other evening that Courts of Petty Sessions were held at more places now than in former years? Yes.

560. Can you state whether the Courts of Petty Sessions are held as frequently now as they used to be before? Some Courts cannot be held as frequently as before, because the appointment of Police Magistrate has been abolished. In those cases where there is a Police Magistrate, a Court is held every day.

561. Then are we to understand that although there are more places at which Courts of Petty Sessions are held, yet there are some places at which they are not held so frequently as they used to be before? They cannot be where the appointment of Police Magistrate has been abolished.

562. Will you mention an instance or two? There is Young, for instance, where the Police Magistrate is also Commissioner of Gold Fields; he cannot be present every day. Tumut, where the appointment of Police Magistrate has been abolished altogether.

563. Are you aware how often a Court of Petty Sessions is held at Tumut under the new system? Not every day; I am not positive.

564. What Police Magistrate acts there? The Police Magistrate from Gundagai.

565. How far is Gundagai from Tumut? About thirty miles, I think.

566. Has the Police Magistrate at Gundagai to attend at any other places? Yes.

567. Do you happen to know how often that Police Magistrate has attended at the Tumut since this change has taken place? I cannot say. That is a duty of which I have no cognizance in my office.

568. Do you know how often a Court of Petty Sessions used to be held at Tumut before the late change? When there was a paid Police Magistrate he used to hold a Court every day if there was anything to do.

569. It is quite impossible that can be done now? Quite, unless the unpaid Magistrates will sit every day.

570. Are you aware that the unpaid Magistrates have declined to act with Mr. Blake, the Clerk of Petty Sessions there—one and all of them? I have been told they have.

571. Are you aware how often a Court of Petty Sessions used to be held in Young before the change? Every day.

572. Can you state whether that is the case now? I cannot say. It may be the case still; as the late Police Magistrate still resides in the neighbourhood he may open the Court in the absence of Mr. O'Malley Clarke, the Gold Commissioner and Police Magistrate.

573. Whether he does so or not, you are not aware? I am not.

574. The Police Magistrate has been taken away from Grenfell? Yes.

575. And the duty has been cast upon the Police Magistrate at Forbes? Yes; but an officer of Police at Grenfell has been put in the Commission of the Peace to take the duty when there is no police case to prevent him sitting.

576. Do you know what the population of Grenfell is now? About 3,000 I think, by the latest report.

577. Do you know how often a Court of Petty Sessions was held at Grenfell before the late change? Every day.

578. You cannot state whether that is so now or not? I cannot.

579. Do you know whether the Police Magistrate at Bathurst has other places to attend to? Two other places—Rockley and Oberon.

580. How far is Rockley from Bathurst? About 40 miles, I think.

581. How far is the other place? A little more, in another direction, on the Fish River.

582. Would it be possible for a gentleman to go to either of these places, transact business as a Magistrate, and get back to Bathurst the same day? Impossible.

583. Do you know the population of Bathurst? About eight or nine thousand, I think.

584. How long would you think it necessary for the Police Magistrate to be away from Bathurst to transact business at either of these places? Certainly not less than two days; and if the business on the Court day should detain him beyond the hour after which he could return to Bathurst on that day, it would keep him away three days.

585. Does Oberon lie in the same direction as Rockley? No, you strike off to the left of the Rockley Road—a different direction altogether.

586. Am I to understand that it would not be convenient to go from one of these places to the other? It might be possible, but rather difficult.

587. Then if the Police Magistrate attends both these places about once a month, about how many days would that occupy in the course of the year? Certainly not less than seven days in the month; eighty-four days in the year.

588. During which time he is necessarily absent from Bathurst? Yes.

589. You have had some experience as a Magistrate in the taking of depositions—you have seen them taken often? Yes; in the early part of my service I took duty as a Police Magistrate; I am, in fact, a Police Magistrate now, but I do not sit on the Bench.

590. Does it require any peculiar skill to be able to take down depositions correctly and rapidly? It does, and it requires a great deal of practice.

591. It is necessary that they should be rapidly taken? Briefly and rapidly.

592. Have you met with many persons who are able to take down depositions with considerable skill? Not very many; it requires great practice.

593. Considering the kind of qualities which are required to make a competent deposition clerk, can you say whether policemen, as a general rule, are up to work of that kind? They are not yet, but I have no doubt some of them possess sufficient education and intelligence to become good deposition clerks.

594. If the taking of depositions only happens as an incident in their duty, is it likely in your opinion that they will become, in any reasonable time, good deposition clerks? Some of them will.

Capt.
McLerie.

5 April, 1870.

595. Upon the whole, having had experience for many years as a Magistrate, presiding in Courts where depositions have been taken, and also having had many years experience as the head of the Police, may I ask what is your opinion as to the advisability of this change, that is to say, the employment of policemen in taking depositions? I have already expressed my opinion that I think it is inadvisable.

596. Supposing it to be an economical arrangement, as far as the public expenditure is concerned, is it in your opinion a wise economy, speaking from your experience as a Magistrate, and as the head of the Police? If it could be as well done as by properly trained Clerks of Petty Sessions it is a wise economy, but I doubt whether it could or not.

597. Are you aware that by law depositions are sometimes put in as evidence? Yes.

598. Does it occur to you that under these circumstances they should be taken with great accuracy? Certainly; many important cases depend upon the way in which the depositions are taken.

599. *Mr. Hoskins.*] Are there not a number of Magistrates residing in and around Bathurst? Yes, a great many.

600. I suppose a dozen? More than that.

601. Would there be any danger of a lapse of justice in consequence of the absence of the Police Magistrate? Not in such a place as Bathurst. I believe in practice they hold a Court there every day, whether the Police Magistrate is present or not.

602. And Magistrates are always to be found in attendance? Yes, plenty.

603. Do you consider the police force at the present time in the City of Sydney efficient? I think so.

604. I believe it has not been proposed by this scheme, for which the late Colonial Secretary is responsible, to reduce the number of detectives? No.

605. How do you account for it that the late Accountant of the Railway Department has escaped from the Colony? I am not aware that he has escaped from the Colony.

606. Do you believe he has escaped from the Colony? I do not at this moment believe he has escaped from the Colony; I believe he is in the Colony still.

607. Was not Archibald Ashdown under the surveillance of the police after he had been admitted to bail to appear on a future day to answer a charge of embezzling public money? He was.

608. Did the detective police lose sight of him? They did not; they saw him apparently coming to Court to answer for his bail.

609. But he did not appear? He did not.

610. Have any of the police in charge of police stations up the country—in fact all over the country—complained to you that the horses now used by the police are not fitted for the duties of police horses? I have never had such a complaint made to me.

611. You have never had any complaint from any police officer that the horses now used are ill adapted for the purpose? Never.

612. What I want to get at is this, that the horses now used for police purposes, since the reorganization of the police force, are not inferior to the horses used previously to the reorganization of the Force—the horses the police have had to buy—The police have now to find their own horses? Yes.

613. Are they inferior to the horses use by the police previously? I can only judge by their being allowed to select their own horses.

614. There has been no complaint of these horses being inefficient? No.

615. You stated that there had been applications for additional police protection in the various districts of the Colony? Yes.

616. Will you have the kindness to tell me when you received the first of these applications for police protection? That is a question I cannot answer; the application is generally made to the Colonial Secretary. I cannot give an answer without reference to the correspondence.

617. Then you cannot undertake to say whether the applications for additional police protection have been more numerous since the police were reorganized than they were before? Speaking from memory the whole of the applications were made before the change.

618. And therefore there is no proof of there being a greater necessity for the employment of police now than there was before the police force was reorganized under Mr. Robertson's scheme? A number of these applications were made before Mr. Robertson went out of office.

619. You have stated that a number of police officers have resigned their situations since this reorganization of the police force took place? Yes, some⁹⁰

620. Will you have any objection to state to the Committee the names of the officers who have resigned under these circumstances, their rank or grade in the service, the pay they received, and the compensation paid to any of them, if any? I cannot give you their names at this moment, or their rank, but I can answer the question as to compensation—they got nothing.

621. Would they not be entitled to compensation for length of service, if their services were dispensed with? Their services were not dispensed with; they went by their own action.

622. They voluntarily resigned because they disapproved of this new arrangement? Yes.

623. Would not these persons be entitled to compensation under the police arrangements? Not⁹¹ for voluntarily⁹² leaving the Force.

624. Can you state roughly how many have resigned for the reason stated? About half a dozen I should say.

625. I infer from the evidence you gave last Thursday evening that you objected to the appointment of special constables as emergency men—that you prefer to have men employed who have been regularly drilled; and you also admitted that several parties of such persons had been employed, besides Carroll's party, who went to try and capture the Clarke's? Yes, many other parties.

626. When these parties were employed, did you offer any objection to their employment? I offered the same objection that I do now; I said they never would succeed.

627. Were these objections conveyed orally or in writing? Orally.

628. You never at any time committed to writing any objections to the employment of special constables, except on this occasion? That is all.

629. Although you entertained the same objections as you do to these? Yes.

630. You admit that there is an absence of crime in the Colony at present? Within the last few months there has been less crime than I have ever known—serious crime, I mean.

631. If you look to the Estimates you will find that enumerating the sergeants, senior-constables, ordinary constables, and trackers, they number 701;—now, seeing that according to your own admission there is a great

⁹⁰ Insert constables.

⁹¹ if they
⁹² left

great absence of crime in the Colony, with 701 policemen do you see any necessity for increasing the number? That number is a reduction upon last year, and is proposed to be compensated for by the employment of the reserve constables. If the alteration is not adopted I cannot do without an increase of the number you mention. I have only been able to supply the country districts by reducing the number of men in Sydney and the country towns. There are 80 men less in Sydney than I had ten years ago, and in some of the country towns only half the number there were.

Capt.
McLerie.
5 April, 1870.

932. Seeing that there is an absence of crime in the country, and also that on your own admission the applications made for additional police protection were made anterior to the re-organization of the police force proposed by Mr. Robertson, do you consider there is any necessity for extending the operations of the police? I only want the same number as before.

633. Seeing that you admit that the Colony is in a very quiet state, why do you think there is any necessity for increasing the number proposed on the estimate? I take it that the watchman should not be removed from the tower because the enemy is not in view.

634. Seeing that we get on very well at present, what is the necessity for increasing the number? I have not applied for any increase of the number; there is a reduction in the estimate.

635. Leaving out the 147 reserved constables, would you be satisfied to go on with the 701? No; it would not be fair to the men; the health of the men is suffering from the excess of duty they have to perform.

636. How many constables employed in Sydney and the suburbs have been reduced since this re-organization? I cannot give you the number at present, but every vacancy that has fallen in since that time has remained unfilled up. There has been a gradual ^{decrease} increase in the number.

637. If an additional number of police were not sanctioned by Parliament, I apprehend that if an emergency required it, you would call into existence the services of some of this proposed reserve Force? If they were forthcoming.

638. You have had some applicants? Thirty-five applicants, of whom we accepted eight.

639. You will see on the Estimate that there are five superintendents proposed—where do these superintendents do duty? One superintendent is stationed at Maitland, in charge of the North-eastern District; one at Tamworth; one at Goulburn; one at Bathurst; and the other at Braidwood.

640. When the Police Act of 1862 first came into operation it provided that police officers in charge of stations should communicate with police officers in charge of districts, and such officers should subsequently communicate with head quarters? Those are the regulations.

641. Since then have not officers in charge of police stations received instructions direct from Sydney? No; no instructions are given to any officer in charge of a station, except through his own superintendent, but in cases of emergency, instructions are telegraphed direct, the superintendent being always made aware of it.

642. How far do the duties of the superintendent at Bathurst extend? From Hartley on the east to the Warrego on the west, beyond the Darling, and up the Bogan. It is an extent of district as large as all Victoria.

643. How far do the duties of the superintendent of police at Goulburn extend? From the Abercrombie, down to Young, the Levels, Yass, and all the country intervening.

644. How far do the duties of the superintendent at Tamworth extend? From the Moonbie downwards to the Peel River, down the Peel River, down the Namoi, to Wallgett and Breeharrina.

645. How far do the duties of the superintendent at Braidwood extend? From the Sassafras Ranges, above Illawarra, to the southern boundary of the Colony.

646. How do you account for it that the districts over which some of these superintendents have supervision, are so much larger than others? It is according to the line of country, the rivers, the facilities of communication by telegraph and otherwise. We gave the superintendent at Tamworth the Namoi because there is postal communication and soon will be telegraphic communication.

647. Mr. Robertson.] In answer to questions put by Sir James Martin, you stated that if the Police Magistrate of Bathurst visited Rockley and Oberon once a month he would be away seven or eight days? Yes.

648. And you base that assertion on your assertion that Rockley is forty miles from Bathurst? Between thirty-five and forty, I think.

649. Are you sure it is not nearer twenty miles? It is more than twenty.

650. Much more—Is it twenty-five? It may be. If he goes to Rockley and the duty occupies more than one day he must remain an entire day, and with a day to go back, that makes three days.

651. It all depends upon whether it is twenty-five or forty miles—you gave an absolute answer? I said about forty; my impression is that it is nearer forty than twenty.

652. But you do not know? I do not know exactly; I have travelled the road within the last few months.

653. You said you *believed* the late Colonial Secretary intended to pay these constables for doing the work of Clerks of Petty Sessions? That was the arrangement.

654. Did you say you *believed* that was the arrangement? If I said I *believed* it, I meant it was the arrangement.

655. You said it was forty miles from Rockley to Bathurst when you did not know it; but when you spoke of this matter, which you did know had been arranged, you only said you *believed* it was the intention? I intended to say that the late Colonial Secretary had fixed upon a sum not exceeding £10 as the remuneration to constables acting as Clerks of Petty Sessions.

656. Is that money put down on the Estimates? It is.

657. Then might you not have gone a little further than saying you *believed*, seeing it is on the Estimates? It is on the Estimates —

658. It seems remarkable, you saying merely that you *believed* it? They have not been paid, but I *believed* it was intended to pay them.

659. You did not say why they were not paid? I cannot say. I had no authority for it.

660. Was not more than sufficient money voted to pay these men? Before I can make a payment, I must obtain authority from the Colonial Secretary.

661. Did you apply for it? I did not.

662. Have you the minute of the Executive Council on this subject? I have.

663. Will you be good enough to look at it? The paper marked D shows the number of Clerks of Petty Sessions, and the changes with regard to them.

664. Did that paper prevent the payment of these Clerks of Petty Sessions? If these Estimates had been passed there would have been no question about it.

- Capt. McLerie.
665. I am asking you, did the Clerks of Petty Sessions, who had allowances provided for performing this duty, receive the money? No, certainly not.
666. What were your instructions. Take the case of the gentleman who used to go from Armidale to Uralla? I was instructed that the payment for those duties should cease from a certain date.
667. Where are those instructions? At my office.
668. Did not those instructions at the same time say that the constable who was to do the duty was to be paid for them? When the money was voted.
669. Do you mean that the money was to be stopped from one man and not paid to the other? My instructions are that no man can be paid without authority, even after the money has been voted.
670. Did you ever represent to the Minister that while you had stopped the payment to the Clerk of Petty Sessions who used to visit Uralla, the man who had been instructed to do the duty had not been paid? I represented to you that the Clerk of Petty Sessions at Armidale was allowed £80 a year for going to Uralla, that he went there very seldom, and that the principal part of the duty was done by the senior-constable there, and upon that representation I had instructions from your Under Secretary that the payment was to cease from a certain date.
671. And that the duty was to be done by the constable? Yes.
672. And yet you tell me the constable was not paid? He was not.
673. Did you ever represent to the Government that the constable was not being paid? I did not. It was my intention to pay them as soon as the Estimates were passed.
674. Is it within your knowledge that any Colonial Secretary was aware that this man was not being paid, though he was doing the duty—Had he any means of being aware of it? No.
675. Are you aware that in such cases as this it is usual to apply for authority to change the payment? In some cases—in individual cases—that might be the case, but the whole of these sums are still unvoted, and therefore I did not think it right to apply for Executive authority till the vote was passed.
676. Did you help me to make up the saving that this new arrangement of Clerks of Petty Sessions would make—the saving under the new arrangement as against the old? I did. Instead of the travelling allowance under the old arrangement, the small annual allowance to the police for doing the duty showed a small saving—a very small saving.
677. How much? The allowance to Clerks of Petty Sessions visiting other Benches was £450 in 1869, and the proposed allowance to the police for doing the duty came to something less; the saving was not very great. If you recollect, you appointed three acting Clerks of Petty Sessions at £50 each, amounting to £150.
678. Did not the fact of this new arrangement having been made imply that it was intended these constables should be paid for performing the duty of Clerks of Petty Sessions? Of course it does; and they would have been paid when the Estimates were passed.
679. Could you not pay them from the money voted? I saw no reason for applying for special authority, as the men would get the money when it was voted.
680. You said the Clerk of Petty Sessions at Armidale had £80 a year for going to Uralla occasionally—How far is it from Armidale to Uralla? About 15 miles, I think.
681. Is it within your knowledge, or have you reason to believe that the same man who does the work now frequently did it before? Such was the report made to me.
682. Therefore you have reason to believe it? Yes.
683. Then under the new arrangement the same man is doing the work for £10, for which the other man got £80? Yes; that is to say, if he does the duty of deposition clerk in every case.
684. Before, the man who did the work got nothing, and the man who did not perform the work got £80? He must have performed some of the work, because he went there.
685. Then, with reference to the questions asked by Sir James Martin, as to the capability of these policemen for doing the work, the very same man is doing it in that particular case as did it before? He is doing the same duty.
686. Is not one of the most important duties of the Clerks of Petty Sessions the custody of the records? It is.
687. Had the Clerk of Petty Sessions at Armidale the custody of the records at Uralla? No, they were in the custody of the police.
688. Were the police paid for having charge of them? No.
689. Suppose they had been lost, who would have been responsible? The Clerk of Petty Sessions at Armidale.
690. Then, in fact, it was utterly impossible for the Clerk of Petty Sessions at Armidale to do the most important part of his duty? Yes, the records were not under his eye.
691. Weighing the objections on the one hand and the objections on the other, so far as they apply to this case at Uralla, which plan do you think brought out the greatest amount of trouble or difficulty to bring about the worst results, having the duty done by the Clerk of Petty Sessions at Armidale, who had not the custody of the records for which he was responsible, or having it done by a constable, who has the proper custody of the records? Setting aside the duty of taking depositions, the present arrangement is better than the former one.
692. And saves £70 a year? Yes; but I object to the police taking depositions in cases in which they are concerned.
693. That used to be the case—constables took depositions before the recent reform? In some cases.
694. They do not take them in all cases now? I hope not.
695. Only in such cases as this, where there is a very small amount of work? In such cases as the police themselves are not interested in.
696. The fact is the police are only Clerks of Petty Sessions where there is a very small amount of duty? Exactly.
697. Is it the fact that I called your attention to my belief that it was a mistake to adopt this new arrangement at Uralla—that we ought to have some other man besides a policeman? Yes, you did.
698. Is it the fact that you at first proposed to give the man at Uralla only £5? Yes, I thought he would be well paid for all he has to do.
699. And that I increased it to £10? If you look at the Estimates you will see that you changed the arrangement; you said you would appoint an acting clerk at £50.

700. After I had visited the place myself? After you returned from your tour in the North you said that Uralla was so important a place that the duty ought not to be done by a policeman but that an acting clerk should be appointed at £50.

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701. Was it not my intention to ask the Council of Education to permit their schoolmaster there to do it? ⁵ April, 1870. I recollect your saying that you had seen there a very intelligent man, a schoolmaster, who would do it for £50, and if you could obtain the sanction of the Council of Education you would give⁹⁴ to him.

702. Therefore in that case of Uralla, if there was a mistake it was your mistake? I am satisfied now there was a mistake. I thought the duty might be done very well by the policeman. ⁹⁴ Insert it

703. You say it is a great advantage for a deposition clerk to be able to take depositions rapidly? Yes.

704. Especially where there is a great deal of business? Yes.

705. Is there any place where a constable has been appointed to do this duty where he has a great deal of business? Not a great deal of business as a rule, but there may be important cases anywhere.

706. I am speaking of the amount of business—where there is not a great deal of business the matter of rapidity is not of so much importance? No.

707. So that the depositions are taken accurately it is not of so much importance to have them taken rapidly, where there are only one or two cases a day? In cases where there are a number of witnesses, unless the depositions are taken down quickly the Magistrates are kept waiting.

708. Where there is a great deal of business? Or where there are important cases.

709. As none of these constables are doing duty where there is a great deal of business, the advantage of rapidity would be very much modified? As a rule there is not much business, but a case may arise, even at the most unimportant place, in which it may be very important to have the evidence taken with great care.

710. I am talking about rapidity? Care and rapidity.

711. I want to know whether, in your opinion, in these districts where a constable has been appointed Clerk of Petty Sessions, the matter of rapidity is of as much importance as where there is a large number of cases? Of course it is not the number of cases, but the importance of the case and the number of witnesses in attendance.

712. Is it or is it not the fact that there has not been a single constable appointed as Clerk of Petty Sessions who has not been recommended by yourself? Of course I selected the best I could find, and made changes to meet the new arrangements. I selected the best educated men of that rank that I found in the Force.

713. And I think you said many of these are quite equal to the Clerks of Petty Sessions? Some of them.

714. Are the worst of these men less educated than some of the worst Clerks of Petty Sessions? Yes, certainly; I would not go so far as to say that the worst educated permanent Clerk of Petty Sessions is not more than equal to the worst educated policeman acting as Clerk of Petty Sessions.

715. In answer to Mr. Hoskins you stated that there are a number of Magistrates at Bathurst, and therefore that though the Police Magistrate at Bathurst might be away occasionally, still the Court could be held every day? I believe that in practice, whether the Police Magistrate is present or not, the Court is opened every day.

716. Is it not in accordance with instructions to the Police Magistrates that they are to arrange with the other Magistrates to hold Courts, when obliged to be away on district duty? I am not aware whether they are ordered to do so, but I know such an arrangement is carried out.

717. You have not seen the circular letter written to Police Magistrates on their appointment to their new duties? I have not.

718. You have not thought it your duty, in your position as chief of the police, to see correspondence of that sort? All that I have to do with the Police Magistrates is to pay them once a month.

719. Then your views with respect to them are put forward without official knowledge? Only from what I hear from my own officers.

720. Then all your answers to Sir James Martin were intended only to convey what you had heard? What I know from my own observation.

721. Did you tell him that you knew that at Young no Police Court was ever held unless Mr. O'Malley Clarke or Mr. Pearce was there? I said I presumed that as Mr. Pearce, the late Police Magistrate, still resided at Young, he would, in the absence of Mr. Clarke, open the Court.

722. Are there not other Magistrates there? It is not within my knowledge.

723. With regard to Grenfell, is it not within your knowledge that there are other Magistrates at Grenfell besides the removed Police Magistrate, and irrespective of your police officer recently put in the Commission of the Peace? At the time I gave you his name to be put in the Commission of the Peace, in order to assist in police office duty there, there was no other Magistrate.

724. The question of Sir James Martin was whether Courts were held, and your answer was that there was no one to hold them? That was my impression.

725. You are not aware that there is any other gentleman in the Commission there? No.

726. Are you in the habit of reading the *Gazette*, when appointments are made to the Magistracy? Not as a rule. I often do it.

727. Cannot your memory take you back to a recommendation or consultation about two or three gentlemen who were proposed to be put in the Commission of the Peace at Grenfell? No, not at this moment.

728. Of course you will not say they have not been appointed? Of course not.

729. Then you will not say there are not other means of holding a Court there? They may hold a Court every day for what I know.

730. Then in fact you know very little about the Magistrates? I do not; it is out⁹⁵ of my duty.

⁹⁵ of the line

731. I think you said there were about half a dozen constables who have resigned in consequence of the new regulations? I said about that; I could not be positive. The resignations came in, and on inquiry I was informed it was in consequence of the new regulations.

732. In what district did this happen? In the Western District.

733. All in the Western District? I will not say all.

734. You do not know their names, or how long they had served? They had not served very long, because a man would not forfeit a service of many years. I was told one very intelligent man had got an appointment from a large stockholder as an overseer.

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735. It may have been that this person who got the appointment as manager of a large station thought he was better off in that position than in the police? It may be the case, but I was told it was in consequence of the change.
736. How were you told that—officially? No, not officially.
737. How came you to ask this question? Because it struck me there were a great number of resignations within a few days.
738. Who told you this? I directed the Secretary of Police to make inquiry, and that was the result.
739. How did he make inquiry? By writing to the officers.
740. Can these letters be produced? I do not know.
741. How many constables had you at the time you speak of? 588.
742. And of the 588, six are supposed to have resigned in consequence of this change, and one of the six took a position as superintendent of a large station? Yes.
743. You have told us that you have eighty less constables now than you had ten years ago—that the last provision made by Parliament was eighty less? No, not the last; I said that when the new system was established in 1862, I had been able to form new stations by removing men from Sydney to other towns; and that in consequence of those changes there are now eighty constables less than there were ten years ago.
744. When did you begin these reductions? In 1862.
745. Did you make any difficulty about the reductions then—did you object? I made the reductions myself. There were a certain number of police voted and I distributed these police throughout the Colony according to the wants of the several places.
746. Did this arise in any way from any action of any Minister of the time? No; but a number of new stations were called upon to be formed, and I formed them in that way.
747. Then up to the time I came into office no Minister had tried to make any reduction? They did not make that. I find that in 1855 the estimate amounted to £168,000, and the amount proposed for this year is £122,000, showing a reduction, between 1855 and 1870, of £46,000, although the population has been nearly doubled, and the number of stations increased from 161 to 260.
748. How did these reductions occur of your own motion? There was pressure put on me by the Minister, by Mr. Cowper, Mr. Parkes, and Mr. Forster. I may say incidentally that there are two other departments of the Public Service which I may call co-agents of the police, namely, the Country Benches and the Police Offices in Sydney, and the Gaols and Penal Establishments. In the period I have just mentioned, 1855 to 1870, the expense of the Police Offices and Petty Sessions has increased from £14,000 to £35,000, an increase of £21,000, and for the Gaols and Penal Establishments the sum of £21,000 was voted in 1855, whereas the amount put down for them this year is £53,000, showing an increase on these establishments, which I look upon as co-agents of the police, of £32,000; so that in point of fact while these two other establishments, to a certain extent connected with the police, have increased £53,000, I have been able to reduce the expenditure for police by £46,000.
749. Did you make any remark against these reductions? I may have done so, but I carried them out at any rate.
750. You have spoken of the estimate for Gaols—was that estimate made on any representation of yours? I was present when it was prepared.
751. Do you consider it sufficient? I cannot say; I could not give an opinion.
752. Was it made on your recommendation? No, it was not.
753. *Mr. Weaver.*] You stated, I think, that you pointed out that the salary paid to the Clerk of Petty Sessions at Armidale, for going to Uralla, was too large—that there was so little duty that you thought it right to bring it under the notice of the Minister? It was after Mr. Robertson's return from the north; he has refreshed my memory.
754. You did not call attention to it before? It was after the late Colonial Secretary made his tour to the north.
755. He altered it then from £5 to £50? Yes.
756. You first of all drew attention to the fact that the Clerk of Petty Sessions from Armidale rarely went there? No, I drew attention to that particular place for this reason, that several Clerks of Petty Sessions had to travel more but were only receiving £25, while this clerk was receiving £80.
757. I think you will find he did not receive £80? That may be.
758. You state you drew attention to it because there was so little duty to do—are you aware how often he travelled there? I thought myself justified in bringing this matter under the notice of the Chief Secretary, in consequence of the discrepancy in the payments.
759. Are you aware how often he travelled there? I am not.
760. Are you aware that he travelled there once a fortnight? If he did, it is a short distance, and one of the best roads in the Colony.
761. Do you know the name of the constable you recommended for this duty? I cannot recollect now.
762. I think you stated that he constantly took the depositions and did the duty before his appointment? So I have been told; I do not know about taking the depositions, but my impression is that he did a great deal of the duty.
763. Are you aware that he ever did any of the duty? I have been told so.
764. You have not made any fresh arrangement to do the duty there? That is unnecessary, in consequence of the arrangement made by Mr. Robertson, to have the duties done by an acting Clerk of Petty Sessions at £50 a year.
765. Of your own knowledge, you are not aware whether this man ever did any of this duty? Not of my own knowledge.
766. Are you aware that the constable there is a man of very indifferent education? The last time I visited the station it struck me he was more defective in that respect than any man I saw at any station I visited.
767. Are you aware how many men there are at that station now? There ought to be two.
768. You state that the bench duty is very light there? It cannot be much.
769. Why not? There is not the population; besides it is so near Armidale.
770. Are you aware that there is a large population round about the Rocky, close at hand? Probably there is.
771. Are you aware that these people give more trouble than in most districts? I cannot say that.

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772. *Mr. Tunks.*] With reference to an answer you made to Mr. Hoskins as to whether you objected to the alteration of the police arrangements, were you correct in the answer you gave? I understood Mr. Hoskins' question to apply to parties of police that were sent out irrespective of the regular police, and whether I objected to these parties.

773. Exactly. The Colonial Secretary is the responsible head of your department? Yes.

774. If any alteration was contemplated in the management of the police, you would be called upon to report? Of course.

775. Would it be any part of your business to suggest that the Minister had made a mistake in the course he had taken, without being asked? I think that, as a public servant, having charge of an important department, it would be my duty to give him my views.

776. Without being asked? Yes.

777. May I ask whether you were consulted in the arrangement as to Carroll's party? I was not.

778. You authorized not long since the police to take as it were a census of the population throughout the whole Colony? No, only in the Police District of Sydney. They were collecting certain returns and jury lists, and I instructed the officers to make the men so employed get the number of persons who occupied each house, in order that I might be in a position to get as near an approximation to the population as possible.

779. Was that with a view to regulating the amount of police protection? It was to some extent. There were so many applications for police protection that I wanted to be in a position to see to what extent they had a claim.

780. Have you fixed any standard of police protection in proportion to population? Not yet; I have not the means. There are three important Municipalities near Sydney, with a population of upwards of 10,000, and only three policemen.

781. Do you recollect the population of the Electorate of St. Leonards? Yes, I have the whole of the returns here:—Newtown, 4,167; Redfern, 6,094; Waterloo, 2,589; Alexandria, 1,819; Darlington, 1,269; Glebe, 5,093; Cook, 1,340; Camperdown, 480; Marrickville, 1,283; Paddington, 3,520; Woollahra, 4,340; Randwick, 1,549; Waverley, 1,371; Balmain, 5,564; St. Leonards, 2,019; East St. Leonards, 865; North Willoughby, 523. These are the Municipalities. The population of the City of Sydney is 71,236, and that of the suburbs within the district not incorporated, 11,952; making a total of 127,123 in the city and suburbs.

782. Did your inquiry extend westward from the North Shore? The inquiry extended to Broken Bay on the north, and George's River on the south. Those are the southern and northern boundaries of the Police District of Sydney.

783. Westward? As far as Haslem's Creek.

784. Have you any recollection of the number of inhabitants west of Lane Cove River, according to that return? No; that is beyond the boundaries of ⁹⁶ incorporation. I could get them.

785. Several policemen are stationed in that district? There is one at Lane Cove, two at St. Leonards, and one at Manly Beach. ⁹⁶ the police district of Sydney

786. How many are in charge of lock-ups? Two, at St. Leonards and Manly Beach.

787. Are these lock-ups in charge of one or two men? One man is responsible for the duty of the lock-up.

788. You know the lock-up at Ryde? I do.

789. Should you consider it safe to leave a lock-up used as a gaol in charge of one man? It is not used as a gaol at Ryde; it is merely used as a lock-up till prisoners are disposed of by the Bench.

790. The Bench of Magistrates sometimes sentence prisoners to confinement? Only for a few days; and I think that is injudicious, knowing there is only one constable in charge.

791. Is it not a fact that the lock-up is in charge of a woman very often? No doubt of it.

792. Do you approve of that kind of thing? I do not; but that inconvenience would never occur if the Magistrates would sentence prisoners to confinement in Sydney ⁹⁷ Gaol. ⁹⁷ Insert or Parramatta

793. In the event of prisoners in this place being under committal on charges of one kind or another—would you hold the policeman responsible for their safe custody? The constable in charge would never leave the lock-up if there was a prisoner there charged with any crime of importance.

794. Is he the judge of that? Of course; he has ⁹⁸ surely sense enough to know whether it is a case of ⁹⁸ importance. ⁹⁸ ought surely to have

795. Suppose he had in the lock-up a prisoner charged with murder? In such a case he would not leave.

796. Would he not be compelled to leave on other duty? No, he might get assistance from Parramatta.

Mr. Spring here put some questions to the witness, which, with the answers thereto, were so imperfectly heard by the Shorthand-writer that they could not be recorded *verbatim*. The witness was, however, understood to say that at Dubbo the price of maize was 7s. per bushel; bran, 8d. per bushel; hay, £7 per ton; straw, £3 per ton, according to the present contract; that he was not aware that good oaten hay had been sold at Dubbo this season for £2 per ton, but that it was quite possible; that these contracts were thrown open to public competition; that in some cases they came through the officer in charge of the police; that if the Tender Board considered a tender unusually high it was generally referred to the officer in charge for his report; that in order to save expense he had instructed the police in some districts to cut grass for hay; that police horses were bought by the officers in charge of the districts, except in very few cases; that the average cost of horses so purchased in 1869, was £13 per head, and in the last five years, £15 per head; that he was not aware that very capital horses could be bought in any part of the country for £10 per head; that horses were purchased for the police at the cheapest possible rate consistent with their efficiency; that he was not aware the police in some of the country districts, had been buying their own horses for the last three years; that their doing so was contrary to rule and highly objectionable; that a man at Fort Bourke ought to get more for keeping his horse than a man at Maitland, as it was impossible to keep a horse at Bourke for £25 a year, whereas £25 was more than sufficient at Maitland; that £10 a year would keep a horse on the Hunter River, but not at Bathurst, where forage was dear; that maize at Bathurst cost 4s. 9d. per bushel; bran, 9d.; hay, £3 10s. per ton; and straw, £1 10s.; but, as the witness said in his evidence the other night, these were the lowest prices he had ever known there; that the price of forage at Bathurst fluctuated so much last year that the contractor had given up his contract once or twice in the year; that all the mounted police in the country were now supplied with their own horses under certain regulations, some of which horses had been bought from the Government; that in the Murray District seventeen horses were selected by the constables and bought from

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from the Government at an average of £10 each; in the Deniliquin District seven at £7 each; that in other districts Government horses, many of them worn out, had been sold by auction at an average of £6 per head; that witness had in some cases put reserved prices upon them, and that if they did not bring those reserved prices they were retained for the present; and he had no doubt the reserved prices would be obtained.

797. *Mr. Wilson.*] Have you any means of informing the Committee as to the strength of the police force in the other Australian Colonies, and the expense relatively to the population? I cannot give the number, but I know that in proportion to the population the police force of Victoria is much stronger than ours. I am told that the police in the City of Melbourne, the population of which is not much greater than that of Sydney, is nearly double ours. I can give a few statistics as to the strength of the police in England in proportion to population. The Metropolitan Police are as one to ²³⁰⁰ of the population; Liverpool, one in 440; Manchester, one in 532; Bristol, a sea-port town, one in 540; Newcastle, another sea-port town, one in 794; Hull, also a sea-port, one in 692; and the police in all England, town and country, are one in 899 of the population, the area of England being 50,000 square miles, whereas the police of New South Wales, covering an area of 317,000 square miles, are as one in 600. The cost I cannot give, but wages there are much less than here. Then, as to the United States: According to the annual Report of the Board of the City of St. Louis, received a few mails ago, the police of the City of Washington, which is about equal to Sydney in point of population, are as one to ¹⁰⁷¹ of the population, but the expense of the police there is 12s. a head of the inhabitants, whilst the expense in Sydney for the same population is 3s. 1d. per head.

798. You do not know the expense of the police in Victoria? No, I do not; I wrote for it the other day to the Commissioner of Police, and I expect his reply by the first steamer.

799. *Mr. Leary.*] I think the Committee may infer from your evidence that the expenditure for police in 1869 was not more than sufficient for the security of life and property in the country? It was not.

800. We may therefore infer that there should have been no reduction at all in the expenditure for police, according to your opinion? If new stations require to be formed, there could not be any reduction.

801. I presume the duties of sub-inspectors are of the same character as those performed by the senior-sergeants? No.

802. Take Newcastle, for instance; there are both sub-inspector and senior-sergeant there—would not a senior-sergeant be sufficient? No, I think not.

803. What is the difference in the duties to be performed by the senior-sergeant and the sub-inspector? The sub-inspector is in the position of an officer, and therefore he can come more in direct communication with the Magistracy than a sergeant could.

804. Is there any particular necessity for a person to be considered an officer so that the Magistrates may communicate with him? I think there is a great advantage in having a man in the rank of an officer to communicate with the Magistrates, and that the person in charge of the police at so important a place as Newcastle should be of higher rank than a sergeant.

805. Your senior-sergeants are generally men of intelligence? Yes, they are only waiting for promotion to the other rank; they are eligible for it.

806. If the senior-sergeants are eligible for promotion, and therefore able to perform the duties of sub-inspectors, the latter, I suppose, are only on the list to afford opportunities of promotion to those below them? No, it is necessary and proper there should be these gradations in rank.

807. What reason is there for Newcastle having a sub-inspector and senior-sergeant? Newcastle is a very important place, next to Sydney, the most important town in this Colony.

808. Would not a senior-sergeant be quite sufficient? No, I do not think so. The water police are under the officer there as well as the land police.

809. Have not most of the sub-inspectors been senior-sergeants? No, some of the most efficient sub-inspectors were never sergeants.

810. But many have been senior-sergeants? Yes.

811. With regard to applications for police, has it not been the case, ever since the Police Act came into operation, that you have had frequent applications for increased police protection? Yes, they come in weekly; in fact I have received one to-day.

812. You have occasionally reduced the staff of police in different districts at your own will? As I said before, when I saw no necessity for so many men in a town, I reduced the number, and drafted them to country stations.

813. Without any ill effects? As a rule¹⁰¹

814. Is there complaint in these cases after a reduction of the police? When I reduced the Parramatta Police there were complaints, but I believe they have had no reason to complain since.

815. Do not the public always complain when there is a reduction of police? Nearly always.

816. I think you stated that though there were many places in the country requiring police protection, still you had given police protection, since this so-called reduction, to many places that were not protected before? Since the passing of the Act of 1862.

817. Not since this reduction? No.

818. *Mr. Lord.*] Have you not received frequent applications for the establishment of a police-station at Dandaloo, on the Bogan? Yes.

819. Have any steps been taken to provide that station with police? Not yet.

820. What is the reason they are not placed there? Because I have not men to form new stations.

821. Is that in consequence of the reduction? If the police estimate had been voted as last year these stations would have been formed.

822. I suppose you think necessary police should be established at Dandeloo on the Bogan? Yes, I think so.

823. And the reason why it is not done is that you have no men? Yes; there are twenty-three new stations requiring to be formed, and some of them more important even than ¹⁰²Dandeloo.

Mr. Spring here put some questions, in answer to which the witness was understood to say that it was part of the plan of the late Colonial Secretary to have a movable body of police for service where required, but he did not think such a plan would answer very well; he did not see why a man living in Sydney doing nothing should be better paid than a man in the country working hard; a movable body of police would be inefficient from want of local knowledge, and the men on a station would work far better by themselves. (The remainder of *Mr. Spring's* questions and the answers thereto were too imperfectly heard by the Shorthand-writer to be taken down.)

Mr.

99 500.

100 500.

¹⁰¹ Insert not any.

¹⁰² Dandaloo.

Mr. Phelps here put some questions, which were almost entirely inaudible to the Shorthand-writer, but the witness was understood to say that he was at Adelaide in 1868, and from there came up the Murray to Wentworth, but did not go up the Darling, as there was no steamer plying; he reached the township of Balranald; his impression was that the efficiency of the police in those districts was very much impaired by their having escort duties to perform over such an immense extent of country; he stopped at Wentworth a few days and made himself as much acquainted with the country on the Darling as possible; and on his return to Sydney he formed two additional police stations in that part of the country; when he returned to Sydney he reported that Wentworth was a place at which, in his opinion, a Court of Quarter Sessions should be held; and the then Colonial Secretary, Mr. Parkes, quite agreed with that view; witness had official reports of various offences from that quarter, and had heard it said that the Country about the Barrier Ranges, on the South Australian border, was a refuge for the ruffianism of four Colonies—South Australia, Victoria, Queensland, and New South Wales; in order to put a stop to the state of things referred to, it would be necessary to act in concert with the police of South Australia, and witness had spoken to the Commissioner of Police there on the subject when he was at Adelaide; their nearest police station in that direction is 300 miles from ours; a police station should be formed near the boundary; and our police should act in concert with the police of South Australia until the gang was broken up; police need not be stationed there permanently, but only until the gang was broken up; the expense of conveying prisoners for trial from Wentworth and Wilcannia to Deniliquin was enormous, and there would not only be a very considerable saving of expense but a great improvement in the efficiency of the police force if a Court of Quarter Sessions were held at Wentworth.

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824. *Mr. Jennings.*] You are aware that application has been made for a police station at Tocumwal, on the Murray? Yes.
825. Have you police to enable you to form a station there? No.

Charles Lydiard, Esquire, J.P., examined:—

826. *Mr. Parkes.*] You are Superintendent of one of the police districts of the Colony? I am.
827. Which? The Western District.
828. How long have you held that appointment? For the Western District?
829. Yes? Six years and a half.
830. How long have you been in the Force? In this Colony or in Victoria?
831. In this Colony? Since 1862.
832. Were you connected with police operations before you came to this Colony? Yes.
833. Will you be good enough to state where and how long? In Victoria since 1851.
834. That is the date of your first entrance upon police duty? Yes.
835. You have been here about eight years? Yes.
836. And six or seven years in the Western District? Yes.
837. Are you acquainted with the features of the proposed change of the organization of the police? I have received orders from the head of the department as to the changes.
838. Have you seen a copy of the minute of the Executive Council, dated 30th June of last year? I have, in the *Gazette*.
839. The changes proposed to be carried out are substantially the changes indicated in that paper? They are.
840. The chief feature of this change is that some 147 ordinary constables are to be dispensed with, and their places supplied by a reserve constabulary of the same number—that is one of the features? That is one of them.
841. Another is, that the police horses are to be dispensed with, and the mounted men are to maintain their own horses, being supplied with a specific sum of money for that purpose. Is that another feature? That is another.
842. Is there any other important feature in these changes? I cannot say—I am trying to carry out the orders given to me from head quarters.
843. Will you be good enough to state what are your views, based upon your experience as a police officer, of this first change of supplying the place of ordinary constables by this reserve constabulary force? I do not think we could get men we could depend upon to supply the place of ordinary constables.
844. Will you be good enough to explain what you mean? I mean that men of good reputation and character, whom you would wish to get to supply this reserve are men who have to get their own living, and have their own affairs to look after—they would not like to be called away at any moment to act as constables; they object to act as constables. I have personally asked several people to act as reserve constables and they have always refused.
845. Have you been instructed to seek applicants for filling this reserve Force? I have.
846. Have you received applications? I have received six.
847. Do you judge of the applicants yourself, or do you forward their names? I forward them to the Inspector General.
848. Do you report upon them? I report upon them.
849. Did you forward these six names? No, three spoke to me, and the other three sent in their written applications.
850. Then in reality you received only three? Yes.
851. Did you forward them? Yes.
852. Did you report upon them? Yes.
853. What was the nature of the report? That two were eligible and one was not.
854. What do you mean by eligible? Respectable men—two I would have taken, and one was not fit for the position.
855. Is the Force in your district—that part of the Force immediately under you—reduced in consequence of this impending change? It is; I am eighteen men short of my ordinary number.
856. Short of the standard of last year? Yes.
857. With regard to the mounted men, do you approve of the proposal for the men to find their own horses? No, I do not.

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858. Do you think it would work well? I do not think so.
859. Will you state your reasons for thinking it would not work well? I know the men at Bathurst are losing £1 a month over what they are allowed for forage.
860. What is the sum allowed? £25 a-year.
861. Would there be any disposition on the part of the men to save as much as they could —? Undoubtedly they would.
862. Their own horses? Naturally they would do so.
863. At the expense of their own efficiency, as far as their horses were concerned? They would save all they could no doubt.
864. What do you consider are the qualities of an effective constable? In what way?
865. What makes a good constable? A good rider, a good knowledge of the bush, a smart active intelligent man who takes care of his horse and feeds him well.
866. That cannot apply to men in town? I am speaking of the bush.
867. Is it not the fact that to be an effective policeman a man must have a good knowledge of the locality and of the character of the population where he is stationed? Of course the more knowledge he had of the locality where he is stationed the better constable he would be.
868. Can he be an effective policeman unless he have a perfect knowledge of the locality, and an acquaintance with the operations of the population of the locality? It takes a considerable time to acquire that knowledge.
869. Can he, unless he has this knowledge, be considered effective? I think so.
870. If he is a stranger, not knowing the locality or the inhabitants? He would have to fall back on his mates to tell.
871. So far as he is concerned, without other information could he be effective as a constable? He ought to be a constable wherever he is sent to, and be able to perform his duty, to follow up any man he may be after.
872. Then a man who was never in Sydney would be quite equal to another man of the same capacity who had been twenty years stationed in Sydney as a constable? A constable in Sydney —
873. Take two men of the same fitness for the office of constable—one who had been stationed in Sydney for twenty years, and the other who had never been there at all, would one be as efficient as the other for the performance of duty in Sydney? Certainly not.
874. Would the latter be anything like as efficient? I should think not; a man from the country would never be as effective in Sydney as a man who had been in Sydney twenty years.
875. You think it necessary, in order that a man should be effective, that he should have a knowledge of the country where he is stationed? Yes, I have said so.
876. Would this reserve constabulary be at all equal to their duties, being called upon only now and then, just as some arose or was thought to have arisen? I do not think reserve constables would ever be as efficient as men who give up the whole of their time to the duties.
877. Should you feel yourself quite as capable of protecting the district with half the Force reserve constables as if the constables were the ordinary regular permanent constables? No; I should not.
878. Do you think that this proposed change in the organization of the police would prove prejudicial to the Force? I do not think the police force would be so efficient.
879. You do not think it would be improved? No; I do not think so.
880. Can you form any opinion of the effect upon the temper and character of the Force; has it any discouraging effect or an encouraging effect? I have lost some two or three or four men who resigned, and they said they left on account of this new system coming in. I believe the men are much dissatisfied with it.
881. Supposing this system of reserve constabulary were carried out, and persons who offered their services were accepted, would there be any danger of their being sometimes inveigled by offenders against the law instead of acting as protectors? I think it is very probable.
882. Would there be any danger of the class of persons known as bush telegraphs offering their services? I would not take them.
883. How could they know them? You must know them.
884. Do the police officers in the district—take your own case in the Western district—know all persons who have sympathy with offenders against the law? I think I do, or if I do not know them personally myself I know them through my men.
885. Do you think the persons who offered to serve in this reserve constabulary would be persons desirous to assist the police? I do not think they would. I think the persons who assist the police are respectable farmers and others who have their ordinary business to look after; they assist the ordinary police, but they would not serve as reserve constables.
886. Should you have confidence in the reserved constabulary assigned to you? I should not.
887. *Mr. Robertson.*] You have said one of your objections to the idea of having a reserve constabulary is, that you think you would not be able to obtain them? Yes, I have tried hard to obtain them.
888. From what class have you tried to obtain them—to what ages? Any under 30.
889. Do you think a man of 31 would not be able to do the work of a reserve constable in the town of Bathurst, when escort duty required one of the ordinary constables to be away? It is the regulation.
890. It was the regulations and not the men that caused the difficulty—would it be possible to alter that regulation? Of course the regulation could be altered.
891. Part of this difficulty then arises from refusing to take men over 30? I do not think you could get them over 30.
892. You have not tried for people over 30? I have tried for any person who would come forward as a volunteer reserve constable, but they never would.
893. You have got them? There were three applicants; two I sent down and recommended.
894. Were they appointed? No.
895. Why were they not appointed? I cannot tell you.
896. They were not appointed? They were not appointed.
897. Is it not most likely that these two men who, being over 21 and under 30, and being over 5 feet 8 in height, meeting your approval, were not appointed—is it not likely their rejection would have a discouraging effect upon others making application? No, I do not think so. It is a very different part of the district.

898. Different from what? One was from O'Connell's Plains, one from Bowenfells, and one from Meadow Flat. C. Lydiard, Esq., J.P.
899. Would it not prevent another man from O'Connell's Plains from applying? I do not think so.
900. Do you not think a man, having gone through all the bother of applying, of being approved of, and then of not getting the appointment, would prevent others from applying? No, I do not think so. 5 April, 1870.
901. Do you think it absolutely necessary. I will put a case: Take the case of the town of Wellington—how many constables are there? Three; two mounted constables and a lock-up keeper.
902. These men have to perform the whole duty? Yes.
903. And there is some escort duty there? At times; no gold escort duty.
904. Escort of prisoners? At times.
905. How is it performed? By men from station to station.
906. Does one man go with them, or two? It depends upon the number of prisoners.
907. Is the town left wholly unprotected at times? Yes.
908. Would the town not be better off on these occasions when these people are away, if the reserve constables could be called out for the purpose of looking after it? I do not think so. I do not think a reserve constable would interfere much in the matter.
909. Not if he were a respectable man, paid for his duty? A respectable man would have his own business to look after, and would not like to interfere with his neighbours. They have a dislike to constables, or to have anything to do with them. If we want information from them, they say, "Don't mention my name in the matter."
910. In fact, respectable people always put obstacles in the way of the police? I did not say so.
911. Is it not so to refuse to give information? I did not say they did refuse, but that they would rather their names were not mentioned.
912. You do not think any respectable man would take this kind of appointment? I do not think so.
913. I thought you said three had applied? Afterwards one of them came to me and said he would not join the reserve, but he was willing to join the regular Force, and he withdrew his application for that reason.
914. How many police are there in the town of Bathurst? Sixteen, all told.
915. Do you send any of these police on escort duty with prisoners? Yes.
916. How many go away at a time? It depends upon the number of prisoners.
917. How many at the most? A prisoner's escort is sent with the sergeant on foot, a constable, and two mounted men.
918. How long are they away? The sergeant is away four days; the constables and mounted men return when they leave the prisoners at the next station.
919. Is the town in a more unsafe condition in the absence of these men? The men who remain have to do double duty.
920. Do you not think four men could be dispensed with, and that when escort duty had to be performed, the reserve Force could be called out to perform the duty of the regular constables during their absence? I think we should do just as well without them.
921. I think you said the police of Bathurst were now losing £1 a month by keeping their horses? Yes.
922. They are getting £25 a year? Yes.
923. That would be £37 a year for feeding a horse? No; there is besides farriery, saddlery, wear and tear.
924. £37 a year—you think it would cost that? Yes, I believe it would.
925. What is the price of hay now? £3 10s.
926. How much hay would a horse eat in a year? I suppose a ton.
927. Do you not paddock your horses? Never, except in summer-time, when we turn them out at night.
928. Have you not a paddock at Bathurst? There is a small paddock.
929. Of about what extent? 14 acres.
930. How many horses have you there? We do not turn them out; they would not work if we did.
931. How many horses have you? About 9 horses.
932. And a 14-acre paddock,—hay cost £3 10s. a ton? Yes, and corn 6s. 9d.
933. How much corn will a horse eat in a year? ~~12 lbs. in a day, 8 lbs. in a day~~ or 12 lbs.
934. You are not sure whether it is 8 lbs. or 12 lbs.? I am not sure just now; we have a regular allowance. 12 lbs. of hay, 8 lbs. of corn.
935. You cannot say what it is? I cannot say what it is just now.
936. How much hay do you give? 14 lbs. a day.
937. What supervision have you to see that the horses get this hay and corn? We have a forage book, and we weigh the hay and corn when it comes in, and balance it up every three months.
938. What guarantee have you that the horses get this hay? I take care of that; I supervise it. I visit the stable every morning, and see that the horses are fed properly.
939. But you do not remember how much a day they get? I do not exactly remember.
940. But you personally supervise it every day? Yes.
941. You said the horses would not work if they were turned out? No, they will not.
942. Is it not the fact that horses kept in a stable, when they have been two or three days in the bush on grass, will not stand as much work as horses kept partly on grass and partly on corn and hay? Yes; it is the fact that horses kept constantly in the stable, and going out to where there is nothing but grass to eat, will not do the work.
943. Then if you hunted bushrangers where you could not get forage, I presume your horses would not be so serviceable as they would have been if they had been in the paddock, and fed partly on grass and partly on corn and hay? Paddock-fed horses will do a couple of day's sharp work, but they get knocked up after that.
944. Is there not a difference between a paddock-fed horse as such, and a stable-fed horse as such—is it not the practice of squatters, who are in the habit of riding great distances, to feed their horses on grass, and on hay and corn too? Yes.
945. Is the paddock at Bathurst not used in the same way as squatters use their paddocks? No.
946. Are the horses never in the paddock? Yes; I said I turned them out at night in the summer-time, but in the winter-time if I turned them out in Bathurst they would be of no use.
947. Do not you turn them out in the day in the winter? No, it is too cold; I turn them out in the summer.

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948. How many months do you call summer for that purpose? About five months—four or five.
949. Only five months of summer at Bathurst? No.
950. Are the horses there out half their time in the paddock, for five months in the year? They are out at night.
951. For five months in the year? I cannot say they are always out; it depends upon the weather.
952. They eat pretty nearly all the grass? There is no grass in the paddock we turn them out in.
953. How does it happen there is no grass? It all dries up.
954. Nothing eats it? There is no grass; it is that trefoil that dries up in the summer.
955. Will not the horses eat it when it dries up? There is nothing to eat but the seed.
956. Has a paddock of fourteen acres nothing for a horse to feed upon? No, there is nothing here but trefoil, as I have said.
957. Is that Bathurst Plains? No, the Ordnance Ground, in the town.
958. The town consists, I think, of either plain land or bald hills? Either of plain land or bald hills.
959. Fourteen acres of land will grow nothing for a horse to feed upon? In the summer there is nothing for a horse to eat.
960. I think you said that a constable is not so effective when he is new to a place? He is not so effective when he is new to a place as when he has been in it some time.
961. Would these reserve constables be necessarily men new to the place where they were located? No; of course they would not.
962. Then that objection refers more to the old practice of removing constables than to the reserve constables? A constable may be too long in a place, and when you find a constable has been too long in a place I think it is necessary you should remove him to another.
963. I think you said that twenty years was likely to bring about a thoroughly efficient constable? I said that a constable who had been twenty years in the bush, if he came to Sydney, would not be so efficient as a man who had been twenty years in Sydney.
964. You think it a good plan to remove constables? At times.
965. These new regulations do not give any instructions as to removing them or not removing them? The reserve;—the reserve I do not think would remove if you ordered them to do so.
966. Therefore the question put by Mr. Parkes, as to whether these constables would be so efficient, because of their being strangers, would scarcely apply to these reserve constables if you had them? You would not have the same control over these reserved constables as over ordinary constables.
967. Why? You could not order them away to another place if you wanted to do so.
968. Because they would not be engaged to do that duty, but you could order another constable away, and make them do the work of the other constable? Yes; but I do not think he would understand his duty.
969. Do you not think he would ever learn to understand his duty? He might, after a time, but it takes time.
970. What do you think would be the pay of a reserve constable in the course of a year, assuming him to be employed one day in seven—one-seventh of his time? The allowance would be 10s. a day.
971. 10s. a day for 52 days? Yes.
972. That would be £26 a year, would it not? Yes.
973. If he were to have boots and clothes, that would make it up to £30 a year? Yes.
974. Do you think, with a liability of that kind, of one day's work in a week, men cannot be got for £30 a year? I do not think any hard-working respectable man would take it.
975. Not as good men as you have in the police? No, I do not. I know I have asked young men at Bathurst, farming young men, and they have perfectly laughed at the idea—the sort of men I would have chosen for good constables.
976. Are the policemen hard-working-men, or were they before they entered the police? They have lots of work to do now.
977. I mean work such as is called work in the bush? Yes, some of the men I have are very good men, and have been brought up to hard work.
978. Do you think they would ever go back to work again? Not if they had been any time in the police.
979. You state that some men have resigned—three or four—in consequence of these new regulations? Yes.
980. You know that they resigned in consequence of this? They have told me so.
981. Can you name them? Yes—Matheson.
982. How long had he been in the service? Six or seven years he had been with me.
983. What business has he entered upon? He has gone to California.
984. Was he intending to go to California before these regulations were issued? I did not hear him say so.
985. Did you ask him why he was resigning? He said he did not like the changes in the police. He was a good man, and I did not want him to go.
986. Can you give me another name? William Phillips.
987. Where is he now? Gone to California, too.
988. Was he going to California before? No; he has travelled with me many hundreds of miles, and he never told me he was.
989. Is it usual for you to converse with your constables? Yes, when I am travelling a distance I do.
990. Can you give me another name? I forget the name of the next.
991. Where is he gone? He has gone to California. There is a fourth, whose name I also forget. They have all four gone to California.
992. You have said you do not like the idea of the men finding their own horses? I have.
993. What kind of horses had you before the change? Very good ones.
994. All good horses? Not all, of course; most of them were good.
995. How many had you altogether? 300, I dare say.
996. 300 in the Western District? Yes, I have 175 men in the Western District.
997. 300 horses? I dare say I have.
998. How many of them were good horses? The greater portion of them.
999. How many—about how many? About 100 first-class horses.
1000. 100 out of 300? Yes.

1001. You think one out of three is a fair proportion? I do. The horses that could stand hard roads I employed for escort and this end of the district. The horses I thought could not, I worked them down the rivers, on river stations. C. Lydiard,
Esq., J.P.
1002. Do you think there is any probability of the constabulary having a greater number of inefficient horses than two-thirds under the new system? I think so. April, 1870.
1003. What was your mode of examining these horses under the old system? I inspected them whenever I went round the district.
1004. You inspected them yourself? Yes.
1005. Did anyone else supervise your inspection occasionally—Was anyone else sent from head-quarters? The Inspector General has been round.
1006. You bought the horses and inspected them? Yes, most of them.
1007. What is the plan under the new system? I have not been able to inspect them yet.
1008. Are the constables allowed to buy horses without the approval of the officer under whose command they are? They ought not, according to the new regulations.
1009. Under the new regulations before a constable can buy a horse the horse has to be approved by his officer? Yes, under the new regulations.
1010. Is there not another provision in the new instructions, that the Government shall send, at irregular intervals, an officer from Sydney to inspect these horses—to see whether the officer has done his duty? I have not seen that.
1011. Are you not aware that that is the instruction? No, I have not seen it.
1012. Have you ever read the Minute of the Executive Council? I have; but I do not remember at this time such a regulation.
1013. You are not sure that it is not in the minute? No.
1014. If that is in the minute is it not a greater precaution than we had before? I do not see that; the Inspector General is the officer who now travels about and looks at the various districts.
1015. How long is it since he has been in your district? Twice since I have been in my district.
1016. How many years have you been there? Six years and a half.
1017. Would that be a sufficient inspection to see whether the horses were right? He is the best judge.
1018. We are asking your opinion as to the sufficiency of the inspection?
Mr. Webb objected to the line of examination.
The witness withdrew.
Debate ensued.
The witness was again called in.
1019. *Mr. Robertson.*] Assuming that it was necessary that some one should supervise, or inspect the horses you purchased—would two visits in six years be sufficient to carry out efficiently that inspection? I cannot answer that question.
1020. In your opinion I say? I would rather not answer that question; it is a matter for my superior officer—the head of my department.
1021. You buy the horses now? I do; I have bought them.
1022. And you inspect them? Yes.
1023. And no one else superior to you, or charged with the duty of inspection, looks over these horses that you buy and inspect, but Captain McLerie? No.
1024. And he only twice in six years? He has been in the district twice in six years.
1025. Did he inspect all the horses on that occasion? No.
1026. How many did he inspect? I cannot tell you.
1027. Where did he go to? He went to different places in the district.
1028. To all the places? I do not say so; to various places.
1029. To what places? To Mudgee.
1030. Did he inspect the horses there? He did.
1031. Of the 300 horses you say are in the district how many do you suppose he inspected? I could not say.
1032. 100? No.
1033. 50? Yes.
1034. 60? I should say 50 or 60.
1035. Then the other 240 or 250 have been inspected by no one but by the officer who bought them? A great many of them were sent up from Sydney.
1036. A great many were purchased by you? The greater portion of the horses I have were sent from Sydney before I arrived in the district, and a few since.
1037. The greater portion—more than 150—were there before you arrived? In 1862, 1863, and 1864.
1038. These horses must be nearly worn out? They are.
1039. The greater portion of the horses are worn out? The old horses do a great deal of work on the rivers; they are turned out on the grass.
1040. They do very slow work? They do long journeys.
1041. When they are turned out on the grass do they eat 25 lbs. of corn and hay daily? It depends upon the price of forage; I know hay, in some parts of the district, has cost £18 to £20 a ton.
1042. Do you not think it would be safer for the Public Service, seeing that you are the buyer of horses for the district, that some one from head-quarters, not interested in the character of the horses so much as you are, should be sent occasionally to see whether these horses are all right? It is not for me to answer that question; the head of my department must consider that.
1043. Such a provision would have greater safety—you might not be a fair judge of a horse? Very likely.

The House rose for refreshment.

Examination resumed.

1044. I asked you some time ago whether there was not a provision in the Executive Minute that an officer should be sent at irregular intervals from head-quarters to examine the horses of the constables—to see that the other officers did their duty? I said there might be, but I did not remember it.

1045. If you will look at the minute paper, on the fourth line of the third paragraph, after the word "duties," you will see what I refer to? (*The witness referred to the paper.*)

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1046. Will you read that? "The officer in charge of such district will be responsible that such horses, &c., are in every way suitable for the work required; and frequent inspection will be kept up from head-quarters?" Head-quarters I understand to mean the head-quarters of the district.
1047. It means head-quarters in Sydney? I did not read it so.
1048. The officer of the district is to inspect the horses—? I have read that, the head-quarters of the district.
1049. The officer of the district is at the head-quarters of the district—is he not? Yes.
1050. He has to inspect the horses? Yes.
1051. Would you send an officer beneath him to do it? There are sub-inspectors who are in charge of sub-districts, who would inspect the horses where the superintendent could not. I read the minute differently.
1052. You find that there is provision made that there shall be that supervision? From the head-quarters of the district?
1053. No, no? Of course I do not know what the intention was, but I read it as the head-quarters of the district.
1054. It does not say so—Where is the head-quarters of the police? Sydney.
1055. This says head-quarters without limitation as to district—what does that mean? I should say the sub-inspector in charge of the sub-districts in my division. I consider the head-quarters of a district to be Bathurst, Goulburn, or wherever the head station may be.
1056. Does this state the head-quarters of the district? It does not say that.
1057. It says "head-quarters"—what does that mean? I explained just now that I considered it meant the head-quarters of the district.
1058. What are the words—"The officer in charge of each district will be responsible that such horses, &c., are in every way suitable for the work required; and frequent inspection will be kept up from head-quarters"—I should think that was as plain as words could make it? I did not read that so.
1059. You have said that you will not have the same control over the horses bought by the constables, and that they will not be so good;—is it the fact, or is it not the fact, that the police now ride their own horses, or borrow their horses? Not at present; they ride the horses they purchase.
1060. I mean before the new regulations? At times it has been so.
1061. To what extent? I only speak as far as my own district is concerned. Last year (1869) the remounts allowed me I did not take till after the drought was broken up. I knew of a fine mob of horses, and I was waiting to purchase out of that mob. Just as I could get these horses, orders came that the men were to purchase their own horses, and I gave the constables permission to purchase what they needed if, upon being subject to my inspection, I approved of them, and I would give them what price they gave themselves.
1062. Previous to that regulation had it not been a common practice? Not to my knowledge.
1063. You have not heard that private horses, or borrowed horses, in Bathurst, are kept in the Government stables? No. I have never borrowed any horses in Bathurst. I have always had my own.
1064. You never had any horses but Government horses in the Government service? Not in Bathurst.
1065. Have the police—have the officers—any horses of their own? Yes.
1066. Where do the officers keep the horses—in the Government stables? Yes, we have to keep horses.
1067. I thought you said just now that you did not keep your horses in the Government stables? Yes; the superintendent has to provide horses to keep them for the work.
1068. How many has each officer? Two.
1069. Only two? Only two.
1070. Are these saddle or buggy horses? Both. I speak for myself. The sub-inspectors are found in horses—one horse each.
1071. Do not they have horses of their own? I think not, to my own knowledge. They may have a horse of their own to ride if they wish it. I provide the sub-inspectors with horses, and if they want to have horses of their own, they apply for leave.
1072. Where do they keep them? In the Government stables, and they ride them on Government duty.
1073. And feed them on Government fodder? Yes.
1074. Do you find that these horses are worse than Government horses? No.
1075. They are good horses? They are good horses.
1076. They are not afraid to ride them after bushrangers? No.
1077. They are good horses, are their own, and are fed on Government fodder? Yes, and they do duty for the Government.
1078. *Mr. Wilson.*] I think you stated that the number of men in your district was reduced by 18 from what it was in 1869? Yes.
1079. Do you consider that the Force now in your district is sufficiently strong? I do not; there are many stations where we ought to have two men where there is only one.
1080. Do you think in these particular stations it would be sufficient to have a reserve constable in addition, or would you require two permanent men? Two permanent men.
1081. Do you think this new scheme of having these substitutes for policemen is received with favour in the district where you reside? I can only speak for the Western District, and it is not received with any favour there.
1082. Have you ever heard any expression of opinion from the Bench of Magistrates? I have.
1083. Do they appear to favour this scheme? No.
1084. I think you have stated, that as far as your personal knowledge and observation goes, it is impossible to work it? I do not say it is impossible to work it, but it could not be worked as efficiently as the previous system.
1085. I thought you stated that you could not get the men? I could not get them.
1086. Then it could not be worked at all? No.
1087. Supposing it were possible to get these men, do you think the ordinary constables would have sufficient confidence in them to let them into their secrets? I think not.
1088. Is it advisable that a man officiating as a policeman should be away from his fellows for six days out of the seven, and associating with the general public? No.
1089. Have all the men under your command bought horses? Not all, the greater portion of them have.
- 1090.

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1090. Are you aware of the average price they receive in your district? About £8 10s.
1091. Have you experienced any difficulty with the men with regard to keeping their fodder and corn separate? Yes.
1092. Are they obliged to provide bins for their own corn? Yes.
1093. Do you find a jealousy exist in the men upon the subject? I have not found it yet.
1094. It is very likely to arise? Yes.
1095. *Mr. Nowlan.*] You have mentioned that you were connected with the police force in Victoria? Yes.
1096. How long were you in that Force before the new system was instituted? About two years.
1097. Is that the system in force here at present? Last year—1869.
1098. I am asking you when the new system was introduced into Victoria—in what year? 1852.
1099. Is our system of police the same as that? The system in force here up to the end of last year.
1100. How long were you in Victoria after the initiation of the new system? About ten years.
1101. Did you find it work well as compared with the old system? Very well.
1102. Did you ever hear any complaints against that system? No.
1103. Was there ever any inquiry made into the working of that system? There was a Committee of the House upon it.
1104. How long since? Nine or ten years.
1105. What was the result of that inquiry? I cannot exactly tell you; there was no change in the system.
1106. Have you heard whether any change has been instituted since? No.
1107. When did you come to New South Wales? In 1862.
1108. And you have been in the police here ever since? Yes.
1109. Do you think that the proposed alterations in the police arrangements will work well for the efficiency of the Force, or injuriously? I would rather not give an opinion.
1110. With reference to these reserved men—what course of training or discipline do they go through; how do you train them? I have none to train.
1111. How long is it since you were instructed to procure these men? Since the commencement of the year.
1112. 1870? Before that; in the latter end of 1869.
1113. Do you remember the month? I cannot remember the month.
1114. You have not trained any? I have not had any to train.
1115. Supposing you did get some to train, how would you propose to do it—I mean, what time is allotted for the training—are they supposed to undergo any training? There are no orders or regulations about that.
1116. Do you think the new system of purchasing the horses is likely to secure as good horses as you had under the former system? I do not think so. I think a man would buy his horse as cheaply as he could, and when he got it in condition he would sell it.
1117. Do you think it would be likely to induce their going in for a little horse dealing? I think so.
1118. In reference to providing their own provender—will it not occupy their time to look after it? I do not think that.
1119. If they are likely to do a little in horse dealing, I suppose they are likely to do a little in corn factoring? No; I do not think so.
1120. It would be to their interest to buy their corn and hay cheap? Yes.
1121. They will have to do a little then in corn and hay dealing? They will feed their horses in the cheapest way they can.
1122. It would then occupy a portion of the time that should be devoted to their public duty, in the purchase of provender for their horses. Do you know anything with reference to the performance of the duties of Clerks of Petty Sessions by the police? I know the regulations for it.
1123. How many of your men have you recommended to fill that situation? Several.
1124. Do you think they are quite competent to discharge the duty of Clerks of Petty Sessions? Not many.
1125. Who are these men whom you have recommended? Senior constables.
1126. Are they educated men—I understand that ordinary constables have taken that position? One or two of them.
1127. Is that likely to interfere with the discharge of their duty as policemen? I think it will in many cases; but I think it is their first duty to perform their police work. I consider the duty of the Clerk of Petty Sessions is a secondary consideration altogether.
1128. But in some places you have only one man stationed—since the reduction has been made. In such a case the policeman has in the first place to perform the duty of apprehending the prisoner, then he has to discharge the duty of watch-house keeper, has he not? Yes; but I manage so as not to allow a man to be in that position.
1129. I know there are several in that position in my electorate? I am speaking of my own district.
1130. In the event of a single man being in charge of a station? If he arrested a prisoner he would have to take care of him and bring him before a Magistrate.
1131. He would bring him before a Magistrate as a Clerk of Petty Sessions? Not in every case.
1132. In the particular case where there is only one man at a station, and that man has been appointed Clerk of Petty Sessions? Yes.
1133. In that case he would have to arrest the prisoner to begin with, to take charge of and look after him as lock-up keeper, and when the man was tried he would have to perform the duty of Clerk of Petty Sessions? Yes.
1134. I know there are many cases in my electorate where they have so to act—do you think it compatible for one man to perform his duties in those several relations to the prisoner? Not exactly; I should say it was not compatible with the duties of constable.
1135. I know of several stations where the constables have to discharge these duties, and I think in such a case as I represent—
- Mr. Samuel objected to the Honorable Member giving evidence.
1136. Do you know whether, under the present arrangements, you have any station in your district that is entrusted to one man? Where there is a Court of Petty Sessions?

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1137. Yes? No.
1138. You have some stations where there is only one? Yes.
1139. In that case he would have to apprehend and to act as watch-house keeper? Yes, he has to take care of the man when he gets him.
1140. Suppose there is only one man at a station, and he has one man in charge and wants to catch another, what does he do? Stick to the man he has got.
1141. If he has got one man and wants to catch another? Yes.
1142. Do you think the public interest is as well cared for in such a case as if two men were stationed—one to act as watch-house keeper and another to act as constable? Two men in a station are better than one, no doubt.
1143. With reference to the inspection of horses purchased by inspectors—Under the old system it was the duty of the inspector to purchase these horses? Under what old system?
1144. The present system before it was altered? I always purchased my own horses.
1145. Did you purchase your horses when you were in the Northern, as well as when you were in the Western, District? Yes.
1146. In the Maitland District? Yes.
1147. After you purchased these horses was it understood that they were to be inspected by a superior officer? No; I was responsible that the horses were suitable for the work.
1148. Do you think it is to the interest of the inspectors to purchase the best horses they can get? Most undoubtedly.
1149. There is no commission attaching to the purchase of horses? No.
1150. There is no means by which inspectors, by buying bad horses, could turn a penny? No, I never found it so.
1151. You think, with me, that the inspectors have the strongest interest in purchasing the best horses they can get? Yes, it is to his credit if he has good horses.
1152. Because if he has not first-rate horses he cannot perform the work he is responsible for? No.
1153. In your opinion is it necessary there should be any further inspection of these horses? I leave that to my superior officer.
1154. Do you think that up to the present time the efficiency of the Force has been impaired by the late arrangements? We have not so many men as we had. The reduction of the number of men, of course, has impaired the Force.
1155. Up to the present time, as far as it has gone? No; my district is very quiet at present.
1156. It has been impaired merely by the reduction of the efficient men who have been withdrawn? Yes.
1157. I think you stated previously that you had endeavoured to induce men to join this reserve? Yes.
1158. Do you think it is possible that men might join the police force as reserve men, with the idea of getting knowledge of what is going on among the police—the tactics of the police? I would not take such a man as that.
1159. How could you know? I should know the fact I think.
1160. Do you think it is possible for a bush telegraph to get into the place in this way? I should know a man before I took him.
1161. I do not see how you could do it? In the first place he would have to bring a certificate of character.
1162. But I think I have understood that in your district very respectable men acted as bush telegraphs? That is some time ago—those times have gone by.
1163. You think there is no danger of employing bush telegraphs? I do not think so. It would reflect great discredit upon the officer in charge of the district if he did.
1164. At the same time you do not approve of these reserve men, and think the system would not work efficiently? No.
1165. As to their training, you can form no opinion as to how you were to set about to train them? No.
1166. *Mr. Ryan.*] I think I heard a question as to the horses? Yes.
1167. You purchased your own? Yes.
1168. Now just take into consideration —? Oh yes.
1169. What is the age to start upon, that you buy them at? Well, 4 years, or 5 or 6.
1170. Marked in the mouth I suppose? Oh yes, marked in the mouth.
1171. I dare say you buy an aged horse now and again, don't you? Oh yes, at times.
1172. Well now what is your experience with respect to horses in the police force—with respect to ages you say you have purchased an aged horse at times? Yes.
1173. That is I suppose if he shows pretty good legs and so forth? Yes.
1174. I think it was named to you a little ago, on a question put by Mr. Robertson, with respect to the age of the men you are about to employ in the police? Yes.
1175. I think the age named ranged to 30? Yes, 30, according to the Act.
1176. Men over that age you are not allowed to accept? No, the Act does not permit us.
1177. But your experience has shown that in the horse kind, that an old stager of 10 or 12 years old is not a bad animal? Oh no—there are good ones of that age.
1178. And even as old as 14 years? Yes, I have got one myself that age.
1179. I think you might find some good ones at 20? Oh yes.
1180. Have you not found the low country horses, the flat-footed horses, capable of doing police work? They are not good on hard roads.
1181. But good in the low country? Oh yes.
1182. With respect to the young men now who made application to you at 30—what would you think if one at 35 applied—would he not be as eligible a person if he appeared likely, as an animal. You say in the horse-kind you would take a good aged horse in preference? The Act does not allow us to take a man over 30 years of age.
1183. Well what about the horses? We have no instructions; it is a Police Act.
1184. I have no doubt Mr. Lydiard, if you had your own opinion of the matter, there is some men you think more of at 40 than at 30—what do you say to that? I don't exactly see what you mean; do you mean that I would rather have an older man than a young one.
1185. No, not if they were of the same quality; but supposing you had one at 30 and one at 40, of robust character and stamina? I would take the man at 30 in preference.

1186. Of course if they both had the same appearance ; but don't you find in the animal-kind, horses at 15 years are much superior to other animals at 10 ? No, I don't think that ; I don't say that. I had rather have a good horse at 10 years old than at 15. C. Lydiard,
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1187. Well, really you get over me you know. What has been your answer?—I heard you answer a question of some Member a little ago about the changes of the police—they get too well-known in a district, and a change becomes necessary—What do you intimate by that ? I don't exactly understand you. 6 April, 1870.
1188. I say this : You answered the question of some Member a little ago as to the changes that the Inspectors — ? Yes.
1189. Would think it necessary to change a man from one district to another ? Yes.
1190. That the man was too well-known in one district, and it was desirable to change him into another ? Yes.
1191. What did you mean by that ? I mean this : A man may sometimes get too intimate with the people, and not do his duty properly, and if you think he is neglecting his duty at that station remove him to another.
1192. Well then you think he is still quite equal to the place where you would put him ? Yes ; a man may be a good constable, and still neglect his duty at one station.
1193. What do you think about this intimacy that takes place ? Well, I don't know.
1194. What is this intimacy ? Well, I can't explain that.
1195. Well, I think you, as one of the most intelligible persons of the western interior, could give some information on this point, as it is desirable to change a policeman from one part to another—if he is objectionable at one part he should be at another ? I don't see that at all. A man may be a good constable but neglect his duty at one place, and when you put him at another place he will do his duty well.
1196. Then you think to get him off his line of beat—off his ordinary "towri," as we call it—does him good, and makes him an excellent policeman at one place when he was a bad one at another ? I think so.
1197. *Mr. J. B. Suttor.*] With reference to the constables becoming Clerks of Petty Sessions, are you aware that very often cases come before the Petty Sessions which the police are directly interested in ? Oh yes, certainly.
1198. When a case of that kind arises, is a constable the proper person to take down the evidence ? Well, the Magistrates would see the evidence properly taken down.
1199. But perhaps the Magistrates might have a different opinion as to the evidence, and not express it at the time ? I consider that a Clerk of Petty Sessions should not take down the evidence wrong, and the Magistrates should correct him if he does so.
1200. *Mr. Jennings.*] Am I correct in saying that your district extends to the Darling ? Yes.
1201. How far down the river ? Bourke.
1202. I see by the Estimates that £25 per year is to be allowed to a constable for forage for his horse—would that be sufficient there ? No, I have had to purchase forage there, and I have paid 18s. a bushel for corn there.
1203. Can they acquire forage in any other way than by purchase ? Well, yes ; there is a kind of wild oats which can be got in at certain times of the year and stored.
1204. Do they provide these wild oats themselves ? Yes, I have got a store at Bourke myself now.
1205. How far down the river does your district extend ? About halfway to Wilcannia, and to Bourke.
1206. What is the allowance for foraging a horse up there ? I can't say ; it depends entirely upon the seasons.
1207. Are the horses there fed on forage as a matter of fact ? No, not when there is plenty of grass.
1208. How do you think that this system of allowing a certain sum for forage will work ? I don't think it will work well, because at some places, such as Maitland, the men can keep their horses for less than £25, but in most districts they can't do it for that.
1209. But in this district ? I think it will be utterly impossible to keep a horse there for £25 a year. At Hay and ———, where there is no grass, they must feed the horses ; I don't know the price of forage there.
1210. *Mr. Webb.*] You have said you have had six applications ? Yes.
1211. Three by letter ? Yes, three written applications.
1212. And three personal ? No, three written applications.
1213. Yes, and three personal as well ? No, three written—Oh, yes, three personal applications—yes
1214. All of which were suitable ? Yes ; and one withdrew afterwards I think.
1215. Do you know the person who withdrew his application ? Yes, he was a respectable man enough.
1216. Was there not one application made of another character ? Yes, an application was made at my office. I told the man to get his recommendation and testimonials of character, and make a written application, and I gave him a form.
1217. When did you next see him ? I saw him in the lock-up the next time I saw him.
1218. When ? On the same day. I did not know the man at all.
1219. How many constables are there at Rockley ? Two at Rockley.
1220. Who acts as Clerk of Petty Sessions there ? The senior-constable.
1221. Is there any Petty Sessions at Tuena ? That is not in my district.
1222. At Oberon how many constables are there ? Two now. I had only one there, but I have sent out another.
1223. Who acts as Clerk of Petty Sessions there ? The senior-constable.
1224. Is there any lock-up there ? No.
1225. Any Court House ? No.
1226. In case of a prisoner being remanded there, what is done ? He is brought into Bathurst.
1227. What distance is that ? Thirty-two miles.
1228. So when he is remanded to Bathurst one constable goes with him, and the whole district is left in charge of one constable ? Yes.
1229. The constable has to go to Bathurst again I suppose to take him out ? No ; we send him out.
1230. What became of the man I referred to just now ? I don't know.
1231. Was he brought before the Bench ? Yes, he was.
1232. Was he fined ? Yes. I think he was sent to gaol. I don't know.
1233. What for ? For creating a disturbance in the street—assaulting the police.
1234. *Mr. Parkes.*] Assaulting the police ? Yes.

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2 8 lbs.
1235. *Mr. Webb.*] In reference to the purchase of forage, the prices you have given I presume to be wholesale prices? Yes.
1236. Is a policeman in a position to purchase forage in that way? No; but the way they are working it, they club together and purchase.
1237. Will you not have considerable disturbance and quarrelling about this? I am sure there will be disturbances among the men about it.
1238. I think the allowance of forage is 12 lbs. of hay per day? Yes; 2 lbs. of bran and 2 4 lbs. of corn—that is the Government ration.
1239. What is the contract price of hay? £4 it was last year.
1240. I think you said £3 10s. just now? That is the market price; £4 is the contract price.
1241. What of corn? 6s. 9d.
1242. And bran is 5s. per bushel? I think it is.
1243. What is the price of straw? That is at a nominal price at present.
1244. What would it amount to—an ordinary ration? I have not calculated.
1245. Considerably over £25 a year—you know that? Yes.
1246. *Mr. Ryan.*] There is one question I wish to put to you—what is the average price paid for horses since you have been in the police force? In the Western District?
1247. Yes, on a rough guess? Well, about £11 or £12 is my average price.
1248. You have been compelled to sell many horses? Yes; I have sold a great many at different times.
1249. What is the average price they realized generally? Oh £10, £12, and £13.
1250. Well then they fetched a larger price than you gave for them? No, but very fair prices after getting four or five years work out of them.
1251. I say the selling price is nearly equal to the first purchase? No, it is not equal to that; but then I had some work out of them.
1252. But you say £11 was the first purchase? Oh yes, that is the average, but I gave more for those I sold.
1253. Well tell us what the receipts are upon an average—what are they do you think—just a rough estimate—I do not confine you to particulars? Well, do you mean to include old screws and everything.
1254. Take the ordinary horses, such as come under your notice—I do not mean those in the Force—what is about the average price? About £8. From £7 to £8 has been the average; they sold very well.
1255. Then that is £3 or £4 less after five years service? Yes.
1256. Is there a contract at per day for the supply of horses? No.
1257. And you purchase all the corn at your own establishment? For forage you mean.
1258. Yes, for forage? No, there is a contractor for that.
1259. At per head or per diem? No, we purchase it in bulk.
1260. Then the contractor has nothing to do with so much per head or per week? Oh, no.
1261. You purchase it all on your own account? The contractor supplies us and we are answerable for it.
1262. What is your estimate of the average price of forage? Well, the present price is £3 10s. for hay, and 6s. 9d. for corn.
1263. What is your estimate of the cost of the forage of a horse for a year, a week, or a month—say for a month? I can't tell you.
1264. You know the allowance to the police horses? Yes; but I can't tell you the cost without calculating.
1265. Have you no idea? I would not like to say.
1266. I should like to supply them for £18 a year at the present rate of forage? Yes.
1267. *Mr. Robertson.*] In answer to Mr. Webb, you mentioned that one of the applicants for the position of reserve constable was drunk and disorderly and was punished—was that man accepted? No.
1268. Was there any possibility of such a man being accepted? No.
1269. Have you ever known a regular constable, though he was one, to be fined for being drunk? Yes.
1270. Did you ever know one to be transported for some crime of some magnitude—did you ever know one commit murder, for instance? No, I have not, but I knew one to commit manslaughter.
1271. Then the fact of this man who was wholly unfit applying for this office in no way detracts from the system—does it? It merely shows the style of men you get to apply for the appointment.
1272. Would he not be likely to apply for a position in the regular police force? He might.
1273. Would that be a reason against the regular police? No.
1274. But it does tell against the reserve police? You would not take him upon either; it tells both ways, sir.
1275. *Mr. Webb.*] There is one matter I should like to clear up: You said there were twelve or thirteen acres of land fenced in at Bathurst? Yes.
1276. During the summer-time is there any feed there? No.
1277. Is it not a fact that all the grass in the neighbourhood of Bathurst is scorched off then? Yes; on ground such as our paddock is on.
1278. And that is the reason it is not cultivated? It is not cultivated—Oh, no.
1279. *Mr. Phelps.*] Might I ask your position in the police force? Superintendent.
1280. You have been to Fort Bourke? Yes.
1281. Any farther? All the way down the Darling.
1282. To Wilcannia, Menindie, and Wentworth? Yes.
1283. How did you travel? On horseback.
1284. What time of the year? In October.
1285. That is the best time to go down, is it not? Yes, it is.
1286. Were you able to get plenty of feed? I had to go back from the river for it.
1287. How far? Oh, about a couple of miles in places—not always.
1288. You did not go in any direction from the Darling direct? No.
1289. You did not go up the Warrego? No.
1290. The Paroo? No.
1291. The Bullah? No.
1292. Or to the Barrier Ranges? No, I just followed the Darling down.
1293. Do you know whether these places have ever been visited by a police officer in your position? No, not to my knowledge.

- 1294. Do you consider it desirable that they should? I consider it would be a good thing for an officer to see the country as much as possible.
- 1295. Well, Mr. Lydiard, as regards fodder for the police horses, do you think it desirable that fodder should be provided by the police officers themselves? No, they can't do it for the money.
- 1296. Do you think they could grow forage for themselves in paddocks? No, I should think not.
- 1297. Are you quite certain of that? I am not certain.
- 1298. Do you think it probable? Very improbable, I think.
- 1299. You think it is desirable that the police should be provided with forage? I think so; they have to depend on the steamers principally.
- 1300. It dropped from one Member that he would supply them for £18 a year, I think—do you think that could be done on the Darling? He would be out of pocket by it.
- 1301. What would be the cost do you think? I can't tell you.
- 1302. Well would it be safe to take the contract of the honorable Member for the Nepean—£18 a year? That is his own business.
- 1303. Yes, but would it be safe for the Government to take that contract? Yes, very.

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Edmund Fosbery, Esq., Secretary to the Police Department, was called in and examined:—

- 1304. *Mr. Parkes.*] Are you a member of the police force, Mr. Fosbery? I am.
- 1305. What office do you hold? I am Secretary and Superintendent of Police, and I also act as Deputy Inspector.¹
- 1306. You are a Magistrate of the Colony? Yes, under the Act.²
- 1307. How long have you held the office of Secretary and Superintendent? Since Mr. Forster's Government in 1864.
- 1308. Were you in the police of this Colony previous to that time? Yes; since the 27th of March, 1862, I think.
- 1309. What office did you hold previously? I was Secretary of Police, and acting as Deputy Inspector³ ² Insert General also.
- 1310. Were you a member of any police force before you came to this Colony? I was ten years in the police force of Victoria.
- 1311. From what date? From 1852.
- 1312. You have been eighteen years connected with the police force of this and the adjacent Colonies? I have.
- 1313. Your station I believe is at the office in Sydney? Yes.
- 1314. Are you superintendent for any particular district? We have no superintendent now in the central district, and the duties devolve on the Inspector General or myself.
- 1315. Practically you are superintendent of the metropolitan district? There is no superintendent for the district, for Sydney, the detective office, or the depôt. These four separate divisions of duty are now ⁴ Insert central controlled from the head office.
- 1316. Do your functions extend to the whole Colony, or are they confined to any district? To the whole Colony if I act for the inspector, and I do⁵ generally at all times.
- 1317. What was the number of ordinary constables in the police force for the year 1869? May I be permitted to refer to the Estimates. I should not like to charge my memory with figures to speak precisely. It was 864, I think.
- 1318. Will you look at that (*Estimates, or other printed document, handed to witness*)? The number of ordinary constables was 588.
- 1319. Was that number in excess of the requirements of the Colony in your judgment? I should have stated that out of that number there was an increase of twenty-five men who were never appointed—an increase voted by the House, but which⁶ the Government did not sanction the appointment of⁷
- 1320. The number actually employed then was 563? Yes, 563.
- 1321. Was that number in excess of the requirements of the Colony in your judgment? I do not think it was sufficient for the requirements of the Colony.
- 1322. Will you explain how you think it was not sufficient? There were some dozen places, I suppose, unprovided with police. There were a dozen places from which urgent applications had been received, and which we have not been in a position to comply with.
- 1323. How many do you suppose? I should suppose there were from twelve to twenty.
- 1324. Do you remember any one in particular where a constable was urgently required? I could name half a dozen.
- 1325. Well, will you name one? The Bellinger River, Myall River, Warren.
- 1326. Will you be good enough to tell what was the condition of any one of these places—the Myall River for example—which in your judgment made the establishment of a police station urgent? There was a large number of rather rough characters located in that district, and a good many public-houses. They stated that they were 25 miles distant from any police, and that they found it very difficult to preserve anything like order or peace.
- 1327. When you say that they stated that they were twenty-five miles distant from the police, whom do you mean, the inhabitants? Yes; the residents.
- 1328. Those who applied for police protection? Ycs.
- 1329. Has police protection been extended to this particular district, or to any of the others you alluded to? It has, to some of them.
- 1330. To Myall River? It has, lately.
- 1331. In what form? A station and Court-house have been built there, and one constable stationed there.
- 1332. Did the Force, as it existed last year, in your judgment, based on your eighteen years experience, work satisfactorily for the preservation of peace and the protection of property? I think that all Forces of the kind are susceptible of improvement, but as a whole I think that it worked very satisfactorily.
- 1333. Are you aware of the leading features of the change which it was proposed to carry out in the regular police force here? I am.
- 1334. Have you read a Minute of the Executive Council, dated the 30th of June, embodying the principles of this proposed change? I have.

E. Fosbery,
Esq.
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¹ Insert General.
² Omit.

³ Insert General

⁴ Inspector General and

⁶ Omit.
⁷ the additional men

- E. Fosbery, 1335. Has that change been carried out, or attempted to be carried out? It has.
Esq. 1336. Do you consider it an improvement? I do not.
- 5 April, 1870. 1337. From your experience, as a member of the police force and an officer of the Force, do you consider that the Force would be improved by that change? I do not.
1338. One of the chief features of this proposed alteration consisted of dispensing with the services of 147 ordinary constables, and supplying their places by reserve constabulary to the same extent, these reserved constabulary being called upon to act when they were required—What is your opinion about that part of the change? I do not think that you could obtain the services of reserve constables, and if you could, I very much doubt if they could be worked satisfactorily.
1339. Was your office required to invite applications to fill up these reserve officers? We were instructed to use all measures^o within our power to obtain the services of such men.
1340. What was the result of your efforts to obtain them? We received some fifty applications from different parts of the Colony.
1341. Were these applications accompanied by reports from the officers of the districts from whence they came? They were.
1342. What was the result? I think out of the number examined into some seven or eight were found to be eligible and the others ineligible. The reasons on which they were considered ineligible were various. Some were publicans; some were employed at the Pounds; some were old men; and others lived so far away from the police stations that their services would not have been available in cases of emergency.
1343. How was it proposed to make their services available for police purposes? It was proposed, as I understood the minute, that they should take the place of permanent constables, and to be sent for whenever there was extra duty to be performed, such as the pursuit of offenders, the escort of a prisoner, or other duties of a similar character.
1344. In the event of any emergency arising where extra force would be likely to be required, would it be practicable to obtain the service of these persons in sufficient time with sufficient promptitude? That would depend entirely upon the person appointed. It might be so possible that the reserve constable's services could be obtained if he lived adjacent to the station.
1345. But look at the matter generally, as applying to all parts of the Colony, and what do you think about it in that respect? I think that the policeman's duty is a trade, and that if once he is employed he should give his whole time to it. I think that it^o would not do to place half confidence in a man employed occasionally, that it would be placing in his possession facts and confidences which ought not to be placed in him.
1346. If you were in charge of a country district instead of the metropolitan police should you have confidence in this class of men? I might have confidence in a particular man, but I think that as a whole it could not be expected that you should place confidence in such a corps.
1347. Do you think that the permanent constables of the Force and these emergency men would work harmoniously together? They might, but I should think that it is very improbable. They would look with suspicion on one another.
1348. In what way would they look with suspicion on each other? I think that the permanent police would look on the others as interlopers, and that the reserve police would in their turn think that they could do smarter things than the regular police if they were put to it. They would be jealous of each other.
1349. You do not think that this part of the change would tend to improve the efficiency of the Force? I do not think that you could place sufficient reliance on men occasionally employed.
1350. But it would tend to the economy of the police expenditure, would it not? It certainly would.
1351. Would the impaired efficiency of the Force be disproportionate to the saving of money, do you think? Well, that is simply a matter of opinion. In my opinion it would be unsafe to reduce the expenditure at the expense of the efficiency of the service.
1352. Another feature of this change was in relation to the mounted men of the Force—that they be no longer supplied with horses at the public expense, but find their own horses, having an allowance of £25 per annum for each man in lieu of forage.—What do you think of that change? I do not think that it would be practicable. In some districts the price of forage is very different to what it is in others, and you would punish an efficient man by sending him to a remote part of the Colony, where his whole salary would be taken up in paying for these things; while in other districts, such as Maitland, a man could keep his horse for less than the allowance.
1353. Would it tend to supply the police with better horses for police purposes? It might if men would take an interest in their horses, and they might possibly be in a position to get horses of a better class.
1354. You think that it might possibly tend to the police being better mounted? I do not think so as a whole, though in some instances men might take sufficient pride in their horses to get a better class of horses. The principal thing that some men think about is to get a good horse.
1355. Are you aware to what extent the police have actually been reduced? Yes; the Force is now ninety-five men less than the Estimate provided for last year.
1356. Ninety-five men less than the 565—is that it? Less than the total of 901, taking all ranks.
1357. There would be, I suppose, about 470 ordinary constables? Well, the reduction has taken place in other ranks besides constables.
1358. To what extent? There has been a reduction of eleven men in the sergeants and senior-constables.
1359. In others? No; no others.
1360. Then it would leave the ordinary constables about 481—is that it, starting from the number of 565 actually employed last year? I said a reduction of ninety-five off the Estimate of last year—that is 588.
1361. Thus there would be about 500 now? I should think about 505.
1362. And no progress has been made towards the establishment of the reserve constabulary? No.
1363. Do you think that it is likely to be carried out, judging from what has been done so far? I do not think that we are likely to get the men.
1364. Do you consider that the Force has been impaired in any way in its efficiency by what has taken place? Not to any great extent, because the arrangements have not been finally carried into effect.
1365. Is it sufficient for the purpose of police protection at the present time? Certainly not. Some stations are left with only one man to do all duties.
1366. And you think that more men are necessary? I do; indispensably necessary.

1367. Could their places be supplied by these occasional police—by these reserve constabulary, to some extent? I think not.
1368. You think, then, that the change, if carried out, would work prejudicially, but that it is impracticable to carry it out? Generally so.
1369. *Mr. Robertson.*] You have said that there are several places where police stations ought to be formed? Yes, I have.
1370. Are there more police stations now than there were before the change? Yes, I should say six have been formed.
1371. Six new ones have been formed? Yes, I should say so.
1372. Are there more places of Petty Sessions than there were before? There are.
1373. And there are more places where Police Magistrates are called upon to sit, or to provide for Courts of Petty Sessions? There are.
1374. How many more in those two last cases? I could not say from memory, but I should say about twenty.
1375. What reduction on the cost would these arrangements bring out—what is the amount of the reduction? According to the printed Estimate £23,000, but some portion of that is a mere transfer. There is the transfer of the police sergeants, transfer¹⁰ for medical attendance, and the transfer of the vote for fencing. Those three items taken off would make some reduction.
1376. And there would be others that could not possibly appear on the Estimate—You have a copy of the minute of the Executive Council, have you not? Not by me. I have not got any papers by me.¹¹
1377. Will you be kind enough to look at that balance, and see how that is made up? Do you mean the Police proper, or Petty Sessions included?
1378. The calculations of the whole? £36,000 is the amount, including the sale of horses.
1379. Will you be good enough to show what would not be realized—how much of this £36,000 would not be realized? These items I have mentioned amount to £1,400 for transfer votes, and I do not think that the amount for the proceeds of horses would be realized.
1380. I think that we have it in evidence that they are fetching more—What did the horses sold in the Western District fetch? I should say that¹² The horses might be divided into those which are no longer of service, and those surplus horses not required for the service—those that are¹³ cast.
1381. What is the average of those sold for the service? We have not the returns in yet. As far as I have taken out the average, the men in their¹⁴ consent to purchase their horses have averaged¹⁵ £11.
1382. That is quite as high as estimated, is it not? I am not aware; but I do not think that there will be 400 horses at £10 a-piece. I do not think that the average will go over £6. Many horses are unfit for the service.
1383. But a great many horses are worth more than £10? Not many; one man gave £20, and another £18, but those prices are excessive.¹⁶
1384. How much less? I do not think that it will come out more than £3,000. We shall reserve our best horses for the Public Service.
1385. That will be £4,200 to come off the £36,000? True.
1386. That will leave £30,000, speaking generally? Including Petty Sessions.
1387. You say that there have been fifty applications for these reserved constables? More than fifty.
1388. And eight were approved? Eight apparently were eligible.
1389. Why were they not employed? Eight were considered so small a number, and¹⁷ it was not thought¹⁸ that desirable to start with so small a force.
1390. Would not these eight men have supplied places where they wanted constables? It would not have been altogether practicable. It would have been awkward to remove a permanent man to make room for a reserve constable.
1391. Was there none at Bathurst eligible? None eligible at Bathurst to my knowledge.
1392. Mr. Lydiard did not recommend any from Bathurst? Not to my knowledge. As far as my memory serves me, none.
1393. Can you tell me any place where any were recommended? Yes; there was a man recommended at Merriwa, I think.
1394. How many constables are there at Merriwa? Two.
1395. Why could not that man have been employed at Merriwa, and one of the permanent constables be removed to some place where a permanent policeman was wanted? One of the men stationed there was employed as a Clerk of Petty Sessions. He was a very good writer, and well up to the work. The other one was in charge of new¹⁹ country, and the Magistrates did not wish to remove either of them.¹⁹
1396. You said that you did not think that the system was likely to be carried out? No; I guarded myself from saying that. I said that it could not be carried out satisfactorily.
1397. Do you believe that there is any intention to carry it out in the office—do you think there has been any desire to carry it out? Yes; every intention, every desire, so far as I know. In fact, the instructions of the Inspector General to me from the very first have been that he is a military man, that orders must be obeyed, and that I must attend to them.
1398. Do you not think it likely that when all these eight men had gone through all the necessary examinations, being of the right age, of the right height, and were refused employment, that they would not prevent others from applying? They were not refused employment. They were informed that their applications would be considered.
1399. Do you think that it was a likely thing, when you were considering these applications for many months, that others would be induced to apply? I do not think that others ever heard of it.
1400. You do not think that the applicants would mention it? I do not think that the men who were not employed would mention it. The man who was not employed at Merriwa would not be likely to mention it at a station in another part of the country.
1401. But another man might? I do not think that it was generally known in that way. The newspapers did not say anything about it.
1402. If a man passed through all these very unpleasant examinations, proved to be within the regulations as to the proper age and stature, and then found that he was not employed, would it not be likely to stop another person from applying? I think not. We reported these applications to the Government, and requested instructions whether they were to be employed or not, and we did not get any reply.
1403. And that was the reason? That is why they were not positively appointed.

E. Fosbery,
Esq.

6 April, 1870.

¹⁰ Surgeon;
transfer of the
vote¹¹ Omit.¹² Omit.¹³ not¹⁴ paid by the
men who
¹⁵ the rate is¹⁶ exceptions.¹⁹ well acquainted with the
¹⁹ either of them
to be removed

- E. Fosbery, Esq. 1404. You have said that you did not think that the fodder arrangement would answer in distant districts, and I think you mentioned Fort Bourke? I did not mention Fort Bourke.
- 5 April, 1870. 1405. Well you spoke of some district where it would not answer? I do not think that the allowance for fodder would be sufficient in a great majority of instances.
1406. Tell me one? I do not think that it would in the Monaro country. We have paid £30 a ton for hay there.
1407. Not this year? No, forage is very low this year.
1408. Not last year? I did not say last year.
1409. Not for many years? No; it varies a good deal.
1410. Not since the free selectors have been there, I think? Yes; three years ago we were paying a very high price. Forage has generally to be taken from a distance in seasons of scarcity.
1411. Do not the free selectors grow hay there? Certainly; and I believe that free selection has reduced the price very considerably.
1412. What is the price of hay at Monaro now? It is very cheap for the district; I think about £5 a ton.
1413. You think that a man having a Crown paddock to run his horse in, cannot feed his horse on less than £25 a-year? We have very few paddocks.
1414. You have provision on the Estimates for fencing paddocks—have you not? There is no provision; that is an accidental omission; £500 was to have been placed on the Estimates, but it would not have fenced more than ten paddocks. You want more grass. In some parts of the country the paddocks are not worth fencing.
1415. Where is that? In a great many places.
1416. Where there are police stations, for example? Yes; Yass, for instance, where all the land in the neighbourhood of the township is sold. They have fenced in a piece of rock there where their horses would break their legs in trying to feed. Some Commissioner fenced in a paddock there twenty years ago, and it is a disgrace to the country.
1417. Was it not part of the arrangement that in special places, where the money was found not to be sufficient, more should be given? There was an incidental vote of £500 for the horses of reserve constables, when on attached²⁰ duty, and for contingencies £500.
- 20 detached 1418. What would that be but for forage? Contingencies, generally.
1419. Would not forage be a contingency? It might be for the hire of a horse, forage at inns. No one can tell until they come to spend the money what contingencies may arise.
1420. Are you aware of the manner in which squatters keep their horses in the bush—Do they buy hay at £30 a ton for them? No.
1421. How much? They do not have to perform all their work with one horse, I presume. They may take a horse for 70 miles, and then turn him out for a week before they use him again; but our horses have to be worked every day in the week, and all the duty has to be done with one horse.
1422. But do not you know that stable-fed horses are useless the third day in the bush? When the police are employed in the bush they do not take stable-fed horses.
1423. Then you have other horses? Yes.
1424. But horses that are going to do hard work don't get hay? There is a great deal of escort work, where horses have to be fed every night at the inn²¹. At some seasons of the year there is not as much grass as would feed a goose.
- 21 an Inn or Police Station 1425. Do you get fodder there? Yes; they carry it with them.
1426. How many days' fodder do they carry? They generally carry their fodder in the vehicle. When travelling on horseback, they carry feed on the pack-horse. Of course it all depends upon the particular circumstances of the road and of the season.
1427. And they are allowed in accordance with the necessities of the case? They make their arrangements as may be most economical for the occasion.
1428. Take Fort Bourke—Is it not a fact that in good seasons there are plenty of wild oats? Yes; and we have taken advantage of that to put in a stack of hay to last us three years.
1429. Would not Fort Bourke then be rather a cheap place for keeping a horse? If nothing happened to the stack of hay.
1430. Then if nothing happened to the stack of hay it would be remarkably cheap? But not for a constable. The hay belonged to the Government, and the constable would not be allowed to take it.
1431. What would become of it then? It would be sold, I suppose, or kept for Government horses; but a policeman would not be allowed to use it when he had an allowance of £25 a year for the keep of his horse.
1432. It could be sold to him at a reasonable price? Sale by auction is the usual method in which Government disposes of its surplus stores.
1433. Are there any means of getting hay, or maize, or any produce you like, up to Fort Bourke, at £12 a ton? At less than that, in certain seasons.
1434. I mean all the way from Sydney? We have sometimes purchased it cheaper from Adelaide.
1435. Has it not been so every year, for several years back? No; three or four years back we paid 18s. a bushel for corn.
1436. That was only for one year, or was it for more than one year? I think it was. We have paid a good deal of money for forage up there, although we have a very fine paddock at Fort Bourke.
1437. But forage can be obtained in that way—can it not? It could.
1438. And at Monaro, hay can be got at £5 a ton, can it not? It can now.
1439. Is it likely to be any dearer than that, considering the large number of farmers on the land there? Yes; it varies very considerably in that district. Sometimes they cannot get a crop at all.
1440. But you are aware, I presume, that hay will keep for several years, if it is well stacked? It will keep, but it rises in value as it is kept.
1441. Is it not a fact that the prices are too low for farmers to live, rather than too high? In some places they do not get a very high price certainly.
1442. Where else could not fodder be got? Even at Bathurst the price of forage is higher than would allow a man receiving £25 a year to keep a horse. It is also true of²² Dubbo.
- 22 the case at 1443. At Bathurst there is a paddock? Yes; but it is not very convenient. The land is all sold, and the paddock is not convenient, because it is some distance from the police station.
1444. How far distant would you say? About a mile.
1445. Is that very far? If a policeman is wanted for an emergent duty, he must take his horse there and then.
- 1446.

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1446. You keep horses in the stable? Generally half a dozen horses require to be stable-fed.
1447. I presume they are all stable-fed? Unless they are spare horses, and the grass-feed is good.
1448. What is the practice? Horses that we do not require for immediate service are turned out at Wyagden, where there is better grass-feed; and horses required for constant duty, for escorts, patrols, execution of warrants, collection of returns, and so forth, are kept in the stable. Horses required occasionally are kept in the paddock and fed occasionally.
1449. Do you consider that for horses so fed, £25 a year would be sufficient? I do not think that constables' horses can be kept on £25, because a constable has to ride his horse constantly. There are always other horses required for prisoners' vans, for trackers to ride, and for occasional duty.
1450. How many horses were to be retained in the service? Twenty-five horses in Sydney and seventy-five in the country; making 100 in all.
1451. What was the object in keeping 100 horses? Twenty-five for Sydney and seventy-five for the country are required for prisoners' vans and escort of prisoners; and I think that a very small number.
1452. That would be enough, I think? Where we have no vehicles the constable escorting a prisoner would require one horse, and the prisoner would ride another.
1453. You were not present when arrangements were made? I was not consulted.
1454. You said that the constables, the regular constables, and the reserve constables, are likely to disagree? I said they were likely to be jealous of each other.
1455. And might that not induce competition and better service? I do not think that it is found so in practice? Jealousy engenders —
1456. Have you had it in practice? I think that it is a common thing to put ²³ in practice, jealousy between ~~one officer and another, and the service is not benefited by it.~~ ^{23 Omit.} Jealousy between one officer and another ²⁴ is frequent, and I think that it is not for the benefit of the Public Service. ^{24 Omit.}
1457. Is it ever in practice? We hear of it sometimes.
1458. Are you aware that in England this system is actually in force now? I am not. On the contrary, my view ²⁵ of the arrangement of the police there is, that they are assimilating their system to that provided in this Act, ²⁶—the chief constables becoming superintendents, and falling under ²⁷ the Home Secretary. ²⁵ idea ²⁶ Colony ²⁷ Insert the control of
1459. Is it not the practice in England to have constables called up in this way? I believe it has been the case for many hundred years. They have had parish constables in existence hundreds of years.
1460. But these are not parish constables? It amounts to the same thing. They are men to be employed when occasion arises.
1461. In aid of the regular police? In aid of the regular police.
1462. The parish constable, such as you spoke of, was not in aid of the regular police? Frequently there were no regular police at all.
1463. That is not what we contemplate? No.
1464. Therefore they are not at all like the parish constables, are they? I see a certain connection between the two systems.
1465. Is it not the case that while the parish constable system has no regular police, this system has three-fourths of the police regular police? The parish constables do exist where in a great many places there are regular police; but there are certain ²⁸ alterations going on now. It is eighteen years since I was there. ²⁸ I believe ²⁹ in England.
1466. But you are aware that under my system there are three times as many regular police as there would be reserve police? In operation it would amount to this, that there would be one regular policeman to one reserve-man, because there are a great many stations where only two men are appointed.
1467. Take Scone, for example—How many constables are there there? Four.
1468. Take Muscledbrook—how many have you there? About the same number. One for watch-house keeper, two mounted constables for escorts, and one sergeant in charge. I do not think that that is too many, or that the duty could be performed with less.
1469. One reserve constable could take the place of one of them? The police are employed seven days a week, but you cannot employ a reserve constable more than one day in a week.
1470. Are they employed seven days on escorts? Not on escorts.
1471. The provision is for one-seventh of the year, not of the week. Does not this provision allow for 147 constables at the rate of one day for each week. But suppose that one district required only one day's service in the year, might not the extra days be used in other districts? I mentioned it as an average. The minute says, "Their services, it is hoped, will not be required for more than one day for every seven."
1472. They will not be employed if they are not required? Not if they are not required.
1473. But they are to have the minimum allowance whether employed or not? I understand it so.
1474. How many places in the Colony are there, where there are four constables? Do you intend me to answer positively?
1475. No; somewhere about? I should say forty.
1476. Would it not be possible to have reserve constables, supposing you could get them, taking the duty at every one of those stations? I do not think it would be found practicable.
1477. Would it not be practicable to have twenty or thirty of them in Sydney? I certainly think not. The men in Sydney work now so constantly on their beats, that their health is suffering. They have often to be engaged in Court and on beat duties as much as fourteen hours out of the twenty-four. They are not numerically sufficient for the duties in Sydney. The whole of Woolloomooloo is sometimes left with only one constable on the beat, and I do not think that we have a sufficient number of police in Sydney; complaints are constantly being made that a policeman is hardly ever to be seen.
1478. Were there not complaints of the fewness of the constables formerly? Some people would complain if there was not a constable at their doors.
1479. Then you would have complaints whether there are constables enough or not? Yes; but if the complaints were reasonable we should attach importance to them.
1480. Are there not occasions when a larger number of police are wanted in Sydney than ordinarily occasions, such as elections and different other times? Then the men work double time. We make the men do double duty in case of emergencies.
1481. Then instead of working fourteen hours in a day, they work twenty-eight hours in the day—is that it? I say that some of them work fourteen hours a day; but that the ordinary rule is that they should do eight hours' duty out of the twenty-four.

- E. Fosbery, Esq. 1482. *Mr. Spring.*] I think you mentioned the Myall River as a place where police were required? Yes.
1483. You said they were required because some public-houses have been established there lately? No, I did not say that. I said there was not a very orderly population, and that there were several public-houses in the district.
- 5 April, 1870. 1484. What is the revenue derived from a public-house? I think it is £30 a year.
1485. And what does a constable get? His pay is about £100, and the other expenses are very few.
1486. Another £100? Oh no, not so much.
1487. For quarters, horses, &c.? I don't think more than £50.
1488. Don't you think it would be better to reduce the number of public-houses? Unquestionably, but that would not affect the pay of the constables.
1489. The Inspector General says there is less crime and cattle-stealing than ever? I don't think there is less cattle-stealing; the other crimes have certainly decreased.
1490. Don't you think the Registration of Brands Act has caused that? Well yes. I think it has been of some advantage as a check.
1491. I suppose you know that the constables have to inspect the cattle? I have not heard of any manifest results from their labours, but I suppose they are efficient.
1492. Don't you think that police may be asked for in some places where they are not required? Yes, but I am speaking only of places where we admit the necessity, as for example, the Bellinger River, where the people are seventy-five miles from a Court-house, with a large navigation on the river, and with 500³⁰ free selectors on the river, the presence of a constable and a lock-up is not an unreasonable desire.
- 30 800. 1493. *Mr. Nowlan.*] Not having been in the Chamber at the commencement of your examination, I want to ask you, Mr. Fosbery, what experience you have had in police matters in this Colony? I have been eighteen years in the police in various grades. I joined the lowest grade in Victoria.
1494. You have been continuously for eighteen years in the police? I have.
1495. With reference to the reserve constables, I think that a case was instanced at Merriwa where a person offered his services as a reserve constable? Yes.
1496. Did you consider him eligible? Yes; he was a man of good character, and lived in the neighbourhood of the station. He was a shoemaker I think.
1497. If that man had been appointed by the Government, would he have been able to perform the duties of one of the regular police? He was fit for the regular service, I believe.
1498. But in his capacity of reserve constable could he well have taken the place of one of the regular constables? He would not have had any experience, and would therefore be unfit to take the duty.
1499. Is it to be understood that these reserve men are to be employed to perform weeks of duty continuously, or one day's duty in the week? As their services may be required.
1500. If wanted during the whole time—if wanted to give their whole services for a week at a stretch? Yes; they could be called upon if required.
1501. If they were wanted for six months? I think we should seek special instructions in a case of that kind.
1502. How many of this reserve Force would be equal to the discharge of the duties of a regular policeman? Seven reserve men on an average of one day in the week would be equal to one constable, arithmetically.
1503. Then that is £210 a-year? I do not follow the calculation.
1504. If you employed one of these men at 10s. a-day, and if you required seven of them to perform the duty of one regular policeman, how does the calculation stand then? They would cost £182 at 10s. a day.
1505. To do the work of a regular man how much does it cost? £100 a year.
1506. And that is a saving to the country? It is a mere arithmetical calculation. It would not save much.
1507. In giving us information about the price of forage at Monaro, you told us that hay was £5 a ton? Yes, in some places.
1508. What is the price of maize? I think it is 5s. a bushel, as far as my memory serves me.
1509. What price could maize be got at in the maize-growing districts of the country? About 3s. in some parts. Kiandra forms part of that district, and there the price of maize is much higher than at other places in the Monaro district.
1510. At 5s. a bushel for maize and £5 a ton for hay, what would it cost a man to keep a horse? It would be about £30 a year I think, as a rough guess.
1511. What is the allowance per day? 8 lbs. of corn and 12 lbs. of hay.
1512. And where hay might be very cheap, corn might be very dear? That is frequently the case.
1513. And therefore it costs a man more than the amount allowed? At a great number of stations.
1514. Can it be done for £25 a year? I think not.
1515. Do you think that finding forage for their horses would interfere with the discharge of their duties by the police? I think it would. For instance we transfer a man from one station in the³¹ Northern district to meet an emergency, and he objected to go, because he had laid in £14 worth of forage, and he could get no one to buy it of him.
1516. Don't you think that allowing men to purchase their own horses would be an inducement for them to do a little horse jobbing? I do not think that they could be expected to lose a good customer if they could sell a horse in good condition.
1517. If kept on Government hay and corn, the horse would be likely to be in good condition? A man would have to keep his horse on his own hay and corn.
1518. It would be to the interest of a man to dispose of a horse in improved condition, and get another not in such good condition? It would, if he could get a profit.
1519. Some allusion has been made to the establishment of the police at the Myall River? Yes.
1520. And I think that the question which the Honorable Member put to you inferred that there really was no necessity for establishing a police force there? I did not so understand it.
1521. I thought that the Honorable Member stated that the police were required there because there were some public-houses? As I understood the Honorable Member, it was that if the number of public-houses were reduced the necessity for the police would be reduced also.
1522. Are you aware that at one of these public-houses on the Myall River, two lives were lost last year? I cannot charge my memory with it. I heard that there were some brawls there.

³¹ Insert Western to this

- 1523. But have you heard it? I may have heard it, but I cannot charge my memory with the particulars.
- 1524. Were there any petitions sent in from the district, or any reports from the officers, in reference to the necessity of police in that quarter? There were.
- 1525. Many? Several.
- 1526. What was the effect of the report made by the officer of the district with reference to the establishment of police there? That they were necessary.
- 1527. How many policemen have you there? One man.
- 1528. Then has he to perform the duty of catching offenders, as well as the duties of Clerk of Petty Sessions? Yes; the same as others have to do at many other stations.
- 1529. How many others? The station at the Bellinger River is in a similar position.
- 1530. At Clarence Town? There is one constable there too.
- 1531. Do you think that performing the duties of Clerks of Petty Sessions detracts from their efficiency as members of the police force—can they devote as much time to the duties? It certainly occupies some portion of their time. There are advantages as well as disadvantages connected with it.
- 1532. Do you think that they are capable of performing the duties of Clerks of Petty Sessions efficiently? Most of them are well qualified.
- 1533. Have they had a legal training? Every constable is bound to know something of the law, or he is not much of a constable.
- 1534. Are they capable of advising the Magistrates as to the law? They might be, but I should not think the constable the proper referee.
- 1535. But it is part of the Clerk of Petty Sessions' duty to so inform the Magistrates? A great many are quite unfit for that.
- 1536. We have had gentlemen appointed who have had no legal training? Sometimes.
- 1537. Sometimes it is quite possible that we may have a Bench composed of men who are ignorant of the law, and who are quite unfit to discharge the duties they are called upon to perform? Very possibly.
- 1538. And in that case an ordinary policeman would be competent to instruct them? And frequently he could set them all right.
- 1539. You must have a very intelligent set of fellows then? We hope so.
- 1540. That may be the case in reference to sergeants and senior-constables, but as to the ordinary men of the Force? We have selected men who are adapted to some extent to perform these duties.
- 1541. Do you believe that this arrangement of appointing members of the police force to discharge the duties of Clerks of Petty Sessions gives satisfaction throughout the country? I cannot say what the feeling is.
- 1542. Have any complaints come to you on this subject? It would not be in my province to entertain them. I entertain my own feelings.—~~They are not in my department.~~³²
- 1543. They are not in your Department? No; they would be referred to the Colonial Secretary.
- 1544. In the Estimates of Police Expenditure I find—"Sergeants, first-class, at 9s. 6d.; ditto, second-class, at 8s. 3d.; senior-constables, at 6s. 9d.; and ordinary constables, at 6s."—Have these been the rates since you were connected with the Force? Yes.
- 1545. Has any alteration been made, any reduction taken place since they were first fixed? No.
- 1546. Do you think it absolutely necessary in these times, now that the gold fever has passed away, now that bushranging has died out—do you think that it is absolutely necessary to pay ordinary constables 6s. a day? I think that we should lose so many good men who could get better employment, that it would not be safe to reduce the rate of pay below 6s. a day; but at the same time it might be worth trying whether men newly-appointed should not be appointed at a reduced rate of pay until they had acquired a knowledge of their duties.
- 1547. Do you think that retrenchment could be carried out by reducing the pay or by these reserve men? I would rather reduce the numbers than the pay, because I am satisfied the best men would leave. It would be impossible to look for a saving by the reduction of the pay of the different classes, excepting in the way that I have mentioned on the first employment of new men.
- 1548. It requires some time to train men efficiently? A constable is not thoroughly efficient during the first twelve months.
- 1549. If it takes twelve months under the present system, how long will it take to train a reserve man? That is an arithmetical calculation.
- 1550. I will give you time to work it out? — It would take, I suppose, seven years.
- 1551. Then it would be seven years before we could get an efficient man under the reserve system? There are some duties which a constable can do the first day he is appointed.
- 1552. But in the discharge of their duties thoroughly, you think that you require to have men properly trained and disciplined? Yes, they have to acquire a knowledge of their powers by law, and of their duties under the various laws.³³
- 1553. With reference to the duties which they can perform on the day they are first appointed, what do you refer to—receiving their pay? They can always do that.
- 1554. What are the duties which you think they could perform? I think that a smart man could take charge of a prisoner and escort him, attend Court, and keep order.
- 1555. Do you consider that a reserve man on the first day he is appointed would be competent to take charge of a prisoner for one or two hundred miles? He might be. Much would depend on his former service.
- 1556. Would you trust him? Before it would be safe to trust a man you must have some hold upon him; and you have very little hold over these reserve constables.
- 1557. It is sometimes a more difficult task to hold a prisoner than to catch him? It ought not to be. I do not think that there have been six escapes during the last six years.
- 1558. But I think I have read of prisoners in the bushranging times escaping from their escorts? If you have read of it, I do not think that it was in any publication that could be relied on.
- 1559. At all events, you consider the escort duty a very important one? Yes.
- 1560. And reserve men are not up to it? They might have sufficient experience to do it, but it requires a man over whom you have some hold, who has something to lose, before you can safely trust him with the charge of a prisoner.
- 1561. And it requires a little time to ascertain whether a man is really competent to discharge the service his officer has told him off for? It would be very little use to employ a constable until you know what he is capable of doing.

E. Fosbery, Esq.

5 April, 1870.

³² opinion. Such complaints would not come to our Department.

³³ Acts

- E. Fosbery, Esq.
 5 April, 1870.
1562. It would be sometime before you could thoroughly trust a reserve man? Yes.
1563. *Mr. Fitzpatrick.*] These reserve men are to be employed in lieu of the ordinary constables? Yes.
1564. Are they to be employed on escort duty? Yes, it is specially mentioned.
1565. You mentioned the case of Muswellbrook just now? Mr. Robertson mentioned it.
1566. How many men are there there—two mounted men and a lock-up keeper? And a sergeant in charge.
1567. It is necessary sometimes to send the mounted troopers on escort duty? It may be necessary to send the whole.
1568. In that case, according to the instruction, the idea would be to employ reserve constables instead of them? Yes.
1569. But supposing you required to send three men on escort duty, would it not be better to take two reserve men, and send them on the escort duty in charge of the sergeant? No, I don't think so. I don't think that men casually employed can be trusted with the escort of prisoners.
1570. But they would be in charge of a superior officer? The superior officer cannot watch continually. He must sleep sometimes.
1571. Don't you think they could go on escort duty? Some of them might if they had previous experience. I can say that.
1572. Would it not be better to employ them on escort duty instead of the regular police? It was proposed so to employ them.
1573. Well, could they not be? I don't think it would be advisable to do so for the reason I have given—that the sergeant in charge could not be always watching his prisoners.
1574. Supposing you had a man who lived near Muswellbrook, a small farmer of known good character, as a reserve constable, would he not be trustworthy, and watch them? A man of that kind might go to sleep and lose sight of the prisoners, but a regular constable cannot⁸⁴ do anything of that kind, as he would be afraid.⁸⁵
1575. *Mr. Wilson.*] Are not these reserve men supplied with uniform and clothing? Yes.
1576. Is there anything on the Estimates for that? It is paid for out of the general stores, £40,000. Here it is—a sum of £39,000, for stores and stationery for the Public Service generally. From that vote clothing and uniforms are provided.
1577. I think, if I understood you rightly, you approved of these constables being employed as clerks to the Benches? No, I said there were advantages in their being so employed, but greater disadvantages.
1578. I suppose in these localities where constables are so employed, the population cannot be very dense; they cannot have a Court sitting very frequently? They are at important⁸⁶ places where a Court is not frequently held.
1579. How many constables are stationed at such places? In some places only a single man.
1580. Is there not a drawback in that man being obliged to be there on the day the Court is held? Yes, that is a difficulty; but we have given instructions that no urgent duty, such as the pursuit of an offender, is to be given up in order to attend the Court and do this duty; and the Magistrates⁸⁷ have therefore to find a clerk sometimes.
1581. Then the business would have to be postponed if they could not get a clerk? Yes, it would if they could not find one; but it was expected that the Police Magistrate should take the depositions—that was the instruction of the late⁸⁸ Colonial Secretary.
1582. But have not the Clerks of Petty Sessions to travel with the Courts? In some cases they have—that has been approved of in late years, or has crept in gradually.
1583. I am aware of some cases where the Police Magistrates invariably take the depositions? Then the duties are combined.
1584. But are there always Courts where they are acting as clerks? Mr. Robertson says that provision is made that the Police Magistrate is to go where necessity arises.
1585. But when is he to know of the necessity? From summons by the local Magistrates.
1586. But suppose there are no local Magistrates? I don't know of any such case.
1587. But the constable might not know of it, and that would put him in a difficulty? Yes it would, but he must find it out. I think it would frequently happen that the constable would be away when the Courts are held.
1588. I suppose the constables located there are not said to reside in that particular place, but in the district round it? Yes, their duties take them constantly away from home.
1589. And it must be often inconvenient to them to be obliged to return on a particular day? Yes, their movements are uncertain —
1590. *Mr. Robertson.*] Is there any Court of Petty Sessions held at a place where there are no local Magistrates in the neighbourhood? Not to my knowledge.
1591. You don't know of a case such as has been spoken of? I have not spoken of it. I was asked, and I replied that I knew of no such case.
1592. There was a Court I think at Cannonbar—was there not? Yes there was, and a Police Magistrate.
1593. How many times in that year did that Court sit? Very seldom; I can't say how many times.
1594. How many? I can't say.
1595. Was there not a report furnished to you, showing how many? No, the Police Courts are not concerned with us.⁸⁹
1596. The correspondence is with your department? No, it goes direct to the Colonial Secretary.
1597. But some of this correspondence about the number of times the Court sits goes to the Inspector General of Police? I don't know—it is possible.
1598. Did this Court sit six times in the year? I don't know; it was very seldom.
1599. Was it six times? I can't undertake to say whether it was six or sixteen times; it was very seldom.
1600. And this is one place where the Police Magistrate was done away with? It is.
1601. And where an officer of police, irrespective of ordinary constables, is ordered to attend whenever he can spare time? Yes.
1602. What is the Magistrate's name? Mr. Norton.
1603. Is he a gentleman of ability? Yes, he is well suited for the duty.
1604. As likely to carry out the duties as Mr. King? Fully as competent; he has been a Magistrate twelve or fourteen years or more.

1605. And you suppose, from your knowledge of the place, that once a month is often enough for a Court there? I should think once a month quite often enough for a sitting.

1606. With such a man as Mr. Norton would there be any danger of the constable not writing the depositions correctly? I should think he would write them himself; he is very expert.

1607. I think the practice is for the Magistrates, where there is no Clerk of Petty Sessions, to write the depositions themselves? They do sometimes.

1608. Do you happen to know that the object of making these men Clerks of Petty Sessions was more with the object that they should be paid for caring for the records than for anything else? I think that is one of the advantages of the arrangement.

1609. Previous to this arrangement, is it not a fact that the records in many of these small places were merely taken care of by constables who received nothing for doing it, while the Acting Clerk of Petty Sessions received a considerable sum? It is understood that where there is a police station and Court with a constable in charge, the constable is to take charge of all the Government property.

1610. But when the constable is away on duty? He is generally married, and his wife takes charge of the property.

1611. But as the constable would be away on police duty, and the wife is not paid for keeping these records, if they were all lost there would be no one responsible? Oh, the constable would be held responsible just the same then as he is now.

1612. But when he is away? Oh, yes; that does not matter.

1613. But is there no distinction between the case of a man who is paid, and a man who is not? Oh, a very great distinction.

1614. Well take a case—take the case of Uralla—you know Uralla? I have not been there.

1615. But you know something of the place? Yes.

1616. You know a Clerk of Petty Sessions received £75 a year for going to Uralla occasionally? Yes, and some other places.

1617. Where else—perhaps you will refer to the papers and see? I cannot tell from this (*referring to document*.) I think he visited another Court, but I can't say where it is.

1618. You don't know of any case but Uralla. Are you aware that this gentleman was away, that a Court was frequently held in the absence of this gentleman? I am not aware of the fact.

1619. Are you aware of anyone who took charge of the records of the place? I suppose the resident constable took charge of them.

1620. By the new contemplated arrangement there would be a person resident there and paid, who would take charge of the records, and be the acting Clerk of Petty Sessions? All along the constables' wives have been paid for taking charge of the Court-house, and seeing nothing was tampered with.

1621. We will go from the north to the south. There is a place on the estate of Mr. Alexander Berry? Yes, Numba.

1622. Does it come within your knowledge, officially or unofficially, that the Clerk of Petty Sessions received for two or three years £20 a year for going to Numba, after the Court had ceased to be held there? I heard so; but it did not come to my knowledge officially.

1623. But you did know of it? I heard so; I paid him, that's all.

1624. You paid him? I paid him the allowance.

1625. And you don't know that the Court sat the whole time? I heard there were no Courts there.

1626. And so under the old system this gentleman drew pay for services which he never performed? Not to my knowledge.

1627. I ask you whether it is not within your knowledge in the same way as your knowledge of the District of Bourke, where you have never been, was acquired? I have received direct information in the one case; in the other I merely heard you had called him to account—I did not even hear the result of your calling him to account.

1628. But you are aware that in many of these small places where Courts of Petty Sessions were held, the constables used, before the change I made, to do the duty of Clerks of Petty Sessions? I am quite aware of that—they were directed to make themselves useful to the Magistrates of the Court.

1629. They were not paid for it? No, they were not paid.

1630. And the other gentlemen who did not do the duty were paid? I can't say that they were paid while the constables did the duty.

1631. But I ask whether in these small districts, such as those which get only a constable as Clerk of Petty Sessions, you are not aware that in such districts there used to be a constable who had the writing of, and the care of, the records? I am—Yes.

1632. Are you not aware, as an old Magistrate, and one long engaged in the police service, that the care of the records in all these police offices, where there might not be six cases in the year, was a matter of more moment than the actual work? Yes, I think that even now the payment would not be enough for the care and anxiety of such a responsibility.

1633. And therefore as I think you have guardedly stated, though it may interfere with the constable's other duties, still considering the convenience of having a greater number of places where Courts of Petty Sessions are to be held, still on the whole, better results come out under the fresh system? I can't say that, though I think the increase of Courts of Petty Sessions a decided improvement.

1634. And that has been done under the new system? That is under the new system.

1635. Then are you of opinion that it is a better system to pay a man for keeping the records than not to pay him? Yes, I think it is better that he should be paid for doing a work foreign to his responsible duties—I don't think he is paid enough.

1636. But it is better that he should have a small payment than that he should do it for nothing? Oh yes; however small, it is better than nothing, of course.

1637. But is it not better he should have some compensation for his work? Yes; then you can demand something for it.

1638. Then in regard to the number of Courts of Petty Sessions, you think the new system is better than the old; and in regard to paying the men who keep the records, you think it is better? Yes, very much better.

1639. But you think it would be better to have a paid Clerk of Petty Sessions? I don't go that length, but there are many duties which hardly fall to a constable.

1640.

E. Fosbery,
Esq.
6 April, 1870.

- E. Fosbery, Esq.
5 April, 1870.
1640. Will you tell us one of these duties arising at one of these places? I think the prosecuting constable would be hardly a fit man to take down the evidence against the prisoner.
1641. Are you not aware that the Magistrate would take it down in such a case? I was coming to that. I think the Police Magistrate should take it down.
1642. Which he would do of course? No; not if there was a legally appointed Clerk of Petty Sessions. They have taken it in the full sense, signing for the Bench, and placing themselves in a false position, until they were corrected by the Government.
1643. Therefore it was a mistake on the part of the man; he mistook his position? Just so—certainly.
1644. I presume you admit that that is nothing against the system? I did not say there was anything against the system. I said it would have a tendency to put a constable in a false position, and that the duties would not fall consistently upon a constable.
1645. But when he is told not to do this I suppose the duties would cease—would they not? I suppose that they would. There are so many things falling within the province of a Clerk of Petty Sessions which would be inconsistent with a constable's duty.
1646. Will you tell me one? They have to get instructions with regard to the collection of the jury lists.
1647. But they have no juries there. Are there any juries there, where the Clerk of Petty Sessions is a constable? I can't say, *sir*,⁴⁰ without going through the list.
1648. Is there a single place where a jury list has been struck, where the Clerk of Petty Sessions is a constable? You know there is not—every man in the country knows there is not—not a single place. Can you tell me some duty that these constables have of a kind that is likely to do any damage to the administration of justice? No, *sir*;⁴¹ I did not so assert, and I am not at all⁴² competent to give an opinion on a point of that kind; but I don't think it would interfere with the administration of justice at all.
1649. But do you think it would interfere with the duties of police constable? I do.
1650. In what way? He would consider it a paramount duty to attend upon the Court, instead of attending to his ordinary duty.
1651. But if he was told to consider his ordinary duty paramount? It would be discretionary with him, and would be apt to attach too much importance to attending the Court.
1652. But if his instructions run the other way? But it is left discretionary with him.
1653. How can that be? If a case is of sufficient importance to demand his attendance, he may neglect his duty; he may do either the one or the other.
1654. Was that the order? The order was to that effect.
1655. Where is the order? It was issued from the department. It was considered that the first duty of the constable was to catch an offender, and he was not to neglect that in order to do other duty.
1656. Where did the department get the authority to limit the duty of a constable in that regard? There was no authority given. The Inspector General is charged with the duty of making regulations.
1657. And I suppose he so framed the regulations so as not to interfere with the police duty? So as to make both duties work harmoniously.
1658. Was this approved of? It was not specially approved of by the Colonial Secretary.
1659. Did the Colonial Secretary ever have an opportunity of approving of it or not? I cannot say; I think it probable, or possible.
1660. What Colonial Secretary was it? It was Mr. Cowper; it was issued in his time.
1661. How many places are there where the constables are acting as Clerks of Petty Sessions—how many places? Well I have not the list; they were gazetted not long ago.
1662. I have the list, but unfortunately, you see, I cannot give my own evidence (*Paper handed to witness*)? This is a new arrangement.
1663. The question I put to you was with reference to the new arrangement of the 30th June? I understood you to ask me how many had been appointed.
1664. No,—how many were proposed in that Executive Minute? I have added them up,—there are fifty-three.
1665. Is there a single case where it is likely that a Court would sit more than once a month among the fifty-three? I think, as a rule, they would not sit more than once a month.
1666. Is there a single case where it would sit more than once a month? I should have to examine the list to answer that.
1667. Well examine it and tell me? Yes, there are a few.
1668. Tell me some? I think at Adelong a Court would be required,⁴³ and also at Binalong.
1669. At Adelong,—a Police Magistrate goes there? Yes.
1670. He could do the duty of Clerk of Petty Sessions? Yes, when he attended. Binalong is another instance.
1671. Does a Police Magistrate go there? No, I think not, *sir*;⁴⁴ then there is the Lachlan District. Cundletown is another place, I think.
1672. How many Courts in these two places? I think once a fortnight.
1673. How many constables are there at these places? Two, *sir*.⁴⁵
1674. Then there is no case where the duty would arise more than once a month? At Cundletown there is only one constable.
1675. How many Magistrates are there there? Oh, a large number; there is a full Bench.
1676. Then it is not likely that the constable would have more to do than care for the records, which he did before, I suppose—I suppose he did that before? Yes.
1677. Without getting anything for it? Yes.
1678. What is the next place? Merriwa.
1679. How many Magistrates are there there? Two. Mr. Bettington and another Magistrate attend regularly there.
1680. How many Magistrates near? There are some others, but not many round the place.
1681. Mr. Bettington lives close by? Yes, I think so; he is a constant attendant at the Bench.
1682. Does not the Police Magistrate from Scone go there? I think he does.
1683. Does he go when the local Magistrates send for him? Yes, I believe so.
1684. Then there is ample provision for Merriwa? Certainly there is.
1685. Well, show me a place where there is not provision? I did not say there was no provision—pardon me.

1686. I am asking you whether there is any place where there is no provision? No, sir, I don't see any place.
1687. *Mr. Wilson.*] It has been stated in evidence that under the old system when these places were visited by the Clerks of Petty Sessions, there was no person to look after the records—did not the wife of the constable do that? Yes, I have said that the constable's wife was generally paid to keep the Court-house clean, and take care of it and of any property left without protection.
1688. In cases where these men are acting as Clerks of Petty Sessions, who looks after these records while they are away on duty? Of course at these places a married man would be stationed and the wife would take charge of all the records —
1689. Then they were just as safe under the old system? Yes, except that now the man is more responsible.
1690. Why? Because ⁴⁶ he is paid.
1691. But you paid the woman before? Yes, but the woman is not responsible when she is married.
1692. But in paying the man you pay the woman I suppose? ⁴⁷ I hope so.
1693. *Mr. Parkes.*] You have a copy of this minute I think? I have.
1694. Will you look to the second paragraph on the second page, where it says that "This arrangement will come into operation so soon as police regulations to meet the new circumstances of the service can be provided"—When were these regulations provided? Almost immediately following the publication of this minute.
1695. Is that a copy of them? Yes.
1696. What is the date? The 16th July last.
1697. That is more than 8 months ago? Yes.
1698. The minute goes on—"It is not intended however that the change should be made hurriedly, or in a manner to impair efficiency, or to cause inconvenience or hardship; but that the Inspector General and his officers shall endeavour to merge gradually the old system in the new. It is hoped that by the end of the current year the change will be completed."—Was anything done at the end of last year? Yes, there has been a reduction of the permanent staff, and some horses prepared for sale.
1699. What was the date of the last letter received at the Inspector General's Office in reference to this change? I am not able to answer that, not having the papers by me.
1700. It is in evidence that the last letter of instructions was given on the 2nd October, enclosing the minute which you have before you? I have no doubt that is the case.
1701. Can you identify that letter by the fact of its having such a minute enclosed? I remember the letter, but cannot fix the date.
1702. But do you remember one, enclosing the minute of the 30th June? I don't know; I believe there was a later letter.
1703. The Inspector General says there was not?
Question objected to and witness ordered to withdraw, and subsequently re-called.
1704. Can you say whether any letter of instructions was received at the Inspector General's Office since the 2nd October? Without reference to papers I cannot speak positively.
1705. Do you believe there was a letter of instructions? I think there was one to the effect that the sale of the horses was to be proceeded with at once.
1706. Have you received any instructions of any kind whatever this year? I believe not.
1707. The system was not completed by the end of last year at all events? I think not.
1708. In the close of the second paragraph of this minute, after describing what this reserve constabulary was intended to be, it is said, "For this branch of the service the Colonial Secretary believes that smart able and intelligent young men will be found in every district of the Colony willing to supplement their present means by what will probably be equal, clothing included, to an average of £30 per annum each, and to give in return good and faithful service"—have you seen any sign whatever of that being carried out? No.
1709. At any time? No.
1710. Up to the present date? No.
1711. When you stated, in reply to Mr. Robertson, that more police stations had been established under the present system, did you mean to say that all these stations were efficient for the purposes for which they were established? Efficient?
1712. Is the number of men adequate for the purpose? The stations have been formed by withdrawing men from others.
1713. Then by the formation of these new stations other stations have been impaired in usefulness? Yes, they have been reduced lower than they should be. Diamond Swamp for instance was left with one man, ⁴⁸ and there is a large amount of escort duty, and he is obliged to keep two horses there at his own expense ⁴⁹ where to enable him to get the work done.
1714. I think you said that your office applied for instructions as to the course to be taken to carry out this arrangement? We did report to the Government at various times, and asked for instructions, but received nothing definite—certainly nothing at all with regard to the reserve constables, except that they were to be employed.
1715. Do you think you will be able to carry out the arrangements of the Force for the present year with the present supply of men? I think that the present strength of the Force, which is in excess of the number provided for on the Estimates, will be altogether inadequate to carry on the duty to the end of the year, although some saving may be practicable.
1716. In your judgment will there necessarily be a heavy supplementary charge for carrying on the services this year? Unless strong measures are taken to decrease the expenditure there will be some supplementary provision necessary.
1717. With respect to that eligible emergency man at Merriwa—you said he was a shoemaker? ⁴⁹ On ⁴⁹ Omit reflection I should not like to persist in my statement as to his trade; but I know he was reported as efficient.
1718. In what way could he be made available? I stated that I did not think it would be advisable to employ such a man at all. To entrust any casual ⁵⁰ man with what must be secrets connected with the police service, would alone be sufficient to prevent such an arrangement working well. ⁵⁰ employd.
1719. Have you had any opportunity of learning the opinions of the Magistrates of the Colony on this change? Yes. I have spoken with a great many country Magistrates, and have not heard any express a favourable opinion of the scheme.

E. Fosbery, Esq.

5 April, 1870.

⁴⁶ the husband actually receives the pay. ⁴⁷ I suppose so.

- E. Fosbery, Esq. 1720. You have not heard any of them express a favourable opinion? No; on the contrary, they have all said it would not work.
1721. Have you any means of learning what is the opinion of the public? Well, sir, judging by the public prints, if they are to be taken as exponents of public opinion, they do not seem favourable to the scheme.
- 5 April, 1870. 1722. *Mr. Robertson.*] I think you told us of a letter written by the Colonial Secretary—you said by Mr. Cowper—I think it referred to Uralla? No, not a letter. I think you referred to some instructions as to Clerks of Petty Sessions, and it was since the appointment of the men, and during your successor's term of office.
1723. It was not with his approval? His approval was not officially given.
1724. Mr. Cowper has given no instructions whatever? As far as I am aware —
1725. You say there have been none since the beginning of the year; and as he came in then, there must have been none from him? I did not state it positively: I stated only my belief.
1726. You say that the Magistrates in the country districts are opposed to this scheme;—are you not aware that it arose from the suggestions of a Bench of Magistrates? I beg your pardon —
1727. Are you not aware that Mr. Loder, of Murrurundi, took exception to the manner in which the Police Magistrates stepped in and interfered with the duties at irregular periods? My inquiry was with reference to the police alterations, not as regards the "regulations. I know nothing of Mr. Loder."
1728. You have heard the Magistrates say that this would not answer—would you kindly say who has said so? I should be very sorry to abuse any ⁵¹statement made to me. Nor could I do so in this instance, as I don't remember the persons who made ⁵²them. I mentioned, in reply to ⁵³you, that the opinions of various Magistrates ⁵⁴have been unfavourable to the scheme.
1729. Will you mention the name of one? I trust you will not insist upon my answering that question.
1730. You would not have known that at all if it were a private or confidential communication? I mentioned it in reply to a question as showing the opinion of various Magistrates, the opinions volunteered to me by country Magistrates as being unfavourable—several of them signed a petition.
1731. That came from Bathurst, I think? Not the one I was alluding to; that came from Cowra.
1732. Where is Cowra, beyond Bathurst? I believe it is beyond Bathurst.
1733. Have you not a suspicion that that petition was written by a police officer? I am satisfied it was not written by any police officer. I believe I know the author.
1734. Then the official mind is acquainted with that petition, and has opinions as to who drew it up? The police mind is receptive, or should be so.
1735. But did it not strike you on reading that—was it not thoroughly apparent that no one could have written that but a police official? I do not think so.
1736. Did it not strike you that it could not have been written without the aid of an official? I am satisfied that there is no official in Bathurst who would have lent himself to such a thing.
1737. I asked whether it was not apparent? It is apparent that it was written by a clever man; but a clever man might have acquired all the information in it without being an official.
1738. Has any other petition come down on the subject? I have not seen any.
1739. You have said that public feeling is greatly against this scheme? I have said that if public feeling is to be taken from the public prints it is not favourable.
1740. What papers have you read? I have read the Bathurst paper, the Mudgee paper; and the Braidwood paper.
1741. Which do you call the Bathurst paper? I don't carry the headings in my mind; the article from the Bathurst paper to which I allude was copied into the *Herald*.
1742. Was not the one article copied into all these papers? They were various and distinct articles.
1743. Is it not a fact that all this opposition came from Bathurst? Certainly not; I have seen a more trenchant article from Braidwood. I saw a very strong article in one of the Braidwood papers.
1744. You do not know anyone whose name you can mention who disapproves of this system, nor do you know any petition against it but the Bathurst petition? I have heard of a petition from Cowra, but I have not seen it.
1745. You have heard that a petition was to be sent? A gentleman—a Magistrate, who had signed it—told me that there was such a petition.
- 57 *Insert in that matter.* 1746. Have you seen it? I am not in the confidence of the Colonial Secretary's Office.⁵⁷
1747. Is it in the Colonial Secretary's Office? I was informed that it was there.
1748. Have there been any petitions from the north? No, not that I am aware of.
- 58 *Omit.*
59 *reduced.* 1749. Have there been any complaints? Yes, there have been ⁶⁰many complaints of the ⁶¹shortness of the number of police.
1750. More than before the change? Yes, many more.
1751. Where did they come from? I cannot attempt to charge my memory with all these places. A great many of the persons who complained, were Magistrates who complained of being short-handed; they wrote very recently from a place near Armidale, and ⁶²they complained that while one constable was away as a witness the other was left in charge of six prisoners.
- 60 *stated* 1752. You have told us that six or seven new stations have been formed, or at all events there are more stations than there were before? Yes, and more complaints of the inadequacy of the Force at the various stations, because these new stations have been formed by withdrawing men from existing stations. And there has also been a reduction of ninety-five men.
1753. What stations have they been withdrawn from? From quiet stations where they could be best spared. Mr. Lydiard for example, has eighteen men short at various stations in his district. The stations at ⁶³Iron-Swamp and other places have been ⁶⁴broken-up.
- 61 *Diamond Swamp has been reduced.*
62 *also reduced.*
63 *Insert also.* 1754. Would it not be better to take one from Bathurst than Diamond Swamp? They have been taken from Bathurst.⁶³
1755. How many men does it take to hold the horse for the superintendent, the inspector, and other officers of the police? I scarcely comprehend your question.
1756. How many men are employed to hold the horse of the Inspector General? The Inspector General has but one man, who is employed as groom.
1757. And he is charged as a constable? He is a constable.
1758. And the superintendent has one man? The superintendent has one man.
1759. And he is charged as a constable? He is a constable.

1760. How many men are charged as grooms? There are twenty-five officers, and those twenty-five officers are not supposed to groom their own horses, nor are they expected to employ a man constantly for that purpose, but one of the mounted men takes that duty.
1761. Do you happen to know any police officer who pays for forage out of his own pocket? Yes; Mr. Morriset, Mr. Orridge, and Mr. Lydiard, all keep horses at their own expense.
1762. There are none in Sydney? I don't think there are many horses in Sydney. We have reduced our mounted men and sent the horses to the country. We have only two mounted men left in Sydney.
1763. The whole of the country districts have been obliged to do without the necessary police protection, while there are two policemen employed as grooms for the Inspector General of Police and his deputy, at 6s. a day? I did not say that. I said that the Inspector General of Police was allowed a servant to groom his horse. If you allude to me as the Inspector General's deputy, I do not keep a constable to groom my horse, but I pay a man, who is a constable, a certain amount out of my own pocket, and he looks after my horse in his spare time; at the same time I consider that in my present position I have a perfect right to a groom, and I do not feel myself bound to pay a man out of my own pocket for grooming my horse.
1764. And the Inspector General keeps a groom entirely for his horse? Yes, he keeps a groom.
1765. And the groom is a constable, is he not? He is a constable.
1766. Is he put down on the Estimates as a groom or as a constable? Not as a groom, but as a constable; nor are any of the superintendents' grooms put down, excepting as constables.
1767. *Mr. J. B. Suttor.*] Does it not often occur that constables are removed from one station to another? Yes, frequently.
1768. And from one district to another? Frequently.
1769. Under this new system would it not be necessary, for the efficiency of the service, that the constable should supply himself with horse feed at the station? If he laid in a stock of forage, as a constable did on a recent occasion, he might object to be transferred because he could not get anybody to buy it from him.
1770. Then by his removal he would be a loser? Yes.
1771. Supposing he left his forage behind him, would he not claim compensation for the loss of it? I should imagine so.

The witness was discharged from further attendance.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

I M M I G R A T I O N ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
13 *April*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

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1870.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 15. TUESDAY, 22 FEBRUARY, 1870.

17. Immigration :—Mr. G. A. Lloyd moved, pursuant to Notice No. 5,—

(1.) "That" this House is of opinion that a sound and comprehensive system of Immigration is essential to the prosperity of this Colony.

(2.) That a Bill to establish such a system ought to be introduced by the Government without delay.

(3.) That an Address embodying the foregoing Resolutions be presented to His Excellency the Governor.

Debate ensued.

Mr. Cowper moved, That the Question be amended by omitting all the words after the first word "That," with a view to inserting in their place the words "a Select Committee be appointed to inquire into and report upon the best means of promoting a sound and comprehensive system of Immigration, with a view to the taking immediate steps for its revival.

(2.) That such Committee consist of the following Members, viz. :—Mr. Brookes, Mr. Flood, Mr. Hoskins, Mr. Jennings, Mr. King, Mr. G. A. Lloyd, Mr. Neale, Mr. Parkes, Mr. Speer, and "the Mover."

Debate continued.

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

The House divided.

Ayes, 22.

Mr. Byrnes, Mr. Piddington, Mr. Parkes, Mr. Watson, Mr. Windeyer, Mr. Wearne, Mr. Hill, Mr. Weaver, Mr. Allen, Mr. King, Mr. Fraser, Mr. Campbell, Mr. G. A. Lloyd,	Mr. Ryan, Mr. Lord, Mr. Flood, Mr. Webb, Mr. Baker, Mr. Lackey, Mr. Buchanan, <i>Tellers.</i> Commander Onslow, Mr. Farnell.
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Noes, 23.

Mr. Cowper, Mr. Samuel, Mr. Forster, Mr. Sutherland, Mr. Egan, Mr. Macleay, Mr. Phelps, Mr. Jennings, Mr. Butler, Mr. Neale, Mr. Brookes, Mr. Cummings, Mr. M. C. Stephen,	Mr. Bell, Mr. Morrice, Mr. Dight, Mr. Dodds, Mr. Speer, Mr. Church, Mr. Dillon, Mr. Dean, <i>Tellers.</i> Mr. S. Brown, Mr. Driver.
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Question,—That the words proposed to be inserted in the place of the words omitted, be so inserted,—put.

The House divided.

Ayes, 22.

Mr. Cowper, Mr. Samuel, Mr. Sutherland, Mr. Egan, Mr. Macleay, Mr. Phelps, Mr. Neale, Mr. Brookes, Mr. Cummings, Mr. M. C. Stephen, Mr. Bell, Mr. Morrice,	Mr. Dight, Mr. Jennings, Mr. Butler, Mr. Dodds, Mr. Speer, Mr. Driver, Mr. Dean, Mr. Church, <i>Tellers.</i> Mr. S. Brown, Mr. Dillon.
---	--

Noes, 22.

Mr. Byrnes, Mr. Parkes, Mr. Watson, Mr. Ryan, Mr. Hill, Mr. Webb, Mr. Wearne, Mr. Lord, Mr. King, Mr. Fraser, Commander Onslow, Mr. Campbell,	Mr. Allen, Mr. G. A. Lloyd, Mr. Flood, Mr. Baker, Mr. Buchanan, Mr. Lackey, Mr. Weaver, Mr. Piddington, <i>Tellers.</i> Mr. Windeyer, Mr. Farnell.
--	--

The numbers being equal, the Speaker gave his casting vote with the Ayes, and declared the Question to have passed in the affirmative.

And Mr. Webb requiring that the said Committee be appointed by Ballot,—

Question,—That a Select Committee be appointed to inquire into and report upon the best means of promoting a sound and comprehensive system of Immigration, with a view to the taking immediate steps for its revival,—put.

The

The House divided.

Ayes, 25.

Mr. Cowper,	Mr. Jennings,
Mr. Samuel,	Mr. Butler,
Mr. Sutherland,	Mr. Dodds,
Mr. Egan,	Mr. Speer,
Mr. Macleay,	Mr. Driver,
Mr. Cummings,	Mr. Morrice,
Mr. Phelps,	Mr. Church,
Mr. Neale,	Mr. Dean,
Mr. King,	Mr. Forster,
Mr. Brookes,	
Mr. M. C. Stephen,	<i>Tellers.</i>
Mr. Fraser,	Mr. S. Brown,
Mr. Bell,	Mr. Dillon.
Mr. Dight,	

Noes, 18.

Mr. Piddington,	Mr. Baker,
Mr. Windeyer,	Mr. Lord,
Mr. Byrnes,	<i>Tellers.</i>
Mr. Parkes,	Mr. Wearne,
Mr. Webb,	Mr. Farnell.
Mr. Flood,	
Mr. Watson,	
Mr. Ryan,	
Mr. Hill,	
Mr. Weaver,	
Commander Onslow,	
Mr. G. A. Lloyd,	
Mr. Lackey,	
Mr. Buchanan,	

Whereupon the House proceeded to the Ballot, and the Clerk having reported the names of twelve Members instead of ten, in consequence of an equality of votes for the six Members having the least number of votes, the Speaker decided which of the six should serve on the Committee, by taking the names as they stand on the alphabetical roll of Members, and declared the following to be the Committee duly appointed:—Mr. Cowper, Mr. Brookes, Mr. King, Mr. Jennings, Mr. Flood, Mr. Hoskins, Mr. Egan, Mr. Forster, Mr. G. A. Lloyd, and Mr. Neale.

VOTES NO. 31. TUESDAY, 22 MARCH, 1870.

3. Member of Legislative Council as Witness:—Mr. Cowper moved, *without previous notice*, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee "to inquire into and report upon the best means of promoting a sound and comprehensive system of Immigration, with a view to the taking immediate steps for its revival,"—and that Committee being desirous to examine the Honorable John Hay, Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend and be examined by the said Committee, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 22nd March, 1870.*

Speaker.

Question put and passed.

VOTES NO. 32. WEDNESDAY, 23 MARCH, 1870.

12. Member of Legislative Council as Witness:—The Speaker reported the following Message from the Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 22nd March, 1870, requesting leave for the Honorable John Hay, Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, appointed "to inquire into and report upon the best means of promoting a sound and comprehensive system of Immigration, with a view to the taking immediate steps for its revival," the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 23rd March, 1870.*

T. A. MURRAY,
President.

VOTES NO. 38. FRIDAY, 1 APRIL, 1870.

3. Immigration:—Mr. Cowper, *with the concurrence of the House*, moved, without notice, That leave be given to the Select Committee on "Immigration" to sit during any adjournment of the House. Question put and passed.

VOTES NO. 44. WEDNESDAY, 13 APRIL, 1870.

2. Immigration:—Mr. Cowper, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this subject was referred, on 22nd February, 1870, together with Appendix. Ordered to be printed.

1870.

IMMIGRATION.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on 22nd February, 1870,—to inquire into and report upon the best means of promoting a sound and comprehensive system of immigration, with a view to the taking immediate steps for its revival, and to whom was given on the 1st April, leave to sit during any adjournment of the House,—have agreed to the following Report:—

1. Your Committee have taken the evidence of the gentlemen whose names are in the margin, all of whom were, in the opinion of your Committee, eminently qualified to afford valuable information in reference to the subject of immigration. Their opinions confirm in an unmistakeable manner the prevailing desire for the immediate revival of immigration.

Mr. G. F. Wise,
Immigration
Agent.
The Rev. Dr.
Lang, D.D.
Mr. J. B. Watt.
Mr. Alexander
Stuart.
Mr. W.H. Suttor,
M.P.
Mr. Howard
Reed.
The Hon. John
Hay.

2. Your Committee have been strongly impressed with the conviction that, as a preliminary step towards carrying out a sound and comprehensive scheme of Immigration, an Immigration Agent should be appointed, who they would suggest should be empowered to act as Agent General for the Colony. Such an appointment your Committee consider to be absolutely necessary to secure the introduction of a class of immigrants superior to those introduced under former systems.

Questions 526 to
530.

3. Your Committee cannot but recognize the fact that the time has arrived when immigration should be conducted upon principles and in a manner calculated to establish a system of colonization, and not merely as a means of supplying domestic servants and effecting other subsidiary purposes. The present time appears to be peculiarly opportune for bringing the attractions and resources of the Colony under the notice of Public Bodies and Associations which are now being formed in London for the promotion and encouragement of Emigration. And your Committee would earnestly impress upon the consideration of your Honorable House, that a speedy decision upon this all-important question should no longer be delayed. Until immigration shall be revived the material interests of the Colony must remain in a languishing condition. With this opinion all the witnesses examined concur.

Questions 548 to
550.

4. Your Committee are fully persuaded that not only does this Colony offer a promising field to agriculturists and to those desirous of engaging in pastoral pursuits, but that her vast mineral resources represent and give assurance of the greatest elements of national prosperity. The possession of these natural elements of wealth justifies your Committee in predicting that New South Wales is destined to become a great manufacturing country.

Questions 538,
426, 430 to 493,
648.

Questions 400,
538 to 549.

5. Actuated by these considerations, your Committee would recommend that liberal inducement to settle on the land should be held out to that most desirable class of colonists, the yeomanry of the Mother Country. With this view they have embodied in a Draft Bill* a scheme similar in its main features to that now in operation in Queensland.

Questions 174,
175, 193, 194.

* Vide Appendix
A 1.

Question 558.

6. Starting from this basis, your Committee recommend that such portion of the passage money of the requisite classes of immigrants be paid by Government as will place the cost of transit to the immigrant upon something like an equality with that offered by the neighbouring Colonies. By this means alone can it be hoped to attract to this Colony a portion of the large immigration now being diverted to the United States and Canada.

Questions 259,
277 to 284.

7. The assistance to be given in money should, in the opinion of your Committee, be distributed amongst immigrants selected from England and Wales, Scotland, and Ireland, in proportion to the population of such countries respectively, according to the last Census. Your Committee recommend that the duty of arranging for immigrants' passages should be performed by the Agent General in London. Deposits should be received by him exclusively, and it should rest entirely with him to give passage certificates.

Question 718.

Questions 256,
258.

8. Single females who have been accustomed to domestic service should have free passages, but the Agent General should endeavour to obtain contributions thereto from the Associations now being formed in London, and from other sources. Your Committee deem it to be of the deepest importance, upon social grounds, that a large number of virtuous and industrious single women should be introduced at once. The equalization of the sexes is a matter worthy of the most serious consideration; and on this subject, your Committee would refer to the last return of the Registrar General, from which it appears that there are in the Colony at the present time 56,678 males in excess of females.

* Vide Appendix
A 2.

9. A letter from the Immigration Agent* to the Colonial Secretary has been laid before your Committee, from which it appears that there is a balance immediately available for Immigration, of £11,000. Your Committee would press upon your Honorable House that steps should at once be taken to apply this sum in introducing as many single females under the age of 35 years, to be accompanied, for obvious reasons, by a proper proportion of married people and families. The Colonial Agent, with the co-operation of the Emigration Commissioners in London, could give effect to this proposal without waiting for the ulterior arrangements which will be necessary for establishing the Immigration System recommended by your Committee.

Questions 564,
718.

10. Your Committee cannot close this Report, which is, from unavoidable circumstances, the result of deliberations hardly commensurate in point of duration with their importance, without recommending, in the strongest terms, that the Emigration Commissioners should promulgate in the most public manner that immigrants will be received by the Immigration Agent upon their arrival, that the fullest information will be given to them upon every point in respect to which they may desire to be informed, and that free railway tickets will be given them for the various depôts to be established in the interior.

CHARLES COWPER,
Chairman.

No. 2 Committee Room,
Sydney, 12 April, 1870.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 25 FEBRUARY, 1870.

MEMBERS PRESENT :—

Mr. Cowper,	|	Mr. Brookes,
Mr. Lloyd,	|	Mr. King,
	Mr. Egan.	

Mr. Cowper called to the Chair.

Entry in Votes appointing the Committee, read by the Clerk.

Committee deliberated.

Ordered, That G. F. Wise, Esq., be summoned to give evidence at the next meeting.

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

TUESDAY, 1 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Lloyd,	|	Mr. Brookes,
Mr. Jennings,	|	Mr. King,
	Mr. Egan.	

G. F. Wise, Esq., (*Agent for Immigration*), called in and examined.

Witness withdrew.

Committee deliberated.

Ordered, That G. F. Wise, Esq., be summoned to give further evidence at the next meeting.

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

WEDNESDAY, 2 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Lloyd,	|	Mr. Jennings,
Mr. King,	|	Mr. Egan,
	Mr. Brookes.	

G. F. Wise, Esq., (*Agent for Immigration*), called in and further examined.

Committee deliberated.

Ordered, That the Rev. J. D. Lang, D.D., be summoned to give evidence at the next meeting.

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

THURSDAY, 3 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Brookes,	|	Mr. Jennings,
Mr. Lloyd,	|	Mr. King,
	Mr. Egan.	

The Rev. J. D. Lang, D.D., called in and examined.

Witness withdrew.

Committee deliberated.

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

TUESDAY, 8 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Egan,	|	Mr. King,
Mr. Lloyd,	|	Mr. Jennings.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

TUESDAY,

TUESDAY, 22 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Jennings,	|	Mr. King,
	Mr. Lloyd.	

J. B. Watt, Esq., called in and examined.

Witness withdrew.

W. H. Suttor, Esq., M.P., called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That Alexander Stuart, Esq., and Howard Reed, Esq., be summoned to give evidence at the next meeting.

Resolved,—That the Chairman move the House that a Message be sent to the Legislative Council, requesting leave for the Honorable John Hay, M.L.C., to attend and be examined before this Committee.

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

WEDNESDAY, 23 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Lloyd,		Mr. King.
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Alexander Stuart, Esq., called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That Howard Reed, Esq., and the Honorable John Hay, M.L.C., be summoned to give evidence at the next meeting.

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

TUESDAY, 29 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Hoskins,		Mr. Lloyd.
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Howard Reed, Esq., called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That Mrs. Capps, Mrs. Pawsey, and the Honorable John Hay, M.L.C., be summoned to give evidence at the next meeting.

[Adjourned until Thursday next, at *Eleven* o'clock.]

THURSDAY, 31 MARCH, 1870.

MEMBERS PRESENT :—

Mr. Lloyd,	|	Mr. King,
Mr. Jennings,		Mr. Brookes.

In the absence of the Chairman, Mr. Lloyd called to the Chair.

Mrs. Pawsey (*Labour Agent*), called in and examined.

Witness withdrew.

The Honorable John Hay, M.L.C., called in and examined.

Mr. Cowper, the Chairman, entered the room and took the Chair.

Witness withdrew.

Committee deliberated.

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

FRIDAY, 1 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. King,	|	Mr. Jennings,
Mr. Lloyd,		Mr. Egan.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

MONDAY,

MONDAY, 4 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Jennings,	|	Mr. King,
Mr. Brooks,	|	Mr. Egan,
	Mr. Lloyd.	

Committee deliberated.

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

WEDNESDAY, 6 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Lloyd,		Mr. Jennings.
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Committee deliberated.

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

FRIDAY, 8 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. King,	|	Mr. Lloyd;
	Mr. Egan.	

Committee deliberated.

Chairman submitted draft Report.

Same read and considered.

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

TUESDAY, 12 APRIL, 1870.

MEMBERS PRESENT :—

Mr. Cowper in the Chair.

Mr. Lloyd,	|	Mr. King,
Mr. Jennings,	|	Mr. Egan.

Chairman handed in a Bill to provide for Immigration into the Colony of New South Wales, also a letter from G. F. Wise, Esq. (*Agent for Immigration*).

Ordered to be appended. (*Vide Appendices A 1 and A 2.*)

Chairman's draft Report further considered.

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

Committee divided.

Ayes, 3.	|	Noes, 1.
Mr. Lloyd,	|	Mr. Jennings.
Mr. King,	|	
Mr. Egan.	|	

Mr. Jennings then entered a protest against paragraph 7 of the Report, which the Committee ordered to be printed in the Minutes, as follows :—

I dissent from paragraph 7 of the Report, which recommends that emigrants should be selected according to the Census of the United Kingdom, as I believe it will prevent the emigration of a highly desirable class of yeomanry from Ireland, Scotland, and Wales. The population of these divisions of the United Kingdom is numerically small in proportion to England; but I consider that the settlement of a class of proprietary yeomanry on the soil of this country is a matter of the highest importance.

The population of Scotland does not much exceed that of London, while that of Ireland is about sixty per cent. more than that of London. I think the introduction of a class of emigrants from the rural districts of Ireland and Scotland, and the mining districts of Wales, would be much more desirable than the importation of a mere urban population, whose previous habits of life render them unfitted for successfully engaging in industrial pursuits in a new country like this.

I further protest against refusing to accept an otherwise eligible person, desirous of emigrating, on the ground of nationality, as being unjust and impolitic; and I must point out that in practice it will have the effect of driving a highly desirable class of emigrants to the adjacent Colonies of Queensland and Victoria, where no such restrictions are in force, and to the other Colonies of the British Crown, which are now competing with the United States in endeavouring to obtain a share of the great stream of emigration flowing from the shores of the Mother Country.

P. A. JENNINGS.

Chairman to report to the House.

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1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

IMMIGRATION.

TUESDAY, 1 MARCH, 1870.

Present :—

MR. JENNINGS,
MR. LLOYD,
MR. EGAN,

MR. KING,
MR. BROOKES,
MR. COWPER.

THE HON. CHARLES COWPER, ESQ., C.M.G., IN THE CHAIR.

George Foster Wise, Esq., called in and examined :—

1. *Chairman.*] You are Agent for Immigration, Mr. Wise? Yes.
2. How long have you held that office? Since December, 1862.
3. Can you give the Committee, in a brief shape, an epitome of the Immigration Regulations which have been in force from 1847 up to the present time? Yes, I can. Previous to 1847 immigration had almost ceased since 1842, as according to the published annual reports only 3,200 people arrived in five years, 2,700 of whom arrived in 1844. Regulations were established on the 7th April, 1847, for the introduction of Germans—mechanics or skilled labourers, from the continent of Europe; for which a bounty was paid in the following ratio, viz. :—For a married man and his wife, £36, and for each child above 14 years of age, £18.
4. Had not that German immigration reference to a particular class of persons, and was it not adopted with a view to encouraging the cultivation of the vine? It was to introduce skilled mechanics from the Continent of Europe.
5. That was the only element? That was the only element I think. Mention is afterwards made of vine-growers. On the 22nd December, 1848, immigration remittances were established. Regulations were made for facilitating the remittance of any sums of money which persons settled in the colony might desire to send to their friends or others in the United Kingdom, to enable them to emigrate to this colony. These contributions were—for every person above the age of 14 years, £8; for children between the ages of 1 and 14, £4. These were for agricultural labourers, female domestics, and farm servants. Those who were able to buy land were excluded; also reduced tradesmen and persons receiving parish relief. They were required to consist chiefly of married people. Under the same Act or regulation, by special permission previously obtained from the Government, colonists could send for able-bodied labourers or tradesmen, ineligible for free passages, on payment of £10 for each person above 14, and £5 for children under 14 years. These immigrants had to be named by the depositor in this colony, or chosen by the agent in Great Britain. On the 20th March, 1850, land and immigration deposits were established; by this Act persons could deposit money intended to be invested in the purchase of Crown Lands, and thereby obtain passage orders for the same class of labourers as I have before spoken of, provided they were under 40 years of age. Scrip notes for the amount of such deposits were issued and were made transferable. Upon these 5 per cent. per annum was paid for a period limited to five years; such scrip notes being available at any time for the purchase of Crown Lands. 80 per cent. of such moneys might be required to be applied towards the cost of introduction of labourers to be nominated by the depositor, and in accordance with the regulations of 22nd December, 1848. Such nomination of immigrants could only be made within two years from the date of the deposit. On the 7th January, 1852, there was a system of immigration remittances established. Revised regulations were issued on this date, which cancelled those of previous years. These regulations of the 7th January, 1852, excluded persons who

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intended to buy land, or to invest capital in trade, or who were in the receipt of parish relief; they included labourers and female servants as before. The deposits which had to be made in the Colony, were of less amount, viz.:—For persons between the ages of 1 and 14 years, £2; from 14 to 20, £4; from 40 to 50, £6; and above 50, £12. For skilled labourers an increased deposit was required. For carpenters, blacksmiths, masons, gardeners, &c., the deposits required were for persons under 14 years, £4; from 14 to 40, £8; from 40 to 50, £8; and above 50, £12. Immigrants under these Immigration Remittance Regulations were permitted to engage themselves as they pleased on arrival; but were bound to remain in the colony not less than two years, or to pay to the Government for each year wanting of that period of residence, the sum of £3. Another Act, called the Assisted Immigrants Employment Act, was passed on the 28th December, 1852. By this Act all persons emigrating to this colony under remittance regulations were required previous to embarkation to sign indentures agreeing to be hired out on arrival, at the discretion of the Immigration Agent, to any employer for two years—such employer to pay within that time the amount of cost of passage fixed at £15 per head for country mechanics, or £13 per head for any other class of immigrants. The immigrant, however, was at liberty to cancel such agreement after the expiration of the first year, on payment of the full cost of his passage, and on giving to his employer three months' notice. On the 17th October, 1853, Foreign Immigration Regulations were issued, to enable colonists to bring out skilled labourers requisite for the culture and manufacture of wine, oil, silk, &c., from the continent of Europe.

6. Just let me ask, in reference to what you said before, how did these Foreign Immigration Regulations differ from the others; were the others cancelled, or was this a revival of them in an amended shape? I think it was a revival of them in an amended shape.

7. *Mr. King.*] It strikes me they apply to more than skilled labour? The first Act was to introduce the skilled labourers requisite for the culture and manufacture of wine, oil, silk, &c. It is the same thing; but the regulations of 1853 do not seem to notice the previous Act.

8. *Chairman.*] Look back and see whether they were for a limited period, and perhaps died out? No; I have some impression it only extended over three years. I know there was £20,000 voted to be expended in that year, and the regulations were framed for the purpose of spending that money. With regard to the foreign immigrants from the continent of Europe,—on their arrival a bounty was paid of £36 for a man and his wife under 50 years of age; for each child above 14, £18, and each child under 14, £9. Such immigrants were indentured to the person in whose favour such order was granted, for two years, the employer paying £6 10s. on account of the cost of passage, on arrival of the immigrants, and a further sum of £6 10s. after the expiration of twelve months. On the 20th January, 1854, revised regulations, establishing a system of immigration remittances, and cancelling those of the 7th January, 1852, were issued. By these regulations residents in the colony were enabled to send for their friends on depositing the following amounts:—For each person between the ages of 1 and 14, £2 10s.; between 14 and 40, £5; 40 and 50, £10; and above 50, £15. This was for labourers, shepherds, miners, female servants, &c. For skilled labourers a higher rate of deposit was required, viz.:—For persons between the ages of 1 and 14 years, £5; between 14 and 40, £10; 40 and 50, £12; and above 50, £15. On the 18th September, 1856, there was another system of immigration remittances established by revised regulations, which cancelled those of the 20th January, 1854.

9. I think they were issued by me—were they not? I think they were. Residents in the colony obtained passage certificates for their nominees, on payment of the following deposits, viz.:—For persons between the ages of 1 and 12 years, £2; 12 and 40, £4; 40 and 50, £8; and above 50, £12. Previous to this period children under 14 years of age were taken at half-price; the limit was now fixed at 12 years of age. These regulations were for mechanics of every description—all persons of the working classes and male and female servants. Others not belonging to these classes could obtain passages, on payment of £12, through the Commissioners. Nominations could also be made in Great Britain by the friends or agents of depositors in this colony. On the 10th August, 1857, immigration regulations were again issued, cancelling those of the 18th September, 1856. By these regulations mechanics, servants, and the labouring classes were introduced, on making the following deposits, viz.:—For persons between the ages of 1 and 12 years, £2; 12 and 40, £4; 40 and 50, £8; single women above 35, £12; and single men above 40 to pay £12. The same class of immigrants might also be introduced by others, and on their arrival in private ships bounty tickets were payable to the owners or agents of the ships of the value of £12 for every immigrant above 12 years, and £6 for every child under that age. They found their way out here themselves, without being sent for. On the 21st June, 1861, immigration regulations were again issued for the introduction of mechanics, domestic servants, and labourers. The deposit was—for males under 12 years of age, £3; from 12 to 40, £5; from 40 to 50, £8; and over 50, £12; for females under 12 years, £2; from 12 to 40, £3; from 40 to 50, £6; and over 50, £12. On the 19th May, 1863, the last regulations, cancelling those of 21st June, 1861, were issued. These also were for the introduction of mechanics, domestic servants, and all persons of the labouring classes on deposits as follows, viz.:—For males under 12 years of age, £4; from 12 to 40, £7; from 40 to 50, £9; and above 50, £12; for females under 12 years, £3; from 12 to 40, £4; from 40 to 50, £9; and above 50, £12. These were required to be named by the depositor on making the deposit.

10. Is that what is called the Assisted Immigration Regulations? Yes, those of the 21st June, 1861, and those of May, 1863.

11. Then the system was established in 1861? Yes, by Mr. Robertson, on the 21st June, 1861.

12. When did these regulations cease? They were cancelled in December, 1867. There was also provision made in the regulations of 19th May, 1863, for the introduction of persons of the same classes who were to be nominated by agents in Great Britain on deposits as follows, viz.:—For males under 12 years of age, £4; from 12 to 40, £11; from 40 to 50, £13; and above 50, £15; for females under 12 years, £3; from 12 to 40, £4; from 40 to 50, £7; and above 50, £12. For the introduction of this class of immigrants a sum of £30,000 was by the regulations specially set apart, but I do not think more than a dozen persons came out under this system—certainly not twenty came out under what is called the "B" or "No. 2" regulation.

13. That was not the assisted immigration? Yes, the assisted. The process was this: The depositor requested that a passage certificate for an unnamed person should be issued to him. It was given at a higher rate of deposit. He sent Home that certificate to his agent or friend, who named the person and sent him out; but there were not twenty persons came out in this way.

14. Was that at the time of the disturbance about the Australian Company attempting to introduce miners? No. That occurred previous to the issuing of the Immigration Regulations of June, 1861. These regulations were cancelled on the 11th December, 1867.

15. Can you state any particular reasons why more persons did not come out under these regulations? You say £30,000 were appropriated—how many persons came? Certainly not twenty persons.

16. *Mr. Jennings.*] What was the rate of deposit? A little higher than for those who were nominated in the colony.

17. *Chairman.*] And does that close your narrative? Yes.

18. Are there any immigration regulations in force now? No; they were cancelled on the 11th December, 1867.

19. It required eighteen months beyond that date to bring out those who had been nominated under the regulations; but after that the fund became inoperative? There were no more to come out.

20. What has become of the money? It is in the general fund.

21. But if it was not used what has become of it? It is in the general fund; there is £10,000 or £11,000 still existing.

22. This fund was used in a general way? Yes.

23. Can you state what was the operation of the assisted immigration system? I scarcely understand you.

24. How many came out under what is generally called the assisted system—how many of those named by their friends and families and connections in the colony? Between the 21st June, 1861, when first the assisted immigration regulations were issued, up to the time that they ceased, the number of individuals nominated was 21,045.

25. What per-centage came out? Out of that number there arrived here 16,623. About 20 per cent., that is 4,461, did not come.

26. Are you enabled to state to the Committee why they did not come? "Declined to emigrate"—"Omitted to present themselves with certificates"—"Married and could not come, because the husband or wife had no passage," and "Dead"—"Declined to emigrate"—was the reply given by a large number, but those who did not present themselves to take up their passage certificates were the most numerous.

27. Of course you had to return the deposits? The deposits were consequently returned.

28. Can you state in what proportion, as regards the different nations, these immigrants came out? From England and Wales, 3,225; from Scotland, 1,061; from Ireland, 12,219; and from other countries, 118; making a total of 16,623. Of these, 7,007 were men, 7,021 were women, 1,291 were male children, and 1,304 female children—the word "child" meaning under 12 years of age.

29. The males and females were in equal proportions? Almost exactly even.

30. Was there any large number of single women, or were they in equal proportions? There were 5,860 unmarried females, including widows.

31. Your records, I suppose, show the proportion of the various religious denominations? There were 6,301 Protestants of all denominations; 10,296 Roman Catholics; and 26 of other persuasions,—making up the total of 16,623.

32. What was the number of unassisted persons who came out during that time? 8,532.

33. These paid their own passages entirely? Yes, they were unassisted.

34. But they came out in our immigrant ships? No, they had nothing to do with the immigrant ships. The immigrant ships belonged exclusively to the Government, and not a single cabin passenger was permitted to come in them.

35. Except under the Government regulations? Yes, except under the regulations. There were one or two instances in which it was discovered that cabin passengers had come out; this caused some trouble, but the amount paid by such cabin passengers was deducted from that paid by the Government to the ship-owners.

36. Do you find that unassisted immigration keeps up better during the time that assisted immigration is in operation or not—is there any difference. Some people have the impression that as long as the Government go on importing, other people come with them, but that when the Government stop there is a total cessation. I want to know the real state of the question? I should not like to answer the question for this reason, that I can only answer from these reports—not my own—mere general reports which I found, on looking into them some years ago, I could not depend upon. I am quite sure there is an error in the first figures. They were obtained from the Collector of Customs in 1859. I was much misled by them myself. My own figures I can depend upon.

37. Is there not a correct record in the Custom House? I think not. There may be now of the arrivals from Great Britain. I think the very fact here stated that in 1858 there were 18,000 people arrived unassisted—that is, 1,500 per month—proves that the report is incorrect. 1,500 immigrants per month, or 18,000 in the year, would be four full ships per month for twelve consecutive months; and it is well known that no such immigration of unassisted individuals has ever occurred.

38. There must be some error then? A very grave error.

39. Can you state to the Committee the average contract price for a given number of years—say for the last ten years? In 1861 the price was £15 19s. 4d. per statute adult; in 1862 it was £13 3s. 8d.; in 1863, £14 0s. 9d.; in 1864 it was £14; in 1865, £12 15s. 6d.; in 1866, £12 19s. 10d.; in 1867, £13 4s. 9d.; and in 1868, £14 3s. 0d.

40. Have you a statement of the number of immigrants sent for during the same years? In the six months, from 1st July, 1861, to 31st December, 1861, there were 2,743; in 1862 there were 4,804; in 1863 there were 5,394; in 1864 there were 3,482; in 1865 there were 2,131; in 1866 there were 1,329; and in 1867 there were 862.

41. There have been none since? The regulations were cancelled in December, 1867. The total number sent for was £21,045.

42. *Mr. Lloyd.*] Can you give any reason why the number increased so much at first, and then fell off? I can easily understand it was a new thing—a new idea—and for the first year or two people wished to get their friends out at cheap rates. Why it lessened afterwards I cannot tell. I should have thought it would have gone on increasing.

43. The same facilities were afforded? Exactly the same. I have no doubt their funds were exhausted, for they did not send for their brothers and sisters alone but for their cousins and friends, and their money being exhausted—perhaps also their friends—they could not send for any more.

44. *Mr. Brookes.*] Did you infer that this question of want of funds arose from their inferior circumstances? I do not know.

45. Or did they send for so many that their funds were exhausted? I have no means of judging. A good

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- good deal of money came from Home, as I had reason to believe; and, of course, I cannot judge why such remittances were discontinued. It was known to me that many persons, acting as agents for others at Home, obtained passage certificates by making the required deposit in Sydney from funds remitted to them. The deposit had to be made in this colony, so that a person wishing to come out had to write to a friend and send him the money; then the money was deposited here, and the passage certificate went Home; so that the applicant did not get a reply for many months after forwarding his money with his application for a passage certificate.
46. *Chairman.*] Then there was not so much remitted from the colony to friends at Home as from friends at Home to friends out here? I could not distinguish; I could only tell from their agents and friends in a casual way.
47. *Mr. Brookes.*] I imagine the amount remitted was not considerable? I cannot say.
48. *Chairman.*] What number of immigrants, do you think, could be fairly introduced, under the auspices of the Government, without running the risk of causing something like distress, or a superabundant supply in the colony? I believe, as far as women are concerned—domestic servants—almost any number could come for twelve months. For married men and single labourers, judging from the past, I imagine a shipload a month would be soon absorbed. As a matter of fact, the immigrants that have arrived disappeared long before the lay-days expired.
49. *Mr. Lloyd.*] They have been absorbed as fast as they came? With one single exception, as a rule they have gone before the ships have cleared.
50. *Mr. Brookes.*] That is, they have disappeared from under your immediate cognizance? Yes; but it must be remembered that the greater number came to their friends.
51. *Chairman.*] Have they remained in Sydney? I have always said to them upon their arrival—"I am the Government Officer, and if you want advice or assistance come to me;" and I have not had a dozen come to me afterwards.
52. *Mr. Brookes.*] But this relates chiefly to a class of immigrants brought out by their friends? Yes.
53. *Chairman.*] As to the supply—would two or three, or four shiploads, go off in a month? I mean that 400 or 500 immigrants would go off in a month.
54. Would two or three times the number? That would entirely depend upon what class of immigrants they were, and whether public works of any very considerable importance were going on. If the water supply for the city of Sydney, for instance, or any important railway works were going on, a larger number of immigrant labourers might be immediately absorbed.
55. Do you contemplate it will be necessary for Government to carry on public works if there is immigration to any large extent? If there was a large public work going on the immigrants would find employment more readily either in these works or from private individuals.
56. You allude particularly to labourers; but the object of immigration is colonization. What number of immigrants with their families would be prepared to settle themselves in the country; how many would move off easily? If they could be made to understand the land regulations, and be transported immediately to the terminus of the railway, north, south, or west, they would disappear from Sydney immediately, and become agriculturists or labourers in the country.
57. For that purpose they must have some small capital? Yes.
58. *Mr. Lloyd.*] As a matter of fact, do these people bring any means of their own? Yes, certainly. I have tried often to really discover what they had, but I could not do so. I believe the statement made in Queensland that so many thousands of pounds had been introduced by immigrants is perfectly fictitious. On many occasions the immigrants have subscribed together, and have given a donation to the officers of their ship; on many occasions I have discovered that they had money because they did not know how to get it out of the Bank without a reference to myself.
59. *Chairman.*] Was the amount brought to the colony considerable or not? I cannot tell; I am quite sure no one could. The arrangements under the immigration regulations were in such good repute that many persons of superior position in life availed themselves of the opportunity afforded to them to procure passages by these Government emigrant ships. It was the best way for single women to come.
60. *Mr. Brookes.*] When was it ordered that captains should bring their wives? It was never so here; I believe it was in Victoria. Occasionally the wives came, but as a rule not.
61. *Chairman.*] Supposing the Government were determined to revive immigration, what particular class of immigration would you recommend should be introduced? I should say a well selected class of agricultural labourers, female domestic servants, a large number of German immigrants—vine-growers from the North of Germany, or one of the provinces, or from around Vienna.
62. *Mr. Jennings.*] Why not from Prussia? I understand they are the best class of colonists; it is only what I have heard. A limited number of skilled labourers—carpenters, masons, and wheelwrights—would also be required.
63. *Mr. Lloyd.*] What about miners? Practical ones and coal miners would be required, and also cotton growers and cultivators of sugar and tobacco. Sugar culture is fast increasing in the north. Skilled labour also would be required in view of the construction of cheap railways, and also if there were any very extensive operations such as has been suggested for the water-supply, or for the manufacture of sugar. I think some notice has been given about a Militia Bill, and perhaps it will be worth the consideration of Government, in view of the proposed Bill, to note that men can be enlisted in Great Britain at rates slightly in advance of the Queen's Regulation-pay, and yet for half the amount at which such services could be secured in this colony. Thus the cost of passage—although these men would be in receipt of pay from the day of embarkation—would be refunded to the colony within the first year of their service. Men can be engaged in Great Britain at 1s. per day, equal to £18 per year; in this colony the same men would get 2s. or 2s. 6d. per day, or £36 or more per year. The difference of pay, for one year only, would give the cost of their passage, apart from the increase of population.
64. *Mr. Jennings.*] That would be enlisting a Colonial army at Home? Yes.
65. *Chairman.*] Have you thought upon the terms the Government should propose to induce them to emigrate? I think that a money arrangement is best; because I believe it would be the cheapest, and would be more clearly understood. I mean this:—Assuming £15 to be the extreme cost, as it is, that if £12 were paid by the Government—the balance being made up either by the emigrants themselves at home, in Great Britain, or through the agency of some of those institutions now established under the presidency of the Lord Mayor of London—a subscription of £2, £3, or £4 would induce a large number of

of persons to come. They could be chosen by the Agent-General, and on arrival here some assistance could be rendered to them in the purchase of land. Such an arrangement would be clearly understood. With regard to free selection, I do not suppose it would be possible to make the people in England understand free selection. It requires a little Colonial experience to understand it. If they did understand the system of free selection they would probably be reminded of the land orders of Queensland, which produced a great deal of dissatisfaction. The labouring classes could not understand the system, and if they were able to retain their land orders until their arrival in Queensland, they did not then know how to use them. They were obliged to sell them much below par, and consequently believed that they were cheated. Therefore I doubt if any land order system can be understood by the people of Great Britain and Germany until they arrive in the Colony.

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66. *Mr. Lloyd.*] Don't you think, Mr. Wise, that the scheme which you have suggested as to the Government paying the balances to the societies at Home, would lead to the introduction of the wrong class of immigrants—the pauper class, which we don't want. Do you happen to know what are the regulations just issued in Victoria? No, I do not.

67. Would that suggestion as to the societies in England paying one portion and the Government the balance, be the means of introducing a pauper class of immigrants? No, because the agent in England, or the parties entrusted with the choice of these immigrants, would exercise their own judgment in the matter.

68. Is it not a fact, with all respect to the Emigration Commissioners, that we have had out a large amount of the pauper element which we could have done without. What I mean to get at is this: Would it not be better, instead of employing the Emigration Commissioners, to have our own agent, who would be responsible for his acts? I think the management of the ships should continue to be with the Emigration Commissioners, because the Agent-General, who knows nothing about shipping, would probably fail to carry out the regulations to be observed on board ship during a voyage. The Commissioners perfectly understand it. The arrangements have been remarkably good and beyond all comparison superior to the Morcton Bay arrangements. You must land the immigrant here at your own cost. To give them land orders, no matter of what value, would not enable them to find the £15 required to pay their passage out; but if you land them here and induce a better class of persons to come, then give them a land order, or enable them to repay the £15 you have expended for them, and on their repayment of it give them land. That would be an inducement for them to come.

69. I want to know whether you consider that we should be less exposed to the introduction of pauperism if the emigrants were selected by the Emigration Commissioners, or by our own Government Emigration Agent in England, who would be responsible to the Government for everything he did? The Emigration Commissioners should have nothing whatever to do with the selection of emigrants. They have hitherto had no veto, except in very special cases, such for instance as a woman having an illegitimate child, or a person being 80 years of age instead of 50. It would of course be desirable that the Agent-General in England should have the choosing of these persons under the Government regulations, and having given them a passage order, then the Emigration Commissioners, having got 300 or 400 orders in hand, would charter a ship.

70. We have never had such an officer in England? No, none. Not an officer like Mr. Verdon, or Mr. Jordan, or Mr. Herbert. There is no doubt that the immigration work of this colony must be done in England and not here.

71. *Chairman.*] How do you mean? I mean that to induce persons of the right class to come out, that the regulations and arrangements must be made well known throughout Great Britain; and the selection should be carefully looked to on the spot. In reference to this I may perhaps quote the commercial maxim, that an article is already half sold that is well bought—thus a well selected emigrant would find no difficulty in being easily provided for after arrival in this colony.

72. *Mr. Jennings.*] You mean to say there should be some organized means put before the people, who could emigrate through the instrumentality of a person authorized by us? Yes. The class of persons who should come here under our regulations should mainly depend upon the judgment and discretion of the Agent-General.

73. *Mr. Lloyd.*] And upon his activity? Yes.

WEDNESDAY, 2 MARCH, 1870.

Present:—

Mr. EGAN,	|	Mr. LLOYD,
Mr. BROOKES,	|	Mr. JENNINGS,
		Mr. KING.

THE HON. CHARLES COWPER, ESQ., C.M.G., IN THE CHAIR.

Mr. George Foster Wise examined:—

74. *Mr. Lloyd.*] What I wished to ask was this: Was there any control under the bounty system for immigrants, that they were selected from the class selected;—can you give us any information as to whether there was any control? I believe that the agent in England forwarded whom he pleased, and if, on arrival in this colony, they were passed by the Immigration Board they were paid for; if not passed by the Immigration Board they were not paid for.

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75. Was that Board in England or here? Here, of course.

76. Was there any check under the assisted emigration, upon the class of emigrants—could parties applying bring out anybody they pleased? No. The applicant was required to submit to the Agent for Immigration in Sydney full information as to the social position and the character of the person whom they wished to bring out; that information was transmitted to the Emigration Commissioners in London, who made inquiries from the clergyman or magistrate of the district in which the intending emigrant resided, and if the information was found to be correct, notice was then given as to the departure of the ship in which a passage had been provided. Such was the only check on the class of people who came out under the late Assisted Immigration Regulations, and it was generally found to be sufficiently effective.

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77. Then, in fact, if there were parties in England who wanted to get rid of those dependant upon them all they had to do was to send out £4 to the agent here and request him to apply for their dependant, and he would be brought out? Yes. Provided the Immigration Regulations were complied with, both as to the amount deposited, and as to the correct description of the proposed immigrant.
78. It has been often publicly stated, and also considered to be true, that many persons came out who were never sent for, under false names—the passage being applied for for one person, and being sent Home and disposed of to another person there. Such has been the case occasionally; but I think that almost every case came within my own knowledge on arrival here. Very few arrived under false names.
79. Is it a fact within your knowledge that a great number of objectionable emigrants were brought out under the bounty system, in order to fill the ships up? I have heard that such was the case many years ago.
80. Is it a fact within your knowledge that a number of objectionable emigrants were brought out under the Assisted Immigration scheme? No, I think not. I should apply the word objectionable or unsuitable to persons who were aged or infirm.
81. That is, those unable to work? Yes, those unable to work.
82. Not able to earn their own living? Yes. It was however almost invariably noticed by the members of the Immigration Board, that the immigrants who have arrived since the year 1861 have been strong and hardy young men, and the women of a healthy and vigorous class for domestic service.
83. Can you suggest any course that the Government could take, in case we were to return to the bounty system, in order to bring out the best class of immigrants from Europe? I am unable to do so.
84. Anybody who chose to apply—if they were sent they were received? Yes, provided the Government Regulations had been fully complied with.
85. Can you suggest any course which, by being judiciously pursued, would secure the right class? If they were nominated here no classification of immigrants can be effectually arranged.
86. I understand you to say that you have no doubt that at all events one ship per month would be readily absorbed? From past experience I have little doubt that one shipload of immigrants per month would be easily absorbed; single women especially would obtain situations without delay.
87. It does not at all come within your knowledge that any number of immigrants already brought out are now in a state of destitution—not able to gain employment, or obtain a living? I have no means of knowing whether such is the case. On two or three occasions however persons have come to ask me to send them back again, because they were disappointed in the country.
88. Whilst this system was going on, had you many more applications for labourers than you could supply? Applications for labourers were rarely made to me, excepting on the arrival of an emigrant ship.
89. But what I want to know is this—did the applications come to you as Immigration Agent? No; on the arrival of an emigrant ship I immediately inserted an advertisement in the newspapers—"Agricultural labourers and others, arrived per emigrant ship ———, are for hire during the ensuing few days;" persons wishing to engage labourers therefore went on board and hired them; but comparatively few were willing to be hired on board ship.
90. Where were they hired eventually? Having been sent for by their friends they joined their friends in the first instance. Take for instance the years 1863 and 1864. In 1863, 1,467 males arrived, of whom 16 families and 168 single men were hired on board ship; in 1864, 1,701 males arrived, of whom 17 families and 161 single men were hired from on board ship.
91. One or two more questions and I have done: Would there be any difficulty if immigration was revived, in connecting with the Government Immigration Department a labour exchange—that is to say, a centre, where all the applicants for labour could send in their requests, and where they could be supplied by the Agent for Immigration without the parties having to come to town at all, in the way in which it is done in San Francisco; there they have a labour exchange; applicants describe what they want, and the authorities engage a labourer, as they have authority to do from the country, and send him up to the people for whom he is intended.
92. Would it be possible to have arrangements of that kind connected with the Government office without serious inconvenience? I do not think it could. The ship is in fact that depôt, for as immigrants were at liberty to remain on board at the ship's expense during the lay-days, which were generally for ten or fourteen days after arrival ———.
93. The object of this is to have a record of everybody wanting labour? A newly-arrived immigrant would be very unwilling to engage himself to a person whom he has not seen. The immigrant would prefer to make his own terms.
94. Have you examined those new regulations from Victoria, which have been laid upon the Table? I have not seen them until now; a hasty glance at them shows that they have, to a great extent, embodied our late regulations; indeed, with the exception of free immigration under part 1, there does not appear to be any very great difference with our own lately cancelled regulations, excepting in some of the details.
95. Through the hasty glance given to the regulations, do you consider they are such as we could adopt? They are very similar to our own which were cancelled in December, 1867; there is some little difference in the amount of deposit money to be made either in Victoria or Great Britain for those who receive assisted passages—free passages are also granted to a certain class—an inducement is also held out to those who have capital and wish to invest it in land, that "the Government will allot contiguous blocks of land to persons desirous of living in the same locality." I doubt much whether the capitalist or labourer in Great Britain is able to attach any precise meaning to this clause, since I am not aware of the existence of any regulations which give information relative to the purchase or allotment of land specially set apart for immigrants.
96. Having seen the regulations of Victoria, which came into operation on the 1st of this month, would you approve of them as they exist, or can you suggest any alterations which would make them more suitable to this colony, or can you make any suggestions with reference to them? I certainly cannot approve of them in their entirety as suitable for this colony, but having only now, for the first time, seen these regulations, I am not prepared, without consideration, to suggest such alterations as would adapt them more particularly to this colony.
97. *Mr. King.*] You consider, Mr. Wise, that the present free selection land law has induced a desirable class of people to emigrate from the mother country? I think it has induced a great many persons to send for their friends. I do not think that the land law of the colony is sufficiently known in England, neither

neither do I think that, without a full verbal explanation, it could ever be properly understood by those at Home, who might be considered as being chiefly interested in its enactments.

98. Can you say how many persons have been attracted to the colony by the advantages of free selection? No; I have no means of judging.

99. Do you consider the present land law favourable to colonization, assuming that the Legislature will vote a large sum for immigration? Certainly not, under the present land law—land being at 20s. per acre.

100. The present free selection land law? I think that the system of free selection might be made clear by frequent and personal communications with agricultural labourers in England and Ireland, and it would then probably induce many persons to come; but the difficulty would be to make men clearly comprehend that which is perfectly new to them. The free selection land law is well understood and appreciated by residents in the colony.

101. Would not a distribution of population it causes, neutralise colonization in its true sense for agricultural purposes? That is a matter of opinion.

102. In the event of our resuming a system of immigration, do you consider it necessary to have an immigration agent appointed for the colony? I think it would be a great advantage to have a person resident in London, whose sole business would be to superintend every arrangement connected with emigration from Great Britain—who would be able to disseminate information—who should have agents under him to move about in England, Scotland, or Ireland—who would lecture in the large towns, and would go about amongst the agricultural labourers in large villages and small country towns, clearly explaining to them the land laws of the colony and the arrangements which would be made for their benefit. The agents should in fact make such arrangements as would enable them to take charge of the intending emigrant from the village to the port of embarkation, thereby saving them from the innumerable difficulties which would arise if they themselves were required to find their own way to the port of embarkation;—in fact they should be protected from the village to the ship. It is of little or no use advertising, because that class of persons who are induced to leave their homes go generally in consequence of what they hear, not from what they read.

103. Would you recommend the introduction of German labourers upon a large scale? I believe the Germans are always considered an excellent class of immigrants; they are good working people, and generally bring a small amount of money with them; they congregate together, are very sober and temperate in their habits of living, and are generally most useful labourers and good agriculturists.

104. Would you recommend that an agent should be appointed in some town in Germany? I think that might be left to the discretion of the Agent-General in England; he might perhaps occasionally send one of his agents, or even go himself if he thought it desirable.

105. *Mr. Jennings.*] I find here a report from the Agent for Immigration for 1869, to which there are certain tabulated appendices for that year, but there are none for the years previous to 1869. Is the same kind of information to be obtained for all the years since 1848? Yes.

106. Can those records be supplied this day? If you ask me any questions probably I can answer them at once.

107. The only question I want to ask is this: Can the information in a tabulated form be obtained for years previous to 1869? Yes, it can. I consider the return marked "K," in my annual reports from 1862 to 1869 inclusive, to be correct. I cannot answer for the correctness of the tabulated appendices in the annual returns for years previous to 1862.

108. *Chairman.*] The colony has paid £2,067,167 14s. 7d. for the introduction of immigrants—has it not? Yes, I find that sum mentioned in the returns as the cost of introducing 146,260 immigrants since 1838; and during that same period a total of 39,958 persons have arrived from Great Britain unassisted.

109. I was going to ask you whether you would, acting as Immigration Agent, append to the evidence you have given, any general suggestions in reference to a system of immigration, if the Parliament or Government determined to revive immigration? I shall be happy to do so. What I understand you to mean is, if I were required to prepare immigration regulations what should I propose?

110. Yes. In what respect would you amend those existing at present? It would be necessary to consider new regulations as none at present are existing.

111. Then you consider there are none now in existence? They were cancelled on the 11th of December, 1867; and though there is £11,000 still on hand from old votes, there is no system of regulations now in force to permit of that sum being utilized for immigration purposes.

112. With regard to that £11,000, you have addressed a letter to me, in which you suggest that it should be expended? Yes.

113. *Mr. King.*] Where is the money—in the Treasury? Yes; it is an unexpended balance; it is money that has been voted, but not expended.

114. *Chairman.*] With reference to your letter to me of the 18th ultimo, in which you suggest that the £11,000, now available for immigration purposes, should be appropriated to the introduction of at least a thousand single women,—I should be glad to know what suggestions you could afford at greater length, to guide the Government in introducing that class of persons, if the Parliament should feel disposed to sanction such a step—how would you set about doing it? Simply write to the Emigration Commissioners in London, giving them such instructions as I have suggested in the letter referred to of the 18th ultimo.

115. Would you recommend us to put ourselves in communication with any particular society? I should place the matter in the hands of the Agent-General, suggesting to him to make the best arrangements he could with the Assisted Emigration Society, presided over by the Lord Mayor of London; and to communicate with the Emigration Commissioners in London, under whose management and auspices a thousand single women might be forwarded. My letter of the 18th ultimo, previously referred to, fully explains my views on this subject.

116. You speak of prohibitions as regards nationalities? Yes, I have alluded to this subject in the before-mentioned letter—with reference to bringing out a proportionate number of persons from England, Ireland, and Scotland respectively, and for which arrangements could easily be made by the Commissioners in London.

117. Then you would employ the gentlemen calling themselves a Society of Emigration Commissioners? The agent of the colony would be instructed to make the best arrangements he could with one of the lately established Emigration Aid Societies in London, who might perhaps be permitted to present female emigrants for his approval. Probably from these societies the sum of £2 or £3 might be obtained as their contribution

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- contribution towards the cost of passage of each emigrant. The Commissioners would undertake all shipping arrangements as they have heretofore done; and if instructed to send a proportion of English, Irish, or Scotch women, they would ship them by their ships in the usual manner, with a few married people to take charge of them and keep them in order during the voyage. Immediately on arrival here these women would be taken to the depôt; and upon the hiring day they would all be engaged within two or three hours after the hiring commenced; twenty, thirty, forty, or fifty have thus on former occasions been hired on the first day—scarcely any have been left for the second day—and then only those who have demanded a rate of wages above the usual scale.
118. Did any ever come back to you after once being hired? Very rarely indeed; sometimes they come back, saying their mistress had behaved ill; or the mistress would come and say the servant is worthless.
119. *Mr. Egan.*] Mr. Wise, you stated in your evidence that you would recommend skilled labourers to be brought to the colonies—you understand by that, I suppose, mechanics? A limited proportion of mechanics would find employment.
120. Do you know that it is very difficult indeed for such emigrants to get their sons taken as apprentices to any mechanic? No, I am not aware of it.
121. Do you know whether the same number, or anything like the number, are now taken as apprentices, as were taken fifteen or twenty years ago? It may be that a less number are now apprenticed, because fifteen and twenty years ago buildings of every description were going on; and there was a large amount of labour required—a larger number of carpenters, labourers, bricklayers, than at the present moment.
122. Then there is not the same demand for that description of labour as there was? There is not, because the population is wanting.
123. *Chairman.*] Do you consider wages to have been depressed, or do they still keep at a remunerative rate? I think they keep at a very remunerative rate.
124. *Mr. Brookes.*] Mr. Wise, I find by my notes that the last question put to you was with respect to the Commissioners, and I understood you to say that they had no veto with regard to nationalities in the selection of emigrants? No, none.
125. By whom were the emigrants so selected under the Commissioners? They were nominated by their friends.
126. In those cases where they were not nominated, were the parties so applying to be sent out required to get the certificate of a clergyman or magistrate, as a testimonial of their character? The immigration regulations established in 1861 and 1863, only applied to persons nominated from this colony. Occasionally the Commissioners allowed persons to pay their full passages to come out in an immigrant ship, but these cases were very rare.
127. Do you think it possible for the Commissioners to determine the question as to who should be sent out—I mean with regard to the various sects? Do you ask as to nationalities, or as to sects?
128. Well, the nationalities? I think the Commissioners could easily carry out the instructions given to them; of course they would occasionally be misinformed.
129. Can you suggest any mode by which the Commissioners could ascertain? The Agent-General, or officer in charge of emigration in London, would send a list of the names of those persons who wished to emigrate, to the Commissioners; the Emigration Commissioners would thereupon issue a form, to be filled up, asking for all information as to place of birth, &c., &c.—such information to be verified by the signature of a magistrate or by a clergyman. On the return of these forms they would transmit passage orders for their next ship to the applicants, in the proportions of English, Scotch, Irish, and Welsh, in accordance with instructions received from this colony. Such a classification of nationality could not be carried out in the colony.
130. How would you regulate the nominations made in the colony? I consider it is impossible to do so.
131. To regulate them? I consider it would be impossible, because it is proved that upwards of 20 per cent., or a fifth of those nominated, do not come, consequently no correct distinction as to one or other class of emigrants could be effectually carried out in connection with nominations.
132. Well suppose, for instance, that the agent here has received nominations for 300 to be sent for from Ireland, 100 from England, 100 from Scotland—I want to know how you would regulate the nationalities? The nationality system could not be regulated in the colony, but the Commissioners in London could easily do so.
133. Then you would receive a deposit from the parties so applying at the time of application? Yes, and 20 per cent. of those nominated would not come. Thus, if 500 were nominated in the proportions before alluded to, one-fifth would not come, and these might possibly belong to one country—hence the impossibility of a correct classification.
134. Thus you would allow 200 out of every 300 nominated on the part of Ireland to stand over until a future period—until you had got 100 Scotch or English to balance it? Permit me to suggest that the question be put with equality of numbers from each country.
135. Well suppose the applications to be equal—but then there would be no difficulty—I want to show that there is a considerable disparity. I want to know, in the event of such occurring again, how you could deal with it. I want this disparity; it is essential to my question? If I had instructions to send out 100 of each, as soon as I had received the deposits for 100 persons of each of the three countries, I should wait further instructions—the 300 would be filled up. Of course there would be exactly the same arrangement if the numbers were different.
136. *Chairman.*] If you wish to leave this in the hands of the Commissioners at Home, what instructions would you give them? That would depend upon the regulations existing at the time.
137. *Mr. Brookes.*] This question has arisen, and as you have suggested how this is to be done I would ask you how you would deal with such a disparity as that which you have assumed—I mean, supposing within a given period nominations may be made up to a given period, and you then find that you have received nominations here—300 from England, 100 from Ireland, and 100 from Scotland—how do you propose to deal with it? I should decline to receive 300—I should decline to go beyond 100 from each nation.
138. You would refuse to receive the nominations of persons who sent out money? Yes; if the complement of emigrants was already completed.
139. *Mr. Jennings.*] Refer to your experience of some time ago: You say that on the arrival of immigrants twenty or fifty females engaged for homes—do you think the same demand exists now? Most decidedly.
140. That does not apply to males? No.

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141. Then you can form no idea of the number of skilled labourers or mechanics that might be required? The number would be limited, and would be dependant upon the number of other classes that were introduced.

142. The question of apprenticeship for the native population—how would that be affected by the introduction of any number of skilled labourers? I do not exactly understand the question.

143. Whether the introduction of a number of skilled labourers would not place the native population at a disadvantage, so far as preventing young men from being put out as apprentices? Of course if there were only half a dozen apprentices required for general mechanical purposes, and six other persons arrived in the colony, there would be less chance for the first six? If only a limited number of individuals have to be apprenticed, and a larger number than are required come from an extra source, the effect would be to lessen the chances of those who were present. The division of skilled labour, however, materially lessens competition.

144. Well do you consider it of material importance that youths should be apprenticed to trades? Certainly not. It is a question which requires careful consideration, having in view the various means open to those in the Colony who possess the required adaptability.

145. It is a large question; are you aware that it is a question mooted at Home at the Social Science Congress—the question of apprenticeship? No, I am not.

146. Have you given the homestead system any consideration with regard to the land—that is, with reference to its bearing upon immigration? The existing land-laws do not permit of such a scheme.

147. *Chairman.*] You can give it in a few words, perhaps? Any immigration scheme, to be successful, must, in my opinion, depend upon the facility of obtaining land at a rate that will induce small farmers, as well as capitalists, to emigrate. I do not suppose that any capitalist would buy any large quantity of land, unless in the hope of its being a profitable investment; he therefore would, for his own sake, encourage further immigration as a means of obtaining labour. As to the number of acres sufficient to induce farming men to come here, or at what price the land should be sold, I am not at present prepared to make any suggestion.

148. *Chairman.*] It appears to me if we were to pay the emigrant's passage out, you should not give him land in addition—would you? I should be inclined, as far as possible, to hold out the possession of land as an inducement to emigrants, and therefore should permit the immigrant to obtain land on refunding, within a stated time after his arrival, the cost of his passage.

149. Would you approve of agricultural areas, and allow people to locate upon those areas as they come? No; I think that a person, on arrival, should be at liberty to go north, west, or south, and be at liberty to choose land where he thinks fit, and where possibly his friends reside, or where the best market and means of transit exist. If restricted to agricultural areas it would be forcing the immigrant to locate in a particular place. Each emigrant should be allowed to have free choice.

150. I presume that you are of opinion that it would be expedient to get out a yeomanry class of people; I mean by a yeomanry class, agriculturists with money, and small farmers? Certainly; this class should be encouraged in every possible way.

151. Are you of opinion that such a class could be brought out here in families, without some homestead or agricultural area system—without some provision as to location? A yeomanry class, such as it is most desirable to introduce, would hardly be satisfied at being required to locate in any fixed or particular part of the colony, irrespective of any preference they themselves might have.

152. Can you afford us any information as to how many of that class have been induced to come out? I have no means of judging.

153. I wish to ascertain had you experience of the family immigration of that class? I had not.

154. Do you approve of the land order system as a means of bringing immigrants out? I have had no system of land orders before me to determine.

155. *Chairman.*] Have you watched the operation in the adjoining colonies sufficiently to enable you to form an opinion—perhaps a loose one? The Queensland land orders have introduced population; but as a rule those who came out under them have felt themselves aggrieved, because generally they have been induced to sell them at a depreciative rate; therefore I think the land order system of Queensland has been prejudicial rather than otherwise.

156. *Mr. Brookes.*] These parties consider themselves injured? Yes.

157. I understood you to say that these land orders have not located the parties on the land in any degree proportionate with the number of accepted land orders, and to infer moreover that this system has not located upon the land anything like a proportion of those who came out? From information I have received I understand that very few have established themselves.

158. Generally speaking I believe they are sold to the speculators? Land orders have been sold much below par; or, more generally speaking, the emigrants have been brought out by agents who have received the land orders as payment for their passage.

159. Is it your opinion that many of these parties do not go upon the land in consequence of the uncertainty of where to locate themselves with advantage? I cannot give any opinion.

160. You said something about the uncertainty of where they were to get the land—my question is this: Would that uncertainty, which seems to have attached to the land order system, be compensated for if we had agricultural areas or the homestead system to locate them on? I believe a large proportion of the land orders were not made use of by the individuals to whom they originally belonged.

161. *Chairman.*] But were largely bought up by gentlemen who obtained large estates by that means? I have heard so.

162. *Mr. Brookes.*] In your opinion could the land order system be adopted in this colony with much advantage? I think if the immigrants could come into cheap possession of agricultural land it would induce a great number of persons to come to the colony.

163. You think, then, that with the certainty of location when arriving here the land would be a strong inducement to persons to come out here? Yes; certainly.

164. Apart from the consideration as to price, I am speaking of the homestead system and the agricultural area system, or the location of a class with the degree of certainty that they would not go about to inquire where they should take land—whether such a system would not be preferable to any other system as an inducement to emigrate? I think not.

165. The free choice to pick his land do you not see a manifest disadvantage to an utter stranger coming here and selecting? No, I do not.

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166. I ask whether it does not present itself to your mind as a great disadvantage, enough to deter anyone from such a possibility? No. Besides which, it should be borne in mind that the establishment of agricultural areas for emigrants would obstruct the free selection of land by those already in the colony.

167. I am placing myself in the position of this class of persons at Home where homesteads are of the highest consideration. To induce them to give up their homes, where they have lived in comfort, by offering them similar circumstances here, would not be a strong inducement for them to come here, independent of the price of land—and become communitarians? I think they would prefer to select their land rather than be restricted to any limited area—and the Agent for Immigration should be instructed and be in a position to afford every information relative either to their purchase of or to their settlement on, land.

168. But agricultural areas need not be confined to the southern, or any part of the colony? Certainly not.

169. *Mr. Jennings.*] In reference to a question put by Mr. Brookes, I would like to ask one—Do you think the present land law prevents the possibility of persons settling upon the soil in communities, as they could so arrange amongst themselves to do? If I understand your question to imply whether I am in favour of or adverse to the present land laws of the colony, I am scarcely prepared to give an opinion.

170. You have stated that they should be allowed to go where they liked? Yes.

171. Dr. Brookes says that these persons should be assisted and put together—is there anything in the present law to prevent their being so put together, and does the fact of the surveys being made beforehand facilitate their coming together in communities? The surveys beforehand would not facilitate immediate settlement, but might prevent ultimate disagreement and litigation.

In reply to the Chairman of Committee that I would append to my evidence some general suggestions with reference to a system of immigration, and that I would submit a scheme of immigration regulations, I desire to make the following observations:—

The scheme for immigration to this colony should be such as will best tend to advance all the industries of the colony, or of which it is capable, in due proportion to their importance and requirements, and should present such varieties in the way of inducements to emigrate from Europe as will be likely to meet the necessities or predilections of persons who may have to make their choice of a future home.

It will probably be admitted that the most prominent object of the Government should be the further and better occupation of the agricultural and also of the pastoral lands of the country and the further settlement of the country by means of a population attached to the soil, of fixed and steady habits, as contrasted with gold miners and the like, and engaged in rendering us less dependant upon other countries for the chief necessaries of life.

With the more particular view to agriculture, and to the introduction of a yeoman class, and of men whose ambition tends in that direction, our scheme of immigration might, as I venture to think, include the granting to persons who may arrive without direct cost to the public, such areas of land as might not only suffice to cover the cost of passage, but also to operate as a bonus on permanent settlement; such grants might be given either to the respective individuals thus arriving, or to those of their number who may have borne the charge of their introduction. It appears highly probable that this system, if sufficiently liberal, would bring out a class of small farmers with some capital of their own—men who would immediately, or in the course of time, become very useful employers of other agricultural labour. It would also act strongly as an inducement to immigration on the part of very many others in whom the desire of possessing land of their own happens to be a strong feature of character; and I think it also especially desirable, on the ground that other neighbouring colonies hold out that particular form of inducement, and that it is expedient to keep pace with them.

But the Government will be under the necessity of looking more largely to the other system (also adopted by the neighbouring colonies) of providing, at the expense of the colony, free and assisted passages to the more numerous classes of persons who are not in a position to pay or to procure payment of their passage money to this remote part of the world, but who must nevertheless constitute the great bulk of a healthy influx of people.

The two systems might be made to work in harmony, and help each other. By combining the systems of different neighbouring colonies, by way of alternative, at the election of intending emigrants, our regulations might be made to present encouragements to immigration, which would neutralize the claims to superiority as fields of colonization, which those colonies will probably be represented as possessing.

Whilst considering what the future course of the Government should be, it is desirable to bring under review what our own late system has been, and what have been its results; and to consider what is being done in the neighbouring colonies.

I have before given some answers respecting the assisted immigration under nominations made in this colony, which has been in operation since the year 1861; but I may now put in plainer view the exhaustion of that system, by the following table, viz. :—

Number of persons nominated for passages was from—

June 21 to December 31, 1861	.....	2,743 individuals.
In the year 1862	.....	4,804 "
" 1863	.....	5,394 "
" 1864	.....	3,482 "
" 1865	.....	2,131 "
" 1866	.....	1,329 "
" 1867	.....	862 "

This continued decrease from the year 1863 in the number of nominations is very remarkable, and it may therefore fairly be presumed (apart from other reasons on the subject) that the resumption of immigration, under similar regulations, would not meet with success. Not improbably the demand for personal relatives and friends (which must have been limited) had nearly reached exhaustion at the latest of the above dates; and this indeed, upon full consideration, appears to me a better explanation of the falling off than a supposed deficiency in the means of making deposits. But whatever the cause, this source of supply can no longer be looked to.

Independently, however, of the fact that the late system had nearly died out, I cannot think that its continuance should be allowed, excepting in subordination to larger and more comprehensive regulations.

Having been founded upon deposits and personal nominations in the colony, no kind of control, in reference to the requirements of the country as a whole, was possible, nor was there any check as to fitness, beyond that very limited one which the Board could exercise *after* the immigrants had actually arrived.

Emigration to Queensland and New Zealand is mainly induced by the promise of free grants of 40 (forty) acres of land in each, for every immigrant landed without charge. In Victoria no grants of land are promised, but the recently promulgated Regulations of 1st March, 1870, for that colony, make provision for both free and assisted immigration under charge on the public revenue; and add encouragement by somewhat vaguely promising that every assistance and facility will be afforded, consistent with existing land laws, to enable immigrants to obtain land, and that where practicable contiguous blocks shall be allotted to persons desirous of living in the same locality.

Such being the several systems with which emigration to New South Wales will come mainly into competition, I think it desirable, as far as practicable, that the regulations of this colony should be accommodated to the varying preferences of emigrants, by, as I have already stated, offering as alternative inducements some approach to the schemes of each of these other colonies.

But whatever may be the character of the inducements and facilities to immigration, which this Government shall think fit to hold out, it appears to me most clearly that it should be conducted in Great Britain, under the control of the Agent-General

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General for the Colony, or such other officer as may be specially appointed for the purpose. Under such control the whole of the immigration whether under free or assisted passages, or under promises of land, may be subjected to such general arrangements as may be made as to nationalities and for the supervision so necessary for securing such proportions of skilled and of unskilled labour, &c., as may from time to time be in requisition. A comparatively efficient check would also be afforded against the exportation to this colony of unsuitable persons.

Some special officer would probably be required, either to act under the Agent-General or independently of him, whose whole attention should be devoted to the objects of his mission, and who should be a person who would fully understand the desires and prejudices of the various classes from whom emigrants may be expected, and of the agricultural class in particular, and who should personally or by well-selected agents seek them, if necessary, near their own homes. Local agencies would probably also be found desirable, where all necessary information might be reliably obtained. And as regards the conduct of the necessary arrangements for the transit of immigrants to the colony, my opinion is that it should be placed in the hands of the Emigration Commissioners in London, subject however to considerable freedom on the part of those who pay for their own passages, or even contribute to them. I am satisfied that these Commissioners may be more safely trusted to conduct all necessary arrangements for the transit of emigrants than any individual officer of this colony, or any Board which this Government might appoint.

The Chairman of the Committee having invited me, by the question put in the course of my examination, to suggest such regulations as I might consider most calculated to direct the stream of immigration of the best description to this colony, I beg respectfully to submit the following heads:—

1. That emigration from Great Britain, and also from Germany and Switzerland, should be under the direct management of the Agent-General for the colony, or other specially appointed officer.
2. That all arrangements for the transit of emigrants should be confided to the Emigration Commissioners in London, acting, of course, in communication with the Agent-General, or other officer before mentioned.
3. That a bonus of say 40 acres of land, as hereafter explained, should be granted to each adult immigrant who has never before been in either one of the Australasian Colonies, and who shall arrive entirely at his own cost or without charge to the Government, on condition of approval by the Board of Immigration in Sydney, as a person entitled to be considered an immigrant within the meaning of the regulations.
4. That each person arriving at his own cost, either by private ship, or by ship chartered by the Emigration Commissioners, should be entitled to receive (if he shall think fit to demand it) an order to select his 40 acres of land in any locality open for selection, which he may choose; and that upon proof given within the limit of two (or three) years after his arrival, that the land so selected either by himself or by his nominee, has been improved to the extent of not less than the cost of 10s. per acre, the deed of grant should be then issued either to himself or to his nominee, and that failing application being made for such deed of grant within the limited period of two (or three) years from the issue of the order for selection, such order should be cancelled, with power, however, for the Government to deal with exceptional cases.
5. That any persons who shall immigrate under approval of the Agent-General or special Emigration Officer of the colony, and in accordance with the general regulations of the Government, but, at their own cost, should, on arrival, be allowed the option of receiving a negotiable land certificate, available for the purchase of twenty (20) acres of Crown land open to selection, or a conditional grant of (40) forty acres, as mentioned in the preceding clause.
6. That other persons who may choose to make a deposit of the sum of £8 into the hands of the authorized agent in Great Britain, towards payment of his passage money, should on arrival be entitled to receive a selection order for, say 20 or 10 acres of land under the regulations severally contained in the two preceding clauses.
7. That free passages should be granted to single females under the age of 35, who have been accustomed to domestic service, and who can produce certificates of good character; also, that free passages should be granted to the class of agricultural and other labourers, mechanics, artificers, and miners, in such proportions as the Agent-General or Emigration Officer may consider suitable to the requirements of the colony for the time-being,—all of whom should be selected or approved by the Agent-General, or officer in charge.
8. Provided, however, that any such free passage emigrant should be at liberty, within one year after his arrival, to refund the cost of his or her passage, estimated, for such purpose, at the sum of sixteen pounds (£16), and be thereupon entitled to receive a selection order of forty (40) acres of land under clause 4, and to be placed on the same footing as if such payment of cost of passage had been originally made, the period of two (or three) years mentioned in previous clause dating therefore from day of arrival.
9. That it should be an instruction to the Agent-General or Emigration Officer of the colony, that the emigrants from the United Kingdom, who should come out under his selection or approval, shall, in respect of nationality, be in the proportion to the populations respectively of England and Wales, Ireland, and Scotland, according to the last census taken.
10. That the officer in charge of emigration should, if necessary, be authorized to bear the expense of conveyance of the emigrant to the port of embarkation, and of the delay, if any, previous to the actual embarkation.
11. That upon the selection or approval of persons by the Agent-General or Emigration Officer of the colony, a passage certificate should be given by such officer entitling such persons to a passage to the colony under arrangements to be made by the Emigration Commissioners in London.
12. That all emigrants and their families conveyed to the colony by the Emigration Commissioners should be permitted to remain on board the ship during ten or fourteen lay-days after arrival, at the expense of the ship, and that every facility should be afforded to engage them into hired service; also, that free passages by railway should be given to those desirous of proceeding to the interior for engagement.
13. That single females should, upon arrival, be immediately received at the depôt at the expense of the Government, and from thence be hired out as domestic servants under supervision as heretofore.
14. That passage certificates not made use of within six months from date of issue, should not be recognized, subject however to renewal in exceptional cases, on application to the Agent-General or other officer in charge of emigration in Great Britain.
15. That the Agent-General in Great Britain should be instructed to give all possible publicity to the immigration regulations of the colony, by taking every means to disseminate full information respecting them, especially in the agricultural districts of the United Kingdom.

GEORGE F. WISE,
Agent for Immigration,
14 March, 1870.

THURSDAY, 3 MARCH, 1870.

Present:—

MR. BROOKES,
MR. JENNINGS,

MR. KING,
MR. LLOYD.

THE HON. CHARLES COWPER, ESQ., C.M.G., IN THE CHAIR.

The Rev. John Dunmore Lang, D.D., called in and examined:—

172. *Chairman.*] This Committee, as you are aware, has been appointed to consider the question of reviving immigration to New South Wales. We shall be glad if you will, in your own way if you prefer it, or in answer to the questions that may be put to you by the Committee, give us any information that you may consider valuable to assist us in preparing our Report—Your great experience and intimate acquaintance with the question, we are persuaded, will make such information very valuable? I shall be most happy to do so, but I think that any information I may be able to give the Committee would come out in answer to questions, as I have no doubt the Committee will have drawn up a series of questions to be put to the different witnesses.

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173. We have not drawn up such questions—the inquiry is only just commencing—and we thought it better rather to take one or two witnesses who have had an intimate acquaintance with the subject before we went further into inquiries from others; but I will put to you a question. Will you state to the Committee what, in your opinion, should be the first steps to be taken with a view to the revival of immigration by the Government? I am decidedly of opinion, from my experience in this and in the neighbouring Colonies for a series of years past, that it will be indispensably necessary, in order to revive immigration to this Colony to any extent, to give a bonus in land to immigrants. That is done in the United States, and has been the practice in two at least of our Colonies—Queensland and New Zealand—for a series of years past; and the result, in reference to these two Colonies, has been the quadrupling of their population in the course of eight or nine years; while ours has been very much if not entirely stationary; the immigration into this colony merely balancing the emigration from New South Wales to Queensland, New Zealand, and California. The principal increase in this Colony during the last decennial period has been from the excess of the births over the deaths of that period, and not from immigration.

174. Do you lay great stress upon the bonus in land, or do you mean that the Government must provide means for assisting the immigrant to get to the Colony from the Mother Country—do you object to the Government paying, as they did formerly, a proportion of the passage money which the Government may contribute in money? I do not think that that course would bring out to the Colony the class of immigrants that would be sure to come if a bonus were given in land—if there was a *quid pro quo* offered for the risk—the hazard—the emigrants run in immigrating from the Mother Country; and, as the principle I have mentioned has been adopted by the United States and the neighbouring Colonies, the intending emigrants will certainly look for such bonus in meditating emigration to this Country.

175. Have you made up your mind as to the extent of land that should be given to each immigrant? At one time a smaller extent would have been sufficient than at present; but as the other Colonies—Queensland and New Zealand—are now giving forty acres of land, I think we could not with safety do less. For an intending emigrant, not aware of the desirableness of the climate of this Country, and the facilities which it affords for the settlement of population, in comparison with other Colonies that are now in the field, actively engaged in promoting immigration, would merely inquire—“What extent of land do you offer us as a bonus?” and would in all likelihood decide in favour of the Colony that offered the largest bonus.

176. Would you couple with that assistance in land a condition of residence upon the arrival of the immigrant in the Colony, or would you leave him to dispose of the order for the selection of land to any person who might be disposed to purchase it from him? I should think that, in the event of a bonus of that kind being established, persons of a higher class than mere labourers would be induced, not only to bring out their own families, but workmen or hired servants also of various classes; and I do not think it would be either necessary or practicable to carry out a system of compulsory residence in such cases. For instance, if the person, who might be the head of the expedition in any particular case, chose to give a free passage out to a number of suitable persons, either as hired servants, or merely as adventurers to take their chance in the Colony, it would be difficult to carry out the provision of residence in each of those cases, neither do I think it would be advisable to attempt it.

177. Then you would practically give this land order very much with the view of providing means for the immigrants' passage to the Colony? Quite so.

178. The land systems in Queensland and New Zealand are very different from that of New South Wales, are they not—do you not think that would affect the result?—I will explain what I mean:—In Queensland, when the land orders were in operation, there were no means of settling the population upon small farms upon easy terms, nor, so far as I am aware, were there in New Zealand; but upon the immigrant landing in New South Wales he could at once make free selection, as it is called, by simply paying a deposit upon the purchase money—Do you not think that is an element which might work in favour of the Government paying the passage of the immigrant and leaving him to make his selection of land under the land regulations in force in the Colony? No doubt it would be necessary, to render any particular mode of operation generally if not universally applicable; but the immigrants who would come out under the attraction of the bonus in land would be a very different class of persons from those who would accept either a free or an assisted passage from Government. The mere prospect of free selection in the Colony will never bring out immigrants from home at their own charges; at all events, it has never done so these nine years past. And it is such people—people who can pay their own passage out, and perhaps that of others besides in the way I have suggested—that we chiefly want. Besides, there might be two different systems in simultaneous operation, although I would greatly prefer the bonus in land.

179. Is it not the fact that the system of land orders in operation in Queensland had great disadvantage accompanying it—I allude to the fact that these land orders were used in large numbers by the ship-brokers, who sold them at very reduced rates as compared with their value, and that these very land orders, which in theory were supposed to facilitate the settlement of immigrants upon small freeholds, became monopolized by large squatters, and enabled them to purchase very large estates at prices far below the actual selling price of land by the Government? Quite so—I am aware that there were great abuses connected with or resulting from the administration of the system in Queensland. These arose partly from the want of due care in the selection of immigrants at home, and thereby allowing ship-brokers to turn the land orders to account as mere passage money; and partly also from the nature of the climate, which is much less favourable for the immediate settlement of agriculturists than that of the different districts that are open to settlement in this Colony. But although there were great abuses in the carrying out or management of the land order system in Queensland, I am strongly of opinion that by judicious management such abuses might be prevented in reference to this Colony. I speak from the experience I gained in conducting a pretty extensive immigration in the years 1847–8–9, when I was in England. I found there was no difficulty in getting suitable persons for emigration—people who could pay their own passage out—provided there was a bonus offered them in land.

180. That is, some means of providing for their passage? Quite so—in the prospect of an equivalent in land they were willing to find the passage money themselves, if they had the prospect of an equivalent in land on their arrival in the Colony.

181. Were there many able to find the passage money themselves? I could have got 20,000 suitable persons—men, women, and children—if I could have offered a bonus in land such as I recommend now, with the utmost facility.

182. What has practically been the effect in the other Colonies—has not the case really been that the land orders have been got by the ship-brokers in payment of passage money? Not in New Zealand to any considerable extent. I believe land orders have been taken up by *bonâ fide* farmers for themselves and their families, in great numbers, otherwise the quadrupling of the population of that Colony in ten years, as Lord Granville shows in a recent despatch, would not have resulted. There is a very large number of practical farmers now settled in that Colony, who were attracted to New Zealand under that system, and I have not heard of its being abused to any extent.

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183. Is immigration still flowing to New Zealand, then, under this system? I believe it is. I cannot say positively.

184. Those who have come out under the system have not been disappointed, that you are aware of? Certainly not. There has been a large emigration to New Zealand under that system from the West of Scotland. The New Zealand emigration has almost monopolized the emigration fund in that part of the United Kingdom, simply from the bonus in land and the efforts of the New Zealand Government to bring the subject under the notice of those who were able and willing to come out.

185. That implies an active agency in the Mother Country? No doubt.

186. Is that not of more importance even than the particular mode in which the Government may provide a passage? I think so—much more important; but as I have already stated, it would not be necessary or perhaps even expedient, to have any single system in exclusive operation. There might be two running on simultaneously.

187. Government might undertake to pay the passages of some in money, as under our bounty system of former years, under the Emigration Commissioners, and also encourage the immigration and settlement of other immigrants, as has been done by other Colonies? I think so.

188. You have introduced a large number of immigrants yourself? Yes.

189. And have been repeatedly to the Mother Country and come in contact with the population there disposed to emigrate. Can you favour us with any suggestions as to the best mode of proceeding in those portions of the Mother Country whence emigrants are likely to come, so as to induce them to turn their attention to New South Wales? If Government will adopt the suggestions I have thrown out, of giving land to the same extent as is offered in Queensland—40 acres for each adult, with a proportionate extent for each child—it would be necessary, in order to originate such a system—to bring it under the notice of the emigrating portion of the population at home—in short, it would be indispensably necessary that there should be some such effort made as was made in the case of Mr. Parkes and Mr. Dalley being sent home as Lecturers to explain the matter to the public. The grand mistake (for I think it was a mistake in their case) was that they had nothing to show—nothing to offer as an inducement to emigrants.

190. N.S.F.—not sufficient funds—as they say at the Bank? Quite so.

191. I suppose you would recommend that there should be an agent like Mr. Jordan, of Queensland, who should be supplied with funds to provide people with passages? I would through—the Commissioners only, in the case of those to be assisted or sent out by Government.

192. The Emigration Commissioners would provide the ships, but some steps must be taken to stir up the people to intimate their willingness to come? Decidedly.

193. And the Immigration Agent should be backed up with the means of giving people their passages? Quite so, either by offering money for the passage or a bonus in land. I am quite confident that a bonus in land would be productive of a very large amount of immigration, if persons of “means and substance,” as the phrase is in Scotland, were allowed a bonus for themselves and such suitable persons as they would bring out in considerable numbers as agricultural labourers and mechanics—I am quite confident that a large number of the best class of immigrants would come out to us if they had a bonus on a general principle, such as is offered in Queensland, of forty acres for each adult immigrant.

194. Would you allow the immigrant to use his land order as was done by the immigrants going to Queensland, with the ship-brokers, to get passages out, or would you leave it to themselves? I think it would be better to leave it to themselves. The class of persons likely to take advantage of that mode of operation would be of a higher order in the scale of society than those who would expect to have their passages paid either in whole or in part by the Government, and they might be left to their own spontaneous exertions in securing their passages at the best rates they could; and there is no doubt that if a large immigration were initiated, as I am confident there could be to the different sections of this Colony, there would be ample provision made by the merchants to insure the emigrants' passages from the principal ports.

195. To what extent do you think it would be safe for the Government to provide means for bringing annually any number of people to the Colony—you would not desire to see them come in too large numbers so that they should congregate in Sydney before they moved off into the interior? Certainly not; it has been one of the great mistakes of the past that there were not sufficient facilities afforded for immigrants to get possession of the land to which they were entitled or were willing to purchase and to get distributed over the face of the country, and I should think both of these desiderata might be supplied in the present state of the Colony.

196. The construction of railways would facilitate that very much? Yes, as also the position of the sister Colony Victoria. There is a large extent of country belonging to this Colony between the two rivers the Murray and the Murrumbidgee which is much more easily accessible from Melbourne than from Sydney, and I see no difficulty in the way, if there were a provision such as I have suggested, in giving a bonus to the immigrants coming to that part of this Colony to settle, to induce the Government to prevent their coming by Melbourne. The passage would be much cheaper to intending immigrants, and they would have the railway from Melbourne to Echuca, and then steam communication along the Murray to Albury.

197. You think there would be no danger of their stopping on their way? I do not think there would; they would have no inducement to stop if the bonus were confined to this Colony.

198. The fact of their being compelled to report themselves within the territory of New South Wales would be sufficient? Yes, quite so.

199. I asked you whether you could favour the Committee with any suggestion as to the numbers that might safely be induced or assisted to come within the year? We have so extensive a territory, and the occupation of it would suit the views of so many different classes of persons, that I think there would be no danger, if there were a bonus in land to induce a superior class of immigrants to come out, simultaneously

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simultaneously with the assistance from Government, in the payment of the passages of the humbler class. I think there would be no danger from our introducing into this Country from thirty to fifty thousand yearly.

200. That is, men, women, and children? Quite so. The probability is, that if such a bonus as I have suggested were given, the immigrant would make his choice of the part of the territory in which he would desire to settle before leaving home; that he would either go to the territory between the two great rivers, the Murray and Murrumbidgee, where there is an extent of land equal to that of all Scotland, or come to Sydney and go to the westward, where there is a great extent of eligible land of the first quality, and in one of the finest climates imaginable, in the neighbourhood of Orange and around the Canoblas range of mountains; or perhaps a higher class of immigrants than either might be induced to go to the Clarence and Richmond Rivers, to cultivate sugar and cotton. Now it would be quite practicable—providing there were different streams of immigrants coming from the Mother Country, with the intention of going to these different localities—to settle throughout the territory a much larger number of immigrants than if they were all coming without any previous idea of the locality in which they were likely to settle, or with the intention of settling in one particular place. That was one of the causes of the comparative failure of the land system of Queensland—there was no provision made for the settlement of immigrants on their arrival in the Colony. As the present Governor of Queensland said, very feelingly, at a public meeting recently held in the Colony, the condition of the immigrant arriving on the wharf at Brisbane with his land order in his pocket, but with nobody to take him by the hand or to guide and direct him, was a very unfortunate one indeed—for he did not know where to go or what to do, and he had nobody to advise him.

201. Then immigration is rather overdone there now and then? Unquestionably.

202. You are aware that some feeling has existed, and does exist, in the Colony, with regard to the disproportion in some respects in the relative numbers of immigrants of different religions, and from various parts of the United Kingdom. Has it occurred to you whether any system could be adopted by which this division of the immigration question could be so adjusted as to remove the objections that have been made. To speak plainly, I refer to the proportion of Roman Catholic Irish immigrants as compared with those from other portions of Great Britain? I do not know that there would be any danger with regard to immigrants under the land order system; that is, provided a bonus of the kind I have suggested were adopted, I do not think there would be any danger of any particular class predominating to such an extent as we have seen in times past. I would make no restriction in that respect. I would throw the facilities for emigration open to all, without exception, in the three kingdoms. In reference, however, to the portion of the emigrating community that would require assistance in the shape of money for their passages, I think it would be desirable that the Emigration Commissioners, if the matter were to be in their hands, or whoever else should be appointed to deal with it, should apportion the number of emigrants according to the population of the three kingdoms respectively.

203. As has been done in Melbourne? Yes, I think it would be fair that it should be done in the same way here.

204. The Immigration Regulations in Victoria, 1st and 2nd sections, are as follows:—"1st. The only persons eligible for free passages will be single females under the age of 35, British subjects, or natives of Germany or Switzerland, who have been accustomed to domestic service, and who can produce certificates of good character to the Agent General of Victoria, and are free from any bodily or mental infirmity. 2nd. Also married people of the class of small farmers and labourers who may be selected by the Agent General in London, number to be limited to the requirements of the Colony, as indicated by the amount annually voted by Parliament; by direction of the Honorable the Commissioners of Trade and Customs of Victoria, to be selected from England, Scotland, Ireland, and Wales, in proportion to the population of such countries respectively, according to the last Census for the time being"—Do you think that would be a fair principle? Decidedly a fair principle to adopt.

205. Have you any knowledge of the Emigration Societies that have been lately formed in London? No, I have not; I have merely become acquainted with their existence through the papers of the day.

206. You are aware that Societies have been formed for the purpose of encouraging emigration? I am.

207. Do you think it is desirable for the Government, or the Immigration Agent who may be appointed in England, to place himself in communication with these Societies and solicit their co-operation? I think so, decidedly; it would increase the number of suitable immigrants from the United Kingdom.

208. Do you think there would be any danger of the influence of these Societies being used with the view of forcing upon us, to some extent, a class of what has been called pauper population? I do not think so. It would depend no doubt upon the exertions of the agent whether they did or not; he would have it in his power to exercise a veto upon the appointment of such persons as he thought unsuitable to the Colony.

209. You do not think we need be much alarmed at the possibility of having done again what was done formerly, by Marshall, and other agents, namely, having the ships filled up by an objectionable class of persons? Certainly not.

210. I apprehend it was mainly in consequence of the bad selection of the immigrants that so many were unable to find occupation in the Colony? Quite so.

211. These immigrants that you yourself have introduced from time to time, did you ever find any difficulty in getting them employment? Not the slightest.

212. How many ships did you bring out to New South Wales, beginning with the "Stirling Castle"—I believe that was the first? That was the first; it arrived in 1831, the immigrants being Scotch mechanics of various handicrafts, who were brought to erect certain buildings for educational purposes. I was again in England in 1834, and brought out a vessel, the "James," with immigrants on the Government bounty of the period, to facilitate arrangements I had to make in getting out certain ministers of religion and schoolmasters for the Colony as cabin passengers; and in 1837, when once more in England, I brought out two vessels, the "Portland" and "Minerva," with married immigrants, on the Government bounty, chiefly from Scotland. I had orders on that occasion from my brother, Mr. Andrew Lang, of Dunmore, and the late Mr. George Rankin, of Bathurst, who had both obtained them under the system then in operation, authorizing them to bring out, on the Government bounty of £15 for every adult person imported, a hundred families of immigrants each. My brother's order included fifty families of German or French vine-dressers. I got these orders transferred to me before leaving for home, partly for my own accommodation and convenience as well as for the benefit that would accrue from the importation to the Colony; for, as I contemplated, on leaving the Colony for England, bringing out with me on my return a
number

number of schoolmasters, ministers of religion and missionaries to the aborigines, I felt confident, from my experience in seafaring life, that I could make an arrangement with the merchants or shipowners to whom I should ultimately transfer these orders in England, so as to enable me not only to select the proper persons to come out as bounty immigrants under them, but so as also to afford much greater comfort, at a lower rate of passage money, for the right class of people that I wished to bring out; and, as the ministers, schoolmasters, and missionaries I brought out on that occasion could not all get out in one vessel, as I had wished and intended from the first, there was a second engaged for the purpose—the “*Minerva*,” the first being the “*Portland*,”—in which latter vessel the corps of German missionaries, to the number of thirty adults in all, came out for the christianization of the aborigines of Moreton Bay. I was allowed by the Colonial Office to bring out these missionaries under the same system as that of the immigrants generally—as so many indeed of their entire number; and the large number of immigrants introduced by both of those vessels all got employment in the Colony at once. I had also engaged, on this visit to England, a French vessel, the “*La Justine*,” at Havre-de-Grace, to bring out the fifty families of German vine-dressers whom my brother had been authorized to bring out on the Government bounty. But the “*La Justine*” having touched at Rio de Janeiro for supplies, the Germans, through bad advice in Rio, compelled the captain to land them all there.

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213. These were ships that went to Moreton Bay, now Queensland? Yes. In the years 1847–8–9, when I was again in England, I sent out three ships to Moreton Bay, in the expectation of their inaugurating the cultivation of the cotton plant and the sugar-cane extensively in that country; and I also sent out, during the same period, other three to Port Phillip, which was then, as well as Moreton Bay, a part of this Colony. The waste lands of that period were much more extensive and much more easily accessible in Port Phillip and Moreton Bay than in the older settled parts of the Colony; and I endeavoured to take advantage of the circumstance by directing a stream of emigration from the Mother Country to both of these districts: my main object in the matter being to give an impulse to Protestant emigration from the Mother Country to this territory.

214. From what you have heard, do you think many of the immigrants who have come out to Victoria and Queensland have come over the borders to New South Wales afterwards? I do not think so.

215. Not to any great extent? Not, certainly, to any great extent. I have come in contact with a considerable number of immigrants who have lately come from Queensland, from want of employment there; and of these some under disease have required and obtained admission, through myself, into our Benevolent Institutions—into the Infirmary, and the Hyde Park Asylum. Unfortunately during the last few years there has been great lack of employment for the labouring classes both here and in Queensland, and the number of these unfortunate persons has been very considerable.

216. When you speak of the lack of employment do you think that still exists, or would immigration tend to remove a desire to employ people? I am quite confident from what took place in Queensland, that if there were a considerable amount of immigration taking place under the land order system—under a bounty of 40 acres of land to each adult immigrant—there would not only be a large amount of immigration, but a large influx of British capital into the Colony, so that many speculations or schemes of operation implying the employment both of capital and labour would be undertaken by intelligent and enterprising persons who would flock into our community, and originate labour both for those they brought out themselves and for others already in the Colony. Mr. Macalister told me when he was Premier in Queensland—when immigration was going on at a great rate in the earlier years of the system, before the more recent abuses were heard of—that besides the large immigration that they were getting from the Mother Country, of the best character generally, there was an amount of British capital introduced into that Colony of not less than £20,000 a month, or nearly a quarter of a million a year.

217. You are aware that during the last three or four years the pastoral interest of the country has been very much depressed, and that the system of sheep-farming is undergoing a change, from the practice of fencing in runs with a view to dispense with shepherds, on account of their high wages—Do you not think these two circumstances taken together will reduce the demand for the class of persons now employed as shepherds? I think not to any considerable extent. If there were a return of prosperity such as we may now anticipate, we might expect not only a large importation of reputable and valuable persons, but of capital also; and every particular class of the community would benefit from the improvement of every other.

218. Do you think the revival of immigration would produce a general revival—and that that would tend to the employment of people by many who now in consequence of the depression abstain from doing so? Unquestionably.

219. *Mr. Brookes.*] You have expressed an opinion that if a large influx of immigrants takes place it would tend to an improvement in the condition of the Colony? I am confident it would. I believe that the want of immigration during the last ten years has been in a great measure the cause of the general depression that has been experienced.

220. Suppose that immigration consisted of labour only without the introduction of fresh capital, would your opinion be the same? Certainly not; the two things must go together.

221. *Chairman.*] Do they not generally go together? They do generally, unless under such a system as our assisted immigration, which has brought out merely a semi-pauper class—at least in great measure—and no capital.

222. *Mr. Brookes.*] You have stated as your opinion that a bonus of forty acres of land would in your estimate be deemed a sufficient inducement to bring out persons of small capital? I am quite confident it would to a large extent, provided the Government took at the same time the necessary means of bringing the case of the Colony under the notice of the emigrating portion of the public of the Mother Country generally.

223. What would you consider the emigrating portion of the Mother Country? They consist of all classes of persons in the business and industrious classes—small farmers and shopkeepers—persons who find difficulties pressing upon them more and more from year to year, from increasing competition in all departments of industry, and who imagine that they would do better in another and less occupied land.

224. Would you then refer to the agricultural portion? Quite so, but not exclusively by any means, for the bonus in land would attract a great many reputable families and individuals who do not belong to the agricultural classes, but who would willingly try their hand in any way in a new country if they got such an inducement to come out to it.

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225. You think this fencing of sheep runs and the reduction of the demand for the class of labour under the designation of shepherds would not materially interfere? I do not think so. The number of persons employed on all the sheep runs of the Colony is not very large in comparison with the number that are employed in agriculture and in other occupations.
226. You have expressed approval of the land order system? I have.
227. I think from the observation you made, referring to the Governor of Queensland, that a very large proportion of immigrants who went out to Queensland under the land order were left in a very painful situation on their landing in that Colony? Unquestionably in a considerable number of instances, arising partly from bad management both in the Mother Country in sending them out and in the Colony on their arrival.
228. That is a point on which I wish to elicit something from you: whether a very different provision ought not to be made here upon the landing of these parties—I mean on the part of the Government here—for facilitating their transport to their given destination on the land? Quite so. I have long been of the opinion that there ought to be persons appointed in each extensive district of the Colony to which emigration from home would be directed, to receive the immigrants and to give them all sorts of needful advice in reference to their future settlement, and that facilities should be afforded for their conveyance to different parts of the interior.
229. At the same time, I understand you to say that a great many of the intending immigrants would settle upon their locality at home? I have no doubt they would in many cases decide, before embarking at all, upon the particular portion of the Colony to which they would direct themselves, for this Colony is of such vast extent compared with Victoria or Tasmania—it is rather three different Colonies in one.
230. Therefore you thought it would be well to leave them to do as they pleased in that respect? Quite so.
231. Have you given any attention to the subject of agricultural areas for the location of the population? That was the proposal of the late Government, and Mr. Parkes did me the favour to send me a copy of the Bill on the subject before it was brought under the notice of Parliament, indicating or explaining the system which he proposed to adopt, with the agricultural areas. I observed at the time, both personally and in a letter to Mr. Parkes, that I thought the system was much too complicated—that it would not be understood by a large portion of the probable immigrants from the Mother Country, and that I thought the present system of free selection over the whole unoccupied area of the country would be equally applicable to the land order system, and would be quite sufficient for all purposes in the event of that system being extended to this Colony. I do not think it would be either necessary or advisable to mark out special agricultural areas of land for settlement; the immigrant should have the same facility in selecting his location as the squatters have in selecting their runs, or as the free selector has at present.
232. Do you think such a system is conducive to the intellectual or moral condition of the people—the isolation that belongs to that system? I think the objections to such a system are compensated, in great measure at least, by the freedom which it would leave the immigrant. If you confined him to a particular locality, and said “You must settle here and nowhere else—you must not go beyond these boundaries”—he would feel himself under restraint, and would become dissatisfied with his situation. I think it would be better to leave the future immigrants as free selectors are left now, to range over the whole territory, and to fix themselves wherever they found unoccupied land to which they should have a claim under the system I propose.
233. Do you consider, then, that this freedom of selection and this freedom of sentiment, I may say, that you think has compensated, is conducive to that reciprocal system between the people who are to be fed and those who are producers? I think we must just take this Country as it is; it is a vast extent of land equal to the whole of Great Britain and France together, fitted in the first place for pastoral pursuits, and a great portion of it afterwards, speaking absolutely, for agricultural settlement—we must just do the best with it we can in such circumstances, leaving the immigrant to fix himself wherever he thinks it best for his own advantage. There was a totally different state of things under the colonization system of Great Britain in New England, two hundred and fifty years since. No immigrant there was allowed to go to the waste lands of the Colony like a free selector or squatter here, unless in certain numbers or communities—not fewer than thirty families were allowed to settle in any unoccupied locality. In the Colony of Massachusetts, now the State of that name, they were bound to provide a schoolmaster and to undertake to support a minister of religion before they were allowed to form a new settlement.
234. Are you not of opinion that that is a much superior system as a civilizing agent as well as a productive one to that which you propose? If it had been adopted from the first in this country, with certain modifications suited to our climate and to the nature of our soil, it would doubtless have been advantageous, provided such modification would have been practicable in our very different climate and general circumstances; for this is very doubtful. In New England, for instance, the aboriginal population was in every respect similar to that of New Zealand—to the Maori population—and the settlers had everywhere to settle in considerable numbers to enable them to defend themselves against the natives—the settlers there never thought of asking for troops from England to defend them. The fact is the Mother Country was not in the habit of giving such assistance to the Colonies in the days of the Stuarts, and they had therefore to defend themselves. The consequence was that in every settlement over Massachusetts—the principal Colony of that period—the settlers' houses were all loop-holed, to enable them to defend themselves against attacks from the Indians. But I willingly admit that the British Government, in countenancing and allowing to be carried out a very different system in New Zealand, were in my opinion at least bound to carry out that system by continuing the assistance they had given from the first. However, in the American Colonies there was nothing of the kind—the Mother Country rather got assistance eventually from the Colonies to defend the national territory from invasion—from the French.
235. In your former answer you alluded to the enormous extent of territory, and instituted a comparison between the agricultural and pastoral pursuits. Are you of opinion there is nothing incompatible in pastoral and agricultural pursuits—the circumstances that may suit the one being utterly unsuited to the other? They are very different in certain respects. It is much more difficult doubtless to carry out colonization in this open country, in the way you seem to propose—that is, in concentrated communities—than it was in America, where the whole of the land to be occupied was agricultural and of no use till it was cleared, and where the difficulty of supporting stock was so great that the flocks and herds of the colonists were necessarily very small, as they had to provide them with artificial winter food. No doubt these

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these circumstances render our case very different from that of the American colonists; but we must just adapt our civilizing, educational, and religious means, to the circumstances of our population, as far as we can—as far as it is practicable in such a state of things. We cannot have all that we wish, but we may do what we can, and I think what has been done already may convince us that it is quite practicable to extend the moral influences of society, both educational and spiritual, over a large extent of country, without confining the people to particular localities.

236. But unless the people were located in communities for agricultural purposes, do you believe in a country like this it can be successfully followed? I should not like to give an opinion on that subject. When we see that there have been not fewer than 28,000 free selections made within this territory during the last few years, these people must surely have exercised their judgment in the case and decided that, with the facilities that the Government are affording in the way of free selection, they have done the best for themselves and their families; and I think that decision of the question is much better than any theoretical one that I or any person in similar circumstances could give. These people have staked their all upon the probable success of their efforts in the different locations in which they have settled.

237. Can you afford any information as to what proportion of that 28,000 can avail themselves of the Public Schools Act, or have any religious ordinances? I cannot say; it is difficult to get such statistical information as would enable one to give an intelligent answer to such a question; but the Public Schools Act is extending its influence daily over additional areas and to additional communities, and I do not think we could improve the system by fencing round particular areas and rendering it compulsory for the people to settle within these areas in communities. Besides, the area system was strongly objected to in Queensland, as being unsuitable on the one hand, in particular cases, from the character or situation of the land, and unjust on the other to the public, and the result of favoritism to particular interests or individuals.

238. *Mr. Lloyd.*] You are aware that there is a large amount of depression existing at the present moment in the various interests of the Colony? Yes, I am.

239. That property is decreasing instead of increasing in value? Yes.

240. And that a large number of people are out of employment? Yes.

241. Do you consider that the introduction of a larger amount of population would be the means of removing that depression, of increasing the value of property, and of giving employment to those who are at present unemployed? I am quite of opinion that it would, provided the immigrants were of the proper description.

242. And in fact you believe that the influx of immigration would cause those interests which at present are in a languishing condition to flourish? Unquestionably.

243. Dr. Brookes has referred to the importation of capital as well as of labour. Of course we all know that it is desirable to get capital with labour if we can; but are you aware that there is a large amount of capital in the Colony, and that some of it is employed at a very low rate—If then we could succeed in getting population without capital, would you think it desirable to take it, leaving the question of capital to adjust itself? If population were introduced under some such system as I have suggested, so as to afford encouragement to immigrants of small means, I have not the least doubt that in such circumstances any conceivable amount of population could be introduced into this Colony, with advantage to its present inhabitants.

244. You have stated that you would strongly recommend the adoption of the land order system. You have paid a great deal of attention to the United States, and have been there yourself—Will you be good enough to tell us under what circumstances we could make our land orders a greater attraction than the homestead laws of the United States, to which part of the world the cost of passage is so much less than to this Colony? I am quite confident that if a proper account were given to the British people, through intelligent persons appointed to represent the Colony in that respect at home, that the representation of our case, fairly laid before the emigrating classes, would induce a large emigration to this Colony rather than to the United States. There is a prejudice on the part of the better classes at home against emigrating to the United States, although the humbler classes are obliged to go there. When people of respectable standing at home determine upon emigration, they would generally more willingly come to a British Colony than be under "the stars and stripes." And there is a general impression at home, and we all know it is well founded, that the climate of this vast Colony is much better than that of the United States generally, especially of that portion to which immigrants are usually directed; for instance, the western parts—not the far west on the Pacific coast—but Indiana, Michigan, and Illinois, &c. Fever and ague are so prevalent there that, at certain seasons of the year, you find a sick person in every house you go into. Now the climate of New South Wales is much better, and is understood by the people at home to be much superior to that of these—the immigrating portions of the United States. I have no doubt whatever that a large number of the well-to-do farmers and shop-keepers and others in the middle classes at home would most willingly avail themselves of the system I have suggested—that of Government offering 40 acres of land for each adult immigrant—and would come to this Colony, and take their chance in it for better for worse.

245. What class of immigrants do you think the Colony most requires at the present moment? I think it requires the class of small capitalists who would be able to settle upon land on their own account, and make homes for themselves throughout the territory.

246. You think it would be possible to get that class? I think it would; I think there would be no difficulty whatever, provided a bonus were offered, and suitable means taken to bring the subject under the consideration of the classes concerned at home.

247. Then you would approve, I presume, from some remarks that fell from you, of an organization such as this: the Agent General of the Government to be the Agent for Immigration to this Colony, and to have the veto upon all the immigrants proposed to be introduced here; that he should have under him gentlemen who should go throughout the Mother Country proclaiming the advantage of this country as a field for emigration, either by lecture or other means which it might be thought advisable to adopt; and that such immigrants should either receive free passages or land orders in lieu of passage-money? With this exception—in the case of parties coming out entirely at their own expense, in the prospect of getting a bonus in land upon their arrival, I would not subject them to the veto of any Agent appointed from this Government. They would consider that a hardship and degradation, and it would be assimilating them to the semi-pauper class; but in the case of all for whom funds are to be supplied from this Colony to assist them in providing a passage out, I would decidedly insist upon the Agent for the Colony at home having a veto upon the families that were proposed to be sent out.

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248. Do you not think the Agent for the Colony resident in London should be a man capable of giving a lecture himself on the advantages of emigration to Australia, and that he should be required to do so? I think the Government took a right step in sending such men as Mr. Parkes and Mr. Dalley to lecture at home, but I would not expect any functionary of Government having other duties to perform to lecture in the same way, or to meet with the same success as those gentlemen would in traversing the country as Lecturers. There must be suitable persons selected here to be sent home for the purpose, to traverse a certain portion of the Mother Country. I do not think so extensive a field as the United Kingdom presents ought to be placed under the charge of a single Lecturer; I think it would be requisite to employ more than one—at least two.

249. Do you consider that Messrs. Parkes and Dalley would have been successful in their mission if they had had the means of sending immigrants out here? I do so, decidedly; as it was, they had nothing to offer in the way of inducement.

250. *Mr. Jennings.*] I understood you to say that a system of land orders would induce an immigration from Great Britain of the ordinary class of small farmers? Yes.

251. You think this a most desirable class for this Colony? I think they are. It was a saying of the late President Jackson, in one of his messages to the American Congress—"The strength of a country is its population, and the best part of that population are the cultivators of the soil."

252. Do you think by this scheme you have proposed of giving forty acres of land to each adult of that class, you would induce persons to bring out sufficient labour with them to follow out their pursuits—to commence farming when they came here? I am sure they would in great numbers, as the more labourers they brought they would get the more land; many would gladly come out for their passage and take their chance.

253. You do not think it necessary there should be a system of importing agricultural labour, in such a way as they propose to do in Victoria and Queensland, in connection with this? I would not object to there being a simultaneous operation of the kind you suggest to a certain extent, but I do not think it would be desirable to make it very extensive.

254. Do you think it necessary as a corollary to the land system that there should be also a system of importation of labour? Perhaps it would be desirable that there should be a simultaneous operation of that kind, to prevent the possibility of failure in any quarter.

255. Would you propose to pay the passages of these persons altogether or only in part—as in the case of the class of immigration so desirable, that of single females and also of agricultural labourers—adopting some means of proportioning their numbers to the population of the several portions of the United Kingdom? I am strongly of opinion that in the case of unmarried females the whole of their passage money should be paid by the Government, unless aided perhaps by some of the Emigration Societies at home.

256. You feel inclined then, as I understand you, to have these single females brought here totally at the expense of the Colony? Yes, with the supplementary aid of these Emigration Societies, whenever it can be obtained.

257. Would you be inclined to admit married people of the class of small farmers and labourers under the same regulation? I would try the bounty system first, and make a comparatively small appropriation for such purpose till the result of it were tried.

258. *Chairman.*] You would confine the bounty to land? Yes.

259. *Mr. Jennings.*] Are you opposed to the system of persons here nominating immigrants at home by paying a certain portion of the passage money, and the Government finding the rest? In theory the system is unobjectionable, but in practice it has brought only one class of population in a great measure, and I think that is objectionable. I have always held that this ought to be a British and not an Irish Colony, and that system has operated in bringing out to the Colony a very large majority of the Irish population; I do not think that is fair; I do not think it is desirable for our future welfare. I think there ought to be the same proportion in the different classes of population in this country that we have at home—that it should be a thoroughly British Colony, with the proportionate amount of population from Ireland which they have at home.

260. Are you aware that the emigration from Ireland is falling off very rapidly to the United States and other countries? That may have arisen from the state of things induced at the conclusion of the war.

261. Are you aware as a matter of fact? I am not aware that such is the case as a matter of fact.

262. Are you aware that there is a greater emigration from Great Britain to the United States than from Ireland? I am not. The majority of British immigrants to the United States have for a long period past been from Ireland.

263. Do you not think the excessive emigration to which you have referred arose from abnormal causes which are now removed—You say as a matter of fact that emigration from the United Kingdom has for a long period been chiefly confined to that portion of Great Britain called Ireland? Yes.

264. Are you not aware that that disproportion arose from certain abnormal causes in that portion of the United Kingdom which are now removed? I do not feel competent to give an answer to that question. I am not acquainted with the particular operation of the causes to which you allude.

265. With regard to the geographical position of certain parts of this country in relation to South Australia and Victoria, I understood you to say that not many immigrants who landed in Melbourne came to this Colony? Yes.

266. You are aware that the whole of the Murrumbidgee, and the whole of the pastoral district of the Lachlan, are connected commercially, and are in point of fact nearer to Melbourne than to Sydney? Yes, they are virtually a part of Victoria.

267. You are also no doubt aware that the pastoral district of the Albert, and this western part of the Colony, must be more immediately connected with Adelaide? Yes, unquestionably.

268. Has it not come under your knowledge as a matter of fact, that the whole of the importations of fresh arrivals into these districts have come either from Melbourne or from Adelaide? I am not aware of the fact; but the importation into these districts for the last ten years, either from Melbourne or from Adelaide, has been very small and inconsiderable. At the same time, in estimating the capability of this country for the reception of a large number of immigrants from home, I excluded in my idea that portion of the Colony altogether which is known as the south-western or salt-bush country, deeming it less suitable for the settlement of agricultural families than the regions further east.

269. Did I understand you to say that you would be willing to give persons desirous of settling in that part of the country—for there is a large agricultural district in that part, up towards Albury —? That is a different portion of the territory altogether from what I alluded to in my answer to the last question.
270. In the district of what is usually known as the Murrumbidgee and the Lachlan? That is a very fine part of the country, and remarkably adapted for agricultural settlement.
271. You are aware that Melbourne is the port for that part of the country? Decidedly; we can never alter that; it is a law of Nature.
272. Consequently, if persons at home were desirous of settling in the Murrumbidgee District they would land at Melbourne? Yes, but that could be done without any danger of the Colony losing them, if the regulations were so made as to give them a bonus only in the event of their settling here.
273. Do you think it desirable that any united action should be taken on the part of other Colonies with ourselves, of a federal nature, for the promotion of immigration? I do not think it is at all practicable. I have considered the subject very carefully, and I do not think anything of the kind is practicable. Every Colony must look to itself, and take its chance of keeping the immigrants that come into it.
274. I understood you to say that this system of assisted immigration brought out a pauper class? A semi-pauper class in great measure.
275. Are there any available statistics by which one might come to a sufficient knowledge on that subject? The late Immigration Agent is better acquainted with that subject than I am; but, from my own observation, I have seen and heard so many instances of persons of the class I allude to coming out in that way that I do not think it is desirable as a general system for the Colony. The number of persons who come out under that system and appear as candidates for servile or menial employment in all the Government departments—in the railway, the police, the gaols, and lunatic asylums—is almost incredible.
276. I find that the Immigration Agent has very copious particulars of the callings of those who have come out, but he has no statistics of a nature that bear out these allegations. You speak of what has come under your personal knowledge? Yes, quite so. At all events, they have not brought capital into the Colony. They come as menials and dependents, and not with the self-reliance of colonists determined to turn the resources of the country to account.
277. The two objections you have to this system are, as I understand you, first that it has brought out a disproportionate number of people of a certain religious belief, and of a certain nation; and in the second place, that it has brought out a large proportion of a class of persons whom you describe as semi-paupers? Yes. I spoke from my own observation and experience.
278. Have you seen the Regulations recently issued by the Government of Victoria? I have not; I have seen allusions to them in the papers of the day, but I have not read them.
279. You oppose, if I understand you rightly, the renewal of assisted immigration as before, on the system of nomination? Yes, I think it is desirable not to recur to it in the first instance, for a time at least.
280. Would you object to a system by which persons resident in this Colony might send home for labourers and servants, to be selected in a reasonable proportion from each section of the United Kingdom, and approved by the Agent General? I should not consider that at all objectionable—quite the reverse.
281. Would you approve of a system by which persons may be nominated at home, and a certain portion of their passage money paid by persons at home, the remainder of the passage money to be paid here; such persons to be approved by the Agent General? I should not consider such a system objectionable by any means.
282. Would you apply the principle of the Census to that class? I would merely, as a general principle, recommend that the immigrants should be derived as equally as possible from the different sections of the population of the three kingdoms.
283. It has been adopted by the Government of Victoria as a rule, that persons whose passage money is paid entirely by the Colony shall be selected in proportion to the population of the three kingdoms, subject to the approval of the Agent; but where persons are brought out under the other Regulations, which permit of their nomination upon the payment of a portion of their passage money, no such restriction exists—Now, supposing that I, being a native of Ireland and a Roman Catholic, and having five or six children, propose to go to America, but am nominated by some person to come out here, do you think I ought to be refused a passage on presenting myself to the Agent General? Certainly not.
284. Therefore, there should be some limitation to this rule? Quite so.
285. *Mr. King.*] In the event of any capitalist being desirous of introducing (say) a hundred or two hundred immigrants and paying for their passages out himself, would you consider it good policy on the part of the Government to give land orders for 40 acres to every person? I think so, whether male or female. There ought to be an equal number of the sexes.
286. *Chairman.*] Have you anything yourself you would like to state to the Committee? I would only say, in reference to the introduction of female servants, that I happened in the year 1849 to be at the Shetland and Orkney Islands along with Lady Franklin, who, knowing my object, took a great interest in it, and was referred to as an authority for the Colonies generally so long as she remained in the islands, on the part of the poor young women in these islands who were desirous of immigrating. I think if the Government had resolved on the importation of a number of single women, that is a portion of the United Kingdom from which a considerable number of females of the very best character could be obtained; for the young men of the Orkney and Shetland Islands almost uniformly when they get up to manhood go to sea in whalers and other vessels, and many of these never return, consequently the proportion of the female population in these islands, and especially that of young widows, is beyond all comparison greater than perhaps in any other part of the United Kingdom.
287. Would they be well qualified from their training to come here as domestic servants? Yes, they are tolerably well educated, and well trained to domestic life universally.
288. What is the proportion of the Protestant to the other population? The population of these islands is chiefly Protestants.

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POSTSCRIPT.

Rev. J. D. Lang, D.D. WITH the concurrence of the Honorable Chairman of the Committee, I beg to append the few following items to my evidence.

3 Mar., 1870.

1. My recommendation that a bonus of 40 acres of land should be guaranteed to each adult immigrant, with a proportionate extent for each child, has been given on the understanding that no change shall be made in the meantime in the present minimum price of land. The reduction of that price from a pound to 10s., and still more to 5s. an acre, would be a perfectly suicidal policy, in view of a great effort for the revival of immigration; while I am confident it would not bring out a single *bond fide* immigrant from the United Kingdom. It would in all likelihood bring out a few large capitalists from home, or stir up into action persons of a similar class now dormant here, whose large funds are perhaps lying at a low rate of interest in the banks, to buy up, if possible, at the minimum price, every acre of available land in all the inhabited districts of the Colony, and to retain that land, if not uselessly, at least as mere runs for stock, till it should acquire a greatly increased value from the mere lapse of time and the progress of population and improvement. The capitalist would then sell it by retail at an exorbitant price, far above the present minimum. In this way the reduction of the minimum price would retard, instead of promoting the settlement of the country, by preventing the success, or rather ensuring the failure, of any direct effort for the revival of immigration. For it may be taken for certain that the question with the intending emigrant at home will simply be the extent of the bonus in land to be offered him, altogether irrespectively of the selling price of the land in the Colony. A bonus of 40 acres at the present minimum price will therefore represent £40 to the emigrant, whereas, if the minimum price is reduced either to 10s. or to 5s. an acre, it will represent only £20, or even £10, the latter of which sums will be deemed no proper inducement at all. I need scarcely add that the increase of Custom House receipts arising from the settlement of an able-bodied immigrant in the Colony, will much more than pay the interest even of the £40 represented by the bonus given him, even supposing the land to be worth that amount.

2. In the event of my recommendation of a bonus of 40 acres of land for each immigrant being recommended by the Committee and adopted by the Assembly, whether with or without a simultaneous provision for the introduction of a humbler class of immigrants, by paying either the whole or a portion of their passage money, it would I conceive be indispensably necessary—in consequence of the state of entire oblivion into which the Colony has fallen at home, from the want of all efforts on its behalf on the part of the local Government and the Press for a series of years past—to adopt the expedient of 1861, by sending home once more two fit and proper persons, like Mr. Parkes and Mr. Dalley of that period, to bring the case and circumstances of the Colony under the notice of the emigrating portion of the community at home, by delivering lectures on the subject and circulating pamphlets descriptive of its various emigration fields, together with lithographic sketches of these fields. Each of these Lecturers should have a certain portion of the United Kingdom assigned him, so that no one part of it should be more highly favoured than another. Besides these Lecturers, who should be engaged for not more than twelve months, which I think would be a sufficient period for the purpose, it would be necessary to appoint a permanent Emigration Agent at home, to superintend and conduct the business of emigration generally, in conjunction with the Emigration Commissioners of the Imperial Government. But I would strongly recommend that all colonial funds to be expended for immigration should be placed in the hands of the said Commissioners. I have only to add, under this item, that if one or other of the Lecturers could act in the capacity of Emigration Agent, after his engagement as Lecturer should be terminated, the necessary expenditure would be lessened very considerably.

3. It would also be necessary to divide the Colony into certain emigration fields, in the way indicated in my pamphlet on Immigration, recently distributed among the Members of both Houses of Parliament; as the Colony is so extensive, and presents so great a variety of phases, that it would require to be treated almost as three different Colonies. And besides a descriptive pamphlet for each of the emigration fields into which it might be divided, there should be a lithographic sketch of each of these fields; showing the lands already alienated by sale or otherwise, and those open for settlement in any way.

4. It would be requisite also to have such arrangements made in the Colony as would enable the immigrants of all classes, on their arrival, to obtain such information, advice, and direction as would be necessary in their respective circumstances, from some Government functionary charged with that specific duty, such as the Agent General for Immigration here while that office was in existence. Those immigrants who would come out either for this or for the Clarence River District would of course land in Sydney; but those who should come out under the proposed bounty to settle in the Riverine territory, between the Murrumbidgee and the Murray Rivers, could come by Melbourne and reach their destination at much less cost than by coming here; while the certificate of the Agent at home would be sufficient to identify them to the officer in charge at Albury, or elsewhere on the Murray, as veritable immigrants for this Colony.

TUESDAY, 22 MARCH, 1870.

Present:—

MR. JENNINGS,

MR. LLOYD.

MR. KING,

THE HON. CHARLES COWPER, ESQ., C.M.G., IN THE CHAIR.

John Brown Watt, Esq., called in and examined:—

J. B. Watt,
Esq.

22 Mar., 1870.

289. *Chairman.*] You are a member of the firm of Gilchrist, Watt, and Company? I am.

290. And you have for many years past been engaged in business in immediate connection with the commercial and pastoral interests of the Colony? Yes, in immediate connection with every interest in the Colony.

291. You have been connected with all the interests of the Colony? Yes, with the agricultural as well as with the commercial and pastoral.

292. You are aware that this Committee has been appointed to consider the question of the advisability or otherwise of reviving immigration to the Colony? I am.

293. Could you favour the Committee with any suggestions upon the question? I had much rather that any suggestions I may make should be elicited from me in reply to questions from the Committee.

294. Do you think that the revival of immigration to the Colony would be desirable? There can be no question about its desirability.

295. Do you think that the absence of immigration has had a depressing influence upon the various interests of the Colony; or to put it in another form, do you think that a restoration of prosperity would follow a revival of immigration to the Colony? I believe that a revival of immigration would contribute along with other causes to the prosperity of the Colony. Several causes will require to operate conjointly to bring us back to a prosperous condition, and immigration is one of them.

296. Have you considered to what an extent immigration to the Colony might be revived; that is to say, how many immigrants the Colony is capable of receiving annually, without immigration being—to use a common phrase—overdone? It has hardly occurred to me to question whether there could be an immigration more extensive than the Colony would be able to take up. Looking at the manner in which the interior of the Colony is being opened up by our railways, there will soon be a power of absorbing any number of immigrants. Even now our railway lines have opened up vast resources, and created an extensive demand for labour.

297. Have you ever been engaged yourself in connection with the importation of immigrants? Yes, J. B. Watt, Esq. largely.
298. In what year? I cannot at once remember the year, but it was when the immigration system was formerly in operation. 22 Mar., 1870.
299. During the time it was conducted under the old bounty system? Yes.
300. You acted as agent for vessels which imported immigrants under that system? Yes.
301. What is your opinion of that system—do you think it was a defective one, or do you fancy that a return to it in its integrity would be desirable, or would you adopt a modification of the system? I would not recommend a return to it in its integrity, but some modification of the system might be advantageously adopted. With efficient agents at home to inspect and approve of the emigrants, the system might be made to work better than it did under the old body. We must have some one to watch the immigration in the interests of the Colony, and not in the interests of England, as was done under the old system. This was its great fault. In the early days of immigration, the feeling in England was very largely opposed to immigration—there was a very general impression that the loss of so many of the working classes was calculated to injure the kingdom, and that the most enterprising and efficient workers were drained off. The consequence of this was that the immigration of the class of men we most desired was discountenanced as much as possible, and a class of pauper immigrants was thrown upon us. To prevent anything of the kind in future, it would be most desirable that the Colony should have an agent of its own in England to watch and control the immigration.
302. Do you think that there has been any change in the impressions formerly abroad in regard to immigration, and that now there is a feeling in England favourable to a better class of immigrants leaving England? I believe that there is a feeling among the better class of immigrants to get away from England to one of the Colonies, if they only knew how to do so. As regards the feeling in England, there is a divided opinion as to the advisability of inducing these men to go or stay, but on the part of the men themselves there is a most decided wish to emigrate.
303. What do you think would be a sufficient bonus to offer, or what encouragement would it be requisite to hold out to induce a better class of immigrants to come to the Colony—would forty acres of land be a sufficient inducement? I think not. The question is not so much one of inducement, as of ability or inability on the part of immigrants to reach the Colonies. The mere promise of a grant of land, unless it could be easily converted into money, would not answer the purpose. There are many men in England who would form a most desirable class of immigrants, men of the better class of labourers, who would be willing enough to emigrate, but who cannot by any means in their power raise the money to pay their passages. If land orders were given to these men under some such restrictions as have been adopted by a neighbouring Colony, the men would in the first instance have to convert them into cash in order to raise their passage money. This system as it has been worked in Queensland has been shown to be an abuse; for the orders are purchased at a large discount, and are ultimately paid back to the Government in payment for the purchase of land. It is complained of because it virtually reduces the price of the land, and yet unless this is done the land orders will not answer the purpose of intending immigrants.
304. Do you not think that shipowners would accept them from the immigrants as payment for bringing them out—in the case of men with a small capital, might not such men be induced by a grant of land to come to the Colony; in other words, would you think that if the inducement of a grant of land were held out to them, men with a small amount of capital would come out here to settle upon small farms, which would be available for their occupation immediately on their arrival? It might appear to be an inducement, but the man would be very foolish who allowed himself to be deceived by it. Imagine a man landing here a total stranger, knowing no one, and with nothing but an order for forty acres of land in his pocket, all his ready money having gone to pay his passage. His land order would be of very little use to him, except to take to a broker's shop and convert into money. It would be altogether impracticable for him to go and settle upon his land, without the means of making the land available. But if, in the place of spending his ready money in paying his passage, his passage had been furnished to him, and that he had his £10 or £12 in his pocket, instead of the land order, he would be in a position to look about him, and to take employment or to select a spot which he might consider could be made available. There is plenty of such land to be got upon pretty easy terms. If on the other hand the land order is merely made the means of paying the shipbroker to bring the immigrant out, then the consequence would be that it would be taken only at a discount, and the immigrant would have to pay more in land orders than he would have to do in ready money. There would thus be a double loss; first to the immigrant in the increased rate of passage, and next to the Government in the decreased price they would obtain for land paid for by these orders. Thus, though the land order system may suit for some, it will not suit for all cases. Perhaps a double system might be adopted,—paying the passages of those who required it, and giving land orders to those who preferred them; but in my opinion the money payment is more economical than any other system.
305. What would you think then, as you seem to suggest, of a system of immigration divided into two parts; in one of which the Government would pay the whole or part of the passage money of the immigrant; and in the other, the Government would, when a man came out to the Colony with his own or by means of anybody else's money, and settled down on his own account, provide such man with a small farm? I think it would be very desirable to have such a double system adopted.
306. One part of the system would be calculated to encourage the other? Yes. It would meet the wants of two classes of immigrants. The man of means who could spare the money to pay his own passage could get the land order; and the other who had not money at command could take advantage of the money system. But I never contemplated paying the whole of the passage money of the immigrant. The contribution which the Colony should make to the passage money of the immigrant should be a little less than would be sufficient to equalize the passage to Australia with that to the United States. Thus, if the passage money to Sydney was £14, whilst to the United States it was £4, then the contribution from the Colony would be £9 or £10—not more. To make it the same in a money point of view to the immigrant whether he went to New York or Sydney would be the proper basis for us to work upon.
307. From what we have heard from recent accounts from England, is there reason to believe that very considerable sums of money would be contributed there in aid of some large and extended scheme of emigration to the Colonies? Yes, I think there is reason to believe so. Just at present there seems to be a great feeling in England in favour of some comprehensive scheme of emigration; but from what I have observed,

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observed, it does not seem to be assuming anything like a definite form. There seems to be no one there in a position or with the necessary experience to utilize the movement. No doubt there is a great deal of talking and writing being done, but no definite scheme has yet been propounded.

308. Has sufficient time yet elapsed to allow of such a scheme being propounded? They have been talking for the last two or three months, and something more certain ought to have been done by this time.

309. But has not something been done—has not a large sum of money been subscribed; have not some four or five persons subscribed £1,000 each? Yes, but then it has been subscribed in a peculiar form—to be paid in instalments, so much a head on so many emigrants, for the first ship-loads of emigrants which leave England. It has been done more by way of inducing others to subscribe. However, there is evidently a warm feeling on the subject, and what is wanted now is some one there on the spot to give effect to the movement which has been commenced.

310. Victoria and Queensland have both agents in England for immigration? Yes.

311. Have they been as successful in their mission as had been expected? Perhaps they may not have got so many as they wished, or as the Colony desired, but I believe they got quite sufficient.

312. Is their immigration conducted on the land order or on the money system? That of Victoria is on the money system, whilst that of Queensland is by means of land orders.

313. Is the Queensland system the same as was carried on before—that which you say was considered an abuse—or has that system been modified? The Government looked upon the land order system as an abuse, from various causes, and sought to alter it. When they came to take steps for the purpose they found that their land orders were really of very little value indeed, and in the end nothing definite was done. I believe the land order system is again in force the same as ever, for when I was last in Brisbane I saw several offices open for the purchase of these land orders, and as they are received by the Government at their full value in payment for land, it is just about equal to the Government selling their land at a discount.

314. But these land orders are all sure to be worked off in a comparatively short space of time? Yes, because they are bought up by persons who are about to buy land. As they are got at a discount, the amount of that discount is saved in the purchase money.

315. Are you in favour of our making an adaptation of that system, or, as I think I gather from your remarks, would you prefer that the immigrant should receive a portion of his passage money? I should certainly prefer a scheme by which the immigrant received a certain proportion of his passage money. Any means he may have of his own will thus be available to settle him in the Colony.

316. At the same time you consider that a certain proportion of immigrants might be induced to come out here by the promise of receiving a grant of land on arrival? Yes; there are many with some means of their own who would not like to have it said that their passages to the Colony had been paid for them. If however you confine your system to one of land orders, you at once lessen the class of immigrants who can take them, unless you at the same time make some arrangement for converting them into money, not at the discount exacted by agents, but at something like an estimate of their money value in Sydney.

317. Do you regard the land order system then as an extravagant arrangement? I do; it really amounts to selling the land of the Colony at a discount.

318. Then would you suggest that the Government should raise a loan for the purpose of encouraging immigration, and that debentures should be issued in the ordinary way, in preference to mixing up together the immigration question and the land question—it could hardly be expected that the general revenue should be adequate to support any large or comprehensive scheme of immigration? I do not see why a part of the land revenue might not be set apart for immigration.

319. But the land revenue forming a portion of the Consolidated Revenue, and the interest being paid out of that revenue, and the lands of the Colony being security for the loan, is not that to some extent paying from the land revenue? In that sense it is; but in my opinion the amount laid out in immigration should bear some proportion to the amount of land the Colony was selling. I regard the amount of land sales as a fair test of the amount of immigration the Colony will stand. If you merely raise a loan, and spend the money in introducing immigrants without any reference to your land sales, you will find some time that the thing has been overdone; but by adopting the system I suggest, you will always have the immigration regulated to meet the requirements of the Colony as shown by the land sales.

320. Have you ever considered, apart from the financial aspect of the case, but as a matter of opinion, to what extent the Colony is capable of receiving immigration—could it receive three, four, or six ships per month? It is altogether impossible to answer that question, for a reply would have to depend upon so many things—the progress making in the settlement of the country, and the prosperity of every interest in it. Were the country generally in a prosperous state, and trade active, we could absorb three or four times as many as we could under opposite circumstances.

321. And the seasons have very much to do with it? Yes; a good season is the main element in bringing about a state of general prosperity.

322. You consider it, however, an absolute necessity for the wellbeing of the Colony that there should be a revival of immigration? Yes. At the present moment every important interest of the Colony is languishing for the want of labour. What I regard as a hardship is, that all our great producing interests are injured through their being exposed to the great competition of all the large public works carried on by the Government. These public works have been the means of creating competition with other industrial pursuits, and thereby maintaining what may be regarded as a fictitious rate of wages. The demand, without a simultaneous increase in the supply of labour, runs wages up to a price which none of our producing interests can profitably sustain. This has for some years past been a great drawback to our advance in prosperity. Even now, though it has been found that agriculture is a losing game, and that pastoral properties are not paying, there has not been a reduction of wages at all commensurate with the falling off in these great interests; and the only way in which I can account for the present high rate of wages being maintained is from the large public works which the Government are now carrying on.

323. Is it not a fact that wages invariably rule higher during the time when a large and regular system of immigration is going on? Of course, because by the influx of immigration you create a general prosperity, in which all classes share. If you increase the consumption of pastoral and agricultural products you increase the demand and the price, and getting higher rates for your produce you are able to pay higher wages to those whom you employ.

324. Apart from the question of labour, and looking upon it solely as a question of colonization, do you think it would be desirable to revive immigration? Most decidedly. We have a very large extent of country nothing like populated, but yet requiring all the cost of governing. If our country population were doubled, the cost of government would be but very little more than that we now pay. We have all the machinery of government and all the means of governing a thickly populated country, and we only want the population to reduce the cost per head of governing.

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325. Then if we were to incur a further debt in order to increase our population, is it your opinion that the population which we should introduce would give us the means of paying the interest of the debt, and of giving increased security to the lender? Yes; an influx of immigrants would increase our resources and so increase the value of our land, which was the real security to the lender.

326. I think you gave it as your opinion that the Colony ought to have an agent in England to select and approve of such immigrants as were intended for New South Wales? Yes; and I think that some gentleman should be selected for the purpose in the Colony—some gentleman well acquainted with the wants of the Colony and the class of immigrant best suited to meet those wants.

327. In addition to the agent, would you also have sub-agents in the chief towns of England? Yes; and I think that these sub-agents also should be men selected in the Colony, with the same knowledge of its wants as was possessed by the agent. All the other Colonies have not only the agent and sub-agents, but they have also taken the trouble to publish handbooks, showing the advantages which would follow emigration to the Colony they represent. These handbooks are very extensively circulated, and may be met with everywhere in every large provincial town of England.

328. But after all, this information, which you say is so largely circulated, is not so much what is really wanted as the means of transporting the emigrant to his intended port? The two must go hand in hand—information and the means of transport. The information would be of but little value to the intending emigrant without the means of emigrating; at the same time, the means of emigrating would be of less advantage to him, unless he possessed some authentic information as to which Colony was the best for him to go to.

329. Would not the information given by the handbooks of the other Colonies also give information respecting New South Wales—could a book upon the advantages of immigration to Victoria or Queensland be written without also drawing attention to this Colony as a field for emigrants? No doubt it would have that effect to some extent; but the very large majority of those who would read the pamphlets would not have an idea of anything beyond the Colony specially mentioned in it. Such men would not think of any other Colony as a better field for their labour, simply because they have never heard of any other, and have no idea of their comparative advantages. When in Brisbane some time back, in conversation with several immigrants, I was informed that they had never heard of New South Wales until they had reached Queensland, and that they would be very glad to come here now if they could only raise the money to do so.

330. Then in your opinion it would be desirable to have in England a special Agent for immigration to New South Wales? Yes, very desirable.

331. Now as regards the question of transit—do you think it would be desirable to leave this branch of the subject entirely in the hands of the Emigration Commissioners in England? No, I do not think that would at all answer. There is now a class of ships coming to this Colony as regular traders, and having a character to maintain, in which the immigrants would be brought out to the Colony better than they would be in any ships which could be selected by the Commissioners in England. At the same time, by adopting this plan you would do away with the prejudice there is against coming out in an emigrant ship. If the Agent were authorized to give the emigrant an order stating that when the bearer embarked, the Agent as acting for the Colony would pay a certain sum to the owners of the vessel, then let the emigrant go with this order in his hand, find his own ship, and make his own arrangements.

332. Would not that leave the emigrant too much at the mercy of the shipowner? It would have done so in the olden time, but not now. The ships coming out to the Colony now are regular traders and have a character to maintain. They could not, so to speak, afford to act improperly, and instead of that, there would be a competition amongst them as to who should treat the immigrants best, in order to secure the greater number of them. It would take a great deal of trouble and some expense in order to carry out this transit otherwise, and an immigrant ship is not a very nice spectacle at any time, even if you take the best of them.

333. *Mr. Lloyd.*] What do you think is the class of immigrant the Colony most requires? Do you mean as regards mechanics or agriculturists?

334. Yes, the class of labourer most required in the Colony? We want any man who has pluck enough to come out to us. Any man who has energy and enterprise enough to leave his home and come out here, with determination and will enough to make himself useful in any way that will offer, will always find something here for him to do.

335. You say that you think it would be desirable to have an Emigration Agent at home sent out expressly from the Colony—Would you have any other agency in England beyond that? I think it would be desirable to have sub-agents also in each of the leading cities of the United Kingdom.

336. You are aware perhaps that the Government of Victoria have other officers in addition to the Immigration Agent—the Immigration Agent has power to appoint four other officers in the most important parts of the kingdom, and these again have sub-agents under them? I do not think all these would be necessary. If you have four sub-agents for the kingdom, I think that number would be quite sufficient.

337. You alluded in a former part of your examination to the movement now going on at home towards encouraging emigration, and you stated, I think, that there were certain gentlemen who had expressed their willingness to contribute to a fund for emigration in proportion to the number of emigrants dispatched—Do you not think that such a proposal is calculated to induce a large subscription from others? Precisely. That I imagine to be the object with which the subscriptions were offered in that special manner.

338. Do you not think it very desirable that, admitting the necessity for immigration, no time whatever should be lost in adopting some means of promoting that immigration—that we should at once take hold of this feeling whilst it exists? Certainly. It is a feeling which I think will not last long, and which will evaporate with the least return to prosperity. We ought, with as little delay as possible, to take advantage of the present tendency to encourage emigration from England; and at the same time to take advantage

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- advantage of the present state of the English money market and to raise at once what sums we want. We shall find money at a very different price in one or two years hence to what it is now, when trade revives; and in raising money for the use of the Colony I should recommend that the mode adopted by the Russian and Turkish Governments should be adopted here, that is, by the system of deferred payments. Let an estimate be made of the amount required by the Colony during the next two years, and then let a loan be put on the market for that amount, payable at different periods running over the next two years. I believe that people in England would bid very largely for it. The advantage of this would be that you would float your loan at a time when money was cheap, and that you would get it when it was wanted at the same price, however much money might rise in value in the interim. This is the plan adopted by nearly all the Continental Governments, and more particularly by such countries as Turkey and Egypt.
339. *Mr. Couper.*] What interest would be paid on a loan put on the market in this manner? The last Russian loan at 5 per cent. was brought out at 80, and immediately went to a premium. The Victorian 5 per cent. loan was taken off at 100½ and 101.
340. *Mr. Lloyd.*] It is your belief that an increase of population would be an increase also in the number of persons who would become proprietors of land, thus providing the means for paying the debt incurred in bringing them to the Colony? I have no doubt about it.
341. And rather than not have a population, would you go to the extent of paying the entire passage money, in the same way as was done years ago? I would not pay the whole passage money.
342. You have said in a former part of your evidence that you would fix the proportion payable by the Colony at the difference between the price of a passage to America and of one to this Colony; but if this were not a sufficient inducement, or if suitable emigrants found it impossible to save the portion they would be required to pay for themselves, would it in your opinion be desirable to pay the whole of the passage money, provided the emigrants were judiciously selected from the class most suitable for the Colony? I would be very loth to do it. The great safe-guard we have against the importation of an improper class of persons will be found in the spontaneous desire of the better kind of emigrant to come to the Colony. If you adopt a plan such as you propose, you might just as well go out into the highways and by-ways and take the first who come. If you hold out too great inducements without requiring something from the spontaneous action of the men themselves, you will only introduce a class of immigrants which it would be better that we should not have.
343. Would not that be prevented by our Immigration Agent and his subordinates, who would give passages only to those who were suitable? It would be a very difficult matter to decide, without the test which I propose. I think it would be well worth while to have less immigration, so long as we got a better class of immigrant.
344. *Mr. Jennings.*] Would you be willing to make an exception in the case of single women? In what way?
345. You say that you would not desire to see the whole of the passage money of the immigrant paid by the Government—Would you make an exception to the rule in the case of single females, say of the class of domestic servants, so much wanted in the Colony? No. Domestic servants are rising in value in England, and as they are so much in demand there, you may depend that if you paid the whole of the passage money you would not get a very desirable class of servants.
346. Would you not think it a reasonable thing, from the very fact of their being so much in demand, for the Government to hold out some extra inducement for female servants to come to the Colony? I have a somewhat vivid recollection of the class of single women selected some years back under the auspices of the late Sydney Herbert, and yet in that instance as great care as could be was taken.
347. I think I understood you to say that your objection to the land order system would be modified, if it did not altogether cease, on the adoption of a plan whereby the emigrant would receive a portion of his passage in ready money? Yes. We ought to say to the man, that if he will put by a portion of his wages until he raises a certain sum that we will supply him with the rest in order to pay his passage. It certainly would not be right to ask him to spend his last farthing in paying his passage, and then instead of giving him the assistance we promised to offer him a land order.
348. How much money do 40 acres of land represent? The legislation of Queensland on the subject of the land is so fluctuating that it is impossible to say what amount they represent. Under their present system I believe the land is classified, the different classes being valued at 5s., 10s., and 15s. an acre. Some of the land is valued at 20s. an acre, the money being payable in instalments.
349. With regard to that portion of your evidence in which you say that it is not necessary to charter ships specially for the conveyance of the immigrants, would it not be necessary to do this in the case of single women and of families? No, I think not. We have now on the line between England and New South Wales a fine class of ships quite sufficient in number to bring out as many immigrants as we require; their charge for a passage is about £16, and being fine large vessels they possess every accommodation for passengers. It would be very desirable to encourage these vessels by allowing the immigrants to come out by them instead of by special ships; and there would be this advantage, that by providing them with a large number of passengers we should be able to get our imports out cheaper and secure our exports being taken to England at a reasonable rate.
350. It would not be necessary to interfere with these ships except only to see that one should be specially devoted to the importation of the particular class of immigrant I allude to—Would it not be dangerous to give to young unmarried females certificates to come out here in any vessel they might prefer? I think not; knowing as I do the class of ships now employed in the Australian trade.
351. You think there would not be any danger in their being unprotected on board the vessel? I think not; the captains of these vessels are a very different class of men to those whom we formerly had employed in the trade.
352. Then any provision on the part of the Government for the care and protection of the class of immigrants I allude to would in your opinion be unnecessary? I think so—with this exception, that in the event of anything wrong taking place on board, or of any complaints being made, a most strict and searching inquiry should be instituted, and that single females should only be allowed to come under the protection of parents or other relatives.
353. But is not prevention better than cure? In this case, the means provided for the cure would operate as a prevention, for these vessels cannot afford to lose their reputation.
354. *Chairman.*] Do you consider that the agricultural class of settlers is one specially suitable to this Colony—would you think it preferable to introduce into the Colony men who would occupy here something the

the same position as the yeoman does in England? They would be a very desirable class, if we could succeed in establishing them here, but I do not see much chance of effecting this, for I do not look upon this as an agricultural country, except perhaps in a few favoured spots. As regards the Colony generally I have never heard of any one becoming rich from following agriculture as an occupation.

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355. Then you would take no particular action in order to induce them to come out to the Colony, in preference to others? I think not. What I should like to see would be the importation of men suitable for developing all the varied resources of the Colony, agricultural, mineral, and pastoral; not merely the agriculturist to work our lands, but the miner to develop our coal, copper, and other mines, and the small capitalist to aid us in increasing our exports,—this is what we ought to look to at present. By and by, and by degrees, we shall become a manufacturing country, that is if we keep clear of the fallacies of protection; but if we once let these fallacies get a footing amongst us we shall only commit the folly of creating industries for which the Colony is not suited, or for which possibly it may not be ripe, and the result will be constant failures, followed by suffering and distress.

356. Then you would not hold out any special encouragement for the immigration of agriculturists? No; the class of men I would encourage would be those who were willing to turn their hands to anything.

357. To create and perpetuate industries on the basis of free trade? Yes.

358. Is it not a fact that the product of wheat and cereals has been largely increased in the Colony within the last few years? It is.

359. So that now the necessity of importing bread-stuffs into the Colony has nearly ceased? It has ceased. The production of wheat in the interior is very large, and all the country towns will be supplied this year from that source. All the Darling country will be this year supplied from Bathurst and Orange with wheat grown there.

360. So that before long we shall grow more wheat than we shall require for our own consumption? Yes, in favourable seasons such as the present; but this I regard as altogether an exceptional season.

361. Has not this gone on from year to year—has not the production of cereals gone on increasing year by year, owing to the increased facilities given for the settlement of the country and for the establishment of small farms throughout the interior? Yes; last year we imported largely from South Australia.

362. But even in the best seasons you will always have some speculator trying the experiment of a cargo? Yes.

363. These experiments are not tried so largely now as they were a few years ago? It is all a matter of price. As long as it can be imported cheaper than it can be raised in the Colony cargoes will be brought in. This has been the case with regard to the Californian wheat, which can be imported for less than we can produce it at. It is being found that the wheat lands on the seaboard of California are fast becoming exhausted, just in the same way as the land on the seaboard of South Australia is getting exhausted. The yield has thus fallen off so extensively that now they have to bring produce to market from a much greater distance than heretofore, and the price is consequently greatly increased.

364. Yet even with that, the production of wheat in California, though reduced, is still enormous? It has been enormous. It used to average fifty-two or three bushels to the acre once, but it is nothing like that now. The position of California is fast changing: there is first this exhaustion of the land, and then there is the fact that they cannot grow fine wool there. It is a strange circumstance that these things should be occurring in California whilst we have the same complaints here. This year the Californian wool has been almost ruined by burr, and we find in North Queensland that the wool has been made almost valueless by grass-seed. Then the land on the seaboard has become exhausted, and we find the same complaint coming from South Australia.

365. Do you not think that from the fact of the Emigration Commissioners having been so long in existence in England, their knowledge and experience will be more likely to provide for the comfortable passage of the immigrants on so long a voyage than if they were left to their own resources? I think not; I do not think they would give you any greater security than you would have in the character of the present vessels, and of the gentlemen who command them.

366. Then you would just as soon rely upon the arrangements made by the owners and captains of merchant vessels as you would upon those made by the Emigration Commissioners? I think so, and I believe the arrangements the captains would make would be more agreeable to the passengers. I am sure immigrants would prefer coming in these traders to being brought out in emigrant ships.

367. *Mr. Lloyd.*] You very judiciously suggested just now that any loan which might be required should be taken up at once, whilst the English money market is in an easy state, and upon the system of deferred payments. Now a Government like that of New South Wales could scarcely go into the markets with a loan of less than a quarter of a million. Supposing this loan to be spread over two years, and that the price to be paid for each immigrant should be £10, that would give £10,000 or 1,000 immigrants per month for twenty-five months. Do you think that that number, 1,000 per month for twenty-five months, could be readily absorbed by our labour market? Out of that 1,000 per month there would only be the usual proportion of one-fifth, or at most of two-fifths, of adult males. That would give from two to four hundred men ready to enter the labour market every month, and I think there would be no difficulty in absorbing them.

368. And any action which it may be considered advisable to take should be taken at once? Yes, whilst this emigration movement is going on there. Public feeling in England is very hot for a time, but then it very soon gets cool again, and we ought to take advantage of it whilst the heat lasts.

369. We ought not to run the chance of a change of public opinion? No; or you will have the country gentlemen of England calling out that the bone and sinew of the country are leaving it, and coming in to put a stop to it. We have before us the example of Canon Girdlestone, who, in a time of distress in his native county, Devonshire, took steps for removing large numbers of the unemployed from Devonshire to Yorkshire, where there was plenty of work for them. We know by the papers what a storm he raised about his cars, the whole county was against him, and the farmers accused him of endeavouring to raise the rates of wages by taking the labourers away. You will find that the same thing will be at work amongst those who are now favourably disposed towards emigration, and that when trade revives, and the pressure on the poor rates is removed, they will hold very different language on the subject to that which they now use.

370. Then you think that we shall lose a great deal by putting this question off to next Session of Parliament? Yes; and when I say that the money should be raised at once, I would apply that remark not

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to the immigration loan alone, but to any other sums which it may be found necessary to borrow. I see that the Colony is likely to require a loan of two millions for railway purposes and other public works. Now, in my opinion, the Government ought to forecast the amount which they would require for the next few years, and take up a loan for the amount, making the payments extend in instalments over the period estimated for. We should thus be able to supply our wants whilst the money market is easy, and get the money when we require it.

William Henry Suttor, Esq., M.P., called in and examined:—

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371. *Chairman.*] You have been for many years engaged in agricultural and pastoral pursuits in the Colony? I have.
372. You are aware that this Committee has been appointed to inquire into the subject of the revival of immigration? I am.
373. Will you favour the Committee with your opinion as to whether you consider it desirable or otherwise to do so, and the grounds on which you base your opinion? Perhaps I might be allowed to suggest that I should explain better if questions were put to me.
374. Do you think it would be desirable to revive immigration? Yes, I think it very necessary.
375. You think it not only desirable, but absolutely necessary? Yes; for the prosperity of the Colony, and for the advancement of the country generally, we require population.
376. Have you formed any opinion as to the extent which you would consider it desirable that the Government should go in order to encourage an influx of population? That must of course depend upon the means which the Government have at their disposal. If the Colony can bear the expense, then the Government might go to any extent. There is no limit to the extent to which they might go, provided it can be done without involving the Colony in difficulties through the expense of importing them.
377. Do you think that to any extent to which our means would go we might import immigrants, and that to any extent the means exist of settling them in the country? I think so.
378. So that, in your opinion, there is not much fear of our overdoing it? No; but it would depend very much upon our land regulations. The two things, land and immigration, go together, and it is rather a difficult matter to separate them.
379. In what way do you think the land regulations affect the question of immigration? I believe that lowering the price of land will be found to be the only means of settling any large number of people on it, in such a way as to give employment to others.
380. This would rather apply to persons desirous of obtaining farms of considerable extent? Yes; farms much larger than are generally taken at present.
381. Suppose the Government determined to encourage the immigration of families, and that to that end they offered a grant of land, say of 40 acres, to the head of the family, who had three or four sons to help him work it—thus enabling him to at once acquire land sufficient for a small farm, without purchase at all—would that be sufficient inducement? You would give them free grants without conditions?
382. Yes, on their paying their own passage; that is to say, that on landing in Sydney with his family, he would at once get a free grant of land of, say 40 acres—Then, would you lend him anything to go on to the land with, and to enable him to work it? Ground cannot be cultivated for nothing, and he must have money to enable him to work it.
383. I believe in the old time it was not unusual for immigrants to introduce capital into the Colony? No; some of them used to bring out a little money with them—£40 or £50—sometimes as much as £100; not much more than that, and very few of them had that amount; in fact the great bulk of them had nothing at all.
384. You think then that it would be better that the Government should pay the passage of these men to the Colony? I think that if we had proper land regulations we should have a large number of men of small capital coming out to settle upon the lands of the Colony. What we want is population more than mere labour; and in any system of immigration we may adopt, I think we are bound to look as much to the interest of the immigrant as to our own. I certainly should not like to see a large number of mere labourers brought out to the Colony, to become a burden to the community and a misery to themselves. With proper land regulations there would be no fear of this, for if all else failed they would be gradually absorbed upon the land, as small capitalists would be continually arriving and settling upon the land, and creating a demand for labour. At present there is room for any amount of labour upon our gold fields—they would give employment to any number of men; and yet labour there is continually shifting about, rushing from one part of the Colony to another, from one gold field to another, and from one Colony to another; sometimes going off to Victoria, then to Queensland, then back here again, but always shifting and unsettled.
385. But is it not a fact that wherever a gold field has been established, even though it has ceased to be a gold field, yet that the country round has invariably become settled? Yes, to some extent it is.
386. Take the case of Burrangong, where, before the discovery of the gold field, there was no population except what was to be found at the homestead of the station of which it was part. Look at it now—a large and flourishing town, numerous small farms, and two flour mills in the township constantly employed in grinding up the wheat produced there? Yes, that is a peculiar case. That part of the country is very favourable both by soil and climate for agriculture.
387. It was always considered so, and yet there were no farms established there until the gold field was opened? The gold field opened up a large market for the produce of the farms, and that induced people to settle down there.
388. The production of wheat has very largely increased in the Colony of late years? Yes, very largely increased.
389. And increased, too, in parts of the country where formerly they had to bring flour for consumption from the lower country? Yes, in dry seasons.
390. Did you ever grow enough for your own consumption without having to purchase from Sydney? Yes; sometimes I have had in one year as much as would supply me for several years.
391. But I speak of the district? Yes; in the district there has frequently been more grown than was required. This year, the people of Bathurst and Orange think that they have grown wheat enough amongst

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amongst them to supply the wants of the Colony for the next twelve months. There has certainly been an enormous quantity grown this year. A good deal of it is coming down to Sydney.

392. And you think that an agricultural population, if the land regulations were more liberal than they are at present, would settle down in the interior? That is my impression.

393. Have you formed any idea of the number of immigrants that might be introduced into the Colony without causing distress from want of employment? That would depend in a great measure upon our gold fields. If there were a discovery of some new and extensive gold field, we should have at once employment for an unlimited number of persons. Then again it would depend upon the class of immigrant introduced; if amongst them there were men of capital who would settle on the land, or in any way give employment to others, they would gradually absorb a large portion of the immigrants.

394. Do you mean men of large or of moderate capital? Men of moderate means, sufficient to enable them to settle down comfortably on the land, and to give employment to others.

395. Is there much demand in the interior for labourers and shepherds? The demand for shepherds has been falling off of late years, owing to the fencing in of the runs, and also to the employment of the aborigines as shepherds.

396. Then you think that persons in the interior would not be able to give employment to any large number of the class of immigrants suitable for shepherds? No, I think not. A man only becomes a shepherd when he is fit for nothing else, for the occupation is anything but an agreeable one.

397. Would you confine your suggestions about the alterations in the land regulations to the lowering of the price of land? That would certainly be something; and perhaps the better way would be to resort to the auction system, putting the land up in large blocks at a low upset price; it would then always fetch its value, if worth more than the upset. At the same time, the free selector, by paying the higher rate, or £1 per acre as at present, would still have the advantage over those who bought at auction, of taking up his land wherever it suited him.

398. What is your impression as to New South Wales being an agricultural country or not? Some parts of it are favourable for agriculture, but perhaps not to any great extent. The south-western portion of the Colony I look upon as being the best.

399. There are large districts taken up and occupied by free selectors which have greatly increased the production of wheat? Yes.

400. Do you think that we have now reached the time when we do not require to import wheat for our own consumption? Yes, I think so. I believe that this year the Southern and Western districts have grown wheat enough to supply the Colony for the present year. As soon as we get the railways up into the interior there is no question about our not requiring to import any more wheat. The Orange district, for instance, is very favourable for wheat-growing; the soil and climate are both well suited for its production.

401. Could you suggest to the Committee any particular class of immigrants which it would be desirable to give our attention to, so as to adopt the best means to induce them to come out here? I think we require all classes. We want population, and should import immigrants of all kinds, from the man of capital to the lower class of labourer.

402. Do you think that, if the attention of the population of England were directed in as general and as wide-spread a manner as was possible to the fact that the Government here were entering with spirit into a large and comprehensive scheme of immigration, that circumstance would have any effect in drawing out to the Colony persons of large capital? I think it would, that is, if you let it be known at the same time that they would be able on reaching the Colony to get land at once and on easy terms.

403. Have you considered the subject of the treatment of the immigrants on the voyage—whether you would leave them to be brought out by the ordinary passenger ships, under the provisions of the Passengers' Act, or whether you would continue as heretofore to make use of the services of the Emigration Commissioners to provide special vessels for them? If you desire them to come out on the system of getting a free grant of land on their arrival, then I would certainly leave them to make their own arrangements. If they paid their own passages they might be left to select their own ships. The poorer class of emigrants would not be able to pay their own passage, and perhaps for their own comfort some provision ought to be made for them.

404. What amount of land would you consider it advisable for the Government to give? I have always held that the sooner the land was in the hands of the people the better it would be for the Colony; and holding that view, I would be disposed to act very liberally towards those who came out specially to settle on the land.

405. Would you revert to the old system of grants? No, I think not.

406. Are you acquainted with the land order system of Queensland? Not very well.

407. Then again there is the homestead system—would you approve of that? No, I think not.

408. Are you acquainted with the homestead system of America? I am not.

409. But your opinion is that, however it may be done, it is desirable to revive immigration, in order to restore the prosperity of the Colony? Yes, if it can be done without involving the Colony to any serious extent in pecuniary difficulties, and if it can be done without introducing too many of the labouring class to be a burden upon the community. I do not think that in our present position any very great number of labourers would be able to get employment in the Colony, unless you held out inducements to small capitalists to come out at the same time, and to provide work for the others.

410. The price of wool is too low just now to allow of the squatters going into the expense of making improvements on their runs? Yes, much too low. Until there is a very great change in that respect squatting properties will not be much improved.

411. *Mr. Lloyd.*] You are living in a very large and important agricultural and mining district? I am.

412. Are the crops in your district tolerably certain? In some places they are. There is the Orange district, for instance—I never knew a failure of the wheat crop there.

413. And this year there has been a very large crop indeed? Yes, very large.

414. It is said that in your district they have this year produced wheat enough for the year's supply of the whole Colony? Yes, they say so.

415. There has been some difficulty in years past in disposing of the surplus crop, owing to the expense of carriage to a sure market? Yes, that has been the great drawback.

416. But that has now been removed by the construction of the railways? Yes, it is being removed more and more every day as the railway works progress.

- W. H. Suttor, 417. So that at a very early date the farmers in your district will be able to grow as much wheat as their land will produce, and to sell it at a profit? They are sending their wheat down to Sydney now, and sending it in large quantities; but as to the profit I know nothing.
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418. Are you aware whether there is any large quantity of land suitable for agricultural purposes available for settlement beyond you? I do not know of any in our district. In the Bathurst and Orange districts the land is pretty well all taken up—that is, all the good land. There is, however, the Lambing Flat and Emu Creek districts—there is a very large quantity of good land there still in the hands of the Government.
419. Is there much land in your district in the hands of private individuals, which might be rented? Yes, a good deal.
420. What is the probable rent which would be required for land in your district? The rents range from 7s. to 12s. per acre, and in some cases they go up as high as 20s. per acre.
421. Can you give us any idea of the quantity of wheat per acre produced in your district in a fair season? Perhaps in a fair season the crops in the district will average about 20 bushels to the acre; in extraordinarily fine seasons the average will be double that, or 40 bushels to the acre.
422. What has been the average this season? Perhaps the average may be fairly stated at about 25 bushels to the acre, though there are some who say that it will be quite 40 bushels. I have certainly myself seen places where the yield must have been more than that.
423. Your opinion is that the resumption of immigration would revive the drooping prosperity of the country? Yes, I believe it would.
424. You are aware that just at the present time there is considerable excitement in England on the subject of immigration? Yes.
425. And that gentlemen in England are subscribing largely in order to furnish a fund for emigration? Yes.
426. Would you not think it very desirable if we could at once commence operations towards reviving immigration, so as to take advantage of the present state of feeling in England? I do. I think it would be very desirable for us to be moving in the matter, when we see the people of England disposed to assist us.
427. And in order to secure their assistance, there should be no delay on our part? Yes; but then we ought to be cautious, and to look well before us, so as to see what we are about. If we go at it too hotly and rashly we may overdo it. And when I say that the revival of immigration will increase the prosperity of the Colony, I mean that it will aid in the advancement of the country, and make us get on more quickly. I do not admit that there is any want of prosperity in the Colony; we are progressing, slowly I will admit, more slowly than I wish to see; but we are not languishing, and immigration would help us on more quickly.
428. *Mr. King.*] In the event of the resumption of immigration being decided upon, do you think it would be desirable to have large areas of agricultural land surveyed, on which the immigrants could locate themselves immediately on arriving in the Colony? I think it would be a capital plan to lay out large blocks of good land, say of 40 or 50 square miles, and then to have these blocks subdivided into smaller portions, so that any person could at once on landing in the Colony select the portion which suited him, and go and settle upon it without delay.
429. Would it not be desirable to have a map prepared and to have it sent to England, such map to show clearly the various areas which had been surveyed and set apart for the purpose of settlement, so that intending immigrants might see at once the extent and position of the different lands which were available? Yes, but in this case you would have a large number of labourers coming out, and we might have some difficulty with them, unless there also came out at the same time men of capital who would give them employment. Men of the labouring class do not go upon the lands of the Colony at once; they generally go into employment and work for a time until they have saved money enough to start them, and then they take up a selection; that is the way in which most of the free selections have been taken. I know plenty of men who came out to this Colony without a shilling, and who have now fine properties, well cultivated, with all the latest improvements in agricultural machinery, and with plenty of money by them in the bank.
430. Would it in your opinion be desirable to classify the lands of the Colony, putting the pastoral at so much, the agricultural at so much, and so on? If you make it a rule to sell all the land by auction it would always find its own value.
431. You would recommend that the land of the Colony should all be sold at auction? Yes; but in saying this I would not be understood to desire to discontinue free selection.
432. You think that free selection has done much for the settlement of the country, and that therefore it ought not to be discontinued? I do not think it has had the effect of attracting population to the Colony, but it has been the means of settling the rising generation upon the lands of the Colony; it has also provided homes for a number of men who had been many years in service and had saved a little money to start them.
433. I think you mentioned that the present land law did not offer sufficient inducements to the immigrant to come out to the Colony and avail himself of its provisions? I did. My opinion is that if you really want to induce people to come out and settle upon the land you must reduce the price of it. A low price would be the greatest inducement you could offer.
434. *Mr. Jennings.*] I think you said that you considered it advisable that agricultural areas should be surveyed by the Government? Yes.
435. Would you allow others to go in and select upon these areas, or would you keep them solely for persons coming out from England? I would have them available generally—to be open to all parties.
436. You would not lock them up solely for the occupation of immigrants? No, certainly not.
437. Then in your opinion, a system of free selection after survey, as well as of free selection before survey, would be better? My opinion about free selection has never changed; my idea of it has always been that it was valuable only within certain areas.
438. You would offer no special inducements to an agricultural or yeomanry class of immigrants more than to any other? No; I think we ought to have all classes.
439. But no special inducement ought to be offered to that particular class? I think not.
440. We do not particularly require the agricultural in a greater degree than we do any other useful class of immigrant? No, I think not. But if the inducement of being able to obtain land at a cheap rate were held out, a large number of that class would certainly avail themselves of it.
- 441.

441. *Chairman.*] You have no suggestions to offer on the subject, independently of the answers given to questions put to you? No, there is nothing strikes me beyond what I have already stated to the Committee. W. H. Suttor,
Esq., M.P.

442. Are you acquainted with any of the defects of the former system of immigration? No, I have no knowledge of any. 22 Mar., 1870.

443. Have you ever imported immigrants from England? No. I imported some from New Zealand, a few years back, at the time when the Canterbury settlement was broken up.

444. Did they turn out well? Yes, they were a very superior class of immigrants.

445. Have you ever tried German immigrants? Yes, I have had several of them.

446. What is your opinion with regard to them? They are very good men, but not better than our own people.

447. Is there any cultivation of the vine in your district? Yes, a good deal, and wine of very superior quality is produced there.

448. Do you think it likely to be cultivated to any great extent there? Yes, I think so; especially as the wine is now so much in demand.

449. The prejudice against it is now dying out? Yes.

450. Do you think it would be desirable to do anything to encourage immigrants from the wine-growing countries of Europe, by any representations with reference to the cultivation of the vine in the Colony? No, I think not. If people find it to their own interest they will go into it quick enough. Most of the German immigrants understand something about the vine, and their services are very easily secured. Then though English people do not know much about it at first, they soon get into the way of it, and become just as efficient as the Germans. After a time people who go on to the land find out what it is most to their advantage to grow.

451. In introducing immigrants you think we ought to be very careful not to bring too many, unless we at the same time introduced men of small capital? Yes, our population should be increased, and that ought to include men of all classes, from the man of capital to the man who brings nothing but his labour with him.

WEDNESDAY, 23 MARCH, 1870.

Present:—

MR. KING,

MR. LLOYD.

THE HON. CHARLES COWPER, Esq., C.M.G., IN THE CHAIR.

Alexander Stuart, Esq., called in and examined:—

452. *Chairman.*] You are a member of the firm of R. Towns & Co.? Yes.

453. How many years have you been in the Colony? About eighteen years.

454. During that time you have been engaged largely in commercial pursuits connected with the pastoral and agricultural affairs of the Colony? Yes.

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455. You are aware that this Committee has been appointed to consider and report upon the question of reviving immigration to the Colony? I am.

456. What is your opinion upon that subject—do you think it would tend to the prosperity of the Colony if immigration were revived? I think it would to a very great extent.

457. The Colony is languishing in some respects at present. Do you think immigration would tend to the restoration of a state of prosperity? I think it would tend towards it; I do not say it would remove the depression altogether.

458. Have you considered what particular class of immigrants it would be desirable for the Government to introduce? I think, if it could be done, it would be very desirable that the Government should foster a system that would introduce immigrants of all classes.

459. I apprehend the want of what is called labour is not so pressing now as it was some years ago—Do you think it is or is not? I think it is just as pressing.

460. Are wages still disproportionately high? I do not know that immigration, unless it were conducted on a very large scale—probably a larger scale than it can be—would affect the average rate of wages so very much. I do not think we suffer so much from the rate of wages as from the difficulty of getting labour—having the command of labour. I think that is more important than the actual lowering of wages. No doubt labour is a question of supply and demand, like everything else, and the greater the supply of it the greater the tendency to lower wages. But I think there is a more important effect of immigration than that. The more immigration is encouraged the more capitalists and others are enabled to go into new matters, in which it is not so much a question of the rate of wages as the ability to get the labour to carry out the projects; and while a large introduction of labour would at first tend to lower wages, I think the ultimate effect of it would be to so improve the productive interests of the Colony altogether as to absorb that labour, at a rate not perhaps very dissimilar from that which is now being paid.

461. Then you think it would at all events not tend so much to lower wages as to equalize them, and enable persons to enter into pursuits which at present they are debarred from entering into? I think so. I think that is more the cause of the languishing of the prosperity of the Colony than the mere question of the average rate of wages.

462. Have you at all considered the question as to what extent the Government would be safe in encouraging the importation of industrious immigrants—From your knowledge generally of the pursuits of the Colony, in their various branches, what number of immigrants do you think it would be safe to import per month, or any given period, without what may be technically called overdoing it? I do not know that I can state that precisely. I should think, however, that it would not be prudent to encourage the arrival of large numbers at a time. I think it would be better if possible to spread them over a period, and then the number would depend very much upon the class of immigrants. If there is a due proportion of capital imported into the Colony along with the labour, then the number may be practically unlimited, that is to say, the only limit would be the difficulty of obtaining them; but if they were to be imported merely of the class denominated the labouring class, I think it would require to be carefully watched in order to prevent

Alex. Stuart, Esq.
 23 Mar., 1870. prevent the evil that took place in Queensland some years ago, when they introduced a large number in a very short time—a larger number than the existing industrial pursuits of the Colony were able to absorb; and not having introduced at the same time a sufficiency of immigrants with capital, they were unable to form those new combinations for the employment of labour which are I think a most important element in the system.

463. What inducements do you think the Government could hold out to persons of moderate capital to come here—do you think it would be sufficient to promise them a grant of land upon arrival, and if so, to what extent—It has been suggested that offering 40 acres of land to anybody who might land in Sydney would be sufficient to induce considerable immigration of a very valuable class of colonists with small capital? I do not think 40 acres would be sufficient. That class of persons generally emigrate in families.

464. Suppose we say 40 acres for each adult? In Queensland, I suppose you are aware, that question was discussed, on the passing of their amended Immigration Act. Their first Immigration Act provided 30 acres, not 40, for each adult, and allowed two children to be counted as an adult, but made no provision for a third child, supposing there were three. The question was discussed at great length on their amended Immigration Act, and they adopted the plan of making it 40 acres per adult, and 20 acres for each child, that is, one-half an adult's allowance.

465. Unlimited as to numbers? Yes.

466. That was adopted finally? That was adopted, but subject to three years' residence, five years' occupancy, and other conditions, and is the present immigration law of Queensland for those who pay their own passage. I suppose there are not many cases where there are a very large number of children, but a large family of immigrants should be always made welcome; they are the most desirable of all immigrants.

467. Do you think that scale of encouragement in land would be sufficient to induce the immigration of a valuable class of colonists—small farmers, and persons with families, finding their own means of paying their passage? I think it would be in the case of families, but not in the case of individuals. What is a man to do with 40 acres of land?

468. It might enable him to pay his passage money, or 40 acres of land well selected might make a small farm on the terms on which free selection is now allowed, that is, 3 acres adjoining, as a run, for 1 selected? I think that it would be a very dangerous expedient to enable them to pay their passage money from the land.

469. You do not think that an advisable mode of introducing immigrants? I do not.

470. What do you think is preferable—that the Government should pay the money? I think so, decidedly. I think the experience of Queensland would show that very decidedly.

471. Would you import no immigrants under the inducement of a grant of land? Yes. You have misunderstood me. I mean that I would not give the grants of land directly for their passage money.

472. Suppose they chose to dispose of their orders for land, would you object to that? I think so. I think that is a very wasteful system on the part of the Government.

473. You are alluding to the system that was in operation in Queensland, where these land orders were sold at a depreciated value in the market? Yes, as much as 35 to 40 per cent. at one time, and they were diverted entirely from the purpose originally intended in the immigration scheme. The fact is notorious that people came out from home under these regulations, parted with their land orders, wasted their money in idleness, if not in dissipation, and with their last penny in their pockets took the first steamer for Sydney. I believe this Colony benefited in labour supply as much as Queensland by the Queensland 'system of immigration. I think the effect upon Queensland was bad, and it might be very dangerous to attempt the same in this Colony.

474. You think the system at present in operation in Queensland of non-transferable land orders is better calculated to induce the immigration of small capitalists? I think that is what should be aimed at at first, that is, to induce people to settle.

475. My question was not with regard to non-transferable land orders, but to orders transferable to anybody—that anybody who landed in Sydney under certain conditions should have a grant of 40 acres of land? I would much rather make them a grant of money for their passage.

476. A suggestion has been made that there might be two systems in operation—that the Government might contribute money towards paying the passages of persons of the labouring class, and at the same time, with the view of inducing small capitalists to come out simultaneously with the others, offer a bonus in land sufficient to induce them to pay their own passages? I would confine that bonus to the immigrants themselves, that is to say, I would prevent them selling their land orders if possible. I would discourage it at all events.

477. Is not that the object attempted in Queensland by making them non-transferable? Quite so.

478. Do you think a larger amount of land would have the effect intended—do you think 40 acres too little? I think 40 acres a very small allowance. It might be an inducement in the case of large families, but not to single men—perhaps, however, they are not so much wished for—or to newly married men, or men with one or two children. I think it a most vitally important part of any scheme of immigration that the Government ought to give great facilities for the settlement of small capitalists, giving them such an amount of land as would make it worth their while. The failure in Queensland has been partly from the smallness of the grant, and partly from being surrounded by too many conditions.

479. But although there were some inconveniences attending the scheme of immigration in Queensland, it did not succeed in its main feature, the introducing of population into Queensland? Unquestionably it succeeded in that.

480. Although it was an extravagant system? A very extravagant system. Of course the measure of extravagance depends upon the value of the land. I do not think it is the part of the Government to lower the price of its own commodity. I do not mean to say it may not be advisable to fix a lower price than £1 per acre; but while the price is at a certain rate, whether it be £1, 10s., 5s., or whatever it may be, I do not think it is wise or prudent on the part of the Government, through any means, to depreciate that which for the time-being is its normal price of the land.

481. Would not your objection rather apply to immigration being carried on to an inconvenient extent or without limit—Supposing the bonus were given with discretion, so as not to import too large a number of immigrants too quickly, might not the system of land orders be carried on in that way without causing them to be reduced to too low a price in the market? I think there are so many evils arising from the system

system that it would be more prudent not to adopt it, but to confine the immigrant to the selection of his own land. Alex. Stuart,
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482. If you give a bonus in land at all? If you give a bonus in land at all.

483. But I gather your leaning is that the Government should rather pay for the passage in money? I 23 Mar., 1870.
I think the two systems should be in operation together; because I think the giving of the land to small capitalists, especially with large families, would be a great inducement.

484. You think 40 acres too small a quantity? I think 40 acres rather too small. On an average there are not more than four in a family. I should think 200 acres might be considered a sort of minimum amount that would be an inducement for a man with a family to come out. That would be 50 acres each for a family of four.

485. I suppose we may take an average of three children? An average of two children, I think. Of course that is a lower average than the resident population in a town. The resident population in a town gives an average of about five to a family, including the heads, but the immigration it would be desirable to encourage would be that of young people, and therefore there would not be so many in a family; and that is why I think it desirable to give a little more land. I think a few acres of land additional, which might just be the turning-point in inducing them to settle, would be cheaply given by the Government if it attained the end in view by bringing out the people. I think the population of the country is of much more importance to the Government than a few acres of land, because each person contributes annually to the revenue more than the interest on the value of his selection.

486. You are largely connected with shipping—What is your opinion as to the best mode of introducing the immigrants—do you think that it might be left to the owners of passenger ships to introduce them; or are you sufficiently acquainted with the subject to give an opinion that it would be desirable to use, as we have hitherto done, the Emigration Commissioners' Department in London? I think the object of the Government should be to introduce them at the lowest price it can, and I think the freer the competition the lower the price. It would be very desirable to have some inspection at home; but if you have say 200 immigrants to introduce, I think it would be better to get them introduced by three or four ships arriving at different times than to bring them all in one, as heretofore has been the usual course. I also think the Government would get them cheaper by such course.

487. The Emigration Commissioners advertise for tenders at so much per head, so in that respect there would be competition? Yes; but there are many vessels that would gladly bring out twenty or twenty-five steerage passengers at a low rate under modified conditions; whereas if a vessel is taken up for the whole service there are a great many stringent conditions to be complied with, and vessels have to be fitted up specially for carrying a large number of immigrants, besides being obliged to keep them for a certain number of days after arrival. All these are taken into consideration in the rate at which vessels tender; whereas if they could be brought out in the ships ordinarily engaged in the trade, I think they would be quite ready to bring them at even a lower rate than special ships. The only difficulty I see is the question of inspection at home.

488. Many years ago great improprieties took place during the voyage, unless there was a superintendent in charge. Do you think the management of passenger ships is now so much improved that it would be safe to leave the immigration to be carried out in the way you speak of—With only twenty or thirty families on board each ship we could hardly have a superintending officer? I think the tendency to these immoralities was from the large numbers that were cooped up together. I do not think there would be so much liability to disorder amongst a small number of persons in a general passenger ship. I remember two or three vessels arriving here which created a great deal of stir at the time; but I think it was shown that the class of people who had been put on board were those from whom scarcely anything else could have been expected. I remember one ship in particular which was very notorious at the time.

489. The ship was filled up within the last few days of starting with persons whose characters was, to say the least, not good? I think that was pretty well shown to be the case in the worst instances.

490. You would recommend the Government, from your knowledge of the requirements of the Colony, to revive immigration at once? I would, to as large an extent as they can induce people to come.

491. There is a very strong feeling in favour of emigration at home just now, is there not? I believe so.

492. Do you think there would be a difficulty in getting immigrants—because you spoke with some doubt, in the early part of your evidence, of the Government being able to get a sufficient number—Is there not a strong feeling among all classes in the Mother Country that it is necessary to adopt some system of emigration? I think there is; but there are many countries which hold out very tempting inducements. It is from the competition of these I should be afraid the greatest difficulty would arise.

493. If we were prepared to adopt the same encouragement as the adjoining Colonies, I apprehend we should stand the same chance? Undoubtedly; and even a better chance I should think, from the more settled nature of this country.

494. Has not the prejudice against New South Wales as an agricultural country very much diminished of late years; is it not the fact that within the last few years wheat has been produced in such large quantities that the importation of grain is almost unnecessary? Almost entirely since the opening up of the agricultural districts to the westward and southward. Last week I was in the neighbourhood of Bathurst and Orange, and the crops there are immense compared with the South Australian crops. The South Australian crops this year have not averaged quite 7 bushels to the acre, and I think the average of a series of years in South Australia is not much over 10 or 12 bushels to the acre. I was informed by credible parties belonging to Bathurst and Orange, who seemed quite conversant with the subject, and from their position were quite able to form an opinion, that the average this year in that district will be over 25 bushels to the acre. If that be the case, and I have no reason to doubt it, it will cause quite a revolution in the ideas that have been prevalent in this country, which have been that it was a country comparatively unsuitable for agricultural pursuits. I never saw finer wheat than that which I saw there; and all the farmers in the neighbourhood of Bathurst seem to be in a very prosperous condition this year.

495. *Mr. Lloyd.*] It is your opinion, as I understand you, that the introduction of population would not necessarily reduce the rate of wages at present existing? Not necessarily; it would depend upon the nature of the population introduced.

496. On the contrary, if the population introduced were of the right character, it would tend to give employment to those who are here, in addition to finding employment for those that come? No doubt.

497. If we succeeded in introducing those who had small capital, as well as those who have only their labour

Alex. Stuart, labour to depend upon, one class would not only give employment to the other, but would create employment for those at present requiring it? I think so.
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23 Mar., 1870. 498. Do you not think it very desirable that we should take advantage of the present excitement in England upon the subject of emigration, and adopt a scheme as early as possible? I think it would.

499. With reference to the mode of management in England, do you think it would be desirable to adopt something like the course pursued by the Victorian Government, by which they have one general Agent with six Commissioners under him, specially appointed to look after the subject of immigration—is that a scheme that you would recommend to be adopted in England? I should fancy the machinery would be rather cumbersome.

500. The Commissioners go about the provinces of England? I think that is a matter that would be better left to the Agent General, if you appoint a trustworthy person, a man of intelligence, as Agent General, or whatever name you might call him.

501. The Chairman asked you some questions in reference to ships. Do you think it would be possible that we might get many immigrants if they had the opportunity of selecting their own ships—people who would not come in a Government ship? I do not know that we should get more, but we should get them as readily.

502. Is there not an objection on the part of many respectable people to come out in immigrant ships, which would be removed if they had the opportunity of selecting their own ships? I have heard it stated that there were objections. I do not myself see what the objection is, except that no one likes to be fettered where the fetters can be done without; no one likes to have arrangements made for him where he can make them for himself.

503. You are aware that when the immigration system was pursued before, there was no difficulty in finding employment for those that came; we have that in evidence, in fact? I do not think there was much inconvenience felt when immigration was last going on; but in the early days I believe there was some difficulty in respect to the employment of the large numbers who arrived within a short space of time. In Adelaide, and in Queensland also, there have been similar difficulties. I always thought they made one great mistake in Queensland in allowing the immigrants when they arrived—and they arrived very rapidly at one time—to remain in Brisbane. I think that, connected with any scheme of immigration where the Government pays for the passage, either with land or money, or grants a bonus, the immigrants should be drafted off into the interior as soon as possible after arrival. I think that, if the Government have immigration depôts at all, those depôts should be in the interior, and not in the seaport towns.

504. The construction of railways would facilitate that very much? Yes. Say, for instance, 200 people arrived, a portion of them should be drafted off to a depôt at Goulburn, a portion to a depôt at Bathurst, and so on; and then they would be absorbed into the labour market much more quickly, and be removed from that dangerous position into which they got in Queensland. I think it is three or four years ago when they almost assaulted the Government House. They were then in immense numbers there, and could not get employment, and yet at that very moment the people up the country, engaged in pastoral and agricultural pursuits, were really crying out for labour; but there were no means of taking these people 300 or 400 miles into the interior, and the employers of labour found it inconvenient to come down to Brisbane to select labourers, and there they remained until they were converted from a useful into a dangerous class.

505. As they were readily absorbed when they arrived before, you see no reason why they should not be as readily absorbed now, if they do not come in too great numbers at once. Nothing has occurred between the time when we imported immigrants and the present to prevent their being taken off just as readily as they were then? I think not, if due provision were made for their being taken away from the town.

506. *Mr. King.*] With reference to your remarks about Queensland, is it not the fact that there was no surveyed land available for the emigrants to take up with their land orders on arrival? I believe the surveyed districts were very limited and difficult to be got at, and there were great difficulties in the way of their settlement.

507. In fact they could not get the land? Yes; but in the majority of cases they had really parted with their land orders at once.

508. Do you not think that if agricultural areas had been surveyed for the location and settlement of immigrants on their arrival in Queensland, they would have settled on the land instead of parting with their land orders as they did? The class who had some capital no doubt would have done so, but not the labouring class.

509. Are you of opinion that it would be desirable to have agricultural areas surveyed in different parts of this Colony, to which immigrants could be directed on their arrival—I mean immigrants with small capital? I think you have that at present to the very fullest extent.

510. How? They may go where they like.

511. *Chairman.*] Without waiting for survey? Without waiting for survey.

512. *Mr. King.*] Is not that rather puzzling than otherwise? No doubt it may be.

513. Do you think new arrivals, after our land law was explained to them, would value the boon of free selection before survey—would it not be rather an embarrassment to them than otherwise? I think it would be very necessary in connection with any scheme of immigration of persons going to settle upon the land, to have some directing agency here, which I do not see has been really carried out in any of the other Colonies. You propose directing agencies in London, whether called Emigration Commissioners, or Agents, or Lecturers, to dilate upon the advantages of the Colony; but it is after these people arrive here that they require direction more than in England; and I fancy that if there be a good system of direction to them, it is a less important matter whether they be together in certain districts, or certain agricultural areas, or whether they are allowed to roam at large. It would be the duty of the directing agent to point out the districts most suitable for them.

514. *Mr. Lloyd.*] You would approve of a system such as that in operation in the United States, by which in all the leading towns there are officers appointed to give such information as you suggest, and where there are maps of all the land available in each district, the immigrants thus having the opportunity of judging for themselves? Some such arrangement as that. It has always appeared to me that the failure throughout the whole of the Colonies, in the ultimate settlement of the immigrants, was the result of some want of paternal or directing care of them when they arrived. A man is told, go and settle where you like; he does not know anything of the facilities or anything about the country; hence being unable to decide, he becomes in despair of settlement, wastes his means, and parting with his land order, becomes a nuisance instead of a help to the Colony. It appears to me that such directing care is more the duty of the Government than informing them at home of the advantages of emigration.

515. *Chairman.*] You are aware that that is the system at present in use in the Colony—there are local land agents, with all information under which free selection is carried out? It may be so theoretically under the law, but practically it is a dead letter as regards what you may call paternal or directing care which should be exercised towards the immigrants.

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516. *Mr. King.*] Is not concentration of population more favourable to the development of agriculture than dispersion? Very much more; and I should think that if such an officer as I allude to did his duty, and used his influence as much as possible to settle such small capitalists as we have been talking of in close proximity to each other, and in close proximity to a market, the other—I mean circumscribed agricultural areas—is more a question of the general administration of the Land Law for the Colony than a matter of immigration.

517. *Chairman.*] You have been to England not many years since? Yes.

518. Did you find the attention of persons in England and Scotland more directed to these Colonies as a field for emigration than before, or not? More I think. At the time I was in England, in 1863, the Queensland immigration was just going on in its full vigour, and I was constantly appealed to by people who were desirous of bettering their position, and I advised a good many to go out, and several have done well.

519. Do you think that if the means for providing the passage were given, any large portion of the immigration that goes to the United States would be directed to these Colonies? I think a considerable portion of it might be.

520. There is no prejudice against these Colonies as compared with the United States, as a field for immigration? I do not think so.

521. The main difficulty is the want of providing means for the passage? I think that is the main difficulty. The idea prevailed in former times, but is every year being removed, that Australia was such a distant place, and that a person who had gone to Australia had severed all tie with home. But it is only an idea, because the people who emigrate to America seldom return to England; they are just as far separated from the Mother Country, for all practical purposes, as if they had come to Australia.

522. Have you anything else to state? No, except that I think the more free from unnecessary control you make the passage the better, having due regard to some system of inspection at home, which, I think, is to some extent necessary.

523. You do not think it necessary to have so much regard now to what takes place during the voyage as formerly? I do not think so.

524. The class of persons employed as officers of ships is much superior in point of personal character? I think they are. The difficulty in respect to impropriety on board ship can be guarded against to some extent by making the passage money payable in the Colony. I do not see any necessity for making the passage money payable in England when the passenger embarks. I think the passage money might be payable in the Colony, and then, if any immigrant was badly treated on the voyage, or had reason to complain, there should be some clause in the agreement with the ship by which an inquiry into the charge might be instituted here; and if the ship were found to be in the wrong, a deduction from the passage money might be insisted upon. The ships themselves are very much superior now to what they used to be. Formerly a ship of 400 or 500 tons was considered a large ship, and if she carried a large number of people they were huddled together in close proximity, and that was the cause of their constantly getting into trouble; but now-a-days large ships bring large numbers of passengers without any such unpleasant consequences. The "Sobraon" from here the other day took away about ninety steerage and intermediate passengers who paid their own passages. You never hear of any trouble connected with such ships as these.

TUESDAY, 29 MARCH, 1870.

Present:—

MR. COWPER,

MR. HOSKINS,

MR. LLOYD.

THE HON. CHARLES COWPER, ESQ., C.M.G., IN THE CHAIR.

Howard Reed, Esq., called in and examined:—

525. *Chairman.*] When did you arrive in the Colony? In April, 1867.

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526. Since your arrival you have been a good deal occupied in considering public questions of social and political importance? I have.

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527. Previous to your coming from England to this Colony I believe you were engaged in writing for the Press? I was. I was engaged on the *Illustrated London News* and the *Daily News*, and also upon the *Times*. I was Commissioner for the *Illustrated News* and the *Daily News* during the cotton famine, which lasted four years, and I had the management of the whole of that question for them. I took up, besides, many popular questions for them, such as strikes in the iron districts, destitution among the population, and all that sort of thing. In fact, I dealt with most questions affecting the interests of the people.

528. And thus had opportunities of giving a considerable amount of consideration to them? I had.

529. You are aware that this Committee has been appointed to consider the expediency or otherwise of reviving immigration from the Mother Country to New South Wales? Yes.

530. We should be glad to be favoured with any views or opinions you may be prepared to express generally upon the subject; or, if you prefer it, the Committee will put questions to you, as the points may arise? I think if you would be so kind as to ask me for information on the points on which you particularly require it, it would perhaps bring out what is wanted more easily.

531. I would ask, first, whether you have considered carefully the subject of immigration as affecting New South Wales? I have.

532. Do you think it would be desirable to revive immigration? I believe so.

533. Is it your opinion that the alleged depressed state of the Colony, in some of its interests, is caused by the want of an influx of population? I have reason to think so, particularly in the agricultural districts.

534. You have considered, I believe, especially the subject of agriculture with reference to this Colony, have you not? I have. I have not had, perhaps, all those opportunities of going into the agricultural districts.

H. Reed, Esq. districts which I should like, and which I hope to have ; but I have been in a great number of the districts where the land is tilled, and I have been able to make observations on the habits and character of the people generally. I do not think that the character of those who are engaged in agriculture is favourable to its success. I think that we have a population occupying the land which has not been accustomed to agriculture of a high character—not English agriculture. The husbandry of Ireland, as we all know, is in a very backward condition, not worth the name in some parts ; it is more a system of how little can be done than how much ; and that is very much the system which is carried out here.

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535. Is there any system as regards agriculture here ? No system whatever, as far as I have been able to ascertain ; only crop, crop, crop, till the land is fairly out of heart, and there is no possibility of getting more from it than the average that barren land always will give. There is a point in all land beyond which you cannot go—downwards I mean. Land will always return its own seed, and rather more than you put into it ; below that there is no descent. It appears to be an arrangement of Providence. But you may go as much higher as you like, and you can only do that by the outlay of capital. In proportion to the actual outlay of capital upon the land, provided it be done with skill and energy, so much more do you get from it. If you have paid any attention to the results of the growth of corn in these Colonies, you will find that the average in South Australia, in Victoria, and in New South Wales, is going down every year, or at least every ten years. Every ten years you will find a decrease in the results of the cultivation of corn—wheat I refer to more particularly. And you find just the same thing going on in California now.

536. *Mr. Hoskins.*] Do you not find it in every country in the world where there are unlimited quantities of virgin land ? Yes.

537. *Chairman.*] You have had a good deal of correspondence, I believe, throughout the Colony generally upon the subject of agriculture ? Yes.

538. Is it your opinion that the Colony is favourable to agriculture, in respect to soil and climate ? There are particular portions of it which are favourable to agriculture, from what I have ascertained. It is open, however, to peculiar influences and difficulties which only energy can overcome ; and the present race occupying these lands is not a race which seems to be capable or apt to overcome difficulties ; they are rather overcome of difficulties than given to overcoming them.

539. Do you think the yield from agriculture is on the increase—I mean that the production of cereal crops has of late years increased, or otherwise ? It has increased as far as the average under crop goes, but gone back as to the yield per acre.

540. Do you apply that remark to new land ? No, I do not apply it to the new lands, but to the lands I referred to particularly just now. Of course with the 28,000 new settlements taken up under the Land Act there are more people occupied upon the land and more land in occupation ; and if it were possible to separate the old from the new land taken up in that way, you would find what I say to be true, and that you have as to yield per acre a decrease, although the average is larger.

541. *Mr. Hoskins.*] This last harvest ? I believe the last season has been a favourable one for wheat, but we have no returns yet.

542. *Chairman.*] Then you think the Colony would provide means of support to a considerable number of industrious farmers of good character ? I think so ; particularly I think on the northern rivers where we are just introducing the cane. I believe there will in a very little time be wanted a very large number of extra hands there, and even now, when they reap the next harvest they will be hard up for hands. Some employers are thinking of introducing gangs of men from China in order to help them with the harvest at the next cane-crushing.

543. The production of sugar from the cane is very largely increasing ? It is very largely. I was yesterday talking with a gentleman, the Manager of the Sugar Refining Works here, and he told me he had just come from the Clarence, and that the corn crops were ruined, but that the cane was all right. There appears to be a universal conviction that cane will be the only thing planted there, in consequence of its being able to stand against the floods—it is not affected by flood.

544. The flood does not injure the cane when it will destroy the maize crop ? Yes. The result of increased attention to this crop will be that a great deal of extra labour will be wanted in the district, not only for harvesting the cane but for the manufacture of sugar. There are two mills already in existence and another is in contemplation. Each of these I should say—I do not put it on any one's authority, but it is my own conviction—will require about 200 men in the field at harvest, and about 200 men in the manufacture. These men would be required—200 in the field, and 200 in the manufacture—during the period of crushing, about four months in the year. It will be a very unfortunate thing if the employers of labour should have to go out of the country to get men. If we had the right kind of men here they would be able to make use of them. The men, after they had reared the crop, would turn to and cut it for the Companies in organized bands ; then they would turn to and manufacture it ; then they would go home and bring up the next crop. Now, the men appear not to be disposed to go out of their way to do this work, or they are such people as cannot be confided in ; and consequently the manufacturers are thinking—at least I believe so—of going out of the country to get the labour they want for that particular purpose. Then we may have the difficulty of a number of men introduced for that particular purpose, but of no use all the rest of the year.

545. The European population is not unsuitable to the growth of the sugar-cane ? Not in New South Wales.

546. That is not the reason why the manufacturers are disposed to get men from China ? No.

547. You speak of the lands to the north as being peculiarly suitable for the growth of the sugar-cane, and products of that kind—Is it not the fact that the lands to the south and west of Sydney are equally suitable for large crops of cereal products—wheat, and other kinds of grain ? I think so.

548. So that, taking the various districts of the Colony, south, west, and north, for one kind of product or another, is there not a very large opening for the employment of very considerable numbers of industrious families ? I think so. Families : I rather take hold of that word as indicating the best kind of immigration you can have. Families, not individuals ; individuals more for supplying casual labour ; families more for settling the land.

549. In fact you would look to immigration as a means of colonization rather than as a means of merely supplying labour ? Just so.

550. Have you at all thought upon the extent to which the Government might interfere to supply the means for introducing an industrious population—what numbers might be brought here per month or per year ?

year? I cannot say that I have made any reliable calculation on that head, but I should think we might H. Reed, Esq. take them at the rate of 10,000 a year.

551. And possibly go on increasing, as the first-comers might pave the way for larger numbers as they 29 Mar., 1870. themselves became settled? Yes.

552. From what you know of the circumstances of the English farming class, do you think there would be any difficulty in getting that number to come to New South Wales, provided the Government assisted the parties in providing the means of coming here? I think there would be no difficulty in getting that class from England; and, if you did not confine yourself to England, Germany offers a very good field for emigrants of a very high and desirable character—well educated, well trained men, and men of great industry. We have numbers of them in the Colony, and they are all doing well, as a class.

553. Do you know anything yourself of Germany? Yes.

554. Have you been there? Yes.

555. You speak from personal knowledge that immigration could be induced from that country? I do; and I speak from my observation of Germans here. Contrasting them with the Irish, there is no comparison as to the results which they have been able to accomplish here.

556. You think that in reviving a system of immigration it would be desirable for the Government to direct its attention to Germany? I think so decidedly.

557. Do you know anything of Scotland? I do, but not so much as of England.

558. Has the subject of the means of bringing these people to the Colony ever occupied your attention—I mean as to the mode in which the Government could bring the immigrants to the Colony, or the pecuniary means which they ought to provide for bringing them? We have been accustomed to be influenced in our notions of immigration by the ideas of Mr. Wakefield; and his objection to a land policy—that is, giving away the land as an inducement to immigrants—was good as long as it could be held to, but now that we have to frame our measures in relation to the measures which have been taken by other countries, we shall have to depart rather from his idea, I think. We find that by the Homestead Law of America 160 acres are given to any individual, any man of twenty-one years of age, who will go and take it up in the West of America; and we find the other Colonies, New Zealand and Queensland, are running us hard. We must, therefore, come somewhere near to them, if not altogether up to them, if we are to obtain immigrants; and it appears to me that we must adopt somewhat the same system, that is, a land order system. About 40 acres appears to be the run of these land orders from New Zealand and from Queensland; and I do not suppose we can offer anything less with advantage to ourselves. We have not advantages over them, though perhaps we have advantages over America in the eyes of English people, but we have not in the eyes of Germans; I think they would rather go as a rule to America than to a British Colony. I think that immigration here ought to take various forms—to take the land order form, the assisted immigration form, and the free passage form, the free passage relating generally to females. As far as I know the agricultural districts of England—and I think I know the whole of them—there would be no difficulty whatever, if the objects of the Colony were only properly represented. In order to make any immigration scheme really successful it must be backed up and accompanied by a most patient and efficient agency in England. These agents appointed ought to be men who are intimate with the people; it is of no use sending any one who is not; they all want to be approached in their own way. You know all classes of men, and particularly all classes of workmen, have their own peculiar modes of thought and feeling, and it is necessary to come at them through those modes of thought and feeling, and it is of no use sending a man amongst them who does not know them.

559. Then I suppose you would rather select these sub-agents, that is subordinate agents to the Agent General, from persons in England who know the peculiar views of the people whom they have to address? If you can get men who know this country and also know them, these will be the most desirable to get hold of.

560. *Mr. Hoskins.*] At all events, I gather that you would prefer to do away with the Charles-street Agency altogether? I think so.

561. *Chairman.*] Not even using them as a means for taking up ships and providing passages after the emigrants have been selected? They might be of some use. It is a very necessary thing to make all preparations for emigrants on their arrival at the port of embarkation. That should be most decidedly one of the objects.

562. They should not be kept waiting for a ship and wasting their means? No. And there should also be great attention paid to them on their arrival in the Colony—there should be no difficulty or anxiety in their minds as to where they would go and how they are to get on. I hear that many of them are very much disgusted with the mode in which they have been treated elsewhere—I will not say where.

563. No means were used for distributing them through the interior? None whatever; they arrived, and they had to get on how they could. The Colony appeared to think that having introduced them that was enough for them; but I do not think that should be the way they should be treated.

564. You think something like a welcome and some guidance as to the direction they should take, and assistance in reaching particular districts, would be a consideration? Yes. In England there ought to be the means of giving them all information. There is absolutely no information about New South Wales in England now—none, but what comes from the correspondents of the papers in this Colony. I was endeavouring to obtain information at one period, and I really could not put my hand on anything. There was no office—nobody to give any information at all.

565. There would be no use in giving them information unless they were provided also with the means of paying their passage? There must be that also, but there must first be the information. There must be the reason why they should come here. Inasmuch as there are many other agents in the field, it is the more necessary we should look up very carefully our own inducements and arguments, for people who are intending to emigrate, why they should come here. I think there should be a treatise written which would put forth the reasons which should influence intending emigrants to come to New South Wales. I think New South Wales might put out as good a programme as any other of the Colonies in Australia, but she is “rather backward in coming forward,” as they say.

566. Is it your opinion, from what you have seen and heard of the Australian Colonies, that New South Wales offers as good a field for an immigrant as any of the adjoining Colonies? I think so, quite.

567. You are connected with the Agricultural Society that has been formed here? I am.

568. Does your experience of that Society show that, by information distributed among the agricultural interest, and in other ways, the standard of farming here will be improved? I think so, most decidedly;

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- H. Reed, Esq. it can hardly be otherwise. The great principle of an Agricultural Society is contrast. We bring annually a great number of people together, and we say look on this, and look on that; look on what high culture will do, look what moderate culture will do, look what no culture will do. We have all kinds at an agricultural exhibition. All are admitted as competitors for prizes. Those that think they are producing the best often find that they are a very long way behind, and they go home to amend what is deficient, if they can, coming out again next year with improvement evident in all they bring with them.
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569. Do you find that a wholesome spirit of emulation and competition is being engendered? Yes, it is very keen indeed. I believe, for instance, that there has been a great stimulus given to the introduction of pedigree animals from England in consequence of the working of the Agricultural Society.
570. High-bred stock? Yes; it also has the effect of introducing agricultural implements to a large extent, which are not used as much as they ought to be here, but it is only because people have not had opportunities of seeing them.
571. No system of farming has ever yet been introduced? No.
572. Just scratch the ground and throw in a seed? That is all.
573. You are aware that the yield of wheat during the last three or four years has been very much increased, so that the necessity for importing from abroad has almost ceased? Yes, to a large extent; but that is in consequence of the increased area under wheat.
574. In fact it has increased in consequence of free selection, I suppose? I have no doubt that has acted to a certain extent; but I believe free selection—I may say so now you have touched upon it—has been the means of much injury, by dispersing a class of people who ought rather to be kept together than dispersed, in order to be mutually helpful. Any immigration system, I think, ought to be accompanied by a system of agricultural areas, in which immigrants having land orders might be able to settle. In this way the people would be as much as possible kept together, and they would have the advantages of good roads, good education, good markets, and all the advantages that result from concentration. When thus mutually helpful they get more out of their labour than they ever would do when isolated, perhaps with no roads, no schools, nothing except what the Government may provide for them at vast outlay. Under the present system they do not reap the results which they would do if they were more together.
575. Do you not think that it would be more acceptable to the immigrant to feel that the whole Colony is open before him, instead of our saying to him, go to this or that particular spot. No, I think not; I do not see that that would be necessarily so. If he chose he could dispose of his land order, and go elsewhere—there would be no hindrance to him. Some other person would be very glad to take up the land order and occupy the position intended for him, if he had any objection to do so.
576. But the object would be to induce him to settle? I have no doubt that would be the effect as well as the object.
577. Are you not aware that, by the natural force of circumstances, free selectors have in several instances made such settlements as you speak of themselves; for instance, in the Yarrawa country near Berrima, and in the district of Orange, and in various localities in the south and west, more especially on the banks of the Murrumbidgee, and on the Clarence, Richmond, and other rivers to the north; that in all these places large settlements have taken place by the voluntary selections of parties? That may be so in particular cases; but I am also aware that the reverse of that has taken place to a very large extent, and that our criminal expenses have been very much augmented in consequence.
578. Do you not think too much has been made of that—Is it not almost inseparable from the large extent of country and the peculiar character of some of the districts? It is inseparable from the scattered condition of the population.
579. Could you altogether prevent that—Even though we laid out agricultural areas you would not prohibit persons from making selections through the country? No, I think not. But it appears to me that if the Government exercised a wise discretion in the matter and gave the people inducements to settle on agricultural areas, they would do so as a rule. There might be many who would not, but I think the great bulk of them would.
580. Would not that system imply previous survey? Yes.
581. Are you not aware that one of the strong arguments for free selection was the backward state of the surveys, which prevented people from getting land, and in consequence their means were frittered away while looking for locations? Yes, I am aware of that.
582. *Mr. Lloyd.*] You have mixed a good deal among the manufacturing as well as the agricultural population of England? I have.
583. Could you tell us what would be the difference between the condition of the agricultural population in England and their condition here, as to circumstances? Agricultural labourers in England may be divided into two classes. Run a line right across England from east to west, bisecting Warwickshire, and you may take the average wages of able-bodied skilled workmen, north of the mark, at about 15s. a week, and the average wages of those below the mark, that is, south, at about 11s. a week. There are some districts much under that, but on the whole that is about the average rate.
584. Without food? They have to find their own food; that is the universal custom in England; the other system has altogether gone out.
585. Are you prepared to say what, in your opinion, they would get here—these same labourers? Those of the higher rank would get £1 a week and food, out in the country districts; nearer the towns they would get more generally.
586. What would be the difference in the condition of the manufacturing population, those that would be suitable for this country—what are they getting in England, and what would they get here? There would not be so much difference with them. Just at the present time there is a good deal of poverty and distress at home; but usually the operatives in the cotton districts have not much difficulty, with their families, in earning £3, £4, and £5 a week. We should not be able to make very much (if any) improvement on that. In some cases, at particular times, they are in comparative or actual distress; and that is where an immigration agency existing in the country is so extremely necessary, because it takes advantage of times of depression. Just when there comes a hitch, a falling off in Continental or other orders, the manufacturers work half time, and a number of people are thrown on the Poor Law who are not paupers by birth or by any means. There is quite a difference between that class of people and the ordinary paupers. In England it is said there are about a million of paupers; and it is generally supposed there are about a million

million more just on the verge of pauperism, and if there is any hitch in the manufactories down they go into pauperism just for the time being; then a revival of trade raises them up again. They have no fall back, as a rule.

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587. *Mr. Hoskins.*] Are these the operatives earning from £3 to £5 a week? These are not exactly the people who earn from £3 to £5 a week; but as a rule those who earn the largest wages are not always the best off. In the iron districts it is known to be so. They only work about three or four days a week.

588. *Mr. Lloyd.*] You think there would be no difficulty whatever in getting the number of immigrants we want. With regard to the agency, would you recommend an agency that would visit from house to house, or would you adopt a more popular mode? I would recommend both modes. I would recommend lecturing—calling meetings together, that is to say, and talking to the people in mass, after they had had a little conversation from house to house; but house to house operation I think would be very successful. It would be best generally to get hold of the officers of the parish—the guardians of the poor—and get to know the families most likely to emigrate. I was a Guardian of the poor in one parish; I knew all the people's circumstances—I could tell you the history of them all, and could have informed any agent whether it would be of any use for him to apply to any one of them. I have no doubt that if men knowing England and having the same sort of intimacy with the habits of the people, were to go, they would very soon ascertain what families were likely to come out.

589. You are aware, I suppose, that there is considerable interest existing in England at the present moment with regard to emigration? Yes.

590. And that we have no agency to take advantage of that excitement? Yes.

591. Do you think we shall lose anything by that want? I really do. Victoria, Queensland, New Zealand, and America all have their agents in the field, and of course they will begin at once—in fact they have begun. There will be two cargoes out in Victoria before we could get an Act into operation, or even into Parliament.

592. Then you think it very desirable that any steps that may be taken in this matter should be taken at once—that no time should be lost? I think so.

593. *Mr. Hoskins.*] You say you think that in our agricultural districts immigration is required—Do you mean an immigration of labourers only? No, I do not mean an immigration of labourers only. I mean also an immigration of men having a small amount of capital. In some cases I would advocate an immigration of men who had no large amount of capital, or no capital at all, but who had large families. But there are many persons in the agricultural districts of the Mother Country who, from various causes, by their own industry or by other means, have become possessed of £100, £150, or £200; and that class of men, if they were canvassed, if they saw the benefit which would arise to them, would, I have no doubt, come here.

594. You would not apprehend that such persons immigrating here would engage as farm labourers? No; but they would engage labourers, and become settlers themselves.

595. How long is it since you left England? Three years ago.

596. Are you conversant with the state of things that prevails in the agricultural districts of England? Yes, very.

597. Are you not aware that great competition exists among farmers to rent farms there? I am. The reason is that there is a great indisposition in Englishmen generally to go out of England, and you want to put a good case before them to induce them to do so. It is of no use going with a lame case, because they will not come. They would rather remain at home on 10s. a week than come out here or anywhere else for £1, unless they have good reason for it.

598. I am speaking of tenant farmers, not farm labourers? Yes. I only put that as a proportional illustration. There are men of the class of tenant farmers who go on from year to year, earning no more than 5 per cent. upon their money, and quite content to do that, unless any strong impulse comes. They have their own round; they go to market every week, meet the same people, and do not like to break away; and so they become competitors for the farms in their districts, even when they cannot make 5 per cent. of their money.

599. They pay high rents in many cases, and have very severe terms exacted by the landlord? Yes.

600. These persons are generally conversant with the improved system of farming, are they not? There is a great deal of difference in the different districts of England in regard to that. There are only certain districts in which the system of high farming prevails. They are all bound by their leases to follow one form of high farming, that is rotation of crops; but beyond that there is a great deal of difference. High farming, we will say, means the employment of £15 of capital per acre; but the average investment of capital in the land in England does not reach £5 per acre. You see there is a vast deal of difference between the highest and the lowest.

601. Is it not the fact that the owners of large estates are getting rid of the class of smaller tenants and dividing their estates into larger farms? That is the tendency, to a large farm system, as a whole.

602. Will not such a state of things culminate in many of these persons who have been renting land having to look out for some fresh industry or location? There is a very great disposition in farmers now in England to dispose of their boys otherwise—to take them out of farming; and I think amongst the class of farmers who are looking out to give their sons a good position, and who have some money to give them, perhaps not much, many might be induced to give heed to the offers of the Colony with regard to immigration.

603. Do you think then that parents would come out and bring their families with them? I do not know that. Most likely they would send out the young men with £500 or £1,000 each, if they could see their way—if inducements were offered to them—if you went to them and just quietly talked the thing over with them, as the Colony would do through an agent.

604. Do you not think that would be a very desirable class of immigrants? Most decidedly that is the most desirable class, if you can get them. Of course you must have the others in proportion; but that is a class which of course would not cost us anything, and would be highly desirable to get hold of. I have in my mind's eye a good many of that kind of men who would come out if properly approached.

605. Could you suggest to the Committee any means by which we could attract that class of people here? You could only do it through the means of some good publication on the Colony, and the personal agency of some one who knew the Colony and also knew them.

606. We have had an agency tried and proved to be ineffective, in the case of Mr. Parkes and Mr. Dalley? They had not the inducements to offer, and very likely did not go amongst these parties. I never heard of them when I was in England—never heard their names mentioned. I can fairly say I never remember to have heard of either the one or the other of them, and yet I was always moving about.

607.

H. Reed, Esq. 607. I presume you are aware that a number of these people go to Canada? Yes. The climate is against them there very much.

29 Mar., 1870. 608. And the distance is against them coming to New South Wales? Yes.

609. Do you not think that if we offered some special inducements, other than merely sending immigration lecturers, we might divert that stream to this Colony instead of Canada? I believe the land order system would do very much towards that. If you were to say to a man, under these circumstances—If you come here and bring your men (of course paying for them) we will give you so much land in compensation, I think it would be a strong inducement to him to do so.

610. You spoke of the Homestead Law in America, which I presume you are aware has attracted large numbers of people? Yes.

611. The quantity of land given is 160 acres? Yes.

612. Why reduce it to 40 acres here, as you have suggested? I merely mentioned 40 acres because that is the amount fixed by other Colonies, and they are able to attract people.

613. As immigration of a desirable class is what we very much require in the Colony, and land is a drug comparatively speaking, do you not think that if we gave each man 320 acres it would result in benefit to the country, seeing that they give 160 acres in America, which is nearer to them? I do not see any reason why we should put it at 40 acres particularly, only that we have been guided by those around us. We ought, I think, if we are anxious to obtain colonists, to go rather beyond their terms. How far beyond their terms I am hardly disposed to say on the present occasion. I am aware the land has no value until you put something on it. Labour on it makes it valuable, otherwise there is no value attached to an acre of land that I know of; consequently I do not know that we need stop at 40 acres. In fact I do not think we ought to stop at 40 acres, if 40 acres will not bring the people we want.

614. Do you think 40 acres will bring the valuable class of persons you have been describing? If you come to put it at 40 acres for each individual of a family it alters the case considerably.

615. Suppose they are young men? If a young farmer brought out half a dozen men I should let him have 40 acres for each person.

616. Suppose he happened to be one of these young men of whom you have been speaking—a son of a farmer at home, with £500 of capital,—do you not think it would be beneficial to us to adopt here the Homestead Law of America, that has proved so attractive to persons in Europe? I am hardly prepared by previous thought to answer that question. I do not see why not, but I should rather not answer the question without giving it a little more consideration.

617. At all events I infer, from what you have said, that contemporaneously with the immigration of agricultural labourers you would like to see the immigration of farmers with capital? Yes; and upon a system which does not immediately cost the Colony very much, not in cash I should say.

618. You are not apprehensive that if too many persons engage in agricultural pursuits the price of cereal products will become so low as to be unprofitable? If we engage them, or if they become engaged, as they will by instinct, on those crops for which there is a very large market, such as sugar, rice, and so on, I do not think their occupation will become unprofitable; but it might be so if they engaged, as instinct will hinder them from doing, on products for which there is no market.

619. You had no knowledge of the system of immigration previously in force here? No.

620. Are you aware that the Registrar General has, in his estimate of the population of the Colony, represented that there is a disproportion of the sexes of some 46,000? I am.

621. Do you not think the first thing to do, in establishing a system of immigration, would be to attend to the equalization of the sexes? That is why I advocate immigration by families rather than by single individuals.

622. Do you not think we ought, first of all, to bring some single females, of good character, to the country, to endeavour to equalize the sexes? I think that might be done at once and very advantageously. We are at present wanting in this Colony females as servants to a large extent.

623. Even if these immigrant females became wives, would it not tend to attach the people to the country? Yes.

624. Do you not think there would be less emigration from this Colony to California if the sexes were equalized? Yes, I think there might be.

625. Are you acquainted with the wages paid to workers in iron in this city—say, for instance, to blacksmiths, moulders, engine-fitters, pattern-makers, and kindred pursuits? I do not know that I can charge my memory with the average at the present time, but there is a good deal of variation from year to year.

626. It has been given in evidence by Mr. Whitton, before the Railway Committee, that some blacksmiths receive 15s. a day, and from that rate varying down to 10s.? If any one had asked me about that I should have said the average was about 12s.

627. Are you acquainted with the rate of wages paid to that class of mechanics in England and Scotland? They get from £2 to £3 a week in England.

628. I apprehend you have read the accounts of the misery and distress that have prevailed amongst that class of mechanics, especially in London on the Thames, on account of the decline of ship-building? My answer did not refer to the condition of things at the present time, but to the average of prosperous times.

629. But the present are not prosperous times? No, they are not; I am aware of that.

630. Do you not think that if we offered inducements to that class of persons to come to this country, they would improve their condition, having regard to the cost of living, and be a great acquisition to the country? I think they would, because there is more room for the children here and not such severe competition.

631. You think they would improve their condition? Yes, I think so. The work is more regular. In England the work is very irregular; there is a good deal of half-time work, from the irregular supply of orders; and rain is allowed there to make a very great difference—much more difference than it is here perhaps. A rainy day sends a vast number of men home, and there are a great many rainy days in England.

632. When you take into consideration the low price of meat here, the fact that bread is seldom much dearer than it is in England, that groceries are nearly about the same price, that clothing is very little dearer, and house-rent a trifle dearer—? House-rent is very much dearer.

633. Admitting that house-rent is the only item dearer, do you not think such persons, the workers in iron, whether from England or Scotland, would much improve their condition by coming here? Yes, but not so much as the agricultural labourers would. 634.

634. Do you not think that, having regard to the great facilities this port offers for the building and refitting of vessels, it would be a very great advantage to us if we could get a larger supply of that kind of labour here? Yes; you mean iron-workers. H. Reed, Esq.
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635. Workers in iron, ship-builders, and so on? Yes, decidedly; we have great opportunities of making use of our harbour here, and we ought to do the best with it.
636. Now do you not think that, even though the wages of persons following these pursuits in this city were slightly diminished, they would still be much better off than in the Mother Country? Yes; and the incidence of taxation would be extended; it falls upon a greater number, and would not be so much felt by individuals.
637. There is another class of labour in superabundance in England, shipwrights? It has been of late.
638. Are you aware of the wages paid to shipwrights in the Colony? I have heard that shipwrights' wages are very high here—higher than those of iron-workers.
639. 12s. a day for eight hours? I should have thought it had been higher even than that; I was going to say 13s.
640. Are you acquainted with the rate of wages paid in Great Britain, not only on the London river, where very little ship-building is done now, but in Scotland and other places? I do not think it is much more than half that.
641. Do you not think that, if we resumed any system of immigration, it would be for the benefit of the immigrants, and also for the benefit of the Colony, seeing the admirable resources of this port for ship-building, if we induced a number of persons to come out to this Colony as shipwrights? Yes, I think so. We should have to assist them by actual cash advances.
642. You think great benefits would accrue to the immigrants as well as to the Colony? Yes, as long as it was not overdone. It would have to be watched carefully. It should not be allowed to fall into the condition which they have fallen into at Adelaide, where they have introduced more of a certain kind of labour than they want.
643. *Mr. Lloyd.*] Do you think it follows as a matter of course, or not, that the introduction of population would reduce the present rate of wages? No, I do not think it is a matter of necessity at all.
644. You think the introduction of the employers of labour might be in proportion to that of labour itself? Up to a certain amount it would tend to raise rather than depress the rate of wages.
645. *Chairman.*] I apprehend you keep up your correspondence with your friends in England? I do.
646. Can you state, from what you hear through them, that the feeling for emigration from the Mother Country to the Colonies is on the increase? I think so certainly.
647. And therefore this would be a favourable time to revive immigration? I think so, certainly. All the evidence I have is thoroughly confirmatory of that view.
648. Can you state any particulars with regard to the operations or proposed field of action for the Emigration Societies that are being established in London now,—do you think they are likely to be successful to any great extent? Yes, I think they are; and it would be well to co-operate with them, I think.
649. You think they might be used to co-operate with our agents? I think so decidedly. I suppose you are aware that there has recently been an effort to move the superabundant agricultural population out of the Southern Districts of England into the Northern. There is a large surplus population in Hampshire, Dorsetshire, Devonshire, and Cornwall, which is very badly paid; and there has been an effort on the part of some gentlemen who take an interest in the working classes to get them engagements higher north at higher wages. That has been going on recently to a very considerable extent. I should think in these districts a good deal might be done by an agent. Perhaps I may also remark that the most recent evidence on the agricultural population of England shows that the adult labour needed for tending 1,000 acres of pasture land is twenty persons, and that the actual number of adults just doubles the number wanted. That is a fact to show that there is a very large surplus of the particular class of labour that is wanted here.
650. If the means of paying passage money were provided, you think there would be no difficulty in getting what we require? Not if the right kind of agents were appointed.
651. If you can afford any further information or make additional suggestions the Committee will be glad to receive them? I think that the Committee, before reporting on this subject, should turn to the Queensland Act, wherein it will be seen that particular inducements are afforded to sugar and coffee planters to settle. Several planters from Bourbon, the Mauritius, and the West Indies are, I hear, passing through New South Wales to avail themselves of the opportunities afforded. At the price of 15s. to be paid on easy terms, cultivators of this description may take up not less than 350 and not more than 1,250 acres. As many of them will desire to bring coolie labour with them, it should be considered whether any advantage shall accrue to them for so doing, and some attention should be given to giving effect in the Colony to labour engagements made before consular authorities in other places.

THURSDAY, 31 MARCH, 1870.

Present:—

MR. BROOKES,
MR. COWPER,

MR. KING,
MR. LLOYD.

GEORGE ALFRED LLOYD, Esq., in the Chair, *pro temp.*, pending the arrival of
THE HON. CHARLES COWPER, Esq., C.M.G.

Mrs. Mary Anne Pawsey called in and examined:—

652. *Chairman (Mr. Lloyd)*: You have been some time in the Colony? Upwards of thirty-eight years.
653. And you are at present engaged as a labour-agent? Yes.
654. For female labour? Both male and female,—principally female.
655. Have you a large demand at the present moment? A very large demand.
656. Much larger than you can supply? Yes.

Mrs. M. A.
Pawsey.

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657.

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657. Where does the demand principally come from—from the country or from the town? From the country—not so much from the town.
658. What are the wages you are offering at the present time? Very high wages for the country, and still they will not go. I am offering for cooks as high as £40 and £50 a year.
659. And for other servants? The lowest is £26 a year.
660. Then the wages are from £26 to £50 a year? Yes.
661. How many do you succeed in getting rid of in the course of a week,—do you get rid of all that apply? All that apply for the country.
662. All that are willing to go to the country you can find situations for? Yes, and for three or four times the number.
663. What is the demand principally for? For female domestic servants, general servants, cooks and laundresses, nurses, and every description of female servants.
664. Have you had many applications from those that have lately arrived in the Colony? There have been no late arrivals.
665. Are there no servants finding their way out from England? I do not think there have been half a dozen within the last two years.
666. If there had been, you would have known something of it? Yes.
667. Is it not remarkable that while wages are so high here and so much less in England, they do not find their way out here? I cannot account for that, except that they have not the means to come out. I suppose they would come out if they had any inducement offered in the way of passage.
668. You think they would come if they had the means? Yes.
669. With the wages they get in England they could not pay their own passages? No; it would take them years to save as much.
670. Have you formed any idea of the number that could find employment if they were to come? I should say that within this year 2,000 female servants would not be too much. I have upwards of fifty orders from the country now, which I am unable to supply, from various parts of the country.
671. Are many of these orders from townships in the country? Yes, from such places as Tamworth and Mudjee.
672. You think that if the means of coming out were offered to female domestic servants, there would be no difficulty in placing a very considerable number immediately on their arrival? Not the least. But if I were asked my opinion about the former way of bringing out immigrants, that is to say, by what was called assisted immigration, I would not recommend it, because many were brought out under that system who were quite incapable of doing any work whatever.
673. Supposing the Government were disposed to assist the immigration of female domestic servants, what course would you recommend? I would recommend paying the passage money for them when they arrived here, instead of their friends paying the money here and sending for them. I have had experience of the females brought out in that way, and in many cases they were of no use at all. The passage tickets were often sold, and people who were perfectly incapable came out with them. In fact, I could point to two or three, who are now in the poorhouse, that came out in that way.
674. If the Government were to pay the entire passage of female domestic servants, I suppose you would recommend that they should be selected in England? Yes, and very carefully selected.
675. Had you any experience at all of those who arrived by the last ships that came out here with immigrants? From every ship I had some.
676. On the whole, did you consider they were women of tolerably good character? They were women of good character, but not capable of service.
677. That was under the system of assisted immigration? Yes.
678. Under the plan which you now condemn of people sending from here for their friends and relatives? Yes.
679. Which I suppose they did without the slightest reference to whether they could gain their living or not? That is just what they did. Many of them spoke to me in such a way as this:—"My sister had no right to bring me out here; I never as much as washed my own pocket-handkerchief; I thought I was coming to independence here." I am sure many of the unfortunate girls on the streets at night were brought out in that way.
680. You think that if they had been more suitable for service they would not have been occupying the position they are now? No, not if they had been suitable for servants.
681. And the reason they are reduced to so degraded a position is that they are not able to earn their living by labour? They are not able to earn their living because they have never been taught service. Provided a careful selection were made at home, I think at least 2,000 female servants of good character could be engaged within the next nine months of this year.
682. You have been so long away from England that I suppose you are not able to give much information as to the number of persons that would be inclined to emigrate? I am a native of Scotland. I know that in Scotland female domestics are of a very superior character to those we meet with here.
683. Would it be possible to get them from Scotland? It would be possible if any person went to the right places. In the West Highlands of Scotland there are hundreds of hard-working young women who would be glad to come out.
684. Have you any idea what wages they are getting? £3 or £4 a year, and they clothe themselves very comfortably on that; they always look respectable and neat.
685. Is that the rate of wages there now? Yes; £3 the half-year is considered the very highest wages, except for professional cooks, and very few of these will emigrate.
686. You think there would be no difficulty in getting a number of these girls from the north of Scotland? There would not—from the Isle of Skye, and Inverness-shire, and about Dundee.*
687. Would you suggest that any agency that this Government might employ should have agents to travel round there, to induce these girls to come out? Yes, it would be advisable. 688.

* NOTE (on revision) :—I did not mean to say that Inverness, Skye, and Dundee were the only places where good servants could be obtained. Sutherland, Ross, and Argyllshire, also Forfar, Angus, and Aberdeenshire, those are all north of the Tay; Stirling, Perth, and Fifeshire; and in the south and east, Dumfries, Berwick East, and Mid Lothian. But I would not recommend Glasgow, as the single women are mostly those employed in the weaving, spinning, and thread mills; they are not of the class that would suit the Colony. Ayrshire is a place where the best dairy servants could be got, as it is a large butter and cheese producing country.

688. Are you at all aware of the wages ruling in England or Ireland at the present moment? I know in former times they were very low.
689. The information you are giving us now I suppose you get from some of the girls that have come out lately? Yes; about three or four years ago sixty or seventy Highland girls came out in one ship. They were sent for by their friends. They are nearly all married and settled now. I do not think there are three of them to marry.
690. Do you find that servants that get employment from your office get married in a short time? Yes, many of them do, the greater number of them that go into the country.
691. And I suppose want servants themselves? Some of them, not all.
692. *Mr. Jennings.*] You say you have some experience of the wages in Ireland? Yes.
693. In what part of Ireland? Dublin.
694. That was sometime ago? Yes, very many years ago.
695. You do not know what the ruling rate is there now? No.
696. I understood you to say that from about £25 or £26 to £50 was the ruling rate for female servants, taking into account their duties? Yes.
697. I suppose the lowest rate would be for nursemaids? Yes, except for little girls. I am speaking of grown up girls—nursemaids, housemaids, and parlourmaids. From 15s. to 20s. a quarter is the very highest rate they were getting in Ireland.
698. *Chairman.*] Would you be kind enough to tell us the wages being received at the present moment by the different classes of servants, from the lowest to the highest? The lowest is for nursemaids, about £20; for nurses, from £26 to £30; house and parlour maids, from £26 to £30; cooks, from £30 to £50; laundresses, from £30 to £40.
699. And these rates could be readily obtained for any reasonable number? Yes.

Mrs. M. A. Pawsey.
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The Hon. John Hay, Esq., a Member of the Legislative Council, attending by leave, examined:—

700. *Chairman (Mr. Lloyd).*] You are interested in banking and pastoral pursuits? Yes.
701. And have been many years in this Colony? Yes, upwards of thirty years.
702. Is it the fact that the interests of the Colony are at present suffering from very serious depression? I think many of the interests of the Colony are; the pastoral interest especially is very seriously suffering.
703. You are aware that this Committee has been appointed to consider the propriety of resuming a stream of immigration. Is it your opinion that the introduction of a judicious stream of population would tend to restore these interests and to improve them? I have no doubt that, putting it as you do, immigration judiciously conducted would have a considerable influence in restoring a healthy tone to all the industrial pursuits of the Colony. But I may state at once that I think it would require to be very judiciously conducted, and that an indiscriminate immigration is by no means calculated to do good to the Colony, looking both to its present and future interests.
704. Then I presume we may gather from that, that you consider it would be desirable to introduce those who are possessed of small capital as well as those who are seeking for employment—to endeavour to select that class of population if we can? I should not be so particular as to the requirement of capital. I think we do not want to introduce a single person who is not calculated to earn a livelihood for himself or herself, except in so far as it is desirable to equalize the sexes in the Colony as much as possible, and to maintain to a certain extent family ties. I think, if I may be allowed to state an opinion I have held for a considerable period, that of certain classes of people we have already too large a proportion. From the character of the immigration arising out of the gold discovery and otherwise, the proportion of those who live on others, and not by their own exertions, is far too great in this Colony, and beyond the proportion which in a well constituted society it ought to be. Of course we must expect that there shall be a large proportion of the women and children of the community who must naturally be dependent upon others; but there is a large proportion here of those who, from their age, ought to be not only self-supporting but ought to help to maintain others, who are themselves a burden upon the really industrious portion of the community. Any sort of immigration which will increase the number of that class—and an immigration not conducted with great care is very likely to do so—must increase an evil which is already much too great.
705. Could you suggest to the Committee any means by which we could obtain the class of persons that you think would be desirable, and not the class which you think would be objectionable? I am hardly prepared to suggest in detail any such arrangement, but I think regulations might be framed, which, with the assistance of an agency at home—the Colonial Agent, perhaps, with a Board to assist him—to act entirely in the interest of the Colony, might be depended upon to ensure the necessary care being taken in the selection of immigrants whom it may be desirable to introduce in one way or other at the expense of the Colony. The management of the ships, I suppose, may be left to the Emigration Commissioners of England. But I think we should have an agency at home entirely in the interest of the Colony to select and pass the emigrants.
706. Is it your opinion that there is a large demand at present for labour here, in the various interests of the country, agricultural, pastoral, and mining? I think that there is a large demand, but of a very irregular character. Somehow or other, the relations of capital and labour have become extremely unsatisfactory in this Colony. Although there is great room for labour, there is often a practical difficulty in disposing of any considerable quantity of labour suddenly thrown upon the market, and I believe that, *in proportion to our population*, the demand for agricultural labour is not so great now as it was many years ago. Agriculture has fallen into the hands of those who can hardly afford regularly to pay labourers, who are working altogether from hand to mouth, and who have not sufficient capital as a labour fund. I think there would be, in proportion to the population, much more difficulty now in taking up a supply of agricultural labour than there would have been many years ago. There were then large farms and a constant demand for agricultural labour, but there is no such thing now, as a general rule.
707. Is it not the fact that the railways are now tapping agricultural districts that never could be worked before, but can now be profitably worked—that are, in fact, this year sending their supplies to Sydney, but

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but have never been able to do so before—would not that create a demand for agricultural labourers which has never before existed? That is to a certain extent hypothetical. It depends upon how these farms are to be worked.

708. That question will be materially involved in the question I will put to you presently, as to the mode you would suggest to introduce these immigrants—do you think there would be any difficulty at present in obtaining a large stream of population from the mother country, or from other countries that appear to be over-populated—Germany for instance? There appears to be every probability that we might obtain plenty of immigrants even from the mother country alone.

709. You are aware that considerable excitement at present exists in England on the subject of emigration? Yes, I have observed that from the papers.

710. Does it not suggest itself to your mind, that it is a pity we have no agency at present to take advantage of this state of feeling? Yes, I think it very desirable that we should have such an agency.

711. That agency, you would suggest, should be in the shape of the Colonial Agent, with a Board to assist him? Yes, I think it might assume that shape, and should be selected very carefully, so as to have Colonial interests only at heart.

712. And to have a perfect control over every emigrant sent out here? Yes, I think that is essential. I do not think the Colony is in a position in which indiscriminate immigration would be of any advantage to it. I do not think it likely to be advantageous for the present, and very likely to be very hurtful for the future. Therefore, I think, in every arrangement with regard to immigration, we ought to provide for a careful supervision in the interest of the Colony.

713. Have you arrived at any conclusion as to what would be the most attractive mode of inducing emigrants to come out here, whether by giving land orders, or assisting in paying their passage, or by what means? I do not think it would be easy to lay down any one system. I think it might be desirable to place a certain sum* of money in the hands of such an agency as that which I have described, so that it might be laid out in connection, if that should appear practicable and advantageous, with such a movement as that which appears to be now going on in England. That is one thing which might be done. I think some money might also be fairly devoted out of the revenue to the establishment of more satisfactory arrangements here in connection with any immigration which might take place. It has always appeared to me, that we are rather too careless about the fate of immigrants introduced at the public expense on their arrival here; we do not take the necessary trouble to inform them as to the best means of disposing of their services, or help them in getting into those districts where their services would be most advantageous to themselves and the community.

714. Then you would suggest, in addition to the agency to select and ship them, an agency here to receive and assist them in getting comfortably settled? Yes.

715. That, in fact, as much care should be taken in providing for their distribution on arrival as in inducing them to come? Yes.

716. Would you be disposed to recommend that in addition to that, or rather as another system, we should offer land orders to those that would be disposed to come out and pay their own passage. It has been suggested by several gentlemen who have been examined here that we might offer land orders, of say 40 acres, to any parties who will come out at their own expense, as an inducement for them to make this Colony their home? Am I to understand that these land orders are to be inalienable?

717. The Committee, of course, have been simply taking the opinion of gentlemen on that subject, and those opinions differ. Some are in favour of the land orders being free for them to do as they please with, while others think that they should only be available for settling on the lands? If you give land orders to such an extent as 40 acres, I think you must be careful not to make these orders alienable. I do not see that any harm could arise from giving land orders to those who wish to pay their own passage out, that is to say, people of mature age, subject to the usual conditions of conditional selectors. I question if it would bring many people here, but it might bring some valuable immigrants; and I do not see that it could do much harm if it were made to harmonize with the land system in force in the Colony for the time being. You might, for instance now, give to any person, as I say, of mature age—for I think the plan of allowing children to select under the Land Act is an abuse which never could have been contemplated—40 acres of land, subject to all the conditions imposed by the Land Act, except the payment of the deposit and of the interest after the expiration of the three years. You might in that way obtain some of a good class of immigrants, but I do not think it would bring out a very great many. You might also give a limited encouragement in the way of land orders which should be transferable; but, in that case, I would not give as much as would pay for the whole of the passage money, but say three-fourths or something like that. I think in that way you might induce employers of labour to bring out people of their own selection, and I cannot conceive of any kind of immigration which is likely to be of greater advantage to the Colony than that. You in that way provide people whom those who have capital invested in industrial pursuits here think will be of the greatest advantage to them in carrying on these pursuits; and if they are likely to be of the greatest advantage to the capitalists who bring them out, they are also likely to be of the greatest advantage to the Colony. If they come out under engagement, they come under better auspices than they would do if they came out without capital merely upon their own resources. Their first stages of colonial life would be very much facilitated; in fact, I may state further, in connection with this subject, that I think the Colony might fairly assist as much as possible people engaged in different branches of industry other than mere agriculture, to bring out labour suitable for those particular branches of industry. I may state, for my own part, that I have been long of opinion that this country is not primarily or chiefly an agricultural country—that agriculture here ought rather to be the hand-maiden of other industries—that it is evidently, for instance, destined by nature for a great mining country; and that, from the large and accessible stores of coal which it possesses, and the facility of obtaining or growing on the spot the principal materials of manufacturing industry, it ought also to become the chief seat of manufacturing industry in the Southern Hemisphere. Having this in view, I think we ought not by any means to confine our views to the introduction of agricultural labour, but that we ought to be especially glad to assist

* NOTE (on revision):—What I mean is, that a certain sum of money should be placed at the disposal of our own Emigration Commissioner in England, available for the purpose of assisting eligible emigrants to this Colony in the best way open at the time or from time to time. At present, probably, it would be found most advantageous to act in concert with the Association which we are told has been formed, and is prepared to help the Colonies in this matter.

assist in the introduction, under official auspices, of other kinds of labour, especially skilled labour, as the demand arises for that labour; and I can conceive no better evidence of a demand having arisen, than when those engaged in such pursuits are willing to pay a certain portion of the expense of introducing men that will answer their purpose.

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(Mr. Couper, having now entered the room, took the Chair.)

718. Mr. Lloyd.] We have had evidence this morning that there is a very great dearth of female labour—would you be disposed to recommend that the Government should pay the entire passage money of female immigrants? To a certain extent, from time to time. I think the Government ought to take care, even independently of the question of labour, that female immigrants of good character are introduced as nearly as possible to balance the immigration of the sexes. At present, I have no doubt that it is very desirable, at the public expense entirely, to introduce a certain proportion of female immigrants.

719. To what extent would you be disposed to recommend the Government to assist? I wish to be understood distinctly, that with regard to female immigration, I place much more weight upon the propriety of keeping up a supply of that sex in order to balance the other, than I do upon the mere question of labour.

720. We have had evidence this morning, that in fact a number of female immigrants that has quite surprised the Committee could be absorbed at the present time. One of the principal labour agents has stated that 2,000 female servants could be taken off this year without difficulty? I would not be disposed to flood the female labour market. I like the young women to get pretty good wages.

721. You have stated that you would recommend the payment of the passage money of female emigrants, and to some extent the land order system,—would you recommend paying out of the funds of the Colony for the passages of any other class, families or male emigrants seeking employment and not able to pay for their own passages,—what I want to arrive at is, to what extent you would be disposed to assist in introducing that class of immigrants. I may mention that it has been suggested by several gentlemen here, that we should endeavour to make up the difference between the cost of a passage to America and the cost of a passage to this Colony—would you be disposed to recommend assistance to that extent? I may say that I understand that it will hardly be requisite at present, as arrangements may be made with the Society that has taken up emigration at home to assist us in that particular, and to pay some portion of the amount which is necessary in order to equalize the expense of a passage to the United States and a passage to this country. I think we might safely pay a considerable portion if not the whole of the expense of the passage of such persons of the labouring classes as our Commissioners should consider to be quite eligible, and I should certainly be indisposed to pay even a small percentage of the passage of those that they did not consider in all respects eligible, because, as I have already stated, mere population is not exactly what we want here. I am not one of those who think that it is necessary to people a country very rapidly, somehow; I would rather take some time to enjoy all the advantages of a new country the population of which shall be of a character likely to turn its present advantages to the utmost account and likely to form the nucleus of a great and virtuous people. I think we must look a good deal to the future, and not merely to the present needs of either capitalists or labourers. We cannot have too many good people able to earn their own livelihood, but we have too many now who have been introduced one way or other and who are nothing better than a burden upon the really industrious people in the community.

722. Mr. Brookes.] Have you given any consideration to the question of land areas upon which to settle an agricultural population in this Colony? Yes, I have at different times. I cannot say I have thought particularly about it of late. I have been accustomed to consider of late years that our land system had got into such a mess that it was pretty well hopeless to think of getting out of it.

723. In your opinion, a population settled upon agricultural areas would be preferable to a scattered population? I think it would have been so decidedly, but I am afraid the most convenient places, the fittest places for selection as agricultural areas, especially with reference to the settlement of immigrants, have become so absorbed in one way or other as to prevent us being in a position to place any body of immigrants upon them. I do not wish to be misunderstood. My idea all along with regard to the settlement of the land has been, that agricultural settlement ought to extend from centres, that it ought in fact to embrace areas enlarging and enlarging in proportion to the settlement upon those areas; and though almost forgotten now, I think it will be found by any one who takes the trouble to inquire, that a Land Bill which I at one time prepared embraced that as the leading feature of the scheme of settlement which was embodied in it.

724. That in reality would embrace a system of colonization as well as immigration? Yes, I think it would have that effect.

725. The public school, the church for religious ordinances, and other agencies of civilization, could be much better supplied to populations settled upon such areas? Quite so.

726. Would it not be desirable to so locate these persons that they could avail themselves of such advantages? Certainly.

727. It has been stated to this Committee that some 28,000 persons are located upon the land under the system of free selection, and that not more than 10,000 or 12,000 of such persons may be said to live in community or close proximity to each other—have you ever contemplated the possible effect upon their morals as well as upon their material advantages of such diffusion of the population? I may say at the commencement, that though I am quite sensible of the evils arising from the present mode of settlement, I think that statement with regard to the proportion of the conditional selectors who are living widely apart from one another must surely be greatly exaggerated. I think a very large proportion of the free selection—certainly the best part of it—nearly all that which has been productive of any good—has been made in localities in which settlement would have taken place apart from free selection altogether. But I agree with you so far as the question as to what may be called the first settlement is concerned. I think the dispersion of the population is extremely injurious to the prospects of the Colony in every way, not only in a material point of view, but to the moral character and civilization of the Colony, so to speak. It is impossible to follow these extremely scattered settlers, so as to retain them within the limits (I would say) of civilization. They must become more or less barbarous. Their industry is neutralized by the want of the ordinary appliances of civilization—by the want of the vicinity of tradesmen—by the want of markets and inter-communication with one another; and it is impracticable to supply them with the means of education and the means of religious training and supervision.

728. I presume you have a knowledge of the yeomanry class at home? Yes, I had an intimate knowledge of that class in my own country. Before I left home I was very much amongst them, having been

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been brought up in the country, and educated in the first instance at a parish school; and seeing a great deal of the farming class after I had grown up, I had, I think, a very intimate knowledge of the class of yeomanry.

729. Would it not be very desirable to locate a similar class in this Colony? I do not exactly know how to answer that question.

730. From my own observation, I look upon them as the most happy and virtuous population in the British dominions, and as subserving a great purpose in civilization in the production of that which is the foundation of all wealth. I asked the question with a view to elicit from you whether it would not be desirable above all things to establish a similar class upon the lands in this Colony? I think so; but I think we might improve upon them. I think they were capable of improvement, so far as I was acquainted with them. A greater amount of education might have done them no harm. Here we have made very great provision for education; and if we had the people living more in communities, less scattered, I think we might hope to raise a class quite equal to the yeomanry at home.

731. You spoke, in reply to Mr. Lloyd, of the undesirability of indiscriminate immigration—what did you mean by that term, may I ask? Immigrants as to the selection of whom no discrimination had been exercised—persons who, in many instances, have received no training such as to fit them for Colonial life, who are unused to labour, who are of no profession, and have no money; very often are castaways from families of greater or less respectability.

732. Would you deem it desirable to ascertain from the statistics of the Colony its resources and manufactures, the various kinds and numbers of persons engaged in different occupations, before sending for others? I presume that could be done.

733. I questioned whether you intended to imply something of that kind, so as not to over-do any particular interest on the one hand, and, on the other, to select those persons who could be the most readily absorbed in the occupations for which they were best adapted? I do not know that I have made myself clear in the answers I have given already, but I have wished to impress upon the Committee the desirability of assisting those who are engaged in the different occupations of Colonial industry to bring out the people who will be most likely to assist them in their respective employments. I think we are never likely to have an immigration arising out of a proceeding of that kind which will be otherwise than beneficial to the Colony. Every person engaged in any new industry might fairly be encouraged in this way.

734. I think I understood you to say you were in favour of the system of land orders? I have endeavoured to explain how far I felt that the system of land orders might be used under proper restrictions.

735. Have you become aware of the system of land orders which prevailed in Queensland? I have some general knowledge of that. I think they must have been too lavishly issued, for too large amounts, and without sufficient care in the selection of the immigrants brought out under this land order system. It strikes me there was an anxiety on the part of Queensland to introduce as many immigrants under that system as possible, and that the agent sent home to England for the purpose of supervising it acted on that principle—that he filled the ships without much discrimination.

736. Does it come within your knowledge that very few of these persons receiving land orders settled on the land in pursuance of these orders? I do not know enough of Queensland for that, but I believe a considerable number of those people have settled in Queensland. I saw a good deal of cultivation in Queensland when I was there. I was rather struck with the large extent of the cotton cultivation which we have been accustomed to hear was a failure, but it certainly seemed to form a considerable proportion of the farming, about Ipswich for instance.

737. Does it come within your knowledge at all that most of these land orders passed into the hands of agents and speculators for a very small consideration? I have heard that a great many of them were sold at a considerable discount, and were availed of by large purchasers of land. I think that in any arrangement for immigration at the expense of the Colony, whether by payment of money or by land orders, you should from year to year determine how much money you shall expend or how many land orders you shall issue. You could in that way regulate the matter so as not to perplex the Government. And I think, as I have said, that in no case should you pay directly or indirectly for the passage of immigrants who are not considered eligible by an agency which should be entirely in the interest of the Colony. By keeping the amount of the land order down to a certain point, something under the expense of the passage, you would prevent their coming into the market at a discount—prevent their being sold for less than their nominal value. I believe, in Queensland these land orders were considerably above what the shipowners could afford to send the people out for. The shipowners sold the land orders because they could afford to sell them for less than the value which they were supposed to represent.

738. Taking the circumstances that exist in England now—the vast numbers of persons desirous of emigrating, and the number making efforts to promote emigration—does it not appear to you that this Colony should outbid America and other places, in order to obtain our share of them? I cannot understand how we can possibly afford to outbid America if she chooses to lay herself out for the reception of these emigrants. We cannot equalize the circumstances of countries so differently situated.

739. I have ascertained from the papers that America has numerous agents at present in England, inducing people to go to the United States, and I should like to elicit if possible what your opinion is as to offering any means of counteracting those inducements and bringing the people out here? You have set me a task there which I cannot undertake. I do not see how we can equalize the circumstances.

740. Would paying the entire passage money of persons of a suitable class do? We must be careful to limit the extent to which we go in that respect, because we must not diminish our present resources beyond a certain limit for any future advantage, otherwise we diminish the fund we must depend upon for the employment of these people when they come here. The whole thing, I think, depends upon the time. It is a matter of circumstances, and the time will come—to a certain extent it has arrived already—when we shall not be so dependent upon immigration as we have been. We have now in the continental Colonies of Australia a million and a half of people, and we have altogether, including Tasmania and New Zealand, which are very much connected with us, the facility of passage backwards and forwards of the labouring classes being very great, something approaching to 2,000,000. The natural increase of these people, under favourable circumstances, will be very great; and I think, after all, the utilization of the population we have already in these countries is probably the most important thing to consider. At the same time, I think we may benefit by immigration judiciously conducted and of a character to be of advantage to the Colony. Considering the anxiety that now exists at home to assist the Colonies in this matter, I think we might secure a considerable amount of suitable immigration at a moderate cost, if we had

had such a well conducted agency as I have described. To avail ourselves of all possible advantages, we require to have an agency which can be intrusted with a considerable amount of discretion.

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741. Seeing that there is a disposition on the part of the British Government to promote emigration, and that efforts are being made to induce that government to advance Imperial funds for the purpose, would it not be a wise step perhaps on the part of the Colonial Government to approach the Home Government, and invite their attention to some scheme for bringing out emigrants under these auspices? I think that ought to be done by the Colonial Agent.

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742. Would it not be more effective if it were done by the Government itself than through an agent? I am afraid that practically the thing would not admit of management if dealt with in that way.

743. I do not intend it as superseding the agency, but only in the first instance to approach the Imperial Government officially, and then put in operation such agency as may be necessary to carry the matter out? I have not considered the matter sufficiently. I think, if the Home Government consent to take up the question of emigration, it will be on some general plan, in which any of the colonies who choose to avail themselves of it, and take the necessary steps, will be invited to participate. I think the most convenient way of approaching the Home Government is through the Colonial Agent, by giving him sufficient powers. He ought to be a kind of ambassador as well as agent.

744. *Mr. King.*] You have referred to a class that lives upon others, do you refer to that class in the interior that wanders from station to station without doing any work, and is supported by the station owners, or to the town population? I refer to both—in fact to all who being of an age to do so cannot or will not support themselves.

745. I understood you to say that the time for striking out agricultural areas had gone by in this colony? I do not exactly mean that, but I think we cannot derive nearly the same advantage from it as we might have done some years ago. I think matters have been very much complicated by another sort of settlement which has made many large portions of those tracts otherwise eligible as agricultural areas practically less advantageous than they might have been. A certain number of selectors have dotted themselves over the country and acquired certain rights, either legitimate or otherwise, to the intervening lands, so that those intervening lands are not so inviting, or would not be so advantageous for settlement, as they would have been if the system of agricultural areas had been commenced and carried out at an earlier period.

746. To that extent free selection has been an injury to the country? Yes, I think so; free selection before survey.

747. You do not think our Land Laws are such as really, from their inherent merit, would attract population from other countries? I think that has been tried. One of the great objects of the Land Law was stated to be that it would have that effect, and I believe lecturers were sent home in order to expound the principle; but the thing was a failure.

748. We have been informed that female immigration of a very desirable class might be obtained from the Highlands of Scotland; would you recommend that? I think, so far as we can have any practical control over the matter, it would be as well to have immigration of all kinds as nearly in proportion to the great divisions of the mother country as possible.

749. *Mr. Jennings.*] I think you stated that you consider a land order, if land orders are to be employed, should in some degree bear a proportion to the money that would be paid for a passage? Yes.

750. What number of acres would you consider an equivalent to the amount of money the Government would pay for a passage—presuming that the Government are willing to pay £10 towards a passage that will cost £14, what equivalent in land do you think should be set against the £10? I think I would make it a land order available in payment for land to that extent, whatever might be the price of land for the time being.

751. Do you consider it a legitimate proposal to borrow money for the purpose of carrying on immigration, or do you think it should be paid for from revenue? I think it should be paid for out of revenue. I am afraid of increasing the number of objects for which we are to borrow money.

752. *Chairman (Mr. Cooper).*] Do I understand you to say you would not revive immigration beyond the means which we should be enabled to provide out of the current revenue of the Colony? Only to that extent, and to such an extent as it might be thought desirable from year to year to issue land orders.

753. I was not fortunate enough to be here during the first part of your examination, and perhaps you may have answered this question already—with reference to Mr. Jennings' last question, do I understand you to say you would only give, under any circumstances, £10, or a £10 land order, to assist immigration. Perhaps I may explain that my question has reference to a system of granting homesteads, suggested by other witnesses—that, following the system adopted in Queensland, and I believe in Victoria, a certain number of acres should be given to each adult male, a certain number to the wife, and in proportion to the children of the family, as a kind of grant for a homestead—do you throw aside that suggestion altogether and merely propose to give a £10 land order? No. I think I stated that some desirable immigrants might be obtained by giving any person of mature age a right to select a farm of, we will say 40 acres, free of charge, but subject otherwise to the usual conditions of selection—I would give him a 40-acre farm out and out. But that would not be a transferable right at all, but personal to the immigrant. My own idea is, that I would rather have a moderate quantity of well-selected immigration going on from year to year continuously, than have an excessive immigration at any one time—then the whole question of capital and labour rights itself. There is no disturbance, and you are much more likely to retain that immigration which takes place than you would otherwise. But an excessive immigration at one time is apt shortly to result in a re-migration to some of the other colonies, and a continual disturbance in all the relations between capital and labour. As to the question of taxation which has been mooted (*referring to some remarks made in conversation*), I cannot for my own part see, so long as the revenue is credited with the money received from sales of land, how you can dissociate the two things; whether the money for immigration be taken from the land-sales revenue or from the ordinary revenue, it is really a greater or less inroad upon the pockets of the people of the country. If you do not take it directly out of their pockets, but take it out of the proceeds of the land which now relieves the draft upon their pockets, it comes to the same thing.

IMMIGRATION.

APPENDIX.

[*Handed in by the Chairman, and ordered to be appended, 12 April, 1870.*]

A 1.

33° VICTORIA, 1870.

A BILL

To provide for Immigration into the Colony of New South Wales.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Appointment of Agent-General and Emigration Commissioners.
Duties of Agent-General.

1. The Governor may from time to time appoint some person to be Agent-General for Emigration to New South Wales in the United Kingdom of Great Britain and Ireland and also any persons not exceeding four in number to be Emigration Commissioners for New South Wales in the said Kingdom.

2. It shall be the duty of such Agent-General to do all things in relation to New South Wales that the Governor may from time to time direct and to attend and preside at all meetings of the said Emigration Commissioners and with their advice and subject to the instructions of the Governor and the regulations made in pursuance of the provisions of this Act to do all necessary acts for the selection of emigrants and their conveyance to New South Wales and to make contracts for such selection or conveyance on behalf of the Government of New South Wales and generally to carry into effect the provisions of this Act.

Remuneration of Agent-General.

3. The said Agent-General shall be entitled to receive such salary as may be provided from time to time by Parliament and shall be required to give security for the due performance of his duties in the sum of *five thousand pounds* to be approved by the Governor or by some person by him duly authorized in that behalf.

Duties of Emigration Commissioners.

4. It shall be the duty of the said Emigration Commissioners to promote emigration especially from the United Kingdom to New South Wales and to consult with and advise the said Agent-General upon all matters relating thereto and such Agent-General shall not act without or against the advice of a majority of the said Commissioners present at a meeting duly held under this Act but if he dissent therefrom it shall be his duty forthwith to transmit to the Minister a statement of the advice so tendered to him and of his reason for declining to adopt the same.

Remuneration of Emigration Commissioners.

5. It shall be the duty of the said Emigration Commissioners to meet once at least in every month and each such Commissioner shall be entitled to receive for every meeting that he has attended the sum of two guineas but the entire amount payable to such Commissioners shall not in any one year exceed *three hundred pounds*.

Appointment of Agents and Sub-Agents.

6. The said Agent-General with the advice of the said Emigration Commissioners may from time to time appoint subject to the approval of the Governor Agents not exceeding four in number whose duty it shall be to encourage emigration to New South Wales to carry into effect such instructions as they may from time to time receive from the said Agent-General.

Remuneration of Agents.

7. Every such Agent shall be entitled to receive exclusively of his travelling expenses a yearly salary not exceeding *five hundred pounds*.

Immigration Board in New South Wales.

8. The Governor may from time to time appoint an Immigration Board to consist of not more than five members of which Board the Immigration Agent for the time-being shall be Chairman or in his absence such other member of the Board may be chosen by the members thereof and the other members of such Board shall be appointed by the Governor. And it shall be the duty of such Board to advise immigrants on their arrival and assist them in obtaining employment and otherwise. And every member of such Board unless he be in receipt of salary in the Public Service shall receive for each attendance at such Board the sum of *one guinea*.

Board may hold inquiries summon witnesses and compel their attendance.

9. It shall be lawful for the said Immigration Board to cause any investigation or inquiry to be held as to any breach or alleged breach of any regulations under this Act and for that purpose the said Board by writing under the hand of the Chairman thereof may summon any witness to give evidence or to produce any documents in his possession or control required by the said Board and if any witness having been so summoned as aforesaid shall refuse to attend before such Board or decline to answer any lawful question such witness shall be liable to a penalty not exceeding *ten pounds* recoverable in a summary way before any two Justices of the Peace upon complaint of the Chairman of the said Board.

Establishment of depôts—railway tickets.

10. Immigration Depôts shall be established at Maitland Bathurst Goulburn and such other towns in the Colony as the Governor may direct to which immigrants may on arrival be forwarded by the Immigration Agent free of expense. And such depôts shall be under the management of such person or persons and be subject to such regulations as the said Governor may respectively appoint and direct. And the Commissioner of Railways may grant a free railway ticket to any immigrant who may wish to proceed into the country or to join any such depôts within *one month* after arrival in the Colony.

Reception of and instructions to immigrants on arrival.

11. The Immigration Agent shall be the proper authority under the Minister's direction to carry out all arrangements for the reception of immigrants on their arrival in the Colony and to furnish to such immigrants as may be entitled to land-orders the fullest information in his power in order to facilitate their establishment on the lands selected by them under the provisions of this Act. And the said Immigration Agent shall be provided and shall cause all depôts to be provided with such necessary maps and plans showing the land open for selection as the Minister may from time to time direct.

Assistance may be given in money. Nomination of immigrants.

12. Assistance in money to intending emigrants shall be given in proportion to the population of England and Wales Scotland and Ireland respectively according to the last Census.

Agent General to issue land-order warrants.

13. Any person who shall desire to nominate for a passage to New South Wales any other person shall pay to the Agent-General in London such sums as the Governor may from time to time direct and upon compliance with the regulations aforesaid the person so nominated shall be entitled to receive a passage accordingly.

Effect of land warrant.

14. In order to encourage the emigration of married persons and families from the United Kingdom to New South Wales it shall be lawful for the said Agent-General to issue to each head of a family who shall proceed by a ship sailing direct from the said United Kingdom to New South Wales and who shall have paid the full cost of the passages of himself his wife child or children a warrant for a grant of land as hereinafter described.

Conditions of selection.

15. Such warrant shall entitle the person to whom it is issued to receive immediately on arrival in New South Wales one non-transferable order for the selection of *forty* acres of land for each person of *twelve* years and upwards and *twenty* acres for each child between the ages of *one* and *twelve* years whose passage shall have been so paid in full as aforesaid.

16. Every such selection shall be subject to the following conditions that is to say—

- (1.) The land selected shall be at the time open for selection and the selection shall be made in accordance with the provisions contained in the thirteenth section of the "Crown Lands Alienation Act of 1861."
- (2.) The selector shall make a declaration before a Justice of the Peace that he has not already selected land by virtue of the said land-order and that he is making such selection for the purpose of actual settlement or cultivation and for his own exclusive use and benefit and not directly or indirectly for the use or benefit of any other person whomsoever.
- (3.) He shall deliver the said land-order and declaration to the Land Agent of the district wherein he is desirous of making his selection and he shall thereupon be entitled to receive from such Land Agent a license to enter upon the land so selected and to occupy the same for three years from the date of such license.

- 17. Such selector shall after the expiration of the said three years on payment of the deed fee not exceeding the sum of *one pound* be entitled to receive a grant from the Crown of the land selected by him if he shall establish to the satisfaction of the Land Commissioner of the district that he has not during the said period sold or disposed of his interest in the said land that he has resided thereon for a period of *three years* and has cultivated *one-eighth* part thereof or fenced in the whole of such land with a good and substantial fence. When selectors to receive grant of land.
- 18. If any person receiving a land-order die without having selected land the order shall lapse but the Governor may re-issue the same to any relative of the deceased resident in New South Wales and such relative may select land and receive a license as if he had been the original holder of such order. Land-orders of deceased holders may be re-issued to relatives. Selectors may leave their licenses by will. Licenses to descend to widows. Lands held by widowers or widows may be sold.
- 19. Any selector may bequeath his license by will and the person to whom the same is so bequeathed may count the residence of the testator as part of his own residence on the land.
- 20. If any selector die during the term of his license intestate and leaving a widow such license and all rights thereunder shall descend to her and she may count the residence of her husband as part of her own residence on the land.
- 21. If any widower or widow die during the term of his or her license intestate and leaving an infant child or children the administrator or natural guardian of such child or children or the Curator of Intestate Estates if there be no administrator or guardian may sell by auction the land specified in the license and the purchaser shall be entitled to receive a Crown grant thereof on payment of the deed fees. The proceeds of sale to go to the infant children. Governor may make contracts and regulations.
- 22. The said administrator guardian or Curator as the case may be shall hold the proceeds of such sale for the benefit of such child or of such children equally if more than one.
- 23. The Governor may from time to time enter into any contracts for the selection or conveyance of emigrants into New South Wales and make regulations for the conduct of immigration to New South Wales and for the nomination of immigrants by persons resident therein and for the distribution of any funds which may be available for the purposes of immigration and for the introduction into New South Wales from places other than the United Kingdom of Great Britain and Ireland upon such terms and conditions as he may think fit of persons skilled in any department of industry which the said Governor may deem advisable to encourage in New South Wales and of the families of such persons and such regulations shall forthwith be laid before Parliament if Parliament be then sitting and if not then within fourteen days after the commencement of the next ensuing Session thereof.
- 24. If any person by any false statement made in New South Wales obtain either for himself or for any other person or if any person by false representation elsewhere obtain for himself a passage to New South Wales under this Act he shall on conviction before any two Justices of the Peace be liable for any such offence to pay the whole cost of such passage and also to pay a penalty of not more than *fifty* or less than *five pounds* recoverable as heretofore directed and in default of payment of such passage and penalty or either of them he may be imprisoned with or without hard labour for any term not exceeding *six months*. Penalty for fraudulently obtaining passage.
- 25. In the interpretation of this Act the word "Governor" shall mean the Governor with the advice of the Executive Council and "Minister" the Minister charged with the administration of this Act. Interpretation clause.
- 26. This Act shall come into operation on the _____ day of _____ and may be cited as the "Immigration Act of 1870." Commencement and short title.

A 2.

The Agent for Immigration to The Colonial Secretary.

Sydney, 18 February, 1870.

Sir,

Referring to your verbal request that I would furnish you with my opinion as to the expenditure of the balance of about £11,000 still available for Immigration, I have the honor to state that, although such a sum is insignificant for purposes of general immigration, yet it can probably be made amply sufficient to cover the cost of introduction of at least 1,000 single women—a class of immigrants which, on every account, is most pressingly in demand.

2. The British and Colonial Emigration Fund, lately established in London, and presided over by the Lord Mayor of London, have notified that assistance would be rendered to emigrants, many of whom have been aided to the extent of £5 or £6 per head to proceed to Canada. This, or some other London Emigration Committee, would probably be willing to assist to the extent of say £3 or £4 per head towards the cost of passage of emigrants to this Colony.

3. I would therefore suggest that Her Majesty's Emigration Commissioners be authorized to grant passages to this Colony, in ships chartered by them, and superintended by their officers, to the extent of say 1,000 single women of between 20 and 35 years of age, on the nomination of the London Emigration Committee; such nomination being subject however to the approval of the Commissioners, who from their knowledge of our requirements would best be able to determine as to their eligibility.

4. I would further propose that, at the discretion of the Commissioners, the intending emigrant should also make a part payment, not exceeding £4 per head, towards cost of passage, expense of conveyance to the port of embarkation, and the providing of the necessary bedding and mess utensils, &c.

5. It would be very advisable that the Commissioners should be instructed to forward emigrants in specified proportionate numbers of English, Scotch, and Irish. Such a classification could not possibly have been defined under the late Government regulations, but it could be carried out without much difficulty by the Emigration Commissioners in London.

6. It would be necessary to grant passages to a small number of married people (unaccompanied by very young children), who might also be nominated and assisted by the London Emigration Committee, subject, as in the case of the single women, to the approval of the Emigration Commissioners. Long experience has shown that the presence of a few married couples in each ship is very conducive to discipline and good behaviour among the single women.

7. The returns for many past years have shown that the total expense incurred in the introduction of immigrants to this Colony has been less than £15 per head; it is therefore clear that a joint contribution from the London Emigration Committee, and from the emigrant herself, of say £5 or £6 per head, would so effectually supplement the amount already at command as to cover the total cost of introduction of at least 1,000 women.

8. And as to the benefit to the women themselves, they would immediately on arrival be received at the Immigration Depot, from whence, as heretofore, they would be at once engaged as house servants, at an average rate of wages at £16 to £20 per annum.

I have, &c.,
GEORGE F. WISE,
 Agent for Immigration.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE UNEMPLOYED—IMMIGRATION.

(PETITION—THE UNEMPLOYED OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1870.

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

Gentlemen,—

The Petition of the Unemployed Tradesmen, Artizans, and Labourers of the City of Sydney,—

HUMBLY SHOWETH:—

1. That by reason of the late inclement weather, depression in business, and other causes, a large number of men are at present out of employment, and a most alarming amount of distress exists amongst the working classes.

2. That your Petitioners view with apprehension and alarm the expressed intention of the Government to introduce pauper (or assisted) immigration.

3. That your Petitioners are of opinion that any further immigration would be extremely detrimental to the interests of the working classes, will greatly add to the destitution already existing, and will ultimately require the provision of a Poor Law Act and Workhouse by the Government.

We therefore humbly beg that your Honorable House will refuse to grant any sum or sums of money for the introduction of pauper or assisted immigration.

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

Signed on behalf of the Meeting,

Chairman,

WILLIAM JENNETT.

Sydney, April 12, 1870.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 2 February, 1870.

GENERAL ABSTRACT of the Sworn Returns, rendered pursuant to the Act of Council 4 Victoria No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the Colony of New South Wales, for the Quarter ended 30th September, 1869.

BANKS.	LIABILITIES.						ASSETS.						CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks.	Deposits.	Total Liabilities.	Coins.	Buildings.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks.	Notes and Bills discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of Dividend.	Amount of Dividend.	Amount of Profits at the time of declaring such Dividend.
New South Wales	£ s. d. 224,061 13 10	£ s. d. 2,187 17 3	£ s. d. 72,463 19 9	£ s. d. 2,188,293 16 1	£ s. d. 2,481,907 5 11	£ s. d. 328,856 14 3	£ s. d. 35,239 0 1	£ s. d. 48,100 0 0	£ s. d. 8,296 2 11	£ s. d. 1,380,492 14 5	£ s. d. *4,409,243 10 10	£ s. d. 4,160,278 2 6	£ s. d. 1,000,000 0 0	15 ½ cent.	£ s. d. 75,000 0 0	£ s. d. 833,333 6 8
Commercial	175,720 19 3	2,748 16 8	35,481 11 9	1,587,180 16 9	1,801,136 4 5	813,789 7 10	4,694 14 3	33,865 14 0	10,345 1 10	170,966 13 7	1,808,578 5 4	2,853,239 16 10	400,000 0 0	17 ½ cent.	34,000 0 0	120,283 14 4
Australasia.....	33,005 6 3	4,272 11 9	.....	990,100 13 10	427,378 11 10	97,221 14 1	.....	34,600 0 0	365 3 5	.....	481,938 14 10	614,181 12 4	1,200,000 0 0	110 ½ cent.	60,000 0 0	332,760 15 10
Union of Australia	11,892 6 10	6,436 17 7	.....	191,497 3 5	209,826 7 10	59,926 17 8	165 19 3	14,000 0 0	713 6 0	.....	241,416 10 0	316,211 13 5	1,250,000 0 0	15 ½ cent.	93,750 0 0	496,051 7 10
Australian Joint Stock.....	117,893 19 3	19,373 8 4	8,547 17 9	754,084 5 6	895,899 10 10	125,010 19 5	13,162 8 11	58,137 8 10	8,993 12 4	196,985 15 4	1,010,015 6 1	1,411,714 10 11	481,656 0 0	8 ½ cent.	19,386 4 10	16,982 4 6
London Chartered of Australia	7,371 7 8	373 1 3	100 4 2	148,782 10 6	166,027 3 7	29,760 19 1	.....	20,000 0 0	405 15 5	3,370 1 1	290,760 15 2	350,297 10 9	1,000,000 0 0	8 ½ cent.	40,000 0 0	156,189 14 7
English, Scottish, and Australian Chartered	23,878 10 9	1,521 7 11	761 4 3	284,391 14 10	289,982 17 9	64,464 7 0	.....	26,297 15 11	373 16 11	1,349 4 11	425,044 1 6	516,534 6 3	600,000 0 0	7 ½ cent.	21,000 0 0	45,000 0 0
Oriental Chartered.....	41,018 0 0	19,599 6 3	54,015 5 10	563,819 18 2	672,433 10 8	193,024 7 1	20,802 6 11	25,739 12 5	1,688 0 0	100,547 6 4	573,392 8 0	856,063 19 9	1,500,000 0 0	12 ½ cent.	90,000 0 0	444,000 0 0
City	23,455 12 4	.....	.....	467,366 9 0	495,802 1 4	70,560 10 7	.....	11,769 5 6	28 15 5	23,813 13 5	616,481 16 9	721,650 1 8	200,000 0 0	8 ½ cent.	8,000 0 0	11,260 1 5
TOTALS.....	£ 862,786 16 2	160,508 7 0	171,291 8 6	6,530,487 7 1	7,435,013 13 9	1,223,250 17 0	74,164 8 5	276,509 16 8	31,215 14 9	1,892,925 9 1	7,863,125 8 6	11,300,191 14 5	7,624,856 0 0	.....	441,186 4 10	1,957,871 6 2

* Including Government Securities, £277,346 19s. 6d.

† 6 ½ cent. per annum, and Bonus of 4 ½ cent. per annum.

The Treasury, New South Wales,
Sydney, 16th November, 1869.

GEORGE LAYTON,
Accountant.

SAUL SAMUEL,
Treasurer.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BANK OF NEW SOUTH WALES BILL OF 1870;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
15 *March*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

1870.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 20. WEDNESDAY, 2 MARCH, 1870.

8. The Bank of New South Wales Bill of 1870 (*"Formal" Motion*):—Sir James Martin moved, pursuant to Notice No. 4,—
- (1.) That the Bill to amend an Act intituled "An Act to incorporate the Proprietors of a certain Banking Company called the Bank of New South Wales and for other purposes therein mentioned," be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Alexander, Mr. Byrnes, Mr. Clarke, Mr. Speer, Mr. Butler, Mr. M. H. Stephen, Mr. Hill, Mr. Piddington, and the Mover.
- Question put and passed.
-

VOTES No. 27. TUESDAY, 15 MARCH, 1870.

16. The Bank of New South Wales Bill of 1870:—Sir James Martin, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee, for whose consideration and report this Bill was referred on the 2nd March, 1870.
- Ordered to be printed.

* * * * *

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1870.

THE BANK OF NEW SOUTH WALES BILL OF 1870.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and Report was referred, on 2nd March, 1870, "*The Bank of New South Wales Bill of 1870*",—beg to report to your Honorable House:—

That they have examined the witness* named in the margin (whose evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by the evidence of this gentleman, your Committee proceeded to consider the Clauses of the Bill, in which it was not deemed necessary to make any Amendment.

*C. M. Palmer,
Esq.

And your Committee now beg to lay before your Honorable House the Bill without Amendment.

JAMES MARTIN,
Chairman.

No. 2 Committee Room,
Sydney, 15 March, 1870.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 15 MARCH, 1870.

MEMBERS PRESENT:—

Sir James Martin,	|	Mr. Piddington,
Mr. M. H. Stephen,	|	Mr. Hill,
	Mr. Butler.	

Sir James Martin called to the Chair.

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

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

Present:—T. K. Bowden, Esq., *Solicitor for the Bill*.

C. M. Palmer, Esq., (*Assistant Secretary to the Bank of New South Wales*), called in and examined. Room cleared.

Preamble read and considered.

Question put from the Chair,—“That this Preamble stand part of the Bill,”—*agreed to*.

Clauses 1 and 2 read and *agreed to*.

Motion made (*Mr. Piddington*) and Question,—That the Chairman report the Bill to the House without amendment,—*agreed to*.

WITNESS.

Palmer, C. M., Esq.	PAGE.
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1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BANK OF NEW SOUTH WALES BILL OF 1870.

TUESDAY, 15 MARCH, 1870.

Present:—

MR. BUTLER,
MR. HILL,
SIR JAMES MARTIN,MR. PIDDINGTON,
MR. M. H. STEPHEN,
MR. WILSON.

THE HON. SIR JAMES MARTIN, KNIGHT, Q.C., IN THE CHAIR.

Thomas Kendall Bowden, Esq., appeared as Solicitor for the Bill.

Charles Martin Palmer, Esq., called in and examined:—

1. *Mr. Bowden.*] You are Assistant Secretary to the Bank of New South Wales? Yes.
2. Will you be good enough to look at the Bill now before the Committee and to read the first recital in the preamble—is that a correct recital from the fifth section of the Act incorporating the Bank—14 Victoria? Yes.
3. Do you produce a copy of the Act? I do. (*Produced.*)
4. When will the term of twenty-one years, referred to in that section, expire? Upon the 14th September, 1871.
5. Is it expedient to amend the Act by extending the term during which the Bank may issue and circulate bank notes and bills? It is considered so.
6. Do not the bank notes and bank bills issued from the head office and the various branches form a large portion of the money currency of the colony? Yes.
7. Is not the issue of such notes and bills a great public convenience? A great convenience.
8. Is it desirable that the power to issue bank notes and bills should be extended for a further period of twenty-one years? It is.
9. Do you know whether twenty-one years is the usual term fixed by the Legislature in the various Acts incorporating Banking Companies for this purpose? I cannot say.
10. Do you know whether that term was granted to the City Bank within the last few years? Yes, by the seventh section of the City Bank Act, 27 Victoria.
11. When will the term granted to the City Bank expire? In 1885—fifteen years hence.
12. *Chairman.*] Can you state the quantity of notes the Bank generally has in circulation within this colony? An average of about £240,000.
13. Have you any means of knowing what proportion of that circulation is in the interior at a distance from Sydney? No, I could not answer such a question without reference.
14. *Mr. Butler.*] Is it a large proportion? A very large proportion.
15. *Chairman.*] In that case the notes do not find their way back through other Banks, for the purpose of being exchanged, as readily as in Sydney? No.
16. Is it a great advantage to the Bank to have their notes out in circulation in that way? Yes, a great advantage.
17. Is there much benefit derived by the Bank from the loss of notes? I do not think so; the amount is nominal I think. They come back to us after having been circulated until they cannot circulate any longer.
18. *Mr. Piddington.*] Can you state to the Committee the proportion of notes issued for £1, as compared with notes issued above £1 in New South Wales? I am afraid I cannot, without reference.
19. Can you give any approximate idea? No.

C. M. Palmer,
Esq.
15 Mar., 1870.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TRUST MONEYS DEPOSIT ACCOUNT.

(FROM 1 APRIL, 1869, TO 31 MARCH, 1870.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1870.

THE Treasurer of New South Wales in account with the Trust Moneys Deposit Account, under the Act
20 Victoria No. 11, from 1st April, 1869, to 31st March, 1870.

Dr.

Cr.

RECEIPTS.	AMOUNT.	PAYMENTS.	AMOUNT.
	£ s. d.		£ s. d.
To Balance, 31st March, 1869	43,499 18 11	By Master in Equity	53,750 14 2
„ Master in Equity	49,859 6 2	„ Curator of Intestate Estates	29,835 19 7
„ Curator of Intestate Estates	31,014 10 10	„ Prothonotary, Supreme Court	948 16 2
„ Prothonotary, Supreme Court	674 18 3	„ J. P. Mackenzie, Official Assignee.....	14,202 16 10
„ J. P. Mackenzie, Official Assignee	9,875 6 10	„ R. H. Sempill do.	16,646 2 2
„ R. H. Sempill, do.	14,303 6 10	„ F. T. Humphrey do.	11,583 0 11
„ F. T. Humphrey, do.	12,090 10 9	„ Balance on 31st March, 1870.....	34,350 8 9
TOTAL	£ 161,317 18 7	TOTAL	£ 161,317 18 7

The Treasury, New South Wales,
12th April, 1870.

JAMES THOMSON,
For Accountant.

SAUL SAMUEL,
Treasurer.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTE OF CREDIT.
(MESSAGE.)

Ordered by the Legislative Assembly to be Printed, 2 February, 1870.

BELMORE,
Governor.

Message No. 8.

In accordance with the provisions contained in the 54th clause of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, that provision be made for defraying, out of the Consolidated Revenue Fund of New South Wales, the expenses of the various Departments and Services of the Colony, for the month of January in the year 1870, at the rates which have been sanctioned for the year 1869.

*Government House,
Sydney, 1 February, 1870.*

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CONSOLIDATED REVENUE FUND BILL, N^o. 2.
(MESSAGE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 22 February, 1870.

BELMORE,

Governor.

Message, No. 12.

In accordance with the provisions contained in the 54th clause of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, that provision be made for defraying, out of the Consolidated Revenue Fund of New South Wales, the expenses of the various Departments and Services of the Colony, for the month of February, in the year 1870, at the rates which have been sanctioned for the year 1869.

Government House,

Sydney, 22 February, 1870.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CONSOLIDATED REVENUE FUND BILL, No. 3.
(MESSAGE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 15 March, 1870.

BELMORE,
Governor.

Message No. 13.

In accordance with the provisions contained in the 54th clause of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, that provision be made for defraying out of the Consolidated Revenue Fund of New South Wales, the expenses of the various Departments and Services of the Colony, for the month of March, in the year 1870, at the rates which have been sanctioned for the year 1869.

*Government House,
Sydney, 15 March, 1870.*

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ESTIMATES FOR 1870, AND SUPPLEMENTARY ESTIMATES FOR
1869 AND PREVIOUS YEARS.
(MESSAGE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1870.

BELMORE,

Governor.

Message No. 10.

In accordance with the provisions contained in the 54th clause of the Constitution Act, the Governor recommends to the consideration of the Legislative Assembly the accompanying Estimates of the Expenditure of this Government for the year 1870, with Supplementary Estimates of Expenditure for the year 1869 and previous years.

Government House,

Sydney, 9 February, 1870.

ESTIMATES
OF THE
PROBABLE EXPENDITURE
OF THE
GOVERNMENT
OF
NEW SOUTH WALES,
FOR THE YEAR
1870.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 FEBRUARY, 1870.



SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

[2s. 9d.]

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ABSTRACT of the Sums required to meet the Estimated Expenditure of the GOVERNMENT of NEW SOUTH WALES, for the Year 1870.

	Appropriated for 1869.		Required for 1870.	
	Provided for by Loan.	Chargeable on Revenue.	To be raised by Loan.	Chargeable on Revenue.
I. SCHEDULES A, B, AND C, TO SCHEDULE 1, OF 18 & 19 VICTORIA, CAP. 54 :—				
Provided by the Constitution Act	53,422	.....	51,235
Provided by Colonial Acts	3,850	.....	3,850
Additional Expenditure	1,709	.....	1,863
II. EXECUTIVE AND LEGISLATIVE	19,024	.....	19,358
III. THE COLONIAL SECRETARY...	514,246	.....	487,219
IV. ADMINISTRATION OF JUSTICE	54,768	.....	53,971
V. THE TREASURER AND SECRETARY FOR FINANCE AND TRADE	178,125	.....	164,691
VI. THE SECRETARY FOR LANDS	179,079	.....	201,240
VII. THE SECRETARY FOR PUBLIC WORKS	184,625	390,979	1,571,600	408,409
VIII. THE POSTMASTER GENERAL	150,626	.....	144,410
	£ 184,625	1,545,828	1,571,600	1,536,246

SPECIAL APPROPRIATIONS.

	1869.	1870.
Interest on Debentures	436,874	470,000
Interest on Treasury Bills	9,060	17,160
Drawbacks and Refund of Duties... ..	35,000	35,000
Revenue and Receipts returned	15,000	15,000
Charges on Collections	3,000	3,000
Endowment of the University of Sydney, 14 Vic., 31	5,000	5,000
Endowment of the Australian Museum, 17 Vic., 2	1,000	1,000
Endowment of the Sydney Grammar School, 18 Vic.	1,500	1,500
Endowment of the Affiliated Colleges, 18 Vic., 37	1,000	1,000
Endowments under the Municipalities Act, 22 Vic., 13... ..	20,000	20,000
Insolvency Commissioner's Act of 1861, 24 Vic., No. 20	1,000	1,000
Judges under the District Courts' Act, 22 Vic., No. 18... ..	6,000	6,000
Contribution towards the support of Imperial Forces in New South Wales, 28 Vic., No. 8	22,000	22,000
Sydney Branch of the Royal Mint, 28 Vic., No. 3	15,000	15,000
	571,434	612,660
	2,117,262	2,148,906
Add—LOANS	184,625	1,571,600
TOTAL... ..	£ 2,301,887	3,720,506

The Treasury, New South Wales,
9th February, 1870.

SAUL SAMUEL,
Treasurer.

NEW SOUTH WALES.



ESTIMATES OF EXPENDITURE,
1870.
DETAILED.

I.

Schedules A, B, and C, to Schedule I,

OF ACTS 18 & 19 VICTORIAE, CAPUT 54.

SUMMARY.

										TO BE VOTED.	
SCHEDULE A:—										£	
Provided by the Schedule	...	...	...	...	...	...	...	...	19,050	
Provided by Colonial Acts	...	...	...	...	...	...	...	...	3,850	
									22,900		
SCHEDULE B										10,887	
Chargeable on the Schedule	...	...	...	...	...	...	...	...	9,024	
									1,868		
SCHEDULE C:—											
Public Worship	...	...	...	...	...	...	...	...	23,161	
ADDITIONAL EXPENDITURE										£	1,868

The Treasury, New South Wales,
9th February, 1870.

SAUL SAMUEL,
Treasurer.

ESTIMATES OF EXPENDITURE—1870.

No. I.—SCHEDULES.							PROVIDED IN SCHEDULE.	PROVIDED BY COLONIAL ACTS.
SCHEDULE A.							£	£
His Excellency the Governor	...	...	...	...	...	7,000	.....
The Chief Justice	...	...	...	...	...	2,000	600
The Puisne Judges, at £2,000	...	...	...	...	3	3,000	3,000
The Colonial Secretary	...	...	...	...	...	2,000	.....
The Colonial Treasurer	...	...	...	...	...	1,250	250
The Auditor General	...	...	...	...	...	900	.....
The Attorney General	...	...	...	...	...	1,500	.....
The Solicitor General	...	...	...	...	...	1,000	.....
The Governor's Private Secretary	...	...	...	...	...	400	.....
Provided by the Schedule	...	...	...	...	£	19,050	
Provided by Colonial Acts	...	...	...	...	...	... .. £	3,850
SCHEDULE B.								
Pensions.								
To JUDGES, on their ceasing to hold office:—								
Sir Roger Therry, late Puisne Judge	...	...	...	...	...	1,050	
Sir John Nodes Dickinson, do.	...	...	...	...	...	1,050	2,100
To OFFICERS OF THE GOVERNMENT who, on political grounds, retired, or were released, from office, viz.:—								
Edward Deas Thomson, C.B., formerly Colonial Secretary	...	...	...	...	...	2,000	
Francis Lewis Shaw Merewether, formerly Auditor General	...	...	...	...	...	900	
Sir William Montagu Manning, Q.C., formerly Solicitor General	...	...	...	...	...	800	3,700
To THE UNDERMENTIONED PENSIONERS, according to the Scale and Rates fixed by the Superannuation Act of the Imperial Parliament, 4 & 5 Gul. IV., cap. 24, viz.:—								
George Boyle White, late Surveyor	...	...	...	...	...	222 10 0	
James Larmer, do.	...	...	...	...	...	167 0 0	
Thomas Scott Townsend, do.	...	...	...	...	...	137 11 2	
John James Galloway, do.	...	...	...	...	...	143 19 9	
James Warner, late Assistant Surveyor	...	...	...	...	...	70 0 0	
William Charles Greville, late Clerk in Colonial Secretary's Office	...	...	...	...	...	366 13 4	
Francis Gosling, late Clerk in General Post Office	...	...	...	...	...	52 0 0	
Colin Mackenzie, late Clerk in Supreme Court	...	...	...	...	...	35 10 0	
Nicholas Leader, late Clerk in Court of Requests	...	...	...	...	...	66 5 10	
Osborne Homersham, late Clerk, Customs	...	...	...	...	...	40 0 0	
Robert Ormiston, late Clerk of Petty Sessions, Sydney	...	...	...	...	...	102 0 0	
William Sheridan Wall, late Curator, Australian Museum	...	...	...	...	...	73 9 6	
Mrs. Susannah Mileham, Widow of Surgeon Mileham	...	...	...	...	...	100 0 0	
William Galvin, late Messenger, Legislative Council	...	...	...	...	...	35 5 8	
Michael Doyle, do., Colonial Treasury	...	...	...	...	...	39 10 0	
Thomas Bevan, late Trooper, Mounted Police	...	...	...	...	...	9 2 6	
Carried forward	...	...	...	...	£	1,660 17 9	5,800

ESTIMATES OF EXPENDITURE—1870.

7

No. I.—SCHEDULES.

SCHEDULE B.—continued.				£	£
Brought forward	...	...	£	.....	5,800 0 0
Pensions—continued.					
Brought forward	...	...	£	1,660 17 9	
John Brenan, late Turnkey, Parramatta Gaol	...	...	...	28 16 0	
Needham Robinson, late Constable, Sydney Police	...	...	...	29 13 1	
Bryan Naughton, do. do.	...	...	...	12 10 0	
Edward Wilson, do. Penrith Police	...	...	...	14 18 3	
Thomas Henry Blackburn Venour, late Shipping Master, Sydney	...	...	...	116 1 2	
Frederick Garling, late Landing Surveyor, Customs	...	...	...	57 8 4	
David Nash, late Warehousekeeper, Customs	...	...	...	40 12 6	
John Bramwell, late Landing Waiter, do.	...	...	...	25 3 0	
J. G. N. Gibbes, late Collector of Customs	...	...	...	114 11 8	
John Moore Dillon, late Criminal Crown Solicitor	...	...	...	216 13 4	
William Flinn, late Turnkey, Bathurst Gaol	...	...	...	47 9 0	
A. W. Rolleston, late Landing Waiter, Customs	...	...	...	61 6 2	
Thomas Reilly, late Serjeant to Governor General's Orderlies	...	...	...	32 13 4	
William Wedge Darke, late Assistant Surveyor	...	...	...	153 0 11	
James Bean, late Messenger, Survey Department...	...	...	...	29 7 3	
Christopher M'Donald, late Turnkey, Maitland Gaol	...	...	...	34 4 10	
Felix Short, late Storehouseman, Colonial Stores...	...	...	...	39 1 0	
Samuel Raymond, late Prothonotary of Supreme Court, and Curator of Intestate Estates	...	...	...	198 12 6	
Thomas Easton, late Foreman of Works, Cockatoo Island	...	...	...	92 4 7	
James Riley, late Sheriff's Bailiff at Goulburn	...	...	...	43 9 0	
Thomas M. Wright, late Clerk of Petty Sessions at Tenterfield	...	...	...	59 3 0	
David Moores, late Foreman, Colonial Stores	...	...	...	48 12 2	
John Hayes, late Storehouseman, do.	...	...	...	44 8 0	
Hannah Pope, formerly Housekeeper in the Colonial Secretary's Office...	...	...	...	22 17 6	
					3,223 14 4
Provided by the Schedule	...	...	...	... .. £	9,023 14 4
SUPPLEMENT TO SCHEDULE B.					
Lady Forbes, Widow of the late Sir Francis Forbes, Chief Justice	...	...	...	200 0 0	
Lady Dowling, Widow of the late Sir James Dowling, Chief Justice	...	...	...	200 0 0	
Lady Mitchell, Widow of the late Sir Thomas Mitchell, Surveyor General	...	...	...	200 0 0	
Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela	...	...	...	100 0 0	
Mrs. Anne Petrie, Daughter of the late Captain Flinders, R.N....	...	...	...	100 0 0	
Edward Robert Stack, late Master of the Benevolent Asylum, Sydney	...	...	...	133 6 8	
Mrs. Catherine Lovett, Widow of J. Lovett, late Pilot, Newcastle	...	...	...	100 0 0	
Mrs. Eliza Milford, Widow of the late Mr. Justice Milford	...	...	...	200 0 0	
Mrs. Maria Bate Wise, Widow of the late Mr. Justice Wise	...	...	...	200 0 0	
Mrs. Margaret Edwards, Widow of the late Pilot Edwards	...	...	...	50 0 0	
Mrs. Julia Robinson, Widow of the late Pilot Robinson	...	...	...	150 0 0	
Mrs. Jane Reader, Widow of the late Pilot Reader	...	...	...	75 0 0	
John Shanks, late Pilot, Port Jackson	...	...	...	50 0 0	
George Smyth, late Courtkeeper, Supreme Court	...	...	...	78 0 0	
Mrs. Smyth, late Assistant Courtkeeper, Supreme Court	...	...	...	26 0 0	
To BE VOTED...	...	...	...	... .. £	1,862 6 8
TOTAL	...	...	...	... .. £	10,886 1 0
SCHEDULE C.					
Public Worship—					
Church of England	...	...	...	12,236 10 0	
Presbyterian Church	...	...	...	2,552 0 0	
Wesleyan Methodist Church	...	...	...	1,572 10 0	
Roman Catholic Church	...	...	...	6,800 0 0	
					23,161 0 0

II.

Executive and Legislative.

SUMMARY.

	Voted for 1869.	Required for 1870.
	£	£
His Excellency the Governor	1,650	1,530
Executive Council	728	828
Legislative Council	5,860	6,160
Legislative Assembly	8,208	8,195
Legislative Council and Assembly	1,267	1,315
Parliamentary Library	1,311	1,330
TOTAL... ..	£ 19,024	19,358

*The Treasury, New South Wales,
9th February, 1870.*

SAUL SAMUEL,
Treasurer.

No. of Persons.		No. II.—EXECUTIVE AND LEGISLATIVE.			
		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
His Excellency the Governor.					
PRIVATE SECRETARY.					
1	1	Private Secretary. (Provided in Schedule.)			
1	1	315		315	
1	1	123		123	
AIDE-DE-CAMP.					
1	1	173		173	
Aide-de-Camp, at 9s. 6d. per diem					
Mounted Orderlies:—					
1	...	68		.....
Serjeant, at 3s. 8½d. per diem					
1	...	50		.....
Corporal, at 2s. 8½d. „					
3	...	94		.....
Troopers, at 1s. 8½d. „					
		19		.....
			842		611
Good Conduct Pay					
Mounted Orderlies—Police:—					
...	1	.....		151	
Serjeant, 2nd Class, at 8s. 3d. per diem					
...	3	.....		329	
Constables, at 6s. „					
					480
		173		173	
Allowance in lieu of Lodging to Aide-de-Camp ...					
		.....		146	
Forage for Aide-de-Camp's two Horses, and Incidental Expenses					
		74		.....
Provisions for the Orderlies					
		511		120	
Forage for four Horses for Orderlies, and Incidental Expenses					
		50		.....
			808		439
9	8	£	1,650	.....	1,530
TOTAL					
Executive Council.					
1	1	500		600	
Clerk of the Executive Council					
1	1	100		100	
Clerk					
1	1	100		100	
Messenger					
1	1	18		18	
Office-keeper					
			718		818
		10		10	
Incidental Expenses					
			10		10
4	4	£	728	.....	828
TOTAL					
Legislative Council.					
1	1	1,200		1,200	
President... ..					
1	1	500		500	
Chairman of Committees					
1	1	700		800	
Clerk of the Parliaments					
1	1	500		600	
Clerk Assistant					
1	1	400		400	
Usher of the Black Rod					
1	1	500		550	
Short-hand Writer					
1	1	400		400	
First Clerk					
1	1	300		350	
Second Clerk					
1	1	250		250	
Third Clerk					
1	1	175		175	
Copying Clerk					
1	1	150		150	
Chief Messenger					
1	1	120		120	
Door-keeper					
4	4	440		440	
Assistant Messengers, at £110					
			5,635		5,935
		20		20	
Sperm Candles					
		30		30	
Gas-light					
		75		75	
Incidental Expenses					
		100		100	
Expenses of Witnesses summoned before Select Committees					
			225		225
16	16	£	5,860	.....	6,160
TOTAL					

a Office-keeper, Chief Secretary's Department; Salary, 3s. 4d. per diem.

ESTIMATES OF EXPENDITURE—1870.

11

No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Legislative Assembly.					
1	1	1,200		1,200	
1	1	500		500	
1	1	800		800	
1	1	600		600	
1	1	400		400	
1	1	400		400	
1	1	550		550	
1	1	400		400	
1	1	350		350	
1	1	300		300	
1	1	250		250	
1	1	250		250	
1	1	150		150	
1	1	120		120	
2	2	220		220	
			6,490		6,490
		300		300	
		292		.....
		.....		300	
		571		.....
		.....		550	
		300		300	
		55		55	
		100		100	
		100		100	
			1,718		1,705
16	16	.....	8,208	.....	8,195
Legislative Council and Assembly.					
1	1	225		225	
1	1	64		64	
1	1	110		110	
1	1	110		110	
1	1	110		110	
2	2	108		108	
1	1	110		110	
3	3	330		330	
...	1	.....		48	
			1,167		1,215
		30		30	
		20		20	
		50		50	
			100		100
11	12	.....	1,267	.....	1,315
Parliamentary Library.					
1	1	300		300	
1	1	200		200	
1	1	110		110	
			610		610
		450		450	
		100		100	
		100		100	
		26		45	
		25		25	
			701		720
3	3	.....	1,311	.....	1,330

III.

Colonial Secretary.

SUMMARY.

	Voted for	Required for
	1869.	1870.
	£	£
Colonial Secretary	4,004	4,206
Volunteers	10,343	8,340
Naval Brigade	3,576	3,626
Police	146,013	122,495
Gold and Escort	7,000	5,000
Gold Receivers	255	275
Petty Sessions	39,357	35,446
Gaols and Penal Establishment	68,026	53,847
Lunatic Asylums... ..	27,100	32,506
Medical Board	44	44
Vaccine Institution	2,175	.....
Coroners' Inquests—Surgeons' Fees*	850	.....
Aborigines†	500	.....
Medical Adviser, Vaccination, Medical Officers, &c. ... ..	.....	7,500
Auditor General	4,507	4,547
Registrar General and Brands Registration	14,370	14,010
Colonial Agent	1,300	1,500
Observatory	1,650	1,650
Museum	500	500
Public Instruction under Act 30 Victoria, No. 22	100,000	105,000
Free Public Library ... ..	.....	4,656
Grants in aid of Public Institutions	4,375	5,425
Industrial Schools	7,187	6,969
Reformatory for Girls, Newcastle... ..	.....	385
Charitable Institutions—Inspector of Public Charities	700	600
Protestant Orphan School	3,572	3,221
Roman Catholic Orphan School... ..	3,826	3,980
Asylums for the Infirm and Destitute	13,650	10,900
Charitable Allowances	34,281	36,381
Miscellaneous Services	15,085	14,210
TOTAL	£ 514,246	487,219

* Formerly included under Administration of Justice.

† Formerly included under Secretary for Lands.

The Treasury, New South Wales,
9th February, 1870.

SAUL SAMUEL,
Treasurer.

No. of Persons.		No. III.—COLONIAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
		Colonial Secretary.						£		£	
1	1	Colonial Secretary. (Provided in Schedule.)									
1	1	Under Secretary						800		800	
1	1	Chief Clerk						500		550	
1	1	First Clerk (in charge of Long Room)						400		450	
1	1	Second Clerk (in charge of Records)						300		350	
2	2	Third Clerks, at £250						500		500	
1	1	Fourth Clerk						225		225	
1	1	Fifth Clerk						200		200	
1	1	Sixth Clerk						150		175	
1	1	Do.						150		150	
1	1	Do.						150		125	
1	1	Junior Clerk						75		75	
1	1	Do.						50		50	
1	1	Messenger						123		*153	
1	1	<i>a</i> Do.						123		150	
1	1	<i>b</i> Office-keeper, at 3s. 4d. per diem						61		61	
1	1	Watchman, at 5s. per diem						92		92	
								3,899		4,106	
Incidental Expenses							75		100		
Allowance for Quarters to Messenger							30		†.....		
								105		100	
18	18	TOTAL						£	4,004	.....	4,206

* Includes £30 for Quarters.
a Allowed Quarters.

† Included in Salary.
b Allowed Quarters, Fuel, and Light.

ESTIMATES OF EXPENDITURE—1870.

15

		No. III.—COLONIAL SECRETARY.			
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Volunteers.					
SALARIES.					
<i>Permanent Staff.</i>					
1	1	Commandant of all Volunteers	400	400	
1	1	Brigade-Adjutant, Paymaster, and Quartermaster	275	275	
1	1	Brigade Clerk, at 8s. per diem	147	147	
1	1	Sergeant-Major, at 10s. per diem	183	183	
1	1	Quartermaster-Sergeant, at 8s. per diem	146	146	
4	8	Sergeants Instructors, at 7s. per diem	511	1,022	
1	1	Musketry and Drill Instructor, at 7s. per diem... ..	128	128	
1	...	Drill Instructor, at 7s. 6d. per diem	137	.....
2	2	Sergeants Instructors, at 2s. 6d. per diem	92	92	
1	1	Armourer, at 7s. per diem	128	128	
1	1	Bugle-Major and Office-keeper, at 7s. per diem... ..	128	128	
1	2	Markers for Rifle Range, at 5s. per diem	92	183	
3	...	Additional Instructors for new Corps, at 7s. per diem... ..	384	.....
			2,751		2,832
CONTINGENCIES.					
<i>Permanent Staff.</i>					
		Forage Allowance for Commandant, and Brigade-Adjutant, at 3s. 6d. per diem	128	128	
		Travelling Expenses for Officers and Non-commissioned Officers	150	250	
		Compensation to Staff Sergeants, &c., in lieu of Uniform	50	68	
<i>Artillery.</i>					
		Forage Allowance for Major Commanding Artillery, at 3s. 6d. per diem	64	64	
		Capitation Allowance for 500 Efficient, at 40s. each	900	1,000	
<i>Rifles.</i>					
		Forage Allowance for Majors Commanding Sydney and Suburban Battalions, at 3s. 6d. per diem	128	128	
		Capitation Allowance for 1,400 Efficient, at 30s. each... ..	2,062	2,100	
<i>Miscellaneous.</i>					
		Badges for Marksmen (Artillery and Rifles)	75	130	
		Hire of Horses for Field Guns and Mounted Officers	150	150	
		Contribution to Band, on condition of one-third more being raised by private Subscription	200	250	
		Rifle Association, for Prizes, on condition of an equal amount being raised by private Subscription	200	250	
		Armoury Repairs and Materials, Freight and Cartage of Ammunition, and Incidental Expenses	300	300	
		Allowance for periodically collecting, cleaning, and repairing Arms of Country Corps	35	80	
			4,442		4,898
<i>Additional—</i>					
		Constructing new Butts and repairing Rifle Ranges for the several Corps ... ..	.....	260	
		Cost of providing Uniforms for 100 men, Wollongong ... ..	.....	350	
			.....		610
Cost of providing Uniform for the following Corps, viz. :—					
		Goulburn Rifles, 100 men, at 70/ each	350	.....
		Singleton " 100 " " "	350	.....
		Bathurst " 100 " " "	350	.....
		Kiama " 100 " " "	350	.....
		Gerrington " 100 " " "	350	.....
		Ulladulla " 100 " " "	350	.....
		Richmond " 100 " " "	350	.....
		Two Companies, Highland Corps	700	.....
			3,150		.....
19	20	TOTAL	£	10,343	8,340

ESTIMATES OF EXPENDITURE—1870.

17

No. of Persons.		No. III.—COLONIAL SECRETARY.				SALARIES AND CONTINGENCIES.			
1869	1870					Amount Voted for 1869.		Amount Required for 1870.	
909	894					£		£	
		Police—continued.							
		Brought forward				£	110,024	£	95,356
		DETECTIVES.							
1	1	Clerk				225		225	
5	5	Detectives, 1st Class, at 10s.				} 2,464		} 2,464	
5	5	Do. 2nd Class, at 9s.							
5	5	Do. 3rd Class, at 8s.							
16	16						2,689		2,689
1	1	Police Surgeon * ... ..				.....	200		.....^a
							112,913		98,045
		CONTINGENCIES.							
		Allowance to Members of the Police Force, when absent from their Quarters on duty				3,500		3,000	
		Provisions for Prisoners in Lock-ups				1,500		1,500	
		Fuel, Light, and Water, to Lock-ups				1,900		1,400	
		Rent of Premises for Police purposes				2,500		2,500	
		Forage				14,500		.....
		Say allowance to 200 men in Permanent Force, at £25 ... ..				.....		7,500	
		75 horses for Gold, Prison Vehicles, Drays, Prisoners, &c., at £18 ... ..				.....		1,350	
		25 horses in Sydney, &c., at £20 ... ..				.....		500	
		For horses for Reserve when on detached duty, and contingencies ... ..				.....		500	
		For forage drawn on the road at Inns, &c., for Prisoners' Escort Horses ... ..				.....		1,000	
		Remount Horses				1,000		.....
		Shoeing, Veterinary Attendance, and Medicine				1,700		400	
		Medical Attendance				700		^a	
		Conveyance of Prisoners and Police				4,000		3,000	
		Fencing Paddocks				500		.....
		Incidental Expenses—Repairs to Arms, Saddlery, and Carts; and for destroying Dogs				1,300		1,000	
		Expenditure for Extraordinary Contingencies that may, during the year, arise out of the changed system, including Gold Fields ... ..				.....		800	
							33,100		24,450
926	911	TOTAL				£	146,013		122,495
		Gold and Escort.							
		Freight and Conveyance of Gold and Escorts				6,500		† 5,000	
		To meet Unforeseen Expenses, in cases of emergency connected with Gold Fields and Escort				500		.....
							7,000		5,000
		Gold Receivers.							
23	26	Receivers at Goulburn, Orange, Mudgee, Gundagai, Tamworth, Cooma, Yass, Araluen, Forbes, Tumut, Armidale, Seone, Adelong, Tumberumba, Stony Creek, Young, Sofala, Hargraves, Uralla, Nundle, Tambaroora, and two new Gold Fields, at £10 each, and at Bathurst, Braidwood, and Grenfell, at £15 each ... ..				.....	255	.....	275

* Also Vaccinator, Sydney—Salary, £240 per annum.

† This Expenditure will be reimbursed by the Gold Escort Charges.

^a See Medical Vote.

No. of Persons.		No. III.—COLONIAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1869	1870	Petty Sessions.						Amount Voted for 1869.		Amount Required for 1870.	
		POLICE MAGISTRATES, CLERKS, AND CLERKS OF PETTY SESSIONS.						£		£	
		<i>Sydney.</i>									
		<i>Central Police Office.</i>									
1	1	Police Magistrate	...	...	...	...	600		600	
1	1	Clerk of Petty Sessions	...	...	...	...	500		500	
1	1	Clerk	...	...	...	...	350		350	
1	1	Do.	...	...	...	...	250		250	
1	1	Do.	...	...	...	...	185		185	
1	...	Do.	...	...	...	...	165		.....	
1	1	Do.	...	...	...	...	165		175	
1	1	Do.	...	...	...	...	140		125	
1	1	Do.	...	...	...	...	100		105	
1	1	Messenger and Office-keeper	...	...	...	...	72		96	
1	...	Office-keeper	...	...	...	...	25		.....	
								2,552		2,386	
		<i>Water Police Office.</i>									
1	1	Police Magistrate...	...	...	...	...	600		600	
1	1	Clerk of Petty Sessions	...	...	...	...	400		400	
1	1	Clerk	...	...	...	...	250		250	
1	1	Do.	...	...	...	...	225		225	
1	1	Do.	...	...	...	...	150		150	
1	1	Office-keeper	...	...	...	...	25		25	
								1,650		1,650	
		<i>Adelong.</i>									
...	...	Police Magistrate. (See Gundagai.)					10		.....	
...	1	Clerk of Petty Sessions, paid to C.P.S., Tumut, visiting	...	...	...	...	.....		10	
		Police to act as Clerk of Petty Sessions	...	...	...	...	.....	10		10
		<i>Albury.</i>									
1	1	Police Magistrate to visit Howlong	...	...	...	...	450		450	
1	1	Clerk of Petty Sessions	...	...	...	...	175		175	
								625		625	
		<i>Armidale.</i>									
1	...	Police Magistrate (See New England)	...	...	...	...	500		.....	
		Do. for visiting Walcha, Bendemeer, Uralla, and Rocky River...	...	...	...	...	25		.....	
1	1	Clerk of Petty Sessions	...	...	...	...	175		175	
		Do. visiting Uralla	...	...	...	...	75		.....	
								775		175	
		<i>Araluen.</i>									
1	1	Police Magistrate and Clerk of Petty Sessions	...	...	...	...	375		375	
								375		375	
		<i>Bathurst.</i>									
1	...	Police Magistrate. (See Macquarie)	...	...	...	...	500		.....	
		Do. visiting Oberon	...	...	...	...	50		.....	
1	1	Clerk of Petty Sessions	...	...	...	...	225		175	
								775		175	
		<i>Balranald.</i>									
1	1	Clerk of Petty Sessions (a Magistrate)	...	...	...	...	175		175	
								175		175	
		<i>Ballina.</i>									
...	1	Police Magistrate. (See Richmond.)	...	...	...	...	.....		5	
		Acting Clerk of Petty Sessions	...	...	...	...	.....			5
		<i>Berrima.</i>									
1	1	Police Magistrate and Clerk of Petty Sessions...	...	...	...	...	275		275	
								275		275	
		<i>Bendemeer.</i>									
1	1	Police Magistrate. (See New England.)	...	...	...	...	50		50	
		Acting Clerk of Petty Sessions	...	...	...	...	50		50	
								50		50	
		<i>Bega.</i>									
1	1	Clerk of Petty Sessions	...	...	...	...	150		175	
								150		175	
28	26	Carried forward	£	7,412	6,076

ESTIMATES OF EXPENDITURE—1870.

No. III.—COLONIAL SECRETARY.									
No. of Persons.						SALARIES AND CONTINGENCIES.			
1869	1870					Amount Voted for 1869.		Amount Required for 1870.	
28	26	Petty Sessions—continued.				£		£	
		Brought forward ... ..				.....	7,412	.....	6,076
		<i>Bellinger River.</i>							
...	1	Acting Clerk of Petty Sessions... ..				.....		70	70
		<i>Binalong.</i>							
..	1	Acting Clerk of Petty Sessions... ..				.....		10	10
		<i>Bourke.</i>							
1	...	Police Magistrate				500		.....
		Do. visiting Breewarrina... ..				50		.....
...	1	*Police Magistrate, visiting Breewarrina, Eringunna, and Gongolgon ... ..				.....		500	
1	1	Clerk of Petty Sessions				175		175	
							725		675
		<i>Bombala.</i>							
1	1	Clerk of Petty Sessions				175		175	
							175		175
		<i>Booligal.</i>							
		Police Magistrate. (See Hay.)							
		Police to act as Clerk of Petty Sessions ... ..				.....		.....
		<i>Braidwood.</i>							
1	1	Police Magistrate. (See Qucanbeyan.)							
		Clerk of Petty Sessions				175		175	
							175		175
		<i>Breewarrina.</i>							
...	1	Police Magistrate. (See Bourke.)							
		Acting Clerk of Petty Sessions... ..				.....		5	5
		<i>Bundarra.</i>							
1	1	Police Magistrate. (See New England.)							
		Acting Clerk of Petty Sessions				50		50	
							50		50
		<i>Boorowa.</i>							
1	1	Police Magistrate. (See Young.)							
		Clerk of Petty Sessions				175		175	
		Do. for visiting Binalong				20		.....
							195		175
		<i>Bungendore.</i>							
...	1	Police Magistrate. (See Queanbeyan.)							
		Acting Clerk of Petty Sessions... ..				.....		5	5
		<i>Bingera.</i>							
...	1	Police Magistrate. (See Warialda.)							
		Acting Clerk of Petty Sessions... ..				.....		5	5
		<i>Bullah Delah.</i>							
...	1	Acting Clerk of Petty Sessions... ..				.....		10	10
		<i>Buckley's Crossing.</i>							
		Police Magistrate. (See Cooma.)							
		Police to act as Clerk of Petty Sessions ... ..				.....		.....
		<i>Cannonbar.</i>							
1	...	Police Magistrate and Clerk of Petty Sessions				350		.....
...	1	Acting Clerk of Petty Sessions... ..				.....		5	5
							350		
		<i>Carcoar.</i>							
1	...	Police Magistrate. (See Orange.)				420		.....
1	1	Clerk of Petty Sessions (a Magistrate)				175		175	
							595		175
37	40	Carried forward				£	9,677	.....	7,611

* To act, when required, as Appraiser under Crown Lands Acts of 1861.

No. of Persons.		No. III.—COLONIAL SECRETARY.								
		SALARIES AND CONTINGENCIES.								
1869	1870					Amount Voted for 1869.	Amount Required for 1870.			
						£	£			
		Petty Sessions—continued.								
37	40	Brought forward				9,677	7,611	
		<i>Casino.</i>								
1	...	Police Magistrate. (See Richmond River)				450	.....		
1	1	Clerk of Petty Sessions				175	.....	175	
		Do. for visiting Lismore and Ballina				50	.....		
							675	175		
		<i>Camden.</i>								
1	1	Clerk of Petty Sessions				225	.....	175	
							225	175		
		<i>Cassilis.</i>								
1	1	Police Magistrate. (See Upper Hunter.)				175	.....	175	
		Clerk of Petty Sessions (a Magistrate)				.....	175	175	
		<i>Campbelltown.</i>								
1	1	Clerk of Petty Sessions				175	.....	175	
		Do. for visiting Liverpool				20	.....		
							195	175		
		<i>Clarence Town.</i>								
...	1	Paid to Clerk of Petty Sessions, Dungog, for visiting...				20	.....	10	
		Acting Clerk of Petty Sessions				.....	20	10	
		<i>Cooma.</i>								
1	...	*Police Magistrate...				450	.....		
		Do. visiting Nimitybelle, Seymour, Kiandra				50	.....		
...	1	Do. visiting Nimitybelle, Seymour, Kiandra, and Buckley's Crossing				.....	450	175	
1	1	Clerk of Petty Sessions				175	.....	625	
							675			
		<i>Corowa.</i>								
1	...	Police Magistrate...				100	.....		
1	...	Clerk of Petty Sessions				175	.....		
...	1	Do. (a Magistrate)				.....	175	175	
							275			
		<i>Cowra.</i>								
1	1	Clerk of Petty Sessions				175	.....	175	
							175	175		
		<i>Coonabarabran.</i>								
1	1	Police Magistrate and Clerk of Petty Sessions...				275	.....	275	
		Do. for visiting Denison				50	.....		
							325	275		
		<i>Coonamble.</i>								
1	1	Clerk of Petty Sessions				175	.....	175	
							175	175		
		<i>Collector.</i>								
1	1	Police Magistrate. (See Goulburn.)				50	.....	50	
		Acting Clerk of Petty Sessions				.....	50	50	
		<i>Cootamundry.</i>								
		Police to act as Clerk of Petty Sessions				.....	.....	
		<i>Conargo.</i>								
		Police Magistrate. (Sec Deniliquin.)				.....	.....	
		Police to act as Clerk of Petty Sessions				.....	.....	
		<i>Condobolin.</i>								
		Police Magistrate. (See Lachlan.)				.....	.....	
		Police to act as Clerk of Petty Sessions				.....	.....	
		<i>Cundletown.</i>								
		Police to act as Clerk of Petty Sessions				.....	.....	
50	52	Carried forward				£	12,642	9,796

* To act, when required, as Appraiser under the Crown Lands Acts of 1861.

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. III.—COLONIAL SECRETARY.			
		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
50	52	£		£	
		Petty Sessions—continued.			
		Brought forward			
		.....	12,642	.....	9,796
		<i>Deniliquin.</i>			
1	...	Police Magistrate	500	.....
...	1	* Do. visiting Conargo and Jerilderie ... ..	.....	450	
1	1	Clerk of Petty Sessions	175	175	
			675		625
		<i>Denison.</i>			
		Police Magistrate. (See Coonabarabran.) Paid to Clerk Petty Sessions, Coonabarabran, for visiting, £50.			
...	1	Acting Clerk of Petty Sessions ... ..	.....	5	
					5
		<i>Dungog.</i>			
1	1	Clerk of Petty Sessions	175	175	
		Do. (£20 allowed for visiting; see Clarence Town.)			
			175		175
		<i>Dubbo.</i>			
		Police Magistrate. (See Wellington.)			
1	1	Clerk of Petty Sessions	175	175	
			175		175
		<i>Eden.</i>			
1	1	Police Magistrate, also Sub-Collector of Customs, salary, £300 per annum	150	150	
1	1	Clerk of Petty Sessions	175	175	
		Do. (See Panbula, visiting £35.)			
			325		325
		<i>Ellalong.</i>			
		Police Magistrate. (See Wollombi.)			
		Police to act as Clerk of Petty Sessions			
			
		<i>Eringunna.</i>			
		Police Magistrate. (See Bourke.)			
...	1	Acting Clerk of Petty Sessions... ..	.....	5	
					5
		<i>Euston.</i>			
		Police Magistrate. (See Wentworth.)			
...	1	Acting Clerk of Petty Sessions... ..	.....	10	
					10
		<i>Forbes. (See Lachlan.)</i>			
1	...	Police Magistrate	500	.....
1	1	Clerk of Petty Sessions	175	175	
			675		175
		<i>Glen Innes.</i>			
		Police Magistrate. (See Tenterfield.)			
1	1	Clerk of Petty Sessions	175	175	
			175		175
		<i>Gongolgon.</i>			
		Police Magistrate. (See Bourke.)			
...	1	Acting Clerk of Petty Sessions... ..	.....	5	
					5
		<i>Goulburn.</i>			
1	1	Police Magistrate (visiting Collector and Gunning) ...	500	500	
		Do. (for visiting Collector and Gunning)	75	.....
1	1	Clerk of Petty Sessions	200	175	
...	1	Do. Assistant ... ..	.....	70	
			775		745
		<i>Gosford.</i>			
1	...	Police Magistrate... ..	300	.....
1	...	Clerk of Petty Sessions	175	.....
...	1	Police Magistrate and Clerk of Petty Sessions... ..	.....	175	
			475		175
		<i>Grenfell.</i>			
1	...	Police Magistrate (See Lachlan)... ..	400	.....
1	1	Clerk of Petty Sessions	175	175	
			575		175
65	69	Carried forward ... ..		£	.....
			16,667	.....	12,566

* To act, when required, as Appraiser under the Crown Lands Acts of 1861.

No. III.—COLONIAL SECRETARY.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870			Amount Voted for 1869.	Amount Required for 1870.
65	69	Petty Sessions—continued.		£	£
		Brought forward ... ..		.....	12,566
		<i>Grafton.</i>			
		Police Magistrate, visiting Lawrence		450	450
		Clerk of Petty Sessions		200	175
		Do. for visiting Lawrence		20	.....
				670	625
		<i>Gundagai.</i>			
		Police Magistrate		420	.....
		*Do., visiting Tamut, Adelong, Tumbarumba, and Cootamundry ... ..		.....	450
		Clerk of Petty Sessions		175	175
				595	625
		<i>Gunnedah.</i>			
		Police Magistrate. (See Tamworth.)			
		Clerk of Petty Sessions		175	175
				175	175
		<i>Gunning.</i>			
		Police Magistrate. (See Goulburn.)			
		Acting Clerk of Petty Sessions		50	50
				50	50
		<i>Gundaroo.</i>			
		Police Magistrate. (See Queanbeyan.)			
		Police to act as Clerk of Petty Sessions ... ..		.....	.....
		<i>Hartley.</i>			
		Police Magistrate and Clerk of Petty Sessions		325	.....
		Do. do. to visit Rydal ... ..		.....	325
				325	325
		<i>Hargraves.</i>			
		Police Magistrate. (See Tambaroora.)			
		Acting Clerk of Petty Sessions... ..		.....	5
					5
		<i>Hay.</i>			
		Police Magistrate		450	.....
		Do. for visiting Balranald, Maude, and Booligal		50	.....
		Do. to visit Maude and Booligal ... ..		.....	450
		Clerk of Petty Sessions		175	175
		Do. for visiting Maude and Booligal... ..		40	.....
				715	625
		<i>Howlong.</i>			
		Police Magistrate. (See Albury.)			
		Police to act as Clerk of Petty Sessions ... ..		.....	.....
		<i>Inverell.</i>			
		Clerk of Petty Sessions		175	175
				175	175
		<i>Kiama.</i>			
		Clerk of Petty Sessions		175	175
				175	175
		<i>Lachlan.</i>			
		*Police Magistrate for Forbes, Condobolin, and Grenfell		.....	450
					450
		<i>Lawrence.</i>			
		Police Magistrate. (See Grafton.)			
		Police to act as Clerk of Petty Sessions... ..		.....	.....
		<i>Lismore.</i>			
		Police Magistrate. (See Richmond.)			
		Police to act as Clerk of Petty Sessions ... ..		.....	.....
		<i>Macquarie.</i>			
		Police Magistrate for Bathurst, Rockley, and Oberon...		.....	500
					500
		<i>Maitland.</i>			
		Police Magistrate, East and West Maitland and Morpeth		500	.....
		Police Magistrate, East and West Maitland, Morpeth, Singleton, and Paterson ... ..		.....	500
		Clerk of Petty Sessions		225	225
		Do. for visiting West Maitland and Morpeth		20	.....
		Messenger		50	50
				795	775
		Carried forward		£	20,342
					17,071
79	86				

* To act, when required, as Appraiser under the Crown Lands Acts of 1861.

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. III.—COLONIAL SECRETARY.			
		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Petty Sessions—continued.					
79	86	Brought forward		20,342	17,071
<i>Maude.</i>					
		Police Magistrate. (See Hay.)			
		Police to act as Clerk of Petty Sessions			
<i>Macleay.</i>					
1	1	Clerk of Petty Sessions	175	175	175
<i>Menindee.</i>					
1	1	Police Magistrate and Clerk of Petty Sessions, visiting Wilcannia	350	350	
		Police Magistrate visiting Wilcannia	50		350
<i>Merrica.</i>					
...	1	Police Magistrate. (See Upper Hunter.) For visiting... Clerk of Petty Sessions	50	10	10
<i>Morree.</i>					
		Police Magistrate. (See Warialda.)			
		Police to act as Clerk of Petty Sessions... ..			
<i>Moruya.</i>					
1	1	Police Magistrate (visits Nelligen and Nerrigundah) ...	470	450	
1	1	Clerk of Petty Sessions	175	175	625
<i>Moama.</i>					
1	1	Police Magistrate and Clerk of Petty Sessions... ..	275	275	275
<i>Molong.</i>					
1	1	Police Magistrate. (See Orange.) Clerk of Petty Sessions	175	175	175
<i>Moulamein.</i>					
...	1	Acting Clerk of Petty Sessions		10	10
<i>Mudgee.</i>					
1	1	Police Magistrate (visiting Windeyer)	325	325	
1	1	Clerk of Petty Sessions	175	175	500
<i>Muswellbrook.</i>					
1	1	Police Magistrate. (See Upper Hunter.) Clerk of Petty Sessions	175	175	175
<i>Murrurundi.</i>					
1	1	Police Magistrate. (See Upper Hunter.) Clerk of Petty Sessions	175	175	175
<i>Murrumburrah.</i>					
...	1	Police Magistrate. (See Young.) Clerk of Petty Sessions		175	175
<i>Narandara.</i>					
		Police Magistrate. (See Wagga Wagga.)			
		Police to act as Clerk of Petty Sessions..			
<i>Narrabri.</i>					
1	1	Police Magistrate and Clerk of Petty Sessions (visits Wee Waa.)	370	370	370
<i>Nelligen.</i>					
		Police Magistrate. (See Moruya.)			
		Police to act as Clerk of Petty Sessions.			
90	100	Carried forward		23,282	20,086

No. III.—COLONIAL SECRETARY.								
No. of Persons.		SALARIES AND CONTINGENCIES.						
1869	1870					Amount Voted for 1869.	Amount Required for 1870.	
						£	£	
		Petty Sessions—continued.						
90	100	Brought forward				23,282		20,086
		<i>Newcastle.</i>						
1	...	Police Magistrate				500	.....
...	1	Police Magistrate, to visit Waratah ... ..				.....	500	
1	1	Clerk of Petty Sessions				225	175	
1	1	Assistant Clerk of Petty Sessions				150	125	
1	1	Messenger				40	40	
						915		840
		<i>New England.</i>						
...	1	* Police Magistrate and Gold Commissioner, visiting Armidale, Bendemeer, Bundarra, Uralla, and Walcha ... ..				.....	500	500
		<i>Nerrigundah.</i>						
		Police Magistrate. (See Moruya.)				.....	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
		<i>Nimitybelle.</i>						
		Police Magistrate. (See Cooma.)				.....	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
		<i>Nowra (Shoalhaven).</i>						
1	1	Clerk of Petty Sessions				175	175	
		Clerk of Petty Sessions for visiting Numba				20	.....
						195		175
		<i>Nundle.</i>						
		Police Magistrate. (See Tamworth.)				.....	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
		<i>Oberon.</i>						
		Police Magistrate. (See Macquarie.)				.....	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
		<i>Orange.</i>						
1	...	Police Magistrate... ..				350	.....
...	1	Police Magistrate visiting Carcoar and Molong ... ..				.....	450	
1	1	Clerk of Petty Sessions				175	175	
						525		625
		<i>Panbula.</i>						
		Paid to Clerk of Petty Sessions, Eden, visiting				35	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
						35		
		<i>Paterson.</i>						
		Police Magistrate. (See Maitland.)				.....	.....
1	1	Clerk of Petty Sessions				175	175	
						175		175
		<i>Parramatta.</i>						
1	1	Clerk of Petty Sessions				225	175	
						225		175
		<i>Penrith.</i>						
1	1	Clerk of Petty Sessions				175	175	
						175		175
		<i>Picton.</i>						
...	1	Clerk of Petty Sessions (visited from Camden) ... ..				.....	10	10
		<i>Port Macquarie.</i>						
1	...	Police Magistrate				350	.....
		Police Magistrate, for visiting Manning and Macleay				75	.....
1	1	Clerk of Petty Sessions				225	175	
						650		175
		<i>Pooncarria.</i>						
		Police Magistrate. (See Wentworth.)				.....	.....
		Police to act as Clerk of Petty Sessions ... ..				.....	.....
102	113	Carried forward				£ 26,177	.....	22,936

* To act, when required, as Appraiser under the Crown Lands Acts of 1861.

ESTIMATES OF EXPENDITURE—1870.

No. III.—COLONIAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.				
1869	1870	Amount Voted for 1869.		Amount Required for 1870.		
102	113	£		£		
Petty Sessions—continued.						
		Brought forward ... ..	.....	26,177	.....	22,936
<i>Queanbeyan.</i>						
1	...	Police Magistrate	450	.....	.....
...	...	Police Magistrate, visiting Bungendore and Gundaroo ..	50	.....	.....
...	1	Police Magistrate, to visit Braidwood, Bungendore, and Gundaroo ... ..	.....	.....	450	
1	1	Clerk of Petty Sessions	175	.....	175	
				675		625
<i>Raymond Terrace.</i>						
1	1	Police Magistrate and Clerk of Petty Sessions	275	.....	275	
				275		275
<i>Rockley.</i>						
1	...	Police Magistrate and Clerk of Petty Sessions (See Macquarie)	425	.....	.....
...	1	Acting Clerk of Petty Sessions ... ..	.....	.....	5	
				425		5
<i>Rylstone.</i>						
1	1	Clerk of Petty Sessions	175	.....	175	
				175		175
<i>Ryde.</i>						
1	1	Acting Clerk of Petty Sessions	50	.....	50	
				50		50
<i>Rydal.</i>						
		Police Magistrate. (See Hartley) ... ..	.....	.....	.....
		Police to act as Clerk of Petty Sessions ... ..	.....	.....	.....
<i>Richmond River.</i>						
...	1	*Police Magistrate, Casino, Lismore, Ballina, and Tweed	.....	.....	450	
						450
<i>Scone.</i>						
1	...	Police Magistrate. (See Upper Hunter)	450	.....	.....
...	...	Police Magistrate, for visiting Murrurundi	50	.....	.....
1	1	Clerk of Petty Sessions	175	.....	175	
				675		175
<i>Singleton.</i>						
1	1	Police Magistrate. (See Maitland.)	.....	.....	.....
		Clerk of Petty Sessions	175	.....	175	
				175		175
<i>Sofala.</i>						
1	...	Police Magistrate and Clerk of Petty Sessions	350	.....	.....
...	1	Police Magistrate and Gold Commissioner, visiting Trunkey Creek ... ..	.....	.....	500	
				350		500
<i>Stony Creek.</i>						
1	...	Police Magistrate and Clerk of Petty Sessions	350	.....	.....
...	1	Police Magistrate. (See Wellington.)	.....	.....	10	
		Acting Clerk of Petty Sessions ... ..	.....	.....	.....
				350		10
<i>Stroud.</i>						
1	1	Clerk of Petty Sessions	175	.....	175	
				175		175
<i>Tamworth.</i>						
1	1	*Police Magistrate (visiting Gunnedah and Nundle), and also Commissioner of Crown Lands	450	.....	450	
		Police Magistrate—allowance for above	50	.....	.....
1	1	Clerk of Petty Sessions	200	.....	175	
				700		625
<i>Tambaroora.</i>						
1	1	Police Magistrate (visiting Hargraves)	400	.....	350	
				400		350
<i>Tenterfield.</i>						
1	1	Police Magistrate (visiting Glen Innes and Inverell) ...	450	.....	450	
		Police Magistrate—allowance for above	50	.....	.....
1	1	Clerk of Petty Sessions	175	.....	175	
				675		625
119	130	Carried forward	£	31,277	.....	27,151

* To act, when required, as Appraiser under the Crown Lands Acts of 1861.

No. of Persons.		No. III.—COLONIAL SECRETARY.			
1869	1870	SALARIES AND CONTINGENCIES.			
		Amount Voted for 1869.		Amount Required for 1870.	
119	130	£		£	
		Petty Sessions—continued.			
		Brought forward		31,277	27,151
		<i>Tuena.</i>			
1	1	Acting Clerk of Petty Sessions...	50	50	50
		<i>Trunkey Creek.</i>			
...	1	Police Magistrate. (See Sofala.) Acting Clerk of Petty Sessions ... ..	.....	10	10
		<i>Tumut.</i>			
1	...	Police Magistrate. (See Gundagai)	420	.....
		Police Magistrate for Visiting Adelong and Tumberumba	75	.....
1	1	Clerk of Petty Sessions	175	175	
		Clerk of Petty Sessions for visiting Adelong (£10) ... ..	.....	.....
			670		175
		<i>Tumberumba.</i>			
1	1	Police Magistrate. (See Gundagai.) Acting Clerk of Petty Sessions	175	175	175
			175		175
		<i>Tweed.</i>			
...	1	Police Magistrate. (See Richmond.) Acting Clerk of Petty Sessions ... ..	.....	50	50
		<i>Ulladulla.</i>			
1	1	Clerk of Petty Sessions	100	100	100
			100		100
		<i>Upper Hunter.</i>			
...	1	Police Magistrate. (See Scone.) Police Magistrate, Scone, Muswellbrook, Murrurundi, Merriwa, and Cassilis ... ..	.....	450	450
		<i>Uralla.</i>			
...	1	Police Magistrate. (See New England.) Acting Clerk of Petty Sessions... ..	.....	50	50
					50
		<i>Urana.</i>			
		Police Magistrate. (See Wagga Wagga.) Police to act as Clerk of Petty Sessions ... ..	.....	.....
		<i>Wagga Wagga.</i>			
1	1	Police Magistrate, visiting Urana and Narandera	500	450	
1	1	Clerk of Petty Sessions	175	175	
			675		625
		<i>Warialda.</i>			
1	...	*Police Magistrate, visiting Bingera and Moree... ..	500	.....
1	1	Clerk of Petty Sessions	175	175	
			675		175
		<i>Walgett.</i>			
1	1	Police Magistrate and Clerk of Petty Sessions, visiting Biree	350	350	350
			350		350
		<i>Walcha.</i>			
1	1	Police Magistrate. (See New England.) Clerk of Petty Sessions	200	175	175
			200		175
		<i>Warren.</i>			
		Police to act as Clerk of Petty Sessions ... ..	.....	.....
		<i>Wallabadah.</i>			
1	1	Acting Clerk of Petty Sessions. (A Magistrate)	50	100	100
			50		100
		<i>Wellington.</i>			
1	...	Police Magistrate visiting Dubbo	450	.....
...	1	† Do. to visit Dubbo and Stony Creek ... ..	.....	450	
1	1	Clerk of Petty Sessions	175	175	
			625		625
133	146	Carried forward		34,847	30,261

* The Commissioner of Crown Lands to act as Police Magistrate.

† To act, when required, as Appraiser under the Crown Lands Acts of 1861.

ESTIMATES OF EXPENDITURE—1870.

27

No. III.—COLONIAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Petty Sessions—continued.					
133	146				
		Brought forward	34,847		30,261
		<i>Wentworth.</i>			
1	...	Police Magistrate and Clerk of Petty Sessions ...	420	.....
...	1	Do. to visit Euston and Pooncaria	.....	400	
			420		400
		<i>Wingham.</i>			
1	1	Clerk of Petty Sessions ...	175	175	
		Do. for visiting Cundle and Tarec	20	.....
		Assistant Clerk of Petty Sessions	50	.....
			245		175
		<i>Windeyer.</i>			
...	1	Police Magistrate. (See Mudgec.)			
		Acting Clerk of Petty Sessions...	.....	10	
					10
		<i>Windsor.</i>			
1	1	Clerk of Petty Sessions ...	200	175	
			200		175
		<i>Wilcannia.</i>			
		*Police Magistrate. (See Menindie.)			
		Police to act as Clerk of Petty Sessions	.....	.....
		<i>Wollombi.</i>			
1	1	Police Magistrate and Clerk of Petty Sessions, visits Ellalong	300	300	
		Police Magistrate and Clerk of Petty Sessions for visiting Ellalong	20	.....
			320		300
		<i>Wollongong.</i>			
1	1	Clerk of Petty Sessions ...	175	175	
			175		175
		<i>Yass.</i>			
1	1	Clerk of Petty Sessions ...	175	175	
			175		175
		<i>Young.</i>			
1	...	Police Magistrate	420	.....
		Police Magistrate for visiting Boorowa and Murrumburrah	50	.....
...	1	Police Magistrate and Gold Commissioner to visit Boorowa and Murrumburrah	.....	500	
1	1	Clerk of Petty Sessions ...	175	175	
			645		675
			37,027		32,346
		Less—Paid from Contingencies†	1,270		
			35,757		
		CONTINGENCIES.			
		Travelling Expenses for Police Magistrates	800	1,000	
		Allowance to Clerks of Petty Sessions visiting other Benches	450	.....
		Inspector of Weights and Measures, Central Police Office	200	200	
		Allowance to Court House Keepers	700	700	
		Fees to Interpreters	200	200	
		Fees to Medical Practitioners in Lunacy cases	250	.....^a	
		Rent of Court Houses	250	250	
		Fuel, Light, and Water	300	300	
		Incidental	350	350	
		Bailiffs, Small Debts Courts	100	100	
			+3,600		3,100
141	155	TOTAL	39,357	.....	35,446

* Commissioner of Crown Lands to act as Police Magistrate.

^a See Medical Vote.

No. of Persons.				No. III.—COLONIAL SECRETARY.			
				SALARIES AND CONTINGENCIES.			
1869	1870			Amount Voted for 1869.		Amount Required for 1870.	
Gaols and Penal Establishment.							
SYDNEY GAOL.							
1	1	Principal Gaoler ...	...	£	350	£	400
...	1	Visiting Justice ...	...	.....	.....	.....	200
1	...	Visiting Surgeon...	...	.....	270	.....^a	.....^a
...	1	Dispenser...	...	.....	.....	.....^a	.....^a
1	1	Clerk ...	...	.....	230	.....	230
1	1	Do. ...	...	.....	120	.....	120
1	1	Schoolmaster ...	...	.....	200	.....*	200
1	1	Chief Warder ...	...	.....	200**
1	1	Senior Warder, at 7s. 6d.	...	.....	137**
6	6	Warders in charge, at 7s.	...	.....	767**
12	12	Warders, at 6s. 9d.	...	.....	1,479**
28	28	Do. at 6s. 6d.	...	.....	3,321**
1	1	Overseer ...	...	.....	200**
3	3	Overseers, at 10s.	...	.....	548**
1	1	Messenger, at 6s. 6d.	...	.....	119**
1	1	Matron ...	...	.....	100	.....	100
5	6	Female Warders, at £46...	...	.....	230**
1	1	Chaplain, Church of England	...	.....	120	.....	120
1	1	Do. Roman Catholic	...	.....	120	.....	120
1	1	Do. Presbyterian ...	...	.....	50	.....	50
				.....	8,561	.....	1,540
Provisions, Medical Comforts and Medicines, Fuel,				.....	4,450**
Light, Water, and Incidental Expenses ...				.....	.....	.....*	.....*
67	69			.....	13,011	.....*	1,540
PARRAMATTA GAOL.							
1	1	Visiting Justice ...	...	.....	100	.....	100
1	1	Gaoler ...	...	.....	250	.....	250
1	1	Matron ...	...	.....	20	.....	20
1	1	Visiting Surgeon ..	...	.....	100	.....^a	.....^a
1	1	Schoolmaster and Clerk ...	...	.....	200	.....	200
1	1	Assistant Clerk ...	...	.....	100	.....	100
1	1	Dispenser...	...	.....	100	.....^a	.....^a
1	1	Chief Warder ...	...	.....	146**
1	1	Senior Warder, at 7s.	...	.....	128**
31	31	Warders, at 6s. 6d.	...	.....	3,678**
3	3	Trade Overseers, at 10s....	...	.....	548**
1	1	Chaplain, Church of England	...	.....	40	.....	40
1	1	Do. Roman Catholic	...	.....	40	.....	40
1	1	Messenger, at 5s....	...	.....	92**
1	1	Carter, at 6s.	...	.....	110**
				.....	5,652	.....	750
Provisions, Medical Comforts, Medicines, Fuel, Light,				.....	2,200**
Water, and Incidental Expenses ...				.....	.....	.....*	.....*
47	47			.....	7,852	.....*	750
BATHURST GAOL.							
1	1	Gaoler ...	...	.....	175	.....	175
1	1	Matron ...	...	.....	42	.....	42
1	1	Visiting Surgeon...	...	.....	70	.....^a	.....^a
1	1	Clerk and Schoolmaster ...	...	.....	128	.....	128
1	1	Chief Warder, at 7s. 6d....	...	.....	138**
9	9	Warders, at 6s. 6d.	...	.....	1,068**
1	1	Female Warder ...	...	.....	46**
1	1	Chaplain, Church of England	...	.....	30	.....	30
1	1	Do. Roman Catholic	...	.....	30	.....	30
				.....	1,727	.....	405
Provisions, Medical Comforts and Medicines, Fuel,				.....	1,750**
Light, and Water, and Incidental Expenses				.....	82**
Removal of Nightsoil ...				.....	.....	.....*	.....*
				.....	1,832**
17	17			.....	3,559**
131	133	Carried forward ...		£	.....	.....	2,695

* See Gaols generally.

^a See Medical Vote.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
1869	1870	£		£	
No. III.—COLONIAL SECRETARY.					
Gaols and Penal Establishment—continued.					
131	133	Brought forward	24,422	.....	2,695
MAITLAND GAOL.					
1	1	Gaoler	175	175	
1	1	Matron	42	42	
1	1	Visiting Surgeon... ..	70	.....^a	
1	1	Clerk and Schoolmaster	140	140	
1	1	Chief Warder, at 7s. 6d.... ..	137*	
1	1	Senior Warder, at 6s. 9d.	124*	
15	15	Warders, at 6s. 6d.	1,780*	
2	2	Female Warders	92*	
1	1	Chaplain, Church of England	30	30	
1	1	Do. Roman Catholic	30	30	
			2,620	417	
		Provisions, Medical Comforts and Medicines, Fuel, Light, and Water, and Incidental Expenses	2,600*	
25	25		5,220	.....*	417
GOULBURN GAOL.					
1	1	Gaoler	175	175	
1	1	Matron	42	42	
1	1	Visiting Surgeon... ..	70	.....^a	
1	1	Clerk and Schoolmaster	128	128	
1	1	Chief Warder, at 7s. 6d.... ..	137*	
10	10	Warders, at 6s. 6d.	1,187*	
1	1	Female Warder	46*	
1	1	Chaplain, Church of England	30	30	
1	1	Do. Roman Catholic	30	30	
			1,845	405	405
		Provisions, Medical Comforts and Medicines, Fuel, Light, and Water, and Incidental Expenses	1,250*	
		Allowance to Chief Warder, in lieu of Quarters, of 10s. per week	26*	
18	18		1,276	.....
BERRIMA GAOL.					
1	1	Visiting Justice	75	75	
1	1	Gaoler	200	200	
1	1	Matron	42	42	
1	1	Visiting Surgeon and Dispenser... ..	200	.....^a	
1	1	Clerk and Schoolmaster	150	150	
1	1	Chief Warder, at 7s. 6d.	137*	
1	1	Senior Warder, at 6s. 9d.	124*	
16	16	Warders, at 6s. 6d.	1,898*	
1	1	Chaplain, Church of England	100	100	
1	1	Do. Roman Catholic	100	100	
			3,026	667	
		Provisions, Medical Comforts and Medicines, Fuel, Light, and Water, and Incidental Expenses	1,100*	
25	25		4,126	.....*	667
ALBURY GAOL.					
1	1	Gaoler	140	140	
1	1	Matron	20	10	
4	2	Warders, at 6s. 6d.	475*	
1	1	Visiting Surgeon... ..	40	.....^a	
			675	150	
		Provisions, Medical Comforts and Medicines, Fuel, Light, and Water, and Incidental Expenses	700*	
7	5		1,375	.....*	150
206	206	Carried forward	38,264	.....	4,334

* See Gaols generally.

^a See Medical Vote.

No. of Persons.				SALARIES AND CONTINGENCIES.			
1869	1870			Amount Voted for 1869.		Amount Required for 1870.	
				£		£	
No. III.—COLONIAL SECRETARY.							
Gaols and Penal Establishment—continued.							
206	206	Brought forward ... ..		.....	38,264	.....	4,334
BRAIDWOOD GAOL.							
1	...	Visiting Justice		50		.....
1	1	Gaoler		140		140	
1	1	Matron		20		10	
1	1	Visiting Surgeon... ..		50		.....^a	
4	2	Warders, at 6s. 6d.		475	*	
				735		150	
Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses				500	*	
					1,235		150
8	5						
MUDGEE GAOL.							
1	1	Gaoler		140		140	
1	1	Visiting Surgeon		50		.....^a	
1	1	Matron		20		10	
4	2	Warders, at 6s. 6d.		475	*	
				685		150	
Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses				450	*	
					1,135		150
7	5						
GRAFTON GAOL.							
1	1	Gaoler		120	 [†]	
1	1	Matron		20		10	
2	1	Warder, at 6s. 6d.		238	*	
				378			10
Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses				150	*	
					528		
4	3						
WOLLONGONG GAOL.							
1	...	Visiting Justice		50		.....
1	1	Visiting Surgeon... ..		40		.....^a	
1	1	Gaoler		140		140	
1	1	Matron		20		10	
4	2	Warders, at 6s. 6d.		475	*	
				725		150	
Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses				500	*	
					1,225		150
8	5						
233	224	Carried forward		£	42,387	.....	4,794

* See Gaols generally.

† See Gaols, Country Districts

^a See Medical Vote.

ESTIMATES OF EXPENDITURE—1870.

31

No. of Persons.		No. III.—COLONIAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
		Gaols and Penal Establishment—continued.									
233	224	Brought forward ... ..						.....	42,387	.....	4,794
		ARMIDALE GAOL.									
1	1	Visiting Surgeon...	...	...	...	...	40		.....^a		
1	1	Gaoler ... ..	...	...	...	...	140		140		
1	1	Matron ... ..	...	...	...	...	20		10		
4	2	Warders, at 6s. 6d.	...	...	...	...	475	*		
								675		150	
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						300	*	
7	5								975		150
		WAGGA WAGGA GAOL.									
1	1	Visiting Surgeon...	...	...	...	...	40		.....^a		
1	1	Gaoler ... ..	...	...	...	...	140		140		
1	1	Matron ... ..	...	...	...	...	20		10		
4	2	Warders, at 6s. 6d.	...	...	...	...	475	*		
								675		150	
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						500	*	
7	5								1,175		150
		YASS GAOL.									
1	...	Visiting Justice ...	...	...	...	...	50		.....	
1	1	Visiting Surgeon...	...	...	...	...	50		.....^a		
1	1	Gaoler ... ..	...	...	...	...	140		140		
1	1	Matron ... ..	...	...	...	...	20		10		
4	2	Warders, at 6s. 6d.	...	...	...	...	475	*		
								735		150	
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						600	*	
8	5								1,335		150
		DENILQUIN GAOL.									
1	1	Visiting Surgeon...	...	...	...	...	50		.....^a		
1	1	Gaoler ... ..	...	...	...	...	140		140		
1	1	Matron ... ..	...	...	...	...	20		10		
4	4	Warders, at 6s. 6d.	...	...	...	...	475	*		
								685		150	
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						650	*	
7	7								1,335		150
262	246	Carried forward ... .. £						.....	47,207	.....	5,394

* See Gaols generally.

^a See Medical Vote.

No. of Persons.		No. III.—COLONIAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
		Gaols and Penal Establishment—continued.									
		Brought forward ... ..						.....	47,207	.....	5,394
202	246	PORT MACQUARIE GAOL.									
...	1	Visiting Justice ... ..						.....		50	
1	1	Visiting Surgeon... ..						150		.....^a	
1	1	Gaoler						175		175	
1	1	Matron						42		42	
1	1	Clerk and Schoolmaster						128		128	
1	1	Chief Warder, at 7s. 6d.... ..						137	*	
10	10	Warders, at 6s. 6d.						1,187	*	
1	1	Chaplain, Church of England						50		50	
1	1	Do. Roman Catholic						50		50	
17	18							1,919		495	
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						1,300	*	
									3,219		495
		WINDSOR GAOL.									
1	1	Matron						20		10	
1	...	Warder, at 6s. 6d.						119		.....
2	1								139		10
		EDEN GAOL.									
1	1	Matron						20		10	
1	...	Warder, at 6s. 6d.						119		.....
2	1								139		10
		GUNDAGAI GAOL.									
1	1	Warder, at 6s. 6d.						119	*	
									119		
		TAMWORTH GAOL.									
1	1	Matron						10		10	
2	2	Warders, at 6s. 6d.						238	*	
3	3								248		10
		ORANGE GAOL.									
1	1	Matron						10		10	
1	1	Warder, at 6s. 6d.						119	*	
2	2								129		10
		TENTERFIELD GAOL.									
1	...	Matron						20		10	
1	1	Warder, at 6s. 6d.						119	*	
2	1								139		10
		BOURKE GAOL.									
...	1	Warder, at 6s. 6d. ... ..						.....		.....*
		WELLINGTON GAOL.									
1	1	Warder, at 6s. 6d.						119	*	
									119		
		COOMA GAOL.									
1	1	Warder, at 6s. 6d.						119	*	
									119		
		QUEANBEYAN GAOL.									
1	1	Warder, at 6s. 6d.						119	*	
									119		
		GAOLS, COUNTRY DISTRICTS.									
20	...	Acting Gaolers, 11 at £20, 9 at £10						310		.....
...	17	Acting Gaolers, 12 at £20, 5 at £10 ... ..						.....		290	
									310		290
		Provisions, Medical Comforts, Medicines, Fuel, Light, Water, and Incidental Expenses						1,800	*	
20	17								1,800		
314	294	Carried forward						£	53,806	.....	6,229

* See Gaols generally.

^a See Medical Vote.

ESTIMATES OF EXPENDITURE—1870.

33

No. III.—COLONIAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Gaols and Penal Establishment—continued.					
314	294	Brought forward		53,806	6,229
GAOLS GENERALLY.					
1	1	Extra Warders, at 6s. 6d. per diem		500*
2	2	Trades Overseer (for Sydney Gaol)		200*
4	4	Trades Overseers (for Parramatta and Berrima Gaols), at £150		300*
7	7	Trades Foremen, at 7s. 6d. per diem		548*
				1,548*
GAOLS GENERALLY.					
		1 Chief Warder		200	
		1 Do.		146	
		5 Chief Warders, at 7s. 6d.		684	
		1 Senior Warder, at 7s. 6d.		137	
		1 Do. at 7s.		128	
		2 Senior Warders, at 6s. 9d.		247	
		6 Warders, at 7s.		767	
		12 Do. at 6s. 9d.		1,478	
		147 Do. at 6s. 6d.		17,438	
		10 Female Warders, at £46		460	
		2 Overseers, at £200		400	
		2 Do. at £150		300	
		6 Do. at 10s.		1,095	
		4 Foremen, at 7s. 6d.		548	
		1 Messenger, at 6s. 6d.		119	
		1 Do. at 5s.		91	
		1 Carter, at 6s.		110	
		Extra Warders, at 6s. 6d. per diem		300	
				24,648	
		203			
		Books for the use of Prisoners, and materials for binding and repairing		70	70
		For conveyance of Prisoners, while under escort by Police to Gaols other than the place of sentence		800	800
		For conveyance of Prisoners, being lunatics, infirm persons, or paupers, under escort other than Police		800	1,000
		For gratuities to Prisoners on their discharge from Gaols For purchase of materials for, and incidental expenses connected with, employment of Prisoners in Gaols..		3,000	3,000
		Medicines and Surgical Instruments for Gaols		600	.....
		Unforeseen expenses, including travelling expenses and sustenance allowance to Gaol Officers		100	100
		Provisions, Medical Comforts, Medicines, and Surgical Instruments, Fuel, Light, and Water, Incidental Expenses, Removal of Night-soil, and Allowance, in lieu of Quarters, for all Gaols and Lock-ups proclaimed Gaols ... ..		.....	18,000
				5,370	22,970
PENAL ESTABLISHMENT, COCKATOO ISLAND. ^a					
1	...	Superintendent. (Duty performed by Engineer-in-Chief.)			
1	...	Clerk, and Clerk of Petty Sessions		200	
1	...	Principal Warder		180	
1	...	Visiting Surgeon... ..		130	
1	...	Dispenser... ..		150	
1	...	Schoolmaster		150	
1	...	Second Warder, at 8s.		146	
1	...	Third Warder, at 7s. 6d.		137	
3	...	Warders, at 7s.		384	
18	...	Police Force—1 Senior Sergeant, at 9s. 6d.; 2 Senior Con- stables, at 6s. 9d.; and 15 Constables, at 6s. per diem		2,063	
1	...	b Chaplain, Church of England		100	
1	...	Do. Roman Catholic		100	
				3,740	
31	...				
352	301	Carried forward		60,724	53,847

^a The Officers who reside on the Island are allowed provisions, fuel, and light.^b See Gaols generally.^c Chaplain also to Sydney Gaol; Salary, £120 per annum.

† These Warders, &c., are to be employed as shown in separate Gaol Estimates.

No. III.—COLONIAL SECRETARY.						
No. of Persons.		SALARIES AND CONTINGENCIES.				
1869	1870	Amount Voted for 1869.		Amount Required for 1870.		
Gaols and Penal Establishment—continued.						
352	307	£		£		
		Brought forward	3,740	60,724	.....	53,847
PENAL ESTABLISHMENT, COCKATOO ISLAND—continued.						
		Allowance to Military Officer	92		.....
		Provisions, Medical Comforts, Medicines, Surgical Instruments, and Incidental Expenses	2,880		.....
		Uniforms for Officers and Warders	60		.....
		Burial of Prisoners	10		.....
		Gratuities to Prisoners, for Extra Labour	120		.....
		Gratuities to Prisoners on their discharge	100		.....
		Conveyance of Guard, &c.	100		.....
			3,362		.....
				7,102		
1	...	VISITING JUSTICE at Sydney Gaol, and Penal Establishment, Cockatoo Island	200	*	
				200		
353	307	TOTAL ... .. £	.....	68,026	.....	53,847
Lunatic Asylums.						
HOSPITAL FOR THE INSANE, GLADESVILLE.						
1	1	Superintendent and Inspector of the Insane	650		800	
1	1	Assistant Medical Officer	250		250	
1	1	Assistant Superintendent	130		200	
1	1	Dispenser... ..	100		130	
1	1	Storekeeper	100		100	
1	1	Matron	100		120	
...	1	Carpenter ... ..	.....		130	
...	1	Bootmaker ... ..	.....		100	
...	1	Tailor ... ..	.....		100	
...	1	Workwoman ... ..	.....		60	
1	1	Master Attendant	90		120	
1	1	Grounds Attendant	72		72	
5	6	Senior Male Attendants, at £72	360		432	
20	17	Junior do. at £66	1,320		1,122	
4	4	Senior Female Attendants, at £50	200		200	
13	14	Junior do. at £46	598		644	
9	10	Servants—1 at £77; 1 at £66; 2 at £60; 3 at £50; 1 at £46; 2 at £45; and 1 at £30	488		579	
...	6	Junior Attendants, at £66, for three months ... ..	.....		99	
				4,458		5,258
		Allowance in lieu of Provisions, Fuel, and Light, to the Superintendent, Assistant Medical Officer, and Assistant Superintendent, at £45 each	135		135	
		Engine-driver and Fuel ... ..	.....†		250	
		Provisions and Medical Comforts, Fuel, and Light	7,962		6,250	
		Provisions, &c., for 200 Patients, for three months, to be afterwards transferred to the Asylum at Parramatta. ....	.....		600	
		Medicines and Surgical Instruments	100		100	
		Forage for two Horses	80		50	
		Books and Periodicals	50		100	
		To provide Amusement to Inmates	50		100	
		House Rent for the Assistant Superintendent	35		35	
		Allowance to Attendants for loss of Clothing attributable to violence of patients	126		.....
		Allowance for Uniform Clothing ... ..	.....		160	
		Incidental Expenses	400		400	
				8,938		8,180
59	69	Carried forward ... .. £	.....	13,396	.....	13,438

NOTE.—The Officers residing in the Establishments are provided with Provisions, Fuel, and Light.

* Provided for under Gaol, Darlinghurst.

† Provided for in 1869 under "Public Works and Buildings."

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. III.—COLONIAL SECRETARY.					
		SALARIES AND CONTINGENCIES.					
1869	1870	Amount Voted for 1869.		Amount Required for 1870.			
		£		£			
		Lunatic Asylums—continued.					
59	69	Brought forward ... ..		.....	13,396	.....	13,438
		PARRAMATTA.					
1	1	Superintendent	500	500			
1	1	Assistant Superintendent and Storekeeper	220	220			
1	1	Medical Visitor	150	.....^a			
1	1	Matron	100	100			
1	1	Dispenser... ..	120	140			
1	1	Master Attendant	150	150			
...	1	Assistant Clerk ... ..	.....	80			
28	40	Male Attendants—1 at £75; 7 at £72; and 32 at £66 each	1,893	2,691			
16	18	Female Attendants—3 at £50; and 15 at £40 each	670	750			
18	18	Servants—2 at £80; 2 at £50; 1 at £40 per annum; and 13 at 9d. each per diem	479	478			
1	1	Farm Overseer	66	66			
1	1	Gardener	52	52			
1	1	Nurse to Idiotic Children	15	15			
1	1	Machinist... ..	52	52			
			4,467	5,294			
		Allowance in lieu of Provisions, Fuel, and Light, to the Superintendent and Assistant Superintendent and Storekeeper, at £45 each					
			90	90			
		Provisions, Medical Comforts, Medicines, Surgical Instruments, Fuel and Light, and Incidental Expenses					
			7,375	9,700			
		Forage for three Horses					
			70	75			
		Books, Periodicals, and Newspapers					
			100	100			
		To provide Amusement to Inmates					
			100	100			
		Compensation to Attendants for loss of Clothing sustained by them in the performance of their duty through the violence of Patients					
			100	.....		
		Allowance for Uniform Clothing					
			.....	250			
		2 Washing Machines					
			25	.....		
		Sewing Machine					
			15	.....		
		Incidental Expenses					
			15	25			
72	87		7,890	10,340			
				12,357			15,634
		LUNATIC RECEPTION-HOUSE, DARLINGHURST.					
1	1	Superintendent	100	100			
1	1	Matron	60	60			
1	1	Medical Visitor	50	.....^a			
1	2	Male Attendants	66	132			
1	2	Female Attendants, at £46	46	92			
5	7		322	384			
		Clerical Assistance					
			50	50			
		Occasional additional Attendants which required, at 5s. per diem					
			150	50			
		Provisions for Patients					
			50	50			
		Provisions for Attendants					
			75	50			
		Medicines and Medical Comforts					
			30	25			
		Fuel and Light					
			60	80			
		Bedding and Stores					
			40	40			
		Clothing for Patients					
			10	10			
		Incidental Expenses					
			10	10			
		Allowance to Gael Messenger employed as Messenger					
			.....	10			
			475	375			
				797			759
136	163	Carried forward ... ..		.....	26,550	.....	29,831

^a See Medical Vote.

No. III.—COLONIAL SECRETARY.											
No. of Persons.								SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
		Lunatic Asylums—continued.									
136	163	Brought forward	...	...	...	...	.....	26,550	.....	29,831	
		LUNATIC PATIENTS.									
		Payment for Patients transferred to Mr. Tucker's Establishment, Cook's River—25 at 25s. per week each ... ..						.....		1,625	
		Allowance for Patients discharged from Asylums to Friends, under recent Regulations... ..						.....		500	
											2,125
		BOARD OF VISITORS.									
		Allowances	...	...	...	...	300		300		
		Clerical Assistance	...	...	...	...	50		50		
									350		350
		CHAPLAINS AT GLADESVILLE.									
1	1	Church of England	...	...	...	...	50		50		
1	1	Roman Catholic	...	...	...	...	50		50		
									100		100
2	2										
		CHAPLAINS AT PARRAMATTA.									
1	1	Church of England	...	...	...	...	50		50		
1	1	Roman Catholic	...	...	...	...	50		50		
									100		100
2	2										
140	167	TOTAL	...	...	...	...	£ .....	27,100	.....	32,506	
		=====									
		Medical Board.									
1	1	Clerk to Board	...	...	...	...	.....	44		44	

ESTIMATES OF EXPENDITURE—1870.

No. III.—COLONIAL SECRETARY.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1869	1870					Amount Voted for 1869.		Amount Required for 1870.	
		Medical Adviser, Vaccination, Medical Officers, &c.							
1	1	a	Vaccinator, Sydney	...	...	£	240		£
1	1		Office-keeper, Sydney	...	...		20		
							260		
			Fees to Vaccinators, say for 15,000 children, at 2s. 6d.				1,875		
			Fees to Vaccinators, say for 20,000 children, at 2s. 6d., and 5,000 at 3s. 6d. each	...	...		.....
			Incidental Expenses	...	...		40		
2	2						1,915		
							2,175		
		Page 17.	Police Surgeon	...	...		200		
			Police, for Medical Attendance	...	...		700		
			Do. Fees to Medical Practitioners in Lunacy cases	...	...		250		
			Sydney Gaol, Visiting Surgeon	...	...		270		
			Do. Dispenser	...	...		.....
			Parramatta Gaol, Visiting Surgeon	...	...		100		
			Do. Dispenser	...	...		100		
			Bathurst Gaol, Visiting Surgeon	...	...		70		
			Maitland Gaol, do.	...	...		70		
			Goulburn Gaol, do.	...	...		70		
			Berrima Gaol, do. and Dispenser	...	...		200		
			Albury Gaol, Visiting Surgeon	...	...		40		
			Braidwood Gaol, do.	...	...		50		
			Mudgee Gaol, do.	...	...		50		
			Wollongong Gaol, do.	...	...		40		
			Armidale Gaol, do.	...	...		40		
			Wagga Wagga Gaol, do.	...	...		40		
			Yass Gaol, do.	...	...		50		
			Deniliquin Gaol, do.	...	...		50		
			Port Macquarie Gaol, do.	...	...		150		
		b	33. Visiting Surgeon, Cockatoo	...	...		130		
			33. Dispenser, do.	...	...		150		
			35. Medical Visitor to Lunatic Asylum at Parramatta	...	...		150		
			35. Medical Visitor, Lunatic Reception House, Darlinghurst	...	...		50		
		c	41. Visiting Surgeon, N.S.S. "Vernon"	...	...		.....
			41. Do. Industrial School, Port Macquarie	...	...		.....
			42. Do. Industrial School, Newcastle	...	...		50		
			42. Do. Reformatory, Newcastle	...	...		.....
			43. Do. Protestant Orphan School, Parramatta	...	...		73		
			43. Do. Roman Catholic Orphan School, Parramatta	...	...		71		
			44. Do. and Dispenser, Hyde Park Asylum	...	...		125		
			44. Do. Parramatta Asylum	...	...		75		
			Dispenser at do.	...	...		50		
		b	44. Visiting Surgeon and Dispenser, Port Macquarie Asylum	...	...		100		
							a 3,564		
							5,739		
			<i>From Administration of Justice.</i>						
			53. Coroners' Inquests—Surgeons' Fees	...	...		850		
			<i>From Secretary for Lands.</i>						
			75. Aborigines	...	...		500		
							7,089		
			<i>Less—Already included in Estimates for the several Services</i>				a 3,564		
			For payment to Medical Adviser, Surgeons to Public Institutions, Fees to Medical Officers Country Districts, and Fees to Vaccinators, at 2s. 6d. and 3s. 6d. for each case	...	...		.....		7,500
			TOTAL	...	...	£	3,525		7,500

a Also, Police Surgeon; Salary, £200 per annum.

b Establishments abolished.

c Duties performed by Health Officer.

		No. III.—COLONIAL SECRETARY.				SALARIES AND CONTINGENCIES:			
No. of Persons.						Amount Voted for 1869.		Amount Required for 1870.	
1869	1870					£		£	
Auditor General.									
1	1	Auditor General. (Provided in Schedule.)							
1	1	Chief Clerk and Inspector of Accounts ...				550		600	
1	1	Inspector of Customs' and Revenue Accounts ...				450		450	
1	1	Corresponding Clerk ...				385		385	
1	1	Examiner of Expenditure Accounts ...				370		400	
2	2	Clerks, at £300 ...				600		600	
1	1	Clerk ...				275		275	
2	3	Clerks, at £225 ...				450		675	
2	1	Clerk ...				400		200	
1	2	Clerks, at £175 ...				175		350	
2	1	Clerk ...				300		150	
1	1	Do. ...				90		100	
1	1	Do. ...				50		50	
1	1	Messenger ...				102		102	
1	1	^a House-keeper ...				50		50	
		Incidental Expenses ...				10	4,247	10	4,387
		Extra Clerical Assistance for Parliamentary and other Returns, as required ...				250		150	
							260		160
19	19	TOTAL ...				£	4,507		4,547
Registrar General.									
1	1	Registrar General ...				.....	700	.....	700
STATISTICAL BRANCH.									
1	1	Compiler of General Statistics ...				275		275	
1	1	Examiner and Compiler of Vital Statistics ...				250		250	
1	1	Clerk ...				250		200	
1	1	Do. ...				125		175	
1	2	Clerks, at £125 ...				125		250	
2	1	Clerk, at £100 ...				200		100	
...	1	Assistant Clerk ...				.....		75	
1	1	Messenger ...				100		120	
							1,325		1,445
REGISTRATION OF DEEDS BRANCH.									
1	1	Clerk and Deputy Registrar ...				250		250	
1	1	Clerk ...				225		225	
1	1	Do. ...				175		175	
1	1	Do. ...				125		125	
1	1	Book Porter ...				120		120	
							895		895
LAND TITLES BRANCH.									
2	2	Examiners of Titles, at £1,000 and £800 ...				1,800		1,800	
1	1	Deputy Registrar General ...				600		600	
1	1	Principal Draftsman ...				500		500	
1	1	Assistant Draftsman ...				350		350	
2	2	Junior Assistant Draftsmen, at £125 ...				200		250	
1	1	Junior Assistant Draftsman ...				75		75	
1	1	Clerk ...				300		300	
1	1	Do. ...				250		250	
1	1	Do. ...				225		225	
1	1	Assistant Clerk ...				50		50	
1	1	Messenger ...				100		120	
							4,450		4,520
1	1	Office-keeper ...				.....	50	.....	50
28	29	Carried forward ...				£	7,420	.....	7,610

ESTIMATES OF EXPENDITURE—1870.

39

No. of Persons.		No. III.—COLONIAL SECRETARY.			
1869	1870	SALARIES AND CONTINGENCIES.			
		Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Registrar General—continued.					
28	29	Brought forward	7,420	7,610	
		Allowances to District Registrars	4,000	3,500	
		Cost of Binding	150	150	
		Preparing General Indexes of Births, Marriages, and Deaths	250	250	
		Incidental Expenses	600	600	
		Do. Land Titles Branch	100	50	
			5,100	4,550	
BRANDS REGISTRATION BRANCH. <i>a</i>					
1	1	Deputy Registrar for Brands	250	250	
1	1	Clerk	200	200	
		Allowances to Inspectors of Sheep acting as Deputy Registrars throughout the Colony—			
35	35	Sheep Inspectors acting as Deputies—1 at £50, 34 at £25	900	900	
			1,350	1,350	
		Publication of Notices in <i>Government Gazette</i> and local Newspapers	500	500	
			1,850	1,850	
65	66	TOTAL £	14,370	14,010	
Colonial Agent.					
1	1	Agent to represent the Colony, resident in London ...	1,000	1,000	
		Office-rent, Clerical Assistance, Stationery, and Incidental Expenses	300	500	
			1,300	1,500	
Observatory.					
1	1	Astronomer	600	600	
1	1	Assistant	300	300	
1	1	Meteorological Assistant	100	100	
1	1	Messenger and Carpenter	100	100	
10	10	Meteorological Observers at Country Stations	120	120	
			1,220	1,220	
		Purchase of Books	30	30	
		Expenses of Magnetical Survey	150	150	
		Purchase of New Instruments	220	220	
		Incidental Expenses	30	30	
			430	430	
14	14	TOTAL... .. £	1,650	1,650	
Museum.					
1	1	Curator	500	500	
Public Instruction, under Act 30 Vic., 22					
			100,000	105,000	

a This expenditure will be defrayed from fees and moneys payable under the Registration of Brands Act 30 Vict., No. 12.

No. III.—COLONIAL SECRETARY.										
No. of Persons.		SALARIES AND CONTINGENCIES.								
1869	1870	Free Public Library.						Amount Voted for 1869.	Amount Required for 1870.	
								£	£	
...	1	a Librarian ...	...	...	...	...	...	.....	400	
...	2	Assistant Librarians, at £250	...	...	...	...	...	.....	500	
...	4	Attendants, at £104	...	...	...	...	...	.....	416	
...	1	Housekeeper	...	...	...	...	...	.....	40	
		Books, Periodicals, Printing, &c.	...	...	...	...	...	.....	2,000	1,356
		Binding	...	...	...	...	...	.....	1,000	
		Gas, Fuel, &c.	...	...	...	...	...	.....	100	
		Stores, Stationery, and Incidental Expenses	...	...	...	...	...	.....	200	
...	8	TOTAL	...	...	...	...	...	£ .....	.....	3,300
										4,656
Grants in aid of Public Institutions.										
To supplement the present Annual Endowment of £1,000 to the										
		Australian Museum	...	...	...	...	...	200	200	
		In aid of the Sydney Mechanics' School of Arts	...	...	...	...	...	200	200	
		In aid of Educational Institutions, in the proportion of £1 to every £2 raised by private contributions, viz. :—								
		Albury School of Arts	...	...	...	...	...	100	100	
		Armidale School of Arts	...	...	...	...	...	100	100	
		Balmain School of Arts	...	...	...	...	...	100	100	
		Balmain Working Men's Institute	...	...	...	...	...	50	50	
		Bathurst School of Arts	...	...	...	...	...	100	100	
		Bega School of Arts	...	...	...	...	...	.....	50	
		Bellambi and Bulli School of Arts	...	...	...	...	...	50	50	
		Berrima School of Arts	...	...	...	...	...	50	50	
		Braidwood Literary Institute	...	...	...	...	...	50	50	
		Braunton Mechanics' Institute	...	...	...	...	...	50	50	
		Bourke Mechanics' Institute	...	...	...	...	...	.....	200	
		Camden School of Arts	...	...	...	...	...	50	50	
		Dubbo Mechanics' Institute	...	...	...	...	...	.....	150	
		East Maitland School of Arts	...	...	...	...	...	100	100	
		Forbes School of Arts	...	...	...	...	...	.....	100	
		Goulburn School of Arts	...	...	...	...	...	100	100	
		Grafton School of Arts	...	...	...	...	...	100	200	
		Grenfell School of Arts	...	...	...	...	...	.....	100	
		Gundagai Literary Institute	...	...	...	...	...	100	100	
		Inverell School of Arts	...	...	...	...	...	.....	100	
		Kiama School of Arts	...	...	...	...	...	50	50	
		Morpeth School of Arts	...	...	...	...	...	100	100	
		Mudgee School of Arts	...	...	...	...	...	100	100	
		Muswellbrook School of Arts	...	...	...	...	...	.....	100	
		Orange Mechanics' Institute	...	...	...	...	...	100	100	
		Parramatta School of Arts	...	...	...	...	...	200	200	
		Paterson School of Arts	...	...	...	...	...	50	50	
		Queanbeyan Literary Institute	...	...	...	...	...	50	50	
		Raymond Terrace School of Arts	...	...	...	...	...	100	100	
		Richmond School of Arts	...	...	...	...	...	100	100	
		St. Leonard's School of Arts	...	...	...	...	...	100	100	
		Singleton Mechanics' Institute	...	...	...	...	...	150	150	
		Stroud School of Arts	...	...	...	...	...	50	50	
		Tamworth Mechanics' Institute	...	...	...	...	...	50	50	
		Ulladulla School of Arts	...	...	...	...	...	50	50	
		Wagga Wagga Mechanics' Institute	...	...	...	...	...	50	50	
		Waratah School of Arts	...	...	...	...	...	25	25	
		West Maitland School of Arts	...	...	...	...	...	100	100	
		Windsor School of Arts	...	...	...	...	...	100	100	
		Wollongong School of Arts	...	...	...	...	...	100	100	
		Yass Mechanics' Institute	...	...	...	...	...	100	100	
		Carried forward	...	...	...	...	...	£ 3,225	4,125	

a Allowed Quarters, Fuel, and Light.

ESTIMATES OF EXPENDITURE—1870.

41

No. III.—COLONIAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Grants in aid of Public Institutions—continued.					
		Brought forward...	3,225	4,125	
In aid of the erection of buildings for Educational Institutions, on condition of equal amounts being raised by private contributions, viz. :—					
		Ballina School of Arts ... ..	.....	100	
		Grafton School of Arts	400	.....
		Hinton School of Arts	350	.....
		Muswellbrook School of Arts ... ..	.....	600	
		Murrurundi Mechanics' Institute and School of Arts ... ..	.....	200	
		Singleton Mechanics' Institute	200	.....
		Tamworth Mechanics' Institute	200	.....
		Wagga Wagga Mechanics' Institute (additions to) ... ..	.....	400	
			4,375		5,425
Industrial Schools.					
NAUTICAL SCHOOL SHIP "VERNON."					
1	1	Commander and Superintendent	200	200	
1	1	Chief Officer	150	150	
1	1	Paymaster and Purser	130	130	
1	1	Schoolmaster	150	150	
1	1	Master-at-Arms	110	110	
1	1	Carpenter	100	100	
2	2	Boatswain's Mates, 1 at £100 and 1 at £84	200	184	
1	1	Warder, at 6s. per diem	110	110	
1	1	Warder	72	72	
1	1	Steward	72	72	
4	4	Quartermasters, at £72 per annum	288	288	
1	1	Musician and Barber	72	72	
1	1	Cook	72	84	
1	1	Tailor	157	100	
1	1	Shoemaker	157	100	
...	...	Visiting Surgeon* ... ..	.....	.....
			2,040	1,922	
		Clothing for 150 Boys, at £6 each	900	.....
		Clothing for 150 Boys ... ..	.....	600	
		Rations for 150 Boys, at 5½d. per diem	1,255	.....
		Rations for 150 Boys, at 5d. per diem ... ..	.....	1,141	
		Rations for 17 (Ship's Company), at 7½d. per diem	194	.....
		Rations for 19 (Ship's Company), at 7d. per diem ... ..	.....	188	
		Fuel for cooking purposes	45	45	
		Water	65	100	
		Oil for Lamps	30	30	
		School Books	30	30	
		Ship's Stores	150	100	
		Grindery ... ..	.....	50	
		Hammocks	23	23	
		Beds	25	25	
		Incidental Expenses, including Medicines, &c.	30	75	
			2,747	2,407	
			4,787		4,329
19	19	Carried forward	£	4,787	4,329

* Duties performed by the Health Officer.

No. of Persons.		No. III.—COLONIAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
Industrial Schools—continued.											
19	19	Brought forward... ..						.....	4,787	.....	4,329
INDUSTRIAL SCHOOL FOR GIRLS AT NEWCASTLE.											
1	1	Superintendent						*200		135	
1	1	Matron						100		100	
1	1	† Clerk and Storekeeper						120		120	
1	1	‡ Visiting Surgeon... ..						50		z.....	
1	1	Teacher						75		75	
1	1	House Matron						75		75	
1	1	Assistant						50		50	
2	1	Servant, at £35						65		35	
2	...	Do. at £25						50		.....
...	2	Laundresses, at £15 ... ..						.....		80	
1	1	Gate-keeper						50		50	
							835		670		
							50		.....	
							1,490		1,930		
							25		40		
12	11							1,565		1,970	
								2,400		2,640	
31	30	TOTAL						£	7,187		6,969
REFORMATORY FOR GIRLS, NEWCASTLE.											
...	1	Superintendent ... ..						.....		65	
...	1	Matron ... ..						.....		120	
...	1	α Clerk and Storekeeper ... ..						.....		.....
...	1	‡ Visiting Surgeon... ..						.....		z.....	
										185	
									200		
										200	
...	4	TOTAL ... ..						£ .....	.....	.....	385
Charitable Institutions.											
1	1	α Inspector of Public Charities						500		500	
		Travelling Expenses						200		100	
							£	700		600	

* £185 as Superintendent of Industrial School, and £65 as Superintendent of Reformatory.
† Also to act as Clerk and Storekeeper for Reformatory. † Also to act as Visiting Surgeon for Reformatory.
α See Vote for Industrial School for Girls at Newcastle. z See Medical Vote.
z Also to act as Secretary to the Board of Management for Asylums Infirm and Destitute.

No. III.—COLONIAL SECRETARY.													
No. of Persons.										SALARIES AND CONTINGENCIES.			
1869	1870									Amount Voted for 1869.		Amount Required for 1870.	
										£		£	
Protestant Orphan School.													
1	1	<i>a</i>	Matron	...	...	...	...	...	...	164		164	
1	1	<i>b</i>	Master	...	...	...	...	...	...	93		120	
1	1	<i>c</i>	Surgeon	...	...	...	...	...	...	73		<i>x</i> ...	
1	1	<i>b</i>	Schoolmaster	...	...	...	...	...	...	120		120	
2	2		Teachers, at £70 and £50	...	...	...	...	...	...	110		120	
1	1		Sub-Matron	...	...	...	...	...	...	60		60	
15	15		Attendants; 1 at £70, 1 at £52, 3 at £35, 6 at £30, and 4 at £25	...	...	...	...	...	...	507		507	
											1,127		1,091
			School Books	...	...	...	...	...	...	60		60	
			Provisions, Fuel, Light, Medicines, Forage, and Incidental Expenses	...	...	...	...	...	...	2,350		2,000	
			Allowance in lieu of Quarters to the Schoolmaster	...	...	...	...	...	...	35		35	
			Allowance in lieu of Quarters and Rations to Female Teacher	...	...	...	...	...	.....			35	
											2,445		2,130
22	22		TOTAL	...	...	...	...	...	£	.....	3,572	.....	3,221
Roman Catholic Orphan School.													
1	1	<i>a</i>	Matron	...	...	...	...	...	...	164		164	
1	1		Sub-Matron	...	...	...	...	...	...	70		70	
1	1	<i>d</i>	Surgeon	...	...	...	...	...	...	71		<i>x</i>	
1	1		Clerk to the Committee	...	...	...	...	...	...	80		80	
1	1		Schoolmaster	...	...	...	...	...	...	146		146	
1	1		Assistant Teacher	...	...	...	...	...	...	80		80	
1	1		Girls' Teacher	...	...	...	...	...	...	60		60	
1	1		Infant Teacher	...	...	...	...	...	...	50		50	
13	14		Attendants—2 at £60, 2 at £30, 7 at £25, and 3 at £20	...	...	...	...	...	...	390		415	
1	1		Farm Labourer	...	...	...	...	...	...	35		35	
											1,146		1,100
			School Books	...	...	...	...	...	...	80		80	
			Provisions, Fuel and Light, Medicines, and Incidental Expenses	...	...	...	...	...	...	2,600		2,800	
											2,680		2,880
22	23		TOTAL	...	...	...	...	...	£	.....	3,826	.....	3,980

a The Officers residing in the Establishment are each allowed a ration of Provisions.
b The Master and Schoolmaster are allowed, in addition, a half ration for each of their children.
c Surgeon also to the Roman Catholic Orphan School, and to the Gaol, Parramatta; Salary, £149 per annum.
d Surgeon also to the Protestant Orphan School and to the Gaol at Parramatta; Salary, £151 per annum.
x See Medical Vote.

No. III.—COLONIAL SECRETARY.												
								SALARIES AND CONTINGENCIES.				
								Amount Voted for 1869.		Amount Required for 1870.		
Asylums for the Infirm and Destitute.								£		£		
SYDNEY.												
Secretary	...	...	...	...	...	...	400		*.....	
Clerk	...	...	...	...	...	...	100		200	
Junior Clerk	...	...	...	...	...	...	25		50	
Surgeon and Dispenser	...	...	...	...	...	...	125		a.....	
Master	...	...	...	...	...	...	100		.....		
Matron	...	...	...	...	...	...	100		150	
									850		400	
LIVERPOOL.												
Resident Surgeon Superintendent	...	...	...	...	...	...	175		250	
Master	...	...	...	...	...	...	175		.....		
Matron	...	...	...	...	...	...	50		50	
									400		300	
PARRAMATTA.												
Surgeon	...	...	...	...	...	...	75		a.....	
Dispenser	...	...	...	...	...	...	50		a.....	
Master	...	...	...	...	...	...	150		150	
Matron	...	...	...	...	...	...	50		50	
									325		200	
PORT MACQUARIE.												
Surgeon and Dispenser	...	...	...	...	...	...	100		a.....	
Master	...	...	...	...	...	...	150		.....		
Matron	...	...	...	...	...	...	50		.....		
									300		
Messenger	...	...	...	...	...	...	75		75	
Wardsmen, Cooks, Nurses, &c.	...	...	...	...	...	...	700		700	
Clothing, Rations, Medical Comforts, Medicines, and Contingencies								11,000		9,225		
									11,775		10,000	
TOTAL								£	13,650	10,900

* Duties performed by Inspector of Public Charities.

a See Medical Vote.

ESTIMATES OF EXPENDITURE—1870.

45

No. III.—COLONIAL SECRETARY.

Charitable Allowances.	Amount Voted for 1869.		Amount Required for 1870.	
	£		£	
For the support of Paupers in Colonial Hospitals	4,500		5,000	
Salaries of Lady Superintendent and five Nursing Sisters... ..	482		482	
In aid of the Sydney Infirmary and Dispensary, on condition of an equal amount being raised by Private Contributions	4,000		4,000	
For the support of Women and Children in the Benevolent Asylum, Sydney	4,208		4,208	
In aid of the Funds of the Benevolent Society, Sydney, on condition of an equal amount being raised by Voluntary Contributions	500		500	
In aid of the Asylum for Destitute Children at Randwick, on condition of £2,000 being raised by Private Contributions	4,000		4,000	
For the support of Infants removed from the Benevolent Asylum, Sydney, to the Asylum for Destitute Children at Randwick...	4,000		5,000	
In aid of the Deaf, Dumb, and Blind Institution, on condition of an equal amount being raised by Private Contributions	450		450	
Temperance Alliance, in consideration of aid given to destitute persons, on condition of an equal amount being raised by Private Contributions	200		200	
In aid of the undermentioned Charitable Institutions, on condition of sums of an equal amount being raised by Private Contributions, and also of the Government, through Police Magistrates or other approved Officers, having the right of admission of Patients, viz. :—				
Albury Hospital and Benevolent Society	400		400	
Bega Hospital and Benevolent Society	100		100	
Narrabri Benevolent Asylum and Hospital	200		200	
Parramatta Benevolent Society	350		350	
Singleton and Patrick's Plains Benevolent Society	500		500	
Tamworth Benevolent Society	150		150	
Penrith Hospital and Benevolent Society	200		200	
Gundagai Benevolent Society	200		200	
In aid of the undermentioned Hospitals, on condition of sums to an equal amount being raised by Private Contributions, and also of the Government, through Police Magistrates or other approved Officers, having the right of admission of Patients, viz. :—				
Adelong	150		150	
Araluen ... ..	.....		200	
Armidale and New England	300		300	
Bathurst	700		700	
Braidwood	200		200	
Bourke	275		275	
Carcoar	200		200	
Cooma ... ..	.....		300	
Deniliquin... ..	600		600	
Dubbo	250		250	
Forbes	200		200	
Goulburn	300		300	
Grafton	200		200	
Grenfell	200		200	
Gundagai	200		200	
Hay	500		500	
Kiandra	200		200	
Maitland	600		600	
Menindee	500		500	
Mudgee	200		300	
Murrurundi	200		200	
Muswellbrook	200		200	
Newcastle	200		200	
Orange	250		250	
Parramatta	300		300	
Port Macquarie	200		200	
Port Stephens	200		200	
Queanbeyan	100		100	
Sofala	200		200	
Tenterfield... ..	200		200	
Wagga Wagga	300		300	
Wellington	100		100	
Windsor	200		200	
Wollongong	200		200	
Yass	200		200	
Young	416		416	
Carried forward... ..	£ 33,681		35,781	

No. III.—COLONIAL SECRETARY.				
	Amount Voted for 1869.		Amount Required for 1870.	
	£		£	
Charitable Allowances—continued.				
Brought forward	33,681		35,781	
Towards the completion of the Albury Hospital and Benevolent Society	300		.....
Towards the completion of the Grafton Hospital ... ..	.....		100	
In aid of the erection of additions to the Braidwood Hospital ...	50		.....
In aid of the erection of an Hospital at Araluen, on condition of an equal amount being raised by Private Contributions ..	250		.....
Towards erection of an Hospital and Benevolent Asylum at Seone, on condition of an equal amount being raised by Private Contributions ... ..	.....		500	
		34,281		36,381.
Miscellaneous Services.				
Municipal Council, Sydney, in aid of the City Funds	10,000		10,000	
For defraying expenses of the Returning Officers of the several Electoral Districts	1,250		1,250	
Expense of copying and printing the Electoral Lists	600		600	
Newspapers and Almanacs	30		30	
Burial of destitute persons in cases where inquests are not held ...	300		300	
Maintenance of deserted children, paupers taken charge of for protection, expenses of transmission, &c.	200		200	
Fees for examining Lunatics	130		130	
Rewards for apprehension of Offenders	1,000		1,000	
Rent of House for the Commodore commanding the Naval Squadron on this Station	*375		500	
Stipend to the Rev. D. M'Guinn, Roman Catholic Clergyman (Report of Select Committee)... ..	.....		200	
Other Votes, 1869	1,200		.....
		15,085		14,210

* For nine months only.

IV.

Administration of Justice.

SUMMARY.

	Voted for 1869.	Required for 1870.
	£	£
Law Officers of the Crown	5,576	5,999
Supreme and Circuit Courts	12,933	12,933
Sheriff	7,990	7,975
Insolvent Court... ..	1,469	1,469
District Courts	11,021	11,066
Quarter Sessions	13,104	11,954
Coroners... ..	2,575	2,575
Court of Claims... ..	100	.....
TOTAL	£ 54,768	53,971

*The Treasury, New South Wales,
9th February, 1870.*

SAUL SAMUEL,
Treasurer.

No. of Persons.		No. IV.—ADMINISTRATION OF JUSTICE.				SALARIES AND CONTINGENCIES.				
1869	1870					Amount Voted for 1869.		Amount Required for 1870.		
						£		£		
Their Honors the Judges.										
1	1	The Chief Justice	} (Provided for in Schedule A, and							
3	3	The Puisne Judges	} by Colonial Acts, ante, page 6.)							
4	4									
Law Officers of the Crown.										
1	1	Attorney General	} (Provided for in Schedule A.)							
1	1	Solicitor General	}							
1	1	Under Secretary to the Law Department	...	...	650		650		
1	1	First Clerk	do.	...	260		275			
1	1	Second Clerk	do.	...	183		200			
...	1	Third Clerk	do.	...	.....		125		
2	2	Parliamentary Draftsmen, at £250	...	...	500		500		
1	1	Crown Solicitor	...	...	1,000		1,000		
1	1	First Clerk to Crown Solicitor	...	...	500		500		
1	1	Second do.	do.	...	300		300			
1	1	Third do.	do.	...	300		300			
1	1	Fourth do.	do.	...	175		175			
1	1	Fifth do.	do.	...	100		100			
1	1	Messenger	...	...	104		120		
1	1	Do.	...	...	104		104		
1	1	<i>a</i> Housekeeper	...	...	40		40		
						4,216		4,389		
Fees to Prosecuting Barristers						610		610		
Travelling Expenses						350		350		
Incidental Expenses						50		50		
To meet Incidental Expenses of Actions by, or against, or taken up by, the Government						200		500		
To provide fees for Counsel employed in the defence of Aborigines						100		50		
Towards the formation of a Law Library for the use of the Law Officers						50		50		
						1,360		1,610		
16	17	TOTAL				£	5,576	5,999
Supreme and Circuit Courts.										
1	1	Master in Equity	...	...	1,000		1,000		
1	1	First Clerk	...	...	500		500		
1	1	Second Clerk	...	...	215		215		
1	1	Third Clerk	...	...	200		200		
1	1	Messenger	...	...	104		104		
1	1	Prothonotary and Curator of Intestate Estates	...	...	700		700		
1	1	Chief Clerk	...	...	400		400		
1	1	Second Clerk	...	...	300		300		
1	1	Third Clerk	...	...	250		250		
1	1	Custodian of Wills	...	...	50		50		
4	4	Clerks to the Judges; 1 at £275, 1 at £260, 1 at £245, and 1 at £200	...	...	980		980		
1	1	Crier and Tipstaff	...	...	132		132		
3	3	Tipstaffs to the Judges, at £120	...	...	360		360		
1	1	Messenger	...	...	114		114		
1	1	<i>a</i> Courtkeeper, King-street...	...	...	114		114		
1	1	<i>b</i> Do. Darlington	...	...	114		114		
1	1	Assistant do.	...	...	50		50		
1	1	Watchman, Darlington	...	...	20		20		
1	1	Courtkeeper, Goulburn	...	...	24		24		
1	1	Charwoman	...	...	26		26		
						5,653		5,653		
25	25	Carried forward				£	5,653	5,653

a Provided with Quarters, Fuel, and Light.*b* Provided with Quarters.

ESTIMATES OF EXPENDITURE—1870.

49

No. of Persons.		No. IV.—ADMINISTRATION OF JUSTICE.				
1869	1870	SALARIES AND CONTINGENCIES.				
		Amount Voted for 1869.		Amount Required for 1870.		
		£		£		
Supreme and Circuit Courts—continued.						
25	25	Brought forward ... ..	.....	5,653	.....	5,653
		Travelling Expenses of the Judges	1,450		1,450	
		Allowance to Witnesses attending the Supreme and Circuit Courts	5,500		5,500	
		Incidental Expenses	30		30	
		Allowance to Law Reporters	200		200	
		Towards the formation of a Law Library for the use of the Supreme Court	100		100	
				7,280		7,280
25	25	TOTAL	£	12,933	.....	12,933
Sheriff.						
1	1	Sheriff	800		*800	
1	1	Under Sheriff	450		450	
1	1	Clerk	300		300	
1	1	Clerk in charge of Prison Branch	300		300	
1	1	Clerk	215		215	
1	1	Do.	175		175	
1	1	Do.	150		150	
1	1	Do.	100		100	
1	1	Head Bailiff, Sydney	200		200	
1	1	Assistant do. do.	175		175	
1	1	2nd do. do.	120		120	
1	1	3rd do. do.	120		120	
1	1	Bailiff, at Parramatta, Windsor, and Campbelltown	200		200	
1	1	Do. Maitland	200		200	
1	1	a Do. Muswellbrook	175		150	
1	1	Do. Goulburn	150		150	
1	1	Do. Bathurst	150		150	
1	1	a Do. Wagga Wagga	115		150	
1	1	Do. Albury	115		150	
1	1	a Do. Deniliquin	115		150	
1	1	a Do. Armidale	115		150	
1	1	a Do. Tamworth	115		125	
1	1	Do. Mudgee	115		125	
1	1	Bailiff Assistant, at Maitland, when required	50		50	
1	1	Messenger	120		120	
				4,840		4,975
		Travelling Expenses of the Sheriff or Under Sheriff	150		150	
		Allowances to Bailiffs for serving Summonses	600		500	
		Do. to Jurors attending the Supreme and Circuit Courts	2,250		2,200	
		Special Constables	100		100	
		Incidental Expenses	50		50	
				3,150		3,000
25	25	TOTAL	£	7,990	.....	7,975
Insolvent Court.						
1	1	Chief Commissioner. (Provided by Act 24 Vic., No. 20.)				
1	1	Registrar and Accountant	600		600	
1	1	Chief Clerk	250		250	
1	1	Second Clerk	200		200	
1	1	Third Clerk	150		150	
1	1	Bailiff and Messenger	165		165	
1	1	Court-keeper, Crier, and Attendant	104		104	
				1,469		1,469
7	7					

* This includes £150 for the duty discharged by the Sheriff as Inspector of Prisons.

a Acting also for District Courts.

No. IV.—ADMINISTRATION OF JUSTICE.							
No. of Persons.				SALARIES AND CONTINGENCIES.			
1869	1870			Amount Voted for 1869.		Amount Required for 1870.	
District Courts.				£		£	
METROPOLITAN AND COAST DISTRICT.							
2	2	Judges. (Provided for by Act 22 Vic., No. 18.)					
1	1	Registrar, Sydney		500		500	
1	1	Clerk, do.		325		325	
1	1	Do. do.		250		250	
2	2	Clerks, do., at £200		400		400	
1	1	Bailiff and Crier, do.		150		150	
3	3	Assistant Bailiffs, do., at £104		312		312	
1	1	Messenger, do.		104		104	
1	1	Office-keeper, do.		35		35	
1	1	Registrar, Newcastle		50		50	
1	1	a Do. { Maitland (East) }		400		400	
		Do. { Do. (West) }					
1	1	Deputy Registrar, do.		50		50	
1	1	Registrar, Singleton		50		50	
1	1	Do. Muswellbrook		30		30	
1	1	Do. Scone		30		30	
1	1	Do. Murrurundi		30		30	
1	1	Do. Paterson		30		30	
1	1	Do. Wollombi		40		40	
1	1	Do. Dungog		40		40	
1	1	Bailiff, Newcastle		50		50	
1	1	Do. { Maitland (East) }		100		100	
		Do. { Do. (West) }					
1	1	Do. Singleton		50		50	
1	1	Do. Scone		50		50	
1	1	Do. Murrurundi		50		50	
1	1	Do. Paterson		30		30	
1	1	Do. Wollombi		40		40	
1	1	Do. Dungog		30		30	
31	31				3,226		3,226
SOUTHERN DISTRICT.							
1	1	Judge. (Provided for by Act 22 Vic., No. 18.)					
1	1	Registrar, Liverpool		40		40	
1	1	Do. Campbelltown		40		40	
1	1	Do. Camden		40		40	
1	1	Do. Picton... ..		40		40	
1	1	Do. Berrima		50		50	
1	1	Do. Wollongong		70		70	
1	1	Do. Kiama		70		70	
1	1	Do. Nowra... ..		40		40	
1	1	a Do. Goulburn		300		300	
1	1	Deputy Registrar, do.		50		50	
1	1	Registrar, Queanbeyan		50		50	
1	1	Do. Cooma... ..		50		50	
1	1	Do. Bombala		40		40	
1	1	Do. Braidwood		50		65	
1	1	Do. Moruya		40		30	
1	...	Do. Eden		40		.....
...	1	Do. Bega ... ..		.....		35	
17	17	Carried forward		£ 1,010		1,010	
31	31	Carried forward		£	3,226	.....	3,226

ESTIMATES OF EXPENDITURE—1870.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
District Courts—continued.					
31	31	Brought forward			
SOUTHERN DISTRICT—continued.					
17	17	Brought forward			
1	1	Bailiff, Liverpool	30	30	
1	1	Do. Campbelltown	30	30	
1	1	Do. Camden	30	30	
1	1	Do. Picton	30	30	
1	1	Do. Berrima	40	40	
1	1	Do. Wollongong	35	35	
1	1	Do. Kiama	30	30	
1	1	Do. Nowra	30	30	
1	1	Do. Goulburn	60	80	
1	1	Do. Queanbeyan	30	30	
1	1	Do. Cooma	40	40	
1	1	Do. Bombala	30	20	
1	1	Do. Braidwood	40	40	
1	1	Do. Moruya	30	20	
1	...	Do. Eden	30	.....
...	1	Do. Bega ... ..	.....	30	
32	32	SOUTH-WESTERN DISTRICT.			
1	1	Judge. (Provided for by Act 22 Vict., No. 18.)			
1	1	Registrar, Yass	60	60	
1	1	Do. Young... ..	50	50	
1	1	Do. Gundagai	50	50	
1	1	Do. Burrowa	30	30	
1	1	Do. Tumut... ..	50	50	
1	1	Do. Wagga Wagga	50	50	
1	1	^a Do. Albury	300	300	
1	1	Deputy Registrar, do.	50	50	
1	1	Registrar, Deniliquin	50	50	
1	1	Do. Hay	40	40	
1	1	Bailiff, Young	40	40	
1	1	Do. Yass... ..	50	50	
1	1	Do. Gundagai	40	40	
1	1	Do. Burrowa	30	30	
1	1	Do. Tumut	40	40	
1	1	Do. Albury	40	40	
1	1	Do. Hay	40	40	
18	18	WESTERN DISTRICT.			
1	1	Judge. (Provided for by Act 22 Vict., No. 18.)			
1	1	^b Registrar, Bathurst	300	300	
1	1	Deputy Registrar, do.	50	75	
1	1	Registrar, Parramatta	80	80	
1	1	Do. Windsor	80	80	
1	1	Do. Penrith	80	80	
1	1	Do. Carcoar	40	25	
1	1	Do. Hartley	30	30	
1	1	Do. Mudgee	60	60	
1	1	Do. Sofala	30	30	
1	1	Do. Orange	30	30	
1	1	Do. Wellington	30	25	
1	1	Do. Dubbo... ..	30	30	
1	1	Do. Forbes	30	30	
1	1	Do. Molong	30	25	
1	1	Bailiff, Parramatta	35	35	
1	1	Do. Windsor	35	35	
1	1	Do. Penrith	35	35	
1	1	Do. Bathurst	50	50	
19	19	Carried forward			
81	81	Carried forward			

^a Also Deputy Clerk of the Peace.

^b Also Deputy Clerk of the Peace.

No. IV.—ADMINISTRATION OF JUSTICE.							
No. of Persons.			SALARIES AND CONTINGENCIES.				
1869	1870		Amount Voted for 1869.		Amount Required for 1870.		
			£		£		
		District Courts—continued.					
81	81	Brought forward ... ..	.....	5,761	.....	5,761	
		WESTERN DISTRICT—continued.					
		Brought forward	1,055		1,055		
19	19	Bailiff, Carcoar	30		25		
1	1	Do. Hartley	30		30		
1	1	Do. Mudgee	40		40		
1	1	Do. Sofala	30		30		
1	1	Do. Orange	30		30		
1	1	Do. Wellington	30		25		
1	1	Do. Dubbo	30		30		
1	1	Do. Forbes	30		30		
1	1	Do. Molong	30		25		
				1,335		1,320	
28	28	NORTHERN DISTRICT.					
1	1	Judge. (Provided for by Act 22 Vic., No. 18.)					
1	1	Registrar, Tamworth	50		50		
1	1	^a Do. Armidale	300		300		
1	1	Deputy Registrar, do.	50		50		
1	1	Registrar, Glen Innes	40		40		
1	1	Do. Grafton	50		50		
...	1	Do. Casino... ..	.....		30		
1	1	Do. Kempsey	30		30		
1	1	Do. Port Macquarie	40		40		
1	1	Do. Tenterfield	30		30		
1	1	Do. Wingham	30		30		
1	1	Bailiff, Glen Innes	30		30		
1	1	Do. Grafton	45		45		
1	1	Do. Kempsey... ..	30		30		
1	1	Do. Port Macquarie	40		40		
1	1	Do. Tenterfield	30		30		
1	1	Do. Wingham	30		30		
...	1	Do. Casino ... ..	.....		30		
				825		885	
				7,921		7,966	
		Travelling Expenses of Judges	1,000		1,000		
		Allowances to Jurors, and Mileage to Bailiffs	2,000		2,000		
		Incidental and Unforeseen Expenses	100		100		
16	18			3,100		3,100	
125	127	TOTAL	£	11,021	.....	11,066	
		Quarter Sessions.					
		Clerk of the Peace—					
1	1	Clerk of the Peace for the Colony	550		600		
1	1	Clerk	200		200		
1	1	Messenger	104		104		
				854		904	
6	6	Crown Prosecutors, at £500 each ... ..	.....	3,000	.....	3,000	
		Contingencies—					
		Travelling Expenses	1,300		1,100		
		Allowances to Witnesses and Jurors	7,500		6,500		
		Incidental and Unforeseen Expenses	450		450		
				9,250		8,050	
9	9	TOTAL	£	13,104	.....	11,954	

^a Also Deputy Clerk of the Peace.

ESTIMATES OF EXPENDITURE—1870.

53

No. of Persons.		No. IV.—ADMINISTRATION OF JUSTICE.			
		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Coroners' Inquests.					
1	1	Coroner, Sydney...	450	450	
1	1	Clerk, do. ...	150	150	
				600	600
		Fees to Coroners and Magistrates for Inquests and Inquiries, at 20s. each ...	1,100	1,100	
		Surgeons' Fees* ...	.....	.....
		Travelling Expenses of Coroners, Magistrates, and Surgeons ...	250	250	
		For taking up Dead Bodies ...	15	15	
		Burials and Incidental Expenses ...	470	470	
		Jurors' Fees attending Murder and Manslaughter Inquests	40	40	
		Jurors' and Witnesses' Fees attending Inquests on Fires	100	100	
				1,975	1,975
2	2	TOTAL ...	£	2,575	2,575
 Court of Claims. 					
3	...	Fees to Commissioners at £2 2s.; and to the Secretary at £2, on Final Report in each case ...	.....	100	.....

* Provided for on the Colonial Secretary's Estimates, page 37.

V.

Treasurer and Secretary for Finance and Trade.

SUMMARY.

	Voted for 1869.	Required for 1870.
	£	£
Treasury	9,156	9,121
Stamp Duties	1,545	1,690
Customs	29,701	26,425
Colonial Distilleries and Refineries	2,895	2,895
Printing, Bookbinding, and Postage Stamps	21,655	20,375
Stores and Stationery	51,350	42,835
Gunpowder Magazines	1,408	.....
Gunpowder Magazine, Goat Island ... ..	.....	679
Colonial Military Store, and Gunpowder Magazine, Spectacle Island ... ..	.....	869
Health and Emigration Officers	830	835
Quarantine	900	500
Shipping Masters	1,470	1,512
Abattoir, Glebe Island	880	930
Harbours, Light Houses, and Pilot Department	24,455	24,545
Life-boats	400	400
Miscellaneous Services... ..	31,480	31,080
TOTAL	£ 178,125	164,691

*The Treasury, New South Wales,
9th February, 1870.*

SAUL SAMUEL,
Treasurer.

ESTIMATES OF EXPENDITURE—1870.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.				SALARIES AND CONTINGENCIES.			
No. of Persons.				Amount Voted for 1869.		Amount Required for 1870.	
1869	1870			£		£	
Treasury.							
1	1	Secretary for Finance and Trade. (Provided in Schedule.)					
1	1	Under Secretary	800		800		
ACCOUNT BRANCH.							
1	1	Accountant	600		500		
1	1	Book-keeper	300		300		
1	1	Clerk	275		250		
1	1	Do.	200		200		
2	2	Clerks, at £190	355		380		
1	1	Clerk	115		115		
REVENUE BRANCH.*							
1	1	Chief Clerk	500		500		
1	1	Clerk (Land Revenue)	300		300		
1	1	Do.	300		300		
2	2	Clerks, at £225	400		450		
2	2	Do. at £175	350		350		
1	1	Clerk	75		100		
1	1	Collector and Depositor of Public Moneys	175		175		
PAY BRANCH.							
1	1	Chief Clerk	450		500		
1	1	First Clerk	350		350		
1	1	Clerk	100		125		
1	1	Do.	85		100		
EXAMINING BRANCH.							
1	1	Examiner of Accounts	400		400		
1	1	Clerk	165		165		
CORRESPONDENCE.							
1	1	Clerk	375		325		
1	1	Do.	225		250		
1	1	Do.	50		50		
RECORDS.							
1	1	Clerk	350		350		
1	1	Do.	100		125		
MESSENGERS, &c.							
1	1	a Chief Messenger	150		150		
1	1	Messenger	150		150		
1	1	a Housekeeper	61		61		
				7,756			7,821
6	...	CADETS, 4 at £50, 1 at £100, and 1 at £150 ... ..	.....	450	.....	
				50			400
				50			50
				100			450
38	32			8,306			*8,271
1	1	Inspector of Public Revenue Collectors' Accounts	600		600		
				250			250
				850			850
39	33	TOTAL	£	9,156	.....	9,121	

* Provided with Quarters, Fuel, and Light.

* £100 per annum to be paid to the Consolidated Revenue Fund from the Clergy and School Lands Revenue.

ESTIMATES OF EXPENDITURE—1870.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.								SALARIES AND CONTINGENCIES.				
1869	1870							Amount Voted for 1869.		Amount Required for 1870.		
								£		£		
Stamp Duties.												
1	1	Commissioner	...	...	...	...	...	400		500	
1	1	Accountant	...	...	...	...	...	250		250	
1	1	Entry Clerk	...	...	...	...	...	250		250	
1	1	Clerk	...	...	...	...	...	100		100	
...	1	Junior Clerk	...	...	...	...	...	.....		50	
1	1	Foreman of Stampers	...	...	...	...	...	200		200	
1	1	Stamper	...	...	...	...	...	150		150	
1	1	Stamper and Messenger	...	...	...	...	...	100		120	
1	1	Office-keeper	...	...	...	...	...	45		45	
									1,495		1,665	
								5		5		
								45		20		
									50		25	
8	9	TOTAL...						£	1,545	1,690
Customs.												
<i>Sydney.</i>												
1	1	Collector	...	...	...	...	...	900		900	
INDOOR BRANCH.												
1	1	Chief Clerk	...	...	...	...	...	530		530	
1	1	Cashier	...	...	...	...	...	530		530	
1	1	Clerk (Registrar)	...	...	...	...	...	375		375	
1	1	a Do. (Clearing Clerk)	...	...	...	...	...	325		300	
1	1	a Do. (Clearing Steamers)	...	...	...	...	...	275		275	
1	1	Do.	...	...	...	...	...	250		250	
1	1	Do.	...	...	...	...	...	225		225	
1	1	Do.	...	...	...	...	...	205		205	
2	2	Clerks, at £200	...	...	...	...	...	400		400	
2	1	Clerk, at £175	...	...	...	...	...	350		175	
LANDING BRANCH.												
1	1	First Landing Surveyor	...	...	...	...	...	500		500	
1	1	Second do.	...	...	...	...	...	400		400	
1	1	a {	First Landing Waiter	...	...	...	...	325		325	
1	1		Second do.	...	...	...	...	325		325	
1	1		Third do.	...	...	...	...	325		300	
1	1		Fourth do.	...	...	...	...	275		275	
1	1		Fifth do.	...	...	...	...	275		275	
1	1		Sixth do.	...	...	...	...	275		275	
1	1		Seventh do.	...	...	...	...	225		225	
1	1		Eighth do.	...	...	...	...	225		225	
1	1		Ninth do.	...	...	...	...	225		225	
1	1		Tenth do.	...	...	...	...	225		225	
1	1		Eleventh do.	...	...	...	...	225		225	
1	1		Twelfth do.	...	...	...	...	225		225	
1	1		Thirteenth do.	...	...	...	...	215		215	
1	1		Fourteenth do.	...	...	...	...	205		205	
1	1		Fifteenth do.	...	...	...	...	205		205	
1	1		Sixteenth do.	...	...	...	...	195		195	
1	1		Seventeenth do.	...	...	...	...	195		175	
32	31	Carried forward						£	9,430	9,185	

a The Landing Waiters receive remuneration for extra attendance, at the rate of 2s. 6d. an hour. The Clearing Clerk receives a fee of 10s. for each vessel cleared at the wharf, 10s. for each vessel cleared for London, and 5s. for each Foreign vessel cleared in the Office after the usual hours. The Clerk who clears the steamers at night receives 2s. 6d. for each vessel.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.											
No. of Persons.								SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
Customs—continued.											
32	31	Brought forward						9,430		9,185	
WAREHOUSE BRANCH.											
1	1	a	Warehousekeeper	...	...	...	...	350		350	
1	1		First Locker	...	...	...	...	225		225	
1	1		Second do.	...	...	...	...	225		225	
1	1		Third do.	...	...	...	...	225		225	
1	1		Fourth do.	...	...	...	...	225		225	
1	1		Fifth do.	...	...	...	...	225		225	
1	1		Sixth do.	...	...	...	...	200		200	
1	1		Seventh do.	...	...	...	...	200		200	
1	1	a	Eighth do.	...	...	...	...	200		200	
1	1		Ninth do.	...	...	...	...	200		200	
1	1		Tenth do.	...	...	...	...	200		200	
1	1		Eleventh do.	...	...	...	...	200		200	
1	1		Twelfth do.	...	...	...	...	200		200	
1	1		Thirteenth do.	...	...	...	...	200		200	
1	1		Fourteenth do.	...	...	...	...	200		200	
1	1		Fifteenth do.	...	...	...	...	200		200	
1	...		Acting do.	...	...	...	...	175		.....
TIDE BRANCH.											
1	1		First Tide Surveyor	...	...	...	...	325		325	
1	1		Second do.	...	...	...	...	325		325	
12	...		Tide Waiters, at £175	...	...	...	...	2,100		.....
MISCELLANEOUS.											
1	1	b	Messenger...	...	...	...	...	120		120	
1	1		Do.	...	...	...	...	108		108	
3	3		Warrant Officers, 2 at £120, and 1 at £60	...	...	...	...	300		300	
5	5		Boy Messengers, at £40	...	...	...	...	200		200	
1	1		Watchman	...	...	...	...	114		114	
1	1	b	Housekeeper	...	...	...	...	60		60	
								16,732			14,212
OUTPORT BRANCH.											
<i>Botany Bay.</i>											
1	1	c	Coast Waiter	...	...	...	...	225		225	
4	4		Boatmen, at £96...	...	...	...	...	384		384	
<i>Broken Bay.</i>											
1	1	d	Coast Waiter	...	...	...	...	250		250	
4	4		Boatmen, at £96...	...	...	...	...	384		384	
<i>Newcastle.</i>											
1	1		Sub-Collector	...	...	...	...	375		375	
1	1	e	Landing Waiter (Morpeth)	...	...	...	...	300		300	
1	1		Tide Surveyor	...	...	...	...	250		250	
1	1		Clerk	...	...	...	...	200		200	
1	1		Do.	...	...	...	...	175		150	
1	1		Coxswain	...	...	...	...	132		132	
3	3		Boatmen, at £96...	...	...	...	...	288		288	
<i>Grafton.</i>											
1	1		Sub-Collector	...	...	...	...	275		275	
1	1	c	Landing Waiter (Lawrence)	...	...	...	...	200		200	
1	1		Coxswain	...	...	...	...	120		120	
3	3		Boatmen, at £96...	...	...	...	...	288		288	
Carried forward								£ 3,846			3,821
100	86	Carried forward						£	16,732	.....	14,212

a The Warehousekeeper receives remuneration for extra attendance, at the rate of 8s. 6d. an hour; and Lockers, at the rate of 1s. 6d. an hour.
b Provided with Quarters, Fuel, and Light. c Provided with Quarters. d Receives £50 per annum for Office-rent.
e Receives £20 per annum for Office-rent.

ESTIMATES OF EXPENDITURE—1870.

NO. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.						
No. of Persons.			SALARIES AND CONTINGENCIES.			
1869	1870		Amount Voted for 1869.		Amount Required for 1870.	
			£		£	
		Customs—continued.				
100	86	Brought forward ... ..	.....	16,732	.....	14,212
		Brought forward	3,846		3,821	
		<i>Eden.</i>				
1	1	a Sub-Collector*	300		300	
1	1	Coxswain	132		132	
3	...	Boatmen, at £96... ..	288		.....
1	1	Wharfinger	20		20	
		<i>Richmond River.</i>				
1	1	a Sub-Collector	200		250	
2	2	Boatmen, at £96... ..	192		192	
		<i>Wollongong and Bellambi.</i>				
1	1	Acting Customs' Officer	52		52	
		<i>Kiama.</i>				
1	1	Acting Customs' Officer	52		52	
		<i>Port Stephens.</i>				
1	1	Acting Customs' Officer	52		52	
		<i>M'Leay River.</i>				
1	1	Acting Customs' Officer	25		25	
		<i>Wagga Wagga.</i>				
...	1	Acting Customs' Officer ... ..	.....		25	
				5,159		4,921
		BORDER BRANCH.				
		<i>Moama.</i>				
1	1	b Sub-Collector	300		300	
2	2	c Searchers and Night Watchmen, at £175	350		350	
1	...	Messenger	96		.....
		<i>Albury.</i>				
1	1	b Customs' Officer	250		250	
1	...	Messenger	96		.....
		<i>Wentworth.</i>				
1	1	d Customs' Officer	250		250	
1	1	Messenger	96		96	
		<i>Swan Hill.</i>				
1	1	d Customs' Officer	250		250	
		<i>Euston.</i>				
1	1	d Customs' Officer	250		250	
1	...	Messenger	96		.....
		<i>Corowa.</i>				
1	1	d Customs' Officer	250		250	
1	1	Messenger	96		96	
				2,380		2,092
		INLAND BONDED WAREHOUSES.				
		<i>Wagga Wagga.</i>				
1	1	e Locker	250		250	
				250		250
				24,521		21,475
		Allowances to extra Tide Waiters, and for occasional Clerical Assistance	3,500		3,500	
		Rent	470		470	
		New Boats	100		100	
		Gauging Instruments, &c.	100		100	
		Rent of 5 Offices, at £20, Murray River	100		100	
		Allowance for Forage for 7 horses	350		300	
		Rent of Bonding Warehouse, Albury	260		80	
		Incidental Expenses	300		300	
				5,180		4,950
127	108	TOTAL	£	29,701	.....	26,425

a Provided with Quarters. b Provided with Quarters, and allowed £50 per annum for Forage.
 c Receive £25 each for House Rent. d Receives £20 per annum for Office-rent, and £50 per annum for Forage.
 e Receives £50 per annum for House Rent.
 * Also Police Magistrate; Salary, £150 per annum.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.												
No. of Persons.		SALARIES AND CONTINGENCIES.										
1869	1870							Amount Voted for 1869.		Amount Required for 1870.		
								£		£		
Colonial Distilleries and Refineries.												
DISTILLERIES' BRANCH.												
1	1	Chief Inspector of Distilleries ...	...	...	...	...	500		500		
3	3	Inspectors of Distilleries, at £400 ...	...	...	...	...	1,200		1,200		
								1,700		1,700		
Instruments and Books ...							30		20			
Cleaning Offices ...							40		50			
Porterage... ..							5		5			
Incidental Expenses ...							70		70			
Rewards for information as to Illicit Distillation ...							50		50			
								195		195		
								1,895		1,895		
REFINERIES' BRANCH.												
<i>a</i> Chief Inspector of Refineries ...							150		150			
1	1	Inspector of Refineries ...	...	...	...	...	300		300		
1	1	Do. ...	...	...	...	...	275		275		
...	1	Cadet ...	...	...	...	...	.....		55		
1	1	Watchman ...	...	...	...	...	100		100		
1	1	Gatekeeper ...	...	...	...	...	80		80		
1	1	Boy Messenger ...	...	...	...	...	40		40		
							945		1,000			
Clerical Assistance ...							55		.....		
								1,000		*1,000		
9	10	TOTAL ...						£	2,895	2,895

a Duties performed by the Chief Inspector of Distilleries.

* To meet this expenditure the Colonial Sugar Company are assessed at the rate of £1,000 per annum on the working capabilities of their Refinery.

ESTIMATES OF EXPENDITURE—1870.

61

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870		Amount Voted for 1869.	Amount Required for 1870.	
		NO. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.			
		Printing, Bookbinding, Stamps, and Railway Tickets.			
			£		£
1	1	Government Printer and Inspector of Stamps ...	600		600
1	1	Superintendent	400		400
1	1	Overseer	300		300
		ACCOUNT BRANCH.			
1	1	Accountant	300		300
1	1	Clerk	150		150
		RECORDS, INDEXING, &C.			
1	1	Clerk	200		210
1	1	Do. (Sale Room)	200		200
		PRINTING, BOOKBINDING, AND PUBLISHING.			
1	1	Foreman of Bookbinding Branch	300		300
1	1	Do. Press Room... ..	250		275
4	4	Sub-Overseers { Gazette	230		240
		{ Jobbing	230		240
		{ Bills	230		240
		{ Bookbinding	230		230
1	1	Publisher... ..	230		240
3	...	Readers, 2 at £200, and 1 at £120	520		.....
...	3	Readers, 1 at £210, 1 at £200, and 1 at £150 ... ..	.....		560
76	67	{ Compositors, Machinists, Pressmen, Bookbinders, Assistants, and others	9,898		8,718
59	66	{ Extra Hands and Overtime,—during the Session	1,200		600
		{ Improvers, Apprentices, Folders and Sewers, and others, at rates varying from 8s. to 1s. per diem, according to length of service	4,137		4,832
		POSTAGE AND ADHESIVE DUTY STAMPS.			
1	1	Foreman	300		300
2	...	Printers, at £200	400		.....
...	2	Printers, 1 at £200, and 1 at £125 ... ..	.....		325
2	...	Assistants, 1 at £150, and 1 at £100	250		.....
...	2	Assistants, 1 at £150, and 1 at £60 ... ..	.....		210
		RAILWAY TICKETS, ENVELOPES, AND NUMBERING.			
2	...	Printer at £200, Assistant ditto, at £150	350		.....
...	1	Foreman ... ..	.....		230
...	1	Assistant ... ..	.....		150
		PHOTO-LITHOGRAPHY			
...	1	Photo-lithographer and Lithographic Printer	500		.....
			.....		275
		TYPE, Repairs to Machinery, and Incidental Expenses			
			250		250
159	158	TOTAL ... ..	£	.....	21,655
				.....	20,375

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
Stores and Stationery.					
1	1	Clerk of Stores	£ 400	£ 400	
1	1	Clerk	150	150	
1	1	Do.	125	125	
1	1	Foreman	125	125	
1	1	Messenger	110	110	
			910		910
		Conveyance of Stores	800	600	
		Packing and other Expenses	100	25	
		Stores and Stationery for the Public Service generally ...	46,500	39,000	
		Fuel and Light for Departments within the District of Sydney	2,800	2,300	
		Clerical Assistance and Labour, in connection with the Superintendence of Colonial Military Stores	240†	
			50,440		41,925
5	5	TOTAL	£	51,350	42,835
GUNPOWDER MAGAZINE, GOAT ISLAND.*					
1	1	Clerk	150	200	
1	1	Foreman	225	150	
1	1	Assistant Foreman	175	100	
			550		450
		Allowance to Assistant Military Storekeeper, for extra duties	50	50	
		Wages to Cooper, at 5s.; and to three Labourers, at 9d. each	113	113	
		Boat Hire, at 8s. per week	21	.....
		Military Labourers	30	30	
		Night Watchman, at 2s. per night	37	.....
		Lodging Allowance to Assistant Foreman	25	.....
		Rations, Fuel, and Light, to Cooper, at 1s. per diem ...	18	18	
		Rations, Fuel, and Light, to Assistant Foreman, at 1s. per diem ... ..	.....	18	
			294		229
3	3	TOTAL	£	844	679
COLONIAL MILITARY STORE, AND GUNPOWDER MAGAZINE, SPECTACLE ISLAND.					
1	1	Superintendent	200	275	
1	1	Visiting Surgeon... ..	25	25	
			225		300
		Allowance to Assistant Military Storekeeper, for extra duties	50	.....
		Wages to four Labourers, at 9d. per diem each	55	.....
		Do. at 4s. per diem each ... ..	.....	292	
		Extra Allowance to Labourers for attending Boat, at 2s. per diem	37	.....
		Military Labourers	12	.....
		Two Labourers, Military Store, at 4s. per diem each ...	.....^a	126	
		Night Watchman for Island, in lieu of Guard, at 2s. per night	36	.....
		Provisions, Fuel, Light, and Medicines	149	121	
		Extra Labour ... ..	.....^a	30	
			339		569
2	2	TOTAL	£	564	869

* This Magazine is placed in charge of the Assistant Superintendent of Military Stores, by the Act of Council 16 Vic., No. 47.—£63 8s. 9d. of the Foreman's salary is paid by the Imperial Government.

Provided for under the head of Colonial Military Store and Gunpowder Magazine, Spectacle Island.

^a Provided for in 1869 under the head of Stores and Stationery.

ESTIMATES OF EXPENDITURE—1870.

63

No. of Persons.		No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.				SALARIES AND CONTINGENCIES.				
1869	1870					Amount Voted for 1869.		Amount Required for 1870.		
						£		£		
Health and Emigration Officers.										
1	1	<i>a</i>	Health and Emigration Officer, Port Jackson	...	...	530		530	
1	1	<i>b</i>	Health Officer, Newcastle	...	...	50		50	
1	1		Clerk to Emigration Officer, Port Jackson	...	...	175		175	
							755		755	
						75		75		
						.....		5	
							75		80	
3	3	TOTAL				£	830	835
Quarantine.										
1	1	<i>c</i>	Overseer of Stores	...	...	150		150	
2	2	<i>c</i>	Boatmen, at £75...	...	...	150		150	
							300		300	
						.....	600		200
3	3	TOTAL				£	900	500
Shipping Masters.										
<i>Sydney.</i>										
1	1		Shipping Master	...	...	350		350	
1	1		Chief Clerk and Deputy Shipping Master	...	...	300		300	
1	1		First Clerk	...	...	175		175	
2	2		Clerks, at £100	...	...	200		200	
2	...		Messengers, at £104	...	...	208		.....	
...	2		Seamen's Assistants and Messengers, at £125...	...	...	.....		250	
1	1		Office-keeper	...	...	15		15	
<i>Newcastle.</i>										
1	1	<i>d</i>	Shipping Master	...	...	150		150	
1	1		Boy Messenger	...	...	52		52	
							1,450		1,492	
						.....	20		20
10	10	TOTAL				£	1,470	1,512
Glebe Island Abattoir.										
1	1		Inspector	...	...	250		300	
1	1		Assistant Inspector	...	...	150		150	
1	1		Engine-driver for Pumping Water	...	...	120		120	
1	1		Labourer	...	...	80		80	
							600		650	
						50		50		
						80		80		
						150		150		
							280		280	
4	4	TOTAL				£	880	930

a Member of Immigration Board.*b* Vaccinator—2s. 6d. for each successful case.
d Clerk to the Harbour Master—Salary, £150 per annum.*c* Provided with Quarters.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Harbours, Light Houses, and Pilot Department.					
1	1	.....	650	.....	650
STEAM NAVIGATION AND PILOT BOARDS.					
4	4		250		250
1	1		350		350
1	1	<i>a</i>	100		100
1	1		200		200
			60		60
1	1		96		96
			1,056	1,056	
HARBOUR MASTERS.					
1	1		350		350
1	1		350		350
1	1		250		250
1	1		250		250
1	1		250		250
1	1		175		175
1	1	<i>b</i>	150		150
			1,775	1,775	
COLONIAL LIGHT HOUSES.					
<i>Principal Light-Keepers.</i>					
1	1		180		180
1	1		180		180
1	1		250		250
1	1		180		180
1	1		180		180
1	1		144		144
1	1		180		180
2	2		73		73
<i>First Assistant Light-Keepers.</i>					
1	1		96		96
1	1		96		96
1	1		96		96
1	1		96		96
1	1		96		96
1	1		96		96
<i>Second Assistant Light-Keepers.</i>					
1	1		96		96
1	1		96		96
1	1		96		96
1	1		96		96
1	1		96		96
3	3		288		288
			2,711	2,711	
39	39	Carried forward	£	6,192	6,192

a Duties to be performed by the Engineer Surveyor.*b* Also Shipping Master; Salary, £150 per annum.

ESTIMATES OF EXPENDITURE—1870.

65

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Harbours, Light Houses, and Pilot Department—					
continued.					
39	39	Brought forward		6,192	6,192
SEA AND RIVER PILOTS.					
<i>Port Jackson.</i>					
2	2	Assistant Harbour Masters, at £250		500	500
4	4	Crew for do., at £96		384	384
		To provide Fees for Pilots under the Competitive Pilotage System		4,200	4,200
<i>Newcastle.</i>					
2	2	Pilots, at £250		500	500
2	2	Junior Pilots, at £175		350	350
<i>Manning River.</i>					
1	1	Pilot		175	175
<i>M'Leay River.</i>					
1	1	Pilot		175	175
<i>Clarence River.</i>					
1	1	Pilot		175	175
<i>Richmond River.</i>					
1	1	Pilot		175	175
<i>Port Macquarie.</i>					
1	1	Pilot		175	175
<i>Moruya.</i>					
1	1	Pilot		175	175
<i>Bellenger River.</i>					
1	1	Pilot		175	175
<i>Tweed River.</i>					
...	1	Pilot ... ..		.....	175
<i>Wollongong.</i>					
1	1	Pilot, in charge of the Port and Moorings		150	150
<i>Kiama.</i>					
1	1	Pilot, in charge of the Port and Moorings		25	25
<i>Bellambi.</i>					
1	1	Pilot, in charge of the Port and Moorings		25	25
<i>Jerringong.</i>					
1	1	Pilot, in charge of the Port and Moorings		15	15
BOATMEN.					
<i>Port Jackson. (Boatswain's Yard.)</i>					
1	1	a Boatswain in charge		150	150
6	6	Coxswains, at £108		648	648
16	16	b Boatmen, at £96... ..		1,536	1,536
<i>Newcastle.</i>					
13	14	Boatmen, at £96... ..		1,248	1,344
1	1	Carpenter... ..		140	140
<i>Manning River.</i>					
4	4	Boatmen, at £96... ..		384	384
<i>M'Leay River.</i>					
4	4	Boatmen, at £96... ..		384	384
<i>Clarence River.</i>					
4	4	Boatmen, at £96... ..		384	384
<i>Richmond River.</i>					
5	5	Boatmen, at £96... ..		480	480
<i>Port Macquarie.</i>					
4	4	Boatmen, at £96... ..		384	384
<i>Moruya.</i>					
2	2	Boatmen, at £96... ..		192	192
<i>Bellenger River.</i>					
4	4	Boatmen, at £96		384	384
<i>Tweed River.</i>					
...	4	Boatmen, at £96... ..		.....	384
<i>Twofold Bay.</i>					
4	3	Boatmen, at £96... ..		384	288
				6,698	7,082
128	133	Carried forward		20,264	20,823

a Provided with Quarters.

b To provide for services of Harbour Master, Customs, Health and Emigration Officer, Post Office, Cockatoo Island, and Government Stores.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Harbours, Light Houses, and Pilot Department—					
continued.					
128	133		Brought forward		20,823
TELEGRAPH STATIONS.					
1	1		Signal Master, Fort Phillip	200	200
1	1		Signal Master's Assistant	84	84
1	1		Signal Master, South Head	180	180
1	1		Junior Operating Clerk, South Head	100	100
1	1		Operator, Nelson's Bay	52	52
1	1		Operator, Port Stephens	26	26
...	1		Operator, Port Office ... ..	.....	26
				642	668
				20,906	21,491
AUSTRALIAN COAST LIGHT HOUSES.					
Contribution towards the maintenance of Lights on Gabo Island, Wilson's Promontory, King's Island, and Kent's Group					
				2,350	2,000
CONTINGENCIES.					
				150	150
				445	400
				150	100
				100	50
				48	48
				6	6
				300	300
				1,199	1,054
134	140		TOTAL	£ 24,455	24,545
Life-boats.					
Gratuities to Coxswains and Crews of Life-boats, Sydney and Newcastle					
				400	400
				400	400

ESTIMATES OF EXPENDITURE—1870.

67

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.				
	Amount Voted for 1869.		Amount Required for 1870.	
	£		£	
Miscellaneous Services.				
Postage of the various Public Departments	6,500		6,500	
Advertising for the Public Service generally	4,000		4,000	
For the transmission of Telegraphic Messages	7,000		6,000	
Duty Stamps for the Public Service generally	1,500		500	
One-half per cent. Commission on payments in England, by the Government Financial Agents, on (say) £700,000	3,000		3,500	
Exchange on Remittances within and beyond the Colony	3,000		3,000	
To provide for a Queen's Plate to be run for annually, on Rand- wick Racecourse, under the auspices of the Australian Jockey Club (Resolution of Assembly)	200		200	
To meet the Expense of carrying on the Inner Waters and Coast Surveys	1,500		1,500	
Allowance for Postage and Stationery to Clerks of Petty Sessions, Land Agents, and Registrars of District Courts	1,750		1,750	
Provisions to be left on Booby Island, for the relief of Shipwrecked Persons	30		30	
To meet Unforeseen Expenses, to be hereafter accounted for ...	3,000		3,000	
Storm Signals for Clarence River, Port Macquarie, Port Stephens, South Head, Wollongong, Jervis' Bay, Twofold Bay, and Gabo Island ... ..	.....		850	
Gratuity of one month's pay for each year of service to J. Midgley, late Foreman of Gunpowder Magazine, Goat Island ... ..	.....		170	
Buoy for the Clarence River ... ..	.....		80	
		31,480		31,080

VI.

Secretary for Lands.

SUMMARY.

CHARGEABLE ON REVENUE.	Voted for 1869.	Required for 1870.
	£	£
Department of Lands	11,957	11,154
Survey of Lands... ..	67,341	78,483
Commission to Land Agents, Appraisers, &c., and Rent of Buildings... ..	4,300	4,300
Occupation of Lands	14,682	13,811
Gold Fields	2,539	1,089
Prevention of Scab in Sheep	9,595	9,952
Inspection of Cattle	333	333
Coal Fields	1,360	1,360
Botanic Gardens... ..	3,021	4,726
Government Domains and Hyde Park	4,420	2,953
Roads other than Main Roads	57,400	63,966
Necropolis, Haslem's Creek	656	.....
Aborigines. (See page 37) ... ..	.....	.....
Miscellaneous Services	1,475	9,113
TOTAL	£ 179,079	201,240

The Treasury, New South Wales,
9th February, 1870.

SAUL SAMUEL,
Treasurer.

No. of Persons.		No. VI.—SECRETARY FOR LANDS.						SALARIES AND CONTINGENCIES.																							
1869	1870							Amount Voted for 1869.		Amount Required for 1870.																					
		Department of Lands.						£		£																					
1	1	Secretary for Lands	1,500		1,500																					
1	1	Under Secretary	800		800																					
...	1	Chief Clerk		550																						
2	...	Chief Clerks, at £500	1,000																							
...	1	Clerk		450																						
3	2	Clerks, at £400	1,200		800																						
2	4	Do. at £350	700		1,400																						
2	...	Do. at £300	600																							
4	4	Do. at £250	1,000		1,000																						
7	7	Do. at £200	1,400		1,400																						
10	10	Do. at £150	1,500		1,500																						
32	31							7,400		7,100																					
		<i>Extra Clerks.</i>																													
2	...	Extra Clerks, at 7s. 6d. per diem	275																							
6	6	Do. at 6s. per diem	659		657																						
...	2	Cadets, at £50 per annum		100																						
8	8							984		757																					
6	...	Messengers—*1 at £104, 2 at £100, 2 at £75, and 1 (boy) at £52	506																							
...	3	Do. 1 at £104, 1 at £100, and 1 (boy) at £52		256																						
4	...	Office-keepers and Assistants—1 at £61, 1 at £50, 1 at £36, and 1 at £26	173																							
...	2	Do. 1 at £61, 1 at £36		97																						
1	1	Watchman, at 5s. per diem	92		92																						
		Preparation of Deeds	500		500																						
		Incidental Expenses	52		52																						
11	6							771		445																					
								552		552																					
51	45	TOTAL	£	11,957	11,154																					
Survey of Lands.																															
SURVEY STAFF.																															
1	1	Surveyor General	1,000		1,000																						
5	5	a District Surveyors, at £730	3,650		3,650																						
6	6	b Surveyors, 1st Class, at £630	3,780		3,780																						
7	6	c Do. 2nd Class, at £530	3,710		3,180																						
17	17	Field Assistants to Surveyors, at 6s. each per diem	1,862		1,862																						
72	68	d Wages and Provisions to Surveying Parties	5,564		5,264																						
								19,566		18,736																					
		Carried forward	£	19,566	18,736																					
108	103																														
<p>a Including £500 Salary and £230 Allowance for Equipment, viz. :—</p> <table border="0"> <tr><td>Interest on purchase and wear and tear</td><td>£100</td></tr> <tr><td>Provisions for self</td><td>25</td></tr> <tr><td>Forage for three horses</td><td>125</td></tr> <tr><td>Horse-shoeing</td><td>10</td></tr> <tr><td>Wear and tear of survey instruments</td><td>10</td></tr> <tr><td>Stationery and postage</td><td>5</td></tr> <tr><td>Contingencies</td><td>5</td></tr> <tr><td></td><td>£230</td></tr> <tr><td>Less</td><td>50</td></tr> <tr><td></td><td>£230</td></tr> </table> <p>b Including £400 Salary and £230 Allowance. c Including £300 Salary and £230 Allowance.</p> <p>d Being estimated at the rate of 4s. and 4s. 6d. per diem for 68 Labourers, with an additional sum to meet special expenditure where necessary.</p>												Interest on purchase and wear and tear	£100	Provisions for self	25	Forage for three horses	125	Horse-shoeing	10	Wear and tear of survey instruments	10	Stationery and postage	5	Contingencies	5		£230	Less	50		£230
Interest on purchase and wear and tear	£100																														
Provisions for self	25																														
Forage for three horses	125																														
Horse-shoeing	10																														
Wear and tear of survey instruments	10																														
Stationery and postage	5																														
Contingencies	5																														
	£230																														
Less	50																														
	£230																														
* Provided with Quarters, Fuel, and Light.																															

ESTIMATES OF EXPENDITURE—1870.

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		No. VI.—SECRETARY FOR LANDS.			
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Survey of Lands—continued.					
108	103	Brought forward	19,566	18,736	
DRAWING AND LITHOGRAPHIC STAFF.					
1	1	Chief Draftsman	600	600	
6	6	Draftsmen, 1st Class—1 at £500, 1 at £450, 2 at £400, 1 at £350, 1 at £300	2,400	2,400	
15	...	Draftsmen, 2nd Class—9 at £300, 4 at £250, 2 at £200	4,100	.....
...	15	Do. do. 9 at £300, 4 at £250, 2 at £220	.....	4,140	
20	...	Draftsmen, 3rd Class—13 at £200, 6 at £150, and 1 at £100	3,600	.....
...	24	Draftsmen, 3rd Class—15 at £200, 8 at £150, and 1 at £100	.....	4,300	
7	7	Supernumerary Draftsmen, at £75 each	525	525	
1	1	Engraver	300	300	
3	3	Description Writers—1 at £100, 1 at £150, and 1 at £220	470	470	
...	1	Assistant Draftsman, Leasing Branch	.....	200	
4	4	Lithographic Printers—1 at £285, 1 at £210, 1 at £175, and 1 at £75	745	745	
1	1	Plan Moulder	200	200	
1	1	Custodian of Plans	200	200	
1	1	Clerk of Charting Branch	150	150	
			13,290	14,230	
168	168	CLERICAL STAFF.			
1	1	Accountant	400	400	
1	1	Clerk	300	300	
1	1	Do.	250	300	
1	1	Do.	200	150	
1	1	Do.	150	150	
1	1	Supernumerary Clerk, at 6s. per diem	110	110	
			1,410	1,410	
6	6				
...	3	*Messengers—1 at £100, 2 at £75	.....	250	
...	2	*Office-keepers—1 at £36, 1 at £26	.....	62	
				312	
...	5				
		For commencement of Triangulation	500	.....
		To continue Triangulation	.....	500	
		Allowance, in lieu of Forage for one horse, to Surveyor General	50	50	
		Fees to Licensed Surveyors	30,000	40,000	
		Passage and Freight	150	150	
		Extra Forage Allowance in special cases	500	500	
		Purchase of Surveying Instruments and Books	250	250	
		Lithographic Drawing, Printing, and Materials	300	750	
		Do. do. Patented Inventions	150	150	
		Drawing Tracings by piece-work	.....	220	
		Rent of Rooms for deposit of Records in Country Towns by Surveyors	250	250	
		Fees to Draftsmen employed by Contract in drawing Diagrams on Deeds	600	600	
		Rent of Branch Offices, Pitt-street	100	150	
		^b Incidental Expenses	225	225	
			33,075	43,795	
174	179	TOTAL	67,341	78,483	
=====					
		Rent of additional Offices for Land Departments	300	300	
		Commission to Land Agents, Appraisers, and others	4,000	4,000	
			4,300	4,300	

* Provided for in 1869 under Department of Lands.

^b Including Special Allowance, when necessary, for District Surveyors.

No. of Persons.		No. VI.—SECRETARY FOR LANDS.				SALARIES AND CONTINGENCIES.			
1869	1870	Occupation of Lands.				Amount Voted for 1869.		Amount Required for 1870.	
						£		£	
HEAD QUARTERS.									
1	1	Chief Commissioner of Crown Lands	...	...	...	800		...*	
1	1	Chief Clerk	...	...	...	400		450	
1	...	Clerk	...	...	...	300		.....
1	1	Do.	...	...	...	250		250	
1	1	Do.	...	...	...	225		225	
2	2	Clerks, at £200	...	...	...	400		400	
1	1	Clerk	...	...	...	150		150	
1	1	Do.	...	...	...	100		100	
2	...	Extra Clerks, at 6s. per diem	...	...	...	219		.....
...	1	Extra Clerk	...	...	...	.....		100	
1	1	Commissioner, Cumberland	...	...	...	200		200	
1	1	Messenger	...	...	...	100		100	
1	1	Housekeeper	...	...	...	26		36	
							3,170		2,011
14	12	COMPILATION OF DISTRICT RUN MAPS.							
...	1	Draftsman	...	...	...	.....		400	
...	2	Assistant Draftsmen—1 at £225, 1 at £110	...	...	...	.....		335	
...	3								735
PASTORAL DISTRICTS.									
2	1	Commissioner of Crown Lands, at £500	...	...	...	1,000		500	
5	7	Commissioners do. £450	...	...	...	2,250		3,150	
3	2	Do. £400	...	...	...	1,200		800	
...	1	Commissioner do. £200	...	...	...	.....		200	
14	5	Bailiffs, at £183	...	...	...	2,562		915	
10	10	Camp-keepers, at £40	...	...	...	400		400	
							7,412		5,965
34	26						10,582		8,711
		Exploration and allotment of New Country	...	...	...	1,000		500	
		Appraisalment Fees and Travelling Expenses	...	...	...	2,000		4,000	
		Commissioners' Quarters and Offices	...	...	...	400		400	
		Compilation of Run Surveys	...	...	...	300		.....
		Forage Allowances, when specially sanctioned	...	...	...	200		.....
		Incidental Expenses	...	...	...	200		200	
							4,100		5,100
48	41	TOTAL	...	...	...	£	.....	14,682	.....
Gold Fields.									
3	3	Commissioners, at £500	...	...	...	1,500		†.....	
2	2	Clerks to Gold Commissioners, at £175	...	...	...	350		350	
							1,850		350
		Allowance in lieu of Forage for Commissioners	...	...	...	300		300	
		Rent of Premises	...	...	...	105		105	
		Travelling Expenses of Commissioners (when specially sanctioned)	...	...	...	134		134	
		Unforeseen Expenses at Gold Fields	...	...	...	120		100	
		Extra Clerical Assistance when necessary	...	...	...	30		100	
							689		739
5	5	TOTAL	...	...	...	£	.....	2,539	.....

* Duties performed by Under Secretary for Lands.

† Provided on Police Estimates.

ESTIMATES OF EXPENDITURE—1870.

73

No. VI.—SECRETARY FOR LANDS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Prevention of Scab in Sheep.					
1	1	Chief Inspector		500	
1	1	Clerk		100	
6	5	Inspectors, at £350		1,750	
22	9	Do. at £250		2,250	
2	2	Do. at £200		400	
...	14	Do. at £150		2,100	
2	2	Do. at £100		200	
3	3	Do. at £50		150	
8	8	Boundary Riders on the Murray, at £150		1,200	
Forage:—					
		Chief Inspector, at £50	9,595	50	
		1 Inspector, at £50 ... ..		.....
		Travelling Expenses of Inspectors, when specially sanctioned		200	
		Travelling Expenses of Sheep Directors		400	
		Postage and Stationery for 30 Inspectors, at £5		150	
		Do. for 4 at £2 10s.		10	
		Rent of Quarantine Ground, Sydney		65	
		Forage for Sheep in Quarantine... ..		150	
		Medicaments for dressing Sheep		20	
		Keeping Quarantine Yards, Sydney		50	
		Incidental Expenses, including Law Costs and Charges		207	
			9,595		9,952
45	45	TOTAL	£	9,595	.....
Inspection of Cattle.					
2	2	Inspectors, Sydney, at £25	50	50	
1	1	Inspector, Eden... ..	100	100	
1	1	Do. Newcastle	150	150	
			300		300
		Postage and Stationery for Inspectors at Newcastle and Eden	8	8	
		Incidental Expenses	25	25	
			33		33
4	4	TOTAL	£	333	.....
Coal Fields.					
1	1	Examiner (Northern) and Keeper of Mining Records... ..	600	600	
1	1	Inspector	300	300	
			900		900
		Rent of Office	60	60	
		Incidental Expenses	400	400	
			460		460
2	2	TOTAL	£	1,360	.....

ESTIMATES OF EXPENDITURE—1870.

		No. VI.—SECRETARY FOR LANDS.						SALARIES AND CONTINGENCIES.			
No. of Persons.								Amount Voted for 1869.		Amount Required for 1870.	
1869	1870							£		£	
Botanic Gardens.											
1	1	Director	...	...	...	...	...	400		400	
1	1	Overseer	...	...	...	...	...	150		150	
1	1	Clerk and Librarian	...	...	...	...	...	150		150	
1	1	Bailiff	...	...	...	...	...	108		108	
									808		808
		Wages to Gardeners and Labourers	...	...	...	...	...	1,463		1,463	
		Travelling and other Expenses of Director	...	...	...	...	...	100		100	
		Forage for one Horse	...	...	...	...	...	50		50	
		Cases for Plants, and expenses of transmission	...	...	...	...	...	40		40	
		Towards the formation of a Public Botanical Library	...	...	...	...	...	25		25	
		Coals and Manure	...	...	...	...	...	40		40	
		Preparing Ground for New Plantations	...	...	...	...	...	100		100	
		Cost of Aviary	...	...	...	...	...	200		200	
		Painting and repairing Seats	...	...	...	...	...	25		25	
		Labelling the Plants and Shrubs	...	...	...	...	...	25		25	
		To provide new Mowing Machines	...	...	...	...	...	45		.....
		Laying down Pipes for irrigation purposes	...	...	...	...	.....	.....		300	
		Additional Frames for propagating Plants	...	...	...	...	.....	.....		150	
		Dwarf Stone Wall, western side of Lower Garden	...	...	...	...	.....	.....		100	
		Incorporation of Governor's Kitchen Garden with Botanic Gardens	...	...	...	...	.....	.....		1,200	
		Incidental Expenses	...	...	...	...	100			100	
									2,213		3,918
4	4	TOTAL	...	...	...	...	£	.....	3,021	.....	4,726
Government Domains and Hyde Park.											
1	1	General Overseer	...	...	...	...	...	150		130	
1	1	Bailiff	...	...	...	...	...	108		120	
									258		250
		Wages to Labourers	...	...	...	...	...	862		862	
		Forage for one Horse	...	...	...	...	...	50		50	
		Gravel to keep in repair Roads and Paths	...	...	...	...	...	300		300	
		Repair of Gates and Fences	...	...	...	...	...	200		125	
		To trench and fence in Ground for additional Plantations	...	...	...	...	...	150		150	
		Soil and Manure	...	...	...	...	...	50		50	
		For purchase of a Horse and Cart	...	...	...	...	.....	.....		36	
		Quarrying Rock and improving eastern side of Domain	...	...	...	...	500			.....
		Towards enclosing Inner Domain with ornamental Railings	...	...	...	...	1,000			.....
		To keep in order Plantations at Court House, Darlinghurst, and at other Public Buildings	...	...	...	...	.....	.....		80	
		Incidental Expenses	...	...	...	...	50			50	
									3,162		1,703
		For the improvement of Hyde Park	...	...	...	...	.....		1,000	.....	1,000
2	2	TOTAL	...	...	...	...	£	.....	4,420	.....	2,953

		No. VI.—SECRETARY FOR LANDS.			
No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
		Minor Roads.			
		For the construction and maintenance of Subordinate Roads, as classified per Schedule	41,000		41,000
		For Minor Bridges and Roads not classified	8,000		8,000
		Alignment Posts for Towns	500		300
		To meet Expense of fencing Public Roads where proclaimed through enclosed Lands	4,000		5,000
		Formation of Streets through Crown Lands in City of Sydney	1,000		1,000
		For the formation of the line of Road through Jones' Island, Manning River ... ..	.....		700
		Towards opening and forming the Road from Sutton Forest Railway Station through Kangaroo Valley, <i>vid</i> Good Dog Mountain, to Shoalhaven River ... ..	.....		1,000
		For the improvement of the Road from the Kangaroo and Sutton Forest line of Road to the Robertson and Sutton Forest Road, at Bunter's 200 acres ... ..	.....		150
		Towards completion of Mill Creek Bridge, near Stroud, further sum... ..	.....		150
		To cover the cost of constructing Culverts, &c., in connection with the Road from the Windsor Road to the Mulgrave Railway Station ... ..	.....		200
		For the erection of a Bridge over Throsby Creek, Bullock Island ... ..	.....		500
		Completion of the Bunnerong Road, Randwick ... ..	.....		1,500
		Construction of a Punt for Middle Harbour Ferry, Sydney ... ..	.....		300
		Punt at Darkwater Creek, M'Leay River ... ..	.....		400
		Construction of Punt and Approaches at Wingham, Manning River ... ..	.....		626
		Punt at Wiseman's Ferry ... ..	.....		400
		Purchase of the Punt at Buckley's Crossing-place, Snowy River ... ..	.....		400
		Road from Wagga Wagga to Narrandera ... ..	.....		500
		Main Street in Town of Warialda ... ..	.....		50
		Bridge over Little Wheeny Creek, on Road from Pitt Town to Wiseman's Ferry ... ..	.....		150
		Towards opening up Road from George's River towards Wollongong ... ..	.....		400
		Road from Kempsey to Darkwater ... ..	.....		350
		Forming, Ballasting, and Draining the northern part of Macquarie-street ... ..	.....		690
		Fencing New Line of Road from Windsor and Parramatta Road to the Riverstone Railway Station ... ..	.....		300
		Other Votes, 1869	2,900		.....
				57,400	63,966
		Necropolis, Haslem Creek.			
1	...	Secretary	250	.....	.....
1	...	Clerk	150	.....	.....
1	...	Messenger	52	.....	.....
1	...	Overseer	104	.....	.....
		Clearing Roads and repairing Fences ... ..	.....	556	.....
				100	.....
4	...	TOTAL ... ..	.....	656	.....
		Aborigines.*			
		Medicines and Medical Attendance ... ..	.....	.....	.....

* Provided for on the Colonial Secretary, Estimates, page 37.

No. VI.—SECRETARY FOR LANDS.			
No. of Persons.		SALARIES AND CONTINGENCIES.	
1869	1870	Amount Voted for 1869.	Amount Required for 1870.
		£	£
Miscellaneous Services.			
		200	200
		50	50
	Do. Wombcian Caves	25	25
	For fencing Public Cemeteries	1,000	1,000
	Parramatta Park	100	100
	Compensation to Plaintiff <i>re</i> Queen <i>ats.</i> Broughton, Gadara Run... ..	.....	2,000
	Compensation to Mrs. Singleton for Land at Singleton on which the old Court House, &c., was erected by her late husband, B. Singleton ... ..	.....	2,412
	Compensation to W. Wamsley, for loss of land through opening of Road from Barren Ground to Sutton Forest ... ..	.....	3
	To defray the Expenses of a competent person to examine and report upon the best means of procuring permanent Water Supply on the Gold Fields of the Colony (Resolution of Assembly) ... ..	.....	1,000
	For the purchase of the Punt at Blackman's Point ... ..	.....	150
	Gratuity to Widow of late G. H. Edwards, Messenger, Survey Department ... ..	.....	117
	Compensation for Land promised the Jewish Church for Public Worship, and since granted to Roman Catholics ... ..	.....	1,078
	To cover the cost of enclosing Reserve for Public Recreation adjoining the University, and planting a belt of Trees along its northern and eastern boundaries ... ..	.....	250
	Fencing Paddocks in connection with Crown Lands Commissioner's Quarters at Armidale ... ..	.....	62
	Compensation awarded to W. Cummings, Esq., M.L.A., for damages sustained through a Gold Field being opened on his Run ... ..	.....	500
	Costs of Arbitration, other than those of the Government Arbitrator, in the above case ... ..	.....	166
	Other Votes, 1869	100	.....
		1,475	9,113

VII.

Secretary for Public Works.

SUMMARY.

	Voted for 1869.	Required for 1870.
	£	£
CHARGEABLE ON REVENUE.		
Department of Public Works	4,180	4,130
Railways :—		
General Establishment	2,250	2,500
Works in Progress—Establishment	8,899	8,774
Existing Lines—Working Expenses	151,450	182,650
Harbours and River Navigation :—		
Establishments	18,838	22,192
Public Works	6,940	5,350
Colonial Architect	5,915	5,965
Public Works and Buildings	66,950	61,772
Roads and Bridges :—		
General Establishment	2,560	2,560
Superintendence	5,700	5,700
Construction and Maintenance	111,867	103,952
Fitz Roy Dock	5,360	2,294
Miscellaneous Services	70	570
	390,979	408,409
TO BE RAISED BY LOAN.		
Railways	70,000	1,368,000
Harbours and River Navigation	81,000	180,600
Public Works and Buildings	7,000	20,000
Roads	15,500	.....
Electric Telegraphs	11,125	3,000
	184,625	1,571,600
TOTAL	£ 575,604	1,980,009

The Treasury, New South Wales,
9th February, 1870.

SAUL SAMUEL,
Treasurer.

No. VII.—SECRETARY FOR PUBLIC WORKS.														
No. of Persons.										SALARIES AND CONTINGENCIES.				
1869	1870									Amount Voted for 1869.		Amount Required for 1870.		
										£		£		
Department of Public Works.														
1	1	Secretary for Public Works	...	...	...	...	...	...	...	1,500		1,500	
1	1	Under Secretary	...	...	...	...	...	...	...	600		800	
1	1	Chief Clerk	...	...	...	...	...	...	...	450		500	
1	...	Clerk	...	...	...	...	...	...	...	300		.....	
1	1	Do.	...	...	...	...	...	...	...	250		250	
1	1	Do.	...	...	...	...	...	...	...	200		200	
1	1	Messenger	...	...	...	...	...	...	...	120		120	
1	1	House-keeper	...	...	...	...	...	...	...	50		50	
											3,470		3,420	
Rent										650		650		
Incidental Expenses (including quarters for Messenger)										60		60		
											710		710	
8	7	TOTAL								£	4,180	4,130
 <hr/> 														
Railways.														
GENERAL ESTABLISHMENT.														
1	1	Accountant	...	...	...	...	...	...	...	500		500	
1	1	Chief Clerk	...	...	...	...	...	...	...	400		400	
1	1	Clerk	...	...	...	...	...	...	...	300		400	
1	...	Do.	...	...	...	...	...	...	...	250		.....	
...	1	Cashier	...	...	...	...	...	...	...	.....		300	
1	1	Clerk	...	...	...	...	...	...	...	250		300	
1	1	Do.	...	...	...	...	...	...	...	200		250	
1	1	Do.	...	...	...	...	...	...	...	50		50	
1	...	Messenger	...	...	...	...	...	...	...	100		.....	
...	1	Messenger and Assistant Office-keeper	...	...	...	...	...	...	...	.....		100	
											2,050		2,300	
Travelling and Incidental Expenses										.....	200	.....	200
8	8	TOTAL								£	2,250	2,500

No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1869	1870					Amount Voted for 1869.		Amount Required for 1870.	
						£		£	
Railways—continued.									
WORKS IN PROGRESS.									
<i>Valuation of Land.</i>									
1	1	Valuator ... ..	...	...	...	500		500	
		Travelling Expenses ... ..	...	...	...	100		100	
							600		600
1	1								
<i>Engineering Branch.</i>									
1	1	Engineer-in-Chief ... ..	...	...	...	1,500		1,500	
1	1	Assistant Engineer ... ..	...	...	...	700		700	
1	1	Chief Draftsman ... ..	...	...	...	500		600	
1	1	Draftsman ... ..	...	...	...	200		200	
1	1	Chief Clerk ... ..	...	...	...	350		400	
1	1	Clerk ... ..	...	...	...	175		250	
1	1	Do. ... ..	...	...	...	150		175	
1	...	Engineer ... ..	...	...	...	550		.....
1	1	Locomotive Foreman ... ..	...	...	...	300		400	
1	1	Do. ... ..	...	...	...	300		300	
1	1	Superintendent of Way and Works ... ..	...	...	...	400		400	
2	...	Inspectors of Permanent Way, at £275 ... ..	...	...	...	550		.....
...	1	Inspector of Permanent Way ... ..	...	...	...	.....		300	
...	1	Do. ... ..	...	...	...	.....		275	
1	1	Telegraph Instrument Fitter for Railway Lines ... ..	...	...	...	150		200	
		Travelling Expenses ... ..	...	...	...	300	5,825	300	5,700
		Forage Allowance for Engineer-in-Chief ... ..	...	...	...	74		74	
		Contingent sum to provide such further Assistance as may be required ... ..	...	...	...	2,000		2,000	
		Incidental Expenses ... ..	...	...	...	100		100	
							2,474		2,474
14	13	TOTAL ... ..	...	...	...	£ .....	8,899	.....	8,774
EXISTING LINES—WORKING EXPENSES.									
TRAFFIC BRANCH.									
1	1	Traffic Manager, Southern and Western Lines ... ..	...	...	...	500		500	
1	1	Traffic Manager, Northern Line... ..	...	...	...	500		500	
46	...	Station Masters—6 at £250; 14 at £200; 2 at £175; 18 at £150; and 6 at £120 ... ..	...	...	...	8,070		.....
...	47	* Station Masters—7 at £250; 13 at £200; 4 at £175; 16 at £150; and 7 at £120 ... ..	...	...	...	.....		8,290	
1	1	Wharfinger, Newcastle ... ..	...	...	...	200		200	
							9,270		9,490
TRAFFIC AUDIT.									
1	...	Audit Clerk ... ..	...	...	...	200		.....
...	1	Traffic Auditor ... ..	...	...	...	.....		350	
1	1	Clerk ... ..	...	...	...	180		200	
							380		550
STORE.									
1	1	Storekeeper ... ..	...	...	...	300		300	
1	1	Do. ... ..	...	...	...	250		250	
1	1	Clerk ... ..	...	...	...	200		200	
							750		750
		Allowance to Station Masters for House Rent ... ..	...	...	...	450		610	
		20 Telegraphic Instruments for Guards on the Railway Lines ... ..	...	...	...	600		.....
		Traffic Expenses, Maintenance of Way and Works, Wages to Workmen, Stores, and Incidental Expenses ... ..	...	...	...	140,000		171,250	
							141,050		171,860
54	55	TOTAL ... ..	...	...	...	£ .....	151,450	.....	182,650

* With an allowance not exceeding £50 per annum for House Rent, where no residence is provided.

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. VII.—SECRETARY FOR PUBLIC WORKS.						SALARIES AND CONTINGENCIES.				
1869	1870							Amount Voted for 1869.		Amount Required for 1870.		
								£		£		
Harbours and River Navigation.												
ENGINEER'S DEPARTMENT.												
1	1	Engineer-in-Chief...	...	...	...	...	...	1,100		1,100	
1	1	Chief Surveyor and Draftsman	...	...	...	...	...	400		400	
1	1	Draftsman	...	...	...	...	...	300		300	
1	1	Do.	...	...	...	...	...	275		275	
1	1	Chief Clerk and Accountant	...	...	...	...	...	300		350	
1	1	Clerk	...	...	...	...	...	175		225	
1	1	Messenger	...	...	...	...	...	50		50	
								2,600		2,700		
								120		120		
								50		50		
								170		170		
7	7								2,770		2,870	
STEAM DREDGE "HUNTER."												
1	1	Chief Engineer	...	...	...	...	...	300		300	
14	14	Crew	...	...	...	...	...	1,520		1,520	
								1,820		1,820		
								2,000		2,000		
15	15	Repairs and Renewals, Coals, Stores, Steam Tug, and other Incidental Expenses							3,820		3,820	
STEAM DREDGE "HERCULES."												
1	1	Master	...	...	...	...	...	250		250	
9	9	Crew	...	...	...	...	...	924		924	
								1,174		1,174		
								1,000		1,000		
10	10	Repairs and Renewals, Coals, Stores, and other Incidental Expenses							2,174		2,174	
								.....	8,764	.....	8,864
Carried forward								£				

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. VII.—SECRETARY FOR PUBLIC WORKS.			
1869	1870	SALARIES AND CONTINGENCIES.			
		Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
		Harbours and River Navigation—continued.			
		Brought forward		8,764 8,864	
		STEAM DREDGE "PLUTO."			
1	1	Chief Engineer	250	250	
9	9	Crew	884	884	
		1,134		1,134	
		Repairs, Coals, Stores, Towage, and landing Silt, and to provide two additional Punts		1,000 2,134	
10	10				
		STEAM DREDGE "VULCAN," NEWCASTLE.			
1	1	Chief Engineer	250	250	
14	14	Crew	1,520	1,520	
		1,770		1,770	
		Repairs and Renewals, Coals, Stores, Steam Tug, and other Incidental Expenses		2,000 3,770	
15	15				
		STEAM DREDGE "SAMSON."			
1	1	Chief Engineer	250	250	
15	15	Crew (including "Thetis")	1,520	2,000	
		1,770		2,250	
		Repairs, Renewals, Coals, Stores, Steam Tug, and other Incidental Expenses		2,000 3,770	
16	16				
		STEAM DREDGE "FITZ ROY."			
...	1	Chief Engineer ... ..	.....	250	
...	1	Crew ... ..	.....	924	
		.....		1,174	
		Repairs, Renewals, Stores, Coals, Steam Tug, and other Incidental Expenses		1,500 2,674	
...	1				
		STEAM CRANES, NEWCASTLE.			
		Repairs to Steam Cranes		400	
		TOTAL		£ 18,838 22,192	
		PUBLIC WORKS.			
		Preliminary Harbour Surveys		750 750	
		Landing Silt from Dredge, and forming Ground		1,200 1,000	
		Incidental Expenses to Wharfs, Bridges, and other Public Works		1,500 1,500	
		Removal of rock at entrance to Moruya River... ..		..... 300	
		Wharf at Albury ... ..		..... 1,000	
		Iron Jetty at Gerringong, further sum ... ..		..... 600	
		Boat Harbour, Raymond Terrace ... ..		..... 200	
		Other Votes, 1869		3,490	
		6,940		5,350	

No. of Persons.		No. VII.—SECRETARY FOR PUBLIC WORKS.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
		Colonial Architect.									
1	1	Colonial Architect	...	...	...	...	...	1,000		1,000	
1	1	First Clerk of Works	...	...	...	...	...	600		600	
1	1	Clerk of Works	...	...	...	...	...	500		500	
1	1	Do.	...	...	...	...	...	400		400	
1	1	Do.	...	...	...	...	...	400		400	
1	1	First Foreman of Works	...	...	...	...	...	250		250	
1	1	Draftsman	...	...	...	...	...	300		300	
1	1	Do.	...	...	...	...	...	200		200	
2	2	Cadets, at £100, and £75	...	...	...	...	...	175		175	
1	1	Chief Clerk	...	...	...	...	...	450		450	
1	1	Clerk	...	...	...	...	...	300		300	
1	1	Do.	...	...	...	...	...	200		250	
1	1	Do.	...	...	...	...	...	150		150	
1	1	Do. and Draftsman	...	...	...	...	...	150		150	
1	1	Messenger	...	...	...	...	...	100		100	
1	1	Office-keeper	...	...	...	...	...	40		40	
									5,215		5,265
		Forage for the horses of the Colonial Architect and the First Clerk of Works	...	...	...	...	...	100		100	
		Travelling Expenses of the Colonial Architect and Officers of the Department, when proceeding to inspect Public Works and Buildings	...	...	...	...	...	550		550	
		Incidental Expenses	...	...	...	...	...	50		50	
									700		700
17	17	TOTAL	...	...	...	...	£	.....	5,915	.....	5,965

ESTIMATES OF EXPENDITURE—1870.

No. VII.—SECRETARY FOR PUBLIC WORKS.		
	Amount Voted for 1869.	Amount required for 1870.
Public Works and Buildings.		
	£	£
For ordinary repairs, alterations, and additions to Public Buildings generally ...	9,000	12,000
For providing Furniture and Fittings for Public Offices generally	3,000	3,000
For repairs to Military and Volunteer Buildings	1,500	1,500
For lighting Lamps, sweeping Chimneys, &c., Victoria Barracks... ..	250	200
For lighting Government Lamps in Streets of Sydney and Domain	700	700
To provide Building and other Materials for completion or repair of Gaols and other Public Buildings, by the labour of Prisoners in Gaol	6,500	6,500
Additions, Sydney Gaol	2,000	2,000
Police Buildings	3,000	3,000
Gaols, Court Houses, and Lock-ups	10,000	10,000
Supply of Coffins for Paupers	600	150
Furniture for, and Repair of, Telegraph Stations	2,000	1,000
Additions, Alterations, and Repairs, Protestant Orphan School, Parramatta ...	2,000	3,600
Additions, Alterations, and Repairs, &c., Lunatic Asylum, Tarban	3,000	5,000
Additions and Materials to the New Gaol at Maitland	2,000	2,000
Additions and Alterations, Benevolent Asylum, Liverpool	5,000	1,000
Repairs to Workshops and Officers' Quarters, Cockatoo Island	250	150
Additions and Improvements, Lunatic Asylum, Parramatta	5,000	6,000
Engine-driver and Fuel, Lunatic Asylum, Tarban Creek... ..	250*
Drainage and Repairs to Roman Catholic Orphan School ... ..	.....	1,000
Towards providing new Buildings, Botanic Gardens, Sydney ... ..	.....	1,500
Repairs and Additions to the Quarantine Station ... ..	.....	700
Repairs to Walls, Lunatic Asylum, Parramatta ... ..	.....	170
Preparing Ground and Planting at Public Buildings ... ..	.....	150
Additions to Post and Telegraph Stations ... ..	.....	452
Other Votes, 1869	10,900	.....
TOTAL	£ 66,950	61,772

* Provided for under Hospital for the Insane at Gladesville.

No. of Persons.		No. VII.—SECRETARY FOR PUBLIC WORKS.						SALARIES AND CONTINGENCIES.			
1869	1870							Amount Voted for 1869.		Amount Required for 1870.	
								£		£	
Roads and Bridges.											
GENERAL ESTABLISHMENT.											
1	1	Commissioner and Engineer	...	...	...	...	700		700		
1	1	Assistant Engineer	...	...	...	...	400		400		
1	1	Chief Clerk and Cashier...	...	...	...	...	325		325		
1	1	Accountant	...	...	...	...	300		300		
1	1	Clerk	...	...	...	...	225		225		
1	1	Messenger	...	...	...	...	60		60		
								2,010			2,010
		Equipment Allowance for Commissioner and Engineer					100		100		
		Travelling Expenses, Instruments, and other Incidental Expenses	...	...	...	...	450		450		
								550			550
6	6	TOTAL	...	...	...	£	.....	2,560			2,560
SUPERINTENDENCE.											
7	7	Superintendents, at £350	...	...	...	...	2,450		2,450		
2	2	Ditto at £300	...	...	...	...	600		600		
4	4	Overseers, at £200	...	...	...	...	800		800		
								3,850			3,850
		Travelling Allowance to Superintendents and Overseers					1,650		1,650		
		Ditto to Superintendents and Overseers in charge of Minor Roads	...	...	...	...	200		200		
								1,850			1,850
13	13	TOTAL	...	...	...	£	.....	5,700			5,700

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Fitz Roy Dock.					
1	1	Superintendent and Engineer-in-Chief	700	700	
1	...	Assistant Superintendent and Clerk of Works	350	.....
1	...	Storekeeper	190	.....
1	...	Accountant and Clerk	200	.....
1	...	Foreman of Works	200	.....
...	1	Accountant, Clerk, and Storekeeper ... ..	.....	200	
1	1	Engineer Mechanic	190	190	
...	1	Engineer Mechanic in charge of Boilers ... ..	.....	170	
2	...	Foremen of Works, at £164	328	.....
1	1	Shipwright Carpenter and Foreman of Dock	220	220	
1	...	Fireman and Engineer Mechanic	146	.....
1	1	Messenger and Boatman	108	108	
...	2	Watchmen, at £108 ... ..	.....	216	
			2,632		1,804
		Fuel, Light, and Provisions	160	.....
		Coals, Labour, and Materials for docking and undocking Vessels	400	400	
		Stationery and Printing	20	.....
		Machinery, Works, and other Services (as per Schedule below)*	2,096	.....
		Rent of Office	52	.....
		Forage for one Draught Horse ... ..	.....	40	
		Unforeseen Contingencies ... ..	.....	50	
			2,728		490
11	8	TOTAL	£	5,360	2,294
Miscellaneous Services.					
		Attending to the lighting and extinguishing of the Gas, &c., in the Parliamentary Buildings	70	70	
		Premium for the first 250 tons of Hydraulic Cement, manufactured in the Colony from Colonial materials, equal in quality to the imported article, and lower in price ... ..	.....	500	
				70	570
* SCHEDULE.					
		Incidental Free Labour		300	
		Material and labour for constructing on the Works a Boring Bar, for from 10 to 25 inch cylinders		50	
		To procure from England one Shaping Machine, with Screw Vice		130	
		Freight, Package, and Insurance		20	
		To provide material and labour for constructing on the Works one Double Flue Cylindrical Boiler, to replace original Boilers, now 12 years in use (Dock-pumping Machine)		350	
		Forage for two Draught Horses		80	
		Timber, Iron, Coal for Engine, Paint, Driving-belts, Oil, Tallow, Cotton Waste, Incidental Storos, and Materials for general service		600	
		Gratuities to Prisoners		400	
				1,930	
		Unforeseen Contingencies, 5 per cent.		166	
				£2,096	

No. VII.—SECRETARY FOR PUBLIC WORKS.

To be raised by Loan.	Amount Voted for 1869.		Amount Required for 1870.	
	£		£	
RAILWAYS.				
New Machine Shop, Running Shed, erecting Shops and Store at Newcastle, including Roads ... ..	.....		13,000	
Additional Machinery, do. ... ..	.....		2,000	
New Station, Workshops for Carriage and Waggon Department, Carriage Shed, roofing Steam-hammers, Furnaces and Machinery, Redfern, including Roads ... ..	.....		30,500	
Excavating Station yard, Redfern—additional ... ..	.....		5,000	
Additional Machinery ... ..	.....		3,500	
New Passenger Station and Platforms, Newcastle, including Road Approaches ... ..	.....		6,000	
Further for construction of Rolling Stock manufactured in the Colony For Extension of the Railways—	.....		60,000	
North—Murrurundi towards Tamworth ... ..	.....	}	1,248,000	
West—Bathurst to Orange ... ..	.....		
South—Goulburn to Yass ... ..	.....		
Other Votes, 1869	70,000	70,000	.....	1,368,000
HARBOURS AND RIVER NAVIGATION.				
Removing obstructions and improving the Navigation of the Rivers Murray, Murrumbidgee, and Darling	15,000		15,000	
Construction of Iron Wharf, Circular Quay ... ..	.....		100,000	
Widening opening, Pyrmont Bridge... ..	.....		3,000	
New Steam Dredge, Newcastle Harbour ... ..	.....		30,000	
Additional Screw Moorings and Buoys for Newcastle Harbour ... ..	.....		600	
To complete Kiama Water Works—further sum ... ..	.....		9,300	
Erection of Beacon on "Big Ben" Rock, Newcastle ... ..	.....		200	
Towards commencement of Harbour of Refuge, Trial Bay ... ..	.....		10,000	
Clearing, surveying, and improving the navigation of Edward River ... ..	.....		2,000	
Coal Staiths, Newcastle—further sum ... ..	.....		3,000	
Wharf, Bullock Island ... ..	.....		5,000	
Dredge for improving Navigation of Rivers and Creeks flowing into Coast Lakes and Lagoons... ..	.....		2,500	
Other Votes, 1869	66,000	81,000	.....	180,600
PUBLIC WORKS AND BUILDINGS.				
Erection of Public Offices, Newcastle	7,000		.....
Towards erection of Public Offices for the Departments of the Colonial Secretary and the Public Works ... ..	.....		10,000	
For completion of Fitz Roy Dry Dock and Works attached thereto ... ..	.....		10,000	
		7,000		20,000
ROADS AND BRIDGES.				
Bridge over the Urara, on Road from Grafton to Glen Innes	11,500		.....
Iron Bridge over the Macquarie River, at Bathurst—further sum... ..	4,000		.....
		15,500		.....
ELECTRIC TELEGRAPHS.				
Eden to Gabo Island Light House (Resolution of Assembly)	1,750		.....
Maitland to Manning River*	2,000		.....
Bathurst to Carcoar and Cowra*	2,400		.....
Panbula and Merimbula*	200		.....
Port Stephens to Nelson's Bay	350		.....
Newcastle to Waratah Company's Works*	350		.....
Extension to Walcha*	1,575		.....
Grafton to Clarence River Heads	2,500		.....
Cost of 2,000 Iron Telegraph Posts ... ..	.....		3,000	
		11,125		3,000
TOTAL	£	184,625	.....	1,571,600

Lines marked thus * are guaranteed.

VIII.

The Postmaster General.

SUMMARY.

	Voted for 1869.	Required for 1870.
	£	£
Post Office	113,927	110,442
Money Order Department	2,737	3,087
Electric Telegraphs	33,962	30,881
TOTAL	£ 150,626	144,410

*The Treasury, New South Wales,
9th February, 1870.*

SAUL SAMUEL,
Treasurer.

No. of Persons.		No. VIII.—THE POSTMASTER GENERAL.						SALARIES AND CONTINGENCIES.				
1869	1870							Amount Voted for 1869.		Amount Required for 1870.		
		Post Office.						£		£		
1	1	Postmaster General	...	...	...	...	...	950		950	
1	1	Secretary	...	...	...	...	...	600		600	
1	1	Accountant	...	...	...	...	...	450		450	
1	1	Superintendent, Mail Branch	...	...	...	...	...	400		450	
1	1	Chief Clerk	...	...	...	...	...	375		375	
1	1	Cashier	...	...	...	...	...	350		350	
3	3	Clerks, at £300	...	...	...	...	...	900		900	
3	4	Do. at £250	...	...	...	...	...	750		1,000	
2	2	Do. at £225	...	...	...	...	...	450		450	
7	6	Do. at £200	...	...	...	...	...	1,400		1,200	
7	7	Do. at £175	...	...	...	...	...	1,225		1,225	
4	4	Do. at £150	...	...	...	...	...	600		600	
5	5	Do. at £132	...	...	...	...	...	660		660	
1	1	Clerk	...	...	...	...	...	100		100	
5	5	Clerks, at £50	...	...	...	...	...	250		250	
4	4	Stampers and Sorters, at £150	...	...	...	...	...	600		600	
6	6	Do. do. at £132	...	...	...	...	...	792		792	
6	6	Letter Carriers (1st Class), at £144	...	...	...	...	...	864		864	
14	13	Do. do. (2nd Class), at £132	...	...	...	...	...	1,848		1,716	
11	9	Do. do. (3rd Class), at £120	...	...	...	...	...	1,320		1,080	
4	8	Do. do. (4th Class), at £108	...	...	...	...	...	432		864	
1	1	Shipping Messenger	...	...	...	...	...	132		132	
3	3	Messengers, at £108	...	...	...	...	...	324		324	
1	1	Messenger	...	...	...	...	...	84		84	
1	1	Groom	...	...	...	...	...	96		96	
3	3	Mail Boys, at £78	...	...	...	...	...	234		234	
2	2	Do. at £50	...	...	...	...	...	100		100	
1	1	Office-keeper	...	...	...	...	...	61		61	
2	6	Mail Guards, at £150	...	...	...	...	...	300		900	
2	2	Postal Inspectors, at £300	...	...	...	...	...	600		600	
15	18	Country Letter Carriers, at £120	...	...	...	...	...	1,800		2,160	
									19,047		20,167	
COUNTRY POSTMASTERS								.....	14,500	.....	11,600
CONTINGENCIES.												
Fuel and Light for Official Post Offices...								100		.....	
Allowance for Rent to Official Postmasters								510		250		
Allowance for Forage to Country Letter Carriers								400		325		
Forage and Farriery, Sydney Horses								450		400		
Additional Horses, and Mail Cart								100		.....	
For the purchase of Additional Horses...								.....		40	
Overtime, Sorting English Mails								400		400		
Uniforms for Letter Carriers and Mail Guards								300		340		
Travelling Allowances, Postal Inspection								500		400		
New Stamps and Seals								.....		150	
Incidental Expenses								500		350		
									3,260		2,655	
CONVEYANCE OF MAILS.												
Inland Mails								52,000		51,500		
Gratuities for Ships' Mails, Foreign and Coastwise								4,000		3,800		
Porterage, including Landing and Shipping Mails								800		600		
Receiving and delivering Intercolonial and Coast Mails after office hours								120		120		
Supplementary English Mails to Melbourne, and transhipment								200		.....	
Expense of Steam Postal Communication with Great Britain, viz Suez								20,000		20,000		
									77,120		76,020	
119	127	TOTAL						£	113,927	110,442

ESTIMATES OF EXPENDITURE—1870.

No. of Persons.		No. VIII.—THE POSTMASTER GENERAL.								
		SALARIES AND CONTINGENCIES.								
1869	1870							Amount Voted for 1869.	Amount Required for 1870.	
								£	£	
		Money Order Department.								
1	1	Superintendent	...	...	...	...	500	600
1	1	Chief Clerk	...	...	...	...	300	350
1	1	Clerk	...	...	...	...	250	250
1	1	Do.	...	...	...	...	200	200
1	1	Do.	...	...	...	...	150	150
2	2	Clerks, at £100	...	...	...	...	200	200
1	1	Messenger	...	...	...	...	100	100
1	1	Housekeeper	...	...	...	...	12	12
							1,712	1,862		
		Extra Clerical Assistance	...	...	...	...	100	100
		Travelling Expenses	...	...	...	...	100	100
		Incidental Expenses	...	...	...	...	25	25
		Intercolonial Offices—Commission	...	...	...	...	800	1,000
		Commission to Country Postmasters	...	...	...		
		To pay the Imperial Government 4d. per Order for Money Orders drawn upon the United Kingdom, and 10s. per cent. on (say) £30,000	...	...	...	...	1,025	1,225
9	9	TOTAL	£	2,737	3,087

No. of Persons.		SALARIES AND CONTINGENCIES.			
1869	1870	Amount Voted for 1869.		Amount Required for 1870.	
		£		£	
Electric Telegraphs.					
1	1	Superintendent	700	700	
1	1	Assistant Superintendent	350	400	
1	1	Accountant	300	300	
1	1	Bookkeeper	250	250	
1	1	Clerk	200	200	
1	1	Do.	150	150	
1	1	Booking Clerk (Inwards)	225	225	
1	1	Do. (Outwards)	150	150	
1	1	Instrument Fitter	300	300	
1	1	Assistant Instrument Fitter	80	80	
1	1	Storekeeper	104	104	
1	1	Battery Man	104	104	
1	1	Head Messenger and Stable-keeper	104	104	
			3,017		3,067
13	13				
78	...	Station Masters and Line Repairers—2 at £300, 2 at £250, 16 at £200, 29 at £180, 16 at £150, 10 at £120, 1 at £52, and 2 at £26	13,224	.....
...	73	Station Masters and Line Repairers—2 at £300, 2 at £250, 15 at £200, 26 at £180, 14 at £150, 4 at £120, 3 at £52, and 7 at £26 ... ..	.....	11,698	
30	...	Operators—1 at £200, 2 at £175, 7 at £150, 11 at £104, and 9 at £52	3,212	.....
...	34	Operators—1 at £200, 2 at £175, 5 at £150, 16 (Juniors) at £104, and 10 at £52 ... ..	.....	3,484	
16	...	Messengers—10 at £52, 4 at £26, and 2 at £25	674	.....
...	13	Messengers—11 at £52 and 2 at £25 ... ..	.....	622	
			17,110		15,804
124	120				
ADDITIONAL OFFICERS required in consequence of extension of office hours :—					
1	1	Operator	150	150	
1	1	Messenger... ..	52	52	
			202		202
2	2				
Horse Equipment, Forage Allowance, and Farriery, for 21 horses for use of Line Repairers and Messengers. (46 in 1869)... ..					
Travelling Expenses of Line Repairers and Officers of Department generally					
Rent of Temporary Offices, including Chief Office, Stables, and Store, Sydney... ..					
Allowance to Station Masters for working over-hours, at 2s. per hour					
Station Messengers' Uniform					
Working Expenses of 5,500 miles of Line. (4,500 in 1869)					
To replace Instruments and Batteries, and for Portage and Unforeseen Expenses					
Repairs to Lines generally					
Fuel and Light for 80 Stations. (73 in 1869)					
Allowance in lieu of Quarters to Assistant Superintendent					
Telegraph Books					
			13,633		11,808
139	135	TOTAL	£	33,962	30,881

SUPPLEMENTARY ESTIMATES

OF THE

EXPENDITURE

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR

1869

AND PREVIOUS YEARS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 FEBRUARY, 1870.



SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

[1s.]

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1864.				
UNCLASSIFIED EXPENDITURE.				
To cover PAYMENTS made on account of 1864, after the Balances of Appropriations for such were written off, as per annexed Schedule, page 16	6 10 6	6 10 6	.....
TOTAL FOR 1864 SERVICES ... £	6 10 6	6 10 6	.....
Services of 1865.				
UNCLASSIFIED EXPENDITURE.				
To cover PAYMENTS made on account of 1865, after the Balances of Appropriations available for such were written off, as per annexed Schedule, page 16	22 12 9	22 12 9	.....
TOTAL FOR 1865 SERVICES ... £	22 12 9	22 12 9	.....
Services of 1866.				
No. VII.—SECRETARY FOR PUBLIC WORKS.				
RAILWAYS—Compensation to Mr. J. Powell for non-delivery of a case of goods'	20 0 0	20 0 0	.....
No. VIII.—POSTMASTER GENERAL.				
Steam Postal Communication with Great Britain, <i>via</i> Panama, from 15th to 30th June	2,467 17 8	2,467 17 8	.....
UNCLASSIFIED EXPENDITURE.				
To cover PAYMENTS made on account of 1866, after the Balances of Appropriations available for such were written off, as per annexed Schedule, page 16	5,550 6 4	5,550 6 4	.....
TOTAL FOR 1866 SERVICES ... £	8,038 4 0	8,038 4 0	.....

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1867.				
No. III.—COLONIAL SECRETARY.				
ROMAN CATHOLIC ORPHAN SCHOOL. Funeral Expenses, further sum ... ..	.....	22 10 0	22 10 0	.....
GAOL, DARLINGHURST. Contingent Expenses, further sum ... ..	.....	3 9 4	.....	3 9 4
MISCELLANEOUS.				
Expenses in London and Paris in connection with the representation of the Colony at the Universal Exhibition held in Paris, in 1867, further sum	316 7 6			
Compensation to A. G. De Gyulay, as Secretary to the Exhibition held in Melbourne in 1866 and 1867	75 0 0			
		391 7 6	316 7 6	75 0 0
No. VII.—SECRETARY FOR PUBLIC WORKS.				
HARBOURS AND RIVER NAVIGATION.				
Steam Dredge "Pluto," Contingencies, further sum ... ..	.....	1 10 0	1 10 0	.....
PUBLIC WORKS AND BUILDINGS.				
Repairs, Roman Catholic Orphan School, further sum ... ..	.....	125 13 0	125 13 0	.....
UNCLASSIFIED EXPENDITURE.				
To cover PAYMENTS made on account of 1867, after the Balances of Appropriations available for such were written off, as per annexed Schedule, page 16 ... ..	.....	275 2 11	275 2 11	.....
TOTAL FOR 1867 SERVICES	£	819 12 9	741 3 5	78 9 4
Services of 1868.				
No. III.—COLONIAL SECRETARY.				
COLONIAL SECRETARY.				
Increase of Salary to Chief Clerk, First Clerk in charge of Long Room, and Second Clerk in charge of Records, at the rate of £50 per annum each, from 1st August,—granted in con- sequence of re-arrangement of the office, by which a large saving was effected ... ..	.....	62 10 0	.....	62 10 0
VOLUNTEERS.				
Travelling Expenses—Staff ... ..	.....	50 0 0	.....	50 0 0
POLICE.				
Forage, Rent of Premises, Remount Horses, Con- veyance of Prisoners, and Incidental Expenses, further sum ... ..	.....	1,800 0 0	868 5 3	931 14 9
GAOL, ALBURY.				
Provisions, &c., further sum ... ..	.....	175 0 0	165 19 4	9 0 8
GAOL, GOULBURN.				
Provisions, &c., further sum ... ..	.....	30 0 0	26 4 6	3 15 6
Carried forward	£	2,117 10 0	1,060 9 1	1,057 0 11

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

5

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1868—continued.				
Brought forward ... £	.....	2,117 10 0	1,060 9 1	1,057 0 11
No. III.—COLONIAL SECRETARY—continued.				
LUNATIC ASYLUM, TARRAN CREEK.				
Superintendent's Salary — Difference between £650 and £800 per annum, from 16th October	32 0 0			
Boat for use of Asylum	35 0 0			
		67 0 0	.....	67 0 0
LUNATIC RECEPTION HOUSE, DARLINGHURST.				
Provisions, &c., further sum ... ..	.....	55 0 0	46 8 5	8 11 7
INDUSTRIAL SCHOOL, NEWCASTLE.				
Provisions, &c., further sum ... ..	.....	250 0 0	224 15 0	25 5 0
GRANT IN AID OF THE INVERELL SCHOOL OF ARTS, in the proportion of £1 to every £2 raised by private contributions				
	.....	100 0 0	.....	100 0 0
CHARITABLE ALLOWANCES.				
For the support of Paupers in the Colonial Hos- pitals, further sum	989 17 0		981 12 9	8 4 3
In aid of the Queanbeyan Hospital, on condition of an equal sum being raised by private con- tributions	40 5 0		40 5 0	.....
In aid of the Cooma Hospital, on condition of an equal sum being raised by private contributions	300 0 0		300 0 0	.....
Contribution towards the repair of the Maitland Hospital, on condition of an equal amount being raised by private contributions... ..	300 0 0		.....	300 0 0
Support of Infants removed from the Benevolent Asylum, Sydney, to the Destitute Children's Asylum, Randwick, further sum	260 12 6		.....	260 12 6
		1,890 14 6	.....
MISCELLANEOUS.				
Further Expenses of the Commission appointed to inquire into Water Supply for Sydney and Suburbs ... ..	.....	543 8 7	543 8 7	.....
No. IV.—ADMINISTRATION OF JUSTICE.				
SUPREME AND CIRCUIT COURTS.				
Salary of the 3rd Clerk in the Supreme Court, for January ... ..	.....	29 3 4	29 3 4	.....
CORONERS' INQUESTS.				
Fees to Coroners, Magistrates, and Surgeons, further sum ... ..	.....	100 0 0	.....	100 0 0
Carried forward ... .. £	.....	5,152 16 5	3,226 2 2	1,926 14 3

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD. OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1868—continued.				
Brought forward ... .. £	.....	5,152 16 5	3,226 2 2	1,926 14 3
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.				
CUSTOMS.				
Salary of Mr. A. Black, Acting Locker, from 1st January to 31st March... ..	.....	33 0 6	33 0 6	.....
STORES AND STATIONERY.				
Conveyance of Stores, further sum	50 0 0		32 7 9	17 12 3
Stores and Stationery for the Public Service generally, further sum	4,100 0 0		3,698 2 10	401 17 2
Expenses in connection with the Colonial Military Stores, further sum	22 14 0		22 14 0	.....
		4,172 14 0		
GUNPOWDER MAGAZINE, SPECTACLE ISLAND.				
Contingencies generally, further sum ... ..	.....	38 17 8	38 17 8	.....
HARBOURS, LIGHT-HOUSES AND PILOT DEPARTMENT.				
Boatmen, Bellenger River, four at £96 per annum, from 23rd July to 31st December	183 14 10			
Telegraph Station, Port Stephens—Junior Oper- ator at £26 per annum, from 1st July to 31st December	13 0 0			
		196 14 10	196 14 10	.....
MISCELLANEOUS.				
Amount of Murray River Collections paid to the Government of Victoria, under the 5th, 6th, and 7th clauses of the Agreement of 12th January, 1867 ... ..	.....	1,176 16 10	1,176 16 10	.....
No. VI.—SECRETARY FOR LANDS.				
SURVEY OF LANDS.				
Fees to Licensed Surveyors, further sum ... ..	.....	5,377 0 0	3,999 1 9	1,377 18 3
COMMISSION to Land Agents, Appraisers, and others, further sum ... ..	.....	900 0 0	839 8 3	60 11 9
OCCUPATION OF LANDS.				
Allowance to Commissioners in lieu of Quarters, further sum	25 0 0		23 3 8	1 16 4
Appraisalment of Runs, further sum	465 0 0		.....	465 0 0
		490 0 0		
ROADS OTHER THAN MAIN ROADS.				
Rent of the Windsor Ferry, 1868, refunded to the Trustees, to enable them to keep in order the Approaches and Works in connection therewith	283 0 0			
Rent of the Mudbank and Bunnerong Tolls, from 19th September, 1867, to 18th December, 1868, refunded to the Trustees, to enable them to keep the Roads in repair	200 0 0			
		483 0 0	483 0 0	.....
MISCELLANEOUS.				
Rent of the Mooki Run, refunded to the Hawkes- bury Benevolent Society ... ..	.....	300 0 0	300 0 0	.....
Carried forward £	18,321 0 3	14,069 10 3	4,251 10 0

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

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HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1868—continued.				
Brought forward ... .. £	.....	18,321 0 3	14,069 10 3	4,251 10 0
No. VII.—SECRETARY FOR PUBLIC WORKS.				
RAILWAYS—EXISTING LINES, WORKING EXPENSES, Traffic Expenses, Maintenance of Way and Works, Wages to Workmen, Stores, and Incidental Expenses, further sum				
	.....	3,500 0 0	.....	3,500 0 0
HARBOURS AND RIVER NAVIGATION.				
Steam Dredge "Hercules"—				
Repairs to Boiler, &c.	22 13 0		7 10 0	15 3 0,
Steam Dredge "Pluto"—				
Silt Punts, further sum	700 0 0		666 12 1	33 7 11
Steam Dredge "Samson"—				
Repairs, Stores, &c., further sum	400 0 0		45 14 1	35 5 11
Steam Dredge "Vulcan"—				
Repairs, Stores, &c., further sum	54 12 4		.....	54 12 4
		1,177 5 4	.....	.....
COLONIAL ARCHITECT.				
Travelling Expenses, &c., further sum ... ..	.....	31 11 0	.....	31 11 0
PUBLIC WORKS AND BUILDINGS.				
Ordinary Repairs, Alterations, and Additions to Public Buildings generally, further sum ...				
	306 2 6		285 11 4	20 11 2
Furniture and Fittings for Public Offices generally, further sum				
	135 6 0		131 6 11	3 19 1
Repairs to Military Barracks and Buildings, further sum				
	71 6 7		.....	71 6 7
Putting up and taking down Tents on the occasion of the opening of the Railway to Marulan ...				
	17 4 6		16 12 0	0 12 6
Erection of Lamp Pillars, Woolloomooloo Bay ...				
	83 6 8		83 6 8	.....
		613 6 3	.....	.....
UNCLASSIFIED EXPENDITURE.				
To cover PAYMENTS on account of 1868, after the Balances of Appropriations available for such were written off, as per annexed Schedule, page 16				
	.....	351 6 6	351 6 6	.....
TOTAL FOR 1868 SERVICES ... .. £	.....	23,994 9 4	15,657 9 10	8,336 19 6
TOTAL FOR 1868 AND PREVIOUS YEARS... .. £	.....	32,881 9 4	24,466 0 6	8,415 8 10
Services of 1869.				
No. I.—SCHEDULES.				
SUPPLEMENT TO SCHEDULE B.—PENSIONS.				
George Smyth, late Courtkeeper, Supreme Court, at £78 per annum, from 14th September ...				
	23 3 8			
Mrs. Smyth, late Assistant Courtkeeper, Supreme Court, at £26 per annum, from 14th September				
	7 14 7			
		30 18 3	.....	30 18 3
Carried forward ... .. £	.....	30 18 3	.....	30 18 3

8 SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... £	.....	30 18 3	.....	30 18 3
No. II.—EXECUTIVE AND LEGISLATIVE.				
EXECUTIVE COUNCIL.				
Increase of Salary to the Clerk of the Council...	.....	100 0 0	.....	100 0 0
No. III.—COLONIAL SECRETARY.				
COLONIAL SECRETARY.				
Increase of Salary to Chief Clerk, 1st Clerk in the Long Room, and 2nd Clerk in charge of Records, at the rate of £50 per annum each, from 1st January ... ..	.....	150 0 0	.....	150 0 0
VOLUNTEERS.				
Formation of a Rifle Corps at Jamberoo ...	.....	50 0 0	.....	50 0 0
POLICE.				
Additional Expense occasioned by the temporary employment of Police, instead of the ordinary Military Guard, at Cockatoo Island	250 0 0			
Boat for Water Police	41 0 0			
		291 0 0	291 0 0	.....
GAOL, BOURKE.				
Acting Gaoler, at £20 per annum, from 1st April .....	.....	15 0 0	10 0 0	5 0 0
LUNATIC ASYLUM, TARBAN.				
Superintendent's Salary — difference between £650 and £800 per annum	150 0 0		.....	150 0 0
1 Male Attendant, at £66, from 23rd April ...	45 9 4		28 19 4	16 10 0
1 Male Attendant, at £66, from 1st January ...	66 0 0		60 10 0	5 10 0
1 Male Attendant, at £66, from 1st May	44 0 0		38 10 0	5 10 0
1 Female Attendant, at £46, from 1st January...	46 0 0		42 3 4	3 16 8
1 Housemaid, at £30, from same... ..	30 0 0		27 10 0	2 10 0
Extra Cost of maintenance of 25 female pauper patients removed from Hospital for the Insane, Gladesville, to the Licensed House for Lunatics at Cook's River	650 0 0		595 16 8	54 3 4
Provisions, &c., further sum	1,350 0 0		.....	1,350 0 0
		2,381 9 4		
PUBLIC INSTRUCTION.				
Towards the erection of Public School Buildings in such localities as raise by private contributions one-third of the whole cost of the Buildings... ..	.....	5,000 0 0	.....	5,000 0 0
COLONIAL AGENT.				
Clerical Assistance, Rent, &c., further sum ...	200 0 0			
Furniture and Fittings for new Office	150 0 0			
		350 0 0	73 15 1	276 4 11
Carried forward ... £	.....	8,368 7 7	1,168 4 5	7,200 3 2

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

9

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... .. £	.....	8,368 7 7	1,168 4 5	7,200 3 2
No. III.—COLONIAL SECRETARY—continued.				
GRANTS IN AID OF EDUCATIONAL INSTITUTIONS.				
In aid of the undermentioned Institutions, in the proportion of £1 to every £2 raised by private contributions, viz:—				
Araluen Mechanics' Institute	200 0 0			
Braidwood Literary Institute	300 0 0			
Bega School of Arts	75 0 0			
Forbes School of Arts, for 1867, 1868, and 1869... ..	186 4 9			
Grenfell School of Arts	100 0 0			
Inverell School of Arts	100 0 0			
Shoalhaven School of Arts	150 0 0			
In aid of the erection of Buildings for the undermentioned Institutions, on condition of equal amounts being raised by private contributions, viz:—				
Bega School of Arts	150 0 0			
Braidwood Literary Institute	300 0 0			
Frederickton School of Arts	100 0 0			
Grenfell School of Arts	56 19 0			
Hinton School of Arts	350 0 0			
Lambton Mechanics and Miners Institute... ..	120 0 0			
Monaro School of Arts	100 0 0			
Milton (Ulladulla) Mechanics' Institute and School of Arts	250 0 0			
Ryde School of Arts	300 0 0			
Shoalhaven School of Arts, further sum	100 0 0			
Yass Mechanics Institute, further sum	300 0 0			
		3,238 3 9	56 19 0	3,181 4 9
CHARITABLE ALLOWANCES.				
Support of Infants removed from the Benevolent Asylum, Sydney, to the Asylum for Destitute Children, Randwick, further sum	376 10 9			
Support of Paupers in Colonial Hospitals, further sum	794 6 3			
In aid of the undermentioned Hospitals, on condition of equal amounts being raised by private contributions, viz:—				
Araluen	150 0 0			
Cooma... ..	300 0 0			
Mudgee	50 0 0			
Narrabri (outfit)	50 0 0			
		1,720 17 0	.....	1,720 17 0
FREE PUBLIC LIBRARY.				
Librarian, at £400, from 1st October	100 0 0			
2 Assistant Librarians, at £150, from 22nd September... ..	82 10 0			
1 Attendant, at £104, from 22nd September	28 12 0			
2 Attendants, at £104, from 9th October	47 10 6			
1 Attendant, at £104, from 19th October	20 19 4			
Housekeeper, at £40, from 30th September	10 2 3			
1 Extra Assistant, at 6s. 8d. per diem, from 30th September to 18th October	5 6 8			
1 Extra Attendant, at 6s. 8d. per diem, from 1st to 6th November	2 0 0			
Printing, Stamps, and Incidental Expenses	173 10 11			
		470 11 8	445 2 8	25 9 0
Carried forward ... .. £	.....	13,798 0 0	1,670 6 1	12,127 13 11

10 SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... .. £	.....	13,798 0 0	1,670 6 1	12,127 13 11
No. III.—COLONIAL SECRETARY—continued.				
ROMAN CATHOLIC ORPHAN SCHOOL.				
2nd Infants' Nurse, from 1st January ... ..	.....	25 0 0	22 18 4	2 1 8
INDUSTRIAL SCHOOL, NEWCASTLE.				
Provisions, &c., further sum ... ..	.....	400 0 0	.....	400 0 0
REFORMATORY FOR GIRLS, NEWCASTLE.				
1 Superintendent	65 0 0		59 11 8	5 8 4
1 Matron	120 0 0		110 0 0	10 0 0
School Books, Stationery, &c.	15 0 0			
Clothing, Rations, Medical Comforts, Medicines, Stores, &c.	100 0 0		74 16 2	45 3 10
Incidental Expenses	5 0 0			
		305 0 0		
MISCELLANEOUS.				
Expenses of the Commission appointed to inquire into Water Supply for Sydney and Suburbs, further sum	2,265 11 9		1,714 18 8	550 13 1
Expenses attendant upon the late Visit of His Royal Highness the Duke of Edinburgh (Reso- lution of the Assembly)	1,050 0 0		1,050 0 0	.....
Boats for the Volunteer Water Brigade at Windsor	150 0 0		.....	150 0 0
Rent of House for the Commodore commanding the Naval Squadron on this Station, further sum	125 0 0		6 0 11	118 19 1
Expenses incurred on the occasion of the recent Floods on the Nepean and Hawkesbury Rivers	109 13 9		109 13 9	.....
Allowance to the Commissioner appointed to investigate the dissensions, &c., existing among the several Members of the Bench of Magis- trates at Molong	74 5 0		74 5 0	.....
Allowance to Mr. H. A. Maynard for performing the duties of Clerk of Petty Sessions and Land Agent at Forbes, from 13th November, 1868, to 19th April, 1869, during the suspension of the Clerk of Petty Sessions	104 2 10		104 2 10	.....
Towards meeting the expenses incurred by Dr. Badham whilst travelling through the interior for the purpose of furthering his plan for promoting Education	100 0 0		21 0 0	79 0 0
Expenses of the Returning Officers of the several Electoral Districts, further sum	3,000 0 0		140 4 9	2,859 15 3
Extra expenses incurred in the Astronomer's Department at the instance of the Agricul- tural Society	50 0 0		.....	50 0 0
Stipend to the Rev. D. M'Guinn, Roman Catholic Clergyman, from 1st January (Report of Select Committee)	200 0 0		.....	200 0 0
Expenses of the Commission appointed to enquire into the cause of the Floods in the Hunter River District	295 10 0		295 10 0	.....
Towards the erection of a Statue to Captain Cook, on condition of an equal amount being raised by private contributions... ..	300 0 0		.....	300 0 0
In aid of the Civil Service Superannuation Fund...	5,000 0 0		.....	5,000 0 0
		12,824 3 4		
Carried forward ... .. £	.....	27,352 3 4	5,453 8 2	21,898 15 2

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... £	.....	27,352 3 4	5,453 8 2	21,898 15 2
No. IV.—ADMINISTRATION OF JUSTICE.				
LAW OFFICERS OF THE CROWN.				
Fees to Prosecuting Barristers, travelling expenses, &c., further sum ... ..	.....	200 0 0	.....	200 0 0
QUARTER SESSIONS.				
Allowances to Witnesses and Jurors, travelling expenses and incidental expenses, further sum. ....	.....	250 0 0	112 18 2	137 1 10
MISCELLANEOUS.				
Expenses in connection with the claim preferred against the Government by Mr. George S. Yarnton, late Joint Registrar of the Sydney District Court	166 18 10		116 18 10	50 0 0
Law expenses in the case of the Queen <i>ats.</i> the Oriental Bank Corporation	297 0 0		297 0 0	.....
Expense of an action brought by Mr. Chippett, against Mr. James Thomson, Coroner at East Maitland, in his official capacity	175 6 10		.....	175 6 10
Verdict and taxed Costs in the case of the Queen <i>ats.</i> Lahiff, in connection with the Wollongong Harbour Works	1,007 9 9		1,007 9 9	.....
50 copies of Connell's New South Wales Magisterial Digest	84 0 0		.....	84 0 0
Refund of fine inflicted on Messrs. Davis, Alexander, & Co., for a breach of the Gunpowder Storage Regulation Act, 7 Wm. IV, No. 7	306 12 0		.....	306 12 0
		2,037 7 5		
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.				
CUSTOMS.				
Salary of W. A. Duncan, Collector of Customs, from 21st September, 1868, to 3rd January, 1869, the date of his restoration to office ...	257 5 2			
Acting Customs' Officer, Wagga Wagga, from 1st January	25 0 0			
		282 5 2	.....	282 5 2
PRINTING, BOOKBINDING, &c.				
Lens, Camera, &c., for Photo-lithography ... ..	.....	129 19 2	129 6 4	0 12 10
GUNPOWDER MAGAZINE, SPECTACLE ISLAND.				
Contingencies, further sum ... ..	.....	66 10 8	50 10 6	16 0 2
STORES AND STATIONERY.				
Additional labourer at the Military Stores, at 4s. per diem from 1st January	62 12 0		46 16 0	15 16 0
Stores and Stationery for the Public Service generally, further sum	2,800 0 0		1,081 9 3	1,718 10 9
Ammunition for Enfield Rifles	378 0 0		.....	378 0 0
Balance of Claim for Warlike Stores obtained from the Imperial Government in 1854-5 ...	3,690 11 1		.....	3,690 11 1
		6,931 3 1		
Carried forward ... .. £	.....	37,249 8 10	8,295 17 0	28,953 11 10

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... .. £	.....	37,249 8 10	8,295 17 0	28,953 11 10
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE—continued.				
HARBOURS, LIGHT-HOUSES, AND PILOT DEPARTMENT.				
Fees to Shipwright Surveyor, further sum ...	36 0 0		.....	36 0 0
Fees to Pilots, Port Jackson, further sum ...	308 10 2		.....	308 10 2
New Boats and Repairs, and Repairs to Boat-sheds and Pilot Stations, further sum ...	250 0 0		209 14 3	40 5 9
		594 10 2		
GLEBE ISLAND ABATTOIR.				
New Boiler... ..	.....	180 15 0	180 15 0	.....
MISCELLANEOUS.				
Storm Signals, Sydney and Newcastle	150 0 0		147 4 10	2 15 2
Amount of Murray River Collections during the year 1869, payable to the Government of Victoria, under the 5th, 6th, and 7th clauses of the Agreement of 12th January, 1867	21,992 16 3		7,871 16 6	14,120 19 9
Expense of carrying on the Coast Surveys, further sum, being Moiety of the proceeds of sale of the schooner "Edith"	600 0 0		377 10 6	222 9 6
Increased Mooring Accommodation at Tathra ...	265 17 7		.....	265 17 7
Gratuity to the Widow of Charles Brunstrom, Government Boatman, who lost his life by the upsetting of a boat during a heavy squall on the 9th September	150 0 0		.....	150 0 0
Additions to Boat-house at Norah	16 9 0		.....	16 9 0
Winch, Rope, &c., for Boat and Boat-house at Norah	20 0 0		.....	20 0 0
		23,195 2 10		
No. VI.—SECRETARY FOR LANDS.				
COMMISSION TO LAND AGENTS, APPRAISERS, AND OTHERS, further sum				
	.....	2,700 0 0	697 14 1	2,002 5 11
SURVEY OF LANDS.				
Amounts short voted for the Salaries of Messrs.				
Armstrong and Long, Draftsmen	40 0 0		.....	40 0 0
Salary of Assistant Draftsman, Leasing Branch, from 1st January	200 0 0		183 6 8	16 13 4
Salary of Charting Draftsman, from 1st January	200 0 0		183 6 8	16 13 4
Additional Office Accommodation	57 0 0		37 10 0	19 10 0
Lithographing Plans, &c.	150 0 0		.....	150 0 0
		647 0 0		
ROADS OTHER THAN MAIN ROADS.				
Road between Nerrigundah and Eurobodalla ...	200 0 0		200 0 0	.....
Road from the Parramatta and Windsor Road to the Riverstone Railway Station	200 0 0		200 0 0	.....
Road from Kelso to Tambaroora <i>via</i> Kellosheel and Lower Turon	300 0 0		300 0 0	.....
Road from Tumut to Sturt's Lane	200 0 0		.....	200 0 0
		900 0 0		
Carried forward ... .. £	.....	65,466 16 10	18,884 15 6	46,582 1 4

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

13

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ... £	.....	65,466 16 10	18,884 15 6	46,582 1 4
No. VI.—SECRETARY FOR LANDS—continued.				
MISCELLANEOUS.				
Purchase money of a piece of Land on the Rocky River Gold Fields, granted to Mr. Bernard Rooney, the Deed of which omitted the necessary reservation of Messrs. Roberts & Company's Water-race	70 0 0		70 0 0	.....
Refund to T. Preston of amount paid by him for Lot 19, sec. 12, North Gundagai	7 4 0		.....	7 4 0
Refund to the Trustees of the Grenfell School of Arts, of the price of the land bought by them for the School of Arts, Grenfell	4 10 0		.....	4 10 0
Fees to, and Expenses incurred by, Mr. James Hoskins as the Crown's Arbitrator in the late arbitration case of Cummings v. the Crown	150 0 0		150 0 0	.....
Salary of Clerk to assist the Land Agent at Albury	50 0 0		.....	50 0 0
		281 14 0		
No. VII.—SECRETARY FOR PUBLIC WORKS.				
DEPARTMENT OF PUBLIC WORKS.				
Under Secretary—Restoration of Salary to former rate of £800 per annum for 1869 ... ..	.....	200 0 0	.....	200 0 0
RAILWAYS.				
Audit Clerk appointed Traffic Auditor—Increase of Salary	150 0 0		.....	150 0 0
Locomotive Foreman—Increase of Salary	100 0 0		.....	100 0 0
Clerk, Engineer's Office—Increase of Salary	75 0 0		.....	75 0 0
Working Expenses, further sum	15,000 0 0		5,355 4 11	9,644 15 1
		15,325 0 0		
HARBOURS AND RIVER NAVIGATION.				
For special services of Steamer "Thetis" in proceeding to Lord Howe's Island, and in other services in cases of Shipwreck	650 0 0		60 0 0	590 0 0
Hire of steamer "Cobra" to replace "Thetis" whilst employed in Coast Survey—7 months, at £180 per month	1,260 0 0		1,038 0 0	222 0 0
Steam Dredge "Vulcan," further sum	58 2 3		.....	58 2 3
Steam Dredge "Hercules," further sum	180 5 0		.....	180 5 0
Steam Dredge "Samson," further sum	60 5 0		.....	60 5 0
Steam Dredge "Pluto," further sum	150 14 0		.....	150 14 0
Steam Cranes, Newcastle	49 0 0		.....	49 0 0
Approaches, West Maitland Bridge, further sum	500 0 0		.....	500 0 0
Preliminary Harbour Surveys, further sum	350 0 0		.....	350 0 0
		3,258 6 3		
PUBLIC WORKS AND BUILDINGS.				
Ordinary Repairs, Alterations, and Additions to Public Buildings generally, further sum	3,000 0 0		.....	3,000 0 0
Repairs to Military Barracks and Buildings, further sum	400 0 0		.....	400 0 0
Additions and Alterations to Parliamentary Buildings, in accordance with the recommendation of the Standing Orders Committee	3,000 0 0		2,727 10 0	272 10 0
Furniture for same	350 0 0		329 19 0	20 1 0
Pilot's Residence, Newcastle, further sum	700 0 0		.....	700 0 0
Repairs and Alterations, Sydney Mint, further sum	656 17 6		.....	656 17 6
Additions, Improvements, &c., Lunatic Asylum, Parramatta, further sum	2,400 0 0		1,223 19 2	1,176 0 10
Furniture for the Building recently erected in connection with the Lunatic Asylum, Parramatta... ..	250 0 0		.....	250 0 0
Carried forward £	10,756 17 6			
Carried forward ... .. £	.....	84,531 17 1	29,839 8 7	65,449 6 0

14 SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
Brought forward ...	£	84,531 17 1	29,839 8 7	65,449 6 0
No. VII.—SECRETARY FOR PUBLIC WORKS				
<i>—continued.</i>				
Brought forward ...	£ 10,756 17 6			
PUBLIC WORKS AND BUILDINGS—continued.				
Alterations to the Closets, &c., in the back premises of the Treasury ...	225 0 0			225 0 0
Additions to Post and Telegraph Stations ...	523 0 0			523 0 0
Increased accommodation for Books, Parliamentary Library ...	250 0 0			250 0 0
Iron Bedsteads for Hospital for the Insane at Gladesville ...	252 0 0		67 19 9	184 0 3
		12,006 17 6		
ROADS AND BRIDGES.				
Repair of Main Road through the Municipality of Morpeth ...	125 0 0			
Mr. Rodd's claim for money spent on the Parramatta Road whilst he was a Trustee ...	30 0 7			
Tolls collected on the Western Road in excess of Estimate, to be expended where collected ...	782 0 0			
Tolls collected at Grafton Punt in excess of Estimate, to be expended in maintenance and repair of same, and approaches thereto ...	200 0 0			
Tolls collected at Denliquin Bridge, to be expended where collected... ..	450 0 0			
Proportion of Expense of widening the Railway Bridge over George-street South ...	1,505 0 0			
Bridge over Moree Creek... ..	1,000 0 0			
Do. Ban Ban Creek	1,000 0 0			
Do. Quirindi Creek	700 0 0			
Do. Broughton Mill Creek	700 0 0			
Do. Mullet Creek	500 0 0			
Do. Hunter River at Luskintyre, or such other place as may be agreed on by the Government after survey	600 0 0			
Do. Minamurra Creek, further sum ...	400 0 0			
		7,992 0 7		7,992 0 7
No. VIII.—POSTMASTER GENERAL.				
ELECTRIC TELEGRAPHS.				
Junior Operator, Rydal, from 1st March, at £104 per annum	86 13 4		78 0 0	8 13 4
Junior Operator, Goulburn, from 1st September, at £104 per annum	34 13 4			34 13 4
Operator at Grafton Heads, from 1st October, at £26 per annum	6 10 0			6 10 0
Junior Operator at Rocky Mouth, from 1st October, at £104 per annum	26 0 0			26 0 0
Operator, Barenjuey Light-house, from 1st October, at £26 per annum	6 10 0			6 10 0
Operator, Jervis Bay Light-house, from 1st October, at £26 per annum	6 10 0			6 10 0
Operator, Terrara, from 1st October, at £26 per annum	6 10 0			6 10 0
Junior Operator, Shoalhaven, from 1st October, at £104 per annum	26 0 0			26 0 0
Junior Operator, Yass, from 1st May, at £52 per annum	30 6 8			30 6 8
25 Alphabetical Instruments for Railway Lines... ..	625 0 0			625 0 0
20 Railway Guards' Instruments... ..	700 0 0			700 0 0
		1,554 13 4		
TOTAL FOR 1869 SERVICES	£	106,085 8 6	29,985 8 4	76,100 0 2
GRAND TOTAL, REVENUE ACCOUNT... ..	£	138,966 17 10	54,451 8 10	84,515 9 0

SUPPLEMENTARY ESTIMATES FOR 1869 AND PREVIOUS YEARS.

HEAD OF SERVICE.	TO BE VOTED.		PAID TO 31 DECEMBER, 1869.	UNPAID ON 31 DECEMBER, 1869.
	AMOUNT.	TOTAL.		
Services of 1869—continued.				
TO BE RAISED BY LOAN.				
RAILWAYS.				
Completion of the re-laying of the Line from Sydney to Parramatta	35,000 0 0		1,374 11 0	33,625 9 0
Completion of New Goods Shed, Sydney, and Roads and Sidings in connection with the same	17,000 0 0		4,974 7 9	12,025 12 3
Extension to Morpeth, further sum	5,000 0 0		385 0 0	4,615 0 0
Unforeseen and Contingent Expenses, further sum	200 17 0		200 17 0	.....
Land for Windsor and Richmond Line, further sum	2,000 0 0		1,476 14 9	523 5 3
Additional Machinery	150 0 0		11 10 9	138 9 3
		59,350 17 0		
ROADS AND BRIDGES.				
Approach to Bridge over the Macquarie River at Bathurst ... ..	.....	2,500 0 0	844 0 0	1,656 0 0
HARBOURS AND RIVER NAVIGATION.				
Removing obstructions and improving the Navigation of the Rivers Murray, Murrumbidgee, and Darling River, further sum ... ..	.....	2,500 0 0	.....	2,500 0 0
PUBLIC WORKS AND BUILDINGS.				
Receiving Houses at the Redfern Railway Station and at the Necropolis, further sum	1,548 13 7		1,548 13 7	.....
Towards erection of New General Post Office, further sum	30,000 0 0		1,604 8 1	28,395 11 11
		31,548 13 7		
ELECTRIC TELEGRAPHS.				
To connect Barrenjuey with Sydney	1,350 0 0		710 14 0	639 6 0
Cost of 500 Iron Telegraph Poles	750 0 0	2,100 0 0	.....	750 0 0
TOTAL, LOANS' ACCOUNT ... .. £	.....	97,999 10 7	13,130 16 11	84,868 13 8

The Treasury, New South Wales,
9th February, 1870.

GEORGE LAYTON,
Accountant.

SAUL SAMUEL,
Treasurer.

**SCHEDULE TO SUPPLEMENTARY ESTIMATES FOR 1869
AND PREVIOUS YEARS.**

(In explanation of the items "UNCLASSIFIED EXPENDITURE," on pages 3, 4, and 7.)

STATEMENT of PAYMENTS made on account of Services of 1868 and Previous Years,
after the Balances available for such were written off.

SERVICE.	AMOUNT.	TOTAL.
	£ s. d.	£ s. d.
1864.		
Police—Contingencies	0 10 6	
Post Office—Salaries	6 0 0	6 10 6
1865.		
Quarantine—Contingencies	0 5 0	
Gold Fields—Salaries	4 3 4	
Conveyance of Mails	18 4 5	22 12 9
1866.		
Immigration—Contingencies	0 5 0	
Grassing Sand Hills, Newcastle	34 1 7	
Steam Postal Communication with Great Britain, <i>via</i> Panama	5,515 19 9	5,550 6 4
1867.		
Petty Sessions—Salaries	34 10 3	
Coroners—Contingencies	3 3 0	
Duty Stamps for the Public Service generally	0 8 4	
Commission to Land Agents and others	30 14 2	
Employment of Prisoners	5 7 2	
Gaols, Court Houses, and Lock-ups	200 0 0	
Road from Wagga Wagga to Deniliquin	1 0 0	275 2 11
1868.		
Gaol, Mudgee—Contingencies	2 4 0	
Gaols, Country Districts—Contingencies	5 15 11	
Penal Establishment—Contingencies... ..	6 4 0	
Petty Sessions—Salaries	3 13 4	
Naval Brigade—Contingencies	25 14 0	
Gold Receivers	1 13 4	
Registrar General—Contingencies	0 7 6	
Nautical School-ship "Vernon"—Contingencies	12 10 0	
Maintenance of deserted Children, &c.	8 15 0	
Treasury—Salaries	12 10 0	
Abattoir—Contingencies	23 16 0	
Subordinate Roads (Northern)	69 5 6	
Streets through Crown Lands... ..	9 9 6	
Fencing Public Roads	130 10 0	
Employment of Prisoners	0 4 0	
Fitzroy Dock—Contingencies... ..	38 14 5	351 6 6
TOTAL	£	6,205 19 0

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADDITIONAL ESTIMATE FOR 1870,
(MESSAGE AND ESTIMATE.)

Ordered by the Legislative Assembly to be Printed, 6 April, 1870.

BELMORE,
Governor.

Message No. 19.

In accordance with the provisions contained in the 54th clause of the Constitution Act, His Excellency the Governor recommends to the consideration of the Legislative Assembly the accompanying Additional Estimate of Expenditure, for the Year 1870.

*Government House,
Sydney, 6th April, 1870.*

ADDITIONAL ESTIMATE FOR 1870.

	£	s.	d.	£	s.	d.
No. III.—COLONIAL SECRETARY.						
MISCELLANEOUS SERVICES.						
Expenses attendant upon the late Visit of H.R.H. the Duke of Edinburgh—amount reduced in Supplementary Estimate for 1869, in error ...	48	11	9			
Towards the relief of cases of actual destitution, and also for the repair of damages to Roads and Bridges, caused by the recent Floods ...	5,000	0	0			
				5,048	11	9
No. VI.—SECRETARY FOR LANDS.						
MISCELLANEOUS SERVICES.						
Towards defraying the expenses of a Commission to inquire into the working of the existing Gold Fields Act and Regulations; and also of examining and reporting upon the best means of procuring a permanent supply of Water upon the Gold Fields of the Colony ...				2,000	0	0
TOTAL	£			7,048	11	9

The Treasury, New South Wales,
5th April, 1870.

SAUL SAMUEL.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

FURTHER ADDITIONAL ESTIMATE FOR 1870.

(MESSAGE AND ESTIMATE.)

Ordered by the Legislative Assembly to be Printed, 14 April, 1870.

BELMORE,
Governor.

Message No. 21.

In accordance with the 54th clause of the Constitution Act, the Governor recommends to the consideration of the Legislative Assembly the accompanying Further Additional Estimate of Expenditure, for the Year 1870.

*Government House,
Sydney, 14th April, 1870.*

FURTHER ADDITIONAL ESTIMATE FOR 1870.

	£	s.	d.	£	s.	d.
No. III.—COLONIAL SECRETARY.						
MISCELLANEOUS SERVICES.						
To meet the necessary expenses of carrying out the arrangements for the Intercolonial Exhibition to be held in Sydney in August next, and also, of receiving and forwarding exhibits to the London Exhibition of 1871	4,000	0	0			
Towards defraying the preliminary expenses of a Census of the population of the Colony, to be taken early in 1871	2,000	0	0	6,000	0	0
No. IV.—ADMINISTRATION OF JUSTICE.						
MISCELLANEOUS SERVICES.						
Towards defraying the expenses of a Law Reform Commission, with a view to amending and consolidating the Statute Law of New South Wales	2,000	0	0	2,000	0	0
No. VII.—SECRETARY FOR PUBLIC WORKS.						
ROADS AND BRIDGES.						
For the erection of a Bridge over Broughton Mill Creek, in Shoalhaven District (Resolution of Assembly)	700	0	0			
For the erection of a Bridge over Mullet Creek, in the Electorate of Illawarra (Resolution of Assembly)	500	0	0	1,200	0	0
TOTAL ... ..	...	...	£	9,200	0	0

The Treasury, New South Wales,
14th April, 1870.

SAUL SAMUEL.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

FURTHER ADDITIONAL ESTIMATE.

(MESSAGE No. 25 AND ESTIMATE.)

Ordered by the Legislative Assembly to be Printed, 21 April, 1870.

BELMORE,
Governor.

Message No. 25.

In accordance with the 54th clause of the Constitution Act, the Governor recommends to the consideration of the Legislative Assembly the accompanying Further Additional Estimate of Expenditure, for the year 1870.

*Government House,
Sydney, 20th April, 1870.*

FURTHER ADDITIONAL ESTIMATE FOR 1870.

		AMOUNT.		
		£	s.	d.
No. III.—COLONIAL SECRETARY.				
MISCELLANEOUS SERVICE.				
In aid of the Superannuation Fund	...	10,000	0	0
TO BE RAISED BY LOAN.				
Amounts awarded to be paid by the Government for land required for the new General Post Office :—				
George-street	...	£10,460		
Pitt-street	...	5,893		
		16,353		
Costs of Awards, &c.	...	750		
		17,103	0	0
To provide for amount short-raised under certain Loan Acts, in consequence of the Debentures issued thereunder having sold under par ; and for charges on sale of such Debentures, as per Loans Account, with Ways and Means Estimates for the year 1870	...	322,709	12	6
To pay off certain Debentures, issued under the Railway Loan Act, 18 Vic., No. 40, falling due 1st January, 1871	...	100,000	0	0
TOTAL	...	£ 449,812	12	6

The Treasury, New South Wales,
20th April, 1870.

SAUL SAMUEL.

Finance, 1870.

ESTIMATES

OF THE

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1870.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED, 17 FEBRUARY, 1870.



SYDNEY : THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

[1s. 8d.]

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No. 1.

CONSOLIDATED REVENUE FUND.

ACCOUNT CURRENT

SHOWING

THE RECEIPTS AND EXPENDITURE IN THE YEAR 1869,

ON ACCOUNT OF

1868

AND

PREVIOUS YEARS.

Consolidated

ACCOUNT CURRENT SHOWING RECEIPTS AND EXPENDITURE

Dr.

No.	PARTICULARS.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
1	To PAYMENTS in the year 1869 on account of 1868 and previous Years' Services ... ..	.....			319,134	18	1
2	„ AMOUNT OF ADDITIONAL SUPPLEMENTARY ESTIMATES for 1868 and previous Years, page 7	32,881	9	4			
	<i>Less—</i> Paid to 31st December, 1869	24,466	0	6			
					8,415	8	10
3	„ AMOUNT OF VOTES AND BALANCES OF VOTES of 1868 and previous Years still retained as Liabilities on the Consolidated Revenue Fund ... ..	.....			70,117	13	3
	TOTAL	£			397,668	0	2

The Treasury, New South Wales,
17th February, 1870.

GEORGE LAYTON,
Accountant.

1.

Revenue Fund.

IN THE YEAR 1869, ON ACCOUNT OF 1868 AND PREVIOUS YEARS.

Cr.

No.	PARTICULARS.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
1	By CASH BALANCE at the Credit of the Consolidated Revenue Fund, on the 31st December, 1868				256,547	19	3
2	„ AMOUNT received, in June, 1869, from the Government of Victoria, on account of Murray River Customs, 1868				25,000	0	0
3	„ REPAYMENTS in the Year 1869, on account of Services of 1868 and previous Years				5,376	6	10
4	„ ESTIMATED DEFICIENCY carried forward to 1869				110,743	14	1
TOTAL					£	397,668	0 2

SAUL SAMUEL,
Treasurer.

No. 2.

ACCOUNT CURRENT

OF THE

REVENUE AND EXPENDITURE

OF THE

CONSOLIDATED REVENUE FUND

OF

NEW SOUTH WALES,

FOR THE YEAR

1869.

Consolidated

ACCOUNT CURRENT OF THE REVENUE

Dr.

No.	PARTICULARS.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
1	To ESTIMATED DEFICIENCY on the Accounts of 1868 and previous Years, brought forward				110,743	14	1
2	„ AMOUNT appropriated for GENERAL SERVICES, as per APPROPRIATION ACT, 32 VICT., No. 12	1,488,555	6	8			
3	„ AMOUNT OF SPECIAL APPROPRIATIONS, as per Estimates-in-Chief for 1869, page 1	571,434	0	0			
4	„ AMOUNTS provided by CONSTITUTIONAL AND COLONIAL ACTS, as per Estimates-in-Chief for 1869, pages 1 and 5	57,272	0	0	2,117,261	6	8
5	„ AMOUNT OF SUPPLEMENTARY ESTIMATE for 1869, page 14				106,085	8	6
6	„ SPECIAL APPROPRIATIONS—						
	Revenue and Receipts returned, further sum ...	5,891	9	3			
	Charges on Collections	545	17	5			
	Six months' Interest on £343,200 Treasury Bills, at 5 per cent.... ..	8,580	0	0			
	Preliminary Expenses of Municipal Institutions ...	82	6	9			
	Expenses under the Cattle Diseases Prevention Act..	50	13	8			
	Payments under the Scab in Sheep Acts—27 Victoria, No. 6, and 29 Victoria, No. 13	259	13	5	15,410	5	6
7	„ THIRD INSTALMENT of Short-dated Debentures issued under 29 Vic., Nos. 4 and 5, due 31st December, 1869... ..				100,000	0	0
8	„ CHARGES proposed to be provided for by Loan, as per Supplementary Estimates for 1869, page 15				97,999	10	7
	TOTAL				£ 2,547,500	5	4

The Treasury, New South Wales,
17th February, 1870.GEORGE LAYTON,
Accountant.

2.

Revenue Fund.

AND EXPENDITURE, FOR THE YEAR 1869.

Cr.

No.	PARTICULARS.	AMOUNT.	TOTAL.
		£ s. d.	£ s. d.
1	By AMOUNT OF ACTUAL REVENUE AND RECEIPTS in 1869, as per Statement marked A, page 17	2,202,970 5 10	
	<i>Less</i> —Amount received from the Government of Victoria, on account of 1868 ... £25,000		
	Advances refunded 11,000	36,000 0 0	
		2,166,970 5 10	
2	„ BALANCE due by the Government of Victoria on Murray River Customs Account for 1869... ..	30,000 0 0	2,196,970 5 10
3	„ AMOUNT OF APPROPRIATIONS FOR SERVICES OF 1869, estimated as not likely to be required ... ..	.....	100,000 0 0
4	„ AMOUNT proposed to be raised by Loan for Public Works	.....	97,999 10 7
5	„ ESTIMATED DEFICIENCY on 31st December, 1869, carried forward to 1870 ... ..	.....	152,530 8 11
	TOTAL	£	2,547,500 5 4

SAUL SAMUEL,
Treasurer.

No. 3.

ACCOUNT
OF THE
CONSOLIDATED REVENUE FUND OF NEW SOUTH WALES,
SHOWING THE PROPOSED EXPENDITURE IN RELATION TO THE ESTIMATED INCOME,
FOR THE YEAR
1870.

Consolidated

ACCOUNT CURRENT OF ESTIMATED REVENUE

Dr.

No.	PARTICULARS.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
1	To ESTIMATED DEFICIENCY on 31st December, 1869, brought forward				152,530	8	11
2	„ CHARGES ON CONSOLIDATED REVENUE FUND, as per Estimates for 1870:—						
	General Services	1,481,161	0	0			
	Provided by Constitutional and Colonial Acts ...	55,085	0	0			
	Special Appropriations	612,660	0	0	2,148,906	0	0
3	„ FOURTH INSTALMENT of Short-dated Debentures, issued under 29 Vict., Nos. 4 and 5, due 31st December, 1870				100,000	0	0
4	„ CHARGES for Public Works proposed to be provided for by LOAN, as per Estimates-in-Chief for 1870, page 87				1,571,600	0	0
					£ 3,973,036	8	11
	„ ESTIMATED DEFICIENCY brought down				118,640	8	11
	„ ESTIMATED BALANCE, 31ST DECEMBER, 1870... ..				81,359	11	1
					£ 200,000	0	0

The Treasury, New South Wales,
17th February, 1870.

3.

Revenue Fund.

AND EXPENDITURE FOR THE YEAR 1870.

Cr.

No.	PARTICULARS.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
1	By ESTIMATED REVENUE for 1870, as per Statement marked A, page 17 ... ..	.....			2,282,796	0	0
2	„ AMOUNT proposed to be raised by LOAN for Public Works, as per Estimates-in-Chief for 1870, page 87 .....	.....			1,571,600	0	0
3	„ ESTIMATED DEFICIENCY ... ..	.....			118,640	8	11
					£ 3,973,036	8	11
	„ Amount proposed to be raised by LOAN, to meet the Third and Fourth Instalments of Short-dated Debentures, due and falling due 31st December, 1869, and 31st December, 1870, respectively ... ..	.....			200,000	0	0
					£ 200,000	0	0

SAUL SAMUEL,
Treasurer.

A.

ABSTRACT STATEMENT showing the REVENUE of the Years 1868 and 1869, and the ESTIMATED REVENUE for the Year 1870.

HEAD OF RECEIPT.	REVENUE OF 1868.	REVENUE OF 1869.	ESTIMATED REVENUE FOR 1870.
	£	£	£
Customs	*847,539	838,964	804,200
Duty on Refined Sugar and Molasses	15,287	17,982	19,000
Duty on Spirits distilled in the Colony	29,971	18,578	20,000
Gold Revenue	24,760	24,993	25,000
Mint Receipts	19,518	15,288	18,000
Land Revenue	541,228	584,034	621,950
Assessment on Sheep under Scab Acts	8,324	5,439	} 6,525
Fees on Inspection of Sheep and Cattle	39	.....
Postage	81,259	85,720	74,500
Money Orders' Commission	2,520	2,862	2,800
Fees under Registration of Brands Act	1,378	1,088	500
Contributions under Cattle Disease Prevention Act	106	.....	.....
Fees under the Necropolis Act of 1867	556	1,249	.....
Licenses	78,128	78,089	80,675
Fees of Office	26,239	28,612	30,346
Fines and Forfeitures	6,893	6,157	7,275
Rents, exclusive of Land	27,489	27,045	27,275
Stamps	62,251	67,377	110,000
Railway Receipts	215,728	273,077	320,000
Electric Telegraph Receipts... ..	29,912	31,694	35,000
Pilotage Rates, Harbour Dues and Fees	15,836	17,964	18,000
Tonnage Dues	5,841	7,512	8,350
Interest on City Debentures	10,000	10,000	10,000
Miscellaneous... ..	56,855	59,251	43,400
TOTALS	£ *2,107,157	2,202,970	2,282,796

* Inclusive of a payment of £61,800 by the Government of Victoria, on account of 1866-7.

The Treasury, New South Wales,
17th February, 1870.

SAUL SAMUEL,
Treasurer.

REVENUE DETAILED.			
	REVENUE OF 1868.	REVENUE OF 1869.	ESTIMATED REVENUE FOR 1870.
	£	£	£
CUSTOMS.			
Spirits	320,425	322,423	325,000
Wine	27,487	23,500	25,000
Ale and Beer	24,170	27,234	28,000
Tobacco	69,322	69,127	70,000
Tea	63,172	61,420	63,000
Sugar and Molasses	56,841	57,192	60,000
Coffee and Chicory	6,437	6,460	7,000
Opium	4,430	1,186	2,000
Malt	796	944	1,200
Hops	1,782	1,676	2,000
Rice	7,065	4,722	6,000
Dried Fruits	14,687	13,304	15,000
Package Charge	2	.....	.....
<i>Ad valorem</i>	129,478	169,149	140,000
Murray River Customs	*121,445	80,627	60,000
	847,539	838,964	804,200
DUTY ON REFINED SUGAR AND MOLASSES	15,287	17,982	19,000
DUTY ON SPIRITS DISTILLED IN THE COLONY	29,971	18,578	20,000
GOLD REVENUE.			
Duty on Gold	16,400	16,841	17,000
Fees for Escort and Conveyance of Gold	8,360	8,152	8,000
	24,760	24,993	25,000
MINT RECEIPTS	19,518	15,238	18,000
LAND REVENUE.			
Land Sales	236,518	275,727	270,000
Balances of Conditional Purchases	10,602	19,526	50,000
Interest on Land Sales to Conditional Purchasers	18,130	24,360	30,000
Rent and Assessment on Pastoral Runs	260,536	245,274	260,000
Fees on Transfer of Runs... ..	1,192	896	1,100
Quit Rents	159	70	250
Licenses to cut Timber on, and remove Material from, Crown Lands	1,712	1,790	1,500
Mineral Leases	4,443	5,412	380
Leases of Auriferous Lands	1,301	4,635	2,050
Miners' Rights	5,332	5,243	2,850
Business Licenses	501	655	2,970
Miscellaneous	802	446	850
	541,228	584,034	621,950
ASSESSMENT ON SHEEP UNDER SCAB ACTS... ..	8,324	5,439	} 6,525
FEEs ON INSPECTION OF SHEEP AND CATTLE	39	.....
POSTAGE	81,259	85,720	74,500
COMMISSION ON MONEY ORDERS	2,520	2,862	2,800
FEEs UNDER REGISTRATION OF BRANDS ACT	1,378	1,033	500
CONTRIBUTIONS UNDER CATTLE DISEASE PREVENTION ACT	106	.....	.....
FEEs UNDER THE NECROPOLIS ACT OF 1867	556	1,249	.....
Carried forward	£ 1,572,485	1,596,192	1,592,475

* Inclusive of a payment of £61,800 by the Government of Victoria, on account of 1866-7.

REVENUE DETAILED—continued.

	REVENUE OF 1868.	REVENUE OF 1869.	ESTIMATED REVENUE FOR 1870.
	£	£	£
Brought forward	1,572,485	1,596,192	1,592,475
LICENSES.			
Wholesale Spirit Dealers	5,000	4,870	5,000
Auctioneers	1,772	1,615	2,000
Bonded Storekeepers	3,818	3,960	4,000
Retail Fermented and Spirituous Liquors	63,204	63,071	65,000
Billiard and Bagatelle Licenses to Publicans	2,583	2,617	2,800
Distillers and Rectifiers	96	85	75
Hawkers and Pedlers	805	909	850
Pawnbrokers	400	448	450
Colonial Wine, Cider, and Perry	223	261	250
All other Licenses	227	253	250
	78,128	78,089	80,675
FEES OF OFFICE.			
Certificate of Naturalization	166	205	150
Preparation and Enrolment of Title-deeds	2,916	3,640	3,000
Registrar General	4,403	4,942	4,750
Prothonotary of Supreme Court	1,961	1,823	2,000
Master in Equity	735	565	800
Curator of Intestate Estates	319	2,176	2,000
Insolvent Court	2,160	1,883	1,800
Sheriff	598	549	650
District Courts	4,763	4,536	5,196
Courts of Petty Sessions	3,539	3,637	4,000
Water Police Court and Shipping Masters	2,850	3,002	3,000
Steam Navigation Board	343	346	350
Court of Claims	24	.....	.....
Under Gold Fields Act	12	9	1,325
Slaughtering Fees, Glebe Island Abattoir	1,354	1,220	1,225
Other Fees	96	79	100
	26,239	28,612	30,346
FINES AND FORFEITURES.			
Sheriff	559	289	750
Courts of Petty Sessions	4,527	4,359	5,000
Water Police Court	790	733	750
For the Unauthorized Occupation of Crown Lands	373	393	500
Crown's Shares of Seizures, &c.	17	222	50
Confiscated and Unclaimed Property	110	138	200
Other Fines	17	23	25
	6,393	6,157	7,275
RENTS, EXCLUSIVE OF LAND.			
Tolls and Ferries	21,257	20,649	21,000
Wharfs	4,171	4,210	4,000
Government Buildings and Premises	296	307	300
Glebe Island Bridge	631	1,231	650
Glebe Island Abattoir	1,134	648	1,325
	27,489	27,045	27,275
STAMPS	62,251	67,377	110,000
RAILWAY RECEIPTS	215,728	273,077	320,000
ELECTRIC TELEGRAPH RECEIPTS	29,912	31,694	35,000
PILOTAGE RATES, HARBOUR DUES AND FEES	15,836	17,964	18,000
Carried forward	£ 2,084,461	2,126,207	2,221,046

REVENUE DETAILED— <i>continued.</i>			
	REVENUE OF 1868.	REVENUE OF 1869.	ESTIMATED REVENUE FOR 1870.
	£	£	£
Brought forward	2,034,461	2,126,207	2,221,046
TONNAGE DUES.			
Newcastle	5,556	7,197	8,000
Wollongong	191	215	250
Kiama	94	100	100
	5,841	7,512	8,350
INTEREST ON CITY DEBENTURES	10,000	10,000	10,000
MISCELLANEOUS RECEIPTS.			
Sale of Government Property	1,809	4,039	2,000
Support of Patients in Lunatic Asylums	671	564	900
Collections by Government Printer	3,289	3,520	3,500
Payment by the Commissariat towards the support of British Prisoners and Lunatics	620	10,012	2,500
Store Rent of Gunpowder	2,476	810	1,000
Work performed by Prisoners in Gaol	1,319	1,176	1,500
Fees on presenting Private Bills to the Parliament, and on Letters of Registration	670	715	500
Interest on Bank Deposits	2,772	12,453	2,500
Docking Vessels, Fitz Roy Dry Dock	1,024	1,321	3,000
Assessment on Sugar Refinery	1,500	750	1,000
Other Receipts	40,705	23,891	25,000
	56,855	59,251	43,400
TOTALS	£ *2,107,157	2,202,970	2,282,796

* Inclusive of a payment of £61,800 by the Government of Victoria, on account of 1866-7.

The Treasury, New South Wales,
17th February, 1870.

SAUL SAMUEL,
Treasurer.

GEORGE LAYTON,
Accountant.

LOANS' ACCOUNT.

—

ACCOUNT CURRENT

SHOWING THE POSITION OF

LOANS' ACCOUNT

ON

31ST DECEMBER, 1869.

Loans

ACCOUNT CURRENT SHOWING THE POSITION OF THE

Dr.

No.	PARTICULARS.	AMOUNT.		
		£	s.	d.
1	To AMOUNT OF LIABILITIES on this Account Outstanding on the 31st December, 1869, being Appropriations for Public Works and other Services, authorized to be provided for by Loans remaining unexpended on that date			1,124,693 13 9
	TOTAL			£ 1,124,693 13 9

The Treasury, New South Wales,
17th February, 1870.

GEORGE LAYTON,
Accountant.

Account.

LOANS' ACCOUNT, ON 31ST DECEMBER, 1869.

Cr.

No.	PARTICULARS.	AMOUNT.		
		£	s.	d.
1	By CASH BALANCE at the Credit of the Loans' Account, on 31st December, 1869	472,713	1	3
2	„ BALANCE OF DEBENTURES issued under 32 Victoria, No. 13, not yet negotiated	137,300	0	0
3	„ AMOUNT OF RAILWAY MATERIALS in Stock, chargeable to Railway Votes, as issued	176,590	13	2
4	„ AMOUNT OF ADVANCES to the Commissioner for Railways, to be hereafter accounted for	2,249	9	11
5	„ AMOUNT OF PAYMENTS, prior to 31st December, 1869, in anticipation of Services proposed to be provided for by Loans, as per Supplementary Estimates for 1869 and previous Years, page 15	13,130	16	11
6	„ AMOUNT yet to be raised in order to meet the following, viz. :— Amount Short-raised under certain Loan Acts, in consequence of the Debentures issued thereunder having sold under par £440,663 19 9			
	Charges on Sale of Debentures 63,180 9 3			
	Loss on redemption of Debentures in 1867 111 15 0			
		503,956	4	0
	Less AMOUNT OF APPROPRIATIONS written off 181,246 11 6			
		322,709	12	6
	TOTAL	£	1,124,693	13 9

SAUL SAMUEL,
Treasurer.

STATEMENT
OF THE
PARTICULARS OF THE PUBLIC DEBT OF THE COLONY
OF
NEW SOUTH WALES,
ON
31ST DECEMBER, 1869.

STATEMENT OF THE PARTICULARS OF THE PUBLIC DEBT OF

SERVICES.	AUTHORITY.	AMOUNT AUTHORIZED TO BE RAISED.	AMOUNT OF DEBENTURES AND TREASURY BILLS SOLD.	GROSS AMOUNT REALIZED.	BALANCE YET TO RAISE.
		£ s. d.	£	£ s. d.	£ s. d.
DEBENTURES.					
Loan to the Sydney Railway Company ...	16 Vic., No. 39 ...	216,571 0 0	217,500	223,936 3 4	.....
Sydney Sewerage	17 Vic., No. 34 ...	200,000 0 0	209,030	201,149 11 9	.....
Sydney Water Supply... ..	17 Vic., No. 35 ...	200,000 0 0	208,400	201,264 13 5	.....
Public Works	18 Vic., No. 35 ...	178,750 0 0	144,000	136,890 13 2	*41,859 6 10
Railways	18 Vic., No. 40 ...	666,800 0 0	666,800	630,105 11 7	36,694 8 5
Public Works	19 Vic., Nos. 38 & 40	445,323 0 0	410,500	393,427 5 8	†51,895 14 4
To pay off Land and Immigration Debentures	20 Vic., No. 1 ...	73,776 0 0	73,700	70,300 16 2	3,475 3 10
Railways	20 Vic., No. 1 ...	200,000 0 0	203,000	199,997 10 0	2 10 0
To pay off Land and Immigration Debentures	20 Vic., No. 16 ...	130,400 0 0	132,300	130,311 0 0	89 0 0
Public Works	20 Vic., No. 33 ...	107,717 18 11	112,000	107,787 15 0	.....
Railways	20 Vic., No. 34 ...	300,000 0 0	299,000	300,895 12 6	.....
To pay off Debentures... ..	22 Vic., Nos. 5 & 23...	145,000 0 0	145,700	145,007 0 0	.....
Railways and Public Works	22 Vic., No. 22 ...	758,500 0 0	760,700	756,890 15 0	1,609 5 0
Public Works	22 Vic., No. 26 ...	11,600 0 0	5,000	4,962 10 0	6,637 10 0
To pay off Debentures... ..	23 Vic., No. 5 ...	365,600 0 0	365,600	361,612 10 0	3,987 10 0
Public Works and to pay off Debentures	23 Vic., No. 10 ...	348,223 0 0	348,200	341,084 15 0	7,138 5 0
Railways and Public Works	24 Vic., No. 24 ...	113,535 0 0	113,900	112,209 11 6	1,325 8 6
Voluntary and Assisted Immigration	24 Vic., No. 26 ...	55,000 0 0	55,500	54,945 16 0	54 4 0
Railways and Public Works	25 Vic., No. 19 ...	1,782,370 14 6	1,782,300	1,696,828 5 0	85,542 9 6
Railways and Public Works	26 Vic., No. 14 ...	161,832 0 0	162,000	136,728 17 10	25,103 2 2
Public Works	27 Vic., No. 14 ...	670,025 12 7	670,000	565,483 14 2	104,541 18 5
To cover Deficit of 1864 and previous years...	29 Vic., No. 4 ...	550,000 0 0	550,000	495,344 10 0	54,655 10 0
To pay off Debentures... ..	29 Vic., No. 5 ...	300,000 0 0	300,000	270,252 5 0	29,747 15 0
Public Works and Immigration	29 Vic., No. 9 ...	219,450 0 0	219,400	193,474 0 0	25,976 0 0
Public Works	29 Vic., No. 23 ...	758,000 0 0	758,000	718,844 10 0	39,155 10 0
Public Works	30 Vic., No. 23 ...	65,850 0 0	65,800	61,902 0 0	3,948 0 0
Railways	31 Vic., No. 11 ...	1,000,000 0 0	1,000,000	981,655 7 0	18,344 13 0
Public Works	31 Vic., No. 27 ...	177,407 0 0	177,400	178,055 0 0	.....
Public Works	32 Vic., No. 13 ...	197,885 0 0	60,500	61,014 0 0	136,871 0 0
TREASURY BILLS.					
To cover the Deficit of 1863 and previous years	27 Vic., No. 8 ...	400,000 0 0	398,500	398,849 14 5	1,150 5 7
To renew Bills issued under 27 Vic., No. 8...	31 Vic., No. 28 ...	343,200 0 0	343,200	346,817 18 0	.....
To renew Bills issued under 31 Vic., No. 28...	32 Vic., No. 14 ...	343,200 0 0	343,200	350,085 3 4	.....
TOTAL... .. .	.....	£11,486,016 6 0	11,301,130	10,828,114 14 10	679,804 9 7

* £30,000 0 0 Defences.
3,000 0 0 Colonial Stores.
8,859 6 10 Other Public Works.

£41,859 6 10

† £40,000 of this sum is for Affiliated Colleges.

THE COLONY OF NEW SOUTH WALES, ON 31st DECEMBER, 1869.

PARTICULARS OF THE SEVERAL ISSUES OF DEBENTURES AND TREASURY BILLS.									
AMOUNT OF EACH ISSUE SOLD.	PAID OFF.	OUTSTANDING.	DUE DATES.	RATE OF INTEREST.	ANNUAL INTEREST ON TOTAL LOAN OUTSTANDING FOR EACH SERVICE.	SYNOPSIS OF DUE DATES OF OUTSTANDING DEBENTURES AND TREASURY BILLS.			
						Authority under which issued.	Year when due.	Amount.	TOTAL.
£	£	£			£ s. d.			£	£
17,500	17,500	50,000	1873.....	2½d. & 3¼d. per diem	9,797 19 4	29 Vic., Nos. 4 & 5 ...	1867	.....	800
50,000	150,000	1874.....						
150,000	25,900	1 July, 1876	5 per cent. per annum.	2,831 10 0	29 Vic., Nos. 4 & 5 ... 32 Vic., No. 14.....	1870	{ 100,000 } 343,200 }	443,200
25,900	6,730	Interminable						
97,500	97,500	24,000	1 July, 1888	" "	6,435 0 0	18 Vic., No. 40.....	1871	{ 100,000 } 100,000 }	200,000
6,730						
24,000	" "	5,510 0 0	29 Vic., Nos. 4 & 5 ...	1872	.....	100,000
54,900	54,900	36,700	1 July, 1876						
29,000	29,000	31,000	Interminable	" "	5,510 0 0	16 Vic., No. 39.....	1873	{ 50,000 } 100,000 }	250,000
50,700	50,700	61,000	1 July, 1888						
36,700	" "	10,150 0 0	29 Vic., Nos. 4 & 5 ...	1874	{ 150,000 } 100,000 }	250,000
31,000						
61,000	" "	6,615 0 0	16 Vic., No. 39.....	1874	{ 150,000 } 100,000 }	250,000
21,000	21,000	.....	.....				
12,800	12,800	70,200	1 Jan., 1876	" "	11,800 0 0	29 Vic., Nos. 4 & 5 ...	1875	.....	50,000
70,200	40,000	1 July, 1893						
40,000	" "	20,525 0 0	17 Vic., No. 34.....	1876	{ 25,900 } 36,700	735,800
291,800	291,800	.....	.....				
139,000	139,000	.....	.....	" "	3,685 0 0	17 Vic., No. 35.....	1876	{ 70,200 } 133,300	.....
100,000	100,000	1 Jan., 1871						
133,300	133,300	1 Jan., 1876	" "	7,285 0 0	18 Vic., No. 35.....	1876	{ 46,200 } 150,000	.....
2,700	46,200	Permanent 1876						
46,200	150,000	Jan., 1876	" "	38,035 0 0	19 Vic., Nos. 38 & 40	1888	{ 133,300 } 46,200	.....
150,000	70,800	Interminable						
70,800	136,800	1 July, 1888	" "	250 0 0	19 Vic., Nos. 38 & 40	1889	{ 150,000 } 70,500	.....
136,800	6,700	1 July, 1891						
6,700	70,500	1 Jan., 1876	" "	18,280 0 0	20 Vic., No. 1	1890	{ 203,000 } 24,000	.....
70,500	3,200	1 July, 1888						
3,200	203,000	1 July, 1876...	" "	17,410 0 0	20 Vic., No. 1	1888	{ 10,000 } 175,000	500,000
203,000	132,300	Interminable ..						
132,300	100,000	1 Jan., 1873	" "	7,285 0 0	19 Vic., Nos. 38 & 40	1889	{ 3,200 } 10,000	.....
100,000	10,000	1 July, 1888						
10,000	2,000	1 Jan., 1889	" "	89,115 0 0	20 Vic., No. 34	1889	{ 175,000 } 90,000	.....
2,000	175,000	1 July, 1888						
175,000	90,000	1 July, 1888	" "	38,035 0 0	20 Vic., No. 34	1889	{ 2,000 } 34,000	.....
90,000	34,000	1 Jan., 1889						
34,000	145,000	1 Jan., 1889	" "	250 0 0	22 Vic., Nos. 25 & 26	1889	{ 145,000 } 400,000	893,000
145,000	700	1 July, 1891						
700	400,000	1 Jan., 1889	" "	18,280 0 0	22 Vic., No. 22	1890	{ 5,000 } 365,600	718,800
400,000	312,000	1 July, 1889						
312,000	25,000	1 Jan., 1891	" "	17,410 0 0	22 Vic., No. 22	1891	{ 23,700 } 113,900	.....
25,000	23,700	1 July, 1891						
23,700	5,000	1 July, 1890...	" "	8,100 0 0	23 Vic., No. 5	1890	{ 348,200 } .....	.....
5,000	365,600	1 Jan., 1890...						
365,600	348,200	1 July, 1890...	" "	5,695 0 0	23 Vic., No. 10	1890	{ 6,700 } 700	.....
348,200	113,900	1 July, 1891...						
113,900	55,500	1 July, 1891...	" "	2,775 0 0	22 Vic., No. 25 & 26	1891	{ 25,000 } 23,700	225,500
55,500	1,782,300	1 Jan., 1892...						
1,782,300	162,000	1 Jan., 1895...	" "	89,115 0 0	22 Vic., No. 22	1891	{ 113,900 } 55,500	.....
162,000	670,000	1 Jan., 1895...						
670,000	670,000	1 Jan., 1895...	" "	33,500 0 0	24 Vic., No. 26	1892	.....	1,782,300
670,000	550,000	.....					
550,000	299,200	550,800	Various dates	" "	17,410 0 0	25 Vic., No. 19	1892	.....	40,000
300,000		219,400							1 Jan., 1896...
219,400	758,000	1 July, 1896...	" "	27,540 0 0	18 Vic., No. 35	1893	{ 162,000 } 670,000	832,000
758,000	65,800	1 Jan., 1897...						
65,800	1,000,000	1 Jan., 1898...	" "	10,970 0 0	27 Vic., No. 14	1895	{ 219,400 } 758,000	977,400
1,000,000	1,000,000	1 Jan., 1898...						
1,000,000	177,400	1 July, 1898...	" "	3,290 0 0	29 Vic., No. 9	1896	{ 758,000 }	65,800
177,400	60,500	1 Jan., 1899...						
60,500	398,500	1 Jan., 1868...	" "	50,000 0 0	30 Vic., No. 23	1897	.....	1,000,000
398,500	398,500	.....	.....				
343,200	343,200	.....	30 April, 1869...	6 per cent. per annum	.....	31 Vic., No. 11	Annual drawings of £20,000, commencing 1872.	.....	.....
343,200	343,200	30 April, 1870...						
343,200	3½d. per cent. per diem.	18,580 0 0	18 Vic., No. 40	Permanent	.....	2,700
.....						
11,301,130	1,755,100	9,546,030	.....	5 per cent. per annum.	468,519 9 4	.....	.....	.....	9,546,030

† Half-year's interest only.

Public Debt.

STATEMENT showing the DUE DATES of OUTSTANDING DEBENTURES and TREASURY BILLS on the 31st December, 1869, and of Debentures authorized to be issued, but which remained unsold on that date.

YEAR.	DEBENTURES.	TREASURY BILLS.	TOTAL.	REMARKS.
	£	£	£	
1867... ..	800	.....	800	Balance of first instalment of Short-dated Debentures unpaid.
1870... ..	100,000	.....	100,000	†Short-dated Debentures, £100,000.
1870... ..	.....	* 343,200	343,200	To renew Bills issued under 31 Vic., No. 28.
1871... ..	200,000	.....	200,000	†Short-dated Debentures, £100,000.
1872... ..	100,000	.....	100,000	†Do. 100,000.
1873... ..	250,000	.....	250,000	†Do. 100,000.
1874... ..	250,000	.....	250,000	†Do. 100,000.
1875... ..	50,000	.....	50,000	†Do. 50,000.
1876... ..	735,800	.....	735,800	
1888... ..	500,000	.....	500,000	
1889... ..	893,000	.....	893,000	
1890... ..	718,800	.....	718,800	
1891... ..	225,500	.....	225,500	
1892... ..	1,782,300	.....	1,782,300	
1893... ..	40,000	.....	40,000	
1895... ..	832,000	.....	832,000	
1896... ..	977,400	.....	977,400	
1897... ..	65,800	.....	65,800	
1898... ..	177,400	.....	177,400	
1899... ..	60,500	.....	60,500	
Annual drawings of £20,000, commencing 1872 ...	} 1,000,000	.....	1,000,000	
Interminable, or 1882, at option of Government ...	} 240,830	.....	240,830	
Permanent	2,700	.....	2,700	
Total amount outstanding, 31 July 1869	} 9,202,830	343,200	9,546,030	
<i>Add unsold Debentures.</i>				
Payable in 1899	137,300	.....	137,300	
TOTAL £	9,340,130	343,200	9,683,330	

* Due 30th April, 1870.

† £350,000 of these Debentures are on account of the deficiency of 1864.

The Treasury, New South Wales,
17th February, 1870.

GEORGE LAYTON,
Accountant.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TREASURY BILLS.
(MESSAGE.)

Ordered by the Legislative Assembly to be Printed, 29 March, 1870.

BELMORE,

Governor.

Message No. 15.

It being found expedient to raise an amount of Money, not exceeding Three hundred and forty-three thousand and two hundred pounds, to provide for the payment at maturity of Treasury Bills issued under the authority of the "Treasury Bills Act of 1869," the Governor submits the subject to the consideration of the Legislative Assembly, and recommends that provision be made accordingly.

Government House,

Sydney, 29th March, 1870.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEFICIENCY LOANS FUNDING.

(MESSAGE.)

Ordered by the Legislative Assembly to be Printed, 29 March, 1870.

BELMORE,
Governor.

Message No. 16.

As it is found expedient to raise an amount of Money, not exceeding Six hundred and ninety-three thousand two hundred pounds, to provide for the payment of Treasury Bills, and for the payment of certain portions of the short-dated Debentures issued under the authority of the "Loan Act of 1865," the Governor submits the subject to the consideration of the Legislative Assembly, and recommends that provision be made accordingly.

Government House,
Sydney, 29th March, 1870.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

INTERCOLONIAL EXHIBITION OF 1870—LONDON
EXHIBITION OF 1871.

(MESSAGE.)

Ordered by the Legislative Assembly to be Printed, 30 March, 1870.

BELMORE,

Governor.

Message No. 18.

The Governor recommends to Parliament the appropriation of a sum of four thousand pounds to meet the necessary expenses of carrying out the arrangements for the Intercolonial Exhibition, proposed to be held in Sydney in August next, and also of receiving and forwarding Exhibits to the London Exhibition of 1871.

Government House,

Sydney, 30 March, 1870.

2

1870.

NEW SOUTH WALES.

EXPENDITURE OF PUBLIC MONEY.

(FURTHER DESPATCHES RESPECTING.)

Presented to Parliament by Command.

GOVERNOR THE EARL OF BELMORE to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 158.)

Government House,
Sydney, 8 October, 1869.

MY LORD,

At the instance of my Responsible Advisers, I have the honor to forward a paper in the nature of a Protest on their part against the Instruction contained in your Lordship's Despatch, No. 52 of the present year, on the subject of the future issue of Public Money under certain circumstances.

I have, &c.,
BELMORE.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

(No. 1.)

Downing-street,
7 January, 1870.

MY LORD,

In my despatch No. 52 of the 16th of June, I conveyed to you my opinion that, except in case of absolute and immediate necessity (such, *e.g.*, as the preservation of life), no expenditure of public money should be incurred without sanction of law, unless it could be presumed not only that both branches of the Legislature would hold the expenditure itself unobjectionable, but also that they would approve of that expenditure being made in anticipation of their consent; and I added in effect an instruction that you would not be at liberty hereafter to issue your Warrant for any expenditure not sanctioned by law, except under the conditions above described.

In your despatch No. 158, of the 8th of October, you acknowledge the receipt of these instructions, and on the recommendation of your Ministers forward to me a paper which has been drawn up by the Colonial Treasurer, and which contains the following passage:—

“It then becomes a grave question whether by prohibitory instructions to the Governor of this kind, the free action of Responsible Government in this Colony is not liable to be seriously impeded; whether our position and functions as Responsible Advisers of His Excellency and Ministers responsible to Parliament are not interfered with by the Secretary of State, so as to affect the principle of Colonial independence. Lord Granville seems to have overlooked the fact that the action of the Executive Council, in cases like that referred to, is not that of the Governor alone, but the joint action of the Governor and his Responsible Advisers. The Governor no doubt is responsible to the Imperial Government, but his Advisers are responsible to the Parliament of this Colony; and to bind the Governor, by thus laying down an arbitrary course of procedure, may bring him into collision with his Ministers on matters affecting local interests alone, and involve such an encroachment upon the privileges of the people and Parliament of this Colony, as appears quite inconsistent with those broad and enlightened principles of self-government which have long been acknowledged in this Colony, and of late so strongly impressed upon the Colonies by the Imperial Government.”

The paper concludes as follows:—“Under these circumstances I advise my colleagues to join with me in an expression of opinion against the instructions lately issued by the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor, as amounting to an interference in matters of local Government, with our responsibility as Ministers of the Crown and Representatives of the Parliament and people of this Colony, upon a question entirely unconnected with Imperial interests.”

So formal a protest from your Ministers against the unconstitutional character of the instructions sent out to you renders it my duty to explain fully to them and to the people of New South Wales the position adopted in this matter by Her Majesty's Government, and the considerations by which they are led to it.

I begin by admitting unreservedly that the matter now in hand is one of purely local interest, in respect to which Her Majesty's Government only desire that you should conform your conduct to the wishes of the Colony when constitutionally ascertained. Those wishes are constitutionally ascertained through two channels—the Legislature and the Executive Government.

The general rules by which the conduct of yourself and your Ministers are to be regulated, are prescribed by the Legislature in all free countries, the most solemn and authoritative organ of the national will.

In the application of those rules you are authorized to accept, as the interpreter of public will, a Council presumed to possess the confidence of the Legislature, and constituting the Executive Government.

In any ordinary case, if the law required you to do one thing, and your Advisers recommended you to do another, there can be no doubt that the deliberate enactments of the Legislature would be more binding on you than the opinion of a Council deriving its authority from that Legislature, and commissioned, not to dispense with the law, but to administer it. It would be your plain duty to obey the law, and it would be idle to speak of such obedience as unconstitutional.

This your Ministry would probably admit, but they would argue that emergencies may confessedly arise in which it may become the duty of a public officer, or indeed of a private citizen, to overstep the law; and that, in a case like the present, it is for the Executive Council and not for the Governor to determine whether such a case has in fact arisen.

This present case, so far as it is material to this Constitutional question, is as follows:—

The 53rd section of the Constitution Act provides that, subject to certain charges, the Revenue of the Colony "shall be subject to be appropriated to such specific purposes as by any Act of the Legislature of the Colony shall be prescribed in that behalf." The "Legislature of the Colony" consists of the Governor, Council, and Assembly, and it follows that to spend money without the authority of the Governor, Council, and Assembly, is a breach of the law.

The 55th section of the Constitution Act provides that no part of that Revenue "shall be issued or shall be made issuable except in pursuance of Warrants under the hand of the Governor of the Colony directed to the Public Treasurer thereof."

On the Governor, therefore, is imposed the duty of seeing that no breach of the law is committed.

Your Ministers are of opinion that, if they desire the Governor to sign a Warrant, authorizing the issue of any amount of public money for a purpose confessedly unwarranted by law, he is bound, whatever his opinion may be, to comply with their demand, if only they place before him a statement, even if it appears to him to be unfounded, that an emergency has arisen justifying that expenditure. Any position less unqualified than this would leave some personal discretion to the Governor, and therefore some opening for the collision which Mr. Samuel holds to be unconstitutional.

Her Majesty's Government cannot adopt this conclusion. They admit that the Legislature of New South Wales might, if they had chosen, have deprived the Governor of all right to interfere with the public finance. It might have left the Treasurer without control in his issue of public money, or subjected him, in this respect, to the check of the Auditor, or some other permanent or political officer. Instead of doing this they have made the Governor responsible for the execution, and therefore for every violation of the law. That responsibility is, in the opinion of Her Majesty's Government, a personal one.

The distinction drawn by Mr. Samuel in the passage I have first quoted from his memorandum, between the action of the Governor alone and that of the Governor in Council, is correct and material, but it is misapplied.

He rightly assumes that duties imposed by law on the Governor alone are to be exercised by him with an amount of personal discretion far greater than belongs to him when acting in Council. But it will be seen, by reference to the above cited clause from the Constitution Act, that to reverse Mr. Samuel's language "the action in cases like that referred to is that of the Governor alone and not the joint action of the Governor and his Responsible Advisers." It is true that the personal responsibility of the Governor in no way absolves him from attaching great weight to the opinions of his Ministers in respect to fact, law, or expediency. He must almost necessarily accept their statements on matters on which he is himself imperfectly informed. But with these qualifications he remains in the last resort the judge of his own duty, and is not at liberty, on the advice of his Ministers, to sign the Warrant required by the 55th clause of the Constitution Act, if he is clearly convinced that to do so would be to commit an act contrary not only to the letter but to the spirit of the law.

I am unable therefore to recall the instructions already communicated to you. You are to consider the Legislature as the most authoritative exponent of the will of the Colony. When the Legislature has enacted a law, you are not to transgress that law, unless on a reasonable conviction that the Legislature would itself approve your doing so. But you are justified in assuming such an approval under the pressure of one of those overwhelming emergencies—dangerous to anticipate or define—which dispense with all rule, or in cases of less moment when there are specific reasons for presuming that the Legislature will sanction a certain specific expenditure and will desire its sanction to be anticipated.

I trust there is little chance, as apprehended by Mr. Samuel, that adherence to these instructions will bring you into collision with your Ministers. I should deeply regret it; but in so painful a contingency it would be better to be in collision with your Advisers than with the law.

A difference, however, with your Ministers would render it necessary to ascertain the wishes of the Colony. I am myself disposed to think that the obstacle, which is imposed on unauthorized expenditure, by requiring for it the personal sanction of the Governor, in addition of course to the judgment of the Ministry, is a useful obstacle, and it is not improbable that the Colony would pronounce in favour of retaining it; but Her Majesty's Government have no desire to dictate one or the other conclusion. Whatever is the decision of the Colony you will be bound to defer to it.

If the question arises how that decision should be expressed, the first and most satisfactory answer is that it should be embodied in an enactment "repealing or modifying the 55th section of the Constitution Act."

If, however, the passing of such an Act is likely to raise any collateral issues, or otherwise to be attended with difficulty or delay, I think that in the present case, which is rather constitutional than legal, the desire of the community would be sufficiently expressed by an Address from both Branches of the Legislature.

If therefore the Council and Assembly should request you to be hereafter guided by the advice of your Ministers, in the execution of the duties imposed on you by the 55th section of the Constitution Act, Her Majesty authorizes you to accede to that request, and will then hold you relieved from the personal responsibility which now attaches to you.

It only now remains to notice some points of detail:—

1. It does not appear to me established (as stated by Mr. Samuel) that a delay on the part of the Executive in making the payments authorized by you would be "dangerous to the public interest"; the inconvenience arising to public officers from the non-payment of their salaries, however much it may be regretted, is not a public danger.
2. The magnitude and rapid increase of the supplemental expenditure, which in 1868 exceeded £200,000, and of which the greater part is stated by Mr. Samuel to have been unlawful, seems to me not to justify your acquiescence in it, but on the contrary, to require that the Governor, and all other officers who share his responsibility, should unite to put a stop to it. The Parliament of this country would certainly not endure that anything like this proportion of the public revenue should be expended without its authority.
3. The fact that the custom of Parliament in this country precludes the House of Peers from altering a Money Bill, does not warrant the conclusion that the Council in New South Wales should be deprived of the power of rejecting one—a power which undoubtedly belongs to the House of Peers in this country, but which would be taken away in New South Wales if the Ministry had the power of spending money indefinitely on a vote of the Assembly.
4. Whatever may be the effect in England of the 14th section of the Act 29 and 30 Victoria, cap. 39, it is certain that that enactment is not in force in New South Wales.

In conclusion, and with reference to the main subject of this Despatch, Her Majesty desires it to be clearly understood that her subjects in New South Wales are at liberty, in matters affecting exclusively their own interests, to judge for themselves what trust may properly be reposed in her representative. But they must remember, that whatever trust they impose on him, it is his duty to execute it punctually, and theirs to support him in doing so.

I have, &c.,
GRANVILLE.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EXPENDITURE OF PUBLIC MONEYS.

(MINUTE OF HIS EXCELLENCY THE GOVERNOR UPON.)

Ordered by the Legislative Assembly to be Printed, 8 April, 1870.

MINUTE FOR THE CONSIDERATION OF MY RESPONSIBLE ADVISERS.

By the last mail a Despatch has arrived from Earl Granville, numbered 1, and dated 7th January, 1870. It has reference to perhaps the most important question, in a constitutional point of view, which it has been my duty to deal with since I have administered this Government, viz.,—the issue of public moneys in anticipation of the sanction of the Legislature. I have therefore caused it to be laid before Parliament without delay, together with my Despatch, No. 158, of the 8th October, 1869, to the enclosure of which—a Minute by the Honorable the Colonial Treasurer—it is a reply. I now wish to draw the particular attention of Ministers to certain points which arise out of it; and the present moment seems, independently of other urgent considerations, a particularly favourable one for doing so, from the fact that a Bill to regulate the audit of accounts and issue of public moneys is now before the Legislative Assembly.

Earl Granville to the Earl of Belmore, No. 1, 7th January, 1870.

A Bill to regulate the receipt custody and issue of the public moneys and to provide for the audit of the Public Accounts. Mr. Cooper:—16 March, 1870.

I will begin by saying that this question was one of the first which engaged my attention after my arrival in the Colony; I am inclined to think that it was called to it before I was even sworn in,—the Estimates for 1868 not having then been passed. It has since formed the subject of a voluminous correspondence at first unofficial, and afterwards partly unofficial, partly confidential, and partly official, with the Secretary of State for the time-being, as well as of communications with different Ministers; in short, it has been a subject of frequently recurring difficulty, and perhaps I may say of anxiety, to me.

With regard to the introductory paragraphs of Lord Granville's recent Despatch, I need only remark with reference to the act on the part of the Executive Council and myself, which gave rise to His Lordship's Despatch, No. 52, of the 16th June, that at the time I sanctioned the expenditure therein referred to, I had no doubt in my mind that the general conditions, now laid down by Lord Granville, as justifying a breach of the law, (and which are substantially the same, one point only excepted, as those contained in the Duke of Buckingham's separate Despatch of the 30th September, upon which I based my justification in my Despatch No. 54 of 25th March, 1869,) were fulfilled. I never attempted in my Despatch of the 25th March to claim absolute necessity as a justification; I urged only strong grounds of expediency joined to a presumption that the Legislature would be sure to subsequently sanction the course pursued. The question of the Legislative Council's objecting to the anticipation of its sanction under the peculiar accidental circumstances of the case (the point of difference alluded to above) never occurred to me, nor was it raised in the Duke of Buckingham's Despatch. The event unfortunately proved that the views taken by that House of those circumstances were not in accordance with those held by me. Had I anticipated that such would be the case it is hardly necessary to say that I should probably not have sanctioned the payments, which were then about to become due being made, until properly provided for.

30th Sept., 1869.

The next division of Lord Granville's recent Despatch shows what is, in the opinion of Her Majesty's Government, the legal position of the Governor of New South Wales, with regard to the public finances, and what are his responsibilities. After referring to the 53rd and 55th sections of the Constitution Act, Lord Granville says, "On the Governor therefore is imposed the duty of seeing that no breach of the law is committed."

In other words, the Constitution Act imposes upon the Governor, who himself constitutes a branch of the Legislature, and who is an officer holding strictly during Her Majesty's pleasure, a duty which in England is performed by the Comptroller and Auditor General, who is independent of the Ministry of the day, and an officer who holds during good behaviour.

The performance of this duty, it appears to me, is one imposed on the Governor of New South Wales by statute. It is not incidental to his position as Her Majesty's representative, and it is one which, if I am rightly informed—and I think my authority is good—places him in a situation from which the Governors of the neighbouring Colonies of Victoria and Queensland are by their laws relieved.

Let us now consider what means the Legislature has provided to enable the Governor effectually to perform the duty of Comptroller of the Exchequer which it has cast upon him, when the Treasury Warrants are placed before him for signature. I can only answer—none; at least as far as payments subject to annual appropriation are concerned.

Once a month the Treasury Warrants (termed "Preliminary Warrants") are submitted to the Governor. There is a certificate attached to them, signed by two officers of the department, to the effect that the Treasurer will require an amount *not exceeding* a sum named to meet certain demands of the Public Service for the current month. *After the money has been spent* "final warrants" for the exact expenditure are submitted to and signed by the Governor. There is no certificate on the face of the documents relating to payments out of the Consolidated Revenue not specially provided for by Act of Parliament, that the money required is legally available.

Now it is perfectly clear that the Governor cannot constitute himself into an Auditor before payment. That is a duty which can only be properly performed by the Department of the Auditor General. If the Governor is effectually to perform the duty, which it now appears was cast upon him by the Constitution Act, but which I can hardly think was recognized, to its full extent of personal responsibility, as so cast upon them by either of my immediate predecessors or their Ministers, I assert in the strongest terms that an audit before payment, together with a certificate from the Auditor General that the money required is legally available, or if not all so available, then shewing what the items in excess are, and that they have been sanctioned by the Governor in Council, are absolutely indispensable.

I lay the greater stress upon the necessity of showing the items in excess, because I have lately been more particular in calling for explanations than formerly, and I have found in a few instances (though I am bound to say that I do not think the practice is now carried on here to the lengths it has been elsewhere), that the sanction asked was not for *the issue* of the money, but an *ex post facto* sanction for past expenditure on the public account, to enable the department in which it had occurred to close its accounts with the Audit Office. I have declined of late to be a party to it, and have left the items to be dealt with in Supplementary Estimates. These irregular payments must however, I presume, have been made at some former time under sanction of the Governor's warrant.

It will be observed that I do not for a moment propose that the Auditor General should be Comptroller.

I now come to that part of the Despatch which lays down the duty of the Governor in the event of a collision between the Governor and his Ministers; an event which I, equally with Lord Granville, trust may never occur; but to the possibility of which, unless a very material change is made in the system heretofore regulating excess expenditure, it is useless to shut my eyes.

We may start with the proposition that Lord Granville's instructions must be obeyed at all risks. Lord Granville only admits of three classes of exceptions to the literal observance of the law. The first of these are cases of overwhelming emergency; they seldom occur, and when they do, present little difficulty. Perhaps the anticipations connected with railway expenditure, upon which depend questions, not only of public convenience and of revenue, but also indirectly of safety to life and limb, are the only ones which have strictly come under this head, since I have been Governor.

I say this because Lord Granville distinctly lays it down that the non-payment of salaries which stands on just the same footing as the non-payment of any other ordinary class of public debts, is not a public inconvenience; still less then can such non-payments constitute causes of overwhelming emergency. It ought therefore to be clearly understood that the Governor cannot now sanction on these grounds the payment of any account before Parliamentary sanction is obtained to it, the non-payment of which would merely cause personal inconvenience to the creditor. And it ought to be further generally understood that, in my opinion, a contract made with the Government in anticipation of Parliamentary sanction, is strictly a conditional contract, whether it be for work to be done, or goods to be supplied, or service to be rendered.

The second class of exceptions, consisting of cases where the subsequent sanction of Parliament to expenditure is reasonably certain, when joined to strong grounds of expediency, if it stood by itself, as it did in the Duke of Buckingham's Despatch, would not present much difficulty either.

But coupled with the third class, consisting of cases where a reasonable presumption of the subsequent sanction of Parliament, not only to the expenditure itself, but also to the anticipation of its assent to that expenditure is necessary, it presents to my mind a great deal of difficulty. The element of chance enters largely into the matter. A change of Ministry—a dissolution of Parliament followed by a General Election—or many other obvious contingencies, occurring between the date of the expenditure and the consideration of the Supplementary Estimates, might make all the difference in the world.

With regard to the present system regulating excess expenditure (or what was until recently the system) it seems to me to have been a very common practice (and I say it subject to the correction of Ministers), whenever a vote was exhausted for the fixed establishments, and sometimes when some immediate increase of staff or otherwise in an establishment has been considered desirable, for the permanent officer in charge to send a requisition to the Minister whose immediate subordinate he might be, for an anticipation of Parliamentary sanction to certain expenditure, in excess of appropriation, and for the Minister to recommend accordingly, if he or the Cabinet, as the case might be, approved of it; the amount being placed on Supplementary Estimates for the subsequent sanction of Parliament, and being generally sanctioned in Council very much as a matter of course, or after some explanation, and an assurance by the Minister to the Governor that the money was required. This system of anticipation has been carried even further than I have here indicated.

I have seen this question argued as if it merely related to the payment of salaries. Were that so it could be very easily settled. The public servants need only simply be told that they must wait till the Appropriation Act was passed—and under the system which has been now established of granting temporary supply, when the consideration of the Estimates has been delayed, they need never wait long. But a glance at the Supplementary Estimates will show that this question affects every branch of the Public Service.

I may here say, that I think that a suspension of the public works such as has now become necessary to a certain extent, pending the passing of the Estimates for 1870, is not altogether merely an inconvenience; it may involve ultimate additional expense, because works left in an unfinished state are extremely likely to deteriorate.

I think that I have now shown that the receipt of these instructions renders one of two things necessary; either that the Governor should be relieved of personal responsibility by one of the methods indicated by Lord Granville, or that a very decided change of part of the present system, with regard to issues of Public Money, must be adopted. Otherwise there is too much reason to fear that the public interest will suffer.

The first alternative, the one which would be undoubtedly the most agreeable to myself, is entirely one for the wisdom of Parliament to decide whether it will accept it or not. If it does accept it I think it might with advantage adopt a plan, which perhaps after all would prove the most efficacious check upon undue expenditure, viz., to provide by law that copies of all minutes of the Governor in Council, sanctioning excess expenditure, should be laid before it with as little delay as possible; and further, that the Auditor General should in like manner make a return of all such expenditure as might come under his official notice.

There is substantially a precedent for this principle in the provisions of the (Imperial) Railway Securities Act, 1866, (an Act with which I was personally concerned, and) which was passed to cure a very great evil in connection with railway finance—the borrowing by Railway Boards in excess of their Parliamentary powers, without due publicity.

But assuming the other alternative, then I would suggest that the following changes, or some of them, are almost essential:—

- 1st. Certificates by the Auditor General as before indicated, to be provided for by law.
- 2nd. Power similar to that granted by the English Appropriation Acts with respect to Army and Navy services, to transfer temporarily with the consent of the Treasury unexpended balances under one head of service, to supplement deficient votes in the same Department, to be here given to the Public Service generally; the same to be exercised with the consent of the Governor in Council, on the responsibility of Ministers, to be afterwards accounted for in the same manner as unsanctioned expenditure.
- 3rd. The adoption of a plan similar to that shown in the following extract from the Estimates of Expenditure of the Colony of Victoria for the year 1870, instead of granting the present small amount of £3,000 for unforeseen expenses.

“ Unforeseen Expenditure.

- “ 1. To meet Unforeseen and Accidental Expenditure for the service generally, and to meet claims against the votes of previous years, for which the books have been closed—£10,000.”

“ Advance to Treasurer.

- “ 2. To enable the Treasurer to make advances to public officers and others, and on account of other Governments. The whole amount to be adjusted not later than 31st December, 1871, or earlier, at the instance of the Legislative Assembly—£60,000.”
- 4th. A civil contingency fund to be created of the same nature as that provided for by law in England, and referred to in the Duke of Buckingham's Despatch of September the 30th.

With regard to the points of detail, noticed at the end of Lord Granville's Despatch, as they are in answer to Mr. Samuel's arguments and not directly to mine, I need not dwell upon them.

With regard to the second one I need only say that when I first came here the subject was quite new to me. The only authority I could at first rely on was an instruction, which it appears from a Victorian Blue Book, Mr. Cardwell gave to Sir Charles Darling, with respect to this or a kindred subject, in all things to conform himself to the law; an instruction which seemed to me to be at variance with the almost invariable practice in New South Wales, as far as I could ascertain it, with regard to these excess issues. I have since taken every pains to ascertain what was my duty in this respect, and latterly I have narrowly questioned every minute of the kind under consideration, about which I may have entertained doubts, and in several instances Ministers have withdrawn them.

The third point I fully concede; and with regard to the fourth, I think that as the Act 29 and 30 Victoria, c. 39, sec. 4, has no application here, any arguments drawn from it at variance with the law of New South Wales are irrelevant.

In conclusion I wish to assure my responsible advisers that whilst I have thought it my duty plainly to express to them my views upon a matter to which I have probably had occasion lately to give as much attention as any person here, and which is one which I consider of first-rate importance, I have tried to avoid saying anything which might be construed into adverse comment upon the action of my Ministers past or present, some of whom I know hold strong views upon the question, and who have always avoided any collision with me in regard to it; as I have endeavoured to treat the Despatch itself (in the principles of which I fully concur) as one emanating from my official superior, whose instructions it is my duty to obey and not to criticise.

It may be noted that when the Constitution Act passed, the financial system of the Colony differed materially (as I have reason to believe) from what it is at present. The Auditor General then and for sometime afterwards possessed a limited power of control over issues which does not now exist, and the Governor had at any rate the guarantee of his certificate for the legality of such proposed expenditure as might be covered by Parliamentary appropriation. If a subsequent change of practice has had the effect of imposing a more onerous duty upon the Governor than was contemplated possibly by the framers of the Constitution Act, it seems to me to be the duty of the people of this Colony not only (to use Lord Granville's own words) “to support him in doing so,” but further to provide him with the most effectual means of executing his duty “punctually.”

28 March, 1870.

BELMORE.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

UNAUTHORIZED EXPENDITURE FROM THE TREASURY.

(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1870.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 19 January, 1869, communicating to His Excellency the Governor the following Resolutions adopted by this House :—

“ (1.) That this House is of opinion that the Government should take
“ steps to cause the late Colonial Treasurer to refund the unauthorized
“ sums of money paid out of the Treasury, for cab-hire in conveying
“ Members of Parliament to vote in favour of the late Government on
“ questions before this House.

“ (2.) Also, to refund the unauthorized sums of money paid out of the
“ Treasury by him for the Lunch given by the late Government at the
“ opening of the Railway Station at Marulan.

“ (3.) Also, to refund the unauthorized sums of money paid by him out of
“ the Treasury as Gratuities to certain Government Officers.

“ (4.) That the foregoing Resolutions be communicated by Address to
“ His Excellency the Governor.”

(Mr. Morrice.)

UNAUTHORIZED EXPENDITURE FROM THE TREASURY.

IN *re* UNAUTHORIZED EXPENDITURE.

Copy Opinion of Sir W. M. Manning, Knt., A. G.

THIS matter having been referred to Mr. Darley as a Pleader, with instructions to draw such pleadings as should be necessary for giving effect to the Resolution of the Legislative Assembly, that gentleman has returned his instructions with the within opinion.

I have given that opinion full consideration, and entirely concur in it. I agree with Mr. Darley that the only legal remedy open in such a case is that of criminal prosecution, and I think it too clear for discussion that the material elements upon which a criminal charge would depend are wholly absent in this case.

With the political remedy depending upon responsibility to Parliament I have nothing to do in the capacity of Attorney General.

July 26, 1869.

W.M.M., A.G.

I concur in the above.—J.F.J., S.G.

IN *re* UNAUTHORIZED EXPENDITURE.

Copy Opinion of Mr. Darley.

THIS appears to me to be a case of very great public importance, I need scarcely say that I have therefore given it very close attention, all the more so for the reason that at first I was under the impression that a civil remedy did exist to recover public moneys from a public servant who had misapplied them. I soon, however, came to the conclusion that the only remedy against a high Officer of State, such as Mr. Eagar was, is by a criminal information for a misdemeanor.

The law on this subject will be found in the case of *Rex v. Bembridge*, 22, State Trials, page 155. Lord Mansfield, in delivering judgment on a motion in arrest of judgment, says:—"Now there are two principles which seem to be clearly applicable to this prosecution. The first I will venture to lay down is, that if a man accepts an office of trust and confidence concerning the public, especially when it is attended with profit, he is answerable to the King for the execution of that office, and he can only answer to the King in a criminal prosecution, for the King cannot otherwise punish his misbehaviour in acting contrary to the duty of his office, and that this holds equally by whomsoever or howsoever he is appointed to the office. There is another principle too which I think applicable to this prosecution, and that is this:—Where there is a breach of trust, a fraud, or an imposition, in a subject, concerning the public, which as between subject and subject would only be actionable by a civil action, yet as that concerns the King and the public (I use them as synonymous terms), it is indictable."

If the above be law, as I have no doubt it is, it follows that Mr. Eagar, being a public officer charged with misappropriation of public moneys, cannot be made responsible for such misappropriation in any other than in a Criminal Court. Then arises the question, do the facts here disclose a case of misdemeanor for which Mr. Eagar can be held criminally responsible? I am of opinion that they do not. I asked for information when these papers first came before me, upon several points, amongst others, as to what were the duties of the Colonial Treasurer in the disbursement of public moneys. In answer, I was referred to the 18 and 19 Victoria, cap. 54, as pointing out those duties. I have carefully read the Act, and find nothing directly bearing upon the point. Although the 53rd, 54th, and 55th sections may be referred to as indirectly bearing thereon, these sections contain the only provisions in the Act which refer to the disbursement of public moneys. The 53rd section provides that the Consolidated Revenue Fund shall be subject to be appropriated to such specific purposes as by any Act shall be prescribed; the 54th section provides that it shall not be lawful to pass any Act for the appropriation of the Consolidated Revenue Fund to any purpose which shall not have been recommended by a Message of the Governor; and the 55th section provides that no part of the Revenue shall be issued except in pursuance of Warrants signed by the Governor, directed to the public Treasurer.

I find that in the Appropriation Acts a sum of money is annually voted, in favour of the Department of the Treasurer, "to meet unforeseen expenses." I find that in the Act of 1868, 31st Victoria, No. 29, a vote was taken for that purpose to the extent of £3,000; and it appears from the papers before me, that the payments in respect of the luncheon, as well as several of the payments in respect of gratuities, are charged as against the votes applicable to the department whose officers are the recipients of such gratuities.

It also appears that a Warrant signed by the Governor has issued authorizing such expenditure, and that Mr. Eagar received the vouchers required by the 11th section of the 31st Victoria, No. 29.

It therefore appears to me that, if the 18th and 19th Victoria, cap. 54, is the only Act regulating the disbursement of public moneys in the hands of the Treasurer, everything requisite has been done; and although the conduct pursued by Mr. Eagar in making these gratuities may have been highly injudicious, yet I am clearly of opinion he is only answerable for it as of Responsible Minister to the Parliament, but that he has not misapplied or misappropriated public moneys so as to be made criminally responsible therefor; and with respect to the luncheon, it appears to me to have been a public matter brought before, and the expenditure approved of by, the Cabinet. If it was wrong to make this a public matter, and to charge

charge the expenses against the vote for unforeseen expenses, then the Ministers were responsible to the House for so doing; but I fail to see in the transaction, or in the matter of the gratuities, those demands which are essential to constitute as between subject and subject a breach of trust, or as between the public and a public officer a misdemeanor.

I am therefore of opinion that Mr. Eagar, in respect of the matters before me, cannot be proceeded against in any proceeding known to our laws.

FREDERICK M. DARLEY.

G. EAGAR, Esq., to THE UNDER SECRETARY FOR FINANCE AND TRADE.

No. 1, Lloyd's Chambers,
Sydney, 18 January, 1869.

SIR,

I beg to enclose my cheque on the Oriental Bank for £21 1s. 6d., in reference to certain moneys paid for cab-hire, in the months of January, February, March, and April, 1868, as per enclosed memo., which please return to me receipted.

I have, &c.,

G. EAGAR.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

SESSION 1870.

EXPLANATORY ABSTRACTS

Nos. I and II,

OF THE

AMOUNTS RESPECTIVELY ESTIMATED, VOTED,

AND

EMBODIED IN THE APPROPRIATION ACT,

33^d VICTORIÆ, No. XVII,

FOR THE SERVICE OF THE YEAR 1870, AND FOR 1869 AND PREVIOUS YEARS;

WITH

NOTES EXPLANATORY.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. I.

EXPLANATORY ABSTRACT of the Expenditure of the Colonial Government, for the undermentioned Services, for the Year 1870, as respectively Estimated, Voted, and Embodied in the Appropriation Act, 33^d Victoria, No. 17.

Table with columns: ORIGINAL ESTIMATE, No. of Head, HEAD OF SERVICE, AMOUNTS ESTIMATED, AMOUNTS VOTED, and Notes/Explanations. Rows include categories like Supplement to Schedule 30, Colonial Secretary, and Administration of Justice.

NOTES EXPLANATORY of the Alterations made in the Original Estimates for 1870, in their progress through Committee of Supply.

	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	Total.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
I.—Schedules.					
SUPPLEMENT TO SCHEDULE B.					
Amount of Estimate				1,862 6 8	1,862 6 8
REDUCED. By <i>Withdrawal</i> .—From item £78 for George Smyth, late Courtkeeper, Supreme Court, £62 5s. 6d.				62 5 6	62 5 6
Expenditure Authorized				1,800 1 2	1,800 1 2
II.—Executive and Legislative.					
EXECUTIVE COUNCIL.					
Amount of Estimate	818 0 0	10 0 0	828 0 0		
REDUCED. By <i>Withdrawal</i> .—From item £600, salary of Clerk of the Executive Council, £100	100 0 0		100 0 0		
Expenditure Authorized	718 0 0	10 0 0	728 0 0		
LEGISLATIVE COUNCIL.					
Amount of Estimate	5,935 0 0	225 0 0	6,160 0 0		
REDUCED. By <i>Withdrawal</i> .—From item £800, salary of Clerk of the Parliaments, £100; item £600, salary of Clerk Assistant, £100; item £550, salary of Short-hand Writer, £50; item £350, salary of Second Clerk, £50	300 0 0		300 0 0		
Expenditure Authorized	5,635 0 0	225 0 0	5,860 0 0		
III.—Colonial Secretary.					
AUDITOR GENERAL.					
Amount of Estimate	4,387 0 0	160 0 0	4,547 0 0		
REDUCED. By <i>Negative</i> .—From item £600, salary of Chief Clerk and Inspector of Accounts, £50; item £400, salary of Examiner of Expenditure of Accounts, £30	80 0 0		80 0 0		
Expenditure Authorized	4,307 0 0	160 0 0	4,467 0 0		
REGISTRAR GENERAL.					
Amount of Estimate	8,060 0 0	5,950 0 0	14,010 0 0		
REDUCED. By <i>Negative</i> .—From the Estimate £1,445, Statistical Branch, £120; Estimate £4,520, Land Titles Branch, £70	190 0 0		190 0 0		
Expenditure Authorized	7,870 0 0	5,950 0 0	13,820 0 0		
FREE PUBLIC LIBRARY.					
Amount of Estimate	1,356 0 0	3,300 0 0	4,656 0 0		
REDUCED. By <i>Negative</i> .—From item £500, salaries of 2 Assistant Librarians (at £250), £200; item £416, salaries of 4 Attendants (at £104) £208 ..	408 0 0		408 0 0		
Expenditure Authorized	948 0 0	3,300 0 0	4,248 0 0		

NOTES EXPLANATORY, &c.—continued.

	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	Total.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
III.—Colonial Secretary—continued.					
MISCELLANEOUS SERVICES.					
Amount of Estimate				14,210 0 0	14,210 0 0
REDUCED.					
By <i>Negative</i> .—Item £200, stipend to the Rev. D. M'Guinn, Roman Catholic Clergyman.....				200 0 0	200 0 0
				14,010 0 0	14,010 0 0
INCREASED.					
By <i>Message</i> No. 19.—Expenses attendant upon the late Visit of H.R.H. the Duke of Edinburgh—amount reduced in Supplementary Estimate for 1869, in error, £48 11s. 9d.; and towards the relief of cases of actual destitution, and also for the repair of damages to Roads and Bridges, caused by the recent Floods, £5,000				5,048 11 9	5,048 11 9
INCREASED.					
By <i>Message</i> No. 21.—To meet the necessary expenses of carrying out the arrangements for the Intercolonial Exhibition to be held in Sydney in August next, and also of receiving and forwarding exhibits to the London Exhibition of 1871, £4,000; and towards defraying the preliminary expenses of a Census of the population of the Colony, to be taken early in 1871, £2,000				6,000 0 0	6,000 0 0
INCREASED.					
By <i>Message</i> No. 25.—In aid of the Superannuation Fund, £10,000.....				10,000 0 0	10,000 0 0
Expenditure Authorized				35,058 11 9	35,058 11 9
IV.—Administration of Justice.					
Amount of Estimate	28,956 0 0	25,015 0 0	53,971 0 0		53,971 0 0
INCREASED.					
By <i>Message</i> No. 21.—Towards defraying the expenses of a Law Reform Commission, with a view to amending and consolidating the Statute Law of New South Wales, £2,000				2,000 0 0	2,000 0 0
Expenditure authorized	28,956 0 0	25,015 0 0	53,971 0 0	2,000 0 0	55,971 0 0
V.—Treasurer and Secretary for Finance and Trade.					
STAMP DUTIES.					
Amount of Estimate	1,665 0 0	25 0 0	1,690 0 0		
REDUCED.					
By <i>Negative</i> .—From item £500, salary of Commissioner, £100.....	100 0 0		100 0 0		
Expenditure Authorized	1,565 0 0	25 0 0	1,590 0 0		
CUSTOMS.					
Amount of Estimate	21,475 0 0	4,950 0 0	26,425 0 0		
REDUCED.					
By <i>Withdrawal</i> .—From item £250, salary of Sub-collector, Richmond River, £50	50 0 0		50 0 0		
Expenditure Authorized	21,425 0 0	4,950 0 0	26,375 0 0		

NOTES EXPLANATORY, &c.—continued.

	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	Total.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
VI.—Secretary for Lands.					
BOTANIC GARDENS.					
Amount of Estimate	808 0 0	3,918 0 0	4,726 0 0	.....	.....
REDUCED. By <i>Withdrawal</i> .—Item £1,200, Incorporation of Governor's Kitchen Garden with Botanic Garden.....	.....	1,200 0 0	1,200 0 0	.....	.....
Expenditure Authorized	808 0 0	2,718 0 0	3,526 0 0	.....	.....
MISCELLANEOUS SERVICES.					
Amount of Estimate .....	.....	.....	.....	9,113 0 0	9,113 0 0
INCREASED. By <i>Message No. 19</i> .—Towards defraying the expenses of a Commission to inquire into the working of the existing Gold Fields Act and Regulations; and also of examining and reporting upon the best means of procuring a permanent supply of Water upon the Gold Fields of the Colony, £2,000.....	.....	.....	.....	2,000 0 0	2,000 0 0
Expenditure Authorized .....	.....	.....	.....	11,113 0 0	11,113 0 0
VII.—Secretary for Public Works.					
RAILWAYS.					
GENERAL ESTABLISHMENT.					
Amount of Estimate	2,300 0 0	200 0 0	2,500 0 0	.....	.....
REDUCED. By <i>Negative</i> .—From the amount for Salaries, £200	200 0 0	.....	200 0 0	.....	.....
Expenditure Authorized	2,100 0 0	200 0 0	2,300 0 0	.....	.....
WORKS IN PROGRESS.					
Amount of Estimate	6,300 0 0	2,474 0 0	8,774 0 0	.....	.....
REDUCED. By <i>Negative</i> .—From item £600, Salary of Chief Draftsman, £100; and from the Estimate £8,674 as reduced, £125	225 0 0	.....	225 0 0	.....	.....
Expenditure Authorized	6,075 0 0	2,474 0 0	8,549 0 0	.....	.....
HARBOURS AND RIVER NAVIGATION.					
ESTABLISHMENTS.					
Amount of Estimate	12,022 0 0	10,170 0 0	22,192 0 0	.....	.....
REDUCED. By <i>Withdrawal</i> .—From item £350, salary of Chief Clerk and Accountant, £50	50 0 0	.....	50 0 0	.....	.....
Expenditure Authorized	11,972 0 0	10,170 0 0	22,142 0 0	.....	.....
ROADS AND BRIDGES. (Construction and Maintenance.)					
Amount of Estimate .....	.....	.....	.....	103,952 0 0	103,952 0 0
INCREASED. By <i>Message No. 21</i> .—For the erection of a Bridge over Broughton Mill Creek, in Shoalhaven District (Resolution of Assembly), £700; and for the erection of a Bridge over Mullet Creek, in the Electorate of Illawarra (Resolution of Assembly), £500 .....	.....	.....	.....	1,200 0 0	1,200 0 0
Expenditure Authorized .....	.....	.....	.....	105,152 0 0	105,152 0 0

NOTES EXPLANATORY, &c.—continued.

	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	Total.		
VII.—Secretary for Public Works—continued.					
FITZ ROY DOCK.					
Amount of Estimate	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,804 0 0	490 0 0	2,294 0 0	.....	.....
REDUCED. By <i>Withdrawal</i> .—Item £700, salary of Superintendent and Engineer-in-Chief	700 0 0	.....	700 0 0	.....	.....
Expenditure Authorized	1,104 0 0	490 0 0	1,594 0 0	.....	.....
VIII.—Postmaster General.					
POST OFFICE.					
Amount of Estimate	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
31,767 0 0	2,655 0 0	34,422 0 0	76,020 0 0	110,442 0 0	
REDUCED. By <i>Negative</i> .—From item £450, salary of Superintendent, Mail Branch, £50	50 0 0	.....	50 0 0	.....	50 0 0
Expenditure Authorized	31,717 0 0	2,655 0 0	34,372 0 0	76,020 0 0	110,392 0 0

Legislative Assembly Offices,
Sydney, 7 May, 1870.

JOHN CONNERY,
Clerk Assistant.

No. II.

EXPLANATORY ABSTRACT of the Amounts respectively Estimated, Voted, and Embodied in the Appropriation Act, 33^d Victoria, No. 17, for the Supplementary Service of the Year 1869 and previous Years.

Amount of Estimates	£ s. d.	138,966 17 10
Amount Voted and Embodied in the Appropriation Act	£ s. d.	126,405 3 3
Excess of Estimated over Authorized Expenditure	£ s. d.	12,561 14 7
<i>NOTES Explanatory of Alterations made in the Supplementary Estimates, in their progress through Committee of Supply:—</i>		
Gross Amount of "Supplementary Estimates for 1869 and previous Years," submitted with Message No. 10, of 10th February, 1870	£ s. d.	138,966 17 10
REDUCED.		
By <i>Withdrawal</i> .—"RAILWAYS—EXISTING LINES, WORKING EXPENSES."—From item £3,500, Traffic Expenses, Maintenance of Way and Works, Wages to Workmen, Stores and Incidental Expenses, further sum	£ s. d.	506 3 5
By <i>Withdrawal</i> .—"EXECUTIVE COUNCIL."—Item £100, Increase of Salary to the Clerk of the Council	£ s. d.	100 0 0
By <i>Withdrawal</i> .—"MISCELLANEOUS."—From item £1,050, Expenses attendant upon the late Visit of H.R.H. the Duke of Edinburgh (Resolution of Assembly), £300	£ s. d.	300 0 0
By <i>Negative</i> .—"MISCELLANEOUS."—Item £200, Stipend to the Rev. D. M'Guinn, Roman Catholic Clergyman, from 1st January (Report of Select Committee)	£ s. d.	200 0 0
By <i>Withdrawal</i> .—"MISCELLANEOUS."—Item £5,000, in aid of the Civil Service Superannuation Fund	£ s. d.	5,000 0 0
By <i>Negative</i> .—"MISCELLANEOUS."—Item £306 12s., Refund of Fine inflicted on Messrs. Davis, Alexander, & Co., for a breach of the Gunpowder Storage Regulation Act, 7 Wm. IV, No. 7	£ s. d.	306 12 0
By <i>Negative</i> .—"CUSTOMS."—Item £257 5s. 2d., Salary of W. A. Duncan, Collector of Customs, from 21st Sept., 1868, to 3rd January, 1869, the date of his restoration to office	£ s. d.	257 5 2
By <i>Withdrawal</i> .—"HARBOURS AND RIVER NAVIGATION."—Item £500, Approaches, West Maitland Bridge, further sum	£ s. d.	500 0 0
By <i>Withdrawal</i> .—"Ditto ditto."—From item £350, Preliminary Harbour Surveys, further sum, £39 14s.	£ s. d.	39 14 0
By <i>Withdrawal</i> .—"PUBLIC WORKS AND BUILDINGS."—From item £3,000, Ordinary Repairs, Alterations, and Additions to Public Buildings generally, further sum, £1,222	£ s. d.	1,222 0 0
By <i>Withdrawal</i> .—"Ditto, ditto."—From item £400, Repairs to Military Barracks and Buildings, further sum, £230	£ s. d.	230 0 0
By <i>Withdrawal</i> .—"ROADS AND BRIDGES."—Item £1,000, Bridge over Morce Creek	£ s. d.	1,000 0 0
By <i>Withdrawal</i> .—"Ditto."—Item £1,000, Bridge over Ban Ban Creek	£ s. d.	1,000 0 0
By <i>Withdrawal</i> .—"Ditto."—Item £700, do. Quirindi Creek	£ s. d.	700 0 0
By <i>Withdrawal</i> .—"Ditto."—Item £700, do. Broughton Mill Creek	£ s. d.	700 0 0
By <i>Withdrawal</i> .—"Ditto."—Item £500, do. Mullet Creek	£ s. d.	500 0 0
	£ s. d.	12,561 14 7
	£ s. d.	126,405 3 3

Legislative Assembly Offices,
Sydney, 7 May, 1870.

JOHN CONNERY,
Clerk Assistant.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE.

(APPOINTMENTS TO, FROM 1 NOVEMBER, 1868, TO 8 OCTOBER, 1869.)

Ordered by the Legislative Assembly to be Printed, 2 February, 1870.

RETURN to an *Order*, made by the Honorable the Legislative Assembly of New South Wales, dated 8 October, 1869, That there be laid upon the Table of this House,—

“ A Return showing the names, offices, salaries, and dates of appointment
“ of all persons who have been appointed to the Civil Service from the 1st
“ day of November, 1868, up to the present time; such Return to distin-
“ guish between those persons who have been appointed for the first time
“ and those who have previously held office under Government.”

(*Mr. J. Stewart.*)

CIVIL SERVICE.

RETURN showing the names, offices, salaries, and dates of appointment of all persons who were appointed to the Civil Service during the present Administration, from 1st November, 1868, to 9th October, 1869; distinguishing between those persons who were appointed for the first time and those who may have held office previously under Government; so far as can be ascertained from the records in this office.

Name.	Office.	Salary.		Date of Appointment	Remarks.	
		Yearly.	Daily.			
M. F. Cahill	Extra Clerk, Colonial Secretary's Office.	£ 150	s. 0	d. 0	1868. 18 Dec. ...	First appointment.
Joseph H. Clarke	Superintendent of the Industrial School for Girls, Newcastle.	125	0	0	26 Nov. ...	Do.
Marion Clarke	Matron, do.	100	0	0	26 Nov. ...	Do.
Diana Huelston	Sub-Matron, Protestant Orphan School, Parramatta.	60	0	0	1 Nov. ...	Formerly Attendant, Lunatic Asylum, Tarban.
Edwin Oatley	Clerk, Treasury	100	0	0	4 Dec. ...	First appointment.
F. C. Levinge	Clerk, Government Printing Office	140	0	0	4 Dec. ...	Formerly Clerk in the Treasury.
J. F. Loxton	Field Assistant, Survey Department				6/ 19 Nov. ...	Formerly Supernumerary Draftsman in Department.
Bercsford Hudson	Supernumerary Draftsman, Survey Department.	75	0	0	20 Nov. ...	First appointment.
Goodwin R. Packer	Draftsman, 3rd class, Survey Department.	150	0	0	19 Nov. ...	Do.
Stanley L. Peyton	Do. do.	150	0	0	19 Nov. ...	Do.
André Nilson	Clerk and Librarian, Botanic Gardens.	150	0	0	1 Dec. ...	Do.
W. M'Trick	Operator, Telegraph Department	150	0	0	1 Dec. ...	Formerly Batteryman in the Department.
Harold Lodge	Electric Telegraph Station Master	52	0	0	1 Dec. ...	Also Postmaster at Moruya.
T. P. M'Levie	Clerk, Inspector General of Police's Office.	125	0	0	24 Nov. ...	Formerly Probationary Clerk in the Department.
Jasper Creagh	Acting Clerk of Petty Sessions, Cundletown and Taree.	50	0	0	1 Nov. ...	First appointment.
James O'Sullivan	Assistant Teacher, Roman Catholic Orphan School, Parramatta.	80	0	0	1 Dec. ...	Do.
R. A. Arnold	Clerk in charge of Printed Papers, Legislative Assembly.	250	0	0	1869. 1 Feb. ...	Formerly Extra Clerk in Main Roads Department.
Oliver F. Kelly	Clerk of the Legislative Assembly	800	0	0	1 Feb. ...	Formerly Clerk Assistant in the Department.
Stephen W. Jones	Clerk Assistant, Legislative Assembly	600	0	0	1 Feb. ...	Formerly Clerk of Records in Department.
F. W. Webb	Clerk of Records, Legislative Assembly.	400	0	0	1 Feb. ...	Formerly Clerk of Select Committees.
John Vivian	Clerk of Select Committees, Legislative Assembly.	350	0	0	1 Feb. ...	Formerly Clerk of Printing Branch in the Department.
L. J. Harnett	Clerk of Printing Branch, Legislative Assembly.	300	0	0	1 Feb. ...	Formerly Clerk in charge of Printed Papers in the Department.
James Gill	Extra Clerk, Legislative Assembly	146	0	0	1 Jan. ...	Formerly Temporary Clerk in the Department.
William Crane, junior	Clerk, Colonial Secretary's Office	50	0	0	1 May ...	First appointment.
R. L. Kennedy	Dispenser, Lunatic Asylum, Tarban	100	0	0	1 May ...	Do.
John George	Do. do.	100	0	0	1 July ...	Do.
Sydney J. Icton	Clerk, Registrar General's Office	100	0	0	22 Feb. ...	Do.
Albert Newcombe	Junior Draftsman, Land Titles Office	75	0	0	8 Jan. ...	Do.
Stephen Punch	Assistant Clerk, Land Titles Office	50	0	0	15 May ...	Do.
Annie E. Polack	Assistant Matron, Industrial School for Girls, Newcastle.	50	0	0	24 Feb. ...	Do.
Joseph H. Clarke	Superintendent, Reformatory School for Females, Newcastle.	65	0	0	5 Feb. ...	Also Superintendent of Industrial School for Girls, Newcastle.
Agnes King	Matron, do.	120	0	0	5 Feb. ...	Formerly Matron-superintendent of Industrial School for Girls, Newcastle.
Margaret Fairbairn	First Teacher, Protestant Orphan School, Parramatta.	70	0	0	1 June ...	First appointment.
L. H. Applewhaite	Matron in sole charge of Asylum for Infirm and Destitute, Hyde Park.	150	0	0	27 May ...	Formerly Matron of the Institution.
S. G. Wilkinson	5th Clerk, Crown Law Office	100	0	0	1 July ...	Formerly Plan Moulder, Railway Department.
Ralph Hargrave	Clerk Associate	200	0	0	1 July ...	First appointment.
George F. Wise	Acting Sheriff	200	0	0	20 March ...	Also Agent for Immigration.
W. J. Halloran	Clerk, Metropolitan and Coast District Court Office.	160	0	0	26 April ...	Formerly Clerk, Central Police Office.
F. H. Allen	Registrar of District Court, Forbes.	30	0	0	3 Feb. ...	Also Telegraph Station Master, Forbes.
W. J. Wilshire	Registrar of District Courts, Liverpool and Campbelltown.	80	0	0	1 Feb. ...	Also Clerk of Petty Sessions at same places. Formerly Secretary, Steam Navigation and Pilot Board in 1864.
F. E. Rogers	Crown Prosecutor	500	0	0	28 Jan. ...	First appointment.
John S. Dean	Extra Clerk, Colonial Treasury	100	0	0	19 July ...	Formerly Clerk, Railway Department.
W. A. Duncan	Collector of Customs	900	0	0	4 Jan. ...	Formerly Collector of Customs, September, 1868.
Oscar C. Paschen	Landing Waiter, Customs	150	0	0	7 April ...	Formerly Extra Clerk, Colonial Treasury.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
		£ s. d.		1869.	
Samuel Harper.....	Acting Landing Waiter, Customs ...	107 10 0	...	1 May ...	Formerly Extra Tide Waiter, Customs.
Nathaniel Neale	Locker, Customs, Sydney	200 0 0	...	1 Feb. ...	Formerly Acting Locker, Customs.
R. A. Cantor	Acting Locker, Customs, Sydney ...	175 0 0	...	1 March ...	Formerly Landing Waiter, Customs, Albury.
G. L. Hill.....	Tide Waiter, Customs.....	175 0 0	...	13 April...	Formerly Extra Tide Waiter.
Ewen M'Pherson.....	Customs' Landing Waiter, Morpeth	300 0 0	...	19 Jan. ...	Formerly Customs' Tide Surveyor, Newcastle.
Pierce Nihill.....	Tide Surveyor, Customs, Newcastle.	250 0 0	...	19 Jan. ...	Formerly Clerk, Customs, Newcastle.
W. H. White	Clerk, Customs, Newcastle	150 0 0	...	19 Jan. ...	First appointment.
Robert Houslar	Acting Customs' Officer, Wollongong	25 0 0	...	1 Feb. ...	Also Pilot, Wollongong.
S. M'Cracken	Compositor, Government Printing Office.	150 0 0	...	1 June ...	Formerly an Improver in the Office.
C. M. Kellick	Do. do.	150 0 0	...	1 June...	Do.
Christopher Cain	Pressman, do.	150 0 0	...	1 June...	Do.
Charles Harden	Do. do.	150 0 0	...	1 June...	Do.
James Ridley	Bookbinder, do.	150 0 0	...	1 June...	Do.
John Waterman	Sub-Overseer of Bookbinders, do.	230 0 0	...	1 Jan. ...	Formerly Bookbinder in the Office.
Charles Russell.....	Assistant Printer of Postage and Duty Stamps.	60 0 0	...	16 April...	Formerly an Apprentice in the Office.
Francis Richards	Assistant Foreman, Magazine, Goat Island.	150 0 0	...	1 April...	First appointment.
Charles F. Palmer	Extra Clerk, Colonial Stores Department.	.....	6/8	8 May ...	Do.
John Richards	Do. do. ....	.....	5/-	10 June...	Do.
William Walsh	Assistant to Health Officer, Sydney	.....	15/-	1 Mar. ...	Formerly Dispenser, Hyde Park Asylum for Infirm and Destitute, 1866.
W. Macintosh	Custodian of Plans, Survey Office...	200 0 0	...	1 Jan. ...	Formerly Supernumerary Draftsman in Department.
Edward Stack	Clerk of Charting Branch, Survey Office.	150 0 0	...	1 Jan. ...	Do. do.
F. W. Brown	Assistant to Land Agent at Albury	50 0 0	...	23 Jan. ...	First appointment.
William Benson	Crown Lands Bailiff, Clarence District.	183 0 0	...	23 April ...	Do.
Robert Wood	Sheep Inspector, Mudgee	150 0 0	...	11 May ...	Do.
Do.	Deputy Registrar of Brands	25 0 0	...	11 May ...	Do.
John Ducat	Sheep Inspector, Port Macquarie ...	50 0 0	...	11 June...	Do.
Do.	Deputy Registrar of Brands	25 0 0	...	11 June...	Do.
C. W. Chalker	Keeper of the Wombeian Caves ...	25 0 0	...	1 Jan. ...	Do.
H. E. Rac.	Copying Clerk, Railway Department	52 0 0	...	1 Feb. ...	Do.
H. Richardson	Assistant Clerk, Railways .....	.....	10/-	1 June...	Formerly Extra Clerk.
John Vernon	Do. do. ....	.....	10/-	1 Feb. ...	First appointment.
D. Scotland	Railway Station Master	150 0 0	...	22 July ...	Formerly Assistant Clerk, Railways.
T. Crothers	Do.	120 0 0	...	20 May ...	Formerly Assistant Clerk.
G. Mattingley	Do.	120 0 0	...	19 May ...	Formerly Head Porter.
J. H. Thomas	Inspector of Imported Rolling Stock and Machinery, Permanent Way Materials, &c.	550 0 0	...	1 June...	Formerly Engineer for Existing Railway Lines.
Alfred Vine	Surveyor, Railway Extensions	250 0 0	...	2 Mar. ...	Formerly employed in a similar capacity in 1868.
A. J. Park.....	Temporary Draftsman, Harbours and Rivers Department.	200 0 0	15/-	5 July ...	First appointment.
Arthur P. Wood	Superintendent of Main Roads.....	300 0 0	...	5 May ...	Formerly Overseer of Main Roads.
J. W. Boydell	Allowance	100 0 0	...	1 Feb. ...	Formerly Extra Clerk, Legislative Assembly.
James Falconer	Extra Clerk, Roads Department ...	200 0 0	...	1 Jan. ...	First appointment.
James Falconer	Assistant Instrument Repairer, Electric Telegraph Department.	80 0 0	...	1 Jan. ...	First appointment.
Gregory Board.....	Junior Operator, do.	52 0 0	...	1 April ...	Do.
C. W. Tucker	Line Repairer, do.	120 0 0	...	1 April ...	Formerly Messenger in the Department.
J. J. Roberts.....	Electric Telegraph Station Master...	200 0 0	...	1 July ...	Formerly Line-repairer in the Department.
D. M'Lachlan	Junior Operator, Telegraph Department.	104 0 0	...	1 July ...	First appointment.
Charles St. Julian	16th Landing Waiter, Customs, Sydney.	195 0 0	...	1 July ...	Formerly Locker, Customs.
Henry Spinks	Locker, Customs, Sydney	200 0 0	...	1 July ...	Formerly Landing Waiter, Customs.
E. Fielding, junior	Assistant Clerk, Railways	26 0 0	...	1 July ...	First appointment.
A. Richardson	Clerk, Railways .....	.....	10/-	.....	Do.
Thomas M'Coy.....	Railway Station Master	120 0 0	...	1 Aug. ...	Formerly Assistant in Railway Store.
T. P. Chapman.....	Acting Railway Station Master	150 0 0	...	21 July ...	First appointment.
G. Faris.....	Probationary Clerk, General Post Office.	50 0 0	...	1 Jan. ...	Do.
J. T. Connor.....	Do. do.	50 0 0	...	1 April...	Do.
F. Hawden	Mail Guard, General Post Office ...	150 0 0	...	1 May ...	Do.
R. J. Campbell.....	Surveyor 1st Class, Survey of Lands	400 0 0	...	1 April...	Formerly Surveyor of 2nd Class.

Audit Office, Sydney, 30th December, 1869.

CHRIS. ROLLESTON.

1904
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1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE.

(APPOINTMENTS TO, FROM 22 JANUARY, 1866, TO 27 OCTOBER, 1868.)

Ordered by the Legislative Assembly to be Printed, 2 February, 1870.

RETURN showing the Names, Offices, Salaries, and Dates of Appointment of all persons who were appointed to the Civil Service during the late Administration, from 22nd January, 1866, to 27th October, 1868; distinguishing between those persons who were appointed for the first time and those who may have held office previously under Government, so far as can be ascertained from the records in this office.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
George W. Newcombe	Clerk to Private Secretary	£ 315	s. 0	d. 0	1866. 1 Dec. ... Formerly Clerk in Colonial Secretary's Office.
James J. West	Additional Clerk, Legislative Council	175	0	0	17 Sept. ... Formerly Clerk, Survey Office.
Oliver Francis Kelly	Clerk Assistant, Legislative Assembly	600	0	0	13 Nov. ... Formerly 2nd Clerk Assistant.
John Connery	2nd Clerk Assistant, do.	400	0	0	13 Nov. ... Formerly Clerk of Select Committees.
Frederick W. Webb	Clerk of Select Committees	350	0	0	13 Nov. ... Formerly Clerk of Printing Branch.
John Vivian	Clerk of Printing Branch, Legislative Assembly.	300	0	0	13 Nov. ... Formerly Copying Clerk.
Richard W. Robertson	Copying Clerk, Legislative Assembly	250	0	0	13 Nov. ... First appointment.
Henry Halloran	Principal Under Secretary	800	0	0	19 Feb. ... Formerly Secretary and Cashier, Surveyor General's Department.
William Goodman	Chief Clerk, Colonial Secretary's Office.	500	0	0	20 Feb. ... Formerly Clerk in the Department.
Henry Kendall	Clerk, do.	200	0	0	7 Dec. ... Formerly Clerk in the Survey Department.
Walter Brown	Acting Superintendent, Lunatic Asylum, Parramatta.	600	0	0	20 July ... First appointment.
James Glissan	Dispenser, do.	120	0	0	7 May ... Do.
Thomas E. Ranshaw	Do. do.	120	0	0	13 June ... Do.
John A. Compton	Clerk, Audit Office	200	0	0	1 Aug. ... Formerly an Extra Clerk in the Department.
Ambrose Freeman	Clerk (probationary), Audit Office.	50	0	0	1 June ... First appointment.
Robert M. Pearson	Principal Draftsman, Land Titles Office.	500	0	0	1 April ... Formerly Draftsman in the Department
George Bishop	Draftsman, do.	350	0	0	1 April ... Formerly Draftsman, Survey Department.
Walter N. Gunn	Schoolmaster, Protestant Orphan School, Parramatta.	120	0	0	11 April ... First appointment.
Robert Armstrong	Master of Asylum for Infirm and Destitute, Port Macquarie.	150	0	0	1 July ... Do.
Mary A. Armstrong	Matron, do.	50	0	0	1 July ... Do.
John C. Neild	Surgeon and Dispenser, do.	100	0	0	1 July ... Also Visiting Surgeon, Gaol, Port Macquarie.
Arthur Tod Holroyd	Master in Equity	1,000	0	0	11 May ... Formerly Minister for Public Works.
Jonas Lander	Custodian of Wills, Supreme Court.	50	0	0	— Jan. ... Also Clerk, Land Titles Office.
John E. Liardet	Acting 2nd Clerk, do.	350	0	0	5 June ... Formerly Clerk of Petty Sessions, Berrina.
Richard Milford	Clerk Associate	245	0	0	21 Aug. ... Formerly Clerk Associate.
Thomas Callaghan	Do.	245	0	0	1 Oct. ... First appointment.
Andrew M. Dick	Acting 3rd Clerk, Supreme Court	150	0	0	1 Mar. ... Do.
D. S. Kennedy	4th Clerk, Sheriff's Office	150	0	0	1 Sept. ... Formerly Assistant Clerk in the Department.
William Thomas	Head Bailiff, Sheriff's Department.	200	0	0	16 Sept. ... Formerly 1st Assistant Bailiff in the Department.
Maurice O'Connor	1st Assistant Bailiff, do.	175	0	0	16 Sept. ... Formerly 2nd Assistant Bailiff in the Department.
James Prout	Assistant Bailiff, do.	120	0	0	9 Feb. ... Formerly Sheriff's Bailiff, Armidale.
Joseph Delaney	Do. do.	120	0	0	16 Sept. ... Formerly Crier and Tipstaff, Supreme Court.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
		£	s. d.	1866.	
Lloyd Bradshaw	Sheriff's Bailiff, Armidale	115	0 0	9 Feb. ...	Formerly Chief Constable, Police Force
Henry Smith	Do. Deniliquin	115	0 0	1 July ...	Formerly Gaoler, Deniliquin.
J. K. Allen	Do. Maitland	200	0 0	1 July ...	First appointment.
Alexander Forbes	Do. Bathurst	150	0 0	1 June ...	Formerly Principal Warder, Sydney Gaol.
James Inglis	Do. Wagga Wagga	115	0 0	1 July ...	Formerly Sheriff's Bailiff at Forbes in 1865.
George F. Ackroyd	Extra Clerk, Sheriff's Office	100	0 0	1 Sept. ...	First appointment.
Augustus Carter	Registrar, District Court, Newcastle	30	0 0	1 Dec. ...	Also Registrar-in-Chief, Maitland.
William J. E. Wotton	Do. do. Burrowa	30	0 0	1 Sept. ...	First appointment. Also Clerk of Petty Sessions there.
James P. Ormiston	Do. do. Port Macquarie	40	0 0	1 Nov. ...	Formerly Clerk, Central Police Office, Sydney. Also Clerk of Petty Sessions at Port Macquarie.
Henry Shiells	City Coroner	350	0 0	1 July ...	Formerly Police Magistrate at Hay.
Henry Lane	Under Secretary, Finance and Trade	800	0 0	1 Mar. ...	Formerly Commissioner for Stamp Duties; and prior to that appointment Under Secretary for Finance and Trade.
William Donald	Clerk, Treasury	100	0 0	1 July ...	First appointment.
James N. Outley	Do.	135	0 0	23 Oct. ...	Formerly Clerk, Shipping Office.
William Hemming	Commissioner for Stamp Duties	400	0 0	1 Mar. ...	Formerly 1st Clerk in the Department.
Francis Spence	Accountant, Stamp Duties Office	250	0 0	23 Oct. ...	Formerly Entry Clerk in the Department.
David Hill	Entry Clerk, do.	200	0 0	23 Oct. ...	Formerly Clerk in the Treasury.
Augustus Dillon	Extra Clerk, Treasury	200	0 0	14 May ...	Formerly Superintendent of the Money Order Office.
Edward J. Henry	Clerk, Treasury	200	0 0	7 June ...	First appointment.
Thomas W. Nicholl	Assistant Clerk, Treasury	75	0 0	16 July ...	Do.
Charles W. Bucknell	Clerk, Treasury	50	0 0	6 April ...	Do.
Arthur Willis	10th Clerk, Customs Department	175	0 0	1 April ...	Do.
Benjamin Walford	11th Clerk, do.	175	0 0	25 April ...	Do.
Augustus Berney	1st Landing Surveyor, Customs Department, Sydney.	500	0 0	21 Mar. ...	Formerly 2nd Landing Surveyor, Customs Department.
Edmund Jones	2nd Landing Surveyor, Customs, Sydney.	400	0 0	1 April ...	Formerly 1st Landing Waiter, Customs, Sydney.
Charles Duberly	16th Landing Waiter, do.	195	0 0	1 April ...	Formerly Tide Waiter, do.
James T. B. Fraser	17th Do. do.	195	0 0	1 April ...	First appointment.
John N. Stabbin	12th Do. do.	225	0 0	5 Nov. ...	Formerly 3rd Locker, Customs, Sydney.
Thomas Brooks	15th Locker, do.	200	0 0	1 Feb. ...	Formerly Tide Waiter, do.
Charles St. Julian	Do. do.	200	0 0	5 Nov. ...	Do. do.
Anthony C. Donnelan	Tide Waiter, do.	175	0 0	1 Feb. ...	Formerly Extra Tide Waiter, do.
John Baxter	Do. do.	175	0 0	1 April ...	Do. do.
Robert Christison	Do. do.	175	0 0	5 Nov. ...	Do. do.
William Smyth	Acting Locker, do.	175	0 0	5 Nov. ...	Do. do.
Carvic de M. Thompson	Assistant Publisher, Government Printing Office.	100	0 0	1 Jan. ...	Formerly Apprentice in the Department.
John A. Murray	Clerk, Shipping Office	100	0 0	23 Oct. ...	First appointment.
George O'Donnell	Clerk, Store Branch	52	0 0	2 Nov. ...	Do.
D. C. Dalgleish	Engineer Surveyor, Steam Navigation and Pilot Board	350	0 0	1 Feb. ...	Do.
D. C. Dalgleish	Inspector under Steam Navigation Board. (Act 16 Vict., No. 46) ...	100	0 0	1 Oct. ...	
J. H. Wood	District Surveyor, Survey Dept. ...	500	0 0	1 Aug. {	Formerly a Surveyor on 1st class in the Department.
	Equipment Allowance	230	0 0		
Thomas Evans	1st-class Surveyor, Survey Dept. ...	400	0 0		
	Equipment Allowance	230	0 0	1 Jan. ...	Formerly a Surveyor on 2nd class in the Department.
James J. West	Clerk, Survey Office	125	0 0	1 Mar. ...	Formerly Clerk in Immigration Department.
Henry S. Harpur	Do. do.	150	0 0	1 Nov. ...	Formerly Supernumerary Clerk in the Department
Thomas Callachor	Draftsman, Survey Department	150	0 0	24 Jan. ...	Formerly Supernumerary Draftsman in Department.
H. Wickham	Do. do.	150	0 0	1 April ...	Do.
Theodore Elwin	Do. do.	150	0 0	1 Jan. ...	Do.
A. T. Jaques	Do. do.	100	0 0	1 April ...	Do.
Henry A. Allan	Do. do.	150	0 0	21 Feb. ...	Do.
E. J. King	Supernumerary Draftsman, Survey Department.	75	0 0	1 June ...	First appointment.
J. McDonald	Do. do.	75	0 0	1 June ...	Do.
Andrew Menzies	Do. do.	75	0 0	1 June ...	Do.
J. F. Loxton	Do. do.	75	0 0	1 June ...	Do.
A. W. Love	Do. do.	75	0 0	1 June ...	Do.
Arnold Elliott	Do. do.	75	0 0	1 July ...	Do.
Daniel Counsel	Assistant Draftsman	200	0 0	29 Sept. ...	Do.
William C. Edwards	Clerk, Survey Department	150	0 0	17 Sept. ...	Formerly Supernumerary Clerk in the Department.
W. R. Davidson	Field Assistant, Survey Department			6/- 25 April ...	First appointment.
Thomas H. Smith	Do. do.			6/- 14 April ...	Formerly Supernumerary Draftsman in the Department.
John Lakeman	Do. do.			6/- 1 Aug. ...	Do. do.
Edward Patterson	Supernumerary Clerk, Survey Department.			6/- 1 Nov. ...	Formerly Extra Clerk in the Department.
F. Barnes	Extra Clerk, Survey Department ...			6/- 5 May ...	First appointment.
G. E. Simms	Additional Clerk, Survey Department.			6/- 20 April ...	Do.

Name	Office	Salary.		Date of Appointment.	Remarks.	
		Yearly.	Daily.			
R. H. Lenthall.....	Assistant to Lithographic Printer, Survey Department.	£ 50	s. 0	d. 0	1866. 24 Dec. ...	First appointment.
Nicholas Trengrouse	Temporary Draftsman, Survey Department.	200	0	0	4 Sept.	Formerly Draftsman, Railway Department.
William Baker.....	Do. do.	150	0	0	19 Sept.	First appointment.
H. A. Fitzpatrick.....	Clerk, Occupation of Crown Lands Department.	75	0	0	12 Nov.	Formerly Additional Clerk, Survey Department.
Charles H. Roberts	Extra Clerk, do.				5/- 28 May ...	First appointment.
W. Berthon	Do. do.				5/- 23 June ...	Do.
Daniel A. Byrne	Commissioner of Crown Lands	400	0	0	1 Oct.	Formerly Assistant Commissioner of Crown Lands.
George O'M. Clarke.....	Gold Commissioner	500	0	0	1 July ...	Formerly Assistant Gold Commissioner.
Whittingdale Johnson.....	Do.	500	0	0	1 July ...	Do.
G. W. F. Addison	Do.	500	0	0	1 July ...	Do.
R. H. Fitzsimons	Clerk, Northern Gold Fields	150	0	0	17 Aug. ...	Formerly Assistant Gold Commissioner. 2nd-class.
Thomas Bowden	Inspector under Scab in Sheep Act	50	0	0	29 May ...	First appointment.
James N. Wilkinson	Do. do.	250	0	0	13 Dec. ...	Do.
Gordon Bruce	Assistant do.	200	0	0	1 April ...	Do.
John Duff.....	Overseer, Botanic Gardens	150	0	0	1 Sept. ...	Do.
Henry V. Geary	Crown Lands Bailiff, Clarence	183	0	0	12 Mar. ...	Do.
William Watkins.....	Do. Warrego	183	0	0	1 Mar. ...	Do.
Henry S. Russell	Crown Lands Bailiff.	183	0	0	25 May ...	Do.
Henry S. Russell.....	Extra Clerk, Crown Lands Department.				7/- 1 Sept. ...	Formerly Crown Lands Bailiff.
Charles Peters	Bailiff, Botanic Gardens	108	0	0	16 Aug. ...	First appointment.
Henry P. G. Williams.....	Clerk, Railway Department	250	0	0	1 Sept. ...	Formerly Clerk, Main Roads Department.
Thomas H. McClelland	Do. do.	50	0	0	1 Aug. ...	First appointment.
H. R. Thomas	Draftsman, do.	180	0	0	14 Nov. ...	Do.
James H. Thomas	Engineer for Existing Railway Lines	550	0	0	1 Aug. ...	Formerly Superintendent of Main Roads.
Henry Chapman	Clerk, Railway Department	100	0	0	1 June ...	First appointment.
William Scott	Wharfinger, Newcastle	200	0	0	1 June ...	Do.
Thomas Parkes	Railway Station Master	150	0	0	9 Dec. ...	Do.
Thomas Topham	Do. do.	120	0	0	21 April ...	Formerly Inspector of Coal Fields.
John Brown	Do. do.	150	0	0	1 April ...	Formerly Clerk, Railway Department.
F. R. Nield	Clerk, Railway Department	130	0	0	1 May ...	First appointment.
William B. Hull	District Engineer, Railway Extensions.	500	0	0	} 9 April ...	Do.
Ottomar Rosshach	Forage Allowance					
Ottomar Rosshach	Chief Draftsman, Harbours and Rivers Department.	400	0	0	1 July ...	Formerly Draftsman in the Department.
Gustave A. Morell	Draftsman, do.	300	0	0	1 Dec. ...	Formerly Temporary Draftsman in Department.
Francis Napier.....	Temporary Engineer, do.	300	0	0	1 May ...	Formerly Clerk of Works in the Department.
John Skinner	Clerk of Works, Harbours and Rivers, Newcastle.	150	0	0	17 Sept. ...	Formerly Draftsman (Temporary), in the Department.
Henry Bohle	Ballastmaster, Newcastle Harbours and Rivers.	200	0	0	1 Sept. ...	First appointment.
T. M. Giblin.....	Water Bailiff, Harbours and Rivers Department.	200	0	0	25 Oct. ...	Do.
Daniel White	Cadet Draftsman, Colonial Architect's Department.	75	0	0	1 Jan. ...	Do.
Alfred G. Edwards	Do. do.	75	0	0	23 Mar. ...	Do.
James Kay	Temporary Foreman of Works, Colonial Architect's Department.	250	0	0	1 Mar. ...	Do.
Emanuel Flew	Do. do.	250	0	0	1 Mar. ...	Formerly Foreman of Works in the Department.
William Forde.....	Clerk, Main Roads Department.....	225	0	0	1 Sept. ...	Formerly Clerk in the Railway Department.
James Hoskings	Superintendent of Main Roads.....	300	0	0	} 16 June ...	Formerly Overseer of Main Roads.
David Houston.....	Travelling Allowance.....	100	0	0		
David Houston.....	Superintendent of Main Roads	350	0	0	} 1 Aug. ...	Formerly employed as Ganger in the Department.
J. B. Meldrum.....	Travelling Allowance.....	150	0	0		
J. B. Meldrum.....	Superintendent of Main Roads	350	0	0	} 1 Aug. ...	Formerly Overseer of Main Roads.
Arthur P. Wood	Travelling Allowance.....	150	0	0		
Arthur P. Wood	Overseer, Main Roads.....	200	0	0	} 1 Aug. ...	Formerly Ganger in the Department.
John J. Hunt	Travelling Allowance.....	100	0	0		
John J. Hunt	Night Clerk, Electric Telegraph Department.	150	0	0	1 June ...	Formerly Batteryman in the Department.
Henry C. Usher	Batteryman, do.	104	0	0	1 June ...	Formerly Junior Operator in the Department.
Henry C. Usher	Telegraph Operator.....	104	0	0	1 Sept. ...	Formerly Batteryman.
Charles Muston	Junior Operator	52	0	0	6 Nov. ...	First appointment.
Alfred Hayes	Do.	52	0	0	1 Mar. ...	Do.
George Wells	Do.	52	0	0	1 June ...	Formerly Messenger.
John Kirwan	Line Inspector, Electric Telegraphs	120	0	0	26 Oct. ...	Formerly Station Master in the Dept.
Edward Walsh.....	Do. do.	150	0	0	2 Nov. ...	First appointment.
Francis Mackel.....	Station Master, do.	180	0	0	1 Sept. ...	Formerly Line Inspector.
Alfred Hayes	Do. do.	150	0	0	1 Nov. ...	Formerly Junior Operator.
J. R. Cummins.....	Line Inspector, do.	120	0	0	14 Dec. ...	First appointment.
Thomas E. Hewett	Telegraph Operator.....	104	0	0	16 April ...	Do.
James Curry	Line Inspector, Electric Telegraphs	120	0	0	16 April ...	Do.
Thomas Trader.....	Station Master, do.	180	0	0	16 April ...	Formerly Junior Operator.
William Grace.....	Junior Operator, do.	52	0	0	1 Jan. ...	First appointment.

Name.	Office.	Salary.		Date of Appointment	Remarks.
		Yearly.	Daily.		
		£	s. d.	1866.	
Charles Caspersonn	Junior Operator, Electric Telegraphs	104	0 0	10 Nov. ...	First appointment.
Charles M. Ambrose	Do. do.	52	0 0	10 Dec. ...	Do.
Stephen H. Lambton	Secretary, General Post Office	530	0 0	1 Sept. ...	Formerly Acting Secretary in the Department.
Joseph Clarko	Clerk, do.	100	0 0	25 Sept. ...	Formerly Extra Clerk in the Department.
William G. Thompson	Official Postmaster, Bathurst	300	0 0	1 Oct. ...	Formerly Assistant Postmaster, Bathurst.
George Robinson	Do. Forbes	200	0 0	24 Sept. ...	Formerly Clerk, General Post Office.
Owen Hilly	Assistant in the Post Office, Yass	52	0 0	1 Oct. ...	First appointment.
William Hiatt	Do. Forbes	50	0 0	17 Oct. ...	Do.
P. L. Casey	Do. Deniliquin	50	0 0	1 Aug. ...	Do.
Charles Clarke	Extra Clerk, General Post Office	50	0 0	24 Sept. ...	Do.
Gabriel De Milhau	Clerk, Money Order Office	150	0 0	11 Oct. ...	Do.
William P. Simpson	Do. do.	52	0 0	1 July ...	Do.
William Uhr	Extra Clerk, do.	26	0 0	1 July ...	Do.
Richard F. Creagh	Sub-Inspector of Police	200	0 0	1 Oct. ...	Formerly Senior-sergeant of Police.
William R. Stewart	Clerk, Central Police Office	100	0 0	1 Dec. ...	First appointment.
James Buchannan	Police Magistrate, Tenterfield	450	0 0	1 April ...	Formerly Gold Commissioner in 1862.
William Brown	Do. Hay	450	0 0	1 April ...	Formerly Assistant Gold Commissioner
Thomas Betteridge	Do. Walgett	350	0 0	1 May ...	First appointment.
John H. L. Scott	Do. Tambaroora	400	0 0	1 July ...	Formerly Sub Gold Commissioner.
Frederick D. Mant	Do. Kiandra	300	0 0	1 July ...	Do.
Hugh Bridson	Do. Sofala	350	0 0	1 July ...	Formerly Assistant Gold Commissioner, 2nd Class.
Joseph Cox	Do. Stony Creek	350	0 0	1 July ...	Do. do.
Frederick Dalton	Do. Emu Creek	350	0 0	21 Nov. ...	Do. do., to 30th June.
Henry J. Bolding	Clerk of Petty Sessions, Raymond Terrace.	175	0 0	1 Mar. ...	First appointment.
William Finch	Do. Molong	175	0 0	1 Mar. ...	Also Registrar of District Court, Molong.
James P. Ormiston	Do. Port Macquarie	225	0 0	1 Nov. ...	Formerly Clerk, Central Police Office, Sydney.
Isaac Aaron	Visiting Surgeon, Sydney Gaol	270	0 0	15 May ...	Also Honorary Surgeon, Volunteer Force.
Revd. R. W. Young	Chaplain, Church of England, Sydney Gaol.	120	0 0	1 Feb. ...	First appointment.
Frederick R. Bernard	Principal Warder, Sydney Gaol	200	0 0	1 July ...	Formerly Extra Warder, Sydney Gaol.
John G. Hussey	Gaoler, Parramatta Gaol	250	0 0	26 June ...	Formerly Sub-Inspector of Police.
Jane Watt	Matron, do.	20	0 0	26 June ...	First appointment.
Alexander Watt	Principal Warder, do.	146	0 0	26 June ...	Formerly Chief Warder, Berrima Gaol.
Rev. J. P. Byrne	Roman Catholic Chaplain, Bathurst Gaol.	25	0 0	1 Nov. ...	First appointment.
Rev. Michael Doyle	Do. Maitland Gaol	25	0 0	1 Dec. ...	Do.
James Hell	Chief Warder, Berrima Gaol			7/6 26 June ...	Do.
William Nunnington	Gaoler, Albury Gaol	140	0 0	26 June ...	Formerly Warder, Port Macquarie Gaol.
Elizabeth Nunnington	Matron, do.	20	0 0	26 June ...	First appointment.
Henry Moore	Gaoler, do.	140	0 0	24 Aug. ...	Formerly Senior-constable of Police.
Jane F. Moore	Matron, do.	20	0 0	24 Aug. ...	Formerly Matron, Windsor Gaol.
William M'Jamieson	Gaoler, Deniliquin Gaol	140	0 0	2 July ...	Formerly Warder, Braidwood Gaol.
Ann M'Jamieson	Matron, do.	20	0 0	2 July ...	First appointment.
Thomas Barnes	Clerk and Schoolmaster, Port Macquarie Gaol.	128	0 0	1 Mar. ...	Formerly Clerk, Parramatta Gaol.
Rev. F. R. Kemp	Chaplain, Church of England, do.	25	0 0	1 Jan. ...	First appointment.
Rev. C. D. Coghlan	Do. Roman Catholic, do.	25	0 0	1 Jan. ...	Do.
Owen S. Evans	Visiting Surgeon, Penal Establishment, Cockatoo Island.	130	0 0	6 June ...	Also Honorary Surgeon to the Naval Brigade.
H. R. Labatt	District Engineer, Harbours & Rivers Department.	530	0 0	20 April ...	Formerly Assistant Surveyor in the Survey Department.
George Earngcy	Clerk of Works, do.	150	0 0	18 May ...	Formerly paid as an apprentice.
Merion H. Moriarty	District Engineer, do.	530	0 0	21 May ...	Formerly Assistant Surveyor in the Department.
R. A. Hyndman	Do. do.	530	0 0	19 Sept. ...	Formerly Superintendent of Main Roads.
F. W. Vincent	Extra Clerk, Crown Lands Office			7/- 14 June ...	First appointment.
James W. Boydell	Extra Clerk, Legislative Assembly	175	0 0	1867. 15 June ...	Do.
Samuel Hunt	Do. Colonial Secretary's Office	150	0 0	1 Mar. ...	Do.
Morrison Knight	Assistant Medical Officer, Lunatic Asylum, Tarban.	250	0 0	1 June ...	Do.
Henry W. Statham	Clerk, do. do.	130	0 0	1 Mar. ...	Formerly Clerk, Lunatic Asylum, Parramatta.
Rev. J. E. Schleicher	Chaplain, Church of England do.	25	0 0	1 Jan. ...	First appointment.
Rev. Z. Murairi	Do. Roman Catholic do.	25	0 0	1 Jan. ...	Do.
Edward Wardley	Superintendent of Lunatic Asylum, Parramatta.	500	0 0	1 June ...	Formerly Assistant Medical Officer, Lunatic Asylum, Tarban.
James R. Firth	Clerk and Storekeeper, do.	220	0 0	1 Mar. ...	Formerly Clerk, do. do.
Walter Brown	Visiting Surgeon, do.	150	0 0	1 June ...	Formerly Acting Superintendent of Lunatic Asylum.
Rev. A. J. Forde	Chaplain, Roman Catholic, do.	25	0 0	1 Jan. ...	First appointment.
E. S. Bedford	Member of the Board of Visitors, Lunatic Asylums.	100	0 0	4 Feb. ...	Do.
Alfred Roberts	Do. do.	100	0 0	7 Mar. ...	Do.
William Owen	Do. do.	100	0 0	7 June ...	Formerly Under Secretary to the Government, 1865.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
		£	s. d.	1867.	
W. G. Pennington	Acting Examiner of Land Titles ...	500	0 0	1 June...	Also Secretary of Court of Claims.
John A. D. Campbell	Assistant Draftsman, Land Titles Office.	75	0 0	7 Jan. ...	First appointment.
Walter G. Robey	Assistant Clerk, do.	50	0 0	12 Feb. ...	Do.
W. A. Abbott	Assistant Registrar of Brands	250	0 0	1 Jan. ...	Formerly Clerk, Registrar General's Office.
George E. Sims	Clerk, Brands Branch	200	0 0	28 Jan. ...	Formerly Additional Clerk, Survey Office.
George Rankin	Do.	200	0 0	28 Jan. ...	First appointment.
C. W. C. Hatton	Do.	200	0 0	28 Jan. ...	Do.
William Hooper	Do.	150	0 0	25 Mar. ...	Do.
Charles H. Manton	Do.	150	0 0	27 Mar. ...	Do.
Henry Fairfax	Do.	150	0 0	15 July ...	Do.
William Treve	Do.	150	0 0	15 July ...	Do.
Edward Greville	Telegraphic Agent, N. S. Wales ...	100	0 0	1 Jan. ...	Do.
Alice Heibrown	Assistant Teacher, Protestant Orphan School.	30	0 0	26 Aug. ...	Do.
A. B. Armstrong	Clerk, Asylums, Infirm and Destitute	25	0 0	1 Jan. ...	Do.
J. S. V. Mcin	Commander, Nautical School Ship "Vernon."	200	0 0	13 Feb. ...	Do.
M. Wycherley	Chief Officer, "Vernon"	150	0 0	18 April...	Do.
E. C. Harris	Second Officer, "Vernon"	120	0 0	1 May ...	Do.
Edward Hodgetts	Paymaster and Purser, N. S. S. "Vernon."	130	0 0	18 April...	Do.
James Gorman	Master-at-Arms, N. S. S. "Vernon"	110	0 0	18 April...	Do.
Donald M'Leod	Carpenter's Mate, N. S. S. "Vernon"	100	0 0	18 April...	Do.
Abraham Springel	Boatswain's Mate, N. S. S. "Vernon"	100	0 0	18 April...	Do.
Walter Powell	Boatswain, do.	120	0 0	2 May ...	Do.
F. G. Harden	Carpenter's Mate, do.	100	0 0	4 June ...	Do.
Henry White	Schoolmaster, do.	150	0 0	20 May ...	Do.
George W. Jackson	Superintendent, Industrial School for Girls, Newcastle.	250	0 0	10 Aug. ...	Do.
Agnes King	Matron and Superintendent, Industrial School for Girls, Newcastle.	120	0 0	26 Aug. ...	Do.
Thomas M'Cormack	Clerk and Storekeeper, do.	120	0 0	2 Sept. ...	Do.
Margaret Kelly	Teacher, do.	75	0 0	3 Oct. ...	Do.
Sarah Rice	Sub-matron, do.	50	0 0	2 Sept. ...	Do.
Richard Harris	Visiting Surgeon, do.	50	0 0	12 Sept. ...	Do.
Charles V. Kemp	Clerk Associate	245	0 0	11 Jan. ...	Do.
William G. Beverley	Clerk in charge, Prison Branch, Sheriff's Department.	300	0 0	1 Jan. ...	Formerly Clerk in the Sheriff's Office.
John R. H. Crook	Clerk, Sheriff's Office	175	0 0	1 Jan. ...	Also Sub-lieutenant, Naval Brigade.
Evan Richards	Sheriff's Bailiff, Mudgee	115	0 0	6 Mar. ...	Also District Court Bailiff, Mudgee.
Denis O'Brien	Do. Bathurst	150	0 0	13 May ...	Formerly District Court Bailiff, Campbelltown.
John Taylor	Do. Parramatta	200	0 0	9 June ...	First appointment.
Thomas Barclay	Do. Albury	115	0 0	26 Aug. ...	Formerly District Court Bailiff, Braidwood.
G. B. Simpson	Judge, Southern District Court	1,000	0 0	20 Aug. ...	Formerly Acting Judge, Metropolitan and Coast District Court.
Henry W. Ellis	Acting Judge, Metropolitan and Coast District Court.	1,000	0 0	20 Aug. ...	Formerly Acting Judge, Southern District Court.
Charles J. Poole	Registrar of District Court, Yass ...	60	0 0	1 Mar. ...	First appointment. Also Clerk of Petty Sessions, Yass.
A. Nordblad	Do. Cooma ...	50	0 0	1 Aug. ...	Also Clerk of Petty Sessions, Cooma.
W. H. Thomas	Do. Bombala ...	40	0 0	1 Sept. ...	Also Clerk of Petty Sessions, Bombala.
James A. Portus	Do. Mudgee ...	60	0 0	1 April ...	First appointment. Also Clerk of Petty Sessions, Mudgee.
F. J. C. North	Do. Carcoar ...	40	0 0	1 Sept. ...	Also Clerk of Petty Sessions, Carcoar.
Timothy Foley	Do. Muswellbrook	30	0 0	16 Dec. ...	First appointment. Also Clerk of Petty Sessions, Muswellbrook.
A. O. Wyatt	Do. Glen Innes ...	30	0 0	1 Sept. ...	Also Clerk of Petty Sessions, Glen Innes.
Leopold Yates	Do. Tenterfield ...	30	0 0	27 Nov. ...	Also Clerk of Petty Sessions, Tenterfield.
Tom D. Mackenzie	Clerk, Treasury	150	0 0	22 Aug. ...	Formerly Locker, Customs Department.
Charles Roberts	Do.	100	0 0	22 Aug. ...	First appointment.
James T. Oatley	Do.	100	0 0	1 May ...	Do.
George Miller	Extra Clerk, Treasury	200	0 0	7 Mar. ...	Formerly Clerk in Colonial Secretary's Office.
H. A. Smith	Do.	100	0 0	7 Mar. ...	First appointment.
A. M. Dick	Do.	150	0 0	23 Mar. ...	Formerly Acting Clerk, Supreme Court Department.
J. S. Walford	Do.	25	0 0	26 Aug. ...	First appointment.
F. J. Eaton	Do.	150	0 0	21 Oct. ...	Do.
Henry L. Roberts	Do.	100	0 0	4 Dec. ...	Do.
Louis Buchanan	Clerk, Customs Department, Sydney	175	0 0	25 Mar. ...	Formerly Clerk, Shipping Office.
William Beck	17th Landing Waiter, Customs, Sydney.	195	0 0	9 Mar. ...	Formerly Locker in the Department.
William Smyth	Locker, do.	200	0 0	9 Mar. ...	Formerly Acting Locker.
John B. Spencer	Acting Locker, do.	175	0 0	9 Mar. ...	Formerly Extra Tide Waiter.
Knox Ellis	Do. do.	175	0 0	15 May ...	First appointment.
John Wisdom	Landing Waiter, Customs, Morpeth	300	0 0	7 May ...	Formerly Electric Telegraph Station Master, Morpeth.
Michael D'Arcy	Clerk, Customs, Sydney	175	0 0	1 Jan. ...	Formerly Clerk, Customs, Newcastle.

Name	Office	Salary.		Date of Appointment.	Remarks	
		Yearly.	Daily.			
		£	s. d.	1867.		
James E. Hannell	Clerk, Customs, Newcastle	175	0 0	1 Jan.	First appointment.	
E. J. Henry	Accountant, Government Printing Office.	300	0 0	22 Aug.	Formerly Clerk in Colonial Treasury.	
James T. Oatley	Clerk, do.	150	0 0	22 Aug.	Do.	
John Drewe	Compositor, do.	150	0 0	1 Aug.	Formerly Improver in the Department.	
John Atkinson	Do. do.	150	0 0	1 Aug.	Do.	
William M'Kern	Do. do.	150	0 0	1 Aug.	Do.	
William Bradley	Pressman, do.	150	0 0	1 Aug.	Do.	
F. C. Dowsett	Compositor, do.	150	0 0	1 Aug.	Do.	
William Brewster	Pressman, do.	150	0 0	1 Aug.	Do.	
E. W. Reeve	Assistant Printer of Postage Stamps	70	0 0	1 Jan.	First appointment.	
John A. Murray	Clerk, Stores Department	150	0 0	1 Jan.	Formerly Clerk in Shipping Office.	
Owen S. Evans	Medical Attendant, Spectacle Island	25	0 0	1 July	Also Visiting Surgeon, Penal Establishment, Cockatoo Island.	
James Thorpe	Clerk, Shipping Master's Office	100	0 0	25 Mar.	Formerly Extra Tide Waiter, Customs.	
Richard Creagh	Do. do.	100	0 0	25 Mar.	First appointment.	
J. P. Winchcombe	Assistant Clerk, Shipping Office			6 Sept.	Formerly Clerk, Local Court, Burrarungong, 1864.	
Josepa Jager	Assistant Inspector, Glebe Island Abattoirs.	150	0 0	8 April	First appointment.	
Thon as Banks	Supernumerary Clerk, Lands Department.			5/-	11 Feb.	Formerly Messenger in the Department.
John W. Deering	1st-class Surveyor, Survey of Lands	400	0 0	1 Jan.	Formerly 2nd-class Surveyor in Department.	
	Equipment Allowance	230	0 0			
J. B. Haughton	2nd-class Surveyor, Survey of Lands	300	0 0	10 May	Formerly Licensed Surveyor.	
	Equipment Allowance	230	0 0			
J. C. Dalglish	2nd-class Surveyor, Survey of Lands	300	0 0	5 June	Do.	
	Equipment Allowance	230	0 0			
N. Trengrouse	Draftsman, 3rd class, Survey Office	150	0 0	1 Jan.	Formerly Temporary Draftsman in Department.	
P. Drummond	Do. do.	150	0 0	1 Jan.	Do.	
C. S. Rodd	Description Writer, Survey Office	100	0 0	6 Mar.	First appointment.	
Herbert Croft	Clerk, Survey Office	150	0 0	1 Nov.	Formerly Supernumerary Clerk, Lands Department.	
R. G. Underwood	Description Writer, Survey Office	150	0 0	12 Jan.	Formerly Senior Sergeant of Police.	
W. H. Binsted	Temporary Draftsman, Survey Office	200	0 0	9 Sept.	Formerly Licensed Surveyor.	
G. W. Sharpe	Engraver, Survey Office	300	0 0	1 Feb.	First appointment.	
William Webster	Assistant Examiner of Diagrams on Deeds.	200	0 0	8 April	Do.	
W. Macintosh	Temporary Draftsman, Survey Office	150	0 0	27 Aug.	Do.	
Edward Stack	Do. do.	100	0 0	27 Aug.	Do.	
Henry V. Evans	Temporary Surveyor, Survey of Lands	300	0 0	1 Sept.	Do.	
	Equipment Allowance	230	0 0			
E. Macfarlane	Draftsman, Survey Office	100	0 0	1 April	Formerly Supernumerary Draftsman in Department.	
E. J. King	Draftsman, Survey Department	100	0 0	6 Aug.	Do.	
Andrew Menzies	Do. do.	150	0 0	19 July	Do.	
A. Schleicher	Supernumerary Draftsman, Survey Office.	75	0 0	1 April	First appointment.	
J. B. Donkin	Do. do.	75	0 0	1 June	Do.	
F. Gerard	Do. do.	75	0 0	19 July	Do.	
J. S. Chard	Do. do.	75	0 0	1 Oct.	Do.	
J. W. Conolly	Field Assistant, Survey Department			6/-	1 April	Do.
J. Balmain	Do. do.			6/-	1 April	Do.
Arnold Elliott	Do. do.			6/-	1 Oct.	Formerly Supernumerary Draftsman in Department.
F. H. Wilson	Extra Clerk, Occupation of Lands			10/-	20 Feb.	Formerly Clerk in the Department, 1864.
Robert B. Dawson	Commissioner of Crown Lands	450	0 0	20 Feb.	Formerly Superintendent of Main Roads.	
Thomas L. Crommelin	Do. do.	400	0 0	1 July	Formerly Police Magistrate, Araluen.	
John R. Laurence	Crown Lands Bailiff	183	0 0	21 May	First appointment.	
W. B. M. Cook	Do.	183	0 0	1 May	Do.	
C. M'Keown	Do.	183	0 0	1 Nov.	Formerly employed in same capacity temporarily.	
Brooks Forster	Sheep Inspector, Windsor District	250	0 0	18 April	First appointment.	
Do.	Deputy Registrar of Brands	25	0 0	18 April		
Do.	Cattle Inspector	25	0 0	18 April		
Gordon Bruce	Sheep Inspector, Upper Murray District.	200	0 0	1 Jan.	Formerly Assistant Inspector.	
Do.	Cattle Inspector	25	0 0	1 Jan.		
Do.	Deputy Registrar of Brands	25	0 0	1 Jan.		
Ephraim Howe	Sheep Inspector, Corowa	200	0 0	18 April	First appointment.	
Do.	Cattle Inspector	25	0 0	18 April		
Do.	Deputy Registrar of Brands	25	0 0	18 April		
James Aldcorn	Sheep Inspector, Burrima and Braidwood.	50	0 0	14 June	Do.	
Do.	Cattle Inspector	25	0 0	14 June		
Do.	Deputy Registrar of Brands	25	0 0	14 June		
T. L. P. Croaker	Sheep Inspector, Bathurst	250	0 0	12 Aug.	Do.	
Do.	Cattle Inspector	25	0 0	12 Aug.		
Do.	Deputy Registrar of Brands	25	0 0	12 Aug.		
Jeremiah Wilson	Keeper of Binda Caves	25	0 0	12 Jan.	Do.	
Archibald Ashdown	Accountant, Railway Department	500	0 0	21 May	Do.	
Joseph Barling	Clerk, Railway Department	200	0 0	21 May	Formerly Clerk, Harbours and Rivers Department.	
John T. Bryant	Do. do.	250	0 0	1 Sept.	Formerly Goods Clerk, Railway Department.	

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
		£	s. d.	1867.	
G. W. Bailey	Draftsman, Railway Department	425	0 0	1 Sept.	First appointment.
G. C. Clarke	Do. do.	350	0 0	1 Sept.	Do.
Henry Barker	Temporary do. do.			16 Sept.	Do.
John S. Dean	Assistant Clerk, do.	100	0 0	9 Oct.	Do.
Walter Oakes	Clerk, do.	75	0 0	1 Jan.	Do.
Edward Higgs	Railway Station Master	150	0 0	1 April.	Formerly Railway Guard.
Do.	Inspector, Western Line	175	0 0	1 Aug.	Formerly Station Master.
W. D. Cavanaugh	Railway Station Master	150	0 0	1 Dec.	Formerly Assistant Clerk, Railway Department.
Samuel Pass	Do.	120	0 0	16 Dec.	Do. do.
T. M. Giblin	Do.	200	0 0	1 Mar.	Do. do.
William Elyard	Do.	120	0 0	17 Aug.	Formerly Assistant Railway Station Master.
John Harrison	Funeral Conductor, Railways			1 Jan.	Formerly Porter in the Department.
James Wallace	Railway Station Master	120	0 0	1 Nov.	First appointment.
Charles Richardson	Railway Surveyor on Extensions	250	0 0		
	Allowance	200	0 0	8 Feb.	Formerly Surveyor in the Department, in 1863.
Thomas Watson	Railway Surveyor on Extensions	300	0 0		
	Allowance	200	0 0	1 April.	First appointment.
Alfred Vinc	Railway Surveyor on Extensions	250	0 0		
	Allowance	200	0 0	29 Mar.	Employed in same capacity in 1866.
Alfred Francis	Railway Surveyor on Extensions	300	0 0		
	Allowance	200	0 0	1 April.	Employed in same capacity in 1863.
A. L. Trembicki	Assistant Engineer, Trial Surveys	500	0 0		
	Allowance	280	0 0	1 April.	Formerly Superintendent of Main Roads.
F. B. W. Woolrych	Railway Surveyor on Extensions	300	0 0		
	Allowance	200	0 0	26 April.	Formerly Surveyor in Survey of Lands, 1862.
John Skinner	Draftsman, Harbours and Rivers	275	0 0	17 July	Formerly Clerk of Works, Newcastle.
Henry Hardy	Assistant Engineer, do.			1 Feb.	First appointment.
W. M. M. Arnold	Assistant, Murrumbidgee Surveys			10/-	
Cecil Darley	Clerk of Works, Wollongong	300	0 0	28 Jan.	Do.
Alfred Buttmer	Assistant Surveyor, Harbours and Rivers.			17 July	Do.
				1 Sept.	Do.
Arthur Wood	Do. do.			20/-	
E. S. Spencer	Draftsman, Colonial Architect's Department.			1 Sept.	Do.
				4 Jan.	Do.
William Roberts	Temporary Foreman of Works, Colonial Architect's Department.	200	0 0	19 Mar.	Do.
E. Colley	Do. do.	250	0 0	23 April.	Do.
A. Houston	Do. do.	200	0 0	2 May	Do.
R. M'Kellar	Do. do.	200	0 0	4 Dec.	Do.
Gustave A. Morell	Assistant Engineer, Main Roads Department.	400	0 0	13 June.	Formerly Draftsman, Harbours and Rivers Department.
P. H. Flynn	Clerk, Main Roads Department.	225	0 0	19 May	Formerly Temporary Clerk in Department.
P. Dooner	Bridge Superintendent, Main Roads	300	0 0	22 Jan.	Formerly a Ganger in Department.
S. A. Donnelly	Superintendent, Main Roads	300	0 0		
	Allowance	100	0 0	20 Feb.	First appointment.
John Gordon	Superintendent, Main Roads	350	0 0		
	Allowance	150	0 0	1 Aug.	Formerly Overseer of Main Roads.
G. Philben	Superintendent, Main Roads	300	0 0		
	Allowance	100	0 0	1 July	Do.
P. Murray	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	22 Jan.	Formerly Ganger, Main Roads.
R. Richardson	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	1 Feb.	First appointment.
F. A. Franklin	Superintendent of Main Roads	350	0 0		
	Allowance	150	0 0	1 April.	Do.
John L. Ruthven	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	7 June.	Do.
P. J. Douglass	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	17 July	Formerly Clerk of Works, Harbours and Rivers.
John Rowley	Toll Collector			10/-	
J. J. Duffy	Road Overseer	200	0 0	1 June.	First appointment.
	Allowance	100	0 0	1 July	Formerly Ganger in Department.
M'Namara Russell	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	25 July	First appointment.
Percy Scarr	Overseer of Main Roads	200	0 0		
	Allowance	100	0 0	16 Oct.	Do.
R. A. Arnold	Temporary Clerk, Roads Department	150	0 0	3 Jan.	Do.
William Forde	Do. do.	150	0 0	19 May	Formerly Clerk in the Department.
F. O. Byrnes	Clerk, Electric Telegraph Department	150	0 0	1 May	Formerly Clerk, Sydney Gaol.
K. A. H. Mackenzie	Operator, do.	150	0 0	1 April.	Formerly Batteryman in the Department.
W. H. Hilliard	Junior Operator, do.	52	0 0	1 Dec.	Formerly Messenger in the Department.
E. D. Scott, junior	Line Inspector, do.	150	0 0	24 April.	Employed in same capacity, 1864.
John Kirwan	Station Master, do.	200	0 0	23 April.	Formerly Telegraph Line Inspector.
Robert Pizey	Assistant Operator, do.	150	0 0	1 April.	Formerly Telegraph Station Master in 1865.
J. J. R. Ferris	Station Master and Line Inspector, do.	180	0 0	1 April.	Formerly Operator in the Department.
John Cook	Line Inspector, do.	120	0 0	10 Oct.	First appointment.
John Eames	Junior Operator, do.	52	0 0	1 July	Do.
F. W. Browne	Do. do.	52	0 0	1 Dec.	Do.
Dalway Bell	Do. do.	104	0 0	11 Mar.	Do.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
Charles J. Muston	Station Master and Line Inspector, Electric Telegraph Department.	£ 104	s. 0 d. 0	1867. 1 Dec. ...	Formerly Junior Operator in Department.
E. W. Long	Do. do.	180	0 0	1 April ...	Formerly Operator in the Department.
William M'Nab	Do. do.	150	0 0	1 June ...	Formerly Messenger in the Department.
John F. Tyler	Do. do.	150	0 0	19 Oct. ...	First appointment.
Dalway Bell	Do. do.	150	0 0	1 July ...	Formerly Junior Operator in Department.
W. Cunningham	Line Repairer, Electric Telegraph	150	0 0	27 May ...	Formerly Overseer on Construction of Lines.
Charles Hammond	Station Master, do.	180	0 0	24 April ...	Formerly Line Inspector in the Department.
A. H. M'Gregor	Do. do.	200	0 0	19 Oct. ...	Formerly Operator in the Department.
K. C. Mackenzie	Operator, do.	104	0 0	1 July ...	Formerly Junior Operator in the Department.
Edgar C. Jones	Railway Surveyor on Extensions	300	0 0	} 30 Mar. ...	First appointment.
	Allowance	200	0 0		
Herbert Palmer	Railway Surveyor on Extensions	350	0 0	19 Sept. ...	Do.
C. T. Crouch	Probationary Clerk, General Post Office.	50	0 0	17 Oct. ...	Do.
F. H. Pegus	Do. do.	50	0 0	7 Jan. ...	Do.
Asher Day	Cashier, do.	350	0 0	1 April ...	Formerly Clerk in the Department.
Henry Gale	Clerk, do.	150	0 0	17 April ...	Formerly Clerk of Select Committees, Legislative Assembly, 1861.
T. Balderstone	Do. do.	150	0 0	1 Jan. ...	Formerly News Sorter in the Department.
Andrew Porter	Do. do.	132	0 0	1 May ...	Formerly Letter Carrier in the Department.
William Hunt	Extra Clerk, do.	50	0 0	27 April ...	First appointment.
M. A. Walker	Official Post Master, Mudgee	250	0 0	1 Jan. ...	Do.
E. T. Parker	Do. Young	300	0 0	1 Mar. ...	Formerly Clerk in the General Post Office.
Hulton H. Voss	Water Police Magistrate	600	0 0	11 July ...	Acting for P. L. Cloete, Esq., on leave of absence.
Charles Thorpe	Sub-Inspector of Police	200	0 0	1 Feb. ...	Formerly Senior Sergeant of Police.
William Wright	Do.	200	0 0	1 May ...	Formerly Senior Constable.
Robert Lowes	Police Magistrate, Corowa	100	0 0	12 Nov. ...	First appointment.
H. M. Keightley	Do. Rockley	275	0 0	1 Jan. ...	Formerly Assistant Gold Commissioner.
J. F. Dopping	Do. Wollombi	450	0 0	1 April ...	First appointment.
George Mauusell	Do. Moama	275	0 0	1 Jan. ...	Formerly Clerk of Petty Sessions, Moama.
H. J. Bolding	Do. Raymond Terrace	275	0 0	1 Jan. ...	Formerly Clerk of Petty Sessions, Raymond Terrace.
F. W. Edwards	Do. Coonabarabran	275	0 0	1 Jan. ...	Formerly Clerk of Petty Sessions, Coonabarabran.
A. O. Grant	Do. Gosford	300	0 0	1 Jan. ...	First appointment.
J. G. King	Do. Canonba	350	0 0	18 Mar. ...	Formerly Sub Gold Commissioner.
Henry Burne	Do. Araluen	375	0 0	1 July ...	Formerly Police Magistrate, Wentworth, 1864.
R. B. Mitchell	Clerk of Petty Sessions, Balrauld	175	0 0	1 Jan. ...	Formerly Clerk of Petty Sessions, Condobolin, 1864.
T. K. Abbott	Do. Gunnedah	175	0 0	14 Dec. ...	First appointment.
Timothy Foley	Do. Muswellbrook	175	0 0	16 Dec. ...	First appointment. Also Registrar of District Court there.
E. W. Byrne	Do. Moruya	175	0 0	1 Jan. ...	Formerly Extra Clerk, Legislative Assembly.
J. A. Portus	Do. Mudgee	175	0 0	1 Mar. ...	First appointment. Also Registrar of District Court there.
Charles J. Poole	Do. Yass	175	0 0	1 Mar. ...	Do. do.
James Taylor	Clerk, Sydney Gaol	120	0 0	4 May ...	First appointment.
Rev. G. A. C. Innes	Chaplain, Church of England—Gaol, Parramatta.	40	0 0	1 Aug. ...	Also Chaplain, Parramatta Lunatic Asylum.
Alexander Forbes	Gaoler, Bathurst	175	0 0	13 May ...	Formerly Sheriff's Bailiff, Bathurst.
Alice Forbes	Matron, Gaol, Bathurst	42	0 0	21 May ...	First appointment.
George H. Stace	Gaoler, Maitland	175	0 0	14 June ...	Do.
Helen Stace	Matron, Maitland Gaol	42	0 0	14 June ...	Do.
Rev. D. M'Guinn	Roman Catholic Chaplain, Berrima Gaol.	75	0 0	1 May ...	Do.
Peter Herbert	Trades Overseer, Berrima Gaol	150	0 0	13 July ...	Formerly Trades Foreman, Berrima Gaol.
James Hester	Visiting Surgeon, Albury Gaol	40	0 0	1 Jan. ...	First appointment.
M. Walker	Gaoler, Braidwood	140	0 0	21 Mar. ...	Formerly Warder, Sydney Gaol.
Ann Walker	Matron, Braidwood Gaol	20	0 0	21 Mar. ...	First appointment.
G. P. Lambert	Visiting Surgeon, Wollongong Gaol	40	0 0	1 Jan. ...	Do.
J. B. West	Visiting Surgeon, Armidale Gaol	40	0 0	1 Jan. ...	Do.
A. B. Morgan	Visiting Surgeon, Wagga Wagga Gaol	40	0 0	1 Jan. ...	Do.
Morgan O'Connor	Visiting Surgeon, Yass Gaol	50	0 0	1 Jan. ...	Do.
Thomas Rankin	Gaoler, Deniliquin	140	0 0	25 June ...	Formerly Warder, Wagga Wagga Gaol.
Maria Rankin	Matron, Deniliquin Gaol	20	0 0	25 June ...	First appointment.
Erasmus Wren	Visiting Surgeon, Deniliquin Gaol	50	0 0	1 Jan. ...	Do.
Ernest Smith	Probationary Clerk, General Post Office.	50	0 0	25 Oct. ...	Do.
G. S. W. Ramsay	Assistant in the Post Office, Mudgee	50	0 0	6 May ...	Do.
Sarah M. Robinson	Do. Forbes	50	0 0	1 Dec. ...	Do.
Sarah Stone	Do. Albury	25	0 0	1 Dec. ...	Do.
Francis H. Wilson	Copying Clerk, Legislative Council	175	0 0	1868. 1 May ...	Formerly Extra Clerk in Office, Occupation of Crown Lands.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
William L. Edwards	Copying Clerk, Legislative Council	£ 175	s. 0 d. 0	1868. 14 Oct. ...	Formerly Clerk of Petty Sessions, Gunning.
Vere Hunt	Clerk, Colonial Secretary's Office	150	0 0	6 April ...	Formerly Extra Clerk, Executive Council Office.
J. J. M. Beatty	Do. do.	150	0 0	1 Sept. ...	First appointment.
William Byrnes, junior	Do. do.	75	0 0	1 Sept. ...	Do.
Samuel Hunt	Do. do.	200	0 0	1 Jan. ...	Formerly Clerk of Reformatory Institutions.
John G. Cohen	Do. do.	50	0 0	1 Sept. ...	First appointment.
J. B. Donovan	Extra Clerk, do.	150	0 0	1 Sept. ...	Do.
F. N. Manning	Superintendent of the Lunatic Asylum, Tarban.	650	0 0	15 Oct. ...	Do.
Rev. G. A. C. Innes	Chaplain, Church of England, Lunatic Asylum, Parramatta.	50	0 0	1 Jan. ...	Also Chaplain at Gaol, Parramatta.
Rev. J. Fletcher	Chaplain, do.	50	0 0	1 July ...	Do. do.
Rev. J. R. Blomfield	Do. do.	50	0 0	1 Oct. ...	Do. do.
Edmund Burton	Examiner of Land Titles	800	0 0	6 July ...	First appointment.
W. H. L. Rauken	Extra Clerk, Brands Branch	150	0 0	11 Mar. ...	Do.
W. F. Gordon	Do. do.	150	0 0	7 Oct. ...	Do.
George Martin	Chief Officer, Nautical School Ship "Vernon."	150	0 0	3 Mar. ...	Do.
J. M'Skimming	Schoolmaster, N. S. S. "Vernon"	150	0 0	1 July ...	Do.
Frederick Caue	Clerk and Storekeeper, Industrial School for Girls, Newcastle.	120	0 0	22 Feb. ...	Do.
Martha Ravenhill	House Matron, do.	75	0 0	4 May ...	Do.
Emma Holden	Assistant Matron, do.	50	0 0	23 June ...	Do.
Margaret Elliott	House Matron, do.	75	0 0	23 Sept. ...	Do.
Bridget Sadloir	Assistant Matron, do.	50	0 0	3 Sept. ...	Do.
John C. Bravey	Schoolmaster, Protestant Orphan School, Parramatta.	120	0 0	1 Aug. ...	Do.
R. C. Walker	Inspector of Public Charities	500	0 0	17 April ...	Formerly Accountant, Railway Department.
Thomas MacNevin	Clerk, Crown Law Offices	183	0 0	16 Jan. ...	First appointment.
C. A. W. Lett	2nd Clerk to Crown Solicitor	300	0 0	1 Jan. ...	Formerly Clerk in Office of Clerk of the Peace.
James Gordon	Clerk Associate	200	0 0	1 Jan. ...	First appointment.
Patrick Kincolla	Assistant Sheriff's Bailiff, Sydney	120	0 0	1 Oct. ...	Formerly Constable, Police Force, Sydney.
Edwin Ryan	3rd Clerk, Insolvency Department	150	0 0	6 Jan. ...	First appointment.
G. P. Lowry	Do. do.	150	0 0	18 Oct. ...	Do.
J. K. Cleere	Registrar of District Court, Penrith	80	0 0	13 Jan. ...	Formerly Clerk, Central Police Office, Sydney.
George Leary	Do. do. Hay	40	0 0	17 Oct. ...	First appointment. Also Clerk of Petty Sessions, Hay.
L. F. Layard	Registrar, Western District Court	300	0 0	1 Oct. ...	First appointment.
Edwin Ryan	Registrar of District Court, Mudgee	60	0 0	17 Oct. ...	Also Clerk of Petty Sessions, Mudgee. Formerly Clerk in Insolvency Department.
A. C. Fraser	Clerk of the Peace, Sydney	550	0 0	1 Jan. ...	Formerly 2nd Clerk to Crown Solicitor.
George Layton	Accountant, Colonial Treasury	400	0 0	1 April ...	Formerly Bookkeeper in the Department.
F. Kirkpatrick	Bookkeeper, do.	300	0 0	1 April ...	Formerly Clerk in the Department.
F. J. Eaton	Clerk, Treasury	175	0 0	22 April ...	Formerly Extra Clerk in the Department.
Nicholas Lockyer	Extra Clerk, Treasury	35	0 0	16 April ...	First appointment.
J. P. Holdsworth	Do. do.	75	0 0	12 May ...	Do.
H. Roxburgh	Do. do.	25	0 0	19 Oct. ...	Do.
James Thomson	Inspector of Public Revenue Collectors' Accounts.	600	0 0	10 Aug. ...	Formerly Accountant, Colonial Treasury.
Richard Johnson	Clerk, Stamp Duties Office	100	0 0	1 Jan. ...	First appointment.
Augustus Berney	Collector of Customs	700	0 0	21 Sept. ...	Formerly 1st Landing Surveyor in the Department.
Edmund Jones	1st Landing Surveyor, Customs	500	0 0	21 Sept. ...	Formerly 2nd Landing Surveyor in the Department.
A. T. Black	16th Landing Waiter, Customs, Sydney.	195	0 0	1 Aug. ...	Formerly Acting Locker in the Department.
John Green	Do. do.	195	0 0	1 Mar. ...	Formerly Locker in the Department.
William Smyth	Do. do.	195	0 0	1 Oct. ...	Do.
Robert L. Eames	2nd Tide Surveyor, Customs	325	0 0	17 April ...	Formerly Customs Coast Waiter, Botany.
J. F. McDonall	1st Locker, Customs	225	0 0	4 July ...	Formerly Customs Officer, Albury.
R. Christison	14th do. do.	200	0 0	1 July ...	Formerly Tide Waiter in the Department.
C. H. Horsley	5th do. do.	225	0 0	1 Aug. ...	Formerly Inspector of Distilleries.
Nathaniel Neale	Acting Locker, Customs	175	0 0	1 Aug. ...	First appointment.
F. W. Twinc	Locker, Customs	200	0 0	1 Oct. ...	Formerly paid as Extra Tide Waiter.
J. B. Spencer	Tide Waiter, Customs	175	0 0	1 Jan. ...	Formerly Acting Locker in the Department.
Elijah Keating	Acting Tide Waiter, Customs	100	0 0	24 Jan. ...	First appointment.
Samuel M. Beard	Do. do.	100	0 0	25 Sept. ...	Formerly Extra Tide Waiter, Customs.
A. H. Pegus	Tide Waiter, Customs	175	0 0	1 July ...	Do. do.
A. T. Black	Customs Const Waiter, Broken Bay	250	0 0	1 Oct. ...	Formerly Landing Waiter, Sydney.
M. M'Dermott	Do. Botany	225	0 0	19 May ...	Formerly 2nd Tide Surveyor, Customs Department, Sydney.
John Swyny	Officer of Customs, Albury	250	0 0	4 July ...	Formerly Locker, Customs, Sydney.

Name.	Office.	Salary.		Date of Appointment.	Remarks.	
		Yearly.	Daily.			
John Green	Officer of Customs, Wagga Wagga...	£ 250	s. 0	d. 0	1868. 1 Aug. ...	Formerly Landing Waiter, Customs, Sydney.
Frank A. Eagar	Extra Clerk, Customs Department, Sydney.	175	0	0	1 May ...	First appointment.
J. P. Winchcombe	Do. do. ...	175	0	0	1 July ...	Formerly Assistant Clerk, Shipping Office, Sydney.
Knox Ellis	Acting Locker, do. ...	200	0	0	1 Aug. ...	Formerly Acting Inspector of Distilleries.
John W. Weekes	Inspector of Distilleries	400	0	0	1 Aug. ...	Formerly Inspector of Sugar Refineries.
Thomas C. Jamison	Inspector of Sugar Refineries	275	0	0	1 Aug. ...	Formerly Locker, Customs Department.
Knox Ellis	Acting Inspector of Distilleries	200	0	0	15 Feb. ...	First appointment.
James Flanagan	Deputy Shipping Master, Sydney ...	300	0	0	8 April ...	Formerly Clerk, Shipping Office.
H. Hoadley	Electric Telegraph Operator, Port Stephens.	26	0	0	1 July ...	Also Principal Light-keeper there.
Thomas Stewart	Pilot, Bellinger River	175	0	0	22 July ...	First appointment.
George Mulhall	Light-keeper, Barrenjuey	144	0	0	1 July ...	Do.
John Edwards	Extra Clerk, Department of Lands..				6/- 1 April ...	Do.
Edmund Farr	Clerk, do. ...	150	0	0	1 Aug. ...	Formerly Mail Guard, Post Office.
A. G. Shadforth	Temporary Clerk, Lands Department				10/- 5 Oct. ...	Formerly an Assistant Gold Commissioner.
P. F. Adams	Surveyor General	1,000	0	0	17 Mar. ...	Formerly Deputy Surveyor General.
H. B. Evans	Surveyor, 2nd Class, Survey Dept..	300	0	0	1 Mar. ...	Formerly Temporary Surveyor.
	Allowance	280	0	0		
A. C. Betts	Surveyor, 2nd Class, Survey Dept..	300	0	0	1 May ...	Formerly Licensed Surveyor.
	Allowance	230	0	0		
E. H. Wyndham	Temporary Surveyor	300	0	0	1 Jan. ...	First appointment.
	Allowance	230	0	0		
H. A. Crouch	Supernumerary Draftsman, Survey Department.	75	0	0	1 June ...	Do.
M. O'C. Blake	Do. do. ...	75	0	0	1 June ...	Do.
H. S. W. Crummer	Extra Clerk, Crown Lands Office ...				6/- 1 June ...	Do.
John Mackarg	Draftsman, Crown Lands Office, Sydney.				12/6 24 Sept. ...	Do.
John S. Futter	Commissioner of Crown Lands	400	0	0	11 June ...	Do.
John S. Yeo	Sheep Inspector, Sydney	250	0	0	17 Feb. ...	Formerly Sheep Inspector, Merriwa.
Do.	Cattle Inspector	50	0	0	17 Feb. ...	
Do.	Deputy Registrar of Brands	25	0	0	17 Feb. ...	
George A. Cleave	Sheep Inspector, Windsor	250	0	0	4 Feb. ...	First appointment.
Do.	Deputy Registrar of Brands	25	0	0	4 Feb. ...	
Do.	Cattle Inspector	25	0	0	4 Feb. ...	
John Roper	Sheep Inspector, Merriwa	250	0	0	9 April ...	Do.
Do.	Cattle Inspector	25	0	0	9 April ...	
Do.	Deputy Registrar of Brands	25	0	0	9 April ...	
Stewart Ryrrie	Sheep Inspector, Cooma	250	0	0	7 Aug. ...	Do.
Do.	Deputy Registrar of Brands	25	0	0	7 Aug. ...	
William Carron	Acting Clerk and Librarian, Botanic Gardens.	150	0	0	1 April ...	Formerly Collector of plants.
David Hammond	Do. do. ...	150	0	0	1 Sept. ...	First appointment.
John E. Liardet	Secretary to the Necropolis, Haslem's Creek.	250	0	0	12 May ...	Formerly Acting 2nd Clerk, Supreme Court.
Edmund Bell	Junior Clerk, do. ...	100	0	0	6 Aug. ...	First appointment.
Henry De Boos	Clerk, Public Works Department ...	200	0	0	1 Jan. ...	Formerly Wharfinger, Newcastle, 1867.
C. A. Neale	Clerk, Railway Department	50	0	0	22 Aug. ...	First appointment.
James Lawson	Assistant Clerk, Railway Department	150	0	0	1 Mar. ...	Do.
S. G. Wilkinson	Plan Moulder, do. ...	100	0	0	1 Jan. ...	Formerly Extra Clerk, Executive Council Office.
T. Underwood	Extra Clerk, Railway Department...				10/- 1 Feb. ...	First appointment.
Albert Thomas	Clerk, do. ...	150	0	0	1 June ...	Formerly Extra Clerk in the Department.
T. F. Jackson	Railway Station Master	150	0	0	1 May ...	Formerly Assistant Station Master.
G. J. Roberts	Do. ...	120	0	0	13 July ...	Formerly Assistant Clerk in the Department.
Charles Morris	Do. ...	150	0	0	6 Aug. ...	Formerly Assistant Station Master.
G. H. B. Gilbert	Do. ...	150	0	0	20 Aug. ...	Do.
John Terry	Do. ...	150	0	0	1 Feb. ...	Formerly Railway Porter.
Francis Napier	District Engineer, Harbours and Rivers, Department.	530	0	0	28 July ...	Formerly Temporary Engineer in the Department.
John Laing	Master, Steam Dredge "Hercules" ...	250	0	0	1 Aug. ...	First appointment.
A. G. Edwards	Clerk and Draftsman, Colonial Architect's Department.	150	0	0	1 Jan. ...	Formerly a Cadet in the Department.
Francis J. Wickham	Chief Clerk, Roads Department ...	325	0	0	1 Jan. ...	Formerly Accountant in the Department.
P. H. Flynn	Accountant, Roads Department	275	0	0	1 Jan. ...	Formerly Clerk in the Department.
G. C. Eames	Clerk, Roads Department	225	0	0	1 Jan. ...	Formerly Clerk, Public Works Department.
M'Namara Russell	Superintendent of Main Roads	350	0	0	28 Jan. ...	Formerly Overseer in the Department.
	Allowance	150	0	0		
A. L. Trembicki	Superintendent of Main Roads	350	0	0	25 Feb. ...	Formerly Assistant Engineer on Railway Extensions.
	Allowance	150	0	0		
Robert Donaldson	Overseer of Main Roads	200	0	0	6 May ...	Formerly Ganger in the Department.
	Allowance	100	0	0		
E. T. Whiteside	Temporary Draftsman, Main Roads Department.	5	5	0	1 June ...	First appointment.
Milton Love	Cadet, Main Roads Department ...	70	0	0	1 April ...	Do.
E. D. Scott, junior	Electric Telegraph Station Master...	200	0	0	18 June ...	Formerly Line Repairer in Department.
Charles J. Muston	Electric Telegraph Line Repairer ...	150	0	0	23 Oct. ...	Formerly Operator in the Department.

Name.	Office.	Salary.		Date of Appointment.	Remarks.
		Yearly.	Daily.		
John Nelson	Junior Operator, Electric Telegraphs	£	s. d.	1863.	
Thomas Quirk	Do. do.	52	0 0	18 July ...	First appointment.
C. J. Nealds	Electric Telegraph Station Master...	104	0 0	18 July ...	Do.
W. E. Shaw	Do.	150	0 0	16 March	Formerly Railway Traffic Manager, 1862.
Charles Kobby	Do.	52	0 0	16 April...	Also Postmaster, Raymond Terracc.
John Eames.....	Do.	180	0 0	1 June...	Formerly Line-repairer in the Department.
J. Webster	Do.	180	0 0	18 July ...	Formerly Junior Operator in the Department.
James Naylor	Telegraph Operator.....	104	0 0	1 May ...	First appointment.
G. A. F. Kibble	Electric Telegraph Station Master...	25	0 0	20 Oct. ...	Do.
A. L. Munn	Do.	52	0 0	5 Oct. ...	Also Postmaster at Denman.
Robert M'Levie	Overseer, Construction of Telegraph Lines.	26	0 0	19 Oct. ...	Also Postmaster, Merimbula.
G. F. Haight	Do. do.	16/-		10 Aug. ...	First appointment.
Thomas Parrot.....	Do. do.	16/-		14 July ...	Do.
G. R. Sothern	Probationary Clerk, General Post Office.	50	0 0	18 July ...	Do.
W. B. Foster	Do. do.	50	0 0	14 May ...	Do.
A. C. Button	Clerk, General Post Office	175	0 0	1 March	Formerly Mail Guard in the Department.
L. M. M. Dennis	Probationary Clerk, General Post Office.	50	0 0	1 June ...	First appointment.
Honore F. Tucker	Do. do.	50	0 0	1 March	Do.
Leonard Seton	Do. do.	50	0 0	4 June ...	Do.
J. B. Bossley	Do. do.	50	0 0	1 Sept. ...	Do.
J. S. Armstrong	Do. do.	50	0 0	16 Oct. ...	Do.
Mary Emblin	Assistant in the Post Office, Armidale	50	0 0	1 May ...	Do.
T. M. Slattery	Clerk, Central Police Office	165	0 0	7 Feb. ...	Formerly Extra Tide Waiter, Customs Department.
J. N. Brooks.....	Police Magistrate, Wollombi	300	0 0	1 Oct. ...	Formerly Clerk of Petty Sessions, Wollombi.
J. W. A. White	Acting Clerk of Petty Sessions, Bundarra.	50	0 0	1 June ...	Also Clerk of Petty Sessions, Inverell.
John Arkins	Clerk of Petty Sessions, Cowra	175	0 0	1 June ...	First appointment.
Edwin Ryan.....	Clerk of Petty Sessions, Mudgee	175	0 0	17 Oct. ...	Also Registrar of District Court, Mudgee. Formerly Clerk, Insolvency Department.
J. K. Cleeve	Clerk of Petty Sessions, Penrith ...	175	0 0	13 Jan. ...	Also Registrar of District Court, Penrith. Formerly Clerk, Central Police Office, Sydney.
M. Langford.....	Clerk of Petty Sessions, Tumberrumba.	175	0 0	1 April ...	Formerly Acting Clerk of Petty Sessions, Tumberrumba.
J. T. Wilshire	Clerk of Petty Sessions, Grenfell ...	175	0 0	1 July ...	Formerly Clerk of Petty Sessions, Penrith.
James White	Clerk of Petty Sessions, Merriwa ...	50	0 0	1 July ...	First appointment.
S. J. Gallaway	Acting Clerk of Petty Sessions, Bungendore and Gundaroo.	50	0 0	14 July ...	Do.
C. B. Collett.....	Acting Clerk of Petty Sessions, Wallabadah.	50	0 0	1 Sept. ...	Do.
E. B. Rayner	Acting Clerk of Petty Sessions, Collector and Gunning.	100	0 0	10 Oct. ...	Do.
G. H. Smithers.....	Assistant Clerk of Petty Sessions, Maitland.	50	0 0	22 Oct. ...	Do.
George Leary	Clerk of Petty Sessions, Hay.....	175	0 0	17 Oct. ...	Do.
James Wilson	Schoolmaster, Sydney Gaol	200	0 0	1 July ...	Do.
F. Fowler	Master Attendant, Lunatic Reception House, Darlinghurst.	100	0 0	1 July ...	Formerly Warder, Sydney Gaol.
Mary Ann Fowler	Matron, do.	60	0 0	1 July ...	First appointment.
Isaac Aaron	Medical Visitor, do.	50	0 0	1 July ...	Also Visiting Surgeon, Sydney Gaol.
George Wickham.....	Clerk, do.	30	0 0	1 July ...	Also Clerk, Sydney Gaol.
Rev. J. Fletcher	Chaplain, Church of England, Gaol, Parramatta.	40	0 0	1 July ...	Also Chaplain, Lunatic Asylum, Parramatta.
Rev. J. R. Blomfield	Do. do.	40	0 0	1 Oct. ...	Do. do.
W. G. Burgis	Clerk and Schoolmaster, Bathurst Gaol.	128	0 0	1 July ...	Formerly Schoolmaster, Sydney Gaol.
Rev. P. Dunn	Chaplain, Roman Catholic, Goulburn Gaol.	30	0 0	1 Sept. ...	First appointment.
Rev. P. J. O'Quinlivan ...	Do. Port Macquarie Gaol...	50	0 0	8 Oct. ...	Do.
W. H. Neale.....	Gaoler, Mudgee Gaol	140	0 0	6 April ...	Do.
Ada M. Neale	Matron, do.	20	0 0	6 April ...	Do.
Charles T. Smith	Visiting Justice, Wollongong Gaol	50	0 0	10 July ...	Do.
George Marshall, M.D. ...	Visiting Surgeon, Wollongong Gaol	40	0 0	1 July ...	Also Vaccinator at Wollongong.

Audit Office, Sydney,
30th December, 1869.

CHRIS. ROLLESTON.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RETRENCHMENT IN THE TREASURY DEPARTMENT. []
(CORRESPONDENCE AND MINUTES RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 3 May, 1870.

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RETRENCHMENT IN THE TREASURY DEPARTMENT.

No. 1.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE SEVERAL HEADS OF THE TREASURY DEPARTMENTS.

The Treasury, New South Wales,
Sydney, 2 July, 1869.

SIR,

The Government having, after mature consideration, decided upon immediately reducing the Public Expenditure in every possible manner, consistent with a due regard for the efficiency of the Service, I am directed by the Colonial Treasurer to request that you will commence a searching investigation into the working of the department under your charge, with a view to effecting some considerable reduction.

I have been requested to state, further, that you are fully empowered to make any suggestions for the reduction of existing salaries, or recommendations for the reorganization of your department, which, in your opinion, would enable the Government to effect a material reduction in expense, without doing palpable injustice to any of your officers, or impairing the efficiency of the Service under your immediate control.

Your report, I am to add, should be transmitted to this office on or before the 20th instant, as it is of the highest importance that immediate effect should be given to your recommendations, if approved by the Government.

I have, &c.,
HENRY LANE.

No. 2.

THE COMMISSIONER OF STAMP DUTIES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Stamp Office, New South Wales,
Sydney, 21 July, 1869.

SIR,

In the event of my suggestion with regard to the abolition of all adhesive duty stamps, with the exception of the one-penny for receipts, meeting with the approval of the Honorable the Finance Minister, I beg further to propose, for his consideration, that all the revenue adhesive stamps (duty and postage), together with the printing thereof, be placed in charge, as in England, of the Commissioner of Stamp Duties.

At the present time, in this Colony, the Commissioner's functions are limited to one class, the duty stamps—29 Vict. No. 6—and, even in respect of this class, he possesses contracted responsibility; he is permitted to make and issue the impressed stamps, which amounted last year to £38,500, and to issue the adhesive stamps, which amounted to £24,375; but the exercise of any further authority over the latter class—the adhesive stamps—is at once disputed; he is not allowed to know anything of their manufacture; he is kept entirely ignorant of the descriptions and quantities of paper used, the number printed, (except as appears by a return now forwarded monthly), their cost, the check exercised, the secure custody, and the character of the men employed; whereas in England no adhesive stamp of any kind can be printed, and no paper issued to the printer, without warrant from the Stamp Office. Some of the forms used for that purpose are forwarded herewith. By that means an effectual check is kept, both on the warehouse-keeper who delivers the paper, and the printer who stamps the same.

By the 16th section of the Postage Act, 31 Vict. No. 4, it is provided that His Excellency the Governor, with the advice of the Executive Council, shall cause, or shall authorize, the Postmaster General, or the Inspector of Stamps, or the Commissioner of Stamps, to cause postage stamps, indicating such amounts of postage as may be from time to time deemed necessary for the purposes of that Act, to be made, and sold to any person applying for the same.

The postage stamps could be obtained by the General Post Office from this department, as they are at present from the Government Printer, should it not be deemed advisable to alter the present system relative to their issue to the public.

According to the Estimates for 1869, the salaries paid for printing the adhesive duty and postage stamps are as follows, viz. :—

Foreman	...	...	...	...	...	£300
2 Printers, at £200 each	...	...	...	...	...	400
2 Assistants; one at £150, and one at £100	...	...	...	...	...	250
						£950
						£950

With the assistance of one printer and two boys, I have a staff sufficiently strong to perform the additional duty, and could effect a saving to the Government of £600 per annum.

It would be necessary, if the foregoing proposition be adopted, to make some slight alteration in the building, and to transfer the presses, &c., at present in use at the Government Printing Office to this department.

I have, &c.,
W. HEMMING,
Commissioner.

No. 3.

THE COLLECTOR OF CUSTOMS TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Custom House, Sydney,
7 July, 1869.

SIR,

I do myself the honor to state, for the information of the Honorable the Colonial Treasurer, that I have carefully considered, in accordance with your letter of the 2nd instant, the practicability and best mode of effecting some considerable reduction in the expenditure of this department.

The task is not without difficulty, and that difficulty is increased by the fact that for many years I have not only constantly avoided suggesting unnecessary increases in the expenditure, but have opposed, so far as was becoming in me to oppose, such increases, when unnecessary appointments were pressed upon me by a former Minister of the department.

In accordance with this view of my duty, the present Honorable Treasurer will remember that when the office of 10th clerk became vacant, in April last, I recommended that it should not be filled up. A saving of £175 per annum has thus been effected.

There are at present two extra lockers, receiving respectively £200 and £175. They were in no respect wanted at the time of their appointment, and they are wholly unnecessary now. They might be dispensed with, either by promoting them when vacancies occur, or by placing them on the extra list—to be employed and paid only when wanted. This would reduce the annual vote by £375 more.

There are also two extra clerks, receiving each £175, who might be dealt with in like manner. This would reduce the vote by £350 more—making, with the other items, a total reduction of £900 per annum.

Preparatory to a change in the mode of discharging ships which I have repeatedly suggested, and which was much approved of by a late Board of Inquiry into the department, I would recommend that the permanent tide staff of twelve officers, at £175 each, be gradually abolished; the present distinction between *permanent* and *extra* tide-waiters being of no utility, but rather injurious to the Service, by keeping old and useless men on permanent pay. This change, when effected, would considerably reduce the fixed expenditure.

If the *ad-valorem* duties should be abolished, and drawbacks restricted, as they are everywhere else, to sums of considerable amount (here we pay sums of 1s., 2s. 6d., &c.), I would be able to recommend further reductions in the department; but so long as the present tariff and drawback system exist, it would, in my opinion, be risking a much greater loss to make any great reduction in its cost beyond what I have mentioned. In this department a year's salary might be lost in a single hour by the absence of an officer when he was wanted.

As I consider the salaries of the Customs officers in general very low, and none of them too high, I am not prepared to recommend their reduction. The amounts are capricious in some instances, and require adjustment, but this would be best effected by a graduated scale under a Civil Service Act, such as exists in most other Colonies.

That the permanent staff is not excessive in numbers is demonstrated by the fact that we are obliged to keep over thirty supernumerary officers in attendance to meet emergencies which would wholly overpower the permanent body if not thus provided for. These supernumeraries are a great saving to the Government, as their pay is small, and they are only paid when actually and necessarily employed.

In stating my opinion that the salaries of this department are not too high, I ought, in strict truth, to add that there are persons receiving salaries who, from incapacity of one kind or other, are of little or no value to the Government, and who yet do not appear to consider it their duty to retire from the Service; and as this evil may possibly exist in other branches of the Public Service, it would be a wise measure of economy to devise some scheme for relieving the departments from the character of public hospitals which I have heard given to them, without subjecting the officers at their head to unmerited charges of harshness or want of a feeling for human infirmity, when, in the discharge of their duty, they draw the attention of the Government to the unfitness of any officer for the position in which he may have been placed.

I much regret that I have not been able to suggest any more extensive and immediate reductions in accordance with the resolution of the Government. I trust, however, that such changes will shortly be made in our fiscal legislation, in the management of the department, and in the wharf accommodation, as will enable me to make suggestions that will at once improve the efficiency of the Service and diminish its cost.

I have, &c.,
W. A. DUNCAN,
Collector of Customs.

No. 4.

THE CHIEF INSPECTOR OF DISTILLERIES, &c., TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Distilleries and Sugar Refineries,
Sydney, 19 July, 1869.

SIR,

I do myself the honor to acknowledge the receipt of your circular letter dated the 2nd instant, informing me that an immediate reduction of the public expenditure, in every possible manner consistent with the efficiency of the Service, had been decided upon by the Government, and calling upon me to institute a searching investigation into the working of the department under my charge, with a view to effecting some considerable reduction.

In reply, I beg to state that I have very carefully considered the subject submitted for my report, and have endeavoured to arrive at such a determination of the question of greater immediate economy in the conduct of the business of each branch of the Excise Service under my immediate control as might further the views of the Government; but that, after what I conceive ample attention and deliberation, I find

find myself unable to make any recommendation which would enable the Government to effect a material reduction in the cost of my department, and which would, at the same time, fulfil the two conditions mentioned in your communication—viz., preserving the efficiency of the department, and avoid palpable injustice to any of its officers.

As regards the distillery branch of my department, I take leave to refer to the opinion of my predecessor, Mr. Stirling, in 1856, when commenting on a contemplated reduction of the staff of officers at the Brisbane Distillery from four to three Inspectors.

In concluding a report on the requirements of the Service for 1857, he wrote—"Taking all things into consideration, it is my opinion that, while the duties of the Inspectors may still be performed to the best of their ability, if not so cheerfully, as heretofore, a reduction of their numbers will, in a case of sickness of any one of the number, interfere with the efficient working of the department."

That this opinion was sound and just was soon after proved by the necessity for placing on the Estimates a sum of £150 (one hundred and fifty pounds) to meet cases of such a nature as those pointed out by Mr. Stirling.

In the year 1865, on the occasion of a very long suspension of distillery operations, it was determined to dispense temporarily with the services of two Inspectors at the Brisbane Distillery. I felt it my duty at the time to point out the danger of any positive though partial dismemberment of the force, and the reduced officers were supposed to retain their connection with the department, although not receiving their salaries, and one of them, through the illness of the only Inspector left, had to be temporarily recalled. The hardship of the position of these officers, however, was one which did not escape animadversion in the Legislative Assembly.

In the year 1866, I wrote, in reply to a question very similar to the one now propounded, as follows :—
"Regarding the Distillery Department as a reduced corps, and being desirous of preserving its efficiency for duly protecting the Revenue, and for enforcing the requirements of the law under which colonial distillation is carried on, I may state, at once, that, numerically considered, the staff of the department is not more than sufficient for the purposes of its organization."

I further invited attention to the exceptional nature of the services under my charge, pointing out that while they were necessary for the collection of a large revenue, their operations could not possibly be conducted with the arbitrary regularity of other departments, but that their course of business, whether greater or smaller, had to be dependent on the action of the distiller and refiner, who, in their turn, had to submit to the control of atmospheric and other natural laws, as well as to the commercial law of supply and demand.

I also showed that the work of each distillery officer ordinarily consisted of 56 (fifty-six) hours of weekly duty, against 38 (thirty-eight) hours exacted from the *employés* of other Public Departments.

I, however, concluded the report from which I have thus largely quoted, by suggesting that on account of the contraction of the distillery operations, the services of one Inspector might be dispensed with, provided a certain sufficient amount were placed on the Estimates, under the head of contingencies, for occasional assistance.

On account of the present slackness of work at the distillery, I should have been prepared to make a similar recommendation; but the fact that the distiller's license has a currency till the end of the year, and that, under the provisions of the Distillation Act, he may resume work at any time by giving 16 (sixteen) hours' notice, coupled with the fact that I have not yet received any reply to my interrogatory communication to the distiller, respecting the probable duration of the present abeyance of his fermenting and distilling operations, deters me from so doing.

I have, in my experience of the working of the department for nearly 24 (twenty-four) years, known many fluctuations in the amount of revenue derived from the distilleries, and have witnessed many interruptions and suspensions of the distiller's business, but have never known a less number than the present retained on the permanent staff, except on the single occasion last referred to.

The necessity which its hasty reduction might occasion of employing persons unacquainted with the particular duties required of the Distillery Inspectors, and thereby unfitted for their position as guardians of, even at the present time, an important item of the revenue, is, I submit, one which ought to be carefully avoided.

The case of the staff of officers retained in connection with the Houses of Parliament occurs to me as affording an analogy in considering the requirements of the particular branch of the Public Service respecting which I am writing. In each of these departments the numbers retained are necessarily, and, in some degree, more at the rate of a possible than actual service, and in both the hours of attendance are frequently long and oppressive.

Regarding the Sugar-house branch of my department, I have only to say that there is so seldom any slackness in the operations of the refiner that a reduction of the present staff is impracticable. It should, moreover, be borne in mind that the entire expense of supervision is defrayed by the Sugar Company. Of my own position, or rather of the value of my own appointment, I deem it almost needless to say anything. Its authority, as providing a recognized control over two branches of the Public Service charged with the collection of revenue,—as providing a chief executive officer for the enforcement of enactments for the conduct of legalized, and the suppression of illicit, business and traffic,—and as affording the Government a medium of communication, consultation, and advice on all matters of excise interest,—is apparent, and has been long recognized. That utility will certainly not decrease with the growing extension and gradual development of the several interests specially under my charge, but will rather increase and add increased importance to the appointment itself.

Already, without such an office, some of the clauses of the various Acts relating to distillation would be, if not inoperative, at least of doubtful interpretation. Referring to my charge of the Sugar-house business, I will merely quote the words of a late Treasurer—Mr. Weekes, 1863—in a Minute on the subject for the Executive Council :—"It seems to me a desirable and economical arrangement that the Bonded Sugar-houses should be placed in charge of the Chief Inspector of Distilleries, whose office is on the premises. For these increased duties and responsibilities he is entitled to an increase of salary, say £150 per annum." As regards the present salaries of the department, I will only observe that, judged by the length of service of the majority of its officers, and by the character, importance, and responsibilities of the duties required from all of them, those salaries are not by any means in excess of the rates maintained in other departments of the Public Service. Should a scheme of general retrenchment be decided upon,

upon, the members of my department will, I feel sure, respectfully submit to the decision, though, as having earned their positions by length of service, the submission of some may be rendered more with reluctant than with cheerful grace.

In conclusion, I have only to add, that should I be able to obtain from the Managing Director of the Sugar Company such an intimation of his future intentions regarding work at the Brisbane Distillery, before forwarding my estimate of probable expenditure for 1870, as may enable me to advise a retrenchment in the cost of the Service, I shall not fail to act accordingly;—and further, that in the event of the present suspension of distilling operations exceeding its anticipated duration, I shall consider myself justified in recommending that one of the Inspectors be detached for temporary employment in some other Treasury Branch of the Public Service.

I have, &c.,

HENRY LUMSDAINE,
Chief Inspector of Distilleries, &c.

No. 5.

THE GOVERNMENT PRINTER TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Government Printing Office,
21 July, 1869.

SIR,

In compliance with your letter of the 3rd instant, intimating that the Government have decided upon immediately reducing the Public Expenditure in every possible way consistent with due regard to the efficiency of the Service, and requesting me to investigate the Department under my charge, with a view to effecting some considerable reduction, I have the honor to submit the following Report:—

I may state at the outset that the necessity for keeping down the expenditure of the Department, in every possible way consistent with its efficiency, is a subject which has always engaged my most anxious attention; and I believe that my efforts in this direction have been attended with some substantial and satisfactory results.

The work of the Department may be divided under the following heads:—

1. Printing—
In which is included all letter-press printing for the Legislature, Government Departments, the Government Gazette and the Police Gazette.
2. Publishing.
3. Bookbinding—
Including paper-ruling, numbering, perforating, &c.
4. Postage and Duty Stamp Printing.
5. Stereotyping and Electrotyping.
6. Railway Ticket Printing.
7. Photo-lithography and Lithographic Printing.
8. The Accountant's Branch.
9. Sale of Printed Public Documents, and Indexing.

The Staff at the present time may be classified as follows:—

General Superintendence—		Bookbinding—	
Government Printer and Inspector of Stamps.....	£600	Foreman	£300
Superintendent	400	Sub-overser	230
Overseer	300	1 Binder at	200
Clerical Branch—		3 Do. at	180
Accountant	300	2 Do. (Extra Hands) at 10s. each per diem.	
Clerk	140	1 Paper-ruler at 12s. per diem.	
Do. (Sale)	200	3 Female Sewers at 4s. 6d., 3s. 6d., and 3s., respectively.	
Record Clerk	200	2 Female Apprentices at 1s. 6d. and 1s., respectively.	
Reading—		Publishing—	
2 Readers at £200, 1 at £150, and 1 at £110.		Publisher	£230
Composing Branch—		1st Assistant	180
1 Sub-overser (Parliamentary and Gazette) £230.		2nd Do.	150
1 Do. (Job Printing) £230.		Messenger	120
1 Do. (Bills, Electoral Lists, &c.) £230.		Stamps—	
8 Compositors at £200.		Foreman	300
13 Do. at £180.		Printer.....	200
9 Do. at £150.		Do.	125
15 Piece Hands at 1s. per 1,000 letters, estimated this year at £1,200.		Assistant	150
Machine and Press Branch—		Do.	60
1 Foreman	£250	Railway Tickets—	
1 Machinist	200	Printer.....	200
3 Pressmen at	180	Assistant	150
3 Do. at.....	150	Photo-lithography and Lithographic Printing—	
1 Do. at.....	125	1 Operator at 17s. 6d. per diem.	
1 Proofman	150	1 Boy Assistant at 2s. 6d. per diem.	
1 Paper-wetter	150	2 Extra Hands, at present employed in printing plans for Water Commission, at 12s. each per diem.	
1 Engine-keeper	150	Improvers and Apprentices—	
1 Printer's Joiner	180	Of these there are 60, who are distributed throughout the various branches. They are paid at rates varying from 1s. to 8s. per diem. The total amount under this head for 1869 is estimated at £4,800.	
Stereotyping and Electrotyping—			
1 Operator at 10s. per diem.			

The

The following reductions and savings are submitted :—

1869.

Amount voted for 1869, £21,655.

The savings on this Vote during the present year will be—

Salary of 1 Postage Stamp Printer	£200
„ 1 Bookbinder	200
„ 1 Machinist, at £200 (resigned)—9 months saved	150
„ 1 Bookbinder, at 10s. per diem (deceased)—6 months saved	78
„ 1 Do. do. (resigned)—5 months saved	65
„ 1 Compositor, at £200—3 months saved	50
„ 1 Female Sewer, at 5s. (resigned)—six months saved	40

£783

Deduct—Increases to Improvers on their promotion to rank of Journey-men, and wages of new Apprentices

347

£436

Add—Repayments by other Departments for Printing, say

600

Total Saving for 1869 £1,036

1870.

The Estimate for the year 1870 will admit of the following reductions, viz. :—

Salary of 1 Postage Stamp Printer	£200
„ 1 Bookbinder	200
„ 1 Machinist (resigned)	200
„ 1 Paper-ruler (resigned)	188
„ 1 Bookbinder (deceased)	156
„ 1 Do. (resigned)	156
„ 1 Compositor, at £200—6 months	100
„ 1 Female Sewer (resigned)	79
Extra Hands and Overtime—amount reduced	600
Photo-lithography—amount reduced	200

£2,079

Deduct—Increases to Improvers and Apprentices according to scale, say

900

Reduction of Estimate as compared with 1869

£1,179

Add—Saving in Printing and Publishing Gazette, as hereinafter explained

1,430

Total Saving £2,609

With regard to the reduction of existing salaries, I confess that I do not see any room for it in this department. Every salary, from the highest to the lowest, has been considerably reduced since the year 1859, whilst on the other hand the business has largely increased both in quantity and variety. Indeed, I consider that in some cases the salaries are too low—take, for instance, those of the Readers. The duties of a Reader are of the most laborious character; and the person who undertakes them requires to possess not only considerable educational qualifications, but also a thorough and superior knowledge of all the specialities of a printing office. It can scarcely be said that services of this character are sufficiently paid for by a salary of £200 a year—the highest rate at present given in this office. On the Sydney Morning Herald, Readers, I believe, receive much higher pay, though newspaper reading is light compared with that in an office like this. Some of the Sub-overseers, too, considering their ability, long service, and great experience, are very inadequately remunerated. I have made several attempts to get these officers placed on a proper footing, but, I regret to say, without success.

As regards the number of persons employed, I would point out that in the composing branch of this office the great safety-valve of payment by the “piece” has been recently introduced. Compositors engaged on the permanent staff, receiving fixed salaries, are employed on tabular and other composition to which the “piece” system could not be either conveniently or profitably adapted. The non-permanent or supernumerary compositors are paid by quantity, at the rate of 1s. per 1,000 letters. It is perhaps true that of the latter class there is too large a number at present; but that does not operate in any way to the disadvantage of the Government, for the piece hands are never engaged upon anything but surplus work,—that is to say, they are never called upon except when the pressure is too great for the permanent staff, and whatever may be the amount of the surplus work it is simply divided amongst them. The disadvantage of the excessive number falls upon the men themselves. In the Parliamentary Recess, it frequently happens (it is so at the present moment) that there is nothing at all for these extra hands to do. At such times they are at liberty to accept a job anywhere else, conditionally on their attending here promptly when wanted. This arrangement of having a permanent and a non-permanent staff entirely secures us from ever being over-handed in the composing room. The “piece” system is not advantageously applicable to any of the other branches; but, with the exception of about four persons in all, I cannot say that the number of hands at present employed is too large—I exclude from present consideration the number of apprentices. The four persons just alluded to are workmen who, either from old age or failing health, or both, have become incapacitated from doing justice to their employment—they have, in fact, grown old and worn out in the Service; but although their continuance is undoubtedly disadvantageous, I should be very loath to recommend their reduction, except on condition of their being pensioned or compensated for

loss

loss of employment. If it could be satisfactorily arranged for them to retire, three-fourths of the amount now paid them in salaries could be saved—which would give a further reduction of about £600 a year. The vacancies which have occurred during the present year, and one which will fall in at the beginning of next year, have already been taken into account as reductions.

Accounts.

The principles upon which the Account Branch of this Department is regulated are susceptible of improvement. At present, there is a first class Accountant at a salary of £300, and a Clerk at £140, who are almost entirely occupied in collecting and accounting for revenue to the amount of only about £12 a day, which is derived from very simple sources, namely,—subscriptions to and advertisements in Gazette, and the sale of printed public documents. If the present system of accounting and checking could be simplified, the Account Branch might be made of much more practical utility; and I shall be prepared, when the matter is taken into consideration, to offer some suggestions for bringing this about.

Apprentices.

Too many apprentices have undoubtedly been introduced during the last few years, and some of the boys when they came were unfit for the business. Boy labour is only profitable up to a certain point. I shall not, however, propose to cut any of them off; but I hope we may in future be protected from further invasion, and that boys will not be taken on simply to give them employment, but only when the necessities of the office require their services. As regards those already here, I think we can manage to put them to good use.

The Government Gazette.

The Gazette has often been described as an obscure and useless publication. It is clear, however, that there must be some means of disseminating official information, and as it is not likely that any newspaper proprietor would give the gratuitous use of his columns for the purpose, its publication by the Government is an absolute necessity. The number of copies of the Gazette printed at the present time is undoubtedly large; and although I would not recommend its circulation to be too much circumscribed, I think its free distribution sufficiently profuse to admit of curtailment. Each Bench of Magistrates throughout the Colony is supplied with two copies. There can be no doubt that in the country districts one would suffice; I therefore propose to discontinue one. Every Postmaster is also supplied with a copy, which he is instructed to file and keep convenient for public reference. The arrangement under which Postmasters are furnished with the Gazette was authorized by the Government in 1864, with the view of reducing the expenditure for advertising in newspapers. Whether it brought about that result or not I am unable to say; but I am inclined to think its good effect, if it had any, was only temporary, and that the amount paid to newspaper proprietors for Government advertisements is now as large as ever. If this is the case, the distribution to country Postmasters should, I think, be discontinued as soon as possible. The Gazette is also supplied, free of charge, to Poundkeepers and Municipal Councils. I do not think there is any sufficient reason for this, and I therefore propose to discontinue such gratuitous distribution. If these recommendations be carried out, the following economical results will follow, viz. :—

Discontinuance of—			
Gazette to Benches of Magistrates (duplicate)...	...	...	116
Municipal Councils	„	...	39
Postmasters	„	...	474
Poundkeepers	„	...	192
		Copies	821
Saving—by discontinuance of 821 copies, as above	...	£1,150	
Probable additional subscriptions from Municipal Councils and Poundkeepers, 200 @ 30s.	...	£300	
Less—Expense of paper and printing	...	120	
			180
			£1,330

It is very probable that there is room for further economy in respect to the distribution of the Gazette amongst the departments in Sydney. I am afraid that in many of them very little care is taken to file and preserve the copies supplied. I am led to this conclusion from noticing, that when the half-year's Gazettes come in for binding, the files are in nearly every case woefully imperfect. Another result of carelessness in this respect is, that when a particular Gazette is required for reference, instead of its being accessible, a requisition has to be forwarded to the Government Printer for a copy, and in all probability this copy is wasted when the immediate object for which it is obtained has been served. Again, it is not unusual for a Gazette of sixteen or twenty pages to be destroyed by cutting out a notice of perhaps half a column in length. These remarks are, I believe, equally applicable to the Parliamentary Papers supplied to Public Offices. I do not know that I can propose any plan by which such small extravagances could be checked; there will not, I believe, be any remedy until the heads of departments themselves introduce some system into their respective offices for the proper care and custody of printed documents. I am sure it might be done with very little trouble and no additional expense. One point at any rate should be insisted on, namely, that no person shall appropriate waste paper of any kind as a perquisite; for that is an abuse which, if permitted at all, is sure to grow into a great evil.

Parliamentary

Parliamentary Printing.

The only proposal I have to offer at present in reference to Parliamentary Printing is one of a purely mechanical nature, namely, that the "measuro" or width of the page be increased from 30 to 36 ems pica. The effect of this alteration would be, that in a Session like the last, paper, presswork, and bookbinding to the value of nearly £200 would be saved. I have some further ideas on the subject of this branch of printing, which I shall submit in a separate Report before the commencement of next Session. It is right, however, to mention that, shortly before the commencement of last Session, a considerable reduction in the number of copies of Parliamentary Papers was made at my instance, with the concurrence of the Clerk of the Assembly, whereby a saving of about £200 a year in paper alone is being effected. Other economical arrangements, such as the use of smaller type and the disuse of "leads" or spaces between the lines, have from time to time been introduced. If there were sufficient type to keep the Blue Book and the Statistical Register standing, the annual cost of setting them up could be reduced by 40 or 50 per cent. I mention these matters just to show that we have not been asleep on the subject of retrenchment.

Job Printing.

Under this head are included all the various forms and books printed for the Government Service. Some economy has already been effected in this branch of printing, partly by keeping standing in type, and partly by stereotyping, such jobs as are considered "settled" or "permanent," and the demands for which are of frequent recurrence. Some time ago, at my request, a circular was addressed by the Under Secretary for Finance and Trade to heads of departments, requesting that a copy of every permanent form might be forwarded to me, with a view to its being stereotyped when the next demand for printing it should be made. The result up to the present time is, that we have stereotyped about 400 forms, thereby effecting a very considerable reduction in composition, as well as saving the movable types and enabling the printing generally to be done with greater expedition. The stereotyping process is, however, capable of being worked with much more advantage, if we can only obtain further co-operation in using it. Too much facility is allowed in altering, or perhaps I should say "improving," official forms from time to time. Whenever a change takes place in any important branch of the Service, the new-comer usually commences at once to alter the arrangements of his predecessor; and the probable results as regards printing are an enormous waste of old forms and books,—thus creating a necessity for a new stock of both, and perhaps, also, rendering useless a number of stereotype-plates. Such changes should not, I think, be allowed, except under a full explanation by the officer proposing them, after careful inquiry, and with the formal sanction of the Government.

I lately read a Report on the working of the Government Printing Office in Victoria, and from it I extract the following recommendation in reference to the books for the registration of letters known here as "Record Books":—

"It has been ascertained that in each branch and sub-branch of the Service there is kept a costly book of registration of letters and documents dealt with, and, in almost every instance, each is of a pattern different from another. The Board being of opinion that one form of registry common to all branches of the Service might be determined upon by the heads of the departments, and that a material saving would result from it without making any possible inconvenience, have sought and obtained the concurrence of the Honorable the Chief Secretary in their views; and steps are being taken to accomplish the object referred to."

This is applicable to our own Record Books. Several other things are recommended in the Report from which I quote (copy of which is forwarded herewith for the Honorable the Treasurer's perusal), but most of them, particularly those respecting Electoral Rolls and the piecework system, have been in operation in this office for some time past.

Railway Ticket Printing.

The Railway Ticket Printing Branch was transferred in its entirety from the Public Works to this Department in June, 1867. The machines by which this work is performed are of the most perfect description, and I have no hesitation in saying that the two printers employed could produce in three months as many Tickets as would serve for the whole year. It is, however, necessary that only careful persons who have had some training should be in charge of the machines; and I would therefore rather add to this branch some other duty, such as envelope-making, than recommend that the services of either of the printers should be dispensed with.

New Branches.

I am satisfied that some economy and convenience might be gained by extending the operations of the department in the following directions, viz.:—

To the manufacture of—

Official Envelopes,
Postage and Duty Stamp Plates,
Dating and Obliterating Stamps for Post Office,
Stationery Account Books.

I roughly estimate that, by the expenditure of about £500 for additional machinery, we could save £500 a year in this way. The growing efficiency of the numerous boys already in the office, under proper training and discipline, would supply the necessary labour.

Electoral Rolls.

It is only fair that I should allude to the very large saving which has been effected this year by the new plan of printing the Electoral Rolls. It will be seen by reference to a Parliamentary Paper, printed by order of the Legislative Assembly, dated 17th February, 1860, that the expense of collecting, compiling, and printing the rolls for the year 1859-60, was £4,863 8s. The total number of electors in that year was 74,631—this year the number is 123,418; so that, if the old system had continued, the expense of the work, at the same rate, would have been £8,042 13s. The printing of the rolls for 1869-70, with one or two exceptions,

exceptions, is completed, and probably not more than £200 has been expended for compiling and copying them; so that the saving, comparatively, cannot be less than £5,000. There has been of course a large outlay for additional type—some £2,600; but even this amount has been covered by the year's saving, and a large balance left. In future years the saving will be still greater, because it must now be manifest that to copy and compile rolls wholly in manuscript, a plan still insisted on by a few of the Returning Officers, is altogether unnecessary.

The foregoing proposals for reduction may be summarized thus:—

1869.	
Reductions by vacancies falling in	£486
Repayments by other Departments, for printing	600
Total	<u>£1,086</u>
1870.	
Reductions by vacancies falling in, &c.	£1,179
Proposed saving, by curtailing free distribution of Government Gazette (chiefly in printing paper)	1,330
Reduction of four employés, on condition of their being either pensioned off or compensated	600
Saving by increasing width of page of Parliamentary printing (chiefly in paper)	200
Saving by introduction of new branches (reduction of Stores' Vote), say	500
Total	<u>£3,809</u>
To this I am entitled to add savings already effected, viz. :—	
Improved system of printing Electoral Rolls	5,000
Reduction in number of copies of Parliamentary Papers (chiefly paper)	230
Total reductions proposed and already effected...	<u>£9,039</u>

It has been remarked, and it is of course true, that the expenses of this Department have been growing from year to year; but there are most substantial reasons for the increase. I will mention some of them. During the last ten years, sixteen Departments, all of them additional sources of printing, have been added to the official list—the bulk of the Government Gazette has increased by over 2,768 pages, notwithstanding that it is now printed in smaller type and with less margin—the Parliamentary printing of the Session of 1867–8 was greater by 4,070 pages than in the Session of 1858–9—and the number of Stamps printed has increased from 4,673,130 in 1859 to 9,884,896 in 1868, being a difference of 5,211,766. Besides all this, the following new branches have been added, namely,—

Railway Ticket Printing,
Paper-ruling (cost over £500 a year when done by contract),
Stereotyping and Electrotyping,
Photo-lithography,
Machine Numbering.

As a small set-off against the additional expenditure, it may be mentioned that the revenue of this department was, in 1859, £2,015; in 1868, £3,262—being an increase of £1,247.

I have drawn attention to these matters, in the hope that when the question of retrenchment in relation to this Department comes under review, the total at the foot of the Estimate will not be the only thing considered by the Government, but that due regard will be paid to the extensiveness of the operations conducted in this office, as well as to the economizing influence of its work upon that of other Departments.

I have, &c.,
THOS. RICHARDS,
Government Printer.

No. 6.

THE CLERK OF STORES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Treasury, New South Wales,
Store Branch,
28 June, 1869.

SIR,

With reference to our conversation of last Saturday, and to your request that I furnish the Honorable the Treasurer with any remarks that I could make towards retrenchment on the vote for this department, I do myself the honor to submit the following suggestions for his consideration.

In the first place, I think it advisable that a circular be forwarded to the head of each department, requesting, in the strongest terms, the necessity of their curtailing in every possible way their demands for stores, stationery, &c., and asking for a co-operation with the Honorable the Colonial Treasurer in economizing the public expenditure. I should like to draw the Honorable the Colonial Treasurer's attention to the fact that, in the schedule for stationery, there are many more lines than in the list of articles supplied to the Imperial officers. I would suggest that our schedule be assimilated as much as possible to the English one, and allow no officer to receive articles not enumerated therein.

It appears to me that there is no just reason to grant to a Government officer articles which are not essentially necessary for the discharge of his official duties, and that the issues of stationery should be made as nearly as was practicable—both as regards the articles and quantities—to those granted in the banking and mercantile establishments.

Printing paper. If this suggestion were acted upon, a considerable saving would be effected. With respect to the issue of printing paper, I need hardly say that the consumption is very considerable. Copies of the Government Gazette are supplied to every department, I believe, and in the case of some, so many as three and four copies, if not more, are furnished; this I think can hardly be necessary. I would propose that the issue of the Gazette be considerably curtailed. Again, the printing of Parliamentary Reports and Papers is most expensive. Every department is, I understand, furnished with copies, upon the same principle as the issues of the Government Gazette are regulated; and not only so, but a proof is first supplied and afterwards a corrected copy. So far as this department is concerned, and I believe many others of a subordinate character, this *luxury*—if I may so express myself—could under present circumstances, without inconvenience, be dispensed with.

Gaols. The quadruple yellow wove foolscap, annually demanded by the Government Printer, is of the best quality. The consumption is very large, and it has occurred to me that a saving would be gained by issuing an inferior quality of paper for the printing of proofs, &c., allowing a proportionate quantity for the publication of corrected papers. The same remark applies with reference to the blue wove double foolscap. Whilst upon the subject of printing—although not strictly within my province to make the suggestion—yet I think it right to call attention to the fact of various trades being carried on with advantage in the several large gaols. Now, I think that, if one or two printing presses, with type, &c., were supplied to the Principal Gaoler at Darlinghurst, a new branch of industry would be opened with profit to the Government, by employing prisoners in the printing of some of the simpler forms, such as envelopes, requisitions, abstracts, &c. With respect to the supply of gaol warders' trousers, I beg to inform the Honorable the Colonial Treasurer that, up to the year 1865, they were supplied with one pair only annually; now they are furnished with two pairs. The cost is £1 Os. 6d. each. There are on the Estimates, salaries for upwards of 190 warders. The police are allowed two annually, but as they are constantly on duty in public, I do not think this allowance excessive.

Police. The annual cost of stores, clothing, &c., to the Police Department, is very large; I think some curtailment of it might be made. I receive, from time to time, police coats returned to stores as un-serviceable; but upon examination, I find that the greater portion of them are new, but more or less moth-eaten. The price realized is ridiculously low. I withdrew from last sale some of the best of them, as I did not feel justified in letting them go at the low price offered. This arises from calling for tenders for a specific number, the whole not being required. The balance remains in store at the Police Depot, and become moth-eaten.

For next year the clothing will be made in the Colony, and I would suggest that personal application be made to the contractor, by members of the City Police, and the contractor paid upon receipt for each uniform, in the same manner as is adopted with clothing for the Volunteers. The same arrangement to be made with trousers, caps, &c. Large quantities of ironmongery, saddlery, &c., are forwarded to the Country Districts for the police. The local issue of these, I presume, is under the control of the Resident Superintendent, but I think a return, yearly or half-yearly, should be furnished to the Treasury, showing the condition of all stores in the various police stations of the Colony, and how un-serviceable stores have been disposed of. Condemned stores returned to this department from the police are very inconsiderable indeed, and in fact it is the same with the other departments—one or two excepted.

Surveyors' materials. The issues of surveyors' materials, such as scales, parallel rulers, &c., to the Surveyor General, during the last few years, have been considerable. Perhaps the Surveyor General would, upon application, state what supervision is kept upon the issue of these rather expensive articles.

Blankets—Aborigines. Respecting the blankets issued to the aborigines, they are forwarded to the respective Benches of Magistrates, for the blacks, but there is no record received from the Magistrates as to their disposal. It appears to me that it would be more satisfactory to have a certificate from the Benches receiving them, showing their actual distribution, and surplus (if any) remaining on hand.

It would be difficult to state the exact amount of saving which would accrue if these suggestions were given effect to, but I should think it would not be less than between £3,000 and £4,000.

I have stated that I am of opinion that, if the above suggestions were acted upon, a saving of between £3,000 and £4,000 would be effected; but if, together with them, each department in Sydney were compelled to keep a proper stock-book, and an Inspector appointed whose duty it would be thoroughly to examine them half-yearly, insisting upon a proper account being given of every article, I am almost certain £5,000 would be saved to the expenditure annually.

I should have stated before, that for the last two years the amounts voted for fuel and light have not been expended by at least the sum of £500. I beg to suggest that the amount asked for next year be £2,800, instead of £2,800.

I have, &c.,
L. I. BRENNAND,
Clerk of Stores.

No. 7.

THE CLERK OF STORES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Treasury, New South Wales,
Store Branch,

15 July, 1869.

SIR,

I do myself the honor to acknowledge the receipt of your letter, dated the 2nd instant, No. P.O. 755, requesting that I commence a searching investigation into the working of this department, with a view to retrenching the expense of the same. I now beg to inform you that, after most careful consideration of the matter, I regret that I cannot see my way clear to suggest any reduction in the number of the staff of this department, or in the amount of salaries received.

It

It perhaps will not be necessary to go much into detail as to the amount and kinds of work performed by each officer, but the Honorable the Colonial Treasurer will readily perceive that, in the expenditure of £46,500, in principally small sums, a very large amount of labour is involved; for instance—the receipt, registration, and examination of requisitions, &c. (present number 1,351), the preparation of orders, receipts, way-bills, correspondence, and examination of accounts, inspection, packing, and forwarding of stores, and very many other duties incidental to any business establishment, small when considered separately, but involving much time when taken in the aggregate. The total expense (£910) is, however, under 2 per cent. of the amount of Store Vote, £46,500.

In respect of the vote for stores, fuel, and light, I have already submitted a report, in which several suggestions were made, indicating in which way I thought savings might be effected. I may perhaps, however, supplement it by further suggesting that all correspondence which does not require a whole sheet of paper should be on one-half only. Such is the practice of the English Government, and if adopted here will cause some saving in the quantity of foolscap.

In my former report I made some reference to the large number of Gazettes issued, and stated that a saving would be effected by curtailing the number issued to the various departments. Since then, it has been suggested to me that the issue of the Gazette might be made weekly, instead of twice a week. I myself see no objection in the way, and need hardly remark that if its issue be so reduced, a very considerable quantity of paper would not be required. I, however, merely submit the suggestion for the consideration of the Honorable the Colonial Treasurer.

A number of packing cases will be received at the end of the year, with cloth, &c., under Messrs. Prince, Ogg, & Co.'s contract; these I will use every endeavour to make suffice for the purposes of packing, &c., next year. I should, however, wish to have a small sum retained on the Estimates, say £25, for any unexpected contingencies that may arise. With respect to the only other item on the Estimates over which I have control, viz., £800, I beg to state that hitherto it has been required, but as the Railway now extends to Goulburn, Muscleebrook, and One-tree Hill, some saving in this vote should be effected. It has also occurred to me that the purchase of a horse for the delivery of stores about town, at railway stations, collecting of waste paper, &c., would be an advantage to the Government. The amount paid for this service much exceeds what the keep of a horse would be. A cart and set of harness can be supplied from Store, and every endeavour would be made to perform the service without the employment of an additional labourer. A small shed in the yard, with very trifling alteration, could be made available for a stable.

I have now pointed out to the Honorable the Colonial Treasurer, in the best manner I was able, where, in my opinion, retrenchment in the expenditure of this department could be made. Should I, however, be enabled to make further suggestions, I will, with your permission, submit them in a supplementary report.

I have, &c.,
L. I. BRENNAND,
Clerk of Stores.

No. 8.

THE CLERK OF STORES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Treasury, New South Wales,
Store Branch,
22 July, 1869.

SIR,

With reference to my two former reports upon the subject of retrenchment, and to our conversation of yesterday, I do myself the honor to inform you that I have carefully examined the various schedules of tenders, and am satisfied that most of them should have a number of articles struck out. Some few years since, a great many articles were inserted which were sometimes asked for, but were not what might be termed in general use. The object was twofold:—

First, to remove the power from the Storekeeper of purchasing stores not under contract, and—

Secondly, to obviate the necessity of repeatedly calling for tenders for small quantities of stores. Although these additions were made partly upon my recommendation, I have now reason to believe that the system should be altered. The fact of having so many articles in schedule is suggestive to the various officers to ask for stores which they might possibly do without, and which would not under other circumstances be applied for. I believe some saving would be effected by altering the schedules, so as to contain such articles only as are indispensable.

When referring, in my former reports upon the subject of printed papers, I omitted to mention that, in a conversation with the Government Printer, some short time since, Mr. Richards then suggested that, as the contractor could not at the time supply proper paper, the Gazettes for the Poundkeepers should be printed upon inferior quality of paper. This might perhaps be made a permanent arrangement. This suggestion may recur to Mr. Richards, and be embodied in the report to be furnished by him. I am not aware of the number of Poundkeepers in the Colony; but if this suggestion be acted upon, some expense might be saved.

The Honorable the Colonial Treasurer is perhaps aware that the issues of stores, clothing, &c., to the police are made in bulk to the Police Depot, upon a general requisition from the Inspector General of Police, framed upon the various demands received from the country from the several Superintendents. I am not aware of the total cost of this branch of the Police Department, or whether it is maintained solely for the receipt and issue of stores; but I think that all stores for the country should pass through this department. The extra work to be entailed by such transfer could be performed by the present staff working over-hours at the busy portions of the year. It is undesirable to have a stock of clothing, &c., on hand; but under the present system of supply this cannot be avoided. Each requisition from the Superintendents, after receiving the approval of the Inspector General, should be forwarded to the Treasury, to be dealt with in the same manner as other requisitions. The conveyance of most of the stores could be economized by forwarding per police escort, &c., as is done at present.

In all my suggestions, however, I place paramount importance upon the Government insisting upon a proper accounting for stores, periodically. Provided the Honorable the Colonial Treasurer acceded to my application for the appointment of Mr. Hunt, this could be arranged without any further expense than that named by me therein.

I have endeavoured to show to the Honorable the Colonial Treasurer the ways in which savings could be effected in the estimates of this department; and in my first report I expressed a belief that, if my suggestions were adopted, a total sum of £5,000 would accrue to the Government; but with the abolition of Cockatoo Island, together with changes proposed in the Police Force, Lunatic Asylum, &c., I believe a much larger amount might have been named. In fact, I would take the responsibility of stating that, if my suggestions be given effect to, and am supported in any reasonable curtailment of requisitions, a sum of upwards of £7,000 will be saved.

The vote for stores is a very large one—£46,500; and as the supplies to the departments hitherto have been very liberal, I think out of so large a sum, and under the circumstances that retrenchment has become imperative, that the above sum will be saved without injury to the efficiency of the Public Service.

I have, &c.,

L. I. BRENNAND,
Clerk of Stores.

No. 9.

THE SHIPPING MASTER to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Shipping Master's Office,
Sydney, 17 July, 1869.

SIR,

I have the honor to acknowledge the receipt of your letter, P.O. 757, of the 2nd instant, requesting me to commence an investigation into the working of this department, with a view of effecting some reduction in the expenditure; and, in reply, having given the subject my earnest and long consideration, I beg to make the following statement:—

Over the past ten years, I (as the Deputy, and as the Shipping Master) have been anxiously and arduously engaged in organizing the Shipping Office, and can confidently assert that it is now in a satisfactory condition, having just sufficient strength, and no more than is requisite, for its efficient working. Any change, therefore, would materially affect its efficiency; the duties (unlike those of any other Government Office) being of that peculiar character which cannot be put off from one day to another, or admit of any delay. In fact, immediate attention, with quick dispatch, is the paramount duty required, as frequently several masters and owners come to the office at one time. All are clamorous for the immediate transaction of their business. Instances of this sort occurring often throughout the day—some stating the wind is fair, the vessel must be cleared and go to sea at once, or they may lose a trip, &c., &c., &c.

In times past, complaints were loud and frequent, there not being sufficient strength in the office to meet the requirements, though there was no lack of zeal and activity. Now there are no complaints, and all works well together, not only with the trade of this port, but in its relation to, and in correspondence with, the United Kingdom, and many ports of Europe and America. Still there are times when the combined and best energies of myself and the whole staff are barely sufficient to give that prompt dispatch which ensures the satisfaction of the public. At such times all other business is suspended to give attention to their urgent wants, and time is afterwards caught, at intervals, to bring up arrears.

I, therefore, cannot conscientiously, having due regard for the efficiency of the Public Service, offer any suggestions for a diminution of the strength of the department under my charge.

In reference to the existing salaries, I now commence with the consideration of the Shipping Master's (my own) salary. That, though the last paid Shipping Master received £500 per annum, after the cessation of the gold increase, the present Shipping Master, with greatly increased duties and responsibilities, has only £350. The voluminous returns to, and transactions with the Board of Trade, and my late appointment as the officer to perform the duties required by the Act 17 and 18 Vic. cap. 104, for the Relief of Distressed Seamen, pursuant to a despatch from the Imperial Government, has cast duties upon me which my predecessors were not called upon to perform, besides the general supervision and control of the department, and the actual personal work oftentimes required. These combined have greatly added to the duties that were incumbent on my predecessor, who had a much larger salary, not subject to any charge, and whose pension was not affected by any reduction, which is a very serious consideration.

About fifteen months ago, Mr. Flanagan, the Clerk Accountant, was also appointed to act as Deputy Shipping Master, but without any additional salary. He is now performing the responsible duties of both stations, on the same amount of pay as he received in 1856 as Clerk Accountant. He gives security to the extent of £400.

Mr. Parker, who has served in his present position over seven years, at £75 per annum less than his predecessor, is now on the same rate of salary at which he commenced in 1862.

Messrs. Thorpe and Creagh, the two junior clerks, are in receipt of £100 per annum each only. The assistance of Mr. Creagh, as a temporary clerk, was granted by the late Treasurer, in 1867, upon absolute necessity being shown for more clerical help. The same real necessity still exists.

The two messengers each receive £104 per annum—the same salary they received over fourteen years ago—having had no increase, though a small addition was twice placed on the Estimates by the Minister of that period, but in both cases the Estimates lapsed. The services of these men are indispensably necessary, as Wilson is frequently away procuring seamen for the shipmasters, and gathering them together from their different boarding-houses, when engaged, for the purpose of securing their presence on board their ships, besides doing the general duty of a messenger.

The other, Brown—besides being continually and actively engaged in producing and replacing in their separate receptacles the necessary ship's articles, forms and other papers in constant use—running to the bank, and other places, as required—has the indispensable duty of keeping order among the seamen about the office during Wilson's absence, as it would be impossible to conduct the business without some one constantly attending to that particular occupation.

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I, therefore, having given the subject of your letter the most studious and careful consideration, feel that I am unable to recommend any reduction in the salaries, or any diminution in the strength of this department, without (in the words of your letter) doing palpable injustice to the officers, and seriously impairing the efficiency of the Service. And I may also be pardoned for adding that all the officers have families—most of them very large ones.

I have, &c.,
WM. E. SHORTER,
Shipping Master.

No. 10.

THE INSPECTOR, GLEBE ISLAND ABATTOIR, TO THE UNDER SECRETARY FOR FINANCE AND TRADE.
Glebe Island Abattoir,
20 July, 1869.

SIR,

I have the honor to acknowledge your letter, dated 2nd July instant, numbered as per margin, P.O. 758, directing me to institute a searching investigation into the working of the department under my charge, with a view to ascertain if any reductions could be recommended consistently with a due regard to the efficiency of the Service.

In reply, I have the honor to state that I am unable, after mature and careful consideration, without doing injustice to the officers employed, to recommend any reduction in their wages, neither can I recommend that the services of any be dispensed with, as the duties of all employed are daily becoming more arduous. I would also beg to observe, with reference to the fuel used by the engine-driver, the most rigid economy has always been enforced.

I have, &c.,
FREDK. OATLEY,
Inspector.

No. 11.

THE SUPERINTENDENT OF PILOTS, &c., TO THE UNDER SECRETARY FOR FINANCE AND TRADE.
Office of Superintendent of
Pilots, Lights, and Harbours,
Sydney, 20 July, 1869.

SIR,

In reply to your circular letter, P.O. 750, of the 2nd instant, I do myself the honor to submit that a considerable reduction can be effected without impairing the efficiency of the establishment in the Pilot and Customs Departments at Twofold Bay.

At present there is a Custom House Officer and a Harbour Master, and they are each supplied with a boat's crew of four men, whilst the duty required of them could easily be performed by one officer and a single boat's crew. I beg, therefore, to suggest that the duties be amalgamated, and the most efficient of the officers and boatmen retained, and the others discharged, or removed to some other sphere of duty.

As regards the working of the other branches of this department, I beg to intimate that they have already been reduced to a minimum, and therefore, having a due regard for efficiency, do not see my way to make further reductions, unless it is the intention of the Government to do away with some of the establishments altogether.

There are several of the Pilot Stations which, in my opinion, do not justify the cost of their maintenance; but so many interests would be involved by their removal, that I scarcely feel at liberty to advise the Government to interfere with them.

Reverting to your paragraph referring to the reduction of salaries, I can individualize no officer who is overpaid, and can only suggest, if reductions are insisted on, that they shall be made rateably throughout the whole department.

A slight saving can be made in the incidental vote, by reducing the estimates somewhat, as will be shown in the returns which are to be forwarded shortly.

I have, &c.,
FRANCIS HIXSON,
Superintendent.

No. 12.

THE GOVERNMENT PRINTER TO THE UNDER SECRETARY FOR FINANCE AND TRADE.
Government Printing Office,
30 July, 1869.

SIR,

With reference to the proposal, contained in my letter of the 21st instant, to discontinue the gratuitous supply of the Government Gazette to Municipal Councils, I do myself the honor to inform you, that since making that suggestion I have discovered that, by the 143rd clause of the Municipalities Act of 1867, whenever a Free Library is established by a Municipality, the Council will be entitled to receive, without payment, for the use of such Free Library, copies of all publications issued from this office.

I would, therefore, beg leave to modify the proposal referred to, by excepting Municipalities in which Free Libraries have been, or shall be established.

I have, &c.,
THOS. RICHARDS,
Government Printer.

No. 13.

No. 13.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE GOVERNMENT PRINTER.

The Treasury, New South Wales,
Sydney, 22 July, 1869.

SIR,

In a memorandum made by the Clerk of Stores, upon the most effectual means of reducing the public expenditure for stores, stationery, &c., certain suggestions affecting your department are submitted, which, if found practicable, would effect a reduction in the expense of the services in question.

In enclosing, herewith, extracts from the memorandum, which will place you in possession of Mr. Brennand's views upon the subject, I am directed by the Colonial Treasurer to request that you will report upon the suggestions alluded to—at same time, favouring me with any further recommendations which your experience may suggest as likely to secure greater economy in the working of your department.

I have, &c.,

HENRY LANE.

[Extracts referred to.]

With respect to the issue of printing-paper—I need hardly say that the consumption is very considerable. Copies of the Government Gazette are supplied to every department, I believe, and in the case of some, so many as three and four copies, if not more, are furnished; this, I think, can hardly be necessary. I would propose that the issue of the Gazette be considerably curtailed. Again, the printing of Parliamentary Reports and Papers is most expensive. Every department is, I understand, furnished with copies, upon the same principle as the issues of the Government Gazette are regulated; and not only so, but a proof is first supplied, and afterwards a corrected copy. So far as this department is concerned, and, I believe, many others of a subordinate character, this *luxury*, if I may so express myself, could, under present circumstances, without inconvenience, be dispensed with. The quadruple yellow-wove foolscap, annually demanded by the Government Printer, is of the best quality. The consumption is very large, and it has occurred to me that a saving would be gained by issuing an inferior quality of paper for the printing of proofs, &c., allowing a proportionate quantity for the publication of corrected papers. The same remark applies with reference to the blue-wove double-foolscap. Whilst upon the subject of printing, although not strictly within my province to make the suggestion, yet I think it right to call attention to the fact of various trades being carried on with advantage in the several large Gaols. Now, I think that, if one or two printing-presses, with type, &c., were supplied to the Principal Gaoler at Darlinghurst, a new branch of industry would be opened with profit to the Government, by employing prisoners in the printing of some of the simpler forms, such as envelopes, requisitions, abstracts, &c. In my former report I made some reference to the large number of Gazettes issued, and stated that a saving would be effected by curtailing the number issued to the various departments. Since then it has been suggested to me that the issue of the Gazette might be made weekly, instead of twice a week. I myself see no objection in the way, and need hardly remark that if its issue be so reduced, a very considerable quantity of paper would not be required. I, however, merely submit the suggestion for the consideration of the Honorable the Colonial Treasurer.

No. 14.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE GOVERNMENT PRINTER.

The Treasury, New South Wales,
Sydney, 24 July, 1869.

SIR,

Adverting to my letter of the 22nd instant, referring, for your report, certain suggestions of the Clerk of Stores as to the reduction of the expenditure of your department, I have the honor to enclose extract from a supplementary memorandum of Mr. Brennand's upon same subject, and I am to request that you will report thereon likewise.

I have, &c.,

HENRY LANE.

[Extract referred to.]

When referring, in my former reports, upon the subject of printed papers, I omitted to mention that, in a conversation with the Government Printer some short time since, Mr. Richards then suggested that, as the contractor could not at the time supply proper paper, the Gazettes for the Poundkeepers should be printed upon inferior quality of paper. This might perhaps be made a permanent arrangement. This suggestion may recur to Mr. Richards, and be embodied in the report to be furnished by him. I am not aware of the number of Poundkeepers in the Colony, but if this suggestion be acted upon some expense might be saved.

THE GOVERNMENT PRINTER TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Government Printing Office,
31 July, 1869.

SIR,

In compliance with your letter of the 22nd instant, I have the honor to submit the following remarks on the extracts from the memorandum of the Clerk of Stores therein referred to:—

Mr. Brennand's suggestions and recommendations.

My remarks thereon.

1. The consumption of printing paper is very considerable.

I agree with Mr. Brennand in this.

2. Copies of Gazette. In some cases as many as three or four are supplied to every department.

Before Mr. Brennand's suggestions reached me, I had already submitted proposals for curtailing the free distribution of the Gazette. I do not see my way clearly to recommend any further reduction at present; but I append the Gazette Free-list (Return A), in order that the Hon. the Treasurer may be enabled to judge for himself.

Recommends considerable curtailment.

3. Printing of Parliamentary Papers is most expensive.

Mr. Brennand states that "the Parliamentary printing is most expensive." I am afraid he is not in possession of sufficient information to justify him in this conclusion. Does he know the actual cost per annum, or the rate at which the work is produced? He has evidently made this statement at hap-hazard. Whatever the expense may be, it is owing to the quantity of work done, which is regulated, and can only be diminished, by the Parliament itself.

Departments are furnished with them on same principle as Gazette.

Also a "proof" copy, as well as a "corrected" copy, is supplied.

Recommends that one of these be discontinued.

Mr. Brennand states that the distribution of Parliamentary Papers is on the same principle as that of the Gazette. In this he is very wide of the mark. 1,460 free copies of the Gazette are distributed, but of Parliamentary Papers less than a fourth of that number.

Mr. Brennand states, further, that Parliamentary Papers are issued to departments in a "proof," as well as in a "corrected" form. The only papers so issued (with the exception of an urgent Report or Bill occasionally) are the "Proof Votes" and "Minutes," and the "Memos. of Select Committees to meet." Return B, appended, shows that the distribution of these papers is confined to Members of Parliament and the principal officers of the Government.

4. The quadruple yellow-wove and blue-wove foolscap annually demanded by the Government Printer is of the "very best" quality.

Recommends that an inferior quality be issued for printing proofs, &c.

Mr. Brennand states that the quadruple foolscap annually demanded by the Government Printer is of the very best quality. If this is the case—and I am also responsible for the Stores samples—I will freely confess that I have been guilty of some extravagance; but the fact is, that the paper is far from being of the very best quality. I certainly should not recommend that the contract sample be lowered, because such a step would not result in any advantage to the Government, though it might be turned to account by some future contractor for his own benefit;—it is possible to get paper adulterated with clay and other abominations that would very soon destroy all the type in the office. The blue-wove foolscap, like the yellow-wove, is also far from being of the very best quality. It is, perhaps, too dear; but that is the fault of the system under which it is obtained. Prior to 1861 and 1862, both the Parliamentary Papers and the Gazette were printed on blue-wove paper. Under proper authority, I substituted the yellow-wove paper, and the saving to the Government by that change, up to the present time, must be nearly £5,000. This will show that I have not the tendency to extravagance in printing papers that would seem to be implied in Mr. Brennand's remarks. As regards using inferior paper for printing proofs, &c., it has long been the practice of this department to do so. In February last, I obtained, through Mr. Brennand, 150 reams of colonial double crown for this purpose, at considerably less than half the price of the contract paper.

5. Mr. Brennand recommends that type, &c., be furnished to the Principal Gaoler at Darlinghurst, with the view of employing prison labour in printing simple forms, such as envelopes, requisitions, abstracts, &c.

A similar proposal, made by Mr. Read, the Principal Gaoler, Darlinghurst, in 1865, was referred for my opinion. I then stated, and I still think, that £100 (Mr. Read's estimate) would not be sufficient to set up a printing office that would be of any practical use, either for doing work by prison labour, or for the instruction of boys. To give lads a mere smattering of printing knowledge would do them more harm than good, without taking into account the difficulty of their obtaining employment in any decent office after their liberation. There would naturally be great prejudice against them, both on the part of masters and men. Some business that they could follow in isolation—such as shoemaking or tailoring—would be better for them. But let us examine an estimate of the printing work that could be done by prison labour under the most favourable circumstances. Say that the services of a first-rate printer are available—provide him with an office, and set him to work; give him to print, as has been suggested, an abstract form—the one appended, marked C,
for

for instance. In the first place, it will occupy him three hours to set it up and get it ready for press; it will then take him (if he is a pressman as well as a compositor, which is rarely the case) four hours, with the assistance of a boy, to work off 1,000 copies at a hand-press. Bring the same form to this office, and it either is, or will be, stereotyped, and in less than a quarter of an hour 1,000 copies can be struck off by the steam-press, at a cost of about seven-pence (7d.) Surely the prisoner's seven hours' labour and the boy's four would be worth more at stone-cutting. I believe, if printing were introduced into the Gaol, a printer as a trade overseer would soon be required, and additions to the plant would constantly be called for. In fact, the Government would never be reimbursed a tithe of their outlay by the value of the work performed. In England, where it is said prison labour is occasionally employed upon printing, the circumstances are quite different. Some reasons that render it advisable to so utilize it there do not exist in this country. For the mere cost of appliances for an office in Darlinghurst Gaol, millions of such forms as abstracts, envelopes, &c., could be printed in this office.

6. Mr. Brennand observes—"It has been suggested to me that the issue of the Gazette might be made weekly instead of twice a week. I myself see no objection in the way, and need hardly remark that if its issue be so reduced, a very considerable quantity of paper would not be required. I, however, merely submit the suggestion for the consideration of the Honorable the Colonial Treasurer."

This is a Victorian notion, and not a very good one. With a view to seeing what would be the effect of adopting it here, I examined the Gazette file for the half-year ended 30 June, 1868, and found that in that time 52 Gazettes were published making 1,078 pages, and 102 Supplements making 804 pages; and that there were 73 kinds of Government notices inserted (See Appendix D), of which all but 8 appeared once only or but once a week. That is to say, whether the Gazette had been published once or twice a week, it would have had to contain the same matter, except that these 8 kinds of notices might have only appeared once a week instead of twice—which would have reduced the bulk of the volume by about 74 pages, or £27 worth of paper. But would it have been worth while to have sacrificed the additional publicity for the sake of this small saving in the half-year? To dispense with one publication a week would not then have the effect which Mr. Brennand seems to imagine, of saving half the paper of the Gazette. So far as this department is concerned, the getting out a "double" Gazette once a week, instead of a "single" one twice a week, would entail great additional expense for new materials and labour. (Fancy six Heralds being published together on Saturday, instead of one daily, for the sake of economy.) While, as regards other departments, and the public generally, the inconvenience would be very great,—as, for instance, in the case of Notices of the Supreme and Insolvency Courts in their several jurisdictions, Notices of Courts of Petty Sessions and other Courts, Impounding Notices, &c. As regards private advertisements, I believe a large loss of revenue would result from such a change. If, by any means, the number of small Supplements could be reduced, it would be a desirable thing to accomplish. With this object in view, I should be more disposed to recommend three issues a week than one.

7. Mr. Brennand recommends that the Poundkeepers' Gazettes be printed on an inferior paper.

I concur in this. Mr. Brennand has already supplied me with a quantity of colonial paper, and it has been used and is now in use for purposes for which it is suitable. I should be very glad to have a further supply. It is very nearly as good as the present contract paper, and cheaper.

With reference to your request that I would, in reporting on these suggestions, furnish you with any recommendations that would be likely to secure greater economy in the working of my department, I beg to remind you that I have already, in my letter of the 21st instant, entered into the subject at some length; but I shall not fail to advise you of any new ideas on the subject that may occur to me from time to time.

I would, however, in conclusion, beg to urge upon the Hon. the Treasurer the undesirability of splitting up any matter of printing either into small contracts or amongst the other Government Departments. It must be obvious that, in an establishment like this, possessing many of the labour-saving appliances of the day, and managed by practical persons, such work can be done more economically and better than in places where these advantages do not exist. Look, for instance, at the expense of printing postage stamps in 1856, before the work was transferred to this department. Again, the mode of impressing one-penny stamps on cheques, at present pursued in the department for Stamp Duties, is very laborious and antiquated. If the printing of postage stamps and other things of a similar character were conducted on the same principle in this department, the expense of their production would be enormously increased. One great principle of economy (especially in printing) is to concentrate work of a similar character in the same establishment.

I have, &c.,

THOS. RICHARDS,
Government Printer.

RETURN of Distribution of Government Gazette.

Subscribers	235
Stock	105
Free-list (as under)	1,460
	1,800

FREE-LIST.

Officer, Department, Institution, &c., receiving the Gazette.	No. of Copies supplied.	Officer, Department, Institution, &c., receiving the Gazette.	No. of Copies supplied.
The Governor-in-Chief	1	The Health Officer	1
Private Secretary	1	Shipping Master	1
Chief Justice	1	Steam Navigation Board	1
Puisne Judges	3	Bank of New South Wales	1
Clerk of Executive Council	1	Secretary for Lands	1
The President, Legislative Council	1	Under Secretary	1
Clerk of Parliaments	9	Mr. Stephen	1
Clerk of Legislative Assembly	8	Mr. Thomas	1
Parliamentary Library	2	Surveyor General	4
Colonial Secretary	5	Accountant, Survey Office	1
Under Secretary	1	Chief Commissioner of Crown Lands	1
Mr. Allan	1	Commissioner of Crown Lands for Cumberland	1
Volunteer Office	1	Secretary to the Necropolis	1
Inspector General of Police	1	Secretary for Public Works	1
Convict Classification Board	1	Under Secretary	1
Principal Gaoler, Darlinghurst	1	Chief Clerk	1
President, Medical Board	1	Accountant, Railway Office	1
Auditor General	2	Engineer-in-Chief, Harbours and Rivers	1
Registrar General	1	Commissioner for Roads	1
Deputy Registrar, Land Titles	1	Engineer-in-Chief, Railway Branch	1
Chief Clerk, Statistical Branch	1	Colonial Architect	1
The Astronomer	1	Superintendent, Fitzroy Dry Dock	1
The Curator, Australian Museum	1	Secretary, General Post Office	3
The Chairman, Benevolent Asylum	1	Superintendent, Money Order Office	1
Public Industrial School Ship "Vernon"	1	Superintendent of Telegraphs	1
Immigration Office	2	Officer Commanding the Forces	1
Council of Education	1	Deputy Commissary General	1
The Attorney General	1	Deputy Master of the Mint	1
The Solicitor General	1	Ordnance Storekeeper	1
Under Secretary	1	The Australian Club	1
Crown Prosecutor	1	The Union Club	1
Crown Solicitor	1	The Victoria Club	1
Clerk of the Peace	1	The Civil Service Club	1
Parliamentary Draftsman	1	Members of Parliament (one copy each)	99
Master in Equity	1	Foreign Consuls (one copy each)	18
Prothonotary, Supreme Court	1	Literary Institutions (one copy each)	19
Chief Clerk	1	Newspapers (one copy each)	65
The Sheriff	1	Government Officers in the country—such as	
Chief Commissioner of Insolvent Estates	1	Commissioners of Crown Lands, Superinten-	
District Court Judges	2	dents of Police, Sub-Collectors of Customs,	
Registrar, District Court	1	Gaolers, Gold Commissioners, Road Superin-	
Secretary to the Court of Claims	1	tendents, Postal Inspectors, &c. (one copy	
The Law Institute	1	each)	81
Colonial Treasurer	5	Heads of Religious Denominations (one copy each)	6
Under Secretary	1	Municipalities (one copy each)	40
Chief Clerk, Pay Branch	1	Inspectors of Sheep (one copy each)	33
Accountant	1	Benches of Magistrates	263
Commissioner of Stamp Duties	2	(116 Benches in receipt of 2 copies.)	
Collector of Customs	1	(33 do. do. 1 copy.)	
Inspector of Warehouses	1	Poundkeepers (one copy each)	192
The Coast-waiter, Botany Bay	1	Postmasters (one copy each)	474
Chief Inspector of Distilleries	1	Government Officials in Great Britain and	
Clerk of Stores	1	Colonies	47

(B.)

RETURN of the distribution of Proof Votes, Minutes, and Memo.'s, from the Government Printing Office.

	Number of Copies.			
	Votes.	Minutes.	Assembly Memo.	Council Memo.
Legislative Council—for distribution to Members, and Office use	.....	57	.....	54
The Hon. the President of the Council	1	1	1	1
J. J. Calvert, Esq., Legislative Council Offices	1	1	1	1
A. P. Clapin, Esq., Legislative Council Offices	6	10	6	13
Legislative Assembly—for distribution to Members, and Office use	157	.....	153	.....
F. W. Webb, Esq., Legislative Assembly Offices	12	4	12	4
J. Vivian, Esq., Legislative Assembly Offices	2	1	6	1
The Hon. the Colonial Secretary	1	1	1	1
Henry Halloran, Esq., Principal Under Secretary	3	3	3	3
M. R. Allan, Esq., Colonial Secretary's Office	1	1	1	1
Record Room, Colonial Secretary's Office	1	1	1	1
Henry Lane, Esq., Under Secretary for Finance and Trade	5	5	5	5
G. H. Reid, Esq., Treasury	1	1	1	1
A. W. Monday, Esq., Treasury	1	1	1	1
M. Fitzpatrick, Esq., Under Secretary for Lands	1	1	1	1
The Hon. the Secretary for Public Works	2	2	2	2
John Rae, Esq., Under Secretary for Public Works	1	1	1	1
The "Herald"	2	2	2	2
The "Empire"	2	2	2	2
Government Printing Office, Stock	10	10	10	10
	210	105	210	105

(C.)

S.A.—No. 1.

NEW SOUTH WALES.

Treasury Voucher No.

ABSTRACT and ACQUITTANCE of the Salary and Allowance of _____

Situation.	Name.	Period.			Salary.		Amount.		
		From	To.	No. of days.	Yearly Rate.	Daily Rate.	£	s.	d.
		186			£		£		
Less—Deduction for Superannuation							£		
Examined and Registered. TOTAL							£		

I certify that the above-named person was actually employed in the situation, and during the period above mentioned.

I hereby authorize the above amount to be paid on my behalf to*

(Signature) _____

* Here insert name of Party or Bank.

I acknowledge to have received, this _____ day of _____ 186 , from _____ the sum of _____ Pounds _____ Shillings and _____ Pence,

in full of my Salary and Allowance up to the last day of the period above specified.

(Signature) _____

(D.)

(D.)

Gazette File—January to June, 1868.

Number of Gazettes 52, making 1078 pages.

Number of Supplements 102, making 804 pages.

Notices not repeated.

<p>Proclamations. Appointments. Despatches. Notice of intention to apply for Private Bills. Alignment of Streets (Table). Treasury Notices— Publicans' and Auctioneers' Licenses (Table). Contracts for Forage (Table). Notices to Mariners. Return of Spirits and Tobacco (Table). Bank Abstract (Tables). Statements of Sums received from Poundkeepers (Table). Crown Lands Alienation and Occupation Acts— Approved Claims to Pre-emptive Purchases (Table). Revocation of Temporary Reserves. Reserves from Conditional Purchase. Sites for Towns and Villages. Commonage Notices. Reserves from Lease. Reserves from Sale. Approved designs for Villages. Withdrawal of Land from Sale. Sale of Leases of Crown Lands (Table). Approved Claims to Pre-emptive Leases (Table). Applications to purchase portions of Runs (Table). Runs of Crown Lands appraised (Table). Accepted Tenders for Runs (Table). Leases of Runs open to Selection (Table). Rents of Runs not paid (Table). Persons permitted to purchase (Table). Special Leases (Table). Lapsed Conditional Purchases (Table).</p>	<p>Crown Lands Alienation and Occupation Acts—<i>continued.</i> Mineral Leases Cancelled (Table). Leases Lapsed (Table). Runs Forfeited (Table). Parish Roads and Streets. Pounds Established. Notices under Diseases in Sheep Act. Auriferous Tracts Forfeited (Table). Monthly Return of Men and Horses employed (Table). Post Office Notices— Contracts entered into for Conveyance of Mails (Table). New Post Offices Established. Money Order Offices Established. Surveyor General's Notices. Intestate Estates (Table). Return of Insolvent Estates (Table). Certificates of Competency issued by Pilot Board (Table). Registrar General's Notices— Real Property (Table). Health of Sydney (Table). Marriage of Minors. Officiating Ministers Registered. Registrars of Births, Deaths, and Marriages appointed. Notices from Inspector of Distilleries. Legally Qualified Medical Practitioners. Meetings of Medical Board. Inspectors of Slaughter-houses appointed. Quarter Sessions and District Courts. Notices from Benches of Magistrates. Revision Courts. Licensing Meetings. Appointments.</p>
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Notices repeated.

Municipal Petitions (once a month—three months).
 Tenders (to date).
 Long Tenders (once a week—to date).
 Summary of Land Sales.
 School Notices (four insertions).
 Sale of Tolls, Bridges, and Ferry Dues (to date).
 Application to reclaim and purchase Land (one month continuously).
 Land dedicated to Religious and Public purposes (once a month—three months).
 Errors in Deeds (three insertions).
 Railway Notices—
 Excursion Trains (to date).
 Resumption of Land for Railway purposes (one month).
 Disputed Claims to Leases (Table—once a month, three months).
 Roads applied for to be closed (Table—once a month, three months).
 Unclaimed Property in possession of Police for sale (to date).
 Printed Public Documents on sale.

No. 16.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE SHERIFF.

The Treasury, New South Wales,
Sydney, 21 July, 1869.

SIR,

In inviting your attention to the annexed extract from a memorandum of the Clerk of Stores, as to the most effectual means of reducing the expenditure of his department, I have been directed by the Colonial Treasurer to request that you will have the goodness to furnish a report thereon; favouring me, at same time, with any suggestions which may occur to you as likely to secure greater economy in the demands of your department for clothing, stores, &c.

When dealing with the Government Printing Office, Mr. Brennan suggested that, if one or two printing presses, with type, &c., were supplied to the Principal Gaoler at Darlinghurst, a new branch of industry would be opened with profit to the Government, by employing prisoners in the printing of the simpler forms, such as envelopes, requisitions, abstracts, &c.

This suggestion appears worthy of consideration, and you will perhaps have the kindness to state your opinion with reference to the same.

I have, &c.,
HENRY LANE.

[Extract referred to.]

With respect to the supply of gaol warders' trousers, I beg to inform the Honorable the Colonial Treasurer that, up to the year 1865, the warders were supplied with one pair only, annually; now they are furnished with two pairs. The cost is £1 0s. 6d. each, and there are on the Estimates salaries for 190 warders. The police are allowed two pairs annually, but as they are constantly on duty in public, I do not think this allowance excessive.

No. 17.

THE SHERIFF TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sheriff's Office, Prison Branch,
Sydney, 9 August, 1869.

SIR,

I have the honor to acknowledge the receipt of your letter of 21st ultimo, and to inform you, in reply to that portion relating to the establishment of a printing-press in Darlinghurst Gaol, that I cannot too highly commend the introduction of printing as a form of prison labour, not only as a profitable pecuniary occupation for the employment of prisoners, but also as being of very considerable advantage to the prisoners themselves.

In the year 1865 the Principal Gaoler at Darlinghurst made an application for a printing-press, and stated that £100 beyond the cost of the articles that could be made in the Gaol would, in his opinion, cover the cost of the type and necessary material. I would, however, suggest the probability of being able to procure the type and many other of the necessary articles from the Government Printing Office, without putting that establishment to any inconvenience. There is a prisoner now in Gaol who is known to be an excellent compositor. Under his superintendence others could be instructed, and eventually all the more ordinary printing, such as that of prison forms, requisitions, abstracts, &c., could be accomplished.

I have, &c.,
GEORGE F. WISE,
Sheriff.

Government Printer.—B.C., 13/8/69.—H.L.

For the reasons stated in my report dated 31 July last, I cannot agree with the Sheriff that the introduction of printing into Darlinghurst Gaol would prove either profitable to the Government or advantageous to the prisoners.

THOS. RICHARDS,
Government Printer.

No. 18.

THE SHERIFF TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sheriff's Office, Prison Branch,
Sydney, 10 August, 1869.

SIR,

Referring to your letter of the 21st ultimo, enclosing an extract from a communication of the Clerk of Stores, on the subject of the uniform trousers issued to warders,—I have the honor to inform you that it has been found impracticable to keep the warders in a proper state with less than two pairs of trousers annually.

These officers are constantly on duty in all kinds of weather.

I have, &c.,
GEORGE F. WISE,
Sheriff.

No. 19.

THE CLERK OF STORES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Treasury, New South Wales,
Store Branch, 31 August, 1869.

SIR,

Referring to the enclosed letter of the 10th instant, from the Sheriff, reporting upon a suggestion made by me respecting the number of trousers issued to the warders in the several gaols, I have the honor to enclose the Honorable the Colonial Secretary's authority for the issue of the two pairs, which is dated 8 June, 1865.

Before reporting upon the Sheriff's letter, I was desirous of ascertaining what course was adopted in Melbourne, in this respect, and communicated with the Officer in charge of Stores Department. His reply, however, received yesterday, does not afford any information. I would respectfully remark that the warders can hardly view the issue of the second pair as a right, but merely as a concession, dating no further back than June, 1865. The Sheriff's objection is that the warders cannot keep a proper appearance without the second pair. This objection may have some force with reference to Gaols such as those at Darlinghurst, Parramatta, Bathurst, &c., where assizes are held, but is hardly applicable to outlying districts, such as Fort Bourke, Tenterfield, &c., where there are prisoners occasionally only, and, I would imagine, hardly any visitors.

I have stated that the letter received from the Stores Department in Melbourne conveys no information respecting the issue of warders' clothing; it, however, informs me that the police pay for their own clothing; and I think, this being the case, there can be little doubt that the warders would have to do the same. If the pay and advantages of the Melbourne constabulary be no greater than those of the Sydney police, the saving that would be made by adopting even some compromise would be very considerable. There have been recently some changes in the Stores Department at Melbourne; and if the Honorable the Colonial Treasurer approved, I should like, by obtaining leave of absence for a few days, to inquire carefully and systematically into the entire working of the arrangements now adopted there for the issue of stores.

I have, &c.,
L. I. BRENNAND,
Clerk of Stores.

[Enclosure.]

21

[Enclosure.]

Colonial Secretary's Office,
Sydney, 8 June, 1865.

Sir,

With reference to a letter from the Gaoler at Goulburn, forwarded by you on the 26th ultimo, respecting the supply of trousers for the warders of that establishment, I am directed to transmit the copy of a report thereon from the Sheriff, and to inform you that, under his recommendation, he approves, as a general rule, of two pairs of trousers being allowed annually to the warders of gaols.

I have, &c.,
W. VALLACK.

There is, in reference specially to the officers in Goulburn Gaol, for special consideration, the circumstance represented that they did not receive any supply of clothing whatever for 1862, and the claim they submit for some equivalent. It would, I fear, be inconvenient to recognize such a claim for a past period, as such a recognition would probably give rise to other claims of a similar character for any short supply, either in whole or in part.

The general rule has been to allow only one pair of trousers, except at Darlinghurst—the difference having been made, I suppose, because of the officers there being expected perhaps to make a more neat appearance.

Although I wrote with reference to Goulburn Gaol, the same reasons, as regards severity of weather, exist in all the up-country gaols. In a lesser degree the two pairs yearly are necessary in the gaols in the lower country, as Parramatta and Wollongong.

I therefore recommend that the rule be made general for the two pairs.

H. McL.

Principal Under Secretary,
B.C., 27 May, 1865.

No. 20.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE SURVEYOR GENERAL.

The Treasury, New South Wales,
Sydney, 22 July, 1869.

SIR,

In a report from the Clerk of Stores upon the most effectual means of reducing the public expenditure for stores, stationery, &c., the annexed paragraph occurs; and I am directed by the Colonial Treasurer to request that I may be favoured with your report upon the same; together with such recommendations as your experience may suggest as likely to secure greater economy in the demands of your department in respect of the services alluded to.

I have, &c.,
HENRY LANE.

[Extract referred to.]

The issue of Surveyors' materials—such as scales, parallel rulers, &c., during the last few years, have been considerable. Perhaps the Surveyor General would, upon application, state what supervision is kept upon the issue of these rather expensive articles.

No. 21.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE UNDER SECRETARY FOR LANDS.

The Treasury, New South Wales,
Sydney, 22 July, 1869.

SIR,

In a report from the Clerk of Stores upon the most effectual means of reducing the expenditure of his department, the annexed paragraph occurs; and I am directed by the Colonial Treasurer to request that you will move the Honorable the Secretary for Lands to give effect to the suggestion therein made, should Mr. Forster approve the same.

I have, &c.,
HENRY LANE.

[Paragraph referred to.]

Respecting the blankets issued to Aborigines—they are forwarded to the respective Benches of Magistrates for the blacks, but there is no record received from the Magistrates as to their disposal. It appears to me that it would be more satisfactory to have a certificate from the Benches receiving them, showing their actual distribution, and surplus (if any) remaining on hand.

No. 22.

TREASURY MINUTE FOR THE EXECUTIVE COUNCIL.

*The Customs Department—Abolition of Officers, and reduction of Staff.*The Treasury, New South Wales,
Sydney, 28 July, 1869.

With a view to retrenchment in the public expenditure, the Colonial Treasurer has obtained from the Heads of the several Departments under his control, reports as to the best means of effecting the same.

The

The Collector of Customs, in reviewing the staff of his department, has made the following suggestions:—

1. The services of two extra lockers (salaries, £200 and £175) and two extra clerks (£175 each) unnecessary, and might be dispensed with.
2. Preparatory to change in the mode of discharging ships, the permanent tide staff of twelve officers, salary £175 each, to be gradually abolished—the existing distinction between permanent and extra tide-waiters being of no utility. This change would considerably reduce the fixed expenditure.

Inasmuch as it appears that effect might be given to the foregoing recommendations without detriment to the efficiency of the Customs' Department, and that a material reduction in annual expenditure might thus be effected,—the Colonial Treasurer requests the authority of His Excellency the Governor and the Executive Council for the abolition of the several offices before mentioned, on and from the 1st January next; and for giving notice to those gentlemen whose services can be dispensed with—allowing them the option of retiring forthwith, receiving the amount of pay which would be due for the remainder of the year as compensation for loss of office; such payment not to prejudice any claim they can establish for any additional amount they may be entitled to. And in order that this important department may be placed in a condition at once more economical in expenditure and efficient in service, it is the Treasurer's further duty to recommend, for the approval of his Excellency in Council, that the services of—

Mr. Thomas Godfrey—2nd Landing-waiter—salary,	£325,
Mr. J. W. Jenkins —6th Clerk,	250,
Mr. C. T. Williams —1st Locker,	225,
Mr. Wm. Wall —3rd "	225,
Mr. C. H. Horsley —4th "	225,
Mr. J. D. Garvan —13th Landing-waiter,	215,
Mr. L. Dickinson —1st Tide-waiter,	175,
Mr. R. C. Maddocks—3rd "	175,

should be dispensed with on and from the 1st January next, with the same option as that recommended in the case of the Tide Branch.

Some of the most efficient of the gentlemen whose offices will be abolished may be appointed to the vacancies thus created.

SAUL SAMUEL.

MINUTE OF EXECUTIVE COUNCIL.

THE Executive Council having carefully considered the proposed scheme of retrenchment in the Customs' Department, herein recommended, approve of the same, and advise that the necessary steps be taken to give effect thereto.

ALEX. C. BUDGE,
Clerk of the Council.
2 August, 1869.

Min., 2 August, 1869.
Confirmed, 9 August, 1869.
Approved.—B. 11 Aug., /69.

No. 23.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE INSPECTOR GENERAL OF POLICE.

The Treasury, New South Wales,
Sydney, 22 July, 1869.

SIR,

In a memorandum upon the most effectual means of reducing the public expenditure for clothing, stores, &c., the Clerk of Stores submits certain suggestions affecting your department, which, if found practicable, would, it is thought, secure greater economy in respect of the services in question.

In enclosing, herewith, extract from the memorandum, which will place you in possession of Mr. Brennand's views upon the subject, I am directed by the Colonial Treasurer to request that you will favour me with a report upon the same, and with such further recommendations which your experience may suggest as likely to promote the important object in view.

I have, &c.,
HENRY LANE.

[Extract referred to.]

The annual cost of stores, clothing, &c., to the Police Department is very large. I think some curtailment of it might be made. I receive from time to time, police coats returned to Stores as unserviceable, but upon examination I find that the greater portion of them are new, but more or less moth-eaten. The price realized is ridiculously low. I withdrew from last sale some of the best of them, as I did not feel justified in letting them go at the low price offered. This arises from calling for tenders for a specific number; the whole not being required, the balance remains in store at the Police Dépôt, and become moth-eaten. For next year the clothing will be made in the Colony, and I would suggest that personal application be made to the contractor by members of the city police, and the contractor paid upon receipt for each uniform, in the same manner as is adopted with clothing for the Volunteers. The same arrangement to be made with trousers, caps, &c. Large quantities of ironmongery, saddlery, &c., are forwarded to the country districts for the police. The local issue of these, I presume, is under the control of the resident Superintendent; but I think a return, yearly or half-yearly, should be furnished to the Treasury, showing the condition of all stores in the various police stations of the Colony, and how unserviceable stores have been disposed of. Condemned stores returned to this department from the police are very inconsiderable indeed, and in fact, it is the same with the other departments, one or two excepted.

No. 24.

No. 24.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE INSPECTOR GENERAL OF POLICE.

The Treasury, New South Wales,
Sydney, 24 July, 1869.

SIR,

Adverting to my letter of the 22nd instant, referring, for your consideration and report, certain suggestions made by the Clerk of Stores with a view to the reduction of public expenditure for police clothing, stores, &c.,—I have the honor to enclose an extract from a further memorandum of Mr. Brennand's, with the request that you will have the goodness to include same in your report upon the subject.

I have, &c.,
HENRY LANE.

[Extract referred to.]

The Honorable the Colonial Treasurer is perhaps aware that the issues of stores, clothing, &c., to the police, are made in bulk to the Police Depot, upon a general requisition from the Inspector General of Police, framed upon the various demands received from the country from the several Superintendents.

I am not aware of the total cost of this branch of the Police Department, or whether it is maintained solely for the receipt and issue of stores; but I think that all stores for the country should pass through this department. The extra work to be entailed by such transfer could be performed by the present staff working over-hours at the busy portions of the year. It is undesirable to have a stock of clothing, &c., on hand; but under the present system of supply this cannot be avoided. Each requisition from the Superintendents, after receiving the approval of the Inspector General, should be forwarded to the Treasury, to be dealt with in the same manner as other requisitions. The conveyance of most of the stores could be economized by forwarding per Police Escort, &c., as it is done at present.

No. 25.

THE INSPECTOR GENERAL OF POLICE TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Police Department,
Inspector General's Office,
Sydney, 27 July, 1869.

SIR,

With reference to your letters of the 22nd and 24th instant, Nos. P.O. 861-4169 and 4632, and P.O. 874, transmitting extracts from reports from the Clerk in charge of Stores, respecting certain proposals for reducing the expenditure for stores, police uniform, &c.,—I have the honor to submit the following observations for the information of the Honorable the Treasurer.

The suggestions made by Mr. Brennand have, I think, throughout, been made under a misapprehension of the requirements of this department, and the system in operation for meeting them.

Not a single article of police clothing should, under the present arrangements, be returned into store moth-eaten or unserviceable until fairly worn out. Any clothing which has been condemned has been in store many years, and if an old pattern, not now uniform.

Any balance of stock remaining in store after the year's issue of uniform, is required for issue to men newly appointed, who have to be supplied constantly throughout the year.

Even if police in Sydney applied personally to the contractor for their clothing next year, the country police could not; besides, the practice would be inconvenient, and each man would be fitted to his own taste, instead of uniformly and to the satisfaction of an officer who inspects.

The regulation allowance of clothing is—one dress coat, one great coat, or one cloak, every two years. This I have discontinued, allowing these articles only when certified by the Superintendent to be actually and fairly worn out.

It must be borne in mind, as regards general stores, that upwards of 250 stations and lock-ups have to be supplied, and 21 gaols under the charge of the police; so that the supplies, large as they may appear in bulk, are very limited when divided out. It would be very difficult to obtain returns of stores from all stations half-yearly. An account of the same is kept at each station, and also at head-quarters, and the Superintendents constantly check and inspect the same.

Condemned stores are disposed of from time to time, and the proceeds paid into the Treasury, but very many of the stores, when unserviceable, are also valueless. Blankets worn out or destroyed by lunatics or otherwise, are used up for mops. Pans, buckets, grooming kits, &c., &c., are valueless when worn out.

Some of the old pattern saddlery has been condemned as not worth the cost of repairs, and being unsuitable for the service, but the articles now in use are very good, and will last several years.

Regarding the separate report recommending all issues to be made from the Government Store, I have to express my entire dissent. It would increase, I am satisfied, the expenses of that department, and be very inconvenient to this.

The staff in the police store consists of one senior-sergeant (storekeeper), one storeman, also employed as tailor, repairing and fitting uniform, and a supernumerary constable in the depot also assists when not under instruction.

The issues are not confined to the head stations in each district on requisition by the Superintendents, but are being constantly made to the stations throughout the Colony, as advantage has to be taken of means of transport when men arrive on prisoner escort and other duty, to supply stores to stations not accessible from the head-quarters. Hundreds of such requisitions are received in the year.

Constables are also fitted with uniform in the same way, and such supplies have generally to be issued at an hour's notice.

The actual labour which would have to be performed, in any case of issues of clothing and stores in detail, is very considerable; and moreover, certain books have to be kept; as it will, I think, be admitted that the head of the department should be able to exercise a check over the issues of supplies for which he is responsible.

The

The police store is now in excellent order, having been properly fitted up by police labour. The stores are well kept, and no damage by moth or otherwise will occur in future.

The Honorable the Colonial Treasurer may be assured that I will continue by every means in my power to reduce the heavy cost of stores for this department, but I am satisfied that the alteration proposed would in no way further that object.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

No. 26.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE COLLECTOR OF CUSTOMS.

The Treasury, New South Wales,
Sydney, 6 August, 1869.

SIR,

I have been directed by the Colonial Treasurer to hand you, enclosed herewith, letters to the undermentioned officers of your department, namely:—

Mr. Thomas Godfrey, 2nd Landing Waiter ;
Mr. J. W. Jenkins, 6th Clerk ;
Mr. C. T. Williams, 1st Locker ;
Mr. William Wall, 3rd Locker ;
Mr. C. H. Horsley, 4th Locker ;
Mr. J. D. Garvan, 13th Landing Waiter ;
Mr. L. Dickinson, 1st Tide Waiter ; and
Mr. R. C. Maddocks, 3rd Tide Waiter ;

stating that their services will be dispensed with after the 31st December next; and I am to request that you will cause the several letters to be delivered to the gentlemen to whom they are addressed.

I have, &c.,
HENRY LANE.

[Enclosures in No. 26.]

The Under Secretary for Finance and Trade to Mr. Thomas Godfrey, and the other Officers named above.

The Treasury, New South Wales,
Sydney, 5 August, 1869.

Sir,

With the view to a reduction in the public expenditure, I have been directed by the Colonial Treasurer to state that your services will not be required after the 31st December next, and I am to request that you will take notice accordingly.

If you should desire to retire at once from the service, the salary which would be due to you for the remaining portion of the year, were you to continue in the Service, will be paid to you as compensation for your loss of office. This payment will not prejudice any claim you may be able to establish for additional compensation.

I have, &c.,
HENRY LANE.

No. 27.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE COLLECTOR OF CUSTOMS.

The Treasury, New South Wales,
Sydney, 9 August, 1869.

SIR,

I have been directed by the Colonial Treasurer to hand you, enclosed herewith, letters addressed to the officers of the Tide Branch of your department—with the exception of Messrs. Dickinson and Maddocks, previously dealt with—stating that their services will be dispensed with after the 31st December next; and I am to request that you will cause the several letters to be delivered to the gentlemen to whom they are addressed.

I have, &c.,
HENRY LANE.

[Enclosure in No. 27.]

The Under Secretary for Finance and Trade to Mr. Henry Ikin, and the other Officers of the Tide Branch.

The Treasury, New South Wales,
Sydney, 6 August, 1869.

Sir,

With the view to a reduction in the public expenditure, I have been directed by the Colonial Treasurer to state that your services will not be required after the 31st December next; and I am to request that you will take notice accordingly.

If you should desire to retire from the Service at once, the salary which would be due to you for the remaining portion of the year, were you to continue in the Service, will be paid to you as compensation for your loss of office. This payment will not prejudice any claim you may be able to establish for additional compensation.

I have, &c.,
HENRY LANE.

No. 28.

CIRCULAR LETTER ADDRESSED BY THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE HEADS OF THE SEVERAL TREASURY DEPARTMENTS.

(Circular.)

The Treasury, New South Wales,
6 August, 1869.

SIR,

In drawing your particular attention to the annexed suggestions of the Clerk of Stores, as to ^{Annexure A.} the most effectual means of reducing the expenditure of his department, for the supply of stationery, &c., for the Public Offices,—I have to inform you that the Colonial Treasurer has approved the same, and directs that, in all future requisitions for stationery, you will strictly confine yourself within the limits of the reduced Schedule of Articles of supply hereto appended; which I may state, has been for the most ^{Annexure B.} part assimilated to that in force in the Imperial Service. Should the exigencies of your department occasion a requirement not provided for in the amended Schedule, special requisition must be made, to be referred for the consideration of the Minister.

2. You will also, in terms of Mr. Brennan's second suggestion, cause a "Stock Book" to be kept, in which shall be recorded receipts and issues, under the above-named head, at all times capable of ready inspection.

3. Attention must further be paid to the economy in the use of writing-paper suggested by the Clerk of Stores.

With scrupulous economy in the use of stationery, it is anticipated that a considerable reduction in the present expenditure of the Government, for that service, may be effected; and Mr. Samuel trusts that you will assist in securing, to the utmost practicable extent, that desirable result, with respect to the department in your charge.

I have, &c.,

HENRY LANE.

To

ANNEXURE A.

1. In the first place I think it advisable that a circular be forwarded to the head of each department, impressing, in the strongest terms, the necessity of their curtailing, in every possible way, their demands for stores, stationery, &c., and asking for a co-operation with the Honorable the Colonial Treasurer in economizing the public expenditure. I should like to draw the Honorable the Colonial Treasurer's attention to the fact, that in the Schedule for stationery there are many more lines than in the list of articles supplied to Imperial Officers. I would suggest that our Schedule be assimilated as much as possible to the English one, and that no officer be allowed to receive articles not enumerated therein. It appears to me that there is no just reason to grant to a Government Officer articles which are not essentially necessary for the discharge of his official duties, and that the issues of stationery should be made as near as practicable, both as regards the articles and quantities, to those granted in the banking and mercantile establishments.

2. I am of opinion that a saving of between £3,000 and £4,000 would be effected; but if each department in Sydney were compelled to keep a proper Stock Book, and an Inspector appointed, whose duty it would be thoroughly to examine them half-yearly, insisting upon a proper account being given of every article, I am almost certain £5,000 would be saved to the expenditure annually.

3. I may further suggest, that all correspondence which does not require a whole sheet of paper should be on one-half only. Such is the practice of the English Government, and, if adopted here, will cause some saving in the quantity of foolscap.

ANNEXURE B.

Stationery, &c.—Schedule of Articles of Supply.

1.—ACCOUNT BOOKS.

8-quire Royal Ledger, hand-made, rough calf, Russian bands, folio'd, with index.							
8-quire Royal Cash Books, hand-made, rough calf, and paged.							
6-quire Medium Books (Cash), rough calf, do.							
6-quire Demy Books, hand-made, faint lines, folio'd, $\frac{1}{2}$ calf, indexed, 2 leaves to letter.							
4-quire do. do. do. do. do. do. do.							
3-quire do. do. do. do. do. do. do.							
4-quire do. do. do. do. do. do. ruled Cash Book pattern.							
4-quire Foolscap Books, do. do. do. do. do. do. 2 leaves to letter.							
4-quire do. do. do. do. do. do. Cash Book pattern.							
3-quire do. do. do. do. do. do.							
2-quire do. do. do. do. do. do.							
1-quire 4to. Demy Books, hand-made, faint lines, $\frac{1}{2}$ calf.							
2-quire do. do. do. do.							
12-sheets 8vo. do. do. do. do.							
12-sheets do. do. ruled faint and common.							
1-quire 8vo. Demy Books, hand made, faint only.							
Field Books, in Sheep, clasp, $7\frac{1}{2}$ x $4\frac{1}{2}$.							
Foolscap Copying Books, 800 leaves, folio'd, $\frac{1}{2}$ calf, with index, $8\frac{1}{2}$ x 13.							
Do. do. 1,000 do. do. do. do.							
Do. do. 1,500 do. do. do. do.							
Demy do. 1,000 do. do. do. do.							
Do. do. 1,500 do. do. do. do.							
6-quire Demy Skeleton Guard Books, $\frac{1}{2}$ basil.							
Do. do. Guard Books, $1\frac{1}{2}$ basil.							
4-quire Foolscap do. do.							
Demy Indices, 1 leaf to letter.							
Metallic Memorandum Books, $4\frac{1}{2}$ x 3.							

2.—WRITING AND OTHER PAPERS.

Each ream to contain not less than 480 sheets.

Demy B.W. 24 lbs., uncut insides.	Demy Copying Paper.
Do. do. do. do. faint ruled.	Foolscap do.
Foolscap, B.W. 16 lbs.	Blotting Demy, White, 24 lbs.
Do. do. do. faint ruled.	Brown Paper, 200 lbs.
Do. Brief, 16 lbs.	Do. 120 lbs.
Post, Bank, 14 lbs.	Do. 48 lbs.
Do. Folio, B.W., 19 lbs.	Foolscap Drying Paper.
Do. Medium Folio, B.W., 14 lbs.	Demy do.
Do. Quarto Cream Laid, 10 lbs., medium.	Demy Oiled Paper.
Do. 4to., B.W., 10 lbs., medium.	Foolscap do.
Do. Note Paper, B.W., 5 lbs.	Antiquarian, Whatman's Best Rough.
Do. do. thick C.L., stamped Govt. House.	

3.—GENERAL STATIONERY.

Boards, Foolscap, covered marble paper, 8 $\frac{3}{4}$ x 13 $\frac{1}{2}$.	Knives, erasing, cocoa handles, Rogers', No. 410.
Balances, Salter's, 16 ozs.	Do. desk, ivory handles, No. 9107.
Baskets, Waste Paper.	Needles, looping.
Brushes, Damping, for Copying Press.	Pads, blotting, foolscap.
Gross do. Holders, assorted sizes.	Pencils, De La Rue, assorted, H.B., B.B., B.B.B.
Packs Cards, Jurors.	Do. slate, round.
Candles, Sperm.	Pens, Gillott's, fine, No. 227, magnum bonum.
Envelopes, Demy.	Do. do. medium, No. 226.
Do. Foolscap.	Do. Sands and Kenny's, assorted Nos., nibs.
Do. Post.	Cards Pens, Mitchell's red-ink.
Folders, Bone, 10 in. thick.	Pens, quill, <i>best</i> .
Files, Paper, 18 in. telescope.	Pen-holders for nibs.
Do. do. 12 in. do.	Presses, lead.
Do. do. 6 in. stab.	Do. copying, foolscap.
Glasses, Ink, round, No. 2.	Portfolios, 9 x 15.
Do. do. do. No. 3.	Rulers, round, ebony, 24 inches.
Do. do. square, common.	Do. do. do. 18 do.
Do. do. Excise or Surveyors' do.	Slates, 9 x 13.
Gum bottles, with brushes.	Scissors, Rogers', No. 3532, 8 inches.
Hones in wood.	Tape, red, broad.
Inkstands, Pewter, square, inches 8 x 5.	Do. do. medium.
Do. do. round, large, with lid.	Do. do. narrow.
Do. do. do. small, do.	Wafers, 2 oz. boxes.
Ink, Fluid, Morrell's, in quarts, black.	Boxes Wafers, initial.
Do. do. Sands and Kenny's, in pints, red.	Do. do. Signet, with papers for do.
Do. do. Copying, Mordan's, in quarts.	Wax, red, best, 16 sticks.
Do. black, in powder, Morrell's.	Do. medium.
Do. red.	Do. common.
Tins, do. obliterating, $\frac{1}{2}$ lb.	Judges' Note Books.
Pieces India-rubber, Bottle.	School Atlas.

No. 29.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE UNDER SECRETARY, COLONIAL SECRETARY'S DEPARTMENT.

The Treasury, New South Wales,
Sydney, 12 August, 1869.

SIR,

See No. 28, and
Appendices
thereto.

I have the honor to invite attention to enclosed circular letter addressed to the Treasury Departments, urging retrenchment in demands for stationery, &c., and annexing extracts from report of the Clerk of Stores upon the subject, together with schedule, as amended and reduced, of articles of supply, to which all future requisitions are to be confined.

Referring thereto, I have been directed by the Colonial Treasurer to request that you will move the Honorable the Colonial Secretary to approve the same, and direct circulation of the substance thereof, in a similar form, amongst and for the observance of the departments under his control.

I may state that the type of the circular is still standing at the Government Printing Office.

I have, &c.,

HENRY LANE.

[Similar letter to the Under Secretaries of the other Departments.]

No. 30.

THE GOVERNMENT PRINTER TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Government Printing Office,
Sydney, 20 August, 1869.

SIR,

Referring to my letter of the 11th September, 1867, submitting sample of a "reversible envelope," for proofs and revises transmitted between the Treasury and this office, and also to the recent suggestions of the Clerk of Stores for securing economy in the consumption of stationery,—I beg to suggest that the other departments, and especially those having much business with this office, should be urged to use the "reversible envelope."

With respect to envelopes generally—it might at the same time be pointed out that, by folding papers into a moderate compass, the use of the larger-sized covers, which are comparatively very expensive, might often be avoided.

I have, &c.,
THOS. RICHARDS,
Government Printer.

Call attention to these suggestions.—S.S., 23/8/69.

[Enclosure.]

The Government Printer to The Under Secretary for Finance and Trade.

Government Printing Office,
11 September, 1867.

Sir,

I do myself the honor to submit, for your approval, a proof of a "reversible envelope," which I propose to use for covering ordinary proofs and revises while being transmitted between the Treasury and this department.

You will perceive that it consists of an outer and an inner cover or bag—each open at one end. The proofs are to be placed in the inner or white cover, which is addressed on one side to the Treasury, and on the other to this office; and it is then to be slid, open end foremost, into the outer or brown cover, in which an aperture is made to show the super-
scription.

The adoption of this style of envelope for proofs and revises would effect a great saving of ordinary envelopes, and would be in other respects very economical and convenient. I shall therefore be glad if you will sanction its use.

I have, &c.,
THOS. RICHARDS,
Government Printer.

No. 31.

THE CLERK OF STORES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Treasury, New South Wales,
Store Branch,
31 August, 1869.

SIR,

Referring to my former letters upon the subject of retrenchment,—I beg to submit further, for the consideration of the Honorable the Colonial Treasurer, the following remarks which have since suggested themselves to me, and which are likely in my opinion to aid him in his endeavours to economize the Public Expenditure, so far as this department is concerned.

The consumption of foolscap envelopes is very large, being at the rate of upwards of 250,000 annually. The contract price for these is 16s. per 1,000. Some three or four years since the Treasury demand for these was inconsiderable—the greater number of those used being prepared by the messengers during their leisure time; lately the consumption has greatly increased. In most offices of the Service, there must, I think, be a large number of obsolete forms which might very profitably be converted into envelopes, by the employment of the messengers, as above indicated. I cannot of course show the exact saving that would be thus effected, but there can be no doubt that the number of envelopes to be purchased would be considerably reduced.

With reference to the Post Office bags, I beg to inform the Honorable the Colonial Treasurer, that the number supplied since the first of the year is 889; these, upon an average, cost 18s. 9d. It frequently happens that bags are returned to me to be repaired, and others to be sold as being unserviceable. I have culled or selected from the whole of those which were reparable, and have had them so repaired at a cost of about 1s. each, but upon examining them I have noticed that many have been cut and hacked with a knife in a most inexcusable manner. The gentleman in charge of the Delivery Branch of the Post Office has to my knowledge endeavoured to prevent this extravagance or carelessness, but without much avail. I however think that if the Honorable the Postmaster General were to adopt some stringent measure, by holding the Postmaster from whom the bag was last received responsible for such mutilation, the expenses under this head would be curtailed. Again, it has occurred to me that in the frequent interchange of bags from one office to another, a stock on hand may possibly arise. Could not the Postal Inspectors, when upon their tour of inspection, prevent any such accumulation by reporting to the Head Office the stock on hand at each office?

The number of Forms printed for the Government Service during the year, of a necessity must be very large. The greater portion of them, so far as I can learn, are printed upon a half-sheet of foolscap. Upon looking over some of the legal forms, which are very numerous, and under the District Court Act alone numbering upwards of 60,000, there appears a great waste of space; and I think that if the Heads of the several Departments were consulted, the size of at least the greater portion might be reduced to one half or quarter sheet of foolscap.

I have already suggested that the issue of cream-laid note and foolscap papers be limited to the requirements of Ministers and other special services, which suggestion the Honorable the Colonial Treasurer has been good enough to approve; but as an additional check upon the consumption of the paper to be issued in its stead (viz., B.W.), I would further suggest, that when calling for future tenders, the paper to be supplied should bear the official cameo (as per sheet enclosed), which is a sample of that issued to the officers of the Imperial Government.

I have, &c.,
L. I. BRENNAND,
Clerk of Stores.

Let extracts from this letter be forwarded to the departments concerned.—S.S., 1/9/69.

No. 32.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE UNDER SECRETARY, COLONIAL SECRETARY'S DEPARTMENT.

The Treasury, New South Wales,
Sydney, 14 September, 1869.

SIR,

I have the honor, by direction of the Colonial Treasurer, to enclose herewith extracts from reports of the Clerk of Stores and Government Printer, upon the subject of economy in the issues from their respective departments; and I am to request that you will have the goodness to bring the same under the notice of the Honorable the Colonial Secretary, in order that effect may be given to the recommendations made therein.

I have, &c.,
HENRY LANE.

[Similar letter to the Under Secretaries of other departments.]

[Enclosures.]

No. 1.—*Extract from Clerk of Stores' report.*

The consumption of foolscap envelopes is very large, being at the rate of upwards of 250,000 annually; the contract price for these is 16s. per 1,000. Some three or four years since, the Treasury demand for these was inconsiderable—the greater number of those used being prepared by the messengers during their leisure time; lately the consumption has greatly increased. In most offices of the Service there must, I think, be a large number of obsolete forms which might very profitably be converted into envelopes by the employment of the messengers as above indicated. I cannot of course show the exact saving that would be thus effected, but there can be no doubt that the number of envelopes to be purchased would be considerably reduced.

The number of forms printed for the Government Service during the year, of a necessity must be very large. The greater portion of them, so far as I can learn, are printed upon a half-sheet of foolscap. Upon looking over some of the legal forms, which are very numerous, and under the District Court Act alone numbering upwards of 60,000, there appears a great waste of space; and I think that if the Heads of the several Departments were consulted, the size of at least the greater portion might be reduced to one half or quarter sheet of foolscap.

No. 2.—*Extract from Government Printer's report.*

Referring to my letter of the 11th September, 1867, submitting sample of a "reversible envelope," for proofs and revises transmitted between the Treasury and this office, and also to the recent suggestions of the Clerk of Stores for securing economy in the consumption of stationery,—I beg to suggest that the other departments, and especially those having much business with this office, should be urged to use the "reversible envelope."

With respect to envelopes generally—it might at the same time be pointed out that by folding papers into a moderate compass, the use of the larger-sized covers, which are comparatively very expensive, might often be avoided.

No. 3.—*Extract from report of Government Printer upon the subject of economy in his department.*

FURTHER ECONOMY IN RESPECT TO THE DISTRIBUTION OF THE GAZETTE AMONGST THE DEPARTMENTS IN SYDNEY.

It is very probable that there is room for further economy in respect to the distribution of the Gazette amongst the departments in Sydney. I am afraid that in many of them very little care is taken to file and preserve the copies supplied to them. I am led to this conclusion from the fact that in nearly every case when the half-year's Gazettes come in for binding, the file is woefully imperfect. Another result of carelessness in this respect is, that when a particular Gazette is required for reference, instead of its being accessible in the office, a requisition is forwarded to the Government Printer for a copy, and in all probability when the immediate object for which it is obtained has been served, it is wasted. Again, it is not unusual for a Gazette of sixteen or twenty pages to be destroyed by cutting out a notice of perhaps half a column in length. These remarks are, I believe, equally applicable to the Parliamentary Papers supplied to Public Offices. I do not know that I can propose any plan by which such small extravagances could be checked; there will not, I believe, be any remedy until the Heads of Departments interest themselves in matters of the kind, and introduce system into their offices for the proper care and custody of printed documents. I am sure it might be done with very little trouble and no additional expense. One point they should insist upon, namely, the preventing any one from appropriating waste paper of any kind as a perquisite; for that is an abuse which, if permitted at all, will be sure to grow into a great evil.

No. 33.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE UNDER SECRETARY, COLONIAL SECRETARY'S DEPARTMENT.

The Treasury, New South Wales,
Sydney, 14 September, 1869.

SIR,

I have the honor to enclose herewith an extract from report of the Government Printer, upon the subject of economy in his department, in which Mr. Richards proposes certain reductions in the "free list" of the Government Gazette.

Referring thereto, I am directed by the Colonial Treasurer to state, that, whilst the second copy of the Gazette at present issued to each of the Benches of Magistrates should, if there be no strong objection, be discontinued, Mr. Samuel is not prepared to recommend for the Honorable the Colonial Secretary's sanction, the other suggestions made in the extract referred to.

I have, &c.,
HENRY LANE.

Extract from report of Government Printer upon the subject of economy in his department.

THE "GOVERNMENT GAZETTE."

The number of copies printed at the present time is undoubtedly large; and although I would not recommend that its circulation be too much circumscribed, I think its distribution is somewhat profuse and would admit of curtailment. Each Bench of Magistrates throughout the Colony is supplied with two copies. There can be no doubt that in the country districts one would be sufficient; I therefore propose to discontinue one of these. Every Postmaster is also supplied with a copy, which he is instructed to file and keep convenient for public reference. The arrangement under which Postmasters are furnished with the Gazette was authorized by the Government in 1864, with the view of reducing the expenditure for advertising in newspapers. Whether it brought about that result or not I am unable to say; but I am inclined to think its effect, if it had any at all, was only temporary, and that the amount paid to newspaper proprietors for Government advertisements is now as great as ever. If this is the case, the distribution to country postmasters should, I think, be discontinued as soon as possible. The Gazette is also supplied free of charge to Poundkeepers and *Municipal Councils. I do not think there is any sufficient reason for this, and I therefore propose to discontinue such gratuitous distribution.

* With reference to the proposal to discontinue the gratuitous supply of the Government Gazette to Municipal Councils,—since making that suggestion, I have discovered that by the 143rd clause of the Municipalities Act of 1867, whenever a Free Library is established by a Municipality the Council shall be entitled to receive, without payment, for the use of such Free Library, copies of all publications issued from this office.—T.R.

No. 34.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE CLERK OF THE PARLIAMENTS.

The Treasury, New South Wales,
Sydney, 14 September, 1869.

SIR,

I have the honor to hand you, enclosed herewith, an extract from report of the Government Printer upon the subject of economy in his department; from which it is proposed that the "measure" or width of the pages in Parliamentary papers be increased from 30 to 36 ems pica; and I am directed by the Colonial Treasurer to request that you will move the Honorable the President of the Legislative Council to favour me with his opinion upon Mr. Richards' suggestion.

I have, &c.,
HENRY LANE.

[Similar letter to the Clerk of the Legislative Assembly.]

Extract from report of Government Printer upon the subject of economy in his department.

PARLIAMENTARY PRINTING.

The only proposal I have to offer at present in reference to Parliamentary printing is one of a purely mechanical nature, namely, that the "measure" or width of the page be increased from 30 to 36 ems pica. The effect of this alteration would be, that in a Session like the last, paper, presswork, and bookbinding to the value of nearly £200 would be saved. I have some further ideas on the subject of this branch of printing, which I shall submit in a separate report before the commencement of next Session. It is right however to mention that, shortly before the commencement of the last Session a considerable reduction in the number of copies of Parliamentary papers was made, at my instance, and with the concurrence of the Clerk of the Assembly, whereby a saving of about £200 a year in paper alone has been effected. Other economical arrangements, such as the use of smaller type and the disuse of "leads" or spaces between the lines, have from time to time been introduced.

No. 35.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO THE SECRETARY, POST OFFICE DEPARTMENT.

The Treasury, New South Wales,
Sydney, 14 September, 1869.

SIR,

Referring to my letter of this day's date, transmitting certain extracts from reports of the Government Printer and the Clerk of Stores, upon the subject of economy in the issues of their respective departments,—I have now the honor to hand you, enclosed herewith, extract from Mr. Brennaud's report, in respect of the demand from your department for Post Office bags; and I am to request that you will move the Honorable the Postmaster General to cause such steps to be taken as will prevent the mutilation of the bags and the carelessness of which the Clerk of Stores complains.

I have, &c.,

[Extract

[Extract referred to.]

With reference to the post office bags, I beg to inform the Honorable the Colonial Treasurer that the number supplied since the first of the year is 889—these, upon an average, cost 18s. 9d. It frequently happens that bags are returned to me to be repaired, and others to be sold as being unserviceable. I have culled or selected from the whole of those which were roparable, and have had them so repaired, at a cost of about 1s. each; but upon examining them, I have noticed that many have been cut and hacked with a knife, in a most inexcusable manner. The gentleman in charge of the Delivery Branch of the Post Office has, to my knowledge, endeavoured to prevent this extravagance or carelessness, but without much avail. I, however, think that if the Postmaster General were to adopt some stringent measure, by holding the Postmaster from whom the bag was last received responsible for such mutilation, the expenses under this head would be curtailed. Again, it has occurred to me that, in the frequent interchange of bags from one office to another, a stock on hand may probably arise. Could not the Postal Inspectors, when upon their tour of inspection, prevent any such accumulation, by reporting to the Head Office the stock in hand at each office?

No. 36.

THE COMMISSIONER OF STAMP DUTIES TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Stamp Office, New South Wales,
15 September, 1869.

SIR,

In reply to your letter of the 13th instant, I do myself the honor to inform you that I cannot recommend any reduction in the number or salaries of the officers in this department; but should the proposition contained in my letter of the 21st July last be adopted, a saving to the Government of about £600 per annum could be effected.

I have, &c.,

W. HEMMING.

No. 37.

MINUTE OF UNDER SECRETARY FOR LANDS.

WITH respect to the proposed economy in envelopes, &c., I may say that there is little in these proposals that has not been practically anticipated in the Lands Department.

1. I think it would be desirable if the messengers could manufacture foolscap envelopes in a plain way; but the greatest saving would be in the larger species of fancy envelopes, and the best course to ensure economy in their use would be *not to issue them*.

2. The reversible envelope, although not an entire success, is used in this office so far as the supply will permit.

3. As to the Gazettes, I have always been of opinion that the issue to departments is needlessly large; but it must be borne in mind that the chief expense involved is not in the issue of so many sheets, but in the subsequent binding. There are, in fact, too many files of the Gazette bound and preserved. Several numbers of the Gazette during the currency of the year are absolutely necessary for the transaction of the current business, but only one or two bound files should be sanctioned for each office.

4. The same remarks apply to Parliamentary Papers.

5. Waste paper is kept for the Paper Company, under an order issued some time back.

M. F.

17 September.

I concur generally with the Under Secretary. With regard to the issue of Gazettes, instances of waste in that respect have not come often under my observation; but, I am afraid, to curtail the issue of Gazettes would be a false economy, as it is for the public interest that they should be widely distributed, and as far as possible be made to supply the place of advertisements in newspapers.—W.F., Sept. 20, 1869.

Govt. Printer, for remarks.—22/9/69., H.L. B.C.

GOVERNMENT PRINTER'S MINUTE ON FOREGOING.

Government Printing Office,
24 September, 1869.*Memorandum in reply to remarks of Under Secretary for Lands, on subject of binding Government Gazettes, &c., &c.**Binding Gazettes.*

I DIFFER from Mr. Fitzpatrick in his opinion respecting the expense of binding Gazettes. As will be seen by the accompanying Return, neither the number of volumes bound (128) nor the cost (£51 4s.) can, on the whole, be considered excessive—though there may be instances in which some reduction might be made.

Free distribution of Gazette.

As regards the free distribution of copies, I must, with all due respect, still adhere to my opinion that it is at present carried too far; and further, that the profuseness of it tends in a measure to defeat the object the Government have in view;—indeed, I believe that if the Sydney Morning Herald were given away at the corners of the streets, its value as an advertising medium would be considerably lessened. We all know the contempt with which publications that are given away are usually regarded, and the ignominious uses to which they are put. I have no doubt that the information contained in the Gazette would receive a wider circulation, under a somewhat more restricted distribution of free copies.

Envelopes.

The reversible envelope is not, of course, intended to entirely supersede the ordinary envelope; but for the main purposes for which it was designed, namely, the economical transmission of proofs and revises, and the facilitation of business in this department, it answers excellently well. From my point of view, therefore, it may be regarded as a success.

Waste paper.

I was aware, when I made the suggestion respecting waste paper, that a general order had been given to save it for sale to the Paper Company; and I had it in mind also, that it is not only necessary to give an order of this kind, but that it is desirable that the higher officers of the Government should see that it is rigorously carried out. Even my own official experience teaches me that it requires constant attention to, and a serious appreciation of economical trifles, to prevent laxity, and its attendant evils, from creeping in.

I think it will be satisfactory to the Hon. the Treasurer to learn, that since the Government has stirred in these matters, a marked change has set in in regard to demands for Gazettes and other papers; and throughout the departments generally there is much greater willingness than formerly to attend to suggestions for the reduction of the expense of printing in every possible way.

THOS. RICHARDS,
Government Printer.

B.C., 24 September, 1869.

RETURN of the number of Sets of the Government Gazette bound for the various Government Departments during the year 1867-8.

Department.	No. of Sets.	Department.	No. of Sets.
Customs	1	Public Works	2
Crown Lands	2	Registrar General	2
Central Police	1	Sheriff	2
Colonial Secretary	2	Stores	1
Clerk of the Peace	1	Supreme Court	1
Crown Law	1	Stamp Duties	1
Crown Solicitor	1	Shipping Master	1
Distilleries	1	Survey Office	2
Government House	1	Superintendent of Pilots	1
Government Printer	3	Treasury	6
Lands	2	Water Police	2
Legislative Assembly	8	Bench of Magistrates, Grafton	1
Do. Council	9	Do. Walcha	1
Land Titles	2		
Mint	1	Total No. of Sets	64
Money Order	1		
Orphan Schools	1		
Parliamentary Library	2	Cost of binding—	
Post Office	1	128 volumes, at 8s. = £51 4s.	

23rd September, 1869.

THOS. RICHARDS.

No. 39.

THE GOVERNMENT PRINTER TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Government Printing Office,
23 September, 1869.

SIR,

All the Ministerial Departments having concurred in my suggestion for the adoption of a uniform "*Record Book*," I have the honor to enclose a sheet of the pattern agreed upon, and request that the Honorable the Treasurer will approve of its being the only form to be used throughout the Service for the purpose of registering letters.

I would now beg to suggest that steps be taken to establish uniformity in the undermentioned books, which are either in, or being brought into, use in many of the departments, viz. :—

Salary Register.
Stationery Book (Stores).
Postage Book.
Time Book.

I have, &c.,

THOS. RICHARDS,
Government Printer.

[Enclosure.]

No. Pro- gressive.	Papers.	When Registered	From whom.	Residence.	Date.	Nature of Application and Representation.	Referred.		Result of Application.
							To whom.	When.	

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PENSION BILL OF 1870.
(MESSAGE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1870.

BELMORE,

Governor.

Message No. 11.

In accordance with the 54th clause of the Constitution Act, the Governor recommends to the Legislative Assembly to make provision for regulating Retiring and other Allowances and Gratuities in respect of Public Services.

Government House,

Sydney, 9 February, 1870.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUPERANNUATION FUND.

(RETURNS RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 18 March, 1870.

RETURN to an *Address* made by the Honorable the Legislative Assembly of New South Wales, dated 2nd February, 1870, That there be laid upon the Table of this House, a Return showing,—

“(1.) How many persons have been discharged from the Public Service within the last six months, without cause on their side.

“(2.) How many of those persons contributed to the Superannuation Fund, and also the amount contributed to that Fund in each case.

“(3.) Has the Government refunded to persons discharged from the Public Service—through no fault of theirs—the amount contributed by such persons to the Superannuation Fund.

“(4.) The names, ages, and length of service of all persons who are at present in receipt of payment from the Superannuation Fund.”

(*Mr. Buchanan.*)

SUPERANNUATION FUND.

No. 1.

RETURN showing how many persons have been discharged from the Public Service from 1st August, 1869, to 31st January, 1870, without cause on their side.

Eighty-nine (89).

The Treasury, New South Wales,
17 March, 1870.

WM. MUIR,
Examiner of Accounts.

No. 2.

RETURN showing how many of the persons discharged from the Public Service during the six months ended 31 January, 1870, without cause on their side, contributed to the Superannuation Fund, and the amount contributed in each case.

Name.	Situation.	Total amount contributed.
F. W. Vyrer	Police Magistrate, Tumut	£ s. d. 80 8 0
J. H. L. Scott	Do. Tambarcoora	76 3 4
Johnson G. King	Do. Canonbar	59 3 10
Joseph E. Pearce	Do. Young	89 12 0
Frederick Dalton	Do. Grenfell	73 4 5
Charles T. Weaver	Do. Armidale	102 12 8
A. O. Grant	Do. Gosford	34 10 0
James Snape	Do. Warialda	106 13 4
C. A. Sinclair	Do. Port Macquarie	75 0 0
L. V. Dulhanty	Do. Carcoar	89 12 0
John Taylor	Clerk, Cockatoo Island	42 13 4
John Byron	Principal Warder, do.	38 8 0
A. McDonall	Dispenser, do.	32 0 0
John Hutton	Schoolmaster, do.	32 0 0
J. W. Jenkins	Clerk, Customs	53 6 8
C. T. Williams	Locker, do.	48 0 0
William Wall	Do. do.	45 9 6
C. H. Horsley	Do. do.	65 14 10
Henry Spinks	Do. do.	39 0 8
R. A. Canter	Do. do.	35 0 0
R. C. Maddocks	Tide-waiter do.	37 6 8
Michael Fay	Do. do.	36 15 0
George L. Hill	Do. do.	5 0 4
A. C. Donelan	Do. do.	27 8 4
A. H. Pegus	Do. do.	10 10 0
P. J. McMahon	Do. do.	12 16 8
H. Broderick	Assistant Superintendent, Fitzroy Dock	74 13 4
John Duff	Storekeeper, do.	40 10 8
W. A. Cahill	Foreman of Works, do.	42 13 4
John Kelleher	Do. do.	34 19 6
H. Fitzgerald	Do. do.	34 19 6
Edward Walsh	Telegraph Line Repairer	18 19 7
Edward Rouse	Do. Station-master	38 8 0
J. R. Cummins	Do. do.	14 12 8
William Monks	Do. do.	11 4 0
David Goggin	Do. do.	27 8 0
J. W. Clarke	Do. do.	9 15 2
L. H. Scott	Do. do.	26 17 0
James Curry	Do. do.	13 1 1
A. J. Kingsmill	Commissioner of Crown Lands	85 6 8
George M. White	Official Postmaster	42 13 4
George Robinson	Do.	42 13 4
Samuel Baker	Do.	42 13 4
George Denshire	Do.	42 13 4
Thomas W. Elliott	Do.	42 13 4
Thomas Daly	Assistant Postmaster	21 6 8
Jemima Wickham	Official Postmistress	59 14 8

The Treasury, New South Wales,
17th March, 1870.

WM. MUIR,
Examiner of Accounts.

No. 3.

THE Government has not refunded to the persons discharged from the Public Service the amount contributed by them to the Superannuation Fund; but of such persons the following have received superannuation allowances, or have been provided with other employment, namely:—

C. T. Weaver, superannuated.
 John Taylor, do.
 W. A. Cahill, do.
 John Kelleher, do.
 Jemina Wickham, do.
 George Denshire, do.
 R. A. Canter, employed as Extra Tide-waiter.
 Michael Fay, do.
 George L. Hill, do.
 A. C. Douclan, do.
 A. H. Pegus, do.
 P. J. M'Mahon, do.
 H. Fitzgerald, appointed Watchman, Dry Dock.
 A. O. Grant, appointed Clerk, Asylum for Infirm and Destitute.

The Treasury, New South Wales,
 17th March, 1870.

WM. MUIR,
 Examiner of Accounts.

No. 4.

THE Names, Ages, and length of Service, of all persons who are at present in receipt of payment from the Superannuation Fund, so far as can be ascertained.

Name.	Age at date of retirement.	Service.
Meredith Duke Ferguson	over 60 years	24 years
John Crook	55	26 "
Stephen Greenhill	over 60 "	33 "
Robert Allan Hunt	" 60 "	31 "
John Gouldesbury Lennon	48 "	27 "
Nicholas Nelson	45 "	25 "
Edward C. Brewer	not known	22 "
Robert Brindley	over 60 years	26 "
Joseph R. Humbly	45 "	27 "
Samuel Morgau	66 "	22 "
William Harrie Christie	57 "	26 "
George Brett	61 "	19 "
William Vallack	over 60 "	35 "
Thomas Jones	" 60 "	30 "
John Wells	" 47 "	28 "
William Cathcart Still	46 "	28 "
Lewis Gordon	not known	30 "
Thomas Kingsmill Abbott	42 years	25 "
William Thompson	not known	15 "
John Chippendall	62 years	30 "
Edwin Henry Statham	not known	16 "
John Brown	over 60 years	28 "
John Wallace	" 60 "	24 "
Edward Rogers	" 58 "	30 "
Francis Campbell	69 "	20 "
John Edward Turner	63 "	15 "
Walker Rannie Davidson	over 60 "	37 "
Stephen Cole	not known	29 "
Samuel Elyard	" "	30 "
Terence M'Mahon	40 years	21 "
James Prout	60 "	15 "
Alexander T. Ross	63 "	16 "
Charles Tompson	over 60 "	28 "
William Hall Palmer	64 "	18 "
Edward Denny Day	68 "	30 "
Charles E. Newcombe	60 "	30 "
William Warburton	59 "	15 "
Charles Thomas Weaver	not known	30 "
William King	40 years	15 "
Michael Fitzpatrick	not known	30 "
Mrs. Jemina Wickham	62 "	18 "
John Taylor	over 60 "	21 "
George Denshire	" 60 "	18 "
William A. Cahill	" 60 "	17 "
John Kelleher	" 60 "	15 "
Edgar Beckham	" 54 "	28 "

The Treasury, New South Wales,
 17th March, 1870.

WM. MUIR,
 Examiner of Accounts.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUPERANNUATION FUND.

(REPORT OF MR. BLACK, ACTUARY, ON CONDITION OF.)

Ordered by the Legislative Assembly to be Printed, 8 April, 1870.

MORRICE A. BLACK, ESQ., to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Australian Mutual Provident Society,
New Pitt-street, Sydney, March 7th, 1870.

SIR,

In acknowledging receipt of your letter of the 15th ultimo, I undertook, at the request of the Colonial Treasurer, to furnish the Government with,—

- “ 1st. A report showing the annual per centum contribution that would be required from the salaries of all persons in the Civil Service of this Colony, in order to provide for the annual return of allowances specified in a Draft Bill which I duly received.
- “ 2nd. An estimate showing what further annual contributions would be required to provide for the annual charge for pensions which have up to this time accrued under the Superannuation Act of 1864.”

I have now to explain the reason why the investigation cannot be proceeded with until certain data be furnished which at present do not exist. At an interview with Mr. Samuel on the 16th ultimo, referring to the particulars which I would require, I learned from him that it would be impossible to furnish the information sought. I then became aware that the Officers of the Government are not divided into classes, and are not paid on what is called a scale. The absence of classification renders it impossible to report on the questions referred to me with any degree of exactness. Returns showing the ages, periods of service, and salaries received by the Clerks in the Public Service are of no avail as data from which to determine questions connected with superannuation, unless these returns can be accompanied by a Schedule dividing all the Public Officers into classes, and further showing the number in each class, the minimum and maximum salary, as well as the increase of salary applicable to each class. With this information, the time of transit through the several classes can be determined. The fact of a Superannuation Fund having been formed, implied to my mind the existence of an Act regulating the Civil Service. That I may not be misunderstood, or appear to the Government to attach unnecessary importance to the particulars I have referred to, I make the following quotation from one of the letters of William Farr, Esq., M.D., F.R.S., D.C.L., to the Registrar General of England, and which appears in his 12th Annual Report. I know of no higher authority than Dr. Farr on a question of this nature. He says—

The Clerks in Public Offices are divided into three, four, or five classes, and are paid on what is called a scale; the numbers in each class are fixed, so are the maximum and minimum salaries, as well as the rates of rise in each class—the Clerks usually entering the respective classes in the order of seniority. From the salaries not exceeding £100, a deduction of 2½ per cent.; from those exceeding £100, a deduction of 5 per cent. is made; and in case of infirmity, the Officer is superannuated upon a scale ranging from ⅓ths to ⅓ths of the average salary of the last three years, namely, ⅓ths of the salary after 10 years' service, ⅓ths after 17 years' service, ⅓ths after 24 years' service, ⅓ths after 31 years' service, ⅓ths after 38 years' service, and ⅓ths after 45 or any greater number of years' service.

The two following scales are examples of the highest of those in use:—

Classes.	Scale 1.			Scale 2.		
	Number in each Class.	Salary.	Annual Increase of Salary.	Number in each Class.	Salary.	Annual Increase of Salary.
1	5	£ 1,000	£ Fixed.	3	£ 550 to 700	£ 20
2	6	600 to 800	20	5	450 to 550	15
3	13	300 to 500	15	13	350 to 450	10
4	13	90 to 200	{ After two years' service..... }	18	200 to 350	10
5	...	.....					20	80 to 180	10

Under this complicated system of payments several cases of practical financial importance require solution; but the determination of the salary in each year of service from the scale is a necessary preliminary in almost every investigation, and in the following case this is discussed.

The restrictions in this question are required to bring it within the scope of mathematical inquiry.

The information above referred to can only be made operative through the action of a Civil Service Bill. Without such a Bill, my opinion is that all questions connected with superannuation will continue in an unsatisfactory and unsettled state. So satisfied am I of this, that I consider it useless to ask for such returns as I could get, and decline to put the Country to the expense of an investigation, the results of which I could not certify to as correct. Here I might stop, having to set the subject aside as a matter of business, in the form in which the Colonial Treasurer first asked me to report on it; but having been subsequently requested by Mr. Samuel to report generally on the subject of the Superannuation Fund, and on the difficulties surrounding the case, I proceed to indicate the course that should, in my opinion, be taken, so as to effect an equitable adjustment of interests as between the Government and the Civil Servants, and as between the Civil Servants collectively and individually.

Preliminary to doing so, the following explanations may be useful:—

Transactions connected with reversionary payments may be described as an exchange or commutation of one benefit for another depending on the same life. In order that the transaction may be equitable, there must be an equality between the present value of the premium and that of the benefit in exchange for which it is to be given. The addition to the premium for expenses and profit is a separate affair. The basis, then, upon which I enter on an explanation of the state of the Superannuation Fund rests on the equality that must always exist between what is technically termed "the benefit side and the payment side of the equation."

There may be, and no doubt there is, a great difference of opinion as to the proportions in which the Government and the Public Officers shall contribute to establish the solvency of this Superannuation Fund; but from whatever source it may come, the full amount of payment or premium representing the respective benefits to each member must be got somehow, and carried to the credit of a separate account, if the pensions and allowances granted and promised are to be drawn henceforth from a self-supporting fund. If the payments are not forthcoming, the pensions and allowances must be proportionately decreased.

It will help to an elucidation of the subject if I first direct attention to the operation of a Superannuation Fund formed in 1864, and composed only of the Clerks who entered the Public Service in that and the years following. Using the scale I have referred to as an example, suppose Clerks enter the Public Service at age eighteen, and after a period of forty-five years, or when they will be sixty-three years of age, are entitled to superannuation, at the rate of two-thirds of the average salary for the last three years of their service; and in case of disability prior to entering on full superannuation, that they will be entitled to retire on a scale ranging from $\frac{2}{3}$ to $\frac{3}{4}$. These Clerks have been promoted by seniority, and have passed through the different classes from the fifth to the first class. From the period of entering the Public Service in their eighteenth year, and thereafter until attaining the age of 63, the Clerks have been contributing (say) 4 per cent. of their annual salary, to provide themselves with a superannuation allowance. Their contributions, together with the contributions of those members who have died, represent a fund that will then provide the pensions stipulated for as they mature. In every year succeeding the forty-fifth from the establishment of the fund, will a fresh set of claimants come forward for full superannuation, and then the drain upon the fund will set in. As to its sufficiency to meet the demands that will be made upon it there can be no reasonable doubt, provided—

- First—That the payments out of the fund are restricted to those who have contributed to form it.
- Second—That the contributions of the members have been duly invested at a rate of interest not less than that assumed in the original calculations upon which the fund is based.
- Third—That the mortality which will be experienced shall coincide with the table taken as the guide at starting the fund.
- Fourth—That the fund be administered free of expense; of course a percentage to cover expenses can easily be provided for, but it is generally assumed that funds of the character under discussion are managed free of expenses.

But there is another case in the working of a Superannuation Fund to which I would call particular attention, inasmuch as it has direct reference to the mode of procedure applicable to the circumstances the Legislature had to deal with when it passed the Act which now regulates the fund.

The remarks made by Dr. Farr on this question are so pertinent, that I again make the following quotation from his paper on the Finance of Life Assurance, contained in the Twelfth Annual Report of the Registrar General of England:—

An office has existed n years; the Clerks have not during that period been entitled to superannuation, and no deduction has been made from their salaries; at the end of the period the usual deduction of 5 per cent. is made from the salaries exceeding £100 a year, 2½ per cent. from those at or under £100 a year, and the Clerks are entitled to superannuation. To place them on the same footing as those who have contributed during the whole period of service, (1) their superannuation allowances may be diminished; or, (2) if they are to receive the usual allowance reckoned on the whole term of service, their future contributions must be raised. The proportion in which the allowance is to be diminished or the contribution increased is required.

Each Clerk stands indebted to the fund, and the proportion that the debt bears to the present value of his future contributions gives the proportional reduction from the superannuation allowance to which he is entitled.

Then follows the mathematical investigation of the case; and he goes on to say that, if the superannuation is reduced in a certain ratio, or if the future annual contributions are raised in the ratio indicated by the formula, the Clerks of the office in question who have not contributed will be dealt with equitably. He adds further:—

If the Clerk on the scale before given in an office which is entered at twenty and left by superannuation at seventy, commence contributing at the beginning of the fifteenth year of service, his future superannuation allowance will be reduced nearly 23 per cent.

The Superannuation Fund was started in 1864, without an investigation into the present value of the liabilities undertaken; neither was there any calculation made, as above described, to show the relative proportion in which old members should have contributed so as to place them on a footing with Clerks joining at the commencement of their service. It was assumed that the Fund would be self-supporting, with a payment of £10,000 as an equivalent for liabilities of an unknown amount. It will not be possible for some time to say what the value of these liabilities is; but there can be no doubt that, instead of £10,000 being equal to the liabilities, they will have to be reckoned by hundreds of thousands. The following is an illustration of what actually took place:—An Annuity or Superannuation Society has been in existence some thirty years, and has been transacting a steadily increasing deferred annuity business, selling benefits, and obtaining the consideration in annual premiums. It has not been judiciously managed, and its funds have been improvidently

improvidently administered; whatever the causes may have been, the fact is that all their assets are exhausted, save £10,000. The managers take note that in the course of a few years many of their annuities or pensions will be falling due, and they make overtures to a new Society to take over their business, liabilities, assets, and good-will. The new Society accepts the liabilities of the old for some nine or ten thousand pounds, instead of perhaps half a million pounds sterling,—more like the sum it ought to have received for undertaking the liabilities. The Society goes on in the hope that it may be able from its current revenue to accumulate assets sufficient to meet its liabilities, and so postpone the day of reckoning. The accumulated funds it ought to have in hand as against liabilities have never, save a small instalment, come into its possession. Still it continues for a few years, not in virtue of its solvency, but because it is able to pay its way out of the contributions of old and new members. Not until its funds are all but exhausted does it confess insolvency. Now this in effect represents not unfairly what was done at the time of the transfer of responsibility from Government to the Civil Servants themselves, in respect of superannuation and other allowances, if it was seriously intended to start a fund, to be henceforward self-supporting, not merely as regards new entrants, but adequate for the discharge of liabilities incurred antecedent to the establishment of the fund. The Superannuation Fund then was started on the basis that it would be self-supporting, but now it is insolvent in the most unmistakable form, and that insolvency has arisen from two causes: first,—because liabilities incurred antecedent to the date of the establishment of the fund were undertaken without obtaining adequate consideration for the same; and second,—because, after the establishment of the fund, benefits were granted for inadequate premiums. I propose now to consider the position of the several contributors to the Superannuation Fund, and what their rights are as between themselves and the Government.

A clearer understanding of the difficulties surrounding the case will be obtained if the Superannuation Fund is treated, first, as an insolvent Society; second, as a solvent Society, with a debt in dispute so large as to establish its solvency if recovered.

FIRST.—*What is the position of the insolvent Society?*

In virtue of the Act 27 Victoria No. 11, it must be held to be an incorporated Society, and as such, the members are not responsible one to another for its debts. By clause 2 of the Act, claims for pensions and allowances are to be paid out of the “said Superannuation Fund, so far as the same shall from time to time be adequate to discharge the same.” Claimants therefore can only come on the fund, and not on their fellow members. At the time when this Society was established certain Civil Servants had, or soon would have claims for allowances and pensions, but these claims were anticipated and expressly compounded for by clause 16 of the Act, which provides for a payment of £10,000 to cover them. That sum, it is stipulated, shall be “in full satisfaction of any claim for pensions or retiring allowances by the Civil Servants of the Crown.”

Here then is an incorporated insolvent Society. Its stoppage is at the same time its winding up, for there are no funds, and the members are not individually responsible for debts, therefore there can be no distribution to creditors. There have been three sets of members or contributors in this Society. First,—those who joined in youth or immediately on entering the service in respect of which they contribute for superannuation. They have paid a full or adequate premium for the proposed benefit* and, strictly speaking, are the greatest losers by the stoppage of the Society. Second,—those who joined the Society after being in the service for a longer or a shorter period, and who contributed at the same rate per cent. as the younger members, but nevertheless were promised full superannuation allowance. As the Society has stopped, this class may be said to be on the same footing as the previous, for although they made a much better bargain at starting, still they have lost all they paid in. Third,—those who contributed to the funds of the Society for only one or two years, then became entitled to pensions, entered on and enjoyed them for some years. They are the members in this view of the case that have come best off. They lose their pensions it is true, but they have not themselves contributed to the funds of the Society anything approaching the proper consideration for the pensions they have been receiving, neither did the Society from another quarter receive adequate compensation on their account; they cannot therefore, be said to have lost by their connection with the Society, but, on the contrary to have been gainers. Taken in a purely business point of view, if the existing Superannuation Act is to be literally interpreted and acted upon, irrespective of any other considerations, these are the facts that flow from its insolvency:—If the fund had gone on by becoming possessed of sufficient assets, the No. 1 set of members would have got a fair equivalent for their payments; No. 2 would have got more than their payments represented; and No. 3 would have had their life-long pensions for next to nothing.

SECOND.—*What is the position of the Society as solvent?*

When Parliament undertook, in virtue of the Superannuation Act of 1864, to rid itself of all responsibility in respect of pensions to the Civil Servants, it engaged in a transaction of some magnitude, and one affecting not merely the present but also a future generation, for the reduction of taxation was involved in the measure. I apprehend Parliament took up this position when the measure became law. From and after the passing of this Act all Clerks who enter the Public Service must understand that they will have to contribute a certain percentage of their salaries for the purpose of providing for their old age. They must look to the fund which they themselves are to create for pensions, and not the Country. To such an arrangement as this of course no objection could be taken on the part of Clerks joining the Service, because it formed part of their contract. But they have clearly a right to see that their contributions are being duly invested and improved at interest, so that they may look with certainty to the fund for payment of their pensions. This right was evidently admitted by the Legislature; for the Act of 1864 very properly provided for the appointment of “three Officers to be Superannuation Fund Commissioners, for the purpose of recommending from time to time the investment or disposal of the amount at the credit of the Superannuation Fund.”

Parliament however could not equitably deal thus with another class of Officers, and whom I will designate for identification, the second class. They are those who had been in the Service prior to the new regulations regarding superannuation. To demand from Officers who had been several years in the Service a retrospective deduction from their salaries would be neither fair nor reasonable. Still, if they are to join the

new

* I would not be understood here to admit that a deduction of 4 per cent. would have been a sufficient contribution to secure the pensions and allowances recited in the present Act, even from members joining the Service at the commencement.

new fund and become entitled to full superannuation, they must bring their back payments with interest in their hands, before they can be admitted on a footing with members who joined when they entered, and contribute during their whole period of service. I put it so in a popular sense; the working out of this equitable arrangement has already been fully explained. The right to enforce a deduction to support a Superannuation Fund will be readily admitted, because it is neither more nor less than a reduction of an Officer's salary, and that the Government have of course full power to effect; but not surely to make a series of retrospective deductions in respect of bygone services, without giving value in some shape. The Officers of this class cannot in justice be asked to contribute their back payments, or to pay on a scale different from that which would have been taken from them when they joined the Service. Therefore the sum representing their past contributions, that is, for the period they were in the Service before the Superannuation Fund was established, is due from Government. If it is not recognized as a debt of Government, the fund would be insolvent even although all the payments hitherto made by the members of the first and second classes were in hand; and if the fund under these circumstances was carried on, it would be at the expense of the junior members who first entered and contributed during their full period of service. When their time for retirement arrives, they will then find that the funds requisite for their superannuation have been exhausted in providing for those who have preceded them.

I come now to the third class of Public Officers, whose interests had to be considered by the Legislature at the time of the passing of the Act. I refer to those who were on the point of retirement—who had, in fact, all but become entitled to pensions. I am of opinion that this class might with great propriety have been left out of consideration altogether from the operation of the Act. Their claims and circumstances were altogether exceptional, and should have been made the subject—if not of special legislation—of special contract with the Commissioners of the Superannuation Fund. If the Colony was responsible for, and decided to superannuate this class, there was no escape from the payment by Government of the pensions and allowances granted to them. It would have been almost a mockery to ask this class to contribute what would provide for their pensions, because the payments that would have been required from them would have been all but equal to the benefits they were to get, and that would have been giving them next to nothing. To look on a few payments at the rate of 4 per cent. on the annual salary as a consideration to secure the full amount of that salary as an annuity for the remainder of a person's life, aged 60 say, is simply preposterous. As they could not be expected to contribute sufficient to provide their own pensions and allowances, out of what fund should it have come? The Superannuation Fund could only be drawn upon for this purpose to the extent of £10,000—the sum granted from the Consolidated Revenue. It was for the interval during which the contributions of Public Officers were insufficient to meet the requirements of the Act that £10,000 was voted; therefore, when that sum was exhausted, *plus* their own contributions, the pensions and allowances to officers in this class should have been stopped until a fresh grant had been obtained for their payment. For from what other source could they possibly have been paid? Certainly not from the contributions of the officers of the first and second classes, for that would have been on the part of a public institution, considered equivalent to an appropriation of trust funds, so glaring would the injustice have appeared. If a valuation of the liabilities and assets of the fund had been made either at starting, or in any subsequent year, it would have been seen that neither pensions nor allowances could be granted, except on an infinitesimal scale, regard being had to the interests of all concerned. With reference to this class, Parliament might have adopted one of two courses. It might have been thought wise to ascertain the total indebtedness of the Colony for superannuation, once for all. Suppose it was admitted that they had a sum to provide to put the Superannuation Fund on a sound basis, on account of those who had been in the Service before it was made a law that they should provide for themselves. Parliament might further have resolved to ascertain the present value of its liability in respect of those Officers who were within a few years of earning their pensions. The sum due from the Government to the second and third classes would then have been handed over to the Superannuation Fund Commissioners; and the payments would have represented the total indebtedness of the Colony for superannuation. Or it might have arranged it thus:—We shall grant what is due to the Superannuation Fund on account of those who were in the Service before it was started, and we shall then be free of all liability for superannuation to Officers of a given length of service, as well as in respect of those who may subsequently join the Service. Pensions and allowances to the old Public Officers we shall deal with annually, and charge to the Consolidated Revenue. Our liability on this score, although it will be heavy for a number of years, will gradually diminish and finally disappear. Parliament adopted neither the one course nor the other, but satisfied itself with voting the sum of £10,000 as a recognition of its liability, but the amount was not more than a fractional instalment of its total indebtedness. Vested interests were in fact all but overlooked by Parliament when it threw the burden of superannuation on the Civil Servants themselves; no tangible provision was made for them, and the obligation of the Colony in respect of superannuation to this class of Public Officers has yet to be redeemed.

To place the Fund, or the Society as I have termed it, in a solvent state, there must be an admission of indebtedness in respect of the following items:—

- First.—For the payments with interest contributed by Clerks who have entered the Service since the Superannuation Act was passed, less disbursements under clauses 7 and 10 of the Act.
- Second.—For the payments with interest contributed by Clerks who entered the Service previous to the passing of the Act, but who would not be entitled to superannuation in the ordinary course before ten years from the date of the passing of the Act, less disbursements under clauses 7 and 10.
- Third.—For the back payments with interest on account of the Class No. 2 last described, being for the period of service antecedent to the passing of the Act.
- Fourth.—For the present value of £18,000 per annum, pensions, *i.e.*, immediate annuities, now due.
- Fifth.—For the present value of £15,000 per annum, the estimated amount of pensions that will become due during the next five years, at the rate of £3,000 per annum, being for members of the Service not included in Class No. 2.

The first and second items of indebtedness above mentioned, I am officially informed, may be put down in round numbers at £50,000

The third item I could not even roughly estimate without the data I have explained as necessary, and each case would have to be separately calculated

The

The fourth item can be exactly ascertained shortly after I am furnished with the ages of the pensioners. Assuming the pensions to be *now* due, the average age to be 60, and using the English Life Table of Mortality, No. 3, males, and combining with that 5 per cent. interest, the present value of £18,000 per annum is 172,770

The amount of pensions officially reported to me as being now due is given as £18,000 per annum.

The liability under the fifth item can only, at present, be an approximation. The amount of pensions to be entered on within the next five years may either exceed or fall short of the £15,000 per annum. Assuming the same data as before, the present value of the liability is 103,284

That is, £3,000 per annum to be entered on by lives aged 60 one year hence, £3,000 per annum two years hence, and so on.

Omitting the third item of indebtedness, the first, second, fourth, and fifth, make a total of £336,054.

It may be asked, but what after all has become of the money that has been contributed? The pensions and allowances already paid have exhausted the whole. The account would not have been substantially altered had the present value of the pensions and allowances been ascertained in 1864 instead of 1870; for had the same data been used the present value of the liability would have been £70,000 greater than it is now;—viz., by £60,000 contributed by the Officers, *plus* the endowment of £10,000. If the Government do not plead “never indebted,” and admit the principles on which the above account is framed, and will hand over to the Superannuation Fund Commissioners the sum to be claimed when the account is finally adjusted, then the Fund will be made solvent, and be available for the payment of pensions to the first and second classes on the scale recited in the new Draft Bill, subject to certain modifications; and the third class can be paid the pensions at the rate fixed, or rather, as it affects the Fund, at the rate for which due consideration has been received. The Fund being adequately endowed, the question of the pensions having been granted on too high a scale will have no prejudicial effect.

Two views have thus been taken of the present position of the Superannuation Fund, and of those whose interests are affected by it. They are extreme views, and in my opinion, a settlement could not equitably be effected by treating those interested either as members of an insolvent fund, or of a fund made solvent by Government. There must I think, be a compromise and a middle course taken. The Fund viewed as an insolvent Society, represents what the state of matters will be if repudiation is thought of, and the strict letter of the law adhered to, as laid down in the Act 27 Victoria No. 11. The position of affairs representing the solvent Society will accord with the views of those who advance arguments in support of an admission by the Government of total indebtedness. It is not necessary that I should refer to the arguments of those who plead for this: they lie on the surface of the subject, and have been frequently referred to in the public papers. The present Superannuation Act has broken down, and as there must be a new Act—fresh legislation—that circumstance affords the opportunity for readjusting the contracts. To what extent then can the contracts be amended?

First.—The pensions that have been granted may be reduced. The extravagant pensions promised and granted is part of the present inoperative Bill. If the gentlemen who have had pensions assigned to them had contributed from the year they entered the Service to the time of their retirement, at the maximum rate of contribution fixed by the Act, viz., 4 per cent., it would not have been sufficient to pay the pensions some of them are receiving, leaving out of the question the allowances to their representatives at death. If then it can be shown, that a retiring pension of two-thirds of the average salary Officers have been receiving during the last three or five years of their service is all that their contributions would have purchased, even after a service of forty years, and that two-thirds is the scale on which pensions are granted by the Imperial Government, and that that was the rate allowed on retirement previous to Responsible Government, the public I do not think, would consider the pensioned Officers under the present Act hardly dealt with if they were reduced from full pay to two-thirds of their former official salaries. In fact if it was not considered too severe it would be equitable still further to reduce the pensions in the proportion of sixtieths, for the years short of forty which they have not served. If the pensions are to be paid, Parliament will have to vote the money for the purpose; but before doing so, Government might intimate their willingness to receive a petition from each pensioner, and learn the hardship and circumstances connected with his case. The merits of each could be adjudicated upon, and Parliament and the Country would then be satisfied that their claims were both genuine and reasonable.

Second.—The contract may be amended by increasing each member's contribution to the Fund. That is to say, if it can be shown that the payments are inadequate to provide the benefits promised, they should be increased, but not otherwise. To this extent only can the contract be amended touching increased contributions from members. It would never do to attempt imposing a higher rate of contribution on the members simply with a view to recoup the Fund, and provide for a debt for which they are in no way responsible; that would be equivalent to levying on them a special tax to pay a debt due from Government.

I shall now refer to members of the second class. In this class are included the men who were in the Service before the Act came into force. If the Government refuse to acknowledge a liability in respect of the contributions due from them prior to the establishment of the Fund, then there is no help for it, but for the gentlemen composing the class to pay an increased premium, if they desire to secure the full superannuation allowance; the option can be given them however of receiving a diminished allowance for the payments they make. Under any circumstances, they ought to be told what their payments will provide.

The proper method to arrive at the increased premium or the diminished pension has already been described. If a deduction of 7 per cent. is made from their salaries all round, it will be inequitable in the highest degree; there will be no equality existing between the payments made and the benefits to be received; and I venture to say that twice 7 per cent. will not meet the case of some, and less than 7 per cent. will be a sufficient payment from others. If the working of a uniform 7 per cent. contribution from all, irrespective of age and length of service, be put to a practical test, by allowing the option of withdrawing from the Fund; it will be found that the men (with very few exceptions indeed) who have joined since 1864 will retire and draw out what they can get; and if they can get nothing, they will sooner retire than pay 7 per cent.; for common sense tells them they have a bad bargain. But on the other hand, the men who have been many years in the Service before the Fund was established will tenaciously hold on, for common sense as plainly tells them that they have an uncommonly good bargain, if Government will guarantee their pensions.

Treating

Treating now of the first class—those who entered the Service in the year 1864 and the years following. The diminished rate of superannuation proposed under the new Bill, if some amendments are carried out, will be a sufficient adjustment of interests on both sides as regards this class, provided the rate of contribution required from them be not increased, but continue as they began, viz., at 4 per cent. I am not prepared to say that 3 per cent. would not meet the case of members joining an office in youth, and paying throughout their entire period of service, the rate of interest that can be realized being duly considered. But before I would recommend a reduction of the 4 per cent. rate, a Bill regulating the Civil Service in the manner already described should be in operation. Besides, if Government is to guarantee the pensions, it will be proper that they should have to some extent a protective margin as a guarantee against loss.

I will now refer to the following clauses of the new Draft Bill. The operation of the 3rd and 4th sections of the Bill amounts to this: A few hundred pounds more or less are to be handed over to the Consolidated Revenue Fund, and simultaneously the same Fund is to be made liable for several hundred thousand pounds sterling in present value. I do not think this could have been fully realized when the Bill was framed. In undertaking the liability of all present and future superannuation allowances, the first step should be to ascertain what the present value of the liability amounts to. If this liability is undertaken without ascertaining its amount, and the question settled merely by passing future receipts and disbursements through the Consolidated Revenue Accounts, then the Country is burdened with a debt of considerable magnitude with which Parliament has not been made acquainted. On that account I do not think Parliament should be asked to pass the 3rd and 4th sections of the new Bill; if they do, I respectfully submit that, in a political economic sense it will be a great mistake.

The 5th section of the Bill relates to the rate per cent. of reduction from the salaries of Public Officers, and that question I have already fully discussed. Government, I understand are quite prepared to leave the amount of the deduction an open question. Instead of the contributions being passed to the credit of the Consolidated Revenue as provided in this section, they ought to pass to the credit of the Superannuation Fund, and that Fund ought to be administered by Commissioners, not Public Officers; their position as such renders them not sufficiently independent of the Executive Government. The guarantee of the Government for the payment of the pensions would of course still be as binding; keeping a separate account for the Fund would be more satisfactory to the Country and the Civil Servants themselves, for it would then be in a state to be periodically balanced and reported on.

The 6th clause of the Bill refers to the abatement from the pensions already granted. From my point of view, 15 per cent. is not sufficient under the circumstances.

The 7th clause, I recommend, should not be adopted; if it is acted on, the result will be very misleading to all concerned. The correct method of arriving at a result has been described.

The 8th clause would be better without limiting the age to 60. Suppose a Clerk enter the Service at age 18; after 15 years' service he is then 33 years of age, and is entitled on retirement to $\frac{4}{5}$ of his average annual salary during the 7 years preceding his superannuation. To obtain his $\frac{4}{5}$ or $\frac{3}{4}$ of his annual salary, he has to serve other 25 years, which would make his age on retirement 58; but the clause does not allow him to retire until 60. There is also an inconsistency between this clause and No. 9. Young men can easily pass the ordinary Civil Service Examinations in England at 18 years of age, and thereafter enter the Service; and as I believe they are admitted at the same age here, when they attain the age of 53, or after 35 years' service, they will be able to retire on full superannuation allowance. The scale, both as regards length of service, and superannuation allowance on account of infirmity, is liberal—more so than the circumstances seem to warrant.

Clause 14 should be expunged as part of the superannuation scheme. The rates of contribution do not provide for a return of the premiums in the event of death before the pension is entered on. If this additional benefit is to be granted it should take the form of a supplementary grant from Government.

Clause 23 is most objectionable; it imparts an element of uncertainty for which there is no occasion. The scale once fixed should remain unaltered, and be as binding as a contract entered into with a Life Assurance Institution. If the Government have power to alter the scale of contribution in each and every year, then it ceases to be a contract, and on that account I have not attached much importance to the fact that it is now proposed to guarantee the pensions. That cannot count for much, so long as one side of the contract is open, and the right reserved of imposing a sliding scale of contribution.

The recommendations herein referred to I will now briefly recapitulate.

First.—That the Superannuation Fund be continued, and all receipts and payments on account of that fund as heretofore kept distinct.

Second.—That the principle be affirmed or rejected of reconstructing the Superannuation Fund on the basis that it shall be self-supporting, without aid from Government; after due payment by Government of specific amounts in respect of vested interests existing prior to the establishment of the Fund.

Third.—That the guarantee of the Government be given to secure the pensions, in consideration of the contributions of the Civil Servants, and that a clause to that effect be inserted in the new Bill.

Fourth.—That the liabilities and assets of the Fund be investigated and reported on at stated intervals.

Fifth.—That the Fund be administered by three Commissioners nominated by Government, but not members of the Civil Service.

Sixth.—That a Bill be introduced to Parliament regulating the Civil Service; such Bill to adjust the salaries of all the Civil Servants and provide for progressive increase. A minimum and maximum salary for each class to be fixed, and after serving stated periods in each, Clerks to pass into the next higher division.

Seventh.—That 4 per cent. be the maximum deduction from the salaries of Clerks entering the Service, provided they receive not less than £100 per annum. From salaries below £100, 2 per cent. to be deducted. From Clerks who joined the Service prior to the passing of the Superannuation Act, a higher rate of contribution is required, varying in amount with their length of service; but until a scale of salary has been fixed, and a classification of the Public Officers introduced, this higher rate of contribution cannot properly be calculated. Pending a correct adjustment of the payments required from this class, and a decision as to whether

whether the extra burden shall be borne by themselves, or paid for them, the 4 per cent. deduction to be continued,—a clause in the new Bill can easily be framed to meet the present emergency.

Eighth.—That superannuation only be provided for, and Clause 14 of the new Bill, granting allowances to widows and children, be withdrawn.

Ninth.—That the conditions giving a right to a pension be as follows :—

1. That the maximum amount of pension shall not exceed two-thirds of the average of the several salaries received during the three years preceding superannuation. Three years, giving a fair average if a scale of salary is introduced.
2. That forty years' service be required from every public officer before he is entitled to the two-thirds, or full pension. The age at entry being 18, retirement can take place at age 58 two years earlier than is allowed in England.
3. That officers who have served for ten years be entitled to an allowance of ten-sixtieths of their annual salary; for eleven years' service, an annual allowance of eleven-sixtieths, and for each additional year of service, a further addition to the annual allowance of one-sixtieth until forty years of service be completed, when forty-sixtieths can be obtained.

Tenth.—That, in the matter of pensions granted under the present Act, Government make an express recommendation to Parliament, and propose, either to repudiate all liability and refuse payment, or confirm the pensions for the amounts originally assigned; or, prior to undertaking the liability, that each pension should undergo revision, and be liable to a reduction varying in amount with the circumstances attending each case.

Eleventh.—That as soon as the amount of pension to be paid to those already on the list has been fixed, the Actuary be required to ascertain the present value of said pensions, taking account in the calculation of the contributions of each to the Superannuation Fund. The present value of these pensions will then represent a liability admitted to be due from Government, and will constitute the item of indebtedness before referred to as No. 4.

Twelfth.—That provided the principle be affirmed of reconstructing the Superannuation Fund on a self-supporting basis, then the first and second items of indebtedness described in the memorandum of account, will be admitted as due from Government, viz., £60,000 the past contributions of members of the first and second class, the amount being of course subject to adjustment.

Thirteenth.—That the first, second, and fourth items of indebtedness having been correctly ascertained and admitted to be due to the Superannuation Fund from Government, the same be liquidated by an equitable annual payment extending over a given number of years.

Fourteenth.—That the fifth item of indebtedness be dealt with in the following manner. Let Government require at the end of each year from the passing of the new Act, and thereafter for a period of five years, the present value of the pensions entered on to be calculated, making due allowance for the contributions the recipients of pensions have made to the Superannuation Fund. The sum total under this head being ascertained in full at the end of five years.

Fifteenth.—That ascertaining the amount due to the Superannuation Fund in respect of the third item of indebtedness, and previously described as the back payments on account of the Class No. 2, be held in abeyance until a Civil Service Bill is passed.

In conclusion, I would observe that, although the sum required may appear large to place this Fund in a solvent and self-supporting position for the future, it ought not to be forgotten that the Mother Country and a sister Colony do not make any deductions from the salaries of their Public Officers, but nevertheless grant pensions, on a scale somewhat similar to that herein proposed.

I am, &c.,
M. A. BLACK,
Actuary.

NOTE.—The report of Dr. Farr, from which I have quoted, is dated September, 1853; the scale referred to by him was altered when the new Superannuation Act, 22 Vict., cap. 26, was passed [19 April, 1859]. The term of service was then made forty years—no pension to exceed two-thirds of the annual salary, and superannuation not to be allowed until sixty years of age, unless upon a medical certificate that the person is incapable from infirmity of mind or body to discharge the duties of his situation.—M.A.B.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUPERANNUATION ACT OF 1864.

STATEMENT

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR

1869.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
2 *February*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

CIVIL SERVICE SUPER-
(27 VICTORIA,
STATEMENT of RECEIPTS and

PARTICULARS OF RECEIPTS.	AMOUNT.	TOTAL.
To BALANCE, 31st DECEMBER, 1868 :—	£ s. d.	£ s. d.
Cash in the Treasury	414 7 2	
Debentures in ditto	6,300 0 0	6,714 7 2
„ DEDUCTIONS from the SALARIES of PUBLIC OFFICERS, at the rate of 4 per cent. per annum, from 1st January to 31st December, 1869... ..	9,999 0 8	
„ INTEREST on INVESTMENTS IN DEBENTURES	287 12 1	10,286 12 9
„ PROCEEDS of DEBENTURES, to the amount of £4,500, sold for the purpose of meeting claims on this Fund		4,520 0 0
Carried forward	£	21,520 19 11

ANNUATION FUND.

No. 11.)

DISBURSEMENTS in the Year 1869.

PARTICULARS OF DISBURSEMENTS.	ANNUAL RATE OF PENSION.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.	TOTAL.
		From	To		
	£ s. d.			£ s. d.	£ s. d.
BY PENSIONS PAID:—					
Stephen Greenhill, late Chief Clerk in the Pay Branch of the Treasury	600 0 0	1 Jan., 1869	31 Oct., 1869	500 0 0	
John Crook, late Harbour Master, Sydney	433 6 8	1 Jan., 1869	31 Oct., 1869	361 1 8	
M. D. Ferguson, late Accountant in the Government Printing Office	266 0 0	1 Dec., 1868	31 Oct., 1869	243 16 8	
R. A. Hunt, late Superintendent of the Money Order Office	576 0 0	1 Jan., 1869	31 Oct., 1869	480 0 0	
John Kingsmill, late Sheriff's Bailiff, Maitland... ..	192 0 0	1 Dec., 1868	7 July, 1869	119 12 3	
J. G. Lennon, late Chief Clerk in the Revenue Branch of the Treasury	344 0 0	1 Oct., 1868	30 Sept., 1869	344 0 0	
Nicholas Nelson, late Clerk in the General Post Office	297 10 0	1 Oct., 1868	30 Sept., 1869	297 10 0	
E. C. Brewer, late Sheriff's Bailiff, Sydney	121 6 8	1 Dec., 1868	31 Oct., 1869	111 3 10	
Robert Brindley, late Draftsman in the Survey Department	310 0 0	1 Dec., 1868	31 Oct., 1869	284 3 4	
J. R. Humbley, late Clerk in the Audit Office... ..	236 10 0	1 Dec., 1868	31 Oct., 1869	216 15 10	
Samuel Morgan, late Clerk in the Survey Department	138 13 4	1 Dec., 1868	31 Oct., 1869	127 1 11	
W. H. Christie, late Postmaster General	785 6 8	1 Dec., 1868	31 Oct., 1869	719 17 2	
George Brett, late Tide-waiter, Customs	103 16 8	1 Dec., 1868	30 Sept., 1869	86 10 0	
W. C. Still, late Landing Surveyor, Customs	536 0 0	1 Oct., 1868	— Oct., 1869*	558 6 8	
John Wells, late Under Secretary for Finance and Trade	714 13 4	1 Jan., 1869	31 Oct., 1869	595 10 10	
William Vallack, late Chief Clerk, Colonial Secretary's Department	624 0 0	1 Nov., 1868	31 Oct., 1869	624 0 0	
Thomas Jones, late Sheriff's Bailiff, Bathurst	144 0 0	1 Nov., 1868	— Oct., 1869*	138 0 0	
William Thompson, late Official Postmaster, Bathurst	138 0 0	1 Dec., 1868	31 Oct., 1869	126 10 0	
T. K. Abbott, late Secretary, General Post Office	420 9 4	1 Dec., 1868	31 Oct., 1869	385 8 3	
E. H. Statham, late Storekeeper, Lunatic Asylum, Parramatta	115 17 4	1 Dec., 1868	31 Oct., 1869	106 3 11	
John Brown, late Sheriff's Bailiff, Parramatta	178 13 4	1 Dec., 1868	31 Oct., 1869	163 15 3	
Lewis Gordon, late District Surveyor, Bega	313 6 8	1 Nov., 1868	31 July, 1869	234 19 6	
John Chippindall, late Gaoler, Bathurst	168 0 0	1 Dec., 1868	31 Oct., 1869	154 0 0	
John Wallace, late Gaoler, Maitland Gaol	133 0 0	1 Dec., 1868	31 Oct., 1869	121 18 4	
E. Rogers, late Clerk of the Peace, Cumberland	576 0 0	1 Oct., 1868	30 Sept., 1869	576 0 0	
F. Campbell, late Superintendent, Lunatic Asylum, Tarban Creek... ..	407 6 8	1 Dec., 1868	31 Oct., 1869	373 7 2	
W. R. Davidson, late Surveyor General	960 0 0	1 Dec., 1868	31 Oct., 1869	880 0 0	
J. E. Turner, late Landing Waiter, Customs	126 10 0	1 Nov., 1868	30 Sept., 1869	115 19 2	
S. Cole, late Commissioner of Crown Lands, Darling District	417 0 0	1 Dec., 1868	31 Oct., 1869	382 5 0	
S. Elyard, late Clerk, Colonial Secretary's Office	384 0 0	1 Dec., 1868	31 Oct., 1869	352 0 0	
T. McMahon, late Shipping Officer, General Post Office	127 3 4	1 Dec., 1868	30 Sept., 1869	105 19 2	
J. Prout, late Sheriff's Bailiff, Sydney	55 4 0	1 Dec., 1868	31 Oct., 1869	50 12 0	
A. T. Ross, late Coast Waiter, Customs, Broken Bay	123 6 8	1 Dec., 1868	30 Sept., 1869	102 15 0	
C. Tompson, late Clerk of the Legislative Assembly	688 0 0	1 Feb., 1869	31 Oct., 1869	516 0 0	
W. H. Palmer, late Police Magistrate, Bathurst	300 0 0	1 June, 1869	31 Oct., 1869	125 0 0	
C. E. Newcombe, late Police Magistrate, Queanbeyan	492 0 0	1 June, 1869	31 Oct., 1869	180 0 0	
E. D. Day, late Police Magistrate, Maitland	480 0 0	1 June, 1869	31 Oct., 1869	200 0 0	
W. Warburton, late Tide-waiter, Customs	80 10 0	1 July, 1869	30 Sept., 1869	20 2 6	
W. King, late Landing-waiter, Customs	149 10 0	1 July, 1869	— Sept., 1869*	31 2 11	
					11,111 8 4
BY GRATUITIES, GRANTED UNDER CLAUSE 7, TO THE FOLLOWING OFFICERS, WHO HAVE RETIRED, FROM BODILY OR MENTAL INCAPACITY:—					
R. McGregor, Telegraph Station Master, Wagga Wagga				66 13 4	
Isaiah Rowland, late 1st Class Surveyor				500 0 0	
F. L. Oliver, late Clerk, Lands Department				200 0 0	
H. Cary, late Judge, Western District Court (in part payment of amount authorized)				787 10 0	
					1,554 3 4
	Carried forward			£	12,665 11 8

* The exact date to which these Pensions were paid cannot be given, as the last payment was made in accordance with a *pro rata* distribution of the funds in hand at the time.

STATEMENT of RECEIPTS and

PARTICULARS OF RECEIPTS.	TOTAL.
<p style="text-align: right;">Brought forward</p>	<p style="text-align: right;">£ s. d. 21,520 19 11</p>
	<p style="text-align: right;">£ 21,520 19 11</p>
<p>TOTAL</p>	<p style="text-align: right;">£ 21,520 19 11</p>

The Treasury, New South Wales,
1st February, 1870.

GEORGE LAYTON,
Accountant.

DISBURSEMENTS in the Year 1869.

PARTICULARS OF DISBURSEMENTS.	AMOUNT DRAWN.	TOTAL.
	£ s. d.	£ s. d.
Brought forward		12,665 11 8
By GRATUITIES GRANTED UNDER CLAUSE 10, TO THE RELATIVES OF THE UNDERMENTIONED DECEASED OFFICERS, VIZ. :—		
J. T. Outley, late Clerk, Government Printing Office	12 10 0	
W. Bergin, late Sheriff's Bailiff, Albury	153 6 8	
C. T. Gore, late Registrar of Western District Court	325 0 0	
C. Wilkinson, late Clerk, Colonial Treasury	875 0 0	
J. S. Redman, late Clerk, Sydney District Court	150 0 0	
D. Wilson, late Overseer, Government Domains	175 0 0	
T. Horsford, late Gaoler, Goulburn	102 1 8	
J. O'Neill Brennan, late Crown Prosecutor, Northern District	625 0 0	
John Wisdom, late Landing Waiter, Customs, Morpeth	200 0 0	
		2,617 18 4
By MISCELLANEOUS :—		
Brokerage on the Sale of £3,000 Debentures		15 0 0
		15,298 10 0
„ DEBENTURES issued for realization... ..		4,500 0 0
		19,798 10 0
„ BALANCE ON 31ST DECEMBER, 1869 :—		
Debentures in the Treasury	1,800 0 0	
Less Cash Overdraft	77 10 1	
		1,722 9 11
TOTAL		£ 21,520 19 11

with the exception of the first two, the whole of the Pensions granted under this Act, as above shown, have been reduced by 4 per cent., in accordance with the sixth clause thereof.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE SUPERANNUATION.

(PETITION—PERSONS EMPLOYED IN THE CIVIL SERVICE.)

Ordered by the Legislative Assembly to be Printed, 18 March, 1870.

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

The Petition of the undersigned persons employed in the Civil Service of the Colony,—

HUMBLY SHOWETH :—

1. That your Petitioners having just grounds for dissatisfaction with the present state of the question of Superannuation, and with the Bill now before Parliament in reference thereto, desire most respectfully to submit for the consideration of your Honorable House the statement following :—

2. That under every Act for the government of New South Wales (5 & 6 Vict., cap. 76, and 13 & 14 Vict., cap. 59) prior to the passing of the present Constitution Act, provision was made for pensions to Civil Servants in this Colony, which were granted according to the scale contained in the Imperial Act 4 & 5 William IV, cap. 24.

3. That the present Constitution Act (section 52) distinctly recognizes their claim to such pensions, and, to meet the same, includes an annual sum of £3,500 in the Civil List thereby granted to Her Majesty instead of all territorial and other Revenues theretofore at the disposal of the Crown (section 50).

4. That the sum so set apart as an item in the compact between the Crown and the Colony proved to be insufficient for the purpose specified, and was subsequently from year to year augmented by votes of successive Parliaments called into being by the said Constitution Act.

5. That this action on the part of Parliament further recognized the claim to pensions before referred to.

6. That in the year 1864 an Act of Parliament was passed making other provision for the superannuation of Public Officers, and imposing for the first time a deduction from their salaries for that purpose ; but sanctioning a higher scale of pensions than before, and providing for other allowances.

7. That the said Superannuation Act of 1864, while appropriating the sum of £10,000 in aid of the Fund thereby created, still further acknowledges the claim of Civil Servants to pensions, by alleging that that sum is granted "in full satisfaction of any claim for pensions or retiring allowances by the Civil Servants of the Crown."

8. That this Estimate of £10,000 must have been adopted without sufficient calculation of the liabilities of the Crown in respect of the said pensions or retiring allowances, and was in fact far from an adequate or reasonable equivalent for such liabilities.

9. That this is evident from the fact that the annual sum of £3,500, set apart permanently by the Constitution Act, which, if capitalized at 5 per cent. (the rate of interest paid by the Government on Debentures), would be worth £70,000, was not sufficient to meet the claims of the Civil Servants prior to 1864. (Enclosure to the Duke of Newcastle's despatch of 1st May, 1860.)

10. That on the above grounds, your Petitioners respectfully maintain their claim to pensions upon the old scale recognized by the Constitution Act, without deduction from salaries, unless and until more reliable and permanent provision be made for the same by Parliament than that contained in the Superannuation Act of 1864.

11. That your Petitioners have acquired additional claims in consequence of the deductions made from their salaries under the last-mentioned Act.

12. That the Bill now before your Honorable House proposes a deduction "not exceeding 7 per cent." from the salaries of your Petitioners, and at the same time provides for a scale of pensions, all things considered, not more than equal to that contained in the Imperial Act 4 & 5 William IV, cap. 24, to which they were before 1864 entitled without any deduction whatever.

13. That for the deduction of 4 per cent., under the Superannuation Act of 1864, an equivalent was promised in the shape of an increased scale of pensions, and gratuities to widows, children, or other relatives of deceased officers, thereby showing the sense Parliament entertained of its obligation adequately to compensate the Civil Servants for such deduction ; but that for any deduction under the Bill now before your Honorable House your Petitioners will receive no equivalent.

14. That by the proposed Bill the increased scale of pensions and the gratuities referred to are abolished; the said Bill, as regards the latter, proposing to return to the widow or children of a deceased officer merely his contributions to the Revenue, with 5 per cent. interest.

15. That the said contributions so returned will be in no case sufficient provision for widows and children, whilst the deduction under the proposed Bill will disable officers from making any other provision for those dependent upon them.

16. That your Petitioners would most earnestly beg to represent the great hardship to which they will be subjected if their vested interests in respect to gratuities under the existing law be cancelled, as is proposed to be done by the said Bill. That whilst all your Petitioners are, by lapse of time, in a more unfavourable position for effecting life assurance in private offices, some of them who were actually assured at the time the Superannuation Act of 1864 came into operation, but could not continue their policies in consequence of the deduction from their salaries under said Act, and others who would have assured, and could then have done so on terms within their means, are now wholly unable to make any such provision.

17. That the proposed Bill provides for no compensation to your Petitioners for the large sum, amounting to over £53,000, which has been taken from them under the Superannuation Act of 1864, and paid in pensions to old officers who have retired under that Act, but whose unsatisfied claim under the Constitution Act was upon the Government, and not upon the fund created by the Superannuation Act, and in gratuities to relatives of deceased officers, such as the relatives of your Petitioners will not receive if the said Bill should pass into law.

18. That this sum of £53,000, together with the sum of £70,000, being the capital value of the annual sum of £3,500 provided for pensions under the Constitution Act, would, your Petitioners believe, form a sufficient reserve to indemnify the Consolidated Revenue for any excess of payments over deductions under the Superannuation Act of 1864, if the assets and liabilities of the Superannuation Fund as they now equitably stand were at once and permanently transferred to the Consolidated Revenue.

19. That the proposed Bill is unfair to those officers who have retired on the understanding that a certain provision was secured to them by Act of Parliament, inasmuch as it proposes to make an annual abatement of 15 per cent. from the pensions provided for them by the Superannuation Act of 1864.

20. That, so early as April, 1865, a Petition was presented to your Honorable House by the Civil Servants of the Crown, representing the then insecure state of the Superannuation Fund, when it was patent the collapse of that fund in a few years was inevitable; and your Petitioners therefore respectfully urge that it would be a great hardship to visit upon them the disadvantages which have accrued from the delay in bringing about the necessary amendment of the law in respect to Superannuation.

21. For the foregoing reasons, your Petitioners humbly pray that your Honorable House, in dealing with the question of Superannuation, will make other provision than that contained in the proposed Bill, for the equitable and permanent settlement of the claims of your Petitioners.

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

Dated at Sydney, this 15th day of March, 1870.

[Here follow 484 Signatures.]

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SUPERANNUATION.

(CORRESPONDENCE, &c., ON CLAIM OF BARTHOLOMEW CONNOLLY, TO.)

Ordered by the Legislative Assembly to be Printed, 8 April, 1870.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1st March, 1870, That there be laid upon the Table of this House,—

“Copies of all Minutes and Correspondence relating to the claim of
“Bartholomew Connolly, Government Coxswain, for a Pension or
“Superannuation allowance.”

(*Mr. Parkes.*)

SCHEDULE.

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BARTHOLOMEW CONNOLLY.

No. 1.

B. CONNOLLY TO THE COLONIAL SECRETARY.

Harbour and Customs Departments,
8 June, 1868.

Honorable Sir,

I joined the Public Service of this Colony on the 10th September, 1838.

I was appointed by His Excellency Sir Charles Augustus Fitz Roy to be his coxswain, at the time that Lady Mary was killed at Parramatta, in 1853.

I was appointed by His Excellency Sir Charles Augustus Fitz Roy, as Queen's Weigher, on M'Namara's Wharf.

Honorable Sir, I had been His Excellency Sir John Young's coxswain, which rank I still continue to hold under the present Governor, His Excellency Earl Belmore.

I now, Honorable Sir, beg most respectfully to state that I am due for my pension.

You know me for the last twenty-nine years, during which time I have discharged my duties to the satisfaction of my superiors. I am most happy to see you in your high and honorable position.

My pension rests entirely with you, and I trust you will be pleased to place my case under your favourable and humane consideration in ordering my name to be placed on the Supplementary Estimates.

I am, &c.,

BARTHOLOMEW CONNOLLY,
Coxswain, Government Boats.

Colonial Treasurer.—J.D., 19/10/68.

No. 2.

To His Excellency the Right Honorable Somerset Richard, Earl of Belmore, a Member of Her Majesty's Most Honorable Privy Council in Ireland, Governor and Commander-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

The humble memorial of Bartholomew Connolly,—

SHOWETH,—

That your Excellency's Memorialist entered the service of the Government as a boatman on the 10th September, 1838, and has served the Government continuously and without blame, for more than thirty years.

That in 1847 your Memorialist was appointed by the late Sir Charles Fitz Roy, his Excellency's coxswain, and on the 15th October, 1853, was duly promoted by his Excellency to the office of Weigher in Her Majesty's Customs, an appointment which your Memorialist is informed brings his service within the terms and meaning of the Superannuation Act.

That on the abolition of the office of weigher, your Memorialist was advised by the late Collector to revert to his former employment till some suitable vacancy could be found for him on the Customs staff; after which he was duly appointed by Sir John Young his Excellency's coxswain.

That your Excellency's Memorialist feels age creeping on him, and his strength failing; and having a large family to provide for, he is anxious for the future, and desires to retire from the service before his health wholly fail, with such pension as may be fairly due to him after so long a period of service.

Your Excellency's Memorialist begs respectfully to refer your Lordship for a testimonial to the undermentioned gentlemen, who have known him for many years, namely—the Honorable E. Deas Thomson, the Honorable J. H. Plunkett, the Honorable John Sutherland, W. A. Duncan, Esq., Henry Parkes, Esq., Dr. Alleyne, Health Officer, or indeed almost any of the leading gentlemen in Sydney.

And your Memorialist prays that your Excellency will be pleased to take his case into your favourable consideration, and direct that the necessary steps may be taken to secure him an annual allowance from the Superannuation Fund, or, if that be impracticable, to place a sum on the Estimates for 1869 for that purpose.

And your Excellency's Memorialist, as in duty bound, shall ever pray.

BARTHOLOMEW CONNOLLY.

To the Colonial Treasurer.—B., 28 Dec., /68.

The Superintendent of Pilots.—H.L., 29/12/68.

No. 3.

B. CONNOLLY to THE HONORABLE JOHN CAMPBELL, Esq., M.L.C.

Government Boat Station,

Circular Quay,

Sydney, 14 December, 1868.

SIR,

I rely on your kindness of heart and your knowledge of me for the last thirty years to pardon this liberty, and I hope to enlist your powerful influence in support of my claim to a pension. I joined the Public Service on the 18th September, 1838, as Government Boatman; on the 15th October, 1853, I was appointed, at the instance of His Excellency Sir Charles Augustus Fitz Roy, Queen's Weigher, which office I held until the accession to the Collectorship of Mr. W. A. Duncan, who abolished the office. I have since then served in the capacity of Government Boatman and Coxswain to their Excellencies Sir Charles Augustus Fitz Roy and Sir John Young; and having faithfully and creditably served full thirty years in the Public Service, I think that I am entitled to my pension, which—I hope I may say without fear of contradiction—I have earned to the satisfaction of all my superior officers. Under these circumstances I venture to ask your intercession for me with the Government.

The late Treasurer, Mr. Eagar, offered to give me a retiring allowance of one month's pay for every year I had served, but I declined to accept it, because I feel that I am fully and justly entitled to my full pension.

Trusting to your goodness,—

I have, &c.,

B. CONNOLLY.

Referred by the Hon. J. Campbell, M.L.C., to the Colonial Treasurer.

Superintendent of Pilots, 18/1/69.—H.L.

Perhaps this and the accompanying petition should be referred to the Superannuation Commissioners, to know if Connolly has any claims on the Superannuation Fund.—FRANCIS HIXSON, 16/2/69.

The Superannuation Fund Commissioners.—H.L., 16 Feb., 1869.

No deduction—no claim. This class of Public Servants is supposed to come within the "exceptions," in clause 11.

CIBRIS. ROLLESTON.
MICHL. FITZPATRICK.
E. O. MORIARTY.

18 Feb., 1869.

Let provision be made in Estimates for 1870 for the usual retiring allowance of one month's pay for every year of service.—S.S., 23/2/69.

The Auditor General.—H.L., 19/8/69.

No. 4.

MINUTE OF AUDITOR GENERAL.

THE records of this office show B. Connolly's services to have been as follows, viz. :—

As Government Boatman.—From 22nd June to 31st August, and from 1st to 31st December, 1846, at the rate of £42 per annum.

As Weigher, Customs Department.—From 1st October, 1853, to 31st July, 1859. During this period he was remunerated by a daily rate for each working day to the 31st December, 1856, and by an annual salary of £96 per annum from 1st January, 1857.

As Boatman, Harbour Department.—From 15th August, 1859, to 31st May, 1869; and that he received salary for this period at the respective rates of £96 and £108 per annum.

Audit Office, 24 August, 1869.

C.R.

Minute of Examiner of Accounts.

SERVICE according to this certificate, 15 years 10 months and 25 days. Gratuity of one month's pay for each year and fraction of year, at £108 per annum, £142 10s.—WM. MUTR, 26/8/69.

£143 placed on Estimates for 1870, No. 1, accordingly. Vide No. V.—Treasurer and Secretary for Finance and Trade.—Miscellaneous Services, page 67.

No. 5.

B. CONNOLLY to THE COLONIAL TREASURER.

Sydney, 26 October, 1869.

SIR,

I have the honor respectfully to invite your attention to a reconsideration of the sum placed upon the Estimates as a gratuity for my services.

After a period of thirty-one years employment in the Public Service I find myself entirely unfit to make use of the sum of money so proposed to be granted to me.

I therefore beg to submit that a pension be granted to me for the remaining period of my life, as my declining strength precludes the possibility of my pursuing any other occupation.

I have, &c.,

B. CONNOLLY.

If

If Connolly's services extend to thirty-one years, it appears to me that the sum of £143, as printed on the Estimates of 1870, is short of the amount that he is entitled to. He has served continuously in this department since the 15th of August, 1859.—FRANCIS HIXSON, 3/11/69.

Inform Connolly the Government have no power to grant pensions; they can only submit the matter to Parliament as they have done on the Estimates. Let him show how he has been employed for the period he states.—S.S., 8/11/69.

No. 6.

THE UNDER SECRETARY FOR FINANCE AND TRADE TO B. CONNOLLY.

The Treasury, New South Wales,
10 November, 1869.

Sir,

I am in receipt of your letter of 26th ultimo, addressed to the Colonial Treasurer, requesting that a pension might be allowed you, instead of the gratuity placed upon the Estimates for the year 1870.

I am directed to inform you, in reply, that the Government have no power to grant such an application. Mr. Samuel can only submit your claim to Parliament as he has done, upon the Estimates.

I am further to request that you will state how you have been employed during the period of thirty-one years alleged.

I have, &c.,
HENRY LANE.

No. 7.

B. CONNOLLY TO THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sydney, 19 November, 1869.

SIR,

In reply to your letter of the 10th instant, No. 1,656, requesting me to state how I have been employed during the period of thirty-one years in the Government Service, I have the honor to inform you that I was employed as Customs Boatman from the 11th September, 1838, to the 15th October, 1853, at which date I was appointed Queen's weigher in Her Majesty's Customs, under the hand of Sir Charles Fitz Roy. I held that appointment until the year 1859, when the office being abolished I was appointed one of the Government boatmen, in which position I remained until appointed coxswain on the 9th March, 1866, which office I hold at the present time.

I have, &c.,
B. CONNOLLY.

Minute of Examiner of Accounts upon the same.

THE certificate of the Auditor General shows a total service of 15 years, 10 months, and 25 days only, viz. :—

	yrs.	mos.	dys.
From 22 June to 31 August, and from 1 to 31 December, 1846...	0	3	9
" 1 October, 1853, to 31 July, 1859	5	10	0
" 15 August, 1859, to 31 May, 1869... ..	9	9	16
	<u>15</u>	<u>10</u>	<u>25</u>

The service (as stated by Connolly) in the Customs, prior to 1 October, 1852, would not (even if rendered) entitle to a pension from the Colonial Government, the department being then an Imperial one. It is not shown by the Auditor General's certificate in what department Connolly was employed in 1846, being stated as Government boatman only.—W.M., 22/11/69.

No. 8.

B. CONNOLLY TO THE SUPERINTENDENT OF PILOTS.

Sydney, 14 December, 1869.

SIR,

Referring to your letter of the 26th November, and my previous application to be allowed to retire on a pension, I beg to state, for the information of the Honorable the Colonial Treasurer, that the whole of my service, since the 11th September, 1838, was rendered to the Colony, never having had any Imperial appointment, and having no claim whatever on the Imperial Government. My claim, therefore, is for thirty-one years service rendered to the Government of this Colony, under appointments from Sir George Gipps, Sir Charles Fitz Roy, and Sir John Young; I believe that my claim can be made good for the whole of that period; and as I cannot afford to retire on the small pittance placed in error on the Estimates for me, and my health has considerably improved since my application for a retiring allowance was made, I beg leave to withdraw that application, and to request that a proper record may be made of my thirty-one years of good and faithful service, for future reference.

I have, &c.,
B. CONNOLLY.

Perhaps the item for Connolly's gratuity should be expunged.—FRANCIS HIXSON, 13/1/70.

(Item withdrawn accordingly.)

Sydney: Thomas Richards, Government Printer.—1870.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JOHN FULLER FOSTER.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 22 April, 1870.

Mount Vincent, April 18, 1870.

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

The humble Petition of John Fuller Foster, Mail Contractor, Mount Vincent, near Maitland,—

SHOWETH:—

That your Petitioner, on 28th day of September, 1867, contracted with the Honorable Postmaster General of New South Wales to carry the mail from East Maitland to Mount Vincent and back, three times a week, and from Mount Vincent to Cooranbong and back, once a week, being a distance of 134 miles a week, for the sum of forty-five pounds a year, being four shillings and four pence for each journey of 34 miles, as set forth in the then time-table.

That your Petitioner had been the contractor, performing exactly the same time-table, for the space of ten years, without complaint, either from the Post Office or the inhabitants.

That the Inspector of the Post Office, on the 14th August, 1868, without any application or communication from the district, suddenly altered your Petitioner's time-table, obliging him to travel 269 miles, instead of 134 miles a week, and which compelled your Petitioner to employ one extra man and three additional horses, whereby your Petitioner was put to much expense, great loss, and considerable personal labour.

That the said alterations were found so inconvenient to the district, that they memorialized the Honorable the Postmaster General to have the time-table altered back to its original plan, and which, with considerable trouble, was altered accordingly.

Your Petitioner therefore humbly prays that your Honorable House will take the matter into consideration, and give him that redress he has failed to obtain from the Honorable the Postmaster General, who has, by his letter dated 16th March, 1869, admitted the hardship of your Petitioner's case.

And he will every pray.

JOHN FULLER FOSTER,
Mail Contractor.

1870.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POSTAL.

(LETTER RESPECTING A PROPOSED NEW ROUTE BETWEEN EUROPE AND AUSTRALIA THROUGH AMERICA.)

Ordered by the Legislative Assembly to be Printed, 2 February, 1870.

MESSRS. CUMMINS & Co. to THE HONORABLE THE CHIEF SECRETARY OF STATE FOR NEW SOUTH WALES.

Rectory House,
Martin's Lane, Cannon-street,
London, E.C., 3 December, 1869.

HONORABLE SIR,

We have the honor to inform you that a Committee of English and Australian gentlemen having been formed in the month of September last, with the object of establishing a new, cheap, rapid, and improved route between Europe and Australia, through America, in less than forty days, effecting a saving of 20 per cent. in time and 40 per cent. in money, have now concluded arrangements for the intended service, by means of a line of steamers from Milford Haven to Portland, and another line in correspondence from San Francisco to Sydney, by a Company to be styled the Atlantic and Pacific Mail Steamship Corporation, which Company will be prepared to submit to you a tender for conveying the mails between Europe, the United States, and New South Wales, on the following terms:—

- 1st. The service to be performed in first class steamships, specially adapted to meet the wants of the Colony, averaging a tonnage of from 2,500 to 3,500 each, and capable of accommodating 150 first class and 750 second class passengers.
- 2nd. Every outward and homeward voyage to be performed within a period of forty days to Sydney.
- 3rd. Premiums and penalties to be on a basis of £50 per diem.
- 4th. Security for the due fulfilment of the contract to be given to the satisfaction of your Government.
- 5th. The subsidy to be paid to the Corporation for the transmission of the mails to be fixed at £1,000 per voyage out, and a like sum per voyage home.
- 6th. The contract to be for ten years.

It is also important that you should be informed that the Corporation will undertake the conveyance of passengers from London and the chief cities and towns of England to Sydney, at the unprecedentedly low through rates of £60 first class and £30 second class, including rail, provision, and other charges. The journey through America being at its widest part, and therefore the most healthy, quickest, and cheapest hitherto proposed.

It being considered by the Committee of the utmost importance that every practical facility should be afforded by your Government to the speedy conclusion of the present negotiation, we venture to urge on your attention the propriety of your nominating some representative in London on your behalf, with full powers to treat and conclude with the Corporation.

We have, &c.,
CUMMINS & CO.

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POST OFFICE AT BANKSTOWN.

(PETITION—CERTAIN RESIDENTS OF BANKSTOWN.)

Ordered by the Legislative Assembly to be Printed, 17 February, 1870.

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

The humble Petition of the Inhabitants of Bankstown, Liverpool Road, and surrounding neighbourhood,—

HUMBLY SHOWETH :—

That your Petitioners beg to state to your Honorable House that a local post office was some years ago established at Bankstown, and up to the present time properly managed at that place, to the great convenience of the inhabitants.

That your Petitioners beg to state that the present Postmaster General (Mr. Egan) has recently decided to change the name of the post office at this place to that of Irishtown, and to establish a second post office two miles farther on, on the Liverpool Road, on the first proximo (1st February, 1870), to be called Bankstown proper; and further, that the post office doing the least amount of business would be discontinued.

That the establishment of a second post office, only two miles distant, is unnecessary, and contrary to the spirit of retrenchment.

That your Petitioners look at the decision of the Honorable the Postmaster General with alarm, regret, and surprise, and common sense and understanding tells your Petitioners that all letters and other communications from Europe, America, the neighbouring Colonies, and other remote distances, for your Petitioners, must for a long time to come be necessarily addressed Bankstown, and not Irishtown; consequently all such letters, &c., would be forwarded to the new Post Office so strangely designated Bankstown proper, thereby putting your Petitioners to serious trouble, inconvenience, and delay; and many will have to travel four miles (4 miles) further in going to and returning from this newly designated post office, solely on account of the change of name.

That your Petitioners most respectfully state that where the post office was first and now is established, is Bankstown and not Irishtown; that it is in the centre of the town, which is situated in the centre of the parish, with a large surrounding population, and in the township there are two inns, two stores, one bakery establishment, a blacksmith's shop, a soap and candle manufactory, and from the centre of the town the road to Haslem's Creek and Necropolis was formed and leads to that locality,—whereas the position of the intended new post office is comparatively an isolated place, with few inhabitants, and situated at Liberty Plains, as all deeds of Crown grants issued for the last fifty years distinctly prove.

That many of your Petitioners purchased land at Bankstown on the faith that the name of the township would not be changed; and all Crown grants issued nearly fifty years ago, distinctly name it Bankstown and not Irishtown; and therefore your Petitioners respectfully but strongly protest against the decision of the Postmaster General in changing the name of the post office and township, and giving it the nickname of Irishtown, in order, as your Petitioners are informed, to please and favour a few hostile applicants, who deviated from the truth, distorted facts, and created gloomy visions of imaginary wrongs.

Your Petitioners therefore humbly pray your Honorable House will be pleased to take their case and the premises into consideration, and grant them such speedy relief as not to allow the name of the local post office at Bankstown to be changed to that of Irishtown; or such other relief as the nature of the case may require and the wisdom of your Honorable House shall seem meet.

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

[Here follow 93 Signatures.]

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POSTMASTER AT BEGA.

(PETITION—CERTAIN RESIDENTS OF BEGA.)

Ordered by the Legislative Assembly to be Printed, 24 February, 1870.

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

Your Petitioners, the undersigned inhabitants of the District of Bega, beg respectfully to address your Honorable House on the subject of the removal of the Postmaster who has for (8) eight years fulfilled the duties of the office. The Honorable Postmaster General has placed the appointment in the hands of a gentleman who is connected as general agent with the great majority of the inhabitants, to which appointment we greatly object, thinking that no local man engaged in such a pursuit should hold the office. We consider that the interests of the district would be greatly increased by combining the offices of Postmaster and Telegraph Operator. And from the large amount of revenue the Government has for many years derived from this district by sale of lands, &c., amounting to £7,000 and upwards per annum, we consider that we are justly entitled to have a public building erected, so that the duties of the Post Office and Telegraph Department may be conducted under one roof, thus giving greater facilities for conducting business, and placing both branches in the hands of a person independent of commercial affairs in the district.

And your Petitioners humbly pray that your Honorable House will take the premises into consideration as may seem fit in their judgment.

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

[Here follow 66 Signatures.]

1870.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POSTAL AND TELEGRAPHIC COMMUNICATION
WITH GREAT BRITAIN.

CORRESPONDENCE RELATING TO POSTAL COMMUNICATION WITH ENGLAND *via* BATAVIA
AND TORRES STRAITS, ALSO *via* NEW ZEALAND AND SAN FRANCISCO;
AND TELEGRAPHIC COMMUNICATION WITH GREAT BRITAIN *via* JAVA.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

7 *May*, 1870.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1870.

POSTAL AND TELEGRAPHIC COMMUNICATION WITH GREAT BRITAIN.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, QUEENSLAND.
(177.)

Colonial Secretary's Office,
Sydney, 30 August, 1869.

SIR,

I have the honor to inform you, that as soon as practicable after my return from your Colony, I brought under the consideration of my colleagues, the particulars of my conference with you on the subject of the adoption of a postal line of communication with England, *via* Batavia, per Torres Straits; and I now beg to forward to you the copy of resolutions on the subject, which it is suggested you should submit to your Parliament.

2. Should your Parliament adopt these resolutions, it is the intention of this Government to submit similar resolutions to the Parliament of this Colony.

3. It has, as you will observe, been deemed advisable that the resolutions should be comparatively open in their terms, in order that the arrangements to be adopted thereunder, may be capable of modification, to meet future contingencies.

I have, &c.,
JOHN ROBERTSON.

(M. 16,796.)

[Enclosure.]

THAT this House is of opinion, that it is desirable that the Government of this Colony should forthwith enter into negotiations to obtain the establishment of a monthly line of mail communication with England *via* Batavia, by the Torres Straits route, on the following basis, namely:—

- 1st. That the dates of arrival and departure be so arranged—having regard to those of the Suez line—as that the two lines practically ensure fortnightly communication.
- 2nd. That mails be delivered off Bowen, and off Gladstone, and at the Pilot Station at Cape Moreton; off the two former places, however, only when boats are ready to receive the mails without causing delay.
- 3rd. That the Australian terminus of the line be at Sydney.
- 4th. That the cost of the service be paid by New South Wales, Queensland, and New Zealand, in the proportion of three-sixths by New South Wales, two-sixths by Queensland, and one-sixth by New Zealand; and that the whole cost to Queensland do not exceed £20,000 per annum.
- 5th. That the expense of a coaling station at Cape York be a charge on the service.
- 6th. That New South Wales, Queensland, and New Zealand, be released from any payment, in the way of subsidy, or otherwise, in connection with the Suez line; and that an amicable arrangement be made between New South Wales, Queensland, and New Zealand, on the one part, and Victoria, South Australia, and Tasmania, on the other, to the effect that New South Wales, Queensland, and New Zealand, bear the expense of the Northern line, and Victoria, South Australia, and Tasmania, that of the Suez line; and that they mutually aid in working the two lines as a fortnightly service for Australia generally.
- 7th. That New Zealand have the option of taking and delivering its mails either at Sydney or at Cape Moreton, as may prove most convenient.

25 August, 1869.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW ZEALAND.

Colonial Secretary's Office,
Sydney, 28 September, 1869.

SIR,

I have the honor to forward herewith, for the information and consideration of your Government, copies of a correspondence which has passed on the subject of a proposed arrangement between New South Wales and Queensland, in which also the participation of your Colony is invited, with respect to postal communication with England, *via* Batavia, by way of Torres Straits.

I have, &c.,
JOHN ROBERTSON.

THE COLONIAL SECRETARY, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Wellington, 20 October, 1869.

SIR,

I have the honor to acknowledge the receipt of your letter, No. M, 16,796, of the 28th ultimo, enclosing copies of a correspondence with the Government of Queensland as to postal communication with England *via* Batavia, by way of Torres Straits, and in reply to state, that as the ocean postal service between Australasia and Europe is one of the subjects to be discussed at the approaching Conference, your letter will be communicated to the New Zealand delegates.

I have, &c.,
W. GISBORNE.

TELEGRAM

TELEGRAM from THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL TREASURER AND COMMISSIONER OF CUSTOMS, NEW ZEALAND,—MELBOURNE.

4 November, 1869.

I REGRET that we have been disappointed in our hope of having representatives of other Colonies here, but that there are, I think, matters of sufficient importance in which New Zealand and New South Wales are mutually interested, to make it quite worth your while, and that of Dr. Knight, to come on to Sydney.

TELEGRAM from THE COLONIAL TREASURER, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Melbourne, 18 November, 1869.

EXPLANATION concerning delay in answering your telegram, have forwarded in letter to you by mail to-day. We propose leaving for Sydney next week.

DELEGATES OF THE NEW ZEALAND GOVERNMENT to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Melbourne, 18 November, 1869.

SIR,

We have delayed replying to your telegram, in which you invited us to proceed to Sydney, as we considered that it was desirable to again request the Government of Victoria to take a part in the Conference. They delayed coming to a decision for nearly a fortnight.

It was only two days since, that the decision was announced to us in a letter, copy of which we attach. We also send you copy of memorandum with which we furnished the Government here; you will observe that we suggested some new subjects, but which we venture to think you will consider important.

We propose to proceed to Sydney next week, say after the arrival of the English Mail, if it will be convenient to you to confer with us then. We believe, concerning several of the subjects set forth in the memorandum, that New South Wales and New Zealand may take joint action with great advantage, and we shall be glad to cement the friendly relations between the two Colonies. You may think it desirable to invite the attendance of representatives from Queensland, Tasmania, and South Australia, or any one or more of them, but we would rather not express an opinion on this point, leaving it entirely to your discretion.

We have, &c.,
JULIUS VOGEL.
CHARLES KNIGHT.

[Enclosures.]

The Chief Secretary, Victoria, to the Delegates of the New Zealand Government.

Chief Secretary's Office, Melbourne,
16 November, 1869.

Gentlemen,

I have the honor to acknowledge the receipt of your memorandum, setting forth the subjects it is proposed to discuss at the Intercolonial Conference.

After due consideration I have the honor to inform you the Cabinet does not think it desirable to send a delegate to the Conference, as it is doubtful whether any advantage could result from it. But we shall be happy to join in any correspondence regarding matters of interest to the Colonies generally.

I have, &c.,
JOHN MACPHERSON.

MEMORANDUM.

Intercolonial Free Trade.

THERE should be no reason why the Colonies should be prevented from entering into arrangements for the interchange, duty free, of various articles produced or manufactured within their limits. For a long while the Canadian Parliament has passed Acts authorizing the Governor-in-Council to remit the duties on articles, the growth, production, and manufacture of other British American Colonies, also to do the same with respect to certain goods from the United States. The first is a case precisely analogous to the proposal to allow the Australasian group of Colonies to make similar provision for mutual interchange; the second points to the feasibility of the original purpose of the Conference.

The making an arrangement with the United States for the free admission of wool, the production of the Australasian Colonies.

It is not necessary to point out the advantages to the Colonies which would arise from such an arrangement. It would equally suit the United States, the manufactories of which frequently languish on account of the difficulty of obtaining suitable wool. A reciprocity treaty is now being arranged between America and Canada. Why should not Australia participate, or have power to make one on her own account? To show that Canada's right to enter into reciprocal arrangements has been recognized, it may be mentioned that when at the instance of the United States the former reciprocity treaty with Canada came to an end, delegates from the British American Colonies, at the instance of the Imperial Government, and in some cases with the aid of one of Her Majesty's vessels, visited various countries, British and Foreign, for the purpose of ascertaining what, if any, reciprocal arrangements for the benefit of trade might be made to replace the loss of trade which it was anticipated would follow the termination of the treaty with the States. Probably the Australasian Colonies might from time to time find it beneficial to enter into reciprocal arrangements with other countries, such for instance as the South American States, California, New Caledonia, and the South Sea Islands, and India, as also with some of the older countries. At any rate the Colonies should not have less power in the matter than Canada has hitherto possessed, and it is believed, still possesses.

Ocean Postal Services.

It is impossible to surmise how far the Colonies are prepared to come to an understanding on this question. New Zealand is very anxious to see a connection with California established.

Telegraphic

Telegraphic Communication with Europe.

This subject demands immediate attention. The Colonies, whatever is done, should act promptly. The telegraph lines in the Colonies are in the hands of the respective Governments. The Imperial Country has lately seen the wisdom of following the same course. Why should the line to connect Great Britain, India, and Australasia, be permitted to pass into private hands? Essentially, the line is one concerning which it is unwise to grant a monopoly. It is undesirable that the cost of inter-communication should be taxed with the profits of a private undertaking. Why should not the Imperial Country, India, and the Australian Colonies jointly construct the line? The cost to them would be comparatively trifling. Great Britain could raise the money, and an annual charge might be made, exclusive or inclusive of a redemption or sinking fund. The arrangements would not be more difficult in its details than the settlement of the annual subsidy to the Suez line.

Telegraphic Union between the Colonies.

Experience shows that a uniform rate of telegraphic charge is highly advantageous. If the Colonies would agree to a uniform rate it would be easy, desirable, and profitable for them to determine that telegrams from any one Colony should run through the others without extra cost. A similar arrangement prevails in respect to letters, although the carriage of letters from the sea-coast inland is really a costly matter. But the transmission of a message costs comparatively nothing. A union, such as is suggested, would infallibly enormously increase the telegraphic business in all the Colonies.

Investment of English Trust Funds in Colonial Securities.

When trustees act under instruments which do not expressly exclude or include certain securities, their discretion as to investment is still limited. They may invest in securities guaranteed by Parliament, in securities authorized by general order of Court of Chancery, in Parliamentary Stocks, or Public Funds, or Government securities. Recently authority has been given to invest in Indian unguaranteed stocks. Proposed that representations should be made to enable trustees at their option to invest in Colonial securities. There are immense amounts of trust funds at Home, awaiting investment. The permission would raise the value of Colonial securities, and in numerous cases be highly advantageous to trustees and the interests they represent.

Admission of barristers and solicitors of any Colony to practise in other Colonies, and an Australasian Court of Appeal, and comity of laws. Subjects worthy of discussion, though for the present probably little can be done concerning them.

Apprehension of Offenders.

Immediate measures are required to facilitate the apprehension of offenders when they pass from the Colony which is the scene of their offences to some other Colony. In connection with this subject, it is worthy of consideration whether it might not be well for the Colonies jointly to maintain a small detective force, say of from ten to twelve, to keep a watch on the criminal population floating from Colony to Colony, and to afford information concerning the same.

Uniformity of Statistics.

A great deal of the usefulness of the elaborate statistics of the various Colonies is impaired through the want of uniformity as to the mode of their preparation. Proposed that a uniform system be adopted.

Prohibition of Export of Arms and Ammunition to South Sea Islands.

There is reason to think that arms and ammunition, exported from the different Colonies to South Sea Islands, find their way to New Zealand. In the interest of civilized humanity, even though in some quarters inconvenience might be the result, a check should be interposed to indiscriminate exportation.

Relief of Distressed Seamen.

A subject arising from a circular Despatch from the Secretary of State for the Colonies.

Naval Defence.

A suggestion of Mr. Fitzherbert's (late Colonial Treasurer of New Zealand) that some understanding should be come to between the Mother Country and the Colonies, for the maintenance, at joint expense, of a Naval Force.

The general subject of the relations between the Mother Country and the Colonies will crop up in the consideration of many of the questions already referred to, but it would be well to make it also the subject of special and separate discussion.

JULIUS VOGEL.
CHARLES KNIGHT.

Melbourne, 10th November, 1869.

TELEGRAM from THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE DELEGATES OF THE NEW ZEALAND GOVERNMENT,—MELBOURNE.

25 November, 1869.

SHALL be glad if you will come on; but have no hope of any other Colony being represented than New Zealand and New South Wales.

C. KNIGHT, ESQ., DELEGATE OF THE NEW ZEALAND GOVERNMENT, to THE COLONIAL SECRETARY,
NEW SOUTH WALES.

Sydney, 14 December, 1869.

SIR,

I have the honor to forward the more important papers on some of the subjects which it is proposed to bring under the consideration of the Government of New South Wales.

I and Mr. Vogel will be much obliged if you would appoint an early day to consider the whole of the matters which were to have been brought under discussion at a Conference for the mutual benefit of the group of Australian Colonies and New Zealand.

We have also to request that you would forward to us any papers on the above matters, which you may think it desirable to submit for our information.

I have, &c.,
CHARLES KNIGHT.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to C. KNIGHT, ESQ., DELEGATE OF THE NEW ZEALAND GOVERNMENT,—SYDNEY.

Colonial Secretary's Office,
Sydney, 10 January, 1870.

SIR,

I have the honor to return herewith, in compliance with your personal request, the papers transmitted in your letter of the 14th ultimo, having reference to certain subjects which you proposed to bring under consideration of this Government.

I have, &c.,
JOHN ROBERTSON.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, QUEENSLAND.

(6.)

Colonial Secretary's Office,
Sydney, New South Wales,
7 January, 1870.

SIR,

I have the honor to forward the accompanying Memorandum of Agreement, with enclosures, in reference to telegraphic communication between the Australian Colonies and Great Britain, *via* Java, and a submarine cable to connect the Colony of New South Wales with New Zealand, determined upon by me with the Postmaster General of New Zealand and yourself, which is now complete.

2. It will be observed that great advantage has been gained by the introduction of the Colony of New Zealand into the telegraphic scheme for connecting Australia with Europe, *via* Queensland, not only by reducing the responsibility of New South Wales and Queensland by one-third, or in round numbers £6,000 per annum, but by bringing the New Zealand telegraphic business over the land lines of New South Wales and Queensland,—in consideration of which it is proposed to divide the annual liability chargeable on the New Zealand submarine cable in the following proportions, viz. :—

New Zealand	5 tenths.
New South Wales	3 tenths.
Queensland	2 tenths.

3. This of course, if adopted, will involve a modification of the arrangement agreed upon in the memorandum dated 6th October, 1869.

4. When approved by your Cabinet, I shall be glad to be informed thereof without delay.

I have, &c.,
JOHN ROBERTSON.

P.S.—I am glad to say that at a meeting of the Cabinet, held this day, the enclosed memorandum was approved.—JOHN R.

[Enclosures.]

A.
MEMO.

TELEGRAPHIC communication between Great Britain and Australia must now be shortly accomplished. The Telegraphic Maintenance and Construction Company, having successfully laid three cables across the Atlantic, are now engaged in connecting Suez with Aden and Bombay.

Captain Sherrard Osborne has lately been in correspondence with Mr. Verdon, and advocates alternative routes based upon subsidies, to be borne entirely by the Australian Colonies, and varying in amount from £55,000 to £47,000 per annum.

Mr. Fraser, of Batavia, has also addressed the Governments of the Australian Colonies on the same subject, and has furnished them with detailed information in connection with his project.

His scheme involves an outlay of half a million; and for the purpose of obtaining this money it is proposed that a guarantee should be granted, to be equally divided between the Dutch Government and the Governments of the Australian Colonies.

Mr. Fraser is at present in London, and anticipates that the Dutch Government will grant him the concession he requires, which has been recommended by the Government of Netherlands, India.

The views entertained by the Governments of the Southern Australian Colonies, in reference to the respective merits of the rival schemes, are at present not quite in accordance with those held by the Governments of New South Wales and Queensland; but it is believed that an examination of the conditions attached to both will result in the conviction that the proposed line, *via* Queensland and Java, recommends itself as at present the most practical and economical.

To remove, however, any hesitation which may be felt by the Southern Colonies, and as a recognition of the confidence which the Governments of the Colonies of Queensland and New South Wales have in Mr. Fraser's scheme, it is suggested that these two Colonies should, if necessary, undertake the joint responsibility required, such guarantee not to exceed £17,500 per annum.

This should be done, not for the purpose of securing any exclusive benefit, but for the purpose of facilitating the arrangements subsequently to be entered into with Victoria, South Australia, and Tasmania, with a view to the establishment of a rateable and proportionate guarantee to be borne by them, on a scale graduated in accordance with the business transacted on their behalf.

It is agreed that the Government of Queensland undertake the construction of the land line to Normanton, or some other point on the shores of the Gulf of Carpentaria, to be afterwards determined on.

It will of course be necessary that the guarantors should have a voice in fixing the scale of charges payable on the section between Australia and Java, to be from time to time subject to revision.

The views embodied in this memorandum, it is agreed by Mr. Robertson and Mr. Douglass shall be submitted to their respective Cabinets.

JOHN R.
J. DOUGLASS.

Sydney, 6th October, 1869.

NEW ZEALAND TELEGRAPH CHARGES.

Ordinary Telegrams.

From any Station to any Station.

For the first ten words	s. d.
For every additional five words, or fraction of five words	2 6
	0 6

Press Telegrams.

From any Station to any Station.

For the first ten words	1 6
For every additional ten words, or fraction of ten words	0 6

TELEGRAPHIC INFORMATION.

SYDNEY OFFICE.

Open to 9 o'clock p.m. Messages sent after 6 o'clock p.m. charged 50 per cent. extra.

Scale of Charges.

Miles.	From Sydney to—	Ten words.	Every extra word.	Miles.	From Sydney to—	Ten words.	Every extra word.
		s. d.	s. d.			s. d.	s. d.
285	Adelong	4 0	0 3	515	Moama	4 0	0 3
380	Albury	4 0	0 3	141	Morpeth	3 0	0 3
200	Araluen	3 6	0 3	198	Moruya	4 0	0 3
367	Armidale	4 0	0 3	518	Moulamein.....	4 0	0 3
554	Balranald	4 0	0 3	76	Mount Victoria	2 6	0 2
122	Bathurst	3 0	0 3	216	Mudgee	3 6	0 3
255	Bega	4 0	0 3	200	Muswellbrook	3 0	0 3
325	Bendemeer.....	4 0	0 3	240	Murrurundi	3 6	0 3
88	Berrina	2 6	0 2	78	Nattai.....	2 6	0 2
331	Bombala	4 0	0 3	162	Newcastle	3 0	0 3
185	Braidwood	3 6	0 3	160	Orange	3 0	0 3
231	Burrowa	3 6	0 3	14	Parramatta	1 0	0 1
34	Campbelltown	2 0	0 2	33	Penrith	2 0	0 2
221	Cassilis	4 0	0 3	56	Picton.....	2 6	0 2
296	Cooma	4 0	0 3	118	Port Stephens	3 0	0 3
472	Deniliquin	4 0	0 3	190	Queanbeyan	3 6	0 3
165	Denman	3 0	0 3	92	Raymond Terrace.....	3 0	0 3
251	Dubbo.....	4 0	0 3	37	Richmond	2 0	0 2
283	Eden	4 0	0 3	215	Scone	3 0	0 3
613	Euston	5 0	0 3	166	Singleton	3 0	0 3
240	Forbes	3 6	0 3	152	Sofala	3 0	0 3
432	Glen Innes	4 0	0 3	7	South Head	1 0	0 1
125	Goulburn	3 0	0 3	175	Tambaroora	3 6	0 3
612	Grafton	4 0	0 3	297	Tamworth	4 0	0 3
360	Gronfell	4 0	0 3	487	Tenterfield.....	4 0	0 3
265	Gundagai	4 0	0 3	299	Tumut	4 0	0 3
80	Hartley	2 6	0 2	386	Urana	4 0	0 3
520	Hay.....	4 0	0 3	357	Uralla	4 0	0 3
383	Inverell	4 0	0 3	310	Wagga Wagga	4 0	0 3
89	Kiama.....	3 0	0 3	198	Wellington	4 0	0 3
359	Kiandra	4 0	0 3	835	Wentworth	5 0	0 3
320	Kyamba	4 0	0 3	33	Windsor	2 0	0 2
22	Liverpool	2 0	0 2	55	Wisoman's Ferry	2 6	0 2
142	Maitland, East	3 6	0 3	101	Wollombi	2 6	0 2
140	Maitland, West	3 0	0 3	64	Wollongong	2 6	0 2
115	Marulan	3 0	0 3	200	Yass	3 6	0 3
196	Merriwa.....	3 6	0 3	330	Young	4 0	0 3
272	Merimbula	4 0	0 3				

Postmasters at places in the Colony of New South Wales, at which there are no telegraph stations, are authorized to receive and to forward messages by post to the nearest telegraph stations, and to collect a fee of 10d. on each message so transmitted, in addition to the ordinary telegraph charges, such fee being levied in order to defray the cost of postage, remuneration to postmasters, &c.

SCALE

SCALE OF CHARGES—QUEENSLAND—continued.

STATION	Rockhampton.		Keppel Bay.		Gladstone.		Maitland.		St. Lawrence.		Nebo.		Clermont.		Mackay.		Broomsbury.		Bowen.		Inkermann.		Townsville.	
	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.	Ten words.	Each extra word.
Brisbane	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Lytton	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Cleveland	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Dunwich	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Pilot Station	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Cape Moreton	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Goodna	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Ipswich	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Helidon	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Toowoomba	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Brayton	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Warwick	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Dalby	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3
Condamine	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Roma	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Durah	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3	3 5	0 3
Caboolture	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Gympie	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Maryborough	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Woody Island	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Gayndah	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Hawkwod	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3	3 6	0 3
Taroom	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Banana	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2
Rockhampton	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2
Keppel Bay	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2
Gladstone	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2	2 6	0 2
Maitland	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3
St. Lawrence	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3	3 0	0 3
Nebo	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Clermont	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Mackay	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Broomsbury	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Bowen	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3	4 0	0 3
Inkermann	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4
Townsville	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4	5 0	0 4

B.

MEMORANDUM concerning Telegraphic Communication between Australia, New Zealand, and Great Britain.

- 1st. That it is desirable that New Zealand should co-operate with New South Wales and Queensland to promote the establishment of telegraphic communication between Australia and Great Britain, *via* Java, and between New Zealand and Australia.
- 2nd. That New Zealand join New South Wales and Queensland in their provisional arrangement for telegraphic communication with Java, bearing date 6th October, 1869, and annexed hereto, each Colony agreeing to bear equal proportions of the guarantee therein mentioned.
- 3rd. That the Colonies of New South Wales, New Zealand, and Queensland jointly undertake to guarantee a subsidy of eighteen thousand pounds annually for the construction of a cable between the Colonies of New South Wales and New Zealand, in the proportion of New Zealand five-tenths, New South Wales three-tenths, and Queensland two-tenths.
- 4th. In the event of any of the other Colonies being admitted into these arrangements, that their contributions shall be appropriated in diminution of the liabilities of the three Colonies herein mentioned.
- 5th. That Victoria, South Australia, and Tasmania be invited to join in these proposals, but should they, or any of them decline to do so, New South Wales, New Zealand, and Queensland pledge themselves to carry them out.
- 6th. The scale of charges over the land lines of the various Colonies not to exceed the present rates, as per schedule attached. There being no fixed rate from the southern boundary of Queensland to the proposed cable at the Gulf of Carpentaria, it is agreed that the price shall not exceed ten (10) shillings for ten (10) words, signature and address free, provided that in no case in any of the Colonies shall the charge be greater than the current rates for the time-being.
- 7th. Each contracting Colony to enjoy equally with other contracting Colonies all rights with respect to fixing or altering the tariff, precedence of Government, and urgent messages, and all other rights, powers, and privileges enjoyed by the contracting Colonies; and it is hereby expressly stipulated that the interpretation to be put upon any doubtful point in this memorandum shall be in the direction of overcoming all obstacles in the way of bringing the Colonies into close and friendly relations with each other.
- 8th. That copies of this memorandum be transmitted to the Colonies of Victoria, South Australia, and Tasmania, in the hope that they will become parties to it.
- 9th. This memorandum to be considered provisional and subject to the approval of Parliament in each contracting Colony; and in the event of Parliament not sanctioning it, the arrangement to be null and void.
- 10th. The views embodied in this memorandum it is agreed by the Honorable John Robertson, of New South Wales, the Honorable Julius Vogel, of New Zealand, and the Honorable Charles Lilley, of Queensland, shall be submitted to their respective Cabinets for approval.

JOHN ROBERTSON.
 JULIUS VOGEL.
 CHARLES KNIGHT,
 For CHARLES LILLEY,
 (By his authority—JOHN ROBERTSON.)

Sydney, 6 January, 1870.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
 Brisbane, 3 February, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th January, 1870, enclosing the Memorandum of Agreement between the representatives of the three Colonies of New South Wales, New Zealand, and Queensland, with regard to telegraphic communication between New Zealand, New South Wales, Queensland, and Europe.

The

The Government of this Colony approves of the terms of the memorandum, on condition that it shall form part of the contract with the Telegraphic Company, that the subsidy shall be payable only during such time as the cable may be in working order. I understood that this, or some like stipulation, would be made on behalf of the three Colonies.

It may not be necessary, but this Government deems it advisable, to draw your attention to that portion of the memorandum which relates to an agreement being entered into between the Dutch Government and the three Colonies on this matter, and to point out that, as this might in some degree concern Imperial interests, it may be necessary to consult or advise the British Government thereon.

I have, &c.,
CHARLES LILLEY.

THE COLONIAL SECRETARY, QUEENSLAND, TO THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Brisbane, 3 February, 1870.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 7, of the 7th of January, 1870, respecting the relations of the Australian Colonies to each other, and to foreign countries, in matters of trade, commerce, and others of importance therein mentioned, and to inform you that the Government of this Colony agrees to the terms of the memorandum enclosed therein.

It does not clearly appear whether the several representations to the Imperial Government and United States, are to be made jointly by the three Colonies of New South Wales, New Zealand, and Queensland, or otherwise.

I assume, though it is not stated in the memorandum, that your Colony will communicate with Victoria, Tasmania, and South Australia, on these subjects, with the view of obtaining their aid.

It seems to this Government also that it may be advisable in the first instance, in respect of the proposed communications with Foreign Governments, to consult the Imperial Government, in order to obtain its sanction.

I have, &c.,
CHARLES LILLEY.

THE COLONIAL SECRETARY, NEW SOUTH WALES, TO THE COLONIAL SECRETARY, QUEENSLAND.

(7.)

Colonial Secretary's Office,
Sydney, New South Wales,
7 January, 1870.

SIR,

I have the honor to transmit, for the information of your Government, the accompanying memorandum, which has been drawn up by me, in concert with the Honorable Julius Vogel, acting on behalf of New Zealand, and the Honorable Charles Lilley, on behalf of your Colony, on the subject of the relations of the Australasian Colonies with each other, and with foreign countries. I shall be glad to be informed, at your earliest convenience, of the decision at which your Government may arrive.

I have, &c.,
JOHN ROBERTSON.

P.S.—I am glad to say, that at a meeting of our Cabinet, held this day, the enclosed memorandum was approved.—JOHN R.

[Enclosure.]

MEMORANDUM agreed between the Governments of New South Wales, New Zealand, and Queensland.

1st. To address an earnest representation to the Secretary of State for the Colonies respecting the disadvantage under which the Australasian Colonies labour in regard to the doubts which exist, as to their power to make mutual arrangements for the interchange, duty free, of their several products and manufactures, as also in respect of the doubts which exist as to their powers to enter into conventions with foreign countries—to point out that Canada for a lengthened period has been placed on a more favourable footing—to urge that all doubts as to the rights to exercise such powers be removed; and that, in entering into arrangements with foreign countries, the Imperial Government should aid the Colonies. That such aid should be immediately granted in respect to endeavouring to negotiate with the United States for the introduction, into that country, duty free, of wool, the product of the Australasian Colonies.

2nd. That direct representations be made to the United States, with the object of inducing that country to admit wool, the product of the Australasian Colonies duty free.

3rd. That a representation be made to the Imperial Government, urging the desirability of Legislative provision to enable trustees to invest in the Government securities of the Australasian Colonies.

4th. That the Crown Law Officers of the Colonies should be moved to enter into correspondence, with the view of determining the means best calculated to facilitate the apprehension of offenders, when they pass from one Colony to another.

5th. That copies of this agreement be transmitted to the Colonies of Victoria, South Australia, and Tasmania, in the hope that they will aid in promoting the several objects it embraces.

6th. It is agreed by the Honorable John Robertson, of New South Wales, the Honorable Julius Vogel, of New Zealand, and the Honorable Charles Lilley, of Queensland, that the views embodied in this memorandum shall be submitted to their respective Cabinets for approval.

JOHN ROBERTSON.
JULIUS VOGEL.
CHARLES KNIGHT,
For CHARLES LILLEY,
(By his authority—JOHN ROBERTSON.)

Sydney, 6 January, 1870.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, QUEENSLAND.

(7-2.)

Colonial Secretary's Office,
Sydney, New South Wales,
7 January, 1870.

SIR,

I have the honor to forward the Memorandum of Agreement concerning postal service by way of Torres Straits and San Francisco, entered into by me with the Postmaster General of New Zealand, and yourself, and to request that you will have the goodness to submit the same for the approval of your Cabinet, as therein agreed.

2. It will be at once observed that, with regard to the projected Californian service, it is not provided in the agreement that your Colony is to possess a controlling power in the arrangement or conduct of the service, as we were unable to obtain the concurrence of the New Zealand delegates to such a stipulation. The Government of this Colony will not, however, take any action in reference to this service without your approval of any arrangement that may be proposed, and will in all respects consider that, as between these two Colonies, Queensland shall possess equal rights and privileges with New South Wales.

3. It will be also observed that, by joining in the Californian line, New South Wales and Queensland obtain the advantage of the assistance of New Zealand in the Torres Straits line to the amount of £10,000 per annum, whilst the maximum amount agreed to be contributed by New South Wales and Queensland is but £6,250 each.

4. My colleagues have this day in Cabinet approved of the agreement, and I shall be glad to be informed, without delay, when your Cabinet does likewise.

I have, &c.,
JOHN ROBERTSON.

[Enclosure.]

C.

MEMORANDUM concerning Postal Services, Torres Straits Service.

THE Government of New Zealand to submit to the General Assembly of that Colony the proposal of the New South Wales and Queensland Governments, that it (the New Zealand Government) should bear one-sixth of the cost (such sixth not to exceed £10,000 per annum) of the service proposed to be started between Sydney and England *via* Batavia by the Torres Straits route.

The cost of the service for carrying the mails between Sydney and such port of New Zealand as may be agreed upon, to be paid by New South Wales, New Zealand, and Queensland, in the proportion of one-half by New Zealand, and one-half by New South Wales and Queensland,—the whole cost of the service not to exceed £5,000 per annum.

Californian Service.

In the event of New Zealand being able to contract for a service between San Francisco, Auckland, and Sydney, New South Wales and Queensland to contribute to the cost in the proportion of three-fifths by New Zealand and two-fifths by New South Wales and Queensland, provided that the cost to New South Wales and Queensland shall not exceed £10,000 per annum; provided also that it shall be a condition of the contract that the time between Sydney and Auckland, and Auckland and Sydney, shall not exceed six days, and that neither in going nor returning shall the steamer be detained at Auckland longer than thirty hours.

New Zealand to make arrangements with the other Colonies for the conveyance of their mails, and pending the completion of such arrangements the mails of those Colonies are not to be forwarded by the New South Wales Government.

If this service be commenced before the Government of New South Wales has submitted the proposal to the Parliament of that Colony, the proposal when submitted to Parliament shall involve, for any term not exceeding five years, payment from the commencement of the service, and pending the decision of Parliament such payment to be made for carriage of mails as may be agreed upon; but nothing contained in this memorandum shall be held to bind New Zealand to carry the mails of New South Wales free of charge, until offset is given to the proposals contained in this memorandum.

In the event of New South Wales joining in the contract for the Californian service, it is understood that such Colony shall possess equally with New Zealand all discretionary powers, rights, and privileges enjoyed by the last-named Colony under the contract; and in like manner if New Zealand joins New South Wales and Queensland, in contracting for the Torres Straits service, that New Zealand shall possess, equally with New South Wales and Queensland, all discretionary powers, rights, and privileges enjoyed by those Colonies, and if it engages to join in the contract before the contract is resolved on, that it shall possess an equal voice in determining the terms of such contract.

This memorandum to be considered provisional, and subject to the approval of the Parliament in each Colony named above; and in the event of Parliament not sanctioning it, the arrangement to be null and void.

It is agreed by the Honorable John Robertson, of New South Wales, the Honorable Julius Vogel, of New Zealand, and the Honorable Charles Lilley, of Queensland, that the views embodied in this memorandum shall be submitted to their respective Cabinets for approval.

JOHN ROBERTSON.
JULIUS VOGEL.
CHARLES KNIGHT,
For CHARLES LILLEY,
(By his authority—JOHN ROBERTSON.)

Sydney, 6 January, 1870.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Brisbane, 3 February, 1870.

SIR,

I have the honor to acknowledge the receipt of the copy of the Memorandum of Agreement between myself and the representatives of your Colony and of New Zealand, respecting the Torres Straits and San Francisco Postal Services; together with the appended notification of the assent of your Cabinet thereto.

2. Having submitted the same to my colleagues, I am enabled to communicate to you their assent to the agreement in its entirety, so far as regards the Torres Straits service.

3.

3. With respect to the service *viâ* California, our Cabinet feels that Queensland should be placed in the same position as New Zealand will be on the Torres Straits line, viz. :—That a provision should be made for sending on to Brisbane the Queensland mails delivered in Sydney from San Francisco.

You will observe that Queensland is to contribute to the cost of carrying to New Zealand the mails delivered in Sydney *viâ* Torres Straits. The further provision proposed seems therefore so manifestly required to equalize the bargain, that I do not doubt your Colony, and probably New Zealand, will at once concede it. On behalf of Queensland we think that the delivery of the mails *viâ* San Francisco should be a charge on the service, and our assent to this portion of the agreement is founded on the last-mentioned condition becoming part of the contract.

With the modification above suggested, and relying on the assurance in your Despatch No. 7, of the 8th January, that the Government of your Colony will not take any action in reference to the Californian service without the approval by this Government of any arrangements that may be proposed, and that Queensland shall possess equal rights and privileges with New South Wales, I am requested to intimate to you the adhesion of this Government to the contract, until the views of our Parliament can be ascertained. In the meantime we shall be glad to be favoured with the opinion of yourself and your colleagues on the proposed addition to the terms of the agreement.

I have, &c.,
CHARLES LILLEY.

THE COLONIAL SECRETARY, NEW SOUTH WALES, TO THE COLONIAL TREASURER, NEW ZEALAND,—SYDNEY.

(13.)

Colonial Secretary's Office,
Sydney, New South Wales,
7 January, 1870.

SIR,

I have the honor to forward herewith, the memorandum drawn up by me, in concert with yourself and Mr. Lilley, on the subject of the relations of the Australasian Colonies with each other, and with foreign countries; together with a copy of the memorandum concerning the Torres Straits and Californian Postal Service, which have both been this day agreed to by the Cabinet.

I have, &c.,
JOHN ROBERTSON.

See enclosure
to Colonial
Secretary's letter
No. 7.
See enclosure
to Colonial
Secretary's letter
No. 7-2.

P.S.—I have the honor to request that you will have the kindness to acknowledge the receipt of the papers herein enclosed, as also of the other documents forwarded to you under blank cover on Friday last.

THE COLONIAL TREASURER, NEW ZEALAND, TO THE COLONIAL SECRETARY, NEW SOUTH WALES.

Sydney, 12 January, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you forward the memorandum (signed by the parties agreeing to the same) on the subject of the relations of the Australian Colonies with each other and with foreign countries, together with a copy of the memorandum concerning the Torres Straits and Californian Postal Services, both of which documents you inform me have been duly agreed to by your Cabinet.

I beg also to acknowledge receipt, under blank cover on Friday last, of the undermentioned documents:—

Memorandum concerning telegraphic communication between Australia, New Zealand, and Great Britain, with four enclosures.

Memorandum concerning Torres Straits and Californian Postal Services.

I have, &c.,
JULIUS VOGEL.

THE COLONIAL SECRETARY, NEW SOUTH WALES, TO THE DELEGATES OF THE NEW ZEALAND GOVERNMENT,—SYDNEY.

(14.)

Colonial Secretary's Office,
Sydney, New South Wales,
10 January, 1870.

GENTLEMEN,

With reference to the arrangements which I have had the honor to make with yourselves and with Mr. Lilley, the delegate of Queensland, in connection with the proposed establishment of telegraphic communication with Europe *viâ* Java, I have now the honor to point out that it is quite possible, though not probable, that Mr. Fraser may not succeed in his negotiations with the Netherlands Government, and that that Government may prefer dealing directly with the Australasian Colonies. It should therefore of course be understood that it is the line proposed by Mr. Fraser that we are pledged to take up, and not necessarily that we should arrange with Mr. Fraser himself, who however, it is hoped, will not be objected to by the Netherlands Government.

2. So soon as the Cabinets of New Zealand and Queensland shall have intimated their approval of the memorandum already agreed to by the delegates, it will be desirable that this Government should address a letter to the Dutch authorities, to inquire in what position the negotiation between them and Mr. Fraser stands; to enclose for their information a copy of the arrangement made between New South Wales, New Zealand, and Queensland, the papers received from Mr. Fraser, &c.; and to intimate that, in the event of any insuperable objection on their part to treat with Mr. Fraser arising, an arrangement might be made so as to admit of an agreement being entered into between the Dutch Government and the Governments of the three Colonies, without Mr. Fraser's intervention.

I have, &c.,
JOHN ROBERTSON.

THE

THE COLONIAL SECRETARY, NEW SOUTH WALES, TO THE COLONIAL SECRETARY, QUEENSLAND.

(15.)

Colonial Secretary's Office,
Sydney, New South Wales,
10 January, 1870.

SIR,

With reference to the arrangements made by me with Mr. Lilley, acting on behalf of your Government, and with Messrs. Vogel and Knight, the delegates of New Zealand, in connection with the proposed establishment of telegraphic communication with Europe *via* Java, I have now the honor to point out that it is quite possible, though not probable, that Mr. Fraser may not succeed in his negotiations with the Netherlands Government, and that that Government may prefer dealing directly with the Australasian Colonies. It should therefore of course be understood that it is the line proposed by Mr. Fraser that we pledged to take up, and not necessarily that we should arrange with Mr. Fraser himself, who however, it is hoped, will not be objected to by the Netherlands Government.

2. So soon as your Cabinet and that of New Zealand shall have intimated their approval of the memorandum already agreed to by the delegates, it will be desirable that this Government should address a letter to the Dutch authorities, to inquire in what position the negotiation between them and Mr. Fraser stands; to enclose for their information a copy of the arrangement made between New South Wales, New Zealand, and Queensland, the papers received from Mr. Fraser, &c.; and to intimate that, in the event of any insuperable objection on their part to treat with Mr. Fraser arising, an arrangement might be made so as to admit of an agreement being entered into between the Dutch Government and the Governments of the three Colonies, without Mr. Fraser's intervention.

I have, &c.,
JOHN ROBERTSON.

THE COLONIAL SECRETARY, QUEENSLAND, TO THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Brisbane, 3 February, 1870.

SIR,

In further reference to your Despatches of the 7th, 8th, and 10th ultimo, respectively, and to the memoranda which accompanied them, upon the subject of the proposed postal and telegraphic services with Europe,—I have the honor to request that you will be good enough to inform me more definitely, whether the necessary action thereon will be taken by the three Governments of New Zealand, New South Wales, and Queensland jointly, or by the Government of one of them only; and if so, by which?

I have, &c.,
CHARLES LILLEY.

THE PRINCIPAL UNDER SECRETARY TO THE SECRETARY TO THE GENERAL POST OFFICE.

Colonial Secretary's Office,
Sydney, 13 January, 1870.

SIR,

With reference to the arrangements provisionally made with the Colonies of New Zealand and Queensland, for the establishment of postal communication with California,—I am directed by the Colonial Secretary to state that, in asking Parliament to sanction those arrangements, it is intended to include provision for the whole period from the date on which the service may have commenced; and to request that you will invite the Postmaster General to have the goodness to give, in the meantime, by departmental arrangement, whatever allowance can be fairly and legally made for the transmission of the mails by the line referred to.

I have, &c.,
HENRY HALLORAN.

MEMORANDUM.

As I am about to leave the Government I think it desirable that I should say that with regard to the postal service *via* Torres Straits, it seems to me desirable the Governments interested in it should obtain, if possible, a contract with the Peninsular and Oriental Steam Navigation Company. That Company has already the Suez line, so called, but which, for my purpose in this paper, I will call the southern line. If they could be induced to take up also the Torres Straits line, five first class ships could perform the duty for both lines, while if another Company is introduced each would require *three* ships. The difference of cost must be at once obvious.

I have already spoken to Mr. Moore, the Agent for the Peninsular and Oriental Steam Navigation Company, on the matter, and he has addressed (I understand) his principals favourably on the subject. It would be well therefore to keep this phase of the matter in mind. It may be, however, that the Australasian Steam Navigation Company and Peninsular and Oriental Steam Navigation Company may arrange for the services, as I am aware that some negotiation is going on between them, in connection with the line *via* New Zealand to California. And if not, the business at present engaged in by the Australasian Steam Navigation Company, of *direct* communication to Townsville, might facilitate their taking up the Torres Straits line.

JOHN R.,
13 January, /70.

WM. FOX, ESQ., to THE COLONIAL SECRETARY, NEW SOUTH WALES.

General Government Offices,
Auckland, 19 February, 1870.

SIR,

I have the honor to signify the approval of the New Zealand Cabinet of the memorandum agreed to by the Honorable J. Robertson, the Honorable J. Vogel, Dr. Knight, and the Honorable Charles Lilley, on various subjects, including mail and telegraphic communication and commercial treaties.

I presume you will communicate copies to the other Governments in the terms of the memoranda.

I have, &c.,
WILLIAM FOX.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW ZEALAND.

Colonial Secretary's Office,
Sydney, New South Wales,
14 March, 1870.

SIR,

I have the honor to acknowledge the receipt of Mr. Fox's letter, dated Auckland, 19th February, 1870, and intimating the approval by the New Zealand Government of the memorandum agreed to by the Honorable J. Robertson, the Honorable J. Vogel, Dr. Knight, and the Honorable Charles Lilley, on various subjects, including mail and telegraphic communication and commercial treaties.

2. In reply, I have the honor to inform you that, having intimated to the Queensland Government the substance of Mr. Vogel's letter to my predecessor, on the above subject, I am now in receipt of a telegram from that Government, announcing that it withdraws entirely and conclusively from all Conference arrangements, and promising an explanation by letter, which has not yet been received.

3. On the receipt of the expected explanation, a further communication will be immediately made to you. In the meantime, however, further action as regards communication with other Governments would not be prudent.

I have, &c.,
CHARLES COWPER.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW ZEALAND.

(70-860.)

Colonial Secretary's Office,
Sydney, New South Wales,
28 January, 1870.

SIR,

I have the honor to forward herewith, for the information of your Government, copy of a telegram which I have received from the Colonial Treasurer of Queensland, intimating the approval, by the Government of that Colony, on certain conditions, of the propositions submitted to it, relative to telegraphic communication trade with foreign countries, and the Torres' Straits and Californian mail services.

I have, &c.,
CHARLES COWPER.

TELEGRAM from THE COLONIAL TREASURER, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Brisbane, 25 January, 1870.

The telegraphic memoranda are approved on condition that the subsidy towards the New Zealand cable be payable only whilst the cable is in working order. The memoranda as to trade, &c., with foreign countries, are approved in their entirety. The memo. as to Torres' Straits and Californian mails, approved on condition that the delivery of the Queensland portion of the mail *via* California be a charge on the service. Letter by mail.

THE COLONIAL SECRETARY, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES

(39.)

Colonial Secretary's Office,
Wellington, 14 February, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 70/860, of the 28th ultimo, forwarding copy of a telegram from the Colonial Treasurer, Queensland, intimating the approval of the Government of that Colony, on certain conditions, of the propositions submitted to it, relative to telegraphic communication trade with foreign countries, and the Torres Straits and Californian mail services; and, in reply, to point out to you that Queensland's conditional assent is to some extent tantamount to opening up the whole question afresh. I hope however, this will not be necessary, as on examining the two points raised I am inclined to expect, that, on reconsideration, the Government of Queensland will see fit to affix that unconditional approval to the memoranda, which is necessary, according to the terms therein contained, to enable them to be forwarded to the other Colonies.

The

The first point, about the guarantee being payable only whilst the cable is in working order, is undoubtedly a question to be dealt with when the guarantee is given. Provision will have to be made to guard against failure of cable and to preserve it in working order; but the Colonies guaranteeing will be parties to the agreement, and this and other points will have to be dealt with by them jointly. At present there seems no object to be gained by loading the memorandum with conditions.

The second point, about the cost of service between Queensland and New South Wales, is one with which the two Colonies will have to deal. By the agreement you will observe that New South Wales and Queensland are together to contribute ten thousand pounds, it being between them a matter of arrangement what amount each shall pay. The whole money goes to the contractors, with whom the contract is already made. Similarly Victoria is asked for six thousand pounds, she having to make her own arrangements for connecting with New South Wales. When you consider that Sydney is to be the terminus of the Californian service, I am sure you will agree to make such an arrangement with Queensland as will remove the objection raised.

I have, &c.,
W. GISBORNE.

THE PRINCIPAL UNDER SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW ZEALAND

Colonial Secretary's Office,
Sydney, New South Wales,
14 March, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of the 14th ultimo, respecting the conditional assent of the Queensland Government to the propositions submitted to it, relative to telegraphic communication trade with foreign countries, and the Torres Straits and Californian mail services; and in reply to refer you to my communication of this day's date (in answer to Mr. Fox's letter of the 19th ultimo), in which will be found an explanation of the present necessary suspension of arrangements in connection with the subject referred to.

I have, &c.,
HENRY HALLORAN.

TELEGRAM from THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,
QUEENSLAND.

Sydney, 18 February, 1870.

THE New Zealand Delegates are leaving immediately. Can you permit me to say that your Government accepts the arrangement entered into, intimated by my letter of the 7th instant?

Please reply at once.

TELEGRAM from THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,
QUEENSLAND.

Sydney, 18 February, 1870.

ROBERTSON has a letter from Vogel, advising against any change of arrangement lest the whole goes by the board. If you will look at the memo. of agreement you will see that allowance cannot be made from the service for the expense to and from Brisbane. Your Colony and ours are to find £10,000; New Zealand will do no more for you than is agreed. The only course open will be for New South Wales and Queensland to divide the cost of the New South Wales and Queensland service; and Robertson has ascertained that the Australasian Steam Navigation Company will do it both ways for £200 the round voyage; condition, however, that the Company is not to be bound to start the mail sooner than thirty-six hours after arrival in Sydney. Of course whenever consistent with their work they will start it as quickly as possible, and even detain their steamer should the Auckland mail be in sight. They insist on port dues being remitted for the voyage for ships with these mails. The rate they ask is very moderate, and to get the whole matter concluded we are willing to agree to it.

Telegraph reply.

TELEGRAM from THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY,
NEW SOUTH WALES.

Brisbane, 23 February, 1870.

YOUR telegram received. Queensland withdraws entirely and conclusively from all the Conference arrangements; explanatory letter by next mail.

TELEGRAM from THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,
QUEENSLAND.

Sydney, 11 March, 1870.

EXPLANATORY letter, promised in your telegram of 23rd ultimo, not yet received. The omission is embarrassing as regards communications with New Zealand.

TELEGRAM

TELEGRAM from THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY,
NEW SOUTH WALES.

Brisbane, 14 March, 1870.

EXPLANATORY letter, referred to in your telegram of 11th March, posted on that day.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.
(70-68.)

Colonial Secretary's Office,
Brisbane, 10 March, 1870.

SIR,

I have the honor to acknowledge your telegram of the 18th of February ultimo, to which I replied by the same medium on the 23rd of that month, that the Government of Queensland withdrew entirely and conclusively from all the postal and telegraph arrangements. As the conditions on which the adhesion of Queensland was based were not conceded, this Colony had no hesitation in so withdrawing.

It is not improbable that at some future time, not far distant, the whole of the Australian Colonies will be enabled to meet in Conference on all subjects of mutual concernment.

The Government of Queensland cannot acknowledge the terms of your telegram, that New Zealand, in the proposed arrangements, "did anything for Queensland," but on the contrary this Colony, by the preliminary memoranda, was required to bear its full proportion of the cost of the services.

I am instructed, on behalf of our Government, to state that we are willing to submit to Parliament the provisional arrangement between us and Mr. Robertson, entered into in August, 1869, for the Torres Straits route.

I have, &c.,
CHARLES LILLEY.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW ZEALAND.

Colonial Secretary's Office,
Sydney, 27 April, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of the 5th instant, and to express my regret that, owing to the great pressure of Parliamentary business and the withdrawal of Mr. Robertson from the Ministry, it has not been in my power to give such attention to the question of the Californian Postal Service as would enable me to do more at this moment than to acknowledge your despatch.

2. At the request, however, of the Postmaster General,—and that an understanding for the present transport of mails may exist,—I have the honor to state, for the information of your Government, that this Colony is willing to pay to New Zealand the sum of twenty shillings per pound (being the same amount as was charged to the non-contributing Colonies during the existence of the Panama Mail Contract), on the weight of all New South Wales correspondence conveyed by the San Francisco mail route. It is of course to be understood that this rate of payment will only apply to correspondence received from and despatched to places beyond your Colony, and not to correspondence received from or addressed to the Colony of New Zealand.

3. With reference to the correspondence last alluded to, it should perhaps be observed that under the postal laws of this Colony the master of the steam packet would be *compelled* to convey it on payment of the usual gratuity of one penny per letter being tendered to him. This gratuity, however, was not offered to the master of the "Wonga Wonga," which left on the 26th ultimo; and it is considered advisable that it should not be offered to the masters of any of the steamers engaged in this service, pending the receipt of an intimation from your Government on the subject,—as it is understood that under the contract the master of the steamer is prohibited from receiving any payment otherwise than direct from the Government of New Zealand.

4. I have the honor to add that, in anticipation of the acquiescence of your Government in the above arrangement, this Colony will continue to despatch mails by the steamers employed in this mail service.

I have, &c.,
CHARLES COWPER.

THE COLONIAL SECRETARY, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

General Government Offices,
Auckland, 5 April, 1870.

SIR,

I have the honor to remind you that you have not yet informed me whether you have made provision for contributing, month by month, pending other arrangements as suggested in my letter to you of the 10th January, 1870, for the carriage of the New South Wales mails to California at the rate of ten thousand pounds a year, being the sum agreed on by the contract as that which should be asked from New South Wales. That Colony to make with Queensland such arrangement as the two Colonies might mutually agree on.

I understood, that either the Postmaster General would arrange to make the payments out of ordinary services, or that, on Parliament meeting, special provision would be sought for the purpose.

I beg you will believe that I am not actuated by any desire to hasten your arrangements, but by the wish, which you also I believe share, to do everything calculated to make a success of the new mail service from which so much benefit may result. I need not remind you that the moneys you pay will go to the Contractor, not to the Government of New Zealand.

I have, &c.,
JULIUS VOGEL,
Pro Colonial Secretary.

THE

THE SECRETARY, GENERAL POST OFFICE, TO THE PRINCIPAL UNDER SECRETARY.

General Post Office,
Sydney, 25 April, 1870.

SIR,

I am directed to request that you will be so good as to move the Colonial Secretary to cause a communication, with reference to previous correspondence on the subject, to be addressed to the Chief Secretary of New Zealand, intimating the willingness of the Government of this Colony to pay to New Zealand the sum of twenty shillings per pound (being the same amount as was charged to the non-contracting Colonies during the existence of the Panama Mail Contract), on the weight of all correspondence conveyed by the San Francisco mail route.

2. I am to state that it will of course be understood that such payment will only apply to correspondence received from, and despatched to, places beyond New Zealand, and not to correspondence received from, or addressed to, the Colony of New Zealand.

3. With reference to the last-mentioned correspondence, it should perhaps be observed that under the postal laws of this Colony the master of the steam packet would be *compelled* to convey it on payment of the usual gratuity of one penny per letter being tendered to him; but that this gratuity was not offered to the master of the "Wonga Wonga," which left on the 26th ultimo, and the Postmaster General is of opinion that the gratuity should not be offered to the masters of any of the steamers until instructions are received from New Zealand, as it is understood that under the contract (of which, however, the Postmaster General has no copy), the master of the steamer is prohibited from receiving any payment otherwise than direct from the Government of New Zealand.

4. I am to add, that in anticipation of the acquiescence of the New Zealand Government in this arrangement, this Colony will continue to despatch mails by the steamers employed in this mail service.

I have, &c.,
S. H. LAMBTON.

THE COLONIAL SECRETARY, NEW SOUTH WALES, TO THE COLONIAL SECRETARY, NEW ZEALAND.

Colonial Secretary's Office,
Sydney, New South Wales,
5 May, 1870.

SIR,

In your letter of the 5th ultimo,—the receipt of which I was able, for the reasons stated, only hastily to acknowledge in my letter of the 27th of the same month, by the then outgoing mail,—you remind me that I have not yet informed you whether I have made provision for contributing, month by month, pending other arrangements, as suggested in your letter of the 10th of January last, for the carriage of New South Wales mails to California, at the rate of £10,000 a year, being the sum agreed on as that which should be asked from New South Wales, that Colony making with Queensland such arrangement as the two Colonies might mutually agree upon; and you add, that it was understood that the Postmaster General would arrange to make the payments out of ordinary services, or that, on Parliament meeting, special provision would be sought for the purpose.

2. If I refer to the terms of the memorandum of agreement relating to the Californian Postal Service, it is to provide that no misapprehension shall arise from the expressions which I have quoted in the first paragraph of this letter from yours of the 5th ultimo.

3. It is stated in the memorandum of agreement that in the event of New Zealand being able to contract for a service between San Francisco, Auckland, and Sydney, New South Wales and Queensland shall contribute to the cost in the proportion of three-fifths by New Zealand, and two-fifths by New South Wales and Queensland, provided that the cost to New South Wales and Queensland shall not exceed £10,000 per annum.

4. From this it will be seen that the liability in these proposed arrangements was the liability of New South Wales and Queensland equally, and not of New South Wales on behalf of Queensland, to whose Government she should be supposed to look for her share of the expenditure.

5. With this brief preliminary explanation, I have now the honor to say, in reference to my letter intimating to you the course taken by the Queensland Government in their withdrawal from the arrangements provisionally concurred in by them, that I have, notwithstanding such expressed determination on their part, reopened correspondence in the hope of inducing them to abide by arrangements provisionally entered into by them, approved of in the main by the Cabinet, and to be left to the approval or disapproval of their Legislature; and it is not without a hope that such communications may lead to a favourable issue.

6. The Government of Mr. Liley has, as you are doubtless aware, after being in considerable difficulty for a length of time, succumbed; but I will take an early opportunity of renewing negotiations with the present Ministry, and I trust that the expressed determination of withdrawal may not be ultimately persevered in.

7. In the meantime the papers will be laid before our Parliament; but as it is about proroguing, nothing further is likely to take place in the matter until after its reassembling early in August next.

I have, &c.,
CHARLES COWPER.

THE

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY, QUEENSLAND.

Colonial Secretary's Office,
Sydney, New South Wales,
6 May, 1870.

SIR,

Circumstances connected with the change in this Government, not less that the great pressure of Parliamentary and public business have, I regret to say, prevented my fully considering, until now, your predecessor's letter of the 10th March last, confirming the decision conveyed in his telegram of the 23rd February, that the Government of Queensland withdrew entirely and conclusively from all the postal and telegraph arrangements, and adding that, as the conditions on which the adhesion of Queensland was based were not conceded, your Government had no hesitation in so withdrawing.

2. The proposal contained in your letter of the 3rd February last, that provision should be made for sending on to Brisbane the Queensland mails delivered in Sydney from San Francisco, was certainly not acceded to in my telegram of the 18th of the same month, nor could it be claimed under the terms of the memorandum of provisional arrangements.

3. I am unable to find that this Government hesitated to abide by the conditions on which the adhesion of Queensland was based. Your Cabinet approved in the main of the proposed arrangements; and I had therefore hoped that as provided for in the understood action to be taken, the approval or disapproval of the Parliament of your Colony would have been sought; and it is possible therefore that a misconception, on the part of your predecessor, may have led to the unexpected decision of total and conclusive withdrawal from the proposed arrangements.

4. In this light, therefore, and with the hope of a better understanding, to which mutual explanations may conduct, I desire to re-open the correspondence on a subject of so much interest to the Australasian Colonies.

5. In my telegram of the 18th February I wrote—"Robertson has a letter from Vogel, *advising against any change of arrangements*," and referred you to the terms of the *memorandum of agreement*, that you might see that a certain allowance desired by your Government could not be claimed thereunder; and I added that New Zealand would do *no more for you than was agreed upon*.

6. In view, however, of the great importance of the successful completion of the proposed arrangements, to which your Government became a party, I would invite them to reconsider the grounds on which their determination of withdrawal was arrived at, and to state more fully in what manner the conditions of their adhesion to the arrangements in question have not been complied with, and further and more fully, what is desired by your Government to induce them to carry through the arrangements to which, without the consent of your Legislature, it was hoped they would have considered themselves substantially committed.

I have, &c.,
CHARLES COWPER.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE HON. JULIUS VOGEL, Esq., SYDNEY.

Colonial Secretary's Office,
Sydney, 10 January, 1870.

SIR,

I have the honor to request that you will favour me with a copy of the postal contract entered into by you with Mr. Hall, the United States Commercial Agent at this port.

I have, &c.,
JOHN ROBERTSON.

THE HON. JULIUS VOGEL, Esq., to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Sydney, 12 January, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's* date, asking for a copy of the agreement entered into between myself, on behalf of the New Zealand Government, and Mr. H. H. Hall, for a mail service between San Francisco, New Zealand, and Sydney; and in reply, to inform you that a copy of that document has been forwarded to you under cover of a letter of even date herewith.

I have, &c.,
JULIUS VOGEL.

THE HON. JULIUS VOGEL, Esq., to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Sydney, 12 January, 1870.

SIR,

It will take some time before any effect can be given to the proposal that New South Wales and New Zealand should mutually aid in subsidising the proposed Torres Straits and Californian services; in the meantime the latter will I hope be started. I trust therefore you will see it is only right, that pending any permanent arrangement, New South Wales should contribute, month by month, at the rate agreed on, namely, £10,000 for twelve services to and from San Francisco; I shall be glad to learn that you will do so. You will observe by the contract, copy of which I forward to you, that New South Wales' contribution is to cover that of Queensland, with which Colony you will be able to make such arrangement as you may agree on for the carriage of its mails.

I have, &c.,
JULIUS VOGEL,
Postmaster General.

MEMORANDUM OF AGREEMENT made the eleventh day of January in the year of our Lord one thousand eight hundred and seventy between the Honorable Julius Vogel the Postmaster General of the Colony of New Zealand and a member of the Executive Council of the said Colony acting as Agent for and on behalf of the Government of the said Colony hereinafter called the Postmaster General of the one part and Hayden Hezekiah Hall of twenty-one Bridge-street Sydney in the Colony of New South Wales Esquire United States Consul hereinafter called "the Contractor" of the other part witnesseth that the said contractor doth hereby for himself his heirs executors and administrators covenant and agree with the said Postmaster General his successors and assigns And the said Postmaster General for himself as Postmaster General his successors and assigns and for the said Government of New Zealand doth hereby covenant and agree with the said contractor his executors and administrators in manner following that is to say:—

Contractor to provide steam vessels to convey mails monthly from and to Sydney and San Francisco, *viz* Auckland and Honolulu, To convey all mails &c.

That the said contractor shall every month during this agreement at the times hereinafter mentioned run a full power steam vessel efficient in all respects from Sydney to Auckland in New Zealand and thence to Honolulu direct without touching at any intermediate port or place except with the consent in writing of the said Postmaster General and shall thereby convey Her Majesty's mails And also shall at his own cost convey or provide for the conveyance of such mails from Honolulu to San Francisco by proper and efficient steam vessels and shall in like manner provide for the conveyance of such mails from San Francisco to Honolulu aforesaid And shall also every month in like manner run a full power steam vessel as aforesaid from Honolulu to Auckland aforesaid direct and thence to Sydney and shall thereby convey Her Majesty's mails.

Name of mail line.

That the said contractor shall at all times during the continuance of this agreement as hereinafter provided put on board and carry by such steam vessels all Her Majesty's mails which shall at any time by the said Postmaster General or any of his officers or agents be required to be conveyed by the said steam vessels respectively whether the said mails shall belong to New Zealand or to any other Colony place or country But no mails other than those belonging to New Zealand shall be received on board or carried in the said steam vessels without the written consent or directions of the said Postmaster General or of some officer or agent acting under his directions or in his behalf.

Steamers liable to be surveyed &c.

That the steam vessels engaged in carrying out this agreement shall be called "The Californian New Zealand and Australian Mail Line of Steam Packets" and shall be so described in all advertisements and public announcements referring to them.

Time in which mails to be delivered.

That nothing in this agreement contained shall exempt the steam vessels engaged in carrying out this agreement from being subject to all the laws and regulations in force for the time-being in New Zealand relative to the survey and inspection of passenger steamers.

That the times within which the said contractor shall convey or cause to be conveyed the said mails by the said steam vessels between Sydney and San Francisco and deliver the same shall be as follows:—

From the time of leaving Sydney to the time of arriving in Auckland and from the time of leaving Auckland to the time of arriving in Sydney each way respectively not to exceed one hundred and forty-four hours.

From the time of leaving Auckland to the time of arriving in San Francisco including stoppage at Honolulu and from the time of leaving San Francisco to the time of arriving in Auckland including stoppage at Honolulu respectively not to exceed six hundred hours each way for the first six voyages and for every subsequent voyage not to exceed five hundred and seventy-six hours each way respectively.

Detention at Auckland not to exceed thirty hours.

That subject to the time-table the said steam vessels except as hereinafter provided shall not be detained at the port of Auckland beyond thirty hours.

Service between Sydney and Auckland only to be of six months duration unless New South Wales or Victorian Government contribute to subsidy.

That the provision contained herein respecting the time within which mails are to be carried between Sydney and Auckland and between Auckland and Sydney shall cease at the expiration of six months from the twenty-sixth day of March next unless the Governments of New South Wales and Victoria or either of them within that time shall agree with the said Postmaster General to pay to him on behalf of the said contractor a sum or sums of money not less than ten thousand pounds per annum from New South Wales and not less than six thousand pounds per annum from Victoria and which the said Postmaster General is hereby authorized to accept on behalf of the said contractor by such payments and in such manner as the said Postmaster General may think fit Provided that in case the Government of New South Wales should decline to contribute it shall be optional with the said Postmaster General and the said contractor to agree to substitute Melbourne for Sydney as the port of departure And provided also that if the Government of New South Wales shall contribute ten thousand pounds as aforesaid the same shall include Queensland and the carriage of the mails of that Colony which shall for the purposes of this agreement be in such case considered as part of the mails of New South Wales and the Government of New South Wales shall in such case be at liberty to arrange with the Government of Queensland in the matter in such way as they may think fit.

All contributions received by New Zealand Government from other countries to be paid over to contractor. Time-table.

That all money which shall be received by the New Zealand Government from other countries or colonies by way of contribution or subsidy to the said mail service shall be paid to the said contractor Provided that nothing herein contained shall prevent the said Postmaster General from entering into any arrangement with Great Britain or the United States of America or any foreign country or colony thereof for the carriage of mails on such terms as he may agree upon.

Time-table may be altered by Postmaster General.

That the said steam vessels shall on such days and at such hours as are mentioned in the table hereto annexed (until and unless any other days and hours shall under the power herein in that behalf contained be substituted in lieu thereof) put to sea from and arrive at the ports or places respectively mentioned in such table.

That if at any time the said Postmaster General shall desire to alter the particular days times and hours of departure from and arrival at any ports or places specified in the table above referred to he shall be at liberty to do so on giving reasonable notice to the said contractor and the times so altered shall be observed and kept as if the same had been originally named in the table hereto annexed.

Bonus for quick delivery of mails between Auckland and San Francisco.

That the said Postmaster General shall pay to the said contractor for every complete period of twenty-four hours by which the said mails shall be delivered either way between Auckland and San Francisco within the time hereby covenanted for delivery of the same a premium of thirty pounds.

Penalty for late delivery of mails.

That if on any of the first six voyages the said contractor shall fail to deliver the said mails either at Auckland or San Francisco in six hundred hours from the time of departure from the other of those ports or on any subsequent voyage within five hundred and seventy-six hours he shall forfeit and pay to Her Majesty her heirs and successors on behalf and for the benefit of the postal revenue of the Colony of New Zealand a sum of thirty pounds for every complete period of twenty-four hours beyond the periods at which such mails should be delivered under this agreement as aforesaid.

Ditto between Auckland and Sydney.

That if the said contractor shall fail to deliver such mails as he may under this agreement be required to carry between Auckland and Sydney, either at Auckland or Sydney, in one hundred and forty-four hours from the time of departure from the other of those ports he shall forfeit and pay to Her Majesty her heirs and successors on behalf of the Postmaster General or his successors a sum of thirty pounds for every complete period of twenty-four hours beyond the periods at which such mails should be delivered under this agreement. But after the first six months payment of such last-mentioned sum is to be enforced only in case the New South Wales Government and Victorian Government or either of them make payment as herein provided to the said Postmaster General on behalf of the said contractor for the conveyance of their mails and in any case the penalty above mentioned shall only be enforced by the said Postmaster General at the instance of the Government of New South Wales or Victoria.

Passage to be provided for mail agent.

That the said contractor or his agents shall receive and allow to remain on board or procure to be allowed to remain on board of each of the said steam vessels while employed in carrying out this agreement and also while remaining at any of the ports or places named in the table appended hereto whether with or without mails on board an officer in the service of the said Postmaster General to have charge of the said mails and in case of the Governments of New South Wales and Victoria or either of them contributing towards the cost of the said mail service then one or both of them to be allowed to have a mail agent on board on the same terms and conditions as in the case of the officer in charge of the New Zealand mails Provided that one such mail agent or officer may be employed by and represent all or any of the Governments whose mails shall be conveyed under this agreement.

To provide suitable accommodation for mail agent.

That suitable first class accommodation shall be provided by the said contractor for every such mail officer or agent and that the passage money for each such mail officer or agent shall be at the lowest current rates for return passages not to exceed thirty-five pounds between Sydney and San Francisco and thirty pounds between Auckland and San Francisco and *vice versa* and that every such mail officer or agent shall be recognized and considered by the said contractor his officers agents and seamen as the agent of the said Postmaster General in charge of mails and as having full authority in all cases to require a due and strict performance of this agreement on the part of the said contractor his officers servants and agents and to determine so far as relates to the levying of penalties every question whenever arising relative to the time of proceeding to sea or putting into harbour or the necessity of stopping to assist any vessel in distress or to save human life Provided however that the

words "to determine 'every question'" shall not confer upon such officer the power of control over the commander of the steam vessel conveying the said mails And provided that in case at any time there shall be more than one such mail officer or agent as aforesaid the authority as aforesaid of such one only shall be paramount as the said Postmaster General shall notify to the said commander as having paramount authority.

That in this agreement the term "mails" shall be taken to comprehend all letters boxes bags or packets of letters news-papers books or printed papers sent by the post to whatever country or place they may be addressed or in whatever country or place they may have originated and all empty bags and other stores used or to be used in carrying on the post office service which shall be sent by or to or from any post office.

Interpretation of term "mails"

That the whole of the postage of all mails conveyed in the vessels employed under this agreement whether carried from or out of Her Majesty's dominions or otherwise shall belong to Her Majesty and shall be at the disposal of the said Postmaster General.

Postage to belong to Her Majesty.

That the said contractor shall not assign underlet or dispose of this agreement or any part thereof without the consent of the said Postmaster General signified in writing under his hand or under the hand of the Secretary of the Post Office of New Zealand and that in case of the same or any part thereof being assigned underlet or otherwise disposed of or of any gross or habitual breach of this agreement or any covenant matter or thing herein contained on the part of the said contractor or his agents or servants and whether there be or be not any penalty or sum of money payable by the said contractor for any breach it shall be lawful for the said Postmaster General if he shall think fit (and notwithstanding there may or may not have been any former breach of this agreement) by writing under his hand or under the hand of the Secretary of the Post Office in New Zealand to determine this agreement without any previous notice to the said contractor or his agents nor shall the said contractor be entitled to any compensation in respect of such determination.

Contract not to be assigned or underlet.

Contract may be terminated without notice for gross breaches of agreement or habitual neglect.

That in consideration of the covenants and agreements hereby entered into by the said contractor and of the due performance thereof by him there shall be paid to him under the continuance of this agreement in respect of the services specified herein the sum of fifteen thousand pounds for twelve complete services to and from San Francisco and Sydney or the sum of one thousand two hundred and fifty pounds for each complete service to and from Sydney and San Francisco payment for each complete service as aforesaid to be made on the return of each vessel from San Francisco to Sydney Provided that on the written request of the said contractor the said Postmaster General may at his option and on such conditions as he may think fit make payments in advance on account of sums becoming due for such services but such payments shall not in any way affect the liability of the said contractor to carry out the provisions of this agreement.

Payment for services.

That during the continuance of this agreement and so long as the same shall be faithfully carried out by the said contractor no charges for pilotage light-house dues or wharfage shall be made at the port of Auckland for any of the steam-vessels carrying the mails referred to herein.

Port charges at Auckland to be remitted.

That all payments of premiums for the delivery of mails in less than contract time and of sums of money by way of penalty for delay in the delivery of mails or for other breaches of this agreement shall be made every six months.

Penalties and bonuses to be settled half-yearly. Duration of agreement.

That this agreement is to continue for twelve months from the twenty-sixth day of March next (that is to say) until the completion of twelve services to and from Sydney and San Francisco Provided that at the option of the said contractor notice of which must be given to the said Postmaster General in writing within six months from the date of the first steamer leaving Sydney this agreement may be continued for a further term of four years.

That if the said contractor shall at any day or hour appointed in the time-table hereto annexed and at any of the ports or places appointed or named in the said time-table or at any of the several ports or places at which an efficient vessel ought to be provided as aforesaid fail to put or cause to be put an efficient steam-vessel to sea in accordance with the terms of this agreement then and so often as the same shall happen the said contractor shall forfeit and pay unto Her Majesty her heirs and successors for the benefit of the postal revenue of the Colony of New Zealand the sum of two pounds per hour for the first twenty-four hours and a further sum of thirty shillings per hour for every hour after the first twenty-four hours which shall elapse until such a vessel actually proceeds to sea on her voyage in performance of this agreement Provided that the payment of any such sum shall not be enforced against the said contractor if it be shown by him to the satisfaction of the said Postmaster General that the default has arisen from causes over which he had not and could not have control.

Penalty for not providing vessel.

That the said contractor shall provide or cause to be provided on board all steam-vessels to be employed or used under this agreement between Sydney and San Francisco a proper safe and convenient place of deposit for the mails with secure fastenings lock and key and to the satisfaction of the said Postmaster General And also that the said contractor shall provide on board each of the steam-vessels to be employed under this agreement in the service between Sydney New Zealand and Honolulu all necessary and suitable accommodation including lighting to the satisfaction of the said Postmaster General for the purpose of sorting and making up the mails thereby conveyed And on being required by such Postmaster General so to do will at his own cost erect on each of such vessels a separate and convenient room for such purpose And that the crew of each of the said vessels shall assist in conveying the mails between the mail-room and the sorting-room (if any) to be erected as aforesaid or other separate sorting-room used as such for the time-being.

To provide safe place for mails &c.

That as often as the said Postmaster General during the continuance of this agreement shall think fit to entrust the charge or custody of the mails to the master or commander of any vessel to be employed for the time-being in the performance of this agreement and in all cases where the officer or other person appointed to have charge of the mails shall be absent the master or commander of such vessel shall without any charge other than that herein provided to be paid to the said contractor take due care of and the said contractor shall be responsible for the receipt safe custody and delivery of the said mails And each of such masters or commanders shall make the usual oath or declaration or declarations required or which may hereafter be required by such Postmaster General in such and similar cases and furnish such journals returns and information and perform such services as such Postmaster General or his agents may require And every such master or commander or officer duly authorized by him having the charge of mails shall himself immediately on the arrival of any such vessel at any of the said ports or places deliver from the vessel's side at such time and place as the postmaster or other person as next after mentioned shall require all mails for such port or place into the hands of such postmaster or such other person at the said port or place as the said Postmaster General shall authorize to receive the same receiving in like manner all the return or other mails to be forwarded in due course.

Masters &c. to take due care of mails &c.

That the said contractor and all commanding and other officers of the vessels employed in the performance of this agreement and all agents seamen and servants of the said contractor shall at all times punctually attend to the orders and directions of the said Postmaster General his officers or agents as to the mode time and place of landing delivering and receiving of mails subject as herein mentioned.

To attend to orders &c. in landing mails &c.

That all and every the sums of money hereby stipulated to be paid to the said contractor unto Her Majesty her heirs and successors shall be considered as stipulated or ascertained damages whether any damage or loss have or have not been sustained and shall and may be retained by the said Postmaster General out of any moneys payable or which may thereafter become payable to the said contractor or the payment may be enforced as a debt due to Her Majesty with full costs of suit at the discretion of the said Postmaster General Provided however that the payment by the said contractor of any sums of money (by way of penalties) shall not in any manner prejudice the right of the said Postmaster General to treat the failure (if any) on the part of the said contractor to put to sea with a proper vessel or to perform any voyage at or within the times in the said table respectively mentioned as a breach of this agreement.

Penalties to be considered as stipulated damages.

That should it be deemed by the said Postmaster General his officers or agents requisite for the Public Service that any vessel to be employed under this agreement should at any time or times delay her departure from any port from which the mails are to be conveyed under this agreement beyond the period appointed for her departure therefrom the said Postmaster General his officers or agents shall have power to order such delay (not however exceeding twelve hours) by letter addressed by him or them to and delivered to the master of any such vessel or the person acting as such or left for him on board the vessel not less than six hours before the period appointed for her departure and such letter shall be deemed a sufficient authority for such detention but if by reason of such detention the steamer so detained should fail to deliver the mail at the appointed time and place then the penalties herein provided for such failure shall not be enforced.

Detention of mail steamers by Government.

That it shall be lawful for the said Postmaster General at any time and from time to time to delegate any of the powers vested in him by virtue of these presents to such person or persons as he shall think fit.

Postmaster General may delegate his powers.

That for the purpose of ensuring the due fulfilment of this agreement by the said contractor or his agents he shall lodge the sum of one thousand pounds with the Oriental Banking Corporation in Sydney to the credit of the Postmaster General of New Zealand And that of this sum five hundred pounds shall be returned on the departure from Sydney of the first steam vessel

Security for fulfilment of agreement.

vessel in pursuance of this contract and the remaining five hundred pounds shall be returned on the completion to the satisfaction of the said Postmaster General of this agreement. Provided that if this agreement should be continued beyond the first term of twelve months the said Postmaster General may on the commencement of the extended agreement and on receipt of other satisfactory security to the extent of one thousand pounds return the balance of five hundred pounds aforesaid.

Postmaster
General to be
sole judge as to
breaches, &c.

That the said Postmaster General shall be the sole judge as to whether any breaches of this contract have arisen from causes beyond the control of the said contractor or his agents and whether any or what amount of penalty shall be deducted from the said sum of one thousand pounds deposited as aforesaid.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

TIME-TABLE for the Mail Service by the Californian, New Zealand, and Australian Mail Line of Packets.

Outwards.

To leave Sydney on the 26th March, 1870.	To leave Auckland 2nd April, 1870.
" " 27th April, "	" " 4th May, "
" " 28th May, "	" " 4th June, "
" " 30th June, "	" " 7th July, "

and each month following to leave Sydney on the last day of the month; and to leave Auckland on the 7th of the following month.

The steamers to leave Sydney at 4 o'clock p.m., and Auckland at 2 o'clock p.m. respectively, on the above appointed days.

Inwards.

To leave San Francisco on the 10th day of each month, commencing on the 10th day of April next.

For and on behalf of the Government of New Zealand,

Signed, sealed, and delivered by the said Julius }
Vogel, in the presence of,—

(L.S.) JULIUS VOGEL,
Postmaster General.

CHARLES KNIGHT, Auditor General, New Zealand.
WILLIAM SEED, Inspector of Customs, New Zealand.

Signed, sealed, and delivered by the said Hayden }
Hezekiah Hall, in the presence of,—

(L.S.) H. H. HALL.

CHARLES KNIGHT, Auditor General, New Zealand.
WILLIAM SEED, Inspector of Customs, New Zealand.

ARTICLES OF AGREEMENT made the eleventh day of January one thousand eight hundred and seventy between the Corporation of the Australasian Steam Navigation Company carrying on business in Sydney and elsewhere in the Australasian Colonies and hereinafter designated "owners" of the one part and Hayden Hezekiah Hall of Sydney aforesaid Merchant Consul for the United States of America and hereinafter designated "charterer" of the other part whereby it is agreed as follows:—

1. That the said owners will let and the said charterer will hire the steamships "Balclutha" and "Rangitira" or two other vessels of a like class accommodation and tonnage at the option of the said owners and that the said vessels shall be seaworthy and be furnished with all such equipments tackle apparel and furniture as are and have been ordinarily used by them as seagoing passenger vessels and shall be provided with the usual certificate for such vessels from the Steam Navigation Board of New South Wales required by the laws of the said Colony and that the first of such vessels in such condition and with such certificate shall be handed over to the said charterer on or before the twenty-sixth day of March next and the other in like manner on or before the twenty-seventh day of April next.

2. That such charter shall continue for the term of five years from the date when the first of such steamships shall be handed over to the said charterer but after the expiration of three calendar months from such date shall be determinable upon either party giving three calendar months notice in writing of intention to determine the same it being agreed between the said parties that this charter is for six calendar months certain at the least.

3. The charterer shall provide and pay for the masters engineers and crew of the said vessels and all port charges wages provisions and fuel and all other ordinary necessities expenses of working and navigating the chartered vessels but the Board of Directors or Manager of the said Company shall have the approval of the masters and engineers of the same and if any master or engineer shall be appointed without such approval he shall be forthwith removed if his removal be requested by such Board of Directors or Manager of the said Company. The master engineers and crew to be the servants of the charterer and not of the owners the said charterer being responsible for all their actions.

4. That an inventory of the said ships shall be made and shall at the time of handing the same over be signed by the charterer together with a receipt for the articles named therein and that all articles contained in the said inventory shall be returned in good order and condition reasonable wear and tear excepted by the charterer on the said ships being respectively returned to the said owners.

5. That all repairs required for the said ships shall be executed by the owners at their own expense while such ships may be in the Port of Sydney but any repairs which may be effected by the charterer while such ships shall be absent from Sydney shall be done at his own costs and the said owners shall not be bound to reimburse him such costs.

6. That to prevent the said ships from being arrested at any port or charged or made liable for the payment of wages or any other expenses the said charterer agrees to pay the masters engineers and crew one month's pay in advance before the said vessels leave Sydney on each voyage by advance notes payable at the offices of the owners three days after ships leaving Auckland for such seamen as are certified as having sailed in the ship balance if any to be handed to charterer the amount of such advances to be deposited with the manager by the charterer before the commencement of the voyage and to give an order on the New Zealand Government to hold at the disposal of the said owners such balance of subsidy payable to the charterer on each voyage or may remain in their hands such order to be returned so soon as the owners shall have ascertained after the termination of such voyage that the conditions of these presents have been complied with by the said charterer and that there are no claims affecting the said vessels.

7. The vessels hereby chartered shall not be run or employed by the said charterer except between the ports of Sydney in New South Wales Auckland in New Zealand and Honolulu in the Sandwich Islands.

8. That the said charterer shall not carry any passengers or cargo between the port of Sydney and any port or ports in New Zealand to be landed at such port or ports or *vice versa* and for every passenger so carried in contravention of this article shall pay to the said owners twenty-five pounds and for every ton or part of a ton of cargo five pounds as and for liquidated damages.

9. For the use of the said vessels respectively the said charterer shall pay to the said owners the sum of five hundred pounds in respect of each vessel upon her being handed over and a further sum of five hundred pounds in respect of each vessel every thirty days after the same has been handed over so long as this charter shall continue all such payments to be made in Sydney.

10. The said charterer shall redeliver the said vessels to the owners in Sydney and shall pay a rateable proportion of the charter money for any time during which such vessels respectively shall be detained after the determination of the charter by effluxion of time or by such notice as aforesaid.

IN WITNESS whereof the seal of the said Australasian Steam Navigation Company has been affixed and the said Hayden Hezekiah Hall has hereunto set his hand and seal the day and year first above written.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE POSTMASTER GENERAL, NEW ZEALAND.

(16.)

Colonial Secretary's Office,
Sydney, New South Wales,
13 January, 1870.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, transmitting copy of the contract entered into between yourself and Mr. H. H. Hall, for the proposed Californian Postal Service, and suggesting that, pending any permanent arrangement for subsidising the same, New South Wales should contribute, month by month, at the rate agreed on, namely,—£10,000 for twelve services to and from San Francisco.

2. In reply, I have the honor to inform you that this Government is not in possession of authority from Parliament admitting of a compliance with the above suggestion, at any rate as submitted in your letter under acknowledgment.

3. In asking Parliament to sanction the arrangements already provisionally made between the Colonies of New South Wales, New Zealand, and Queensland, this Government will include provision for the whole period, from the date on which the service may commence; and in the meantime the Postmaster General will be asked to give by departmental arrangement whatever allowance he can fairly and legally make for the transmission of the mails.

I have, &c.,

JOHN ROBERTSON.

THE PRINCIPAL UNDER SECRETARY to THE SECRETARY TO THE GENERAL POST OFFICE.

Colonial Secretary's Office,
Sydney, 13 January, 1870.

SIR

With reference to the arrangements provisionally made with the Colonies of New Zealand and Queensland, for the establishment of postal communication with California, I am directed by the Colonial Secretary to state that, in asking Parliament to sanction those arrangements, it is intended to include provision for the whole period from the date on which the service may have commenced, and to request that you will invite the Postmaster General to have the goodness to give, in the meantime, by departmental arrangement, whatever allowance can be fairly and legally made for the transmission of the mails by the line referred to.

I have, &c.,

HENRY HALLORAN.