

# Sessional Papers



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 1.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 23 DECEMBER, 1868.

No. 1.

## STAMP DUTIES ACTS CONTINUATION BILL.

Clause 1. The Stamp Duties Act of 1865 and the Act thirty-one Victoria number twenty-six intituled "*An Act to amend the Stamp Duties Act of 1865*" shall continue and remain in force until the "thirty-first day of December" one thousand eight hundred and sixty-nine if Parliament be then in Session and if not then until the end of the then next Session of Parliament. (*Read.*)

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

Motion made,—That the words "thirty-first day of December" in lines 3 and 4 be omitted, with a view to insert "thirtieth day of June." (*Mr. Piddington.*)

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

Committee divided.

Ayes, 26.

Mr. Samuel,	Mr. Gordon,
Mr. Robertson,	Mr. Macleay,
Mr. Forster,	Mr. Neale,
Mr. S. Brown,	Mr. Smart,
Mr. Sutherland,	Mr. Burdekin,
Mr. Bell,	Mr. Morrice,
Mr. Hill,	Mr. Alexander,
Mr. Cunneen,	Mr. Eckford,
Mr. W. Campbell,	Mr. Egan,
Mr. R. Stewart,	Mr. Josephson,
Dr. Lang,	<i>Tellers.</i>
Mr. Lackey,	Mr. Lyons,
Mr. Driver,	Mr. Cummings.
Mr. Lloyd,	

Noes, 20.

Mr. Martin,	Mr. Wisdom,
Mr. Windeyer,	Mr. Tighe,
Mr. Eagar,	Mr. Parkes,
Mr. Piddington,	Mr. Isaacs,
Mr. Tunks,	<i>Tellers.</i>
Mr. Outley,	Mr. Burns,
Mr. Nowlan,	Mr. De Salis.
Mr. Lec,	
Mr. Wilson,	
Mr. Lucas,	
Mr. J. Stewart,	
Mr. Dodds,	
Mr. Farnell,	
Mr. Byrnes,	

*The clause was then amended, on motion of Mr. Samuel, by the omission of words ruled through as shown above.*

Clause as amended, read and carried.

Chairman left the Chair, to report the Bill with an Amendment.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 20 JANUARY, 1869.

No. 1.

WAYS AND MEANS.

Resolution (1) :—

*Resolved*, That towards making good the Supply granted to Her Majesty for the service of the year 1869, there be granted out of the Consolidated Revenue Fund of New South Wales, the sum of £1,650.

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. (*Mr. Eagar.*)  
Committee divided.

Ayes, 11.

- Mr. Burns,
- Mr. Eagar,
- Mr. Wilson,
- Mr. Isaacs,
- Mr. Lucas,
- Mr. Walker,
- Mr. J. Stewart,
- Mr. Farnell,
- Mr. Byrnes,

*Tellers.*

- Mr. De Salis,
- Mr. Piddington.

Noes, 22.

- |                 |                  |
|-----------------|------------------|
| Mr. Robertson,  | Mr. Macleay,     |
| Mr. Forster,    | Mr. Terry,       |
| Mr. Samuel,     | Mr. Cummings,    |
| Mr. Egan,       | Mr. W. Campbell, |
| Mr. Josephson,  | Mr. Hart,        |
| Mr. Sutherland, | Mr. Morrice,     |
| Mr. Hurley,     | Mr. Cunneen,     |
| Mr. Burdekin,   | <i>Tellers.</i>  |
| Mr. Alexander,  | Mr. Lloyd,       |
| Mr. Phelps,     | Mr. Driver.      |
| Mr. Neale,      |                  |
| Mr. Bell,       |                  |
| Mr. Hoskins,    |                  |

Question stated.

And the Committee continuing to sit till after Midnight,—

THURSDAY, 21 JANUARY, 1869, A.M.

*On motion of Mr. Samuel, the Chairman left the Chair to report progress, and ask leave to sit again at a later hour this day.*

THURSDAY,

THURSDAY, 21 JANUARY, 1869.

No. 2.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1868 AND PREVIOUS YEARS.  
(SERVICES OF 1868.)

No. II.—EXECUTIVE AND LEGISLATIVE.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £130 12s. 6d., to defray the Supplementary Charge for the year 1868, for allowance in lieu of lodging to the Aide-de-Camp, 275 days at 9s. 6d. per diem. (*Mr. Samuel.*)

Committee divided.

Ayes, 32.

Mr. Egan,	Mr. Piddington,
Mr. Robertson,	Mr. Ryan,
Mr. Forster,	Mr. Isaacs,
Mr. Josephson,	Mr. Macleay,
Mr. Sutherland,	Mr. W. Campbell,
Mr. Smart,	Mr. J. Campbell,
Mr. Cummings,	Mr. Graham,
Mr. Burns,	Mr. Parkes,
Mr. Walker,	Mr. Alexander,
Mr. Lloyd,	Mr. Morrice,
Mr. Hill,	Mr. Bell,
Mr. R. Stewart,	Mr. Hurley,
Mr. Phelps,	Mr. Martin,
Mr. Wilson,	<i>Tellers.</i>
Mr. Nowlan,	
Mr. Eagar,	Mr. De Salis,
Mr. Cunneen,	Mr. Terry.

Noes, 4.

Mr. J. Stewart,  
Mr. Farnell,  
*Tellers.*  
Mr. Driver,  
Mr. Hoskins.

No. 3.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.—(*Miscellaneous*).

Question proposed,—That there be granted to Her Majesty a sum not exceeding £500, to defray the supplementary charge for the year 1868, for Compensation to Mr. John Shanks, late Pilot, Port Jackson, for loss of health consequent on the late accident at the Heads. (*Mr. Samuel.*)

Motion made,—That the amount proposed be reduced by the sum of £499 19s. (*Mr. J. Stewart.*)

Question put,—That a sum not exceeding one shilling be granted for this service.

Committee divided.

Ayes, 4.

Mr. Morrice,  
Mr. Driver,  
*Tellers.*  
Mr. J. Stewart,  
Mr. De Salis.

Noes, 21.

Mr. Eagar,	Mr. Egan,
Mr. Robertson,	Mr. Alexander,
Mr. Forster,	Mr. R. Stewart,
Mr. Samuel,	Mr. Wilson,
Mr. Burns,	Mr. Hurley,
Mr. Parkes,	Mr. Cunneen,
Mr. Josephson,	Mr. Nowlan,
Mr. Cummings,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Piddington,	Mr. Burdekin,
Mr. Bell,	Mr. Terry.
Mr. W. Campbell,	

No. 4.

(*Same Estimate.*)

Question stated.

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

Committee divided.

Ayes, 2.

*Tellers.*  
Mr. De Salis,  
Mr. J. Stewart.

Noes, 22.

Mr. Forster,	Mr. Cunneen,
Mr. Robertson,	Mr. Hurley,
Mr. Egan,	Mr. Sutherland,
Mr. Samuel,	Mr. Wilson,
Mr. Burns,	Mr. Alexander,
Mr. Parkes,	Mr. Macleay,
Mr. Josephson,	Mr. Eagar,
Mr. Burdekin,	Mr. Nowlan,
Mr. Morrice,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Piddington,	Mr. Terry,
Mr. Bell,	Mr. R. Stewart.

The further consideration of the Estimate was postponed, on motion of Mr. Samuel.

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

FRIDAY,

FRIDAY, 22 JANUARY, 1869.

No. 5.

## ST. ANDREW'S CATHEDRAL CLOSE BILL.

Clause 2. It shall be lawful for the Governor with the advice of the Executive Council to grant to the Municipal Council of Sydney that part of the land commonly called the Old Burial Ground or Cathedral Close in the city of Sydney which is described in the First Schedule hereto and in like manner to grant to the Bishop of Sydney and his successors in trust for the purposes of the Cathedral the land described in the Second Schedule to this Act on condition that a portion of the land mentioned in the said **First Schedule** ~~same~~ not being more than half an acre shall be set apart for the erection of a Town Hall thereon and the residue subject to the provisions hereinafter contained used as a place of recreation to which the public shall have free ingress and egress from five o'clock forenoon to ten o'clock afternoon. Provided that the portion of said Old Burial Ground being seven and a half feet frontage to the line of Clarence-street by a depth of thirty-eight feet promised by the Government to the Trustees of Saint Andrew's Presbyterian Church in one thousand eight hundred and thirty-six be granted to said Trustees. (*Read.*)

*The Clause having been amended, on motion of Mr. Lucas, without division, by omitting the word ruled through and inserting the words in black letter, as shewn above,—*

Question proposed,—That the Clause as so amended stand part of the Bill. (*Mr. Driver.*)

Amendment proposed,—That the following Proviso be added at the end of the Clause, viz. :—Provided further that such grant shall not be issued until the said Municipal Council of Sydney shall have paid to the credit of the Consolidated Revenue Fund of the said Colony the net proceeds received by them for the sale of lands authorized to be sold by the "Sydney Town Hall Act of 1862." (*Mr. S. Brown.*)

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

Committed divided.

Ayes, 6.	Noes, 21.
Mr. Forster,	Mr. Robertson,
Mr. De Salis,	Mr. Parkes,
Mr. J. Stewart,	Mr. Josephson,
Mr. Tighe,	Mr. Eagar,
<i>Tellers.</i>	Dr. Lang,
Mr. S. Brown,	Mr. Sutherland,
Mr. Cummings.	Mr. Phelps,
	Mr. Lloyd,
	Mr. Gordon,
	Mr. Nowlan,
	Mr. Lucas,
	Mr. Neale,
	Mr. Oatley,
	Mr. Graham,
	Mr. Farnell,
	Mr. Wilson,
	Mr. J. Campbell,
	Mr. Driver,
	Mr. Samuel,
	<i>Tellers.</i>
	Mr. Cunneen,
	Mr. Tunks.

No. 6.

*(Same Clause.)*

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

Ayes, 2.	Noes, 25.
<i>Tellers.</i>	Mr. Robertson,
Mr. De Salis,	Mr. Samuel,
Mr. J. Stewart.	Mr. Tighe,
	Mr. Parkes,
	Mr. Josephson,
	Mr. Smart,
	Dr. Lang,
	Mr. Eagar,
	Mr. Cunneen,
	Mr. Phelps,
	Mr. Lloyd,
	Mr. Lord,
	Mr. Gordon,
	Mr. Nowlan,
	Mr. Tunks,
	Mr. Lucas,
	Mr. Sutherland,
	Mr. Neale,
	Mr. Oatley,
	Mr. Graham,
	Mr. Farnell,
	Mr. Wilson,
	Mr. Isaacs,
	<i>Tellers.</i>
	Mr. J. Campbell,
	Mr. Driver.

Clause as amended put and carried.

No. 7.

No. 7.  
(*Same Bill.*)

FIRST SCHEDULE.

All that piece or parcel of land containing by admeasurement one acre three roods and thirty-eight perches situate in the parish of Saint Andrew City of Sydney County of Cumberland and Colony of New South Wales commencing at the intersection of the south building alignment of Druitt-street with the west building alignment of George-street and bounded thence on the east by the western building alignment of George-street being a line bearing south three degrees east two hundred and fifty-one feet thence on the south by a line bearing south eighty-four degrees ten minutes west two hundred and sixty four feet thence again on the east by a line bearing south fifteen degrees east sixty-two feet thence again on the south by part of the northern boundary of allotment number nine granted for a Presbyterian Church being a line bearing south eighty-three degrees forty-five minutes west one hundred and two feet thence on the west by a line bearing north twelve degrees west one hundred and forty feet six inches forming the eastern boundary of allotment number nine aforesaid and of allotments numbers eight seven six five four and three to the southern building line of Druitt-street and thence on the north by that building line being a line bearing north eighty-two degrees forty minutes east three hundred and thirty-four feet to point of commencement. (*Read.*)

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

Ayes, 18.

Mr. Samuel,	Mr. Tunks,
Mr. De Salis,	Mr. Oatley,
Mr. Josephson,	Mr. Tighe,
Mr. Smart,	Mr. Farnell,
Mr. Sutherland,	Mr. Driver,
Mr. Neale,	Mr. Eagar,
Mr. Cunneen,	<i>Tellers.</i>
Mr. Isaacs,	
Mr. Lord,	Mr. Hill,
Mr. Gordon,	Mr. J. Campbell.

Noes, 10.

Mr. Forster,	<i>Tellers.</i>
Mr. J. Stewart,	
Mr. Parkes,	Mr. Burns,
Mr. Lucas,	Mr. S. Brown.
Dr. Lang,	
Mr. Piddington,	
Mr. R. Stewart,	
Mr. Wilson,	

No. 8.  
(*Same Bill.*)

Motion made,—That the following new clause stand as Clause 3 of the Bill, viz. :—

It shall not be lawful for the Municipal Council of Sydney or the Bishop of Sydney or any of his successors to erect any dwelling-house residence or other building on any portion of the land described in either the first or second Schedule to this Act except on the half-acre granted as the site for a Town Hall and if any such dwelling-house residence or building should be erected thereon contrary to the provisions of this Act the party or parties so offending shall be subject to a penalty of one thousand pounds and any colonist may through the Supreme Court sue for and shall be entitled to the said penalty and the land described in the Schedule on which such building may be erected shall revert to the Crown. (*Mr. Lucas.*)

Question put,—That the clause, as read, stand Clause 3 of the Bill.  
Committee divided.

Ayes, 18.

Mr. Robertson,	Mr. Hill,
Mr. Forster,	Dr. Lang,
Mr. De Salis,	Mr. Tighe,
Mr. S. Brown,	Mr. Lucas,
Mr. Josephson,	Mr. Sutherland,
Mr. Parkes,	Mr. Egan,
Mr. Burns,	<i>Tellers.</i>
Mr. Neale,	
Mr. Wilson,	Mr. Piddington,
Mr. Tunks,	Mr. J. Stewart.

Noes, 9.

Mr. Gordon,	<i>Tellers.</i>
Mr. Smart,	
Mr. Cunneen,	Mr. Farnell,
Mr. Oatley,	Mr. J. Campbell.
Mr. Lord,	
Mr. Isaacs,	
Mr. Driver,	

On motion of Mr. Driver, the Chairman left the Chair to report the Bill, with amendments.

1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 3.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 28 JANUARY, 1869.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1868 AND PREVIOUS YEARS.  
(SERVICES OF 1868.)

(No. V.—*Treasurer and Secretary for Finance and Trade—Miscellaneous.*)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £116 13s 4d, to defray the supplementary charge for the year 1868, for "Gratuity to John Thursell, late Boatman, Customs Department." (*Mr. Samuel.*)

Committee divided.

Ayes, 27.

Mr. Robertson,	Mr. Nowlan,
Mr. Samuel,	Mr. Lackey,
Mr. Forster,	Mr. Josephson,
Mr. Sutherland,	Mr. Tighe,
Mr. Egan,	Mr. Farnell,
Mr. Terry,	Mr. Bell,
Mr. Cummings,	Mr. Dodds,
Dr. Lang,	Mr. W. Campbell,
Mr. Phelps,	Mr. Gordon,
Mr. Lloyd,	Mr. Lucas,
Mr. Neale,	<i>Tellers.</i>
Mr. Wilson,	Mr. Burns,
Mr. R. Stewart,	Mr. Hill.
Mr. Lee,	
Mr. Mate,	

Noes, 3.

Mr. De Salis,  
*Tellers.*  
Mr. S. Brown,  
Mr. J. Stewart.

No. 2.

ESTIMATES FOR 1869.

(Executive Council.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £728, to defray the Salaries and Contingencies of the Department of the Executive Council, for the year 1869. (*Mr. Robertson.*)

Motion made,—That the item £100, Salary of Messenger, be reduced by the sum of £8. (*Mr. S. Brown.*)

203—

Question

Question put,—That a sum not exceeding £92, be granted for this service.  
Committee divided.

Ayes, 10.		Noes, 14.	
Mr. Terry,	<i>Tellers.</i>	Mr. Robertson,	Mr. Cummings,
Mr. Isaacs,		Mr. Forster,	Mr. Hurley,
Mr. Farnell,	Mr. Alexander.	Mr. Samuel,	Mr. Tighe,
Mr. Driver,	Mr. S. Brown.	Mr. Josephson,	Mr. Dodds,
Mr. Morrice,		Mr. Egan,	<i>Tellers.</i>
Mr. Cunneen,		Mr. Wilson,	
Mr. J. Stewart,		Mr. Sutherland,	Mr. Lucas,
Mr. Smart,		Mr. Bell,	Mr. Burns.

No. 3.

(*Legislative Council.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £6,235, to defray the Salaries and Contingencies of the Department of the "Legislative Council," for the year 1869. (*Mr. Robertson.*)

Motion made,—That the item £1,200, Salary of President, be reduced by the sum of £200. (*Mr. Driver.*)

Question put,—That a sum not exceeding £1,000, be granted for this service.  
Committee divided.

Ayes, 8.		Noes, 18.	
Mr. Lucas,		Mr. Robertson,	Mr. W. Campbell,
Mr. Dodds,		Mr. Samuel,	Mr. Lee,
Mr. Morrice,		Mr. Josephson,	Mr. Hill,
Mr. Driver,		Mr. Parkes,	Mr. Lackey,
Mr. J. Stewart,		Mr. Egan,	Mr. Lyons,
Mr. Tighe,		Mr. Hurley,	Mr. Forster,
<i>Tellers.</i>		Mr. Phelps,	<i>Tellers.</i>
Mr. Terry,		Mr. Mate,	
Mr. S. Brown.		Mr. Alexander,	Mr. Burns,
		Mr. Gordon,	Mr. De Salis.

No. 4.

(*Same Estimate.*)

Motion made,—That the item be reduced by the sum of £100. (*Mr. Driver.*)

Question put,—That a sum not exceeding £1,100, be granted for this service.  
Committee divided.

Ayes, 8.		Noes, 25.	
Mr. Lucas,		Mr. Robertson,	Mr. Gordon,
Mr. Dodds,		Mr. Forster,	Mr. Alexander,
Mr. Morrice,		Mr. Samuel,	Mr. Wilson,
Mr. Driver,		Mr. Josephson,	Mr. W. Campbell,
Mr. J. Stewart,		Mr. Egan,	Mr. Hill,
Mr. Tighe,		Mr. Hurley,	Mr. Lackey,
<i>Tellers.</i>		Mr. Sutherland,	Mr. Lyons,
Mr. Terry,		Mr. R. Stewart,	Mr. Parkes,
Mr. S. Brown.		Mr. Farnell,	Mr. Isaacs,
		Mr. Mate,	<i>Tellers.</i>
		Mr. Phelps,	
		Mr. Graham,	Mr. Burns,
		Mr. Bell,	Mr. De Salis.
		Mr. Lee,	

No. 5.

(*Same Estimate.*)

Motion made,—That the item £500, Salary of Chairman of Committees, be reduced by the sum of £100. (*Mr. Driver.*)

Question put,—That a sum not exceeding £400, be granted for this service.  
Committee divided.

Ayes, 6.		Noes, 25.	
Mr. Morrice,		Mr. Robertson,	Mr. Gordon,
Mr. Driver,		Mr. Forster,	Mr. Alexander,
Mr. J. Stewart,		Mr. Josephson,	Mr. Piddington,
Mr. Tighe,		Mr. Samuel,	Mr. Wilson,
<i>Tellers.</i>		Mr. Egan,	Mr. W. Campbell,
Mr. S. Brown,		Mr. Hurley,	Mr. Hill,
Mr. Dodds.		Mr. Sutherland,	Mr. Lackey,
		Mr. R. Stewart,	Mr. Lyons,
		Mr. Farnell,	Mr. Isaacs,
		Mr. Mate,	<i>Tellers.</i>
		Mr. Phelps,	
		Mr. Graham,	Mr. De Salis.
		Mr. Bell,	Mr. Lloyd.
		Mr. Lee,	

*The Estimate was reduced by the sum of £375, without division, and, as amended (£5,860) put and carried.*

No. 6.

(*Police.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £147,013, to defray the Salaries and Contingencies of the Department of the "Police," for the year 1869. (*Mr. Robertson.*)

Motion

Motion made,—That the item £2,000, "Remount Horses," be reduced by the sum of £1,000. (*Mr. J. Stewart.*)

Question put,—That a sum not exceeding £1,000, be granted for this service. Committee divided.

Ayes, 17.		Noes, 16.	
Mr. De Salis,	Mr. W. Campbell,	Mr. Robertson,	Mr. Cummings,
Mr. Parkes,	Mr. Hart,	Mr. Forster,	Mr. Gordon,
Mr. Lackey,	Mr. Driver,	Mr. Samuel,	Mr. Nowlan,
Mr. Hill,	Mr. J. Stewart,	Mr. Egan,	Mr. Isaacs,
Mr. Terry,	Mr. S. Brown,	Mr. Josephson,	<i>Tellers.</i>
Mr. Dodds,	<i>Tellers.</i>	Mr. Sutherland,	Mr. Graham,
Mr. Lucas,	Mr. Farnell,	Mr. Hurley,	Mr. R. Stewart.
Mr. Lee,	Mr. Burns,	Mr. Tighe,	
Mr. Morrice,		Mr. Phelps,	
Mr. Cunneen,		Mr. Bell,	

No. 7.

(*Same Estimate.*)

Motion made,—That the amended Estimate be reduced by the sum of £6,392. (*Mr. Hart.*)

Question put,—That a sum not exceeding £139,621, be granted for this service.

Committee divided.

Ayes, 14.		Noes, 18.	
Mr. Burns,	Mr. Lucas,	Mr. Robertson,	Mr. Sutherland,
Mr. Lackey,	Mr. Cummings,	Mr. Forster,	Mr. Hurley,
Mr. Hill,	<i>Tellers.</i>	Mr. Samuel,	Mr. Graham,
Mr. R. Stewart,	Mr. J. Stewart,	Mr. Josephson,	Mr. Lyons,
Mr. S. Brown,	Mr. Driver,	Mr. Egan,	Mr. Nowlan,
Mr. Hart,		Mr. Farnell,	Mr. Gordon,
Mr. W. Campbell,		Mr. Parkes,	<i>Tellers.</i>
Mr. Cunneen,		Mr. Tighe,	Mr. Phelps,
Mr. Morrice,		Mr. Mate,	Mr. Dodds.
Mr. Terry,		Mr. Bell,	

No. 8.

(*Same Estimate.*)

Motion made,—That the amended Estimate be reduced by the sum of £2,689. (*Mr. Driver.*)

Question put,—That a sum not exceeding £143,324, be granted for this service.

Committee divided.

Ayes, 12.		Noes, 17.	
Mr. De Salis,	<i>Tellers.</i>	Mr. Robertson,	Mr. Nowlan,
Mr. Terry,	Mr. J. Stewart,	Mr. Forster,	Mr. Gordon,
Mr. R. Stewart,	Mr. Driver,	Mr. Sutherland,	Mr. Bell,
Mr. Lackey,		Mr. Josephson,	Mr. Graham,
Mr. Burns,		Mr. Samuel,	Mr. Tighe,
Mr. Lucas,		Mr. Egan,	<i>Tellers.</i>
Mr. Morrice,		Mr. Phelps,	Mr. Hurley,
Mr. Cunneen,		Mr. Alexander,	Mr. Farnell.
Mr. W. Campbell,		Mr. Dodds,	
Mr. Hart,		Mr. Mate,	

No. 9.

(*Same Estimate.*)

Motion made,—That the amended Estimate be reduced by the sum of £2,500. (*Mr. Hart.*)

Question put,—That a sum not exceeding £143,513, be granted for this service.

Committee divided.

Ayes, 11.		Noes, 16.	
Mr. Terry,	<i>Tellers.</i>	Mr. Robertson,	Mr. Farnell,
Mr. Hart,	Mr. De Salis,	Mr. Forster,	Mr. Gordon,
Mr. W. Campbell,	Mr. J. Stewart,	Mr. Samuel,	Mr. Mate,
Mr. Cunneen,		Mr. Sutherland,	Mr. Bell,
Mr. Morrice,		Mr. Josephson,	Mr. Nowlan,
Mr. Lucas,		Mr. Egan,	<i>Tellers.</i>
Mr. Burns,		Mr. Alexander,	Mr. Hurley,
Mr. Lackey,		Mr. Dodds,	Mr. Phelps,
Mr. Driver,		Mr. Graham,	

*The Estimate, as amended, £146,013, then put and carried.*

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

FRIDAY,

FRIDAY, 29 JANUARY, 1869.

No. 10.

ST. ANDREW'S CATHEDRAL CLOSE BILL.—(*Recommitted for the reconsideration of Schedules.*)

## FIRST SCHEDULE.

All that piece or parcel of "land" containing by admeasurement one acre three roods and thirty-eight perches situate in the parish of Saint Andrew city of Sydney county of Cumberland and Colony of New South Wales commencing at the intersection of the south building alignment of Druitt-street with the west building alignment of George-street and bounded thence on the east by the western building alignment of George-street being a line bearing south three degrees east two hundred and fifty-one feet thence on the south by a line bearing south eighty-four degrees ten minutes west two hundred and sixty-four feet thence again on the east by a line bearing south fifteen degrees east sixty-two feet thence again on the south by part of the northern boundary of allotment number nine granted for a Presbyterian Church being a line bearing south eighty-three degrees forty-five minutes west one hundred and two feet thence on the west by a line bearing north twelve degrees west one hundred and forty feet six inches forming the eastern boundary of allotment number nine aforesaid and of allotments numbers eight seven six five four and three to the southern building line of Druitt-street and thence on the north by that building line being a line bearing north eighty-two degrees forty minutes east three hundred and thirty-four feet to point of commencement. (*Read.*)

Motion made,—That all the words after the word "land," in line 1, be omitted, with a view to insert the following words, viz. :—"situate in the parish of Saint Andrew city of Sydney county of Cumberland Colony of New South Wales commencing at the intersection of the south building alignment of Druitt-street with the west building alignment of George-street and bounded thence on the east by the western building alignment of George-street being a line bearing south three degrees east two hundred and eighty-six feet thence on the south by a line bearing south eighty-three degrees forty-five minutes west two hundred and fifty-six feet five inches thence again on the east by a line bearing south fifteen degrees east twenty-five feet three inches thence again on the south by part of the northern boundary of allotment number nine granted for a Presbyterian Church being a line bearing south eighty-three degrees forty-five minutes west one hundred and two feet thence on the west by a line bearing north twelve degrees west one hundred and forty feet six inches and again on the west by a line bearing north eleven degrees fifty minutes east one hundred and seventy-three feet six inches forming the eastern boundary of allotment number nine aforesaid and of allotments numbers eight seven six five four and three to the southern building line of Druitt-street and thence on the north by that building line being a line bearing north eighty-two degrees forty minutes east three hundred and thirty-four feet to the point of commencement. (*Mr. Lucas.*)

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

Committee divided.

Ayes, 24.

Mr. Robertson,	Mr. Mac,
Mr. Samuel,	Mr. Farnell,
Mr. De Salis,	Mr. Tunks,
Mr. Josephson,	Mr. Gordon,
Mr. Byrnes,	Mr. W. Campbell,
Mr. Lyons,	Mr. J. Campbell,
Mr. Isaacs,	Mr. Cummings,
Mr. Neale,	Mr. Egan,
Mr. Wilson,	Mr. Tighe,
Mr. Nowlan,	
Mr. Lackey,	<i>Tellers.</i>
Mr. Graham,	Mr. Cunneen,
Mr. Lord,	Mr. Driver.

Noes, 9.

Mr. Dignam,
Mr. Forster,
Mr. S. Brown,
Mr. Parkes,
Dr. Laug,
Mr. R. Stewart,
Mr. J. Stewart,
<i>Tellers.</i>
Mr. Burns,
Mr. Lucas.

On motion of Mr. Driver, the Chairman left the Chair, to report the Schedules without amendment.

1868-9.

—  
LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

—  
No. 4.  
—

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

—  
WEDNESDAY, 3 FEBRUARY, 1869.

No. 1.

SUPPLY.—ESTIMATES FOR 1869.

(Registrar General.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £14,370, to defray the Salaries and Contingencies of the Registrar General's Department, for the year 1869. (*Mr. Robertson.*)

Motion made and Question put,—That the item £1,800 be reduced by the sum of £200—being a reduction from the Salary of one of the Examiners of Titles, at £1,000. (*Mr. Burns.*)

Committee divided.

Ayes, 10.

Mr. Lyons,  
Mr. Burns,  
Mr. Roberts,  
Mr. Hoskins,  
Mr. Lackey,  
Mr. Lucas,  
Mr. R. Stewart,  
Mr. Tighe,

Tellers.

Mr. J. Stewart,  
Mr. Driver.

Noes, 27.

Mr. Robertson, Mr. Forster, Mr. Samuel, Mr. Josephson, Mr. Wilson, Mr. Farnell, Mr. S. Brown, Mr. Egan, Mr. J. Suttor, Mr. Dodds, Mr. Smart, Mr. Bell, Mr. Cummings, Mr. Morrice, Mr. Phelps,	Mr. Gordon, Mr. Macleay, Mr. W. Campbell, Mr. Hannell, Mr. Byrnes, Mr. Ryan, Mr. Parkes, Mr. Alexander, Mr. Eagar, Mr. Sutherland, Tellers. Mr. De Salis, Mr. Windeyer.
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Original Estimate carried.

No. 2.

(Workhouse, Parramatta.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,203, to defray the Salaries and Contingencies of the Workhouse, Parramatta, for the year 1869. (*Mr. Robertson.*)

220—

Motion

Motion made and Question put,—That the entire Estimate be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 7.

Mr. S. Brown,  
Mr. De Salis.  
Mr. Roberts,  
Mr. Lucas,  
Mr. R. Stewart,

*Tellers.*

Mr. Driver,  
Mr. J. Stewart.

Noes, 28.

Mr. Robertson,	Mr. Phelps,
Mr. Forster,	Mr. Alexander,
Mr. Byrnes,	Mr. Lord,
Mr. Windeyer,	Mr. W. Campbell,
Mr. Wilson,	Mr. Macleay,
Mr. Egan,	Mr. Piddington,
Mr. Lyons,	Mr. Parkes,
Mr. Smart,	Mr. Sutherland,
Mr. Dodds,	Mr. Hoskins,
Mr. Bell,	Mr. Samuel,
Mr. Morrice,	Mr. Josephson,
Mr. J. Suttor,	<i>Tellers.</i>
Mr. Dignam,	Mr. Burns,
Mr. Cummings,	Mr. Farnell.
Mr. Gordon,	

No. 3.

(*Same Estimate.*)

Motion made and Question put,—That the Estimate be reduced by the sum of £1,200. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 18.

Mr. J. Stewart,	Mr. Dignam,
Mr. Burdekin,	Mr. R. Stewart,
Mr. Burns,	Mr. Morrice,
Mr. Lyons,	Mr. Hurley,
Mr. Cummings,	Mr. Hoskins,
Mr. Lucas,	Mr. Driver,
Mr. Neale,	<i>Tellers.</i>
Mr. Alexander,	Mr. De Salis,
Mr. Ryan,	Mr. S. Brown.
Mr. Hill,	

Noes, 29.

Mr. Robertson,	Mr. Lackey,
Mr. Forster,	Mr. W. Campbell,
Mr. Samuel,	Mr. Macleay,
Mr. Sutherland,	Mr. Josephson,
Mr. Byrnes,	Mr. Roberts,
Mr. Wilson,	Mr. Hannell,
Mr. Parkes,	Mr. Graham,
Mr. Egan,	Mr. Piddington,
Mr. J. Suttor,	Mr. Oatley,
Mr. Dodds,	Mr. Eagar,
Mr. J. Campbell,	Mr. Isaacs,
Mr. Phelps,	<i>Tellers.</i>
Mr. Mate,	Mr. Farnell,
Mr. Gordon,	Mr. Windeyer,
Mr. Lord,	
Mr. Bell,	

No. 4.

(*Same Estimate.*)

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

Committee divided.

Ayes, 15.

Mr. S. Brown,	Mr. Alexander,
Mr. Robertson,	Mr. Dignam,
Mr. Forster,	Mr. W. Campbell,
Mr. Egan,	Mr. Bell,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Josephson,	Mr. Burdekin,
Mr. Samuel,	Mr. Hurley.
Mr. Morrice,	
Mr. R. Stewart,	

Noes, 22.

Mr. Wilson,	Mr. Roberts,
Mr. Byrnes,	Mr. Lord,
Mr. Farnell,	Mr. Dodds,
Mr. Ryan,	Mr. Piddington,
Mr. J. Stewart,	Mr. Lucas,
Mr. Lyons,	Mr. Isaacs,
Mr. Lloyd,	Mr. Graham,
Mr. J. Suttor,	Mr. Eagar,
Mr. De Salis,	<i>Tellers.</i>
Mr. Mate,	Mr. Oatley,
Mr. Cummings,	Mr. Burns.
Mr. Lackey,	

And the Committee continuing to sit until after Midnight,—

THURSDAY, 4 FEBRUARY, 1869, A.M.

No. 5.

(*Same Estimate.*)

Motion made and Question put,—That the Chairman leave the Chair and report progress. (*Mr. J. Stewart.*)

Committee

Committee divided.

Ayes, 13.

Mr. Isaacs,	Mr. Burns,
Mr. Piddington,	Mr. Lloyd,
Mr. Farnell,	<i>Tellers.</i>
Mr. Eagar,	
Mr. Wilson,	Mr. De Salis,
Mr. J. Suttor,	Mr. J. Stewart.
Mr. Mate,	
Mr. Dodds,	
Mr. Lyons,	

Noes, 16.

Mr. Robertson,	Mr. Bell,
Mr. Forster,	Mr. R. Stewart,
Mr. Samuel,	Mr. Oatley,
Mr. Josephson,	Mr. Alexander,
Mr. Sutherland,	Mr. Macleay,
Mr. Egan,	<i>Tellers.</i>
Mr. Phelps,	
Mr. W. Campbell,	Mr. Driver,
Mr. Cummings,	Mr. Morrice.

No. 6.

(*Same Estimate.*)

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

Committee divided.

Ayes, 16.

Mr. Robertson,	Mr. Macleay,
Mr. Josephson,	Mr. Morrice,
Mr. Samuel,	Mr. Driver,
Mr. Egan,	Mr. Burdekin,
Mr. Sutherland,	Mr. Forster,
Mr. Cummings,	<i>Tellers.</i>
Mr. Alexander,	
Mr. W. Campbell,	Mr. R. Stewart,
Mr. Phelps,	Mr. Lloyd.

Noes, 10.

Mr. Isaacs,	<i>Tellers.</i>
Mr. Eagar,	
Mr. Oatley,	Mr. J. Stewart,
Mr. Wilson,	Mr. Burns.
Mr. Piddington,	
Mr. Mate,	
Mr. J. Suttor,	
Mr. Dodds,	

*Estimate postponed.*

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

THURSDAY, 4 FEBRUARY, 1869.

No. 7.

SUPPLY—ESTIMATES FOR 1869.

(*Charitable Institutions.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £700, to defray Salary and Contingencies under the head "Charitable Institutions," for the year 1869. (*Mr. Robertson.*)

Motion made,—That the item £500, Salary of Inspector of Public Charities, be reduced by the sum of £100. (*Mr. Piddington.*)

Question put,—That a sum not exceeding £400, be granted for this service.

Committee divided.

Ayes, 16.

Mr. J. Stewart,	Mr. S. Brown,
Mr. Piddington,	<i>Tellers.</i>
Mr. Bell,	
Mr. Graham,	Mr. Alexander,
Mr. Terry,	Mr. Driver.
Mr. Cummings,	
Mr. Lucas,	
Mr. J. Suttor,	
Mr. W. Campbell,	
Mr. R. Stewart,	
Mr. Morrice,	
Mr. Dignam,	
Mr. Hoskins,	

Noes, 23.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Burns,
Mr. Samuel,	Mr. W. Suttor,
Mr. Josephson,	Mr. Lackey,
Mr. Sutherland,	Mr. Lyons,
Mr. Egan,	Mr. Wilson,
Mr. Burdekin,	Mr. Byrnes,
Mr. Smart,	Mr. Parkes,
Mr. Hannell,	<i>Tellers.</i>
Mr. Dodds,	
Mr. Hill,	Mr. Farnell,
Mr. Phelps,	Mr. Windeyer.
Mr. Mate,	

No. 8.

(*Same Estimate.*)

Motion made,—That the item £500 be reduced by the sum of £50. (*Mr. Piddington.*)

Question put,—That a sum not exceeding £450 be granted for this service.

Committee divided.

Ayes, 16.

Mr. Alexander,	Mr. Hoskins,
Mr. J. Stewart,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Piddington,	Mr. S. Brown,
Mr. Bell,	Mr. Driver.
Mr. Graham,	
Mr. Terry,	
Mr. Lucas,	
Mr. J. Suttor,	
Mr. W. Campbell,	
Mr. R. Stewart,	
Mr. Morrice,	
Mr. Dignam,	

Noes, 23.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Burns,
Mr. Samuel,	Mr. W. Suttor,
Mr. Josephson,	Mr. Lackey,
Mr. Sutherland,	Mr. Wilson,
Mr. Egan,	Mr. Byrnes,
Mr. Burdekin,	Mr. Parkes,
Mr. Smart,	Mr. Windeyer,
Mr. Hannell,	<i>Tellers.</i>
Mr. Dodds,	
Mr. Hill,	Mr. Farnell,
Mr. Phelps,	Mr. Lyons.
Mr. Mate,	

No. 9.

No. 9.

*(Same Estimate.)*

Motion made and Question put,—That the item £200, Travelling Expenses, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 13.

Mr. J. Stewart,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Piddington,	Mr. Lloyd,
Mr. Hoskins,	Mr. Driver.
Mr. Terry,	
Mr. Lucas,	
Mr. J. Suttor,	
Mr. S. Brown,	
Mr. R. Stewart,	
Mr. Morrice,	
Mr. Dignam,	

Noes, 24.

Mr. Robertson,	Mr. W. Campbell,
Mr. Forster,	Mr. Gordon,
Mr. Samuel,	Mr. Lackey,
Mr. Josephson,	Mr. Lyons,
Mr. Egan,	Mr. Dodds,
Mr. Burns,	Mr. Wilson,
Mr. Parkes,	Mr. Byrnes,
Mr. Hill,	Mr. Isaacs,
Mr. Mate,	Mr. Hannell,
Mr. Tighe,	<i>Tellers.</i>
Mr. Smart,	
Mr. Phelps,	Mr. Farnell,
Mr. W. Suttor,	Mr. J. Campbell.

And a question arising as to whether a proposal to reduce the item could be entertained after the decision just arrived at on the motion for omission, the Chairman gave his opinion in the negative, in accordance with his reading of the 4th section of the 36th Standing Order.

On motion of Mr. Lucas, the Chairman left the Chair, to report the Point of Order,—and the Committee having resumed, the Chairman informed the Committee that the Speaker had decided that it was within the power of the Committee to reduce the item in question.

No. 10.

*(Same Estimate.)*

Motion made and Question put,—That the item £200, Travelling Expenses, be reduced by the sum of £150. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 13.

Mr. J. Stewart,	<i>Tellers.</i>
Mr. Morrice,	
Mr. Piddington,	Mr. S. Brown,
Mr. Hoskins,	Mr. Driver.
Mr. Cummings,	
Mr. R. Stewart,	
Mr. Lucas,	
Mr. Terry,	
Mr. Alexander,	
Mr. Roberts,	
Mr. Dignam,	

Noes, 22.

Mr. Robertson,	Mr. Mate,
Mr. Josephson,	Mr. Lackey,
Mr. Samuel,	Mr. Lyons,
Mr. Egan,	Mr. Egar,
Mr. Sutherland,	Mr. Wilson,
Mr. Ryan,	Mr. Byrnes,
Mr. Dodds,	Mr. Isaacs,
Mr. Tighe,	Mr. Parkes,
Mr. Hannell,	<i>Tellers.</i>
Mr. Gordon,	
Mr. J. Campbell,	Mr. Farnell,
Mr. Graham,	Mr. Hill.

No. 11.

*(Same Estimate.)*

Original Question proposed.

Committee divided.

Ayes, 23.

Mr. Robertson,	Dr. Lang,
Mr. Samuel,	Mr. Gordon,
Mr. Josephson,	Mr. Farnell,
Mr. Egan,	Mr. Tighe,
Mr. Sutherland,	Mr. Egar,
Mr. Piddington,	Mr. Byrnes,
Mr. Isaacs,	Mr. Forster,
Mr. Parkes,	Mr. Wilson,
Mr. Graham,	<i>Tellers.</i>
Mr. Hannell,	
Mr. Mate,	Mr. Dodds,
Mr. J. Campbell,	Mr. Lyons.
Mr. Hill,	

Noes, 13.

Mr. Hoskins,	<i>Tellers.</i>
Mr. Lucas,	
Mr. Morrice,	Mr. J. Stewart,
Mr. Alexander,	Mr. Driver.
Mr. Cummings,	
Mr. Dignam,	
Mr. Roberts,	
Mr. Ryan,	
Mr. S. Brown,	
Mr. Terry,	
Mr. R. Stewart,	

*Original Estimate carried.*

No. 12.

*(Charitable Allowances.)*

Question proposed,—That there be granted to Her Majesty a sum not exceeding £34,281, to defray the charges for Charitable Allowances, for the year 1869. (*Mr. Robertson.*)

Motion made and question put—That the item £1,000, Rewards for Apprehension of Offenders, be omitted. (*Mr. Dignam.*)

Committee

Committee divided.

Ayes, 6.

Mr. R. Stewart,  
Mr. Driver,  
Mr. Dignam,  
Mr. S. Brown,

*Tellers.*

Mr. De Salis,  
Mr. J. Stewart.

Noes, 28.

Mr. Robertson,	Mr. Morrice,
Mr. Forster,	Dr. Lang,
Mr. Samuel,	Mr. W. Suttor,
Mr. Josephson,	Mr. Hoskins,
Mr. Egan,	Mr. Roberts,
Mr. Sutherland,	Mr. W. Campbell,
Mr. Byrnes,	Mr. J. Suttor,
Mr. Hill,	Mr. Mate,
Mr. Hannell,	Mr. Dodds,
Mr. Ryan,	Mr. Parkes,
Mr. Lackey,	Mr. Isaacs,
Mr. Terry,	<i>Tellers.</i>
Mr. Lyons,	Mr. Farnell,
Mr. Bell,	Mr. Graham.
Mr. Cummings,	

*Original Estimate carried.*

No. 13.

*(District Courts.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £11,121, to defray the charges for District Courts, for the year 1869. (*Mr. Josephson.*)

*The Estimate having been reduced by the sum of £100 (without division),—*

Original Question, as amended (£11,021), put.

Committee divided.

Ayes, 28.

Mr. Robertson,	Mr. J. Suttor,
Mr. Josephson,	Mr. Bell,
Mr. Samuel,	Mr. Hoskins,
Mr. Forster,	Mr. Terry,
Mr. Egan,	Mr. Wilson,
Mr. Hill,	Mr. Graham,
Mr. Morrice,	Mr. Dodds,
Mr. Alexander,	Mr. W. Campbell,
Mr. W. Suttor,	Mr. Dignam,
Mr. Parkes,	Mr. Sutherland,
Dr. Lang,	Mr. Byrnes,
Mr. Cummings,	<i>Tellers.</i>
Mr. Hannell,	Mr. S. Brown,
Mr. J. Campbell,	Mr. Driver.
Mr. Mate,	

Noes, 2.

*Tellers.*

Mr. De Salis,  
Mr. J. Stewart.

*Estimate, as reduced (£11,021), carried.*

No. 14.

*(Quarter Sessions.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £13,104, to defray the charges for Quarter Sessions, for the year 1869. (*Mr. Josephson.*)

Motion made and Question put,—That the Chairman leave the Chair and report progress. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 9.

Mr. Wilson,  
Mr. Parkes,  
Mr. Egan,  
Mr. J. Suttor,  
Mr. Hill,  
Mr. Dignam,  
Mr. Byrnes,

*Tellers.*

Mr. De Salis,  
Mr. J. Stewart.

Noes, 24.

Mr. Robertson,	Mr. Terry,
Mr. Sutherland,	Mr. Macleay,
Mr. Josephson,	Mr. Alexander,
Mr. Egan,	Mr. W. Suttor,
Mr. W. Campbell,	Mr. Ryan,
Dr. Lang,	Mr. Graham,
Mr. Morrice,	Mr. Samuel,
Mr. Mate,	Mr. S. Brown,
Mr. Cummings,	Mr. Forster,
Mr. Bell,	<i>Tellers.</i>
Mr. Hannell,	Mr. Dodds,
Mr. J. Campbell,	Mr. Roberts.
Mr. Driver,	

No. 15.

*(Same Estimate.)*

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

And

And the Committee continuing to sit until after Midnight,—

FRIDAY, 5 FEBRUARY, 1869, A.M.—

Committee divided.

Ayes, 6.

Mr. De Salis,  
Mr. Piddington,  
Mr. R. Stewart,  
Mr. Burns,  
*Tellers.*  
Mr. Farnell,  
Mr. J. Stewart.

Noes, 21.

Mr. Robertson,	Mr. Phelps,
Mr. Forster,	Mr. Lloyd,
Mr. Josephson,	Mr. Bell,
Mr. Samuel,	Mr. W. Suttor,
Mr. Egan,	Mr. Macleay,
Mr. Sutherland,	Mr. Cummings,
Mr. W. Campbell,	Mr. Hannell,
Mr. Driver,	<i>Tellers.</i>
Mr. Dodds,	Mr. Burdekin,
Mr. Morrice,	Mr. Graham.
Mr. Hoskins,	
Mr. J. Suttor,	

No. 16.

(*Same Estimate.*)

Motion made and Question put,—That the item £550, Salary of Clerk of the Peace, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*  
Mr. De Salis,  
Mr. J. Stewart.

Noes, 20.

Mr. Josephson,	Mr. R. Stewart,
Mr. Robertson,	Mr. J. Suttor,
Mr. Forster,	Mr. Phelps,
Mr. Samuel,	Mr. Bell,
Mr. Egan,	Mr. W. Suttor,
Mr. Sutherland,	Mr. Macleay,
Mr. W. Campbell,	Mr. Hoskins,
Mr. Driver,	<i>Tellers.</i>
Mr. Farnell,	Mr. Graham,
Mr. Dodds,	Mr. Burdekin.
Mr. Morrice,	

Motion made and Question put,—That the item £200, Salary of Clerk, be omitted. (*Mr. J. Stewart.*) Division called for,—but there being no Tellers for the Ayes, no division could be had.

*Original Estimate carried.*

No. 17.

(*Coroners Inquests.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £3,425, to defray the charges for Coroners Inquests, for the year 1869. (*Mr. Josephson.*)

Motion made and Question put,—That the Chairman leave the Chair and report progress. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*  
Mr. Piddington,  
Mr. J. Stewart.

Noes, 21.

Mr. Robertson,	Mr. Phelps,
Mr. Forster,	Mr. J. Suttor,
Mr. Josephson,	Mr. Bell,
Mr. Samuel,	Mr. Lloyd,
Mr. Egan,	Mr. Macleay,
Mr. Sutherland,	Mr. Hoskins,
Mr. W. Campbell,	Mr. Cummings,
Mr. Driver,	<i>Tellers.</i>
Mr. Farnell,	Mr. Hannell,
Mr. Dodds,	Mr. Burdekin.
Mr. Morrice,	
Mr. R. Stewart,	

*Original Estimate carried.*

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

1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 5.

## WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 10 FEBRUARY, 1869.

No. 1.

SUPPLY.—ESTIMATES FOR 1869.

*(Customs.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £30,776, to defray the Salaries and Contingencies of the Customs Department, for the year 1869. *(Mr. Samuel.)*

Motion made,—That the item £900, Salary of Collector, be reduced by the sum of £200. *(Mr. J. Stewart.)*

Question put,—That a sum not exceeding £700 be granted for this service.

Committee divided.

Ayes, 12.

Mr. Martin,  
Mr. Eagar,  
Mr. Isaacs,  
Mr. J. Stewart,  
Mr. De Salis,  
Mr. Driver,  
Mr. Piddington,  
Mr. Lackey,  
Mr. Wilson,  
Mr. Byrnes,

*Tellers.*

Mr. Burns,  
Mr. Walker.

Noes, 27.

Mr. Robertson,	Mr. Cooper,
Mr. Forster,	Mr. Gordon,
Mr. Samuel,	Mr. J. Suttor,
Mr. Josephson,	Mr. Alexander,
Mr. Sutherland,	Mr. Bell,
Mr. Egan,	Mr. Burdekin,
Mr. Hurley,	Mr. Ryan,
Mr. Parkes,	Mr. Neale,
Mr. Dignam,	Mr. Hart,
Mr. Tighe,	Mr. S. Brown,
Mr. Hill,	<i>Tellers.</i>
Mr. Morrice,	Mr. Cunneen,
Mr. Cummings,	Mr. Mate.
Mr. Phelps,	
Mr. W. Campbell,	

*The Estimate was reduced by the omission of the sum of £225—Salary of one of two Clerks at £225 each—on motion of Mr. Samuel.*

No. 2.

*(Same Estimate.)*

Original Question, as reduced (£30,551), proposed.

Motion made,—That the item £400, Salary of Sub-Collector at Moama, be reduced by the sum of £150.

Question put,—That a sum not exceeding £250 be granted for this service.

*(Mr. Mate.)*

Committee divided.

Ayes, 20.

Mr. De Salis,	Mr. Dignam,
Mr. Lloyd,	Mr. Morrice,
Mr. Parkes,	Mr. Alexander,
Mr. Oatley,	Mr. Hart,
Mr. Burns,	Mr. Hurley,
Mr. Driver,	<i>Tellers.</i>
Mr. Lucas,	Mr. Piddington,
Mr. J. Suttor,	Mr. J. Stewart.
Mr. Lackey,	
Mr. Nowlan,	
Mr. Graham,	
Mr. Mate,	
Mr. R. Stewart,	

Noes, 23.

Mr. Robertson,	Mr. Cooper,
Mr. Forster,	Mr. Hill,
Mr. Samuel,	Mr. W. Campbell,
Mr. Josephson,	Mr. Cunneen,
Mr. Sutherland,	Mr. Byrnes,
Mr. Egan,	Mr. Lyons,
Mr. Eagar,	Mr. Isaacs,
Mr. Wilson,	Mr. S. Brown,
Mr. Tighe,	<i>Tellers.</i>
Mr. Phelps,	Mr. Farnell,
Mr. Bell,	Mr. Walker.
Mr. Lord,	
Mr. Gordon,	

No. 3.

*(Same Estimate.)*Motion made,—That the item £400, Salary of Sub-Collector at Moama, be reduced by the sum of £100. *(Mr. J. Stewart.)*

Question put,—That a sum not exceeding £300 be granted for this service.

Committee divided.

Ayes, 21.

Mr. De Salis,	Mr. Nowlan,
Mr. J. Stewart,	Mr. Graham,
Mr. Lloyd,	Mr. Mate,
Mr. Cunneen,	Mr. R. Stewart,
Mr. Byrnes,	Mr. Dignam,
Mr. Parkes,	Mr. Morrice,
Mr. Oatley,	Mr. Alexander,
Mr. Lucas,	<i>Tellers.</i>
Mr. Driver,	Mr. Burns,
Mr. Farnell,	Mr. Piddington.
Mr. J. Suttor,	
Mr. Lackey,	

Noes, 20.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Cooper,
Mr. Samuel,	Mr. Hill,
Mr. Josephson,	Mr. W. Campbell,
Mr. Sutherland,	Mr. Hurley,
Mr. Egan,	Mr. S. Brown,
Mr. Eagar,	<i>Tellers.</i>
Mr. Wilson,	Mr. Lyons,
Mr. Tighe,	Mr. Hart.
Mr. Phelps,	
Mr. Bell,	
Mr. Lord,	

No. 4.

*(Same Estimate.)*

Original Question, as further reduced (£30,451), proposed.

Motion made and Question put,—That the item £350, Searchers and Night Watchmen (2) at £175, be omitted. *(Mr. Mate.)*

Committee divided.

Ayes, 17.

Mr. S. Brown,	Mr. Lucas,
Mr. Hart,	Mr. Piddington,
Mr. Morrice,	Mr. Byrnes,
Mr. Dignam,	<i>Tellers.</i>
Mr. R. Stewart,	Mr. Lloyd,
Mr. Mate,	Mr. J. Stewart.
Mr. Graham,	
Mr. Lackey,	
Mr. J. Suttor,	
Mr. Driver,	
Mr. Nowlan,	
Mr. Burns,	

Noes, 22.

Mr. Robertson,	Mr. Lord,
Mr. Samuel,	Mr. Gordon,
Mr. Forster,	Mr. Cooper,
Mr. Josephson,	Mr. W. Campbell,
Mr. Sutherland,	Mr. Lyons,
Mr. Egan,	Mr. Farnell,
Mr. Eagar,	Mr. Oatley,
Mr. Parkes,	Mr. Tighe,
Mr. Phelps,	<i>Tellers.</i>
Mr. Bell,	Mr. Hurley,
Mr. Alexander,	Mr. Walker.
Mr. Hill,	

No. 5.

*(Same Estimate.)*Motion made and Question put,—That the item £250, 1st Customs Officer at Albury, be omitted. *(Mr. R. Stewart.)*

Committee divided.

Ayes, 18.

Mr. Lloyd,	Mr. Mate,
Mr. Cummings,	Mr. R. Stewart,
Mr. Burns,	Mr. Morrice,
Mr. Byrnes,	Mr. Hart,
Mr. Lucas,	Mr. S. Brown,
Mr. Parkes,	Mr. Driver,
Mr. Nowlan,	<i>Tellers.</i>
Mr. J. Suttor,	Mr. De Salis,
Mr. Piddington,	Mr. J. Stewart.
Mr. Graham,	

Noes, 18.

Mr. Robertson,	Mr. Campbell,
Mr. Samuel,	Mr. Ryan,
Mr. Forster,	Mr. Farnell,
Mr. Sutherland,	Mr. Oatley,
Mr. Egan,	Mr. Tighe,
Mr. Eagar,	Mr. Josephson,
Mr. Bell,	<i>Tellers.</i>
Mr. Hill,	Mr. Hurley,
Mr. Cooper,	Mr. Walker.
Mr. Gordon,	

The numbers being equal, the Chairman gave his Casting Vote with the Ayes.  
*The Estimate was further reduced by the omission of the two sums of £250—for Lockers at Yass and Goulburn, respectively—on motion of Mr. Samuel.*  
*Estimate, as reduced (£29,701), carried.*

No. 6.

No. 6.

(Gunpowder Magazines.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,408, to defray Salaries and Contingencies under the head Gunpowder Magazines, for the year 1869. (Mr. Samuel.)

Motion made and Question put,—That the item £175, Salary of Assistant Foreman, Goat Island, be omitted. (Mr. Lucas.)  
Committee divided.

- |                 |               |                 |                  |
|-----------------|---------------|-----------------|------------------|
| Ayes, 13.       |               | Noes, 19.       |                  |
| Mr. J. Stewart, |               | Mr. Robertson,  | Mr. J. Suttor,   |
| Mr. De Salis,   | Tellers.      | Mr. Forster,    | Mr. Cooper,      |
| Mr. Burns,      | Mr. S. Brown, | Mr. Samuel,     | Mr. W. Campbell, |
| Mr. Alexander,  | Mr. Driver.   | Mr. Egan,       | Mr. Gordon,      |
| Mr. Lucas,      |               | Mr. Sutherland, | Mr. Phelps,      |
| Mr. Mate,       |               | Mr. Egar,       | Mr. Wilson,      |
| Mr. Dignam,     |               | Mr. Parkes,     | Tellers.         |
| Mr. Graham,     |               | Mr. Hurley,     |                  |
| Mr. R. Stewart, |               | Mr. Bell,       | Mr. Cummeen,     |
| Mr. Morrice,    |               | Mr. Josephson,  | Mr. Oatley.      |
| Mr. Hart,       |               | Mr. Cummings,   |                  |

Original Estimate carried.

No. 7.

(Harbours, Light Houses, and Pilot Department.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £24,455, to defray the Salaries and Contingencies of the Harbours, Light Houses, and Pilot Department, for the year 1869. (Mr. Samuel.)

Motion made and Question put,—That the item £384, Boatmen at Twofold Bay (4), be omitted. (Mr. J. Stewart.)  
Committee divided.

- |                 |  |                  |                |
|-----------------|--|------------------|----------------|
| Ayes, 8.        |  | Noes, 19.        |                |
| Mr. Parkes,     |  | Mr. Egar,        | Mr. Macleay,   |
| Mr. Mate,       |  | Mr. Forster,     | Mr. Graham,    |
| Mr. R. Stewart, |  | Mr. Josephson,   | Mr. Burdekin,  |
| Mr. Oatley,     |  | Mr. Samuel,      | Mr. Driver,    |
| Mr. Farnell,    |  | Mr. Egan,        | Mr. Morrice,   |
| Mr. Dignam,     |  | Mr. Sutherland,  | Mr. Robertson, |
| Tellers.        |  | Mr. Bell,        | Tellers.       |
| Mr. De Salis,   |  | Mr. Cummings,    |                |
| Mr. J. Stewart. |  | Mr. Alexander,   | Mr. Hurley,    |
|                 |  | Mr. Hill,        | Mr. Burns.     |
|                 |  | Mr. W. Campbell, |                |

Original Estimate carried.

No. 8.

(Miscellaneous Services.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £31,747, to defray Miscellaneous Services, for the year 1869.

Motion made and Question put,—That the item £200, Queen's Plate, be omitted. (Mr. Burns.)  
Committee divided.

- |                 |  |                 |                  |
|-----------------|--|-----------------|------------------|
| Ayes, 7.        |  | Noes, 22.       |                  |
| Mr. Parkes,     |  | Mr. Egar,       | Mr. Robertson,   |
| Mr. R. Stewart, |  | Mr. Samuel,     | Mr. Oatley,      |
| Mr. Mate,       |  | Mr. Josephson,  | Mr. Farnell,     |
| Mr. Cummings,   |  | Mr. Forster,    | Mr. Ryan,        |
| Mr. Wilson,     |  | Mr. Egan,       | Mr. Burdekin,    |
| Tellers.        |  | Mr. Hurley,     | Mr. Graham,      |
| Mr. De Salis,   |  | Mr. Sutherland, | Mr. W. Campbell, |
| Mr. J. Stewart. |  | Mr. Bell,       | Mr. Hill,        |
|                 |  | Mr. Dignam,     | Tellers.         |
|                 |  | Mr. Alexander,  |                  |
|                 |  | Mr. Phelps,     | Mr. Driver,      |
|                 |  | Mr. Lloyd,      | Mr. Morrice.     |

The Estimate was reduced by the omission of the item £267—Gratuity to Mr. W. A. Hunt—on motion of Mr. Samuel.

And the Committee continuing to sit until after Midnight,—

THURSDAY, 11 FEBRUARY, 1869, A.M.

Estimate, as reduced (£31,480), carried.

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

THURSDAY,

THURSDAY, 11 FEBRUARY, 1869.

No. 9.

SUPPLY.—ESTIMATES FOR 1869.

*(Department of Lands.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £11,957, to defray the Salaries and Contingencies of the Department of Lands, for the year 1869. (*Mr. Forster.*)

Motion made,—That the item £1,500, Salary for Secretary for Lands, be reduced by the sum of £300. (*Mr. Piddington.*)

Question put,—That a sum not exceeding £1,200 be granted for this service. Committee divided.

Ayes, 5.

Mr. Driver,  
Mr. Cunneen,  
Mr. Nowlan,

Tellers.

Mr. Piddington,  
Mr. Rodd.

Nocs, 39.

Mr. Robertson,	Mr. Lord,
Mr. Egan,	Mr. Wilson,
Mr. Josephson,	Mr. W. Campbell,
Mr. Samuel,	Mr. Alexander,
Mr. J. Stewart,	Mr. J. Suttor,
Mr. Windeyer,	Mr. W. Suttor,
Mr. Parkes,	Mr. Smart,
Mr. Hill,	Mr. Graham,
Mr. Dignam,	Mr. Hart,
Mr. Lucas,	Mr. Burdekin,
Mr. Morrice,	Mr. Byrnes,
Mr. Bell,	Mr. Farnell,
Dr. Lang,	Mr. Tighe,
Mr. Cummings,	Mr. S. Brown,
Mr. Cooper,	Mr. Isaacs,
Mr. Lackey,	Mr. Sutherland,
Mr. Lyons,	Tellers.
Mr. Phelps,	Mr. Burns,
Mr. Mate,	Mr. De Salis.
Mr. Lloyd,	
Mr. Gordon,	

*Original Estimate carried.*

No. 10.

*(Survey of Lands.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £67,341, to defray the Salaries and Contingencies of the Establishment for the Survey of Lands, for the year 1869. (*Mr. Forster.*)

Motion made and question put,—That the item £200, Custodian of Plans, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 2.

Tellers.

Mr. Driver,  
Mr. J. Stewart.

Nocs, 32.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Cunneen,
Mr. Josephson,	Mr. Nowlan,
Mr. Samuel,	Mr. W. Suttor,
Mr. Egan,	Mr. Wilson,
Mr. Sutherland,	Mr. J. Campbell,
Mr. Hill,	Mr. Hart,
Mr. Dignam,	Mr. Burdekin,
Mr. W. Campbell,	Mr. Byrnes,
Mr. Cummings,	Mr. Farnell,
Mr. Mate,	Mr. Tighe,
Mr. Bell,	Mr. Piddington,
Mr. Alexander,	Mr. Parkes,
Dr. Lang,	Tellers.
Mr. Phelps,	Mr. Burns,
Mr. Cooper,	Mr. Lucas.
Mr. Lloyd,	

No. 11.

*(Same Estimate.)*

Motion made and Question put,—That the item £50, Allowance in lieu of Forage for one Horse to Surveyor General, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 3.

Mr. Tighe,

Tellers.

Mr. Piddington,  
Mr. J. Stewart.

Nocs, 25.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Nowlan,
Mr. Sutherland,	Mr. Lackey,
Mr. Josephson,	Mr. Lyons,
Mr. Egan,	Mr. Burns,
Mr. De Salis,	Mr. Graham,
Mr. Hill,	Mr. Oatley,
Mr. Tunks,	Mr. J. Campbell,
Mr. Cooper,	Tellers.
Mr. Alexander,	Mr. Farnell,
Mr. Mate,	Mr. Hart.
Mr. Dignam,	
Mr. Phelps,	

*Original Estimate carried.*

No. 12.

No. 12.

*(Occupation of Lands.)*

Question proposed,—That there be granted to Her Majesty a sum not exceeding £14,682, to defray the Salaries and Contingencies of the Establishment for the Occupation of Lands, for the year 1869. (*Mr. Forster.*)

Motion made,—That the sum of £7,412, under the head "Pastoral Districts," be reduced by the sum of £1,000. (*Mr. Piddington.*)

Question put,—That a sum not exceeding £6,412 be granted for this service. Committee divided.

Ayes, 10.

Mr. Parkes,  
Mr. Lucas,  
Mr. Nowlan,  
Mr. Oatley,  
Mr. Dignam,  
Mr. Morrice,  
Mr. Tighe,  
Mr. Driver,  
*Tellers.*  
Mr. Piddington,  
Mr. J. Stewart.

Noes, 21.

Mr. Robertson, Mr. Gordon,  
Mr. Forster, Mr. Cummings,  
Mr. Samuel, Mr. Cooper,  
Mr. Josephson, Mr. W. Campbell,  
Mr. Egan, Mr. Lloyd,  
Mr. Sutherland, Mr. Graham,  
Mr. W. Suttor, Mr. Wilson,  
Mr. Phelps, *Tellers.*  
Mr. Hill, Mr. Farnell,  
Mr. Lord, Mr. Mate,  
Mr. Bell,  
Mr. Cunneen,

No. 13.

*(Same Estimate.)*

Motion made and Question put,—That the item £400, Allowance to Commissioners in lieu of Quarters, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 9.

Mr. Parkes,  
Mr. Nowlan,  
Mr. Oatley,  
Mr. Dignam,  
Mr. Morrice,  
Mr. Tighe,  
Mr. Driver,  
*Tellers.*  
Mr. Piddington,  
Mr. J. Stewart.

Noes, 21.

Mr. Robertson, Mr. Gordon,  
Mr. Forster, Mr. W. Campbell,  
Mr. Samuel, Mr. Lloyd,  
Mr. Josephson, Mr. Graham,  
Mr. Egan, Mr. Wilson,  
Mr. Sutherland, Mr. Farnell,  
Mr. W. Suttor, Mr. Cunneen,  
Mr. Hill, *Tellers.*  
Mr. Cummings, Mr. Mate,  
Mr. Bell, Mr. Phelps,  
Mr. Lord,  
Mr. Cooper,

No. 14.

*(Same Estimate.)*

Motion made,—That the item £400, Allowance to Commissioners in lieu of Quarters, be reduced by the sum of £100. (*Mr. Driver.*)

Question put,—That a sum not exceeding £300 be granted for this service. Committee divided.

Ayes, 9.

Mr. Parkes,  
Mr. Mate,  
Mr. Lucas,  
Mr. Dignam,  
Mr. Morrice,  
Mr. Tighe,  
Mr. Driver,  
*Tellers.*  
Mr. Piddington,  
Mr. J. Stewart,

Noes, 18.

Mr. Robertson, Mr. Wilson,  
Mr. Forster, Mr. Graham,  
Mr. Josephson, Mr. Lloyd,  
Mr. Egan, Mr. Cooper,  
Mr. Samuel, Mr. W. Campbell,  
Mr. Sutherland, *Tellers.*  
Mr. Hill, Mr. Phelps,  
Mr. Cummings, Mr. W. Suttor,  
Mr. Bell,  
Mr. Cunneen,  
Mr. Farnell,

No. 15.

*(Same Estimate.)*

Motion made and Question put,—That the item £200, Forage Allowances when specially sanctioned, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 11.

Mr. Burns,  
Mr. Parkes,  
Mr. Nowlan,  
Mr. Lucas,  
Mr. Oatley,  
Mr. Tighe,  
Mr. Dignam,  
Mr. Morrice,  
Mr. Driver,  
*Tellers.*  
Mr. Piddington,  
Mr. J. Stewart.

Noes, 19.

Mr. Hill, Mr. W. Campbell,  
Mr. Forster, Mr. Wilson,  
Mr. Samuel, Mr. Robertson,  
Mr. Egan, Mr. Sutherland,  
Mr. Josephson, *Tellers.*  
Mr. De Salis, Mr. Farnell,  
Mr. W. Suttor, Mr. Graham,  
Mr. Mate,  
Mr. Cunneen,  
Mr. Cummings,  
Mr. Cooper,  
Mr. Bell,  
Mr. Phelps.

*Original Estimate carried.*

No. 16.

No. 16.

*(Gold Fields.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,539, to defray the Salaries and Contingencies of the Gold Fields Establishments, for the year 1869. (*Mr. Forster.*)

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

Committee divided.

Ayes, 11.

Mr. Tighe,	<i>Tellers.</i>
Mr. Parkes,	
Mr. Burns,	Mr. Piddington,
Mr. De Salis,	Mr. J. Stewart.
Mr. Nowlan,	
Mr. Tunks	
Mr. Lucas,	
Mr. J. Campbell,	
Mr. Graham,	

Noes, 15.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Morrice,
Mr. Josephson,	Mr. W. Campbell,
Mr. Samuel,	Mr. Cunneen,
Mr. Egan,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Dignam,	Mr. Hill,
Mr. W. Suttor,	Mr. Driver.
Mr. Cummings,	

No. 17.

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

Committee divided.

Ayes, 13.

Mr. Isaacs,	Mr. J. Campbell,
Mr. Hill,	Mr. Parkes,
Mr. Lucas,	<i>Tellers.</i>
Mr. De Salis,	
Mr. Nowlan,	Mr. J. Stewart,
Mr. Burns,	Mr. Piddington.
Mr. Wilson,	
Mr. Graham,	
Mr. Tunks,	

Noes, 16.

Mr. Robertson,	Mr. Morrice,
Mr. Forster,	Mr. Bell,
Mr. Josephson,	Mr. Cooper,
Mr. Sutherland,	Mr. Cunneen,
Mr. Samuel,	Mr. W. Campbell,
Mr. Egan,	<i>Tellers.</i>
Mr. Dignam,	
Mr. Phelps,	Mr. W. Suttor,
Mr. Cummings,	Mr. Driver.

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

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FRIDAY, 12 FEBRUARY, 1869.

No. 18.

EXEMPTION OF UNIVERSITY AND AFFILIATED COLLEGES FROM MUNICIPAL TAXATION.

Question proposed,—That the Committee agree to the following 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 the year 1869, a sum not exceeding £2,000, to compensate the Municipality of Cook for loss sustained by them by reason of the Legislature having exempted the University and Colleges from taxation. (*Mr. S. Brown.*)

Amendment proposed,—That the figures £2,000 be omitted, with the view of inserting the figures £500. (*Mr. Burdekin.*)

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

Committee divided.

Ayes, 19.

Mr. Robertson,	Mr. W. Suttor,
Mr. Forster,	Mr. Nowlan,
Mr. Samuel,	Mr. Wilson,
Mr. Josephson,	Mr. Isaacs,
Mr. Sutherland,	Mr. Burns,
Mr. J. Stewart,	Mr. Parkes,
Mr. Hart,	<i>Tellers.</i>
Mr. Dignam,	
Mr. Oatley,	Mr. Piddington,
Mr. Graham,	Mr. Windeyer.
Mr. J. Suttor,	

Noes, 9.

Mr. Farnell,
Mr. Burdekin,
Mr. Driver,
Mr. Tighe,
Mr. Mate,
Mr. Neale,
Mr. Cummings,
<i>Tellers.</i>
Mr. S. Brown,
Mr. De Salis.

Original Resolution then put, and *negatived.*

On motion of Mr. Samuel, the Chairman left the Chair.

*No report.*

No. 19.

No. 19.

## WATER SUPPLY FOR THE GOLD FIELDS.

Question proposed,—That the Committee agree to the following Resolution,—

Resolved,—That an Address be presented to the Governor, praying that His Excellency will please to cause to be placed on the Supplementary Estimates for this year, a sum not exceeding £1,000, to defray the expense of a competent person (to be appointed by the Government) for the purpose of examining and reporting upon the best means of procuring permanent Water Supply on the different Gold Fields of the Colony. (*Mr. J. Suttor.*)

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

Committee divided.

Ayes, 7.

Mr. Robertson,  
Mr. Forster,  
Mr. Josephson,  
Mr. Sutherland,  
Mr. Cummings,

*Tellers.*

Mr. S. Brown,  
Mr. Driver.

Noes, 17.

Mr. Martin,	Mr. Wilson,
Mr. Parkes,	Mr. Tighe,
Mr. Windeyer,	Mr. Farnell,
Mr. Burns,	Mr. Nowlan,
Mr. Oatley,	Mr. Isaacs,
Mr. Mate,	<i>Tellers.</i>
Mr. W. Suttor,	Mr. De Salis,
Mr. Graham,	Mr. J. Stewart.
Mr. Lucas,	
Mr. J. Suttor,	

Resolution then put and *agreed to.*

The Chairman left the Chair, to report the Resolution.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 6.

## WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

THURSDAY, 18 FEBRUARY, 1869.

No. 1.

## COMPULSORY VACCINATION BILL.

Question proposed,—That the Committee agree to the following Resolution,—

Resolved,—That it is desirable to introduce a Bill to render Vaccination compulsory. (*Mr Robertson.*)

Committee divided.

Ayes, 36.

Mr. Robertson,	Mr. Gordon,
Mr. Samuel,	Mr. Mate,
Mr. Forster,	Mr. Lucas,
Mr. Josephson,	Mr. Tighe,
Mr. Sutherland,	Mr. W. Suttor,
Mr. Egan,	Mr. Lyons,
Dr. Lang,	Mr. Cummings,
Mr. Hannell,	Mr. Wisdom,
Mr. Cunneen,	Mr. Driver,
Mr. Bell,	Mr. R. Stewart,
Mr. Rodd,	Mr. Morrice,
Mr. Dodds,	Mr. J. Stewart,
Mr. Cooper,	Mr. Farnell,
Mr. Lee,	Mr. S. Brown,
Mr. McKay,	Mr. Tunks,
Mr. Luckey,	<i>Tellers.</i>
Mr. Nowlan,	
Mr. Alexander,	Mr. Burns,
Mr. J. Suttor,	Mr. De Salis.

Noes, 2.

*Tellers.*  
Mr. Roberts,  
Mr. Wilson.

The Chairman left the Chair, to report the Resolution.

No. 2.

## SUPPLY.—ESTIMATES FOR 1869.

*(Prevention of Scab in Sheep.)*Question proposed,—That there be granted to Her Majesty, a sum not exceeding £11,495, to defray charges for prevention of Scab in Sheep, for the year 1869. (*Mr. Forster.*)Motion made,—That the Estimate be reduced by the sum of £1,900. (*Mr. Forster.*)

Question.

Question proposed,—That a sum not exceeding £9,595 be granted for this service.

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

Committee divided.

Ayes, 11.

Mr. Isaacs,  
Mr. Burns,  
Mr. Parkes,  
Mr. Wilson,  
Mr. De Salis,  
Mr. Tunks,  
Mr. Wisdom,  
Mr. Tighe,  
Mr. Hill,

*Tellers.*

Mr. Piddington,  
Mr. J. Stewart.

Noes, 28.

Mr. Robertson,  
Mr. Forster,  
Mr. Josephson,  
Mr. Samuel,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Graham,  
Mr. Dodds,  
Mr. McKay,  
Mr. Neale,  
Mr. R. Stewart,  
Mr. Mate,  
Mr. Cummings,  
Mr. Morrice,  
Mr. Cunneen,  
Mr. Nowlan,  
Mr. J. Suttor,  
Mr. Cooper,  
Mr. Hannell,  
Mr. W. Suttor,  
Mr. Dignam,  
Mr. Phelps,  
Mr. Bell,  
Mr. Gordon,  
Mr. Burdekin,  
Mr. Alexander,

*Tellers.*

Mr. S. Brown,  
Mr. Driver.

*Estimate, as reduced (£9,595), carried.*

No. 3.

(*Inspection of Cattle.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £333, to defray charges for Inspection of Cattle, for the year 1869.

(*Mr. Forster.*)

Motion made,—That the Estimate be reduced by the sum of £28. (*Mr. J. Stewart.*)

Question put,—That a sum not exceeding £305 be granted for this service.

Committee divided.

Ayes, 11.

Mr. Piddington,  
Mr. Mate,  
Mr. Cunneen,  
Mr. De Salis,  
Mr. Neale,  
Mr. McKay,  
Mr. R. Stewart,  
Mr. Wisdom,  
Mr. Parkes,

*Tellers.*

Mr. Driver,  
Mr. J. Stewart.

Noes, 25.

Mr. Robertson,  
Mr. Forster,  
Mr. Samuel,  
Mr. S. Brown,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Josephson,  
Mr. W. Suttor,  
Mr. Graham,  
Mr. Dodds,  
Mr. Cummings,  
Mr. Morrice,  
Mr. Bell,  
Mr. Cooper,  
Mr. Alexander,  
Mr. Phelps,  
Mr. Gordon,  
Mr. Hannell,  
Mr. Tighe,  
Mr. Tunks,  
Mr. Burdekin,  
Mr. Wilson,  
Mr. Isaacs,

*Tellers.*

Mr. Burns,  
Mr. Hill.

*Original Estimate carried.*

No. 4.

(*Minor Roads.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £57,400, to defray charges under the head Minor Roads, for the year 1869. (*Mr. Forster.*)

Motion made, and Question put,—That the item £1,000, Formation of Streets through Crown Lands in City of Sydney, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 9.

Mr. Piddington,  
Mr. Hill,  
Mr. McKay,  
Mr. Dodds,  
Mr. Hannell,  
Mr. Farnell,  
Mr. Dignam,

*Tellers.*

Mr. De Salis,  
Mr. J. Stewart.

Noes, 23.

Mr. Robertson,  
Mr. Forster,  
Mr. Tunks,  
Mr. Samuel,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Parkes,  
Mr. Cummings,  
Dr. Lang,  
Mr. Morrice,  
Mr. Mate,  
Mr. Phelps,  
Mr. Gordon,  
Mr. Cooper,  
Mr. Lloyd,  
Mr. Tighe,  
Mr. Cunneen,  
Mr. Alexander,  
Mr. Burdekin,  
Mr. Wilson,  
Mr. Josephson,

*Tellers.*

Mr. Neale,  
Mr. Driver.

No. 5.

No. 5.

*(Same Estimate.)*

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

Committee divided.

Ayes, 14.		Noes, 19.	
Mr. Isaacs,	Mr. Wisdom,	Mr. Robertson,	Mr. Phelps,
Mr. J. Stewart,	<i>Tellers.</i>	Mr. Forster,	Mr. Morrice,
Mr. Wilson,		Mr. Samuel,	Mr. Neale,
Mr. De Salis,	Mr. Piddington,	Mr. Egan,	Mr. Burdekin,
Mr. Burns,	Mr. Hill.	Mr. Sutherland,	Mr. Josephson,
Mr. Parkes,		Mr. Cummings,	Mr. Dignam,
Mr. Mate,		Dr. Lang,	<i>Tellers.</i>
Mr. Tighe,		Mr. Hannell,	
Mr. McKay,		Mr. Cooper,	Mr. Dodds,
Mr. Tunks,		Mr. Bell,	Mr. Driver.
Mr. Farnell,		Mr. Lloyd,	

No. 6.

*(Same Estimate.)*

Motion made,—That the item £1,000, Formation of Streets through Crown Lands in City of Sydney, be reduced by the sum of £800. (*Mr. J. Stewart.*)

Question put,—That a sum not exceeding £200 be granted for this service.

Committee divided.

Ayes, 8.		Noes, 25.	
Mr. Piddington,		Mr. Robertson,	Mr. Driver,
Mr. McKay,		Mr. Forster,	Mr. Cooper,
Mr. Burns,		Mr. Samuel,	Mr. Bell,
Mr. Farnell,		Mr. Egan,	Mr. Lloyd,
Mr. Dodds,		Mr. Sutherland,	Mr. Phelps,
Mr. Hannell,		Mr. Wilson,	Mr. Hill,
<i>Tellers.</i>		Mr. Isaacs,	Mr. Burdekin,
Mr. De Salis,		Mr. Parkes,	Mr. Josephson,
Mr. J. Stewart.		Mr. Tighe,	Mr. Dignam,
		Mr. Alexander,	<i>Tellers.</i>
		Mr. Cummings,	
		Dr. Lang,	Mr. Tunks,
		Mr. Morrice,	Mr. Neale.
		Mr. Mate,	

No. 7.

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

Committee divided.

Ayes, 15.		Noes, 19.	
Mr. J. Stewart,	Mr. Tighe,	Mr. Robertson,	Mr. Lloyd,
Mr. Farnell,	Mr. Wisdom,	Mr. Forster,	Mr. Phelps,
Mr. Isaacs,	<i>Tellers.</i>	Mr. Josephson,	Mr. Dignam,
Mr. Wilson,		Mr. Sutherland,	Mr. Burdekin,
Mr. McKay,	Mr. De Salis,	Mr. Egan,	Mr. Neale,
Mr. Parkes,	Mr. Hill.	Mr. Samuel,	Mr. Alexander,
Mr. Burns,		Mr. Cummings,	<i>Tellers.</i>
Mr. Mate,		Dr. Lang,	
Mr. Tunks,		Mr. Morrice,	Mr. Dodds,
Mr. Hannell,		Mr. Cooper,	Mr. Driver.
Mr. Piddington,		Mr. Bell,	

No. 8.

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

Committee divided.

Ayes, 15.		Noes, 19.	
Mr. J. Stewart,	Mr. Tighe,	Mr. Robertson,	Mr. Cooper,
Mr. Farnell,	Mr. Wisdom,	Mr. Forster,	Mr. Bell,
Mr. Isaacs,	<i>Tellers.</i>	Mr. Josephson,	Mr. Lloyd,
Mr. Wilson,		Mr. Sutherland,	Mr. Phelps,
Mr. McKay,	Mr. Hill,	Mr. Egan,	Mr. Dignam,
Mr. Parkes,	Mr. De Salis.	Mr. Samuel,	Mr. Burdekin,
Mr. Burns,		Mr. Driver,	<i>Tellers.</i>
Mr. Mate,		Mr. Dodds,	
Mr. Tunks,		Mr. Cummings,	Mr. Alexander,
Mr. Hannell,		Dr. Lang,	Mr. Neale.
Mr. Piddington,		Mr. Morrice,	

Motion

No. 9.

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again on Wednesday next. (*Mr. Piddington.*)  
Committee divided.

Ayes, 13.

Mr. Hill,	Mr. Piddington,
Mr. De Salis,	<i>Tellers.</i>
Mr. J. Stewart,	
Mr. Farnell,	Mr. Burns,
Mr. Isaacs,	Mr. Wisdom.
Mr. Wilson,	
Mr. Parkes,	
Mr. Tunks,	
Mr. Tighe,	
Mr. Hannell,	

Noes, 18.

Mr. Robertson,	Mr. Bell,
Mr. Forster,	Mr. Lloyd,
Mr. Josephson,	Mr. Dodds,
Mr. Sutherland,	Mr. Phelps,
Mr. Egan,	Mr. Dignam,
Mr. Samuel,	Mr. Burdekin,
Mr. Driver,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Morrice,	Mr. Alexander,
Mr. Cooper,	Mr. Neale.

And the Committee continuing to sit until after Midnight,—

FRIDAY, 19 FEBRUARY, 1869, A.M.

Notice being taken that there was not a Quorum of Members present, the Chairman left the Chair to report.

FRIDAY, 19 FEBRUARY, 1869.

No. 10.

DEEPENING OF PARRAMATTA RIVER.

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

Resolved,—That an Address be presented to the Governor, praying that His Excellency will be pleased to cause a sum of money, not exceeding £10,000, to be placed on the Supplementary Estimates for 1869, for the purpose of deepening the Parramatta River. (*Mr. Byrnes.*)

Committee divided.

Ayes, 14.

Mr. Eagar,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Parkes,	Mr. Farnell,
Mr. Roberts,	Mr. Lyons.
Mr. Burns,	
Mr. Lackey,	
Mr. Cummings,	
Mr. Wisdom,	
Mr. Hart,	
Mr. Piddington,	
Mr. Byrnes,	
Mr. Isaacs,	

Noes, 21.

Mr. Robertson,	Mr. W. Suttor,
Mr. Forster,	Mr. Dodds,
Mr. Egan,	Mr. Oatley,
Mr. Sutherland,	Mr. Dignam,
Mr. R. Stewart,	Mr. Lloyd,
Mr. Phelps,	Mr. Driver,
Mr. Hill,	Mr. Josephson,
Mr. Cunneen,	<i>Tellers.</i>
Mr. Smart,	
Mr. Gordon,	Mr. De Salis,
Mr. Lord,	Mr. J. Stewart.
Mr. J. Campbell,	

On motion of Mr. Byrnes, the Chairman left the Chair.  
*No Report.*

No. 11.

PROPOSED COMPENSATION TO MR. KEIGHTLEY, FOR INJURIES SUSTAINED THROUGH BUSHRANGERS.

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

Resolved,—That an Address be presented to the Governor, praying that His Excellency will please to cause to be placed on the Supplementary Estimates for this year a sum not exceeding £500, to compensate Mr. Henry Keightley for loss of property and injury to his person on the occasion of his shooting Burke, the bushranger, at Dunn's Plains, on the 24th of October, 1863.

Committee divided.

Ayes, 8.

Mr. Robertson,
Mr. Byrnes,
Mr. Dignam,
Mr. Parkes,
Mr. Cunneen,
The Speaker,
<i>Tellers.</i>
Mr. W. Suttor,
Mr. J. Suttor.

Noes, 16.

Mr. Isaacs,	Mr. McKay,
Mr. Eagar,	Mr. Burns,
Mr. Forster,	Mr. Cummings,
Mr. R. Stewart,	Mr. Farnell,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Josephson,	
Mr. Wilson,	Mr. De Salis,
Mr. Oatley,	Mr. J. Stewart.
Mr. Dodds,	
Mr. Wisdom,	

On motion of Mr. W. Suttor, the Chairman left the Chair.  
*No Report.*

1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 7.

## WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 24 FEBRUARY, 1869.

No. 1.

PROVISION FOR THE EXPENSES OF THE PROPOSED VISIT OF H.R.H. THE DUKE OF EDINBURGH.

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

Resolved,—That with reference to the Governor's Message No. 7, of 23rd February, 1869, an Address be presented to the Governor, praying that His Excellency will be pleased to place on the Estimates a sum of money not exceeding £2,000, to provide for expenses attendant upon the contemplated visit of His Royal Highness the Duke of Edinburgh to this Colony. (*Mr. Samuel.*)

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,999. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 20.

Mr. Isaacs.	Mr. Farnell.
Mr. De Salis,	Mr. Wisdom,
Mr. Lackey,	Mr. Tighe,
Mr. Rodd,	<i>Tellers.</i>
Mr. Burns,	Mr. Hill,
Mr. McKay,	Mr. J. Stewart.
Dr. Lang,	
Mr. Lord,	
Mr. R. Stewart,	
Mr. Nowlan,	
Mr. Cunneen,	
Mr. Byrnes,	
Mr. Wilson,	
Mr. Tunks,	
Mr. Eagar,	

Noes, 28.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Graham,
Mr. Sutherland,	Mr. Lucas,
Mr. Samuel,	Mr. W. Suttor,
Mr. Egan,	Mr. Phelps,
Mr. Neale,	Mr. Parkes,
Mr. Dodds,	Mr. Alexander,
Mr. Church,	Mr. Driver,
Mr. Smart,	Mr. Dignan,
Mr. Cummings,	Mr. S. Brown,
Mr. Bell,	Mr. Josephson,
Mr. Landale,	<i>Tellers.</i>
Mr. Lloyd,	
Mr. Cooper,	Mr. Hurley,
Mr. W. Campbell,	Mr. Hart.

No. 2. Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,998. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 9.

Mr. Wilson,  
Mr. Tighe,  
Mr. Cunneen,  
Dr. Lang,  
Mr. Wisdom,  
Mr. McKay,  
Mr. Nowlan,

*Tellers.*

Mr. Farnell,  
Mr. J. Stewart.

Noes, 25.

Mr. Robertson,	Mr. Mate,
Mr. Samuel,	Mr. R. Stewart,
Mr. Forster,	Mr. Dodds,
Mr. Sutherland,	Mr. Landale,
Mr. Egan,	Mr. Graham,
Mr. Church,	Mr. Dignam,
Mr. Alexander,	Mr. Josephson,
Mr. Neale,	Mr. Driver,
Mr. W. Suttor,	Mr. S. Brown,
Mr. Cummings,	<i>Tellers.</i>
Mr. Cooper,	
Mr. Bell,	Mr. Hurley,
Mr. W. Campbell,	Mr. Hart.
Mr. Phelps,	

No. 3. Motion made and Question put,—That the Chairman leave the Chair. (*Mr. Farnell.*)  
Committee divided.

Ayes, 12.

Mr. Rodd,  
Mr. De Salis,  
Mr. McKay,  
Mr. Oatley,  
Mr. Wilson,  
Mr. Lucas,  
Mr. Tighe,  
Mr. Farnell,  
Mr. Tunks,  
Mr. Wisdom,

*Tellers.*

Mr. Walker,  
Mr. J. Stewart.

Noes, 31.

Mr. Robertson,	Mr. Lord,
Mr. Forster,	Mr. Gordon,
Mr. Samuel,	Mr. Alexander,
Mr. Sutherland,	Mr. Macleay,
Mr. Egan,	Mr. Landale,
Mr. Roberts,	Mr. R. Stewart,
Mr. Dignam,	Mr. Dodds,
Mr. Hill,	Mr. Graham,
Mr. Cummings,	Mr. Driver,
Mr. Josephson,	Mr. S. Brown,
Mr. Neale,	Mr. Church,
Mr. Eckford,	Mr. Mate,
Mr. Morrice,	<i>Tellers.</i>
Mr. Phelps,	
Mr. Terry,	Mr. Hurley,
Mr. Bell,	Mr. Hart.
Mr. Cooper,	

No. 4. Original Question stated.  
Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,997. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 8.

Mr. Lucas,  
Mr. Windeyer,  
Mr. Tighe,  
Mr. Oatley,  
Mr. Farnell,  
Mr. Hill,

*Tellers.*

Mr. J. Stewart,  
Mr. Rodd.

Noes, 27.

Mr. Robertson,	Mr. Cummings,
Mr. Forster,	Mr. Mate,
Mr. Samuel,	Mr. Gordon,
Mr. Egan,	Mr. Macleay,
Mr. Sutherland,	Mr. Alexander,
Mr. Roberts,	Mr. Landale,
Mr. Dignam,	Mr. W. Suttor,
Mr. Neale,	Mr. Dodds,
Mr. Hart,	Mr. Graham,
Mr. Eckford,	Mr. Josephson,
Mr. Bell,	<i>Tellers.</i>
Mr. Phelps,	
Mr. Morrice,	Mr. Church,
Mr. Terry,	Mr. Driver.
Mr. Cooper,	

No. 5. Motion made and Question put,—That the Chairman leave the Chair. (*Mr. Lucas.*)  
Committee divided.

Ayes, 8.

Mr. J. Stewart,  
Mr. Farnell,  
Mr. Oatley,  
Mr. Tighe,  
Mr. Lucas,  
Mr. Wisdom,

*Tellers.*

Mr. Rodd,  
Mr. De Salis.

Noes, 29.

Mr. Robertson,	Mr. Cummings,
Mr. Forster,	Mr. Cooper,
Mr. Samuel,	Mr. Roberts,
Mr. Egan,	Mr. Hurley,
Mr. Sutherland,	Mr. Dignam,
Mr. Driver,	Mr. Neale,
Mr. W. Suttor,	Mr. Hart,
Mr. Dodds,	Mr. Eckford,
Mr. Graham,	Mr. Bell,
Mr. Church,	Mr. Morrice,
Mr. Josephson,	Mr. Terry,
Mr. Landale,	<i>Tellers.</i>
Mr. Alexander,	
Mr. Macleay,	Mr. Hill,
Mr. Gordon,	Mr. Phelps.
Mr. Mate,	

No. 6.

No. 6.

Original Question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,500. (*Mr. Lucas.*)

Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Burns,
Mr. Isaacs,	Mr. Wisdom,
Mr. Wilson,	Mr. Tighe,
Mr. De Salis,	Mr. Oatley,
Mr. Parkes,	
Mr. Rodd,	<i>Tellers.</i>
Mr. Windeyer,	Mr. Walker,
Mr. Piddington,	Mr. J. Stewart.
Mr. Byrnes,	
Mr. McKay,	
Mr. R. Stewart,	
Mr. Roberts,	
Mr. Eagar,	
Mr. Lucas,	
Mr. Farnell,	

Noes, 27.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Cummings,
Mr. Samuel,	Mr. Terry,
Mr. Josephson,	Mr. Macleay,
Mr. Sutherland,	Mr. Gordon,
Mr. Egan,	Mr. Neale,
Mr. Alexander,	Mr. Eckford,
Mr. Hurley,	Mr. Morrice,
Mr. Dodds,	Mr. Bell,
Mr. Graham,	Mr. Cooper,
Mr. Church,	<i>Tellers.</i>
Mr. Driver,	
Mr. W. Campbell,	Mr. Phelps,
Mr. Landale,	Mr. Hart.
Mr. Dignam,	

No. 7.

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

Committee divided.

Ayes, 9.

Mr. Rodd,
Mr. Wilson,
Mr. McKay,
Mr. Lucas,
Mr. Farnell,
Mr. Wisdom,
Mr. Burns,
<i>Tellers.</i>
Mr. De Salis,
Mr. J. Stewart.

Noes, 29.

Mr. Robertson,	Mr. Macleay,
Mr. Forster,	Mr. Terry,
Mr. Samuel,	Mr. Cummings,
Mr. Sutherland,	Mr. Mate,
Mr. Josephson,	Mr. Dignam,
Mr. Egan,	Mr. Alexander,
Mr. Phelps,	Mr. Hurley,
Mr. Burdekin,	Mr. Dodds,
Mr. Neale,	Mr. Graham,
Mr. R. Stewart,	Mr. Church,
Mr. Hart,	Mr. Landale,
Mr. Eckford,	<i>Tellers.</i>
Mr. Morrice,	
Mr. Bell,	Mr. W. Campbell,
Mr. Cooper,	Mr. Driver.
Mr. Gordon,	

No. 8.

Original Question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,499 19s. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 8.

Mr. Rodd,
Mr. Piddington,
Mr. Wilson,
Mr. Farnell,
Mr. Lucas,
Mr. Wisdom,
<i>Tellers.</i>
Mr. De Salis,
Mr. J. Stewart.

Noes, 27.

Mr. Robertson,	Mr. Terry,
Mr. Forster,	Mr. Cooper,
Mr. Josephson,	Mr. Mate,
Mr. Sutherland,	Mr. Dignam,
Mr. Samuel,	Mr. Alexander,
Mr. Egan,	Mr. Hurley,
Mr. Phelps,	Mr. Dodds,
Mr. Hart,	Mr. Graham,
Mr. Neale,	Mr. Burdekin,
Mr. R. Stewart,	Mr. Landale,
Mr. Eckford,	<i>Tellers.</i>
Mr. Morrice,	
Mr. Bell,	Mr. W. Campbell,
Mr. Gordon,	Mr. Driver.
Mr. Macleay,	

No. 9.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,499 18s. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 5.

Mr. Rodd,
Mr. Farnell,
Mr. Lucas,
<i>Tellers.</i>
Mr. J. Stewart,
Mr. De Salis.

Noes, 28.

Mr. Robertson,	Mr. Macleay,
Mr. Josephson,	Mr. Terry,
Mr. Forster,	Mr. Cooper,
Mr. Sutherland,	Mr. Dignam,
Mr. Samuel,	Mr. Mate,
Mr. Egan,	Mr. Graham,
Mr. Smart,	Mr. Alexander,
Mr. Neale,	Mr. Burdekin,
Mr. R. Stewart,	Mr. W. Campbell,
Mr. Eckford,	Mr. Driver,
Mr. Hurley,	Mr. Landale,
Mr. Morrice,	<i>Tellers.</i>
Mr. Phelps,	
Mr. Bell,	Mr. Dodds,
Mr. Gordon,	Mr. Hart.

No. 10.

No. 10.

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

Ayes, 5.

Mr. Rodd,  
Mr. Farnell,  
Mr. Wisdom,  
*Tellers.*  
Mr. De Salis,  
Mr. J. Stewart.

Noes, 27.

Mr. Robertson,	Mr. Morrice,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Gordon,
Mr. Josephson,	Mr. Macleay,
Mr. Sutherland,	Mr. Terry,
Mr. Egan,	Mr. Cooper,
Mr. Smart,	Mr. Phelps,
Mr. Hart,	Mr. Dignam,
Mr. Dodds,	Mr. W. Campbell,
Mr. Hill,	Mr. Burdekin,
Mr. Neale,	<i>Tellers.</i>
Mr. Alexander,	Mr. Landale,
Mr. R. Stewart,	Mr. Driver,
Mr. Eckford,	
Mr. Hurley,	

No. 11.

Original Question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,400. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 16.

Mr. Martin,	Mr. R. Stewart,
Mr. Parkes,	<i>Tellers.</i>
Mr. Isaacs,	
Mr. Lucas,	Mr. De Salis,
Mr. Graham,	Mr. J. Stewart.
Mr. Tighe,	
Mr. Oatley,	
Mr. Wisdom,	
Mr. Farnell,	
Mr. Burns,	
Mr. Rodd,	
Mr. Piddington,	
Mr. Mackay,	

Noes, 24.

Mr. Robertson,	Mr. Hurley,
Mr. Driver,	Mr. Morrice,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Gordon,
Mr. Josephson,	Mr. Macleay,
Mr. Sutherland,	Mr. Cooper,
Mr. Egan,	Mr. Dignam,
Mr. Smart,	Mr. Phelps,
Mr. Dodds,	Mr. Terry,
Mr. Alexander,	<i>Tellers.</i>
Mr. Neale,	
Mr. Landale,	Mr. W. Campbell,
Mr. Eckford,	Mr. Hart.

No. 12.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,300. (*Mr. Farnell.*)  
Committee divided.

Ayes, 16.

Mr. Isaacs,	<i>Tellers.</i>
Mr. Lucas,	
Mr. Graham,	Mr. De Salis,
Mr. Oatley,	Mr. J. Stewart.
Mr. Wisdom,	
Mr. Farnell,	
Mr. Burns,	
Mr. Eagar,	
Mr. Rodd,	
Mr. Piddington,	
Mr. Parkes,	
Mr. McKay,	
Mr. R. Stewart,	
Mr. Tighe,	

Noes, 26.

Mr. Driver,	Mr. Bell,
Mr. Robertson,	Mr. Gordon,
Mr. Samuel,	Mr. Macleay,
Mr. Forster,	Mr. Terry,
Mr. Sutherland,	Mr. Cooper,
Mr. Egan,	Mr. Dignam,
Mr. Smart,	Mr. Cummings,
Mr. Hart,	Mr. Mate,
Mr. Alexander,	Mr. W. Campbell,
Mr. Landale,	Mr. Josephson,
Mr. Eckford,	<i>Tellers.</i>
Mr. Hurley,	
Mr. Morrice,	Mr. Dodds,
Mr. Phelps,	Mr. Neale.

No. 13.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,250. (*Mr. Lucas.*)  
Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Farnell,
Mr. Isaacs,	Mr. Tighe,
Mr. Wilson,	<i>Tellers.</i>
Mr. Parkes,	
Mr. Rodd,	Mr. De Salis,
Mr. Piddington,	Mr. J. Stewart.
Mr. McKay,	
Mr. R. Stewart,	
Mr. Graham,	
Mr. Eagar,	
Mr. Wisdom,	
Mr. Burns,	
Mr. Lucas,	

Noes, 24.

Mr. Robertson,	Mr. Bell,
Mr. Samuel,	Mr. Gordon,
Mr. Forster,	Mr. Alexander,
Mr. Sutherland,	Mr. Terry,
Mr. Egan,	Mr. Dignam,
Mr. Smart,	Mr. Macleay,
Mr. Phelps,	Mr. Driver,
Mr. Landale,	Mr. W. Campbell,
Mr. Cummings,	Mr. Josephson,
Mr. Eckford,	<i>Tellers.</i>
Mr. Hurley,	
Mr. Morrice,	Mr. Dodds,
Mr. Cooper,	Mr. Neale.

No. 14.

No. 14.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,249 19s. (*Mr. Burns.*)  
Committee divided.

Ayes, 7.

Mr. Tighe,  
Mr. Graham,  
Mr. Farnell,  
Mr. Wisdom,  
Mr. Burns,  
*Tellers.*  
Mr. Lucas,  
Mr. J. Stewart.

Noes, 23.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Driver,
Mr. Samuel,	Mr. Macleay,
Mr. Sutherland,	Mr. Terry,
Mr. Egan,	Mr. Smart,
Mr. Burdekin,	Mr. Dodds,
Mr. Phelps,	Mr. Dignam,
Mr. Cummings,	Mr. Josephson,
Mr. Hurley,	<i>Tellers.</i>
Mr. Eckford,	Mr. W. Campbell,
Mr. Morrice,	Mr. Neale.
Mr. Bell,	
Mr. Landale,	

No. 15.

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

Ayes, 7.

Mr. Tighe,  
Mr. J. Stewart,  
Mr. Piddington,  
Mr. Farnell,  
Mr. Wisdom,  
*Tellers.*  
Mr. Lucas,  
Mr. Burns.

Noes, 24.

Mr. Robertson,	Mr. Landale,
Mr. Forster,	Mr. Cooper,
Mr. Samuel,	Mr. Dignam,
Mr. Egan,	Mr. Smart,
Mr. Sutherland,	Mr. Gordon,
Mr. Dodds,	Mr. W. Campbell,
Mr. Phelps,	Mr. Macleay,
Mr. Eckford,	Mr. Burdekin,
Mr. Hurley,	Mr. Josephson,
Mr. Cummings,	<i>Tellers.</i>
Mr. Morrice,	Mr. Hill,
Mr. Driver,	Mr. Neale.
Mr. Bell,	

No. 16.

Original Question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,249 18s. (*Mr. Lucas.*)  
Committee divided.

Ayes, 6.

Mr. Tighe,  
Mr. Piddington,  
Mr. Wisdom,  
Mr. Lucas,  
*Tellers.*  
Mr. Farnell,  
Mr. J. Stewart.

Noes, 23.

Mr. Robertson,	Mr. Dignam,
Mr. Samuel,	Mr. Cooper,
Mr. Egan,	Mr. Bell,
Mr. Sutherland,	Mr. Eckford,
Mr. Neale,	Mr. Hurley,
Mr. Hill,	Mr. Cummings,
Mr. Smart,	Mr. Morrice,
Mr. Gordon,	Mr. Driver,
Mr. W. Campbell,	<i>Tellers.</i>
Mr. Macleay,	Mr. Dodds,
Mr. Burdekin,	Mr. Phelps.
Mr. Josephson,	
Mr. Landale,	

No. 17.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,249 17s. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 7.

Mr. Tighe,  
Mr. J. Stewart,  
Mr. Wisdom,  
Mr. Lucas,  
Mr. Eagar,  
*Tellers.*  
Mr. Farnell,  
Mr. Piddington.

Noes, 24.

Mr. Robertson,	Mr. Bell,
Mr. Forster,	Mr. Dignam,
Mr. Samuel,	Mr. Landale,
Mr. Sutherland,	Mr. Gordon,
Mr. Egan,	Mr. W. Campbell,
Mr. Hill,	Mr. Macleay,
Mr. Smart,	Mr. Burdekin,
Mr. Phelps,	Mr. Cooper,
Mr. Dodds,	Mr. Josephson,
Mr. Eckford,	<i>Tellers.</i>
Mr. Hurley,	Mr. Neale,
Mr. Cummings,	Mr. Driver.
Mr. Morrice,	

No. 18.

No. 18.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £1,000. (*Mr. R. Stewart.*)

Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Lucas,
Mr. Tighe,	Mr. Eagar,
Mr. Wilson,	Mr. Isaacs,
Mr. Farnell,	<i>Tellers.</i>
Mr. Piddington,	Mr. Walker,
Mr. Burns,	Mr. J. Stewart.
Mr. Dodds,	
Mr. Hill,	
Mr. McKay,	
Mr. Mate,	
Mr. Graham,	
Mr. Wisdom,	

Noes, 22.

Mr. Robertson,	Mr. Morrice,
Mr. Forster,	Mr. Bell,
Mr. Samuel,	Mr. Dignam,
Mr. Sutherland,	Mr. Landale,
Mr. Egan,	Mr. Gordon,
Mr. Driver,	Mr. W. Campbell,
Mr. Neale,	Mr. Burdekin,
Mr. Smart,	Mr. Josephson,
Mr. Phelps,	<i>Tellers.</i>
Mr. Eckford,	
Mr. Hurley,	Mr. Cooper,
Mr. Cummings,	Mr. Macleay.

No. 19.

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

Committee divided.

Ayes, 10.

Mr. Wilson,
Mr. Piddington,
Mr. Walker,
Mr. McKay,
Mr. Graham,
Mr. Wisdom,
Mr. Eagar,
Mr. Isaacs,
<i>Tellers.</i>
Mr. J. Stewart,
Mr. Burns.

Noes, 22.

Mr. Robertson,	Mr. Landale,
Mr. Forster,	Mr. Cooper,
Mr. Samuel,	Mr. Gordon,
Mr. Sutherland,	Mr. W. Campbell,
Mr. Egan,	Mr. Macleay,
Mr. Neale,	Mr. Burdekin,
Mr. Smart,	Mr. Phelps,
Mr. Dodds,	Mr. Josephson,
Mr. Eckford,	<i>Tellers.</i>
Mr. Hurley,	
Mr. Morrice,	Mr. Hill,
Mr. Bell,	Mr. Driver.

No. 20.

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

Committee divided.

Ayes, 13.

Mr. Martin,	<i>Tellers.</i>
Mr. Wilson,	
Mr. Piddington,	Mr. Farnell,
Mr. Walker,	Mr. J. Stewart.
Mr. Graham,	
Mr. Lucas,	
Mr. Wisdom,	
Mr. Burns,	
Mr. Tighe,	
Mr. Eagar,	
Mr. Isaacs,	

Noes, 23.

Mr. Robertson,	Mr. Macleay,
Mr. Samuel,	Mr. Dignam,
Mr. Josephson,	Mr. Landale,
Mr. Egan,	Mr. W. Campbell,
Mr. Hill,	Mr. Gordon,
Mr. Smart,	Mr. Sutherland,
Mr. Phelps,	Mr. Forster,
Mr. Eckford,	Mr. Driver,
Mr. Hurley,	<i>Tellers.</i>
Mr. Morrice,	
Mr. Cooper,	Mr. Dodds,
Mr. Bell,	Mr. Neale.
Mr. Cummings,	

No. 21.

Original Question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £900. (*Mr. Driver.*)Motion made, and Question put,—That the Chairman leave the Chair. (*Mr. Lucas.*)

Committee divided.

Ayes, 11.

Mr. Wilson,
Mr. Piddington,
Mr. Walker,
Mr. Graham,
Mr. Lucas,
Mr. Wisdom,
Mr. Burns,
Mr. Tighe,
Mr. Eagar,
<i>Tellers.</i>
Mr. Farnell,
Mr. J. Stewart.

Noes, 24.

Mr. Robertson,	Mr. Cummings,
Mr. Samuel,	Mr. Macleay,
Mr. Josephson,	Mr. Neale,
Mr. Egan,	Mr. Dignam,
Mr. Hill,	Mr. Landale,
Mr. Smart,	Mr. W. Campbell,
Mr. Dodds,	Mr. Sutherland,
Mr. Phelps,	Mr. Burdekin,
Mr. Eckford,	Mr. Forster,
Mr. Morrice,	<i>Tellers.</i>
Mr. Hurley,	
Mr. Cooper,	Mr. Gordon,
Mr. Bell,	Mr. Driver.

No. 22.

## No. 22.

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

Committee divided.

Ayes, 9.	Noes, 24.
Mr. Tighe,	Mr. Robertson,
Mr. Piddington,	Mr. Forster,
Mr. Burns,	Mr. Samuel,
Mr. Walker,	Mr. Burdekin,
Mr. Lucas,	Mr. Egan,
Mr. Wisdom,	Mr. Sutherland,
Mr. Eagar,	Mr. Dignam,
<i>Tellers.</i>	Mr. Dodds,
Mr. Farnell,	Mr. Cooper,
Mr. J. Stewart.	Mr. Eckford,
	Mr. Cummings,
	Mr. Phelps,
	Mr. Hurley,
	Mr. Bell,
	Mr. Neale,
	Mr. Morrice,
	Mr. Macleay,
	Mr. Gordon,
	Mr. Landale,
	Mr. W. Campbell,
	Mr. Smart,
	Mr. Josephson,
	<i>Tellers.</i>
	Mr. Hill,
	Mr. Driver.

## No. 23.

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

Committee divided.

Ayes, 8.	Noes, 23.
Mr. Eagar,	Mr. Robertson,
Mr. Lucas,	Mr. Samuel,
Mr. Farnell,	Mr. Josephson,
Mr. Burns,	Mr. Sutherland,
Mr. Wisdom,	Mr. Egan,
Mr. Wilson,	Mr. Burdekin,
<i>Tellers.</i>	Mr. Landale,
Mr. Piddington,	Mr. W. Campbell,
Mr. J. Stewart.	Mr. Neale,
	Mr. Forster,
	Mr. Smart,
	Mr. Macleay,
	Mr. Gordon,
	Mr. Bell,
	Mr. Cooper,
	Mr. Dignam,
	Mr. Dodds,
	Mr. Eckford,
	Mr. Cummings,
	Mr. Morrice,
	Mr. Hurley,
	<i>Tellers.</i>
	Mr. Phelps,
	Mr. Driver.

## No. 24.

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

Committee divided.

Ayes, 8.	Noes, 21.
Mr. Lucas,	Mr. Robertson,
Mr. Farnell,	Mr. Forster,
Mr. Burns,	Mr. Samuel,
Mr. Wisdom,	Mr. Burdekin,
Mr. Wilson,	Mr. Sutherland,
Mr. Eagar,	Mr. Egan,
<i>Tellers.</i>	Mr. Dignam,
Mr. Piddington,	Mr. Phelps,
Mr. J. Stewart.	Mr. Eckford,
	Mr. Cummings,
	Mr. Hurley,
	Mr. Morrice,
	Mr. Cooper,
	Mr. Bell,
	Mr. Gordon,
	Mr. Macleay,
	Mr. Dodds,
	Mr. Driver,
	Mr. Josephson,
	<i>Tellers.</i>
	Mr. Landale,
	Mr. J. Campbell.

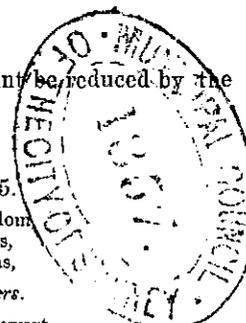
## No. 25.

Original question stated.

Amendment proposed, and Question put,—That the amount be reduced by the sum of £950. (*Mr. Neale.*)

Committee divided.

Ayes, 24.	Noes, 5.
Mr. Robertson,	Mr. Wisdom,
Mr. Samuel,	Mr. Lucas,
Mr. Egan,	Mr. Burns,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Neale,	Mr. J. Stewart,
Mr. Smart,	Mr. Farnell.
Mr. Burdekin,	
Mr. W. Campbell,	
Mr. Phelps,	
Mr. Hurley,	
Mr. Morrice,	
Mr. Cummings,	
Mr. Bell,	
Mr. Cooper,	
Mr. Eckford,	
Mr. Gordon,	
Mr. Eagar,	
Mr. Wilson,	
Mr. Piddington,	
Mr. Josephson,	
Mr. Forster,	
Mr. Dignam,	
<i>Tellers.</i>	
Mr. Dodds,	
Mr. Driver.	



## No. 26.

No. 26.

Motion made, and Question put,—That the Resolution, as amended, be agreed to. (*Mr. Samuel.*)

Committee divided.

Ayes, 25.

Mr. Robertson,	Mr. Cooper,
Mr. Driver,	Mr. Eckford,
Mr. Samuel,	Mr. Macleay,
Mr. Egan,	Mr. Gordon,
Mr. Sutherland,	Mr. Eagar,
Mr. Smart,	Mr. Wilson,
Mr. Burdekin,	Mr. Piddington,
Mr. W. Campbell,	Mr. Josephson,
Mr. Phelps,	Mr. Forster,
Mr. Hurley,	<i>Tellers.</i>
Mr. Morrice,	
Mr. Cummings,	Mr. Dodds,
Mr. Dignum,	Mr. Neale.
Mr. Bell,	

Noes, 5.

Mr. Wisdom,
Mr. Lucas,
Mr. Burns,
<i>Tellers.</i>
Mr. Farnell,
Mr. J. Stewart.

*Resolution, as amended (£1,050), agreed to.*

On motion of Mr. Samuel, the Chairman left the Chair, to report the Resolution, and to move that it be *now* adopted.

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THURSDAY, 25 FEBRUARY, 1869.

No. 27.

SUPPLY—ESTIMATES, 1869.

*(Minor Roads.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £57,400, to defray charges for Minor Roads, for the year 1869. (*Mr. Forster.*)

Motion made, and Question put,—That the item £1,000, for opening the Road from the Macleay River to the Bellinger River, and for the construction of Punt, Boat, and Bridge, in connection with that line,—be omitted. (*Mr. Burns.*)

Committee divided.

Ayes, 14.

Mr. Isaacs,	<i>Tellers.</i>
Mr. Roberts,	
Mr. Lee,	Mr. Piddington,
Mr. Graham,	Mr. J. Stewart.
Mr. Dodds,	
Mr. Nowlan,	
Mr. Lucas,	
Mr. Lackey,	
Mr. R. Stewart,	
Mr. Farnell,	
Mr. Burns,	
Mr. Tighe,	

Noes, 25.

Mr. Robertson,	Mr. Eckford,
Mr. Josephson,	Mr. Morrice,
Mr. Forster,	Mr. Gordon,
Mr. Samuel,	Mr. Terry,
Mr. Sutherland,	Mr. Phelps,
Mr. Ryan,	Mr. Hurley,
Mr. Egan,	Mr. Dignum,
Mr. Dangar,	Mr. Hart,
Mr. Alexander,	Mr. Wilson,
Mr. Hill,	<i>Tellers.</i>
Mr. W. Suttor,	
Mr. Cummings,	Mr. Landale,
Mr. Cunneen,	Mr. S. Brown.
Mr. Bell,	

*A proposal (made by Mr. Burns) to reduce the item by £500 was then negatived, without division.*

No. 28.

*(Same Estimate.)*

Motion made, and Question put,—That the item £1,900, for formation of Streets and Lanes, Woolloomooloo Bay, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 4.

Mr. J. Stewart,
Mr. Lucas,
<i>Tellers.</i>
Mr. Lee,
Mr. Farnell.

Noes, 31.

Mr. Byrnes,	Mr. Eckford,
Mr. Samuel,	Mr. R. Stewart,
Mr. Forster,	Mr. Bell,
Mr. Burns,	Mr. Alexander,
Mr. Josephson,	Mr. Terry,
Mr. Sutherland,	Mr. Gordon,
Mr. Ryan,	Mr. Cunneen,
Mr. Hill,	Mr. Graham,
Mr. Egan,	Mr. Lyons,
Mr. Wilson,	Mr. Tighe,
Mr. Dignum,	Mr. Robertson,
Mr. Dangar,	Mr. Morrice,
Mr. Dodds,	<i>Tellers.</i>
Mr. W. Suttor,	
Mr. Cummings,	Mr. S. Brown,
Mr. Cooper,	Mr. Hart.
Mr. Phelps,	

*Original Estimate carried.*

No. 29.

No. 29.

(Miscellaneous Services.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,897, to defray Miscellaneous Services, for the year 1869. (Mr. Forster.)  
 Motion made, and Question put,—That the item £100, Parramatta Park, be omitted. (Mr. J. Stewart.)  
 Committee divided.

<p>Ayes, 10.</p> <p>Mr. J. Stewart,                  Mr. Burns,                  Mr. Lucas,                  Mr. McKay,                  Mr. Dodds,                  Mr. Terry,                  Mr. Morrice,                  Mr. Driver,</p> <p style="text-align: center;">Tellers.</p> <p>Mr. Piddington,                  Mr. De Salis.</p>	<p>Noes, 24.</p> <p>Mr. Robertson,                  Mr. Forster,                  Mr. Samuel,                  Mr. Sutherland,                  Mr. Josephson,                  Mr. Egan,                  Mr. Dignam,                  Mr. Church,                  Mr. Alexander,                  Mr. Neale,                  Mr. Cummings,                  Mr. Eckford,                  Mr. Bell,</p> <p>Mr. R. Stewart,                  Mr. Cooper,                  Mr. Phelps,                  Mr. Landale,                  Mr. Farnell,                  Mr. Tighe,                  Mr. S. Brown,                  Mr. Burdekin,                  Mr. Isaacs,</p> <p style="text-align: center;">Tellers.</p> <p>Mr. Hill,                  Mr. Hurley.</p>
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No. 30.

(Same item.)

Motion made,—That the item £100, Parramatta Park, be reduced by the sum of £50. (Mr. J. Stewart.)  
 Question put,—That a sum not exceeding £50 be granted for this service.  
 Committee divided.

<p>Ayes, 2.</p> <p style="text-align: center;">Tellers.</p> <p>Mr. J. Stewart,                  Mr. De Salis.</p>	<p>Noes, 32.</p> <p>Mr. Robertson,                  Mr. Forster,                  Mr. Samuel,                  Mr. Sutherland,                  Mr. Egan,                  Mr. Dignam,                  Mr. Church,                  Mr. Neale,                  Mr. Cummings,                  Mr. Eckford,                  Mr. Hurley,                  Mr. Bell,                  Mr. R. Stewart,                  Mr. Terry,                  Mr. Lee,                  Mr. Cunneen,                  Mr. Macleay,</p> <p>Mr. Phelps,                  Mr. McKay,                  Mr. Lyons,                  Mr. Dodds,                  Mr. Cooper,                  Mr. Alexander,                  Mr. Farnell,                  Mr. Tighe,                  Mr. Byrnes,                  Mr. S. Brown,                  Mr. Driver,                  Mr. Josephson,                  Mr. Morrice,</p> <p style="text-align: center;">Tellers.</p> <p>Mr. Landale,                  Mr. Hill.</p>
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The Estimate was reduced (on motion of Mr. Forster), by the omission of the following items:—Clearing and Fencing a Public Cemetery at Bellinger River, £45; Fencing General Cemetery at Dubbo, £70; Fencing General Cemetery at Grenfell, £74; Fencing General Cemetery at South Head, £33; Purchase of Land at Waverley, as a site for a Public Cemetery, £1,200.

Estimate, as reduced (£1,475), carried.

No. 31.

(Department of Public Works.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,150, to defray the Salaries and Contingencies of the Department of Public Works, for the year 1869. (Mr. Sutherland.)  
 Motion made,—That the item £60, Incidental Expenses, be reduced by the sum of £30. (Mr. J. Stewart.)  
 Question put,—That a sum not exceeding £30 be granted for this service.  
 Committee divided.

<p>Ayes, 3.</p> <p>Mr. Driver,                  Mr. De Salis,                  Mr. J. Stewart.</p> <p style="text-align: center;">Tellers.</p>	<p>Noes, 31.</p> <p>Mr. Robertson,                  Mr. Forster,                  Mr. Samuel,                  Mr. Sutherland,                  Mr. Egan,                  Mr. Burns,                  Mr. Hill,                  Mr. Dignam,                  Mr. Josephson,                  Mr. Church,                  Mr. Neale,                  Mr. Alexander,                  Mr. Eckford,                  Mr. Hurley,                  Mr. Morrice,                  Mr. R. Stewart,                  Mr. Terry,</p> <p>Mr. Bell,                  Mr. Macleay,                  Mr. Lee,                  Mr. Phelps,                  Mr. Lyons,                  Mr. McKay,                  Mr. Cummings,                  Mr. Cooper,                  Mr. Farnell,                  Mr. Byrnes,                  Mr. Cunneen,                  Mr. Burdekin,</p> <p style="text-align: center;">Tellers.</p> <p>Mr. Landale,                  Mr. S. Brown.</p>
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Original Estimate carried.

No. 32.

No. 32.

*(Railways—General Establishment.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £3,050, to defray Salaries and Contingencies under the head Railways—General Establishment, for the year 1869. (*Mr. Sutherland.*)

Motion made, and Question put,—That the item £800, Commissioner, be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 30.

Mr. Martin,	Mr. W. Suttor,
Mr. Isaacs,	Mr. Macleay,
Mr. Burdekin,	Mr. Dignam,
Mr. J. Stewart,	Mr. Ryan,
Mr. Walker,	Mr. Parkes,
Mr. Nowlan,	Mr. Hill,
Mr. Lee,	Mr. Lucas,
Mr. Cunneon,	Mr. Farnell,
Mr. Lackey,	Mr. Morrice,
Mr. Dodds,	Mr. Driver,
Mr. R. Stewart,	Mr. Wilson,
Mr. Mate,	Mr. S. Brown,
Mr. Graham,	<i>Tellers.</i>
Mr. Terry,	
Mr. Landale,	Mr. Piddington,
Mr. Cooper,	Mr. De Salis.

Noes, 11.

Mr. Robertson,
Mr. Forster,
Mr. Samuel,
Mr. Sutherland,
Mr. Egan,
Mr. Burns,
Mr. Eckford,
Mr. Alexander,
Mr. Josephson,

*Tellers.*

Mr. Cummings,
Mr. Church.

*Estimate, as reduced (£2,250), carried.*

And the Committee continuing to sit until after Midnight;—

FRIDAY, 26 FEBRUARY, 1869. A.M.

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

1868-9.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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No. 8.

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## WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

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TUESDAY, 2 MARCH, 1869.

No. 1.

SYDNEY PAVING BILL OF 1869.

Clause 3. It shall be the duty of the said Municipal Council within thirty days after any such paving shall have been completed by them adjoining any house to cause an account of the cost thereof to be left at such house in the same manner as that in which the said notices are hereinbefore directed to be left. And if the owner of such house shall not within fourteen days after such account shall have been so left pay to the City Treasurer at his office the amount of such account it shall be lawful for the Municipal Council by warrant under the hand of the Mayor and in the form and to the effect in the Schedule hereto annexed marked B to distrain upon the goods found in such house for the said amount and dispose of the same in like manner as is now prescribed by law with respect to rates distrained for by order of the said Municipal Council and if such goods shall belong to any tenant and not to the owner of any such house such tenant shall be at liberty to deduct the amount which he may pay on such distress being made from any rent due or to be paid to his immediate landlord or be at liberty to sue his immediate landlord or the owner of such house for any damage he may sustain by nonpayment by such owner of the cost of making such pavement as aforesaid and the like right of deduction and suit is hereby given to every intermediate tenant against his immediate landlord or the said owner. Provided that no such tenant shall be entitled to commence any action against his immediate landlord or the said owner unless he shall as soon as practicable after the receipt of the same hand over to such landlord or owner respectively the notice and account hereinbefore mentioned. (*Read.*)

Motion

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

Committee divided.

Ayes, 19.

Mr. Robertson,	Mr. Lloyd,
Mr. Forster,	Mr. W. Campbell,
Mr. Egan,	Mr. Dangar,
Mr. Sutherland,	Mr. Samuel,
Mr. Hart,	Mr. Tunks,
Mr. Lackey,	Mr. Josephson,
Mr. Mate,	<i>Tellers.</i>
Mr. Lucas,	
Mr. Bell,	Mr. Lyons,
Mr. R. Stewart,	Mr. J. Stewart.
Mr. Alexander,	

Noes, 11.

Sir James Martin,	<i>Tellers.</i>
Mr. Byrnes,	
Mr. Wilson,	Mr. Church,
Mr. S. Brown,	Mr. Driver.
Mr. Isaacs,	
Mr. Cummings,	
Mr. Gordon,	
Mr. McKay,	
Mr. Parkes,	

No. 2.

COMPULSORY VACCINATION BILL.

Clause 1. The Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* appoint ~~divide New South Wales into convenient~~ districts for the purposes of Vaccination and “may appoint” convenient places in each such district for the performance of such Vaccination and shall cause the most effectual means to be taken for giving from time to time to all persons resident within every such district notice of the days and hours at which the medical officers or practitioners duly appointed for such purpose as hereinafter mentioned will attend at such places to vaccinate all persons not already successfully vaccinated who may then appear there and also of the days and hours at which such medical officers or practitioners will attend at such places to inspect the progress of such Vaccination in the persons so vaccinated. (*Read.*)

Question proposed,—That the Clause be amended by the omission of the words “divide New South Wales into,” in line 2, with a view to insert the word “appoint.” (*Mr. Robertson.*)

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

Committee divided.

Ayes, 4.

Mr. Wilson,
Mr. Eagar,
<i>Tellers.</i>
Mr. Piddington,
Mr. J. Stewart.

Noes, 21.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Cummings,
Mr. Josephson,	Mr. Lloyd,
Mr. Samuel,	Mr. Driver,
Mr. Egan,	Mr. W. Campbell,
Mr. Sutherland,	Mr. Farnell,
Mr. McKay,	Mr. Cunneen,
Mr. Dangar,	<i>Tellers.</i>
Mr. Hart,	
Mr. Bell,	Mr. Hill,
Mr. Graham,	Mr. Burns.
Mr. Phelps,	

No. 3.

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

Committee divided.

Ayes, 3.

Mr. Wilson,
<i>Tellers.</i>
Mr. Piddington,
Mr. J. Stewart.

Noes, 20.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Lloyd,
Mr. Josephson,	Mr. Driver,
Mr. Samuel,	Mr. McKay,
Mr. Egan,	Mr. Cunneen,
Mr. Sutherland,	Mr. Dangar,
Mr. W. Campbell,	Mr. Farnell,
Mr. Graham,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Phelps,	Mr. Burns,
Mr. Bell,	Mr. Lundale.

No. 4.

- No. 4. Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again this day fortnight. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 3.		Noes, 20.	
Mr. Wilson,		Mr. Robertson,	Mr. Cummings,
<i>Tellers.</i>		Mr. Josephson,	Mr. McKay,
Mr. Piddington,		Mr. Samuel,	Mr. Dangar,
Mr. J. Stewart.		Mr. Egan,	Mr. Farnell,
		Mr. Sutherlad,	Mr. Cunneen,
		Mr. Graham,	Mr. Forster,
		Mr. Phelps,	Mr. Landale,
		Mr. Mate,	<i>Tellers.</i>
		Mr. Lloyd,	Mr. W. Campbell,
		Mr. Bell,	Mr. Burns.
		Mr. Driver,	

- No. 5. (*Same Clause.*)  
Motion made and Question put,—That the words proposed to be omitted stand part of the Clause.  
Committee divided.

Ayes, 3.		Noes, 20.	
Mr. Wilson,		Mr. Robertson,	Mr. Burns,
<i>Tellers.</i>		Mr. Forster,	Mr. Mate,
Mr. Piddington,		Mr. Samuel,	Mr. Graham,
Mr. J. Stewart.		Mr. Egan,	Mr. McKay,
		Mr. Sutherland,	Mr. Dangar,
		Mr. Cunneen,	Mr. Farnell,
		Mr. Driver,	Mr. Josephson,
		Mr. Phelps,	<i>Tellers.</i>
		Mr. Cummings,	Mr. Landale,
		Mr. Bell,	Mr. W. Campbell.
		Mr. Lloyd,	

And the Committee continuing to sit until after Midnight,—

WEDNESDAY, 3 MARCH, 1869, A.M.

- No. 6. (*Same Clause.*)  
Motion made,—That the blank be filled with the word "appoint."  
Amendment proposed,—That the word "proclaim" be substituted for the word "appoint." (*Mr. J. Stewart.*)  
Question put,—That the word "appoint" be inserted.  
Committee divided.

Ayes, 17.		Noes, 3.	
Mr. Parkes,	Mr. Cunneen,	Mr. Wilson,	
Mr. Robertson,	Mr. Bell,	<i>Tellers.</i>	
Mr. Josephson,	Mr. Phelps,	Mr. Piddington,	
Mr. Sutherland,	Mr. Landale,	Mr. J. Stewart.	
Mr. Egan,	Mr. W. Campbell,		
Mr. Samuel,	<i>Tellers.</i>		
Mr. Mate,	Mr. Lloyd,		
Mr. McKay,	Mr. Driver.		
Mr. Cummings,			
Mr. Dangar,			

The Clause was further amended (on motion of Mr. Piddington), by the omission of the word "convenient," in line 3.

- No. 7. (*Same Clause.*)  
Motion made,—That the Clause be further amended by the omission of the words "may appoint," in line 3. (*Mr. Robertson.*)  
Question put,—That the words proposed to be omitted stand part of the Clause.  
Committee divided.

Ayes, 2.		Noes, 17.	
<i>Tellers.</i>		Mr. Robertson,	Mr. Bell,
Mr. Wilson,		Mr. Forster,	Mr. W. Campbell,
Mr. Piddington.		Mr. Josephson,	Mr. Landale,
		Mr. Samuel,	Mr. Mate,
		Mr. Sutherland,	Mr. Driver,
		Mr. Egan,	<i>Tellers.</i>
		Mr. McKay,	Mr. Cummings,
		Mr. Dangar,	Mr. Lloyd.
		Mr. Cunneen,	
		Mr. Phelps,	

And it appearing by the Tellers Lists that there was not a Quorum of Members present, the Chairman left the Chair to report.

WEDNESDAY,

WEDNESDAY, 3 MARCH, 1869.

No. 8.

SUPPLY—ESTIMATES, 1869.

*(Railways—Works in Progress.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £6,324, to defray Salaries and Contingencies under the head Railways—Works in Progress, for the year 1869. (*Mr. Sutherland.*)

Motion made,—That the item £2,000, “Contingent sum to provide such further assistance as may be required,” be reduced by the sum of £1,000. (*Mr. J. Stewart.*)

Question put,—That a sum not exceeding £1,000 be granted for this service. Committee divided.

Ayes, 13.

Mr. Isaacs,	<i>Tellers.</i>
Mr. J. Stewart,	
Mr. Tighe,	Mr. Burns,
Mr. Lee,	Mr. Hannell.
Mr. Hill,	
Mr. Parkes,	
Mr. Mate,	
Mr. Nowlan,	
Mr. R. Stewart,	
Mr. Terry,	
Mr. Driver,	

Noes, 22.

Mr. Robertson,	Mr. Lackey,
Mr. Forster,	Mr. Dangar,
Mr. Josephson,	Mr. Graham,
Mr. Sutherland,	Mr. Landale,
Mr. Samuel,	Mr. Neale,
Mr. Egan,	Mr. Dodds,
Mr. Lloyd,	Mr. Farnell,
Mr. Smart,	Mr. Byrnes,
Mr. W. Suttor,	<i>Tellers.</i>
Mr. Bell,	
Mr. Lord,	Mr. S. Brown,
Mr. Gordon,	Mr. Lyons.

No. 9.

*(Same Estimate.)*

Motion made and Question put,—That the item £74, “Forage Allowance for Engineer-in-Chief,” be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 16.

Mr. Tighe,	Mr. Driver,
Mr. Burns,	Mr. S. Brown,
Mr. Lyons,	<i>Tellers.</i>
Mr. Lee,	
Mr. Hill,	Mr. Hannell,
Mr. Lloyd,	Mr. J. Stewart.
Mr. Isaacs,	
Mr. Mate,	
Mr. Nowlan,	
Mr. R. Stewart,	
Mr. Terry,	
Mr. Morrice,	

Noes, 21.

Mr. Robertson,	Mr. Lackey,
Mr. Samuel,	Mr. Neale,
Mr. Josephson,	Mr. Dodds,
Mr. Sutherland,	Mr. Farnell,
Mr. Egan,	Mr. Byrnes,
Mr. Smart,	Mr. Walker,
Mr. Landale,	Mr. Parkes,
Mr. Bell,	<i>Tellers.</i>
Mr. Gordon,	
Mr. Dangar,	Mr. Church,
Mr. Forster,	Mr. W. Campbell.
Mr. Graham,	

*Original Estimate carried.*

No. 10.

*(Public Works and Buildings.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £67,450, to defray the expense of Public Works and Buildings, for the year 1869. (*Mr. Sutherland.*)

*The Estimate was reduced (on motion of Mr. Sutherland), by reducing the item £2,000, for “Repairs to Military Barracks and Buildings,” by £500.*

Motion made and Question put,—That the item £5,000, Additions and Alterations, Benevolent Asylum, Liverpool,” be omitted. (*Mr. Alexander.*) Committee divided.

Ayes, 2.

<i>Tellers.</i>
Mr. Alexander,
Mr. J. Stewart.

Noes, 30.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. R. Stewart,
Mr. Samuel,	Mr. Graham,
Mr. Josephson,	Mr. McKay,
Mr. Sutherland,	Mr. Dangar,
Mr. Egan,	Mr. Lloyd,
Mr. Burns,	Mr. Piddington,
Mr. Parkes,	Mr. Dodds,
Mr. W. Campbell,	Mr. Farnell,
Mr. Church,	Mr. Hannell,
Mr. Cummings,	Mr. Cunneen,
Mr. Landale,	Mr. Driver,
Mr. Phelps,	<i>Tellers.</i>
Mr. Bell,	
Mr. Terry,	Mr. Hill,
Mr. Morrice,	Mr. Walker.

*A motion (made by Mr. J. Stewart) to reduce the item £5,000, “Additions and Improvements, Lunatic Asylum, Parramatta,” was negatived, there being no Tellers for the Ayes, upon a division being called for.*

No. 11.

No. 11.

*(Same Estimate.)*

Motion made and Question put,—That the item £5,000, "Permanent Lighthouses and Keepers' Quarters at Barrenjuey," be omitted. (*Mr. Burns.*)  
Committee divided.

Ayes, 7.

Mr. Alexander,  
Mr. Mac,  
Mr. E. Stewart,  
Mr. Terry,  
Mr. Driver,

*Tellers.*

Mr. Burns,  
Mr. J. Stewart.

Noes, 23.

Mr. Robertson,  
Mr. Forster,  
Mr. Hill,  
Mr. Samuel,  
Mr. Josephson,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Parkes,  
Mr. Church,  
Mr. Cummings,  
Mr. Morrice,  
Mr. Bell,  
Mr. Phelps,

Mr. Graham,  
Mr. McKay,  
Mr. Dangar,  
Mr. Dodds,  
Mr. Farnell,  
Mr. Hannell,  
Mr. Cunneen,  
Mr. Lloyd,

*Tellers.*

Mr. Walker,  
Mr. W. Campbell.

*Estimate, as reduced (£66,950), carried.*

[*Price, 6d.*]

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Sydney: Thomas Richards, Government Printer.—1863.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 11 MARCH, 1869.

No. 1.

SUPPLY—ESTIMATES, 1869.

(Roads and Bridges—General Establishment.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,500, to defray Salaries and Contingencies, under the head Roads and Bridges—General Establishment, for the year 1869. (Mr. Sutherland.)

Motion made and Question put,—That the item £100, "Equipment Allowance for Commissioner and Engineer," be omitted. (Mr. Hoskins.)

Committee divided.

Ayes, 6.

Mr. Hoskins,  
Mr. Cunneen,  
Mr. R. Stewart,  
Mr. Driver,

Tellers.

Mr. Terry,  
Mr. J. Stewart.

Noes, 30.

Mr. Robertson,  
Mr. Forster,  
Mr. Sutherland,  
Mr. Egan,  
Mr. Byrnes,  
Mr. Wilson,  
Mr. Hurley,  
Mr. Mate,  
Mr. McKay,  
Mr. Cummings,  
Mr. Hill,  
Mr. Morrice,  
Mr. Bell,  
Mr. Alexander,  
Mr. Gordon,  
Mr. Lackey,

Mr. Parkes,  
Mr. Windeyer,  
Mr. Dangar,  
Mr. Dodds,  
Mr. Graham,  
Mr. W. Campbell,  
Mr. Roberts,  
Mr. Farnell,  
Mr. Hannell,  
Mr. Samuel,  
Mr. J. Campbell,  
Mr. Josephson,

Tellers.

Mr. Burns,  
Mr. W. Suttor.

## No. 2.

(Same Item.)

Motion made and Question put—That the item be reduced by the sum of £50. (*Mr. Hoskins.*)  
Committee divided.

Ayes, 5.

Mr. Driver,  
Mr. Terry,  
Mr. R. Stewart,

Tellers.

Mr. Hoskins,  
Mr. J. Stewart.

Noes, 30.

Mr. Robertson,	Mr. Lackey,
Mr. Forster,	Mr. Phelps,
Mr. Samuel,	Mr. Dangar,
Mr. Wilson,	Mr. Dodds,
Mr. Sutherland,	Mr. Graham,
Mr. Egan,	Mr. Farnell,
Mr. Byrnes,	Mr. J. Campbell,
Mr. Hurley,	Mr. Hannell,
Mr. Mate,	Mr. Parkes,
Mr. McKay,	Mr. Josephson,
Mr. Cummings,	Mr. Roberts,
Mr. Hill,	Sir James Martin,
Mr. Bell,	Tellers.
Mr. Alexander,	Mr. Burns,
Mr. Isaacs,	Mr. W. Suttor.
Mr. Gordon,	

Original Estimate carried.

## No. 3.

(Roads and Bridges—Construction and Maintenance.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £114,192, to defray the charges for Roads and Bridges—Construction and Maintenance, for the year 1869. (*Mr. Sutherland.*)

Motion made,—That the item £36,968, "Minor Roads as per Schedule," be reduced by the sum of £2,825. (*Mr. J. Stewart.*)

Mr. J. Stewart subsequently asked leave to withdraw his motion—which being objected to, a question arose as to whether a proposal to reduce a previous item could be entertained until the item under discussion had been disposed of.

Motion made by Mr. Lucas,—That the Chairman leave the Chair, report the following Point of Order, and ask leave to sit again at a later hour of the day :—

An Honorable Member having proposed the reduction of an item in an Estimate, and the question of such reduction having been put to the Committee, another Honorable Member desired to deal, by motion, with a previous item; the Chairman gave it as his opinion that it was not in order to deal with a previous item to that proposed to be reduced until the first proposal had been withdrawn; and upon the proposal to withdraw the proposed reduction, an Honorable Member objected to such withdrawal, and the Chairman then stated it to be his opinion that the second proposal could not be entertained.

Question put.

Committee divided.

Ayes, 6.

Mr. Lucas,  
Mr. Alexander,  
Dr. Lang,  
Mr. Wilson,

Tellers.

Mr. J. Stewart,  
Mr. Walker.

Noes, 31.

Mr. Church,	Mr. Cunneen,
Mr. Robertson,	Mr. Nowlan,
Mr. Byrnes,	Mr. Phelps,
Mr. Josephson,	Mr. Roberts,
Mr. Forster,	Mr. Hurley,
Mr. Egan,	Mr. Graham,
Mr. Burns,	Mr. Terry,
Mr. Parkes,	Mr. Dodds,
Mr. Smart,	Mr. Farnell,
Mr. Macleay,	Mr. Sutherland,
Mr. McKay,	Mr. Driver,
Mr. R. Stewart,	Mr. Samuel,
Mr. Bell,	Tellers.
Mr. Cummings,	Mr. Hoskins,
Mr. Gordon,	Mr. Hill.
Mr. Mate,	
Mr. Lloyd,	

## No. 4.

Question put,—That the item £36,968, "Minor Roads as per Schedule," be reduced by the sum of £2,825.  
Committee divided.

Ayes, 13.

Mr. Driver,	Tellers.
Mr. Roberts,	Mr. Walker,
Mr. Lucas,	Mr. J. Stewart.
Mr. Ostley,	
Mr. R. Stewart,	
Mr. Cummings,	
Mr. W. Campbell,	
Mr. Lackey,	
Mr. Hannell,	
Mr. Alexander,	
Mr. Hoskins,	

Noes, 20.

Mr. Forster,	Mr. Lloyd,
Mr. Josephson,	Mr. Graham,
Mr. Sutherland,	Mr. Hill,
Mr. Wilson,	Mr. Dodds,
Mr. Eagar,	Mr. Dangar,
Mr. Nowlan,	Mr. Piddington,
Mr. Phelps,	Mr. Parkes,
Mr. Mate,	Tellers.
Mr. Terry,	Mr. McKay,
Mr. Gordon,	Mr. Farnell.
Mr. Bell,	

No. 5.

No. 5.

*(Same Item.)*

Motion made and Question put,—That the item £36,968, "Minor Roads as per Schedule," be reduced by the sum of £2,325. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 17.

Mr. Alexander,	Mr. Luckey,
Mr. Roberts,	Mr. Lucas,
Mr. Driver,	Mr. Terry,
Mr. Church,	Mr. Hoskins,
Mr. Cummings,	Mr. Cunneen,
Mr. Oatley,	<i>Tellers.</i>
Mr. R. Stewart,	Mr. Walker,
Mr. Hannell,	Mr. J. Stewart.
Mr. Isaacs,	
Mr. W. Campbell,	

Noes, 17.

Mr. Josephson,	Mr. Graham,
Mr. Forster,	Mr. Dodds,
Mr. Sutherland,	Mr. Piddington,
Mr. Egan,	Mr. Farnell,
Mr. Wilson,	Mr. Parkes,
Mr. McKay,	<i>Tellers.</i>
Mr. Phelps,	Mr. Hurley,
Mr. Nowlan,	Mr. Gordon.
Mr. Mate,	
Mr. Hill,	

The numbers being equal, the Chairman gave his Casting Vote with the Ayes, and declared the Question to have passed in the affirmative.

No. 6.

*(Same Item.)*

Motion made and Question put,—That the item be further reduced by the sum of £3,000. (*Mr. Wilson.*)  
Committee divided.

Ayes, 3.

Mr. Wilson,
<i>Tellers.</i>
Mr. Walker,
Mr. J. Stewart.

Noes, 26.

Mr. Josephson,	Mr. Bell,
Mr. Forster,	Mr. Alexander,
Mr. Sutherland,	Mr. Terry,
Mr. Egan,	Mr. Dangar,
Mr. Cummings,	Mr. Lucas,
Mr. Mate,	Mr. Oatley,
Mr. McKay,	Mr. Graham,
Mr. R. Stewart,	Mr. Dodds,
Mr. Neale,	Mr. Farnell,
Mr. Graham,	Mr. Driver,
Mr. W. Campbell,	<i>Tellers.</i>
Mr. Gordon,	Mr. Church,
Mr. Phelps,	Mr. Hoskins.
Mr. Nowlan,	

No. 7.

*(Same Item.)*

Motion made and Question put,—That the item be further reduced by the sum of £2,500. (*Mr. Wilson.*)  
Committee divided.

Ayes, 3.

Mr. Wilson,
<i>Tellers.</i>
Mr. Walker,
Mr. J. Stewart.

Noes, 26.

Mr. Josephson,	Mr. Dangar,
Mr. Forster,	Mr. Lucas,
Mr. Sutherland,	Mr. Alexander,
Mr. Egan,	Mr. McKay,
Mr. Church,	Mr. Graham,
Mr. Cummings,	Mr. Dodds,
Mr. R. Stewart,	Mr. Farnell,
Mr. Neale,	Mr. Oatley,
Mr. Terry,	Mr. Driver,
Mr. Phelps,	Mr. Hannell,
Mr. Bell,	<i>Tellers.</i>
Mr. Gordon,	Mr. Burns,
Mr. Mate,	Mr. Hoskins.
Mr. W. Campbell,	

No. 8.

*(Same Estimate.)*

Motion made and Question put,—That the item £800, "Streets at Hay," be omitted. (*Mr. J. Stewart.*)  
Committee divided.

Ayes, 5.

Mr. Lucas,
Mr. Burns,
Mr. Dodds,
<i>Tellers.</i>
Mr. McKay,
Mr. J. Stewart.

Noes, 25.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Alexander,
Mr. Samuel,	Mr. Dangar,
Mr. Sutherland,	Mr. Graham,
Mr. Egan,	Mr. Cunneen,
Mr. Josephson,	Mr. Lloyd,
Mr. Hoskins,	Mr. Parkes,
Mr. Burdekin,	Mr. Farnell,
Mr. Mate,	Mr. Bell,
Mr. Phelps,	<i>Tellers.</i>
Mr. Hill,	Mr. Oatley,
Mr. Neale,	Mr. Driver,
Mr. Cummings,	
Mr. Terry,	

Motion made and Question put,—That the Chairman leave the Chair. (*Mr. J. Stewart.*) Division called for,—but there being no Tellers for the Ayes, no division could be had.

No. 9.

No. 9.

*(Same Estimate.)*Motion made and Question put,—That the item £900, "Streets at Wentworth," be omitted. *(Mr. J. Stewart.)*

Committee divided.

Ayes, 4.  
Mr. Dodds,  
Mr. Burns,  
*Tellers.*  
Mr. McKay,  
Mr. J. Stewart.

Noes, 26.

Mr. Robertson,	Mr. Bell,
Mr. Forster,	Mr. Alexander,
Mr. Samuel,	Mr. Gordon,
Mr. Sutherland,	Mr. Graham,
Mr. Egan,	Mr. Cunneen,
Mr. Josephson,	Mr. Dangar,
Mr. Hoskins,	Mr. Lloyd,
Mr. Burdekin,	Mr. Parkes,
Mr. Mate,	Mr. Farnell,
Mr. Phelps,	Mr. Lucas,
Mr. Hill,	<i>Tellers.</i>
Mr. Neale,	Mr. Oatley,
Mr. Terry,	Mr. Driver.
Mr. Cummings,	

No. 10.

*(Same Item.)*Motion made and Question put,—That the item be reduced by the sum of £450. *(Mr. J. Stewart.)*

Committee divided.

Ayes, 4.  
Mr. Dodds,  
Mr. Burns,  
*Tellers.*  
Mr. Walker,  
Mr. J. Stewart.

Noes, 27.

Mr. Robertson,	Mr. Graham,
Mr. Forster,	Mr. Cunneen,
Mr. Sutherland,	Mr. Dangar,
Mr. Samuel,	Mr. Lloyd,
Mr. Egan,	Mr. Oatley,
Mr. Josephson,	Mr. Parkes,
Mr. Hoskins,	Mr. McKay,
Mr. Burdekin,	Mr. Farnell,
Mr. Cummings,	Mr. Isaacs,
Mr. Neale,	Mr. Driver,
Mr. Terry,	<i>Tellers.</i>
Mr. Hill,	Mr. Mate,
Mr. Bell,	Mr. Phelps.
Mr. Gordon,	
Mr. Alexander,	

No. 11.

*(Same Estimate.)*Motion made and Question put,—That the item £300, "Bridge Angel's Creek Illawarra," be omitted. *(Mr. Burns.)*

Committee divided.

Ayes, 12.  
Mr. Burdekin,  
Mr. Oatley,  
Mr. McKay,  
Mr. Cunneen,  
Mr. Terry,  
Mr. Dodds,  
Mr. Dangar,  
Mr. Burns,  
Mr. Driver,  
Mr. J. Stewart,  
*Tellers.*  
Mr. Hoskins,  
Mr. Lucas,

Noes, 18.

Mr. Robertson,	Mr. Graham,
Mr. Forster,	Mr. Nowlan,
Mr. Josephson,	Mr. Lloyd,
Mr. Samuel,	Mr. Piddington,
Mr. Sutherland,	Mr. Farnell,
Mr. Egan,	Mr. Isaacs,
Mr. Parkes,	<i>Tellers.</i>
Mr. Cummings,	Mr. Mate,
Mr. Alexander,	Mr. Hill.
Mr. Bell,	

And the Committee continuing to sit until after Midnight,—

FRIDAY, 12 MARCH, 1869, A.M.

No. 12.

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

Committee divided.

Ayes, 8.  
Sir James Martin,  
Mr. Wilson,  
Mr. Piddington,  
Mr. Isaacs,  
Mr. Parkes,  
Mr. Burns,  
*Tellers.*  
Mr. Walker,  
Mr. J. Stewart.

Noes, 29.

Mr. Robertson,	Mr. Cummings,
Mr. Forster,	Mr. Dangar,
Mr. Samuel,	Mr. W. Suttor,
Mr. Sutherland,	Mr. Phelps,
Mr. Egan,	Mr. Bell,
Mr. Josephson,	Mr. Gordon,
Mr. Burdekin,	Mr. Graham,
Mr. Macleay,	Mr. Dodds,
Mr. Lloyd,	Mr. Nowlan,
Mr. Mate,	Mr. McKay,
Mr. Hill,	Mr. Oatley,
Mr. Hoskins,	<i>Tellers.</i>
Mr. Neale,	Mr. W. Campbell,
Mr. Alexander,	Mr. Driver.
Mr. Cunneen,	
Mr. Terry,	

No. 13.

No. 13.

(Same Estimate.)

Motion made and Question put,—That the item £1,800, "Bridge Ellenborough River (Port Macquarie)," be reduced by the sum of £1,799. (Mr. Piddington.)

Committee divided.

Ayes, 4.

Mr. Walker,  
Mr. Piddington,

Tellers.

Mr. Lucas,  
Mr. J. Stewart.

Noes, 28.

Mr. Robertson,  
Mr. Forster,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Josephson,  
Mr. Samuel,  
Mr. McKay,  
Mr. Phelps,  
Mr. Cunneen,  
Mr. Alexander,  
Mr. Cummings,  
Mr. Neale,  
Mr. Mate,  
Mr. Purkes,  
Mr. Driver,

Mr. Dangar,  
Mr. Terry,  
Mr. Gordon,  
Mr. Bell,  
Mr. Nowlan,  
Mr. Dodds,  
Mr. Oatley,  
Mr. Macleay,  
Mr. Lloyd,  
Mr. Burdekin,  
Mr. Graham,

Tellers.

Mr. Hoskins,  
Mr. W. Campbell.

Estimate, as reduced (£111,867), carried.

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

Sydney: Thomas Richards, Government Printer.—1869.

[Price, 6d.]



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 10.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 16 MARCH, 1869.

No. 1.

## AUSTRALIAN SUBSCRIPTION AND FREE LIBRARIES.

## Resolutions,—

- (1.) That it is desirable that Government should forthwith carry out the Resolutions of this House, of the 13th January, 1862, for the establishment of a Free Library.
- (2.) That the Shareholders and Proprietors of the Australian Subscription Library, having resolved to dispose of the valuable collection of books belonging to that Institution, it is highly desirable that Government should purchase the said collection for the Free Library, if it can possibly be done on terms mutually satisfactory.
- (3.) That the Shareholders and Proprietors of the said Australian Subscription Library, having also resolved to dispose of their valuable building and building-ground, situated in Bent-street and Macquarie-street, it is very desirable that Government should purchase the same on such terms as aforesaid, with a view to bring the Free Library into immediate operation. (*Read.*)

Motion made,—That the Resolutions be dealt with *seriatim*. (*Dr. Lang.*)

Question put and passed.

Question proposed,—That the Committee agree to the first Resolution. (*Dr. Lang.*)Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again this day six months. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*Mr. Lucas,  
Mr. J. Stewart.

Noes, 18.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Neale,
Mr. Samuel,	Mr. Graham,
Mr. Josephson,	Mr. Piddington,
Mr. Egan,	Mr. McKay,
Dr. Lang,	Mr. R. Stewart,
Mr. Cummings,	<i>Tellers.</i>
Mr. Hill,	Mr. W. Suttor,
Mr. Alexander,	Mr. Burns.
Mr. Driver,	

Notice being taken of the state of the Committee, the Chairman counted, and finding that there was not a Quorum of Members present, left the Chair to report.

WEDNESDAY, 17 MARCH, 1869.

No. 2.

SUPPLY—ESTIMATES, 1869.

(*Railways*)—To be raised by Loan.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £70,000, to defray the charges for Railways (to be raised by Loan), for the year 1869. (*Mr. Sutherland.*)

And the Committee continuing to sit until after Midnight,—

THURSDAY, 18 MARCH, 1869, A.M.

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

Ayes, 2.

*Tellers.*  
Mr. Walker,  
Mr. J. Stewart.

Noes, 22.

Mr. Robertson,	Mr. Macleay,
Mr. Forster,	Mr. Hannell,
Mr. Samuel,	Mr. Church,
Mr. Sutherland,	Mr. McKay,
Mr. Egan,	Mr. Cunneen,
Mr. Byrnes,	Mr. Burdekin,
Mr. W. Campbell,	Mr. Josephson,
Mr. Phelps,	Mr. Mate,
Mr. Alexander,	<i>Tellers.</i>
Mr. Bell,	Mr. R. Stewart,
Mr. Gordon,	Mr. Driver.
Mr. Cummings,	

*Estimate (£70,000) carried.*

No. 3.

(*Harbours and River Navigation*)—To be raised by Loan.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £81,000, to defray the charges for Harbours and River Navigation (to be raised by Loan), for the year 1869. (*Mr. Sutherland.*)

Motion made and Question put,—That the item £15,000, "Removing obstructions and improving the Navigation of the Rivers Murray, Murrumbidgee, and Darling," be reduced by the sum of £5,000. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 4.

Mr. R. Stewart,  
Mr. Lucas,  
*Tellers.*  
Mr. Farnell,  
Mr. J. Stewart.

Noes, 23.

Mr. Robertson,	Mr. Alexander,
Mr. Samuel,	Mr. Macleay,
Mr. Forster,	Mr. Cunneen,
Mr. Josephson,	Mr. Hannell,
Mr. Sutherland,	Mr. Dodds,
Mr. Egan,	Mr. McKay,
Mr. Wilson,	Mr. Driver,
Mr. Byrnes,	Mr. Burdekin,
Mr. W. Campbell,	<i>Tellers.</i>
Mr. Phelps,	Mr. Mate,
Mr. Cummings,	Mr. Church.
Mr. Bell,	
Mr. Gordon,	

No. 4.

(*Same Estimate.*)

Motion made and Question put,—That the item £10,000, "Dredge for Manning, Macleay, and Clarence Rivers," be omitted. (*Mr. Wilson.*)

Committee divided.

Ayes, 8.

Mr. Wilson,  
Mr. Lucas,  
Mr. Burns,  
Mr. R. Stewart,  
Mr. W. Campbell,  
Mr. Driver,  
*Tellers.*  
Mr. Walker,  
Mr. J. Stewart.

Noes, 18.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Macleay,
Mr. Josephson,	Mr. Hannell,
Mr. Samuel,	Mr. Dodds,
Mr. Sutherland,	Mr. Farnell,
Mr. Egan,	Mr. Burdekin,
Mr. Cunneen,	<i>Tellers.</i>
Mr. Cummings,	Mr. McKay,
Mr. Gordon,	Mr. Church.
Mr. Bell,	

No. 5.

No. 5.

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

Committee divided.

Ayes, 7.

Mr. Wilson,  
Mr. Walker,  
Mr. Byrnes,  
Mr. Burns,  
Mr. Farnell,  
*Tellers.*  
Mr. J. Stewart,  
Mr. Lucas.

Noes, 20.

Mr. Robertson,	Mr. Mate,
Mr. Forster,	Mr. Macleay,
Mr. Sutherland,	Mr. Phelps,
Mr. Josephson,	Mr. McKay,
Mr. Egan,	Mr. Hannell,
Mr. Samuel,	Mr. Burdokin,
Mr. Church,	Mr. Cunneen,
Mr. Gordon,	<i>Tellers.</i>
Mr. W. Campbell,	Mr. Dodds,
Mr. Cummings,	Mr. Driver.
Mr. Bell,	

No. 6.

*(Same Estimate.)*

Question proposed,—That the item £35,000, "Erection of Steam Cranes, Wharf, &c., Darling Harbour," be omitted. (*Mr. J. Stewart.*)

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

Committee divided.

Ayes, 7.

Mr. Wilson,  
Mr. Walker,  
Mr. Byrnes,  
Mr. Burns,  
Mr. Farnell,  
*Tellers.*  
Mr. J. Stewart,  
Mr. Lucas.

Noes, 20.

Mr. Robertson,	Mr. Macleay,
Mr. Forster,	Mr. Phelps,
Mr. Sutherland,	Mr. McKay,
Mr. Josephson,	Mr. Cunneen,
Mr. Egan,	Mr. Hannell,
Mr. Samuel,	Mr. Dodds,
Mr. W. Campbell,	Mr. Burdokin,
Mr. Cummings,	<i>Tellers.</i>
Mr. Bell,	Mr. Church,
Mr. Driver,	Mr. Gordon.
Mr. Mate,	

No. 7.

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

Committee divided.

Ayes, 6.

Mr. Byrnes,  
Mr. Wilson,  
Mr. Farnell,  
Mr. Burns,  
*Tellers.*  
Mr. J. Stewart,  
Mr. Lucas.

Noes, 19.

Mr. Robertson,	Mr. McKay,
Mr. Forster,	Mr. Cunneen,
Mr. Samuel,	Mr. Hannell,
Mr. Josephson,	Mr. Dodds,
Mr. Egan,	Mr. Burdokin,
Mr. Sutherland,	Mr. Driver,
Mr. W. Campbell,	<i>Tellers.</i>
Mr. Cummings,	Mr. Church,
Mr. Bell,	Mr. Gordon.
Mr. Phelps,	
Mr. Macleay,	

No. 8.

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

Committee divided.

Ayes, 5.

Mr. Byrnes,  
Mr. Burns,  
Mr. J. Stewart,  
*Tellers.*  
Mr. Farnell,  
Mr. Lucas.

Noes, 19.

Mr. Robertson,	Mr. Cummings,
Mr. Forster,	Mr. Macleay,
Mr. Samuel,	Mr. Phelps,
Mr. Josephson,	Mr. McKay,
Mr. Sutherland,	Mr. Cunneen,
Mr. Egan,	Mr. Burdokin,
Mr. Church,	<i>Tellers.</i>
Mr. Gordon,	Mr. Hannell,
Mr. Driver,	Mr. Dodds.
Mr. W. Campbell,	
Mr. Bell,	

No. 9.

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

Committee

Committee divided.

Ayes, 2.

*Tellers.*

Mr. Lucas,  
Mr. J. Stewart.

Noes, 18.

Mr. Robertson,	Mr. Macleay,
Mr. Forster,	Mr. Gordon,
Mr. Samuel,	Mr. W. Campbell,
Mr. Josephson,	Mr. Burdekin,
Mr. Sutherland,	Mr. Dodds,
Mr. Egan,	Mr. Cunneen,
Mr. Phelps,	<i>Tellers.</i>
Mr. Cummings,	Mr. McKay,
Mr. Driver,	Mr. Church.
Mr. Bell,	

No. 10.

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

Committee divided.

Ayes, 2.

*Tellers.*

Mr. J. Stewart,  
Mr. Lucas.

Noes, 19.

Mr. Robertson,	Mr. Gordon,
Mr. Forster,	Mr. Hannell,
Mr. Samuel,	Mr. W. Campbell,
Mr. Josephson,	Mr. Burdekin,
Mr. Egan,	Mr. Dodds,
Mr. Sutherland,	Mr. Cunneen,
Mr. Phelps,	<i>Tellers.</i>
Mr. Cummings,	Mr. McKay,
Mr. Driver,	Mr. Church.
Mr. Bell,	
Mr. Macleay,	

No. 11.

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

Committee divided.

Ayes, 2.

*Tellers.*

Mr. J. Stewart,  
Mr. Lucas.

Noes, 19.

Mr. Robertson,	Mr. Bell,
Mr. Forster,	Mr. Macleay,
Mr. Samuel,	Mr. Gordon,
Mr. Josephson,	Mr. Burdekin,
Mr. Egan,	Mr. Dodds,
Mr. Sutherland,	Mr. Cunneen,
Mr. Church,	<i>Tellers.</i>
Mr. McKay,	Mr. Hannell,
Mr. Phelps,	Mr. W. Campbell.
Mr. Driver,	
Mr. Cummings,	

Notice being taken of the state of the Committee, the Chairman counted, and finding that there was not a Quorum of Members present, left the Chair to report.

The Committee resumed.

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

Notice being taken of the state of the Committee, the Chairman counted, and finding that there was not a Quorum of Members present, left the Chair to report.

THURSDAY, 18 MARCH, 1869.

No. 12.

SUPPLY—ESTIMATES, 1869.

(*Harbours and River Navigation*)—To be raised by Loan.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £81,000, to defray the charges for Harbours and River Navigation (to be raised by Loan), for the year 1869. (*Mr. Sutherland.*)

Motion made and Question put,—That the item £35,000, "Erection of Steam Cranes, Wharf, &c., Darling Harbour," be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*

Mr. Driver,  
Mr. J. Stewart.

Noes, 30.

Mr. Robertson,	Mr. Gordon,
Mr. Sutherland,*	Mr. Tighe,
Mr. Forster,	Mr. Cummings,
Mr. Josephson,	Mr. Graham,
Mr. Egan,	Mr. Mate,
Mr. Byrnes,	Mr. Walker,
Mr. Sutherland,*	Mr. Burns,
Mr. Hurley,	Mr. Dodds,
Mr. Burdekin,	Mr. Farnell,
Dr. Lang,	Mr. Nowlan,
Mr. McKay,	Mr. S. Brown,
Mr. Phelps,	Mr. Isaacs,
Mr. Bell,	<i>Tellers.</i>
Mr. Terry,	Mr. Lucas,
Mr. Hannell,	Mr. Neale.
Mr. Macleay,	

\*So in Tellers List.

Estimate (£81,000) carried.

No. 13.

No. 13.

(Roads and Bridges)—To be raised by Loan.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £15,500, to defray the charges for Roads and Bridges (to be raised by Loan), for the year 1869. (Mr. Sutherland.)

Motion made and Question put,—That the item £11,500, "Bridge over the Urara, on Road from Grafton to Glen Innes," be omitted. (Mr. Burns.)

Committee divided.

Ayes, 5.

Mr. Lucas,  
Mr. Piddington,  
Mr. Burns,

Tellers.

Mr. Walker,  
Mr. J. Stewart.

Noes, 27.

Mr. Robertson,  
Mr. Forster,  
Mr. Samuel,  
Mr. Josephson,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Wilson,  
Mr. Hurley,  
Mr. McKay,  
Dr. Lang,  
Mr. Neale,  
Mr. Terry,  
Mr. Phelps,  
Mr. Cummings,  
Mr. Lord,

Mr. Bell,  
Mr. Gordon,  
Mr. Macleay,  
Mr. Burdekin,  
Mr. Dodds,  
Mr. Church,  
Mr. Lloyd,  
Mr. S. Brown,  
Mr. Oatley,  
The Speaker,

Tellers.

Mr. Farnell,  
Mr. Driver.

Estimate (£15,500) carried.

No. 14.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £11,125, to defray the charges for Electric Telegraphs (to be raised by Loan), for the year 1869. (Mr. Sutherland.)

Motion made and Question put,—That the item £2,500, "Grafton to Clarence River Heads," be omitted. (Mr. J. Stewart.)

Committee divided.

Ayes, 2.

Tellers.

Mr. Terry,  
Mr. J. Stewart.

Noes, 27.

Mr. Robertson,  
Mr. Forster,  
Mr. Josephson,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Samuel,  
Mr. Lucas,  
Mr. Hurley,  
Mr. Phelps,  
Mr. Lloyd,  
Mr. McKay,  
Mr. Bell,  
Mr. Cummings,  
Mr. Driver,  
Mr. Macleay,

Mr. Gordon,  
Mr. Mate,  
Mr. Parkes,  
Mr. Graham,  
Mr. Lee,  
Mr. Oatley,  
Mr. Dodds,  
Mr. Tighe,  
Mr. Wilson,  
Mr. S. Brown,

Tellers.

Mr. Church,  
Mr. Neale.

No. 15.

(Same Item.)

Motion made and Question put,—That the item be reduced by the sum of £2,400. (Mr. J. Stewart.)

Committee divided.

Ayes, 4.

Mr. Lucas,  
Mr. Wilson,

Tellers.

Mr. Terry,  
Mr. J. Stewart.

Noes, 24.

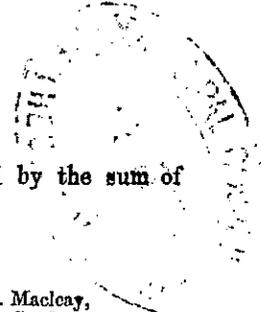
Mr. Robertson,  
Mr. Forster,  
Mr. Samuel,  
Mr. Egan,  
Mr. Sutherland,  
Mr. Josephson,  
Mr. Hurley,  
Mr. Phelps,  
Mr. Lloyd,  
Mr. McKay,  
Mr. Bell,  
Mr. Cummings,  
Mr. Nowlan,

Mr. Macleay,  
Mr. Gordon,  
Mr. Neale,  
Mr. Mate,  
Mr. Parkes,  
Mr. Graham,  
Mr. Lee,  
Mr. Dodds,  
Mr. Tighe,

Tellers.

Mr. S. Brown,  
Mr. Driver.

Estimate (£11,125) carried.



No. 16.

No. 16.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £113,967, to defray the Salaries and Contingencies of the Post Office Department, for the year 1869. (*Mr. Egan.*)

Motion made and Question put,—That the item £375, "Chief Clerk" (Correspondence Branch), be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 3.

Mr. Farnell,

*Tellers.*

Mr. Lee,

Mr. J. Stewart.

Noes, 25.

Mr. Robertson,

Mr. Forster,

Mr. Samuel,

Mr. Sutherland,

Mr. Egan,

Mr. Wilson,

Mr. Burdekin,

Mr. Cummings,

Mr. Terry,

Mr. McKay,

Mr. Driver,

Mr. Bell,

Mr. Phelps,

Mr. Macleay,

Mr. Mate,

Mr. Neale,

Mr. Hurley,

Mr. Nowlan,

Mr. Graham,

Mr. Dodds,

Mr. Tighe,

Mr. S. Brown,

Mr. Josephson,

*Tellers.*

Mr. Burns,

Mr. Church.

No. 17.

*(Same Estimate.)*

Motion made and Question put,—That the item £200, "4th Clerk" (Receiving and Delivering Office), be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 3.

Mr. Farnell,

*Tellers.*

Mr. Lee,

Mr. J. Stewart.

Noes, 25.

Mr. Robertson,

Mr. Forster,

Mr. Samuel,

Mr. Sutherland,

Mr. Egan,

Mr. Hurley,

Mr. Burdekin,

Mr. Terry,

Mr. Tighe,

Mr. McKay,

Mr. Cummings,

Mr. Bell,

Mr. Driver,

Mr. Neale,

Mr. Macleay,

Mr. Phelps,

Mr. Mate,

Mr. Wilson,

Mr. Nowlan,

Mr. Graham,

Mr. Dodds,

Mr. Church,

Mr. Josephson,

*Tellers.*

Mr. S. Brown,

Mr. Burns.

No. 18.

*(Same Estimate.)*

Motion made and Question put,—That the item £600, "Stampers and Sorters" (Despatching Office), be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*

Mr. Lee,

Mr. J. Stewart.

Noes, 23.

Mr. Robertson,

Mr. Forster,

Mr. S. Brown,

Mr. Samuel,

Mr. Sutherland,

Mr. Egan,

Mr. Burdekin,

Mr. Terry,

Mr. McKay,

Mr. Cummings,

Mr. Bell,

Mr. Neale,

Mr. Macleay,

Mr. Mate,

Mr. Phelps,

Mr. Nowlan,

Mr. Graham,

Mr. Dodds,

Mr. Tighe,

Mr. Church,

Mr. Josephson,

*Tellers.*

Mr. Hurley,

Mr. Burns.

No. 19.

*(Same Estimate.)*

Motion made and Question put,—That the item £96, "Groom," be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 2.

*Tellers.*

Mr. J. Stewart,

Mr. Lee.

Noes, 23.

Mr. Robertson,

Mr. Forster,

Mr. S. Brown,

Mr. Sutherland,

Mr. Samuel,

Mr. Egan,

Mr. Hurley,

Mr. Cummings,

Mr. McKay,

Mr. Bell,

Mr. Burdekin,

Mr. Neale,

Mr. Macleay,

Mr. Mate,

Mr. Phelps,

Mr. Graham,

Mr. Dodds,

Mr. Tighe,

Mr. Church,

Mr. Josephson,

Mr. Driver,

*Tellers.*

Mr. Burns,

Mr. Terry.

On motion of Mr. J. Stewart, the item £550, "Allowance for Rent to Official Postmasters," was reduced by the sum of £40.

Reduced Estimate (£113,927) carried.

No. 20

No. 20.

SUPPLEMENTARY ESTIMATES FOR 1868 AND PREVIOUS YEARS.

(Postponed Item.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £500, to defray the Supplementary Charge, for the year 1868, for Compensation to Mr. John Shanks, late Pilot, Port Jackson, for loss of health consequent on the late accident at the Heads. (Mr. Samuel.)

Motion made and Question put,—That the item be omitted. (Mr. J. Stewart.) Committee divided.

<p>Ayes, 4.</p> <p>Mr. S. Brown, Mr. McKay.</p> <p>Tellers.</p> <p>Mr. Farnell, Mr. J. Stewart,</p>	<p>Noes, 24.</p> <p>Mr. Robertson, Mr. Forster, Mr. Samuel, Mr. Josephson, Mr. Egan, Mr. Wilson, Mr. Sutherland, Mr. Hurley, Mr. Church, Mr. Cummings, Mr. Phelps, Mr. Bell, Mr. Macleay,</p>	<p>Mr. Graham, Mr. Mate, Mr. Neale, Mr. Lucas, Mr. Dodds, Mr. Piddington, Mr. Terry, Mr. Tighe, Mr. Burdekin,</p> <p>Tellers.</p> <p>Mr. Burns, Mr. Walker.</p>
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On motion of Mr. J. Stewart, the item was reduced by the sum of £400. The sum of £100 was then voted for this service.

No. 21.

ESTIMATES, 1869.

(Postponed Estimate)—Protestant Orphan School.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £3,572, to defray the Charges for the Protestant Orphan School, for the year 1869. (Mr. Robertson.)

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

Committee divided.

<p>Ayes, 2.</p> <p>Tellers.</p> <p>Mr. Lucas, Mr. J. Stewart.</p>	<p>Noes, 18.</p> <p>Mr. Robertson, Mr. Josephson, Mr. Samuel, Mr. Forster, Mr. Egan, Mr. Sutherland, Mr. McKay, Mr. Hurley, Mr. Torry, Mr. Bell,</p>	<p>Mr. Macleay, Mr. Cummings, Mr. Phelps, Mr. Dangar, Mr. Graham, Mr. Burdekin,</p> <p>Tellers.</p> <p>Mr. Dodds, Mr. Driver.</p>
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Estimate (£3,572) carried.

On motion of Mr. Robertson, the Chairman left the Chair, to report progress, and ask leave to sit again to-morrow—also to report that the Committee had agreed to some Resolutions, and to ask that they be now received.

FRIDAY, 19 MARCH, 1869.

No. 22.

SYDNEY BOUNDARIES AMENDMENT BILL (as amended in Select Committee).

SCHEDULE B.

COOK WARD.

The portion of the City of Sydney bounded by the centre of Liverpool-street from its junction with Elizabeth-street to the South Head Old Road along the centre of that road to the north-west angle of Sydney Common thence along the centre of Dowling-street to a point where it intersects "the southern boundary of the Borough of Paddington thence by that boundary" to its intersection with the southern alignment of the South Head Old Road thence by that alignment easterly to its intersection with a line laid down marked out with stone posts and deemed to be the dividing line between Sydney Common and the Water Reserve thence in a south-westerly direction by the said dividing line to its intersection with the southern boundary

dary of Sydney Common thence by that boundary to the south-west angle of Sydney Common thence in a northerly direction by the western boundary of that Common to its intersection with the centre of Cleveland-street thence along the centre of that street to the centre of Elizabeth-street thence along the centre of Elizabeth-street to the centre of Liverpool-street. (*Read.*)

Question proposed,—That the Schedule, as read, stand Schedule B of the Bill. (*Mr. Hart.*)

Amendment proposed,—That the Schedule be amended by the omission of the words "the southern boundary of the Borough of Paddington thence by that boundary" in lines 5 and 6, with a view to insert the words "Park Road and by the centre of that road." (*Mr. Sutherland.*)

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

Committee divided.

Ayes, 3.

Mr. Dodds,

*Tellers.*

Mr. S. Brown,

Mr. J. Stewart.

Noes, 26.

Mr. Robertson,

Mr. Forster,

Mr. Josephson,

Mr. Egan,

Mr. Samuel,

Mr. Burns,

Mr. Sutherland,

Dr. Lang,

Mr. Neale,

Mr. W. Campbell,

Mr. Alexander,

Mr. Oatley,

Mr. Lord,

Mr. Cummings,

Mr. R. Stewart,

Mr. Phelps,

Mr. Wilson,

Mr. Smart,

Mr. Roberts,

Mr. Tighe,

Mr. Cunneen,

Mr. Driver,

Mr. Parkes,

Mr. Farnell,

*Tellers.*

Mr. Hart,

Mr. Lucas.

No. 23.

(*Same Schedule.*)

Question put,—That the words proposed to be omitted stand part of the Schedule. (*Mr. Sutherland.*)

Committee divided.

Ayes, 20.

Mr. Josephson,

Mr. Sutherland,

Mr. Roberts,

Mr. Lucas,

Mr. Wilson,

Mr. W. Campbell,

Mr. Neale,

Mr. Alexander,

Dr. Lang,

Mr. Cummings,

Mr. Tighe,

Mr. Cunneen,

Mr. Lord,

Mr. Oatley,

Mr. Parkes,

Mr. Smart,

Mr. Farnell,

Mr. Driver,

*Tellers.*

Mr. Hart,

Mr. Burns.

Noes, 8.

Mr. Forster,

Mr. S. Brown,

Mr. Egan,

Mr. Samuel,

Mr. Dodds,

Mr. R. Stewart,

*Tellers.*

Mr. Phelps,

Mr. J. Stewart.

No. 24.

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

Committee divided.

Ayes, 3.

Mr. Piddington,

*Tellers.*

Mr. S. Brown,

Mr. J. Stewart.

Noes, 20.

Mr. Robertson,

Mr. Forster,

Mr. Josephson,

Mr. Sutherland,

Mr. Burns,

Mr. Tighe,

Mr. Parkes,

Mr. Alexander,

Mr. Neale,

Dr. Lang,

Mr. Cunneen,

Mr. Smart,

Mr. Wilson,

Mr. W. Campbell,

Mr. R. Stewart,

Mr. Lucas,

Mr. Farnell,

Mr. Driver,

*Tellers.*

Mr. Hart,

Mr. Oatley.

*Schedule agreed to.*

On motion of Mr. Hart, the Chairman left the Chair, to report that the Committee had agreed to the Bill with Amendments.

1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 11.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

TUESDAY, 23 MARCH, 1869.

No. 1.

## APPROPRIATION BILL.

Clause 3. COLONIAL SECRETARY:—Any sum or sums of money not exceeding five hundred and twelve thousand eight hundred and ninety-six pounds to defray the Salaries Contingencies and other Expenses of the Establishments and Services following:—*(Read.) For particulars, see General Estimates for 1869.*

Motion made and Question put,—That the item £100, "Towards meeting the expense of publishing the Journal of the Agricultural Society," be omitted. *(Mr. J. Stewart.)*

Committee divided.

Ayes, 3.	Noes, 26.
Mr. Farnell,	Mr. Robertson,
<i>Tellers.</i>	Mr. Forster,
Mr. S. Brown,	Mr. Josephson,
Mr. J. Stewart.	Mr. Samuel,
	Mr. Egan,
	Mr. Alexander,
	Mr. Parkes,
	Mr. Hill,
	Dr. Lang,
	Mr. Morrice,
	Mr. Neale,
	Mr. Cummings,
	Mr. Gordon,
	Mr. Mate,
	Mr. R. Stewart,
	Mr. Hurley,
	Mr. Macleay,
	Mr. W. Campbell,
	Mr. Lackey,
	Mr. Sutherland,
	Mr. Dodds,
	Mr. Tighe,
	Mr. Wilson,
	Mr. Cunneen,
	<i>Tellers.</i>
	Mr. Hart,
	Mr. Church.

No. 2.

*(Same Clause.)*

Motion made and Question put,—That the item £1,000, "Towards meeting the expense of the Metropolitan Intercolonial Exhibition," be omitted. *(Mr. J. Stewart.)*

240—

Committee

Committee divided.

Ayes, 2.

*Tellers.*

Mr. S. Brown,  
Mr. J. Stewart.

Noes, 26.

Mr. Robertson,	Mr. Hurley,
Mr. Forster,	Mr. Mato,
Mr. Samuel,	Mr. Wilson,
Mr. Josephson,	Mr. W. Campbell,
Mr. Egan,	Mr. Lackey,
Mr. Parkes,	Mr. Farnell,
Mr. Hill,	Mr. Sutherland,
Dr. Lang,	Mr. Dodds,
Mr. Alexander,	Mr. Tighe,
Mr. Neale,	<i>Tellers.</i>
Mr. Gordon,	Mr. Church,
Mr. Cummings,	Mr. Hart.
Mr. Cunneen,	
Mr. Morrice,	
Mr. R. Stewart,	

No. 3.

(*Same Clause.*)

Motion made and Question put,—That the item £100, "To meet the expense of printing the Museum Catalogue," be omitted. (*Mr. J. Stewart.*)

Committee divided.

Ayes, 3.

Mr. Tighe,

*Tellers.*

Mr. Dodds,  
Mr. J. Stewart.

Noes, 22.

Mr. Robertson,	Mr. Cunneen,
Mr. Forster,	Mr. Morrice,
Mr. Samuel,	Mr. R. Stewart,
Mr. Josephson,	Mr. Burdekin,
Mr. Church,	Mr. Hurley,
Mr. Parkes,	Mr. Wilson,
Mr. Hill,	Mr. W. Campbell,
Dr. Lang,	Mr. Sutherland,
Mr. Alexander,	<i>Tellers.</i>
Mr. Neale,	Mr. Lackey,
Mr. Gordon,	Mr. Farnell.
Mr. Cummings,	

*Clause, as read, put and carried.*

On motion of Mr. Samuel, the Chairman left the Chair to report the Bill without amendment.

No. 4.

SMALL-POX PREVENTION BILL.

Clause 4. The Governor with the like advice may appoint any legally qualified medical practitioners to be a Small-pox Medical Board or Boards for the purposes of this Act. (*Read.*)

Motion made and Question put,—That the clause as read stand clause 4 of the Bill. (*Mr. Robertson.*)

Committee divided.

Ayes, 18.

Mr. Robertson,	Mr. Alexander,
Mr. Samuel,	Mr. Cummings,
Mr. Josephson,	Mr. Egan,
Mr. Sutherland,	Mr. Hart,
Mr. Burdekin,	Mr. Forster,
Mr. Hill,	Mr. W. Campbell,
Dr. Lang,	<i>Tellers.</i>
Mr. Lackey,	Mr. Roberts,
Mr. Farnell,	Mr. Church.
Mr. Burns,	

Noes, 2.

*Tellers.*

Mr. Wilson,  
Mr. J. Stewart.

On motion of Mr. Robertson, the Chairman left the Chair to report the Bill with amendments.

THURSDAY, 25 MARCH, 1869.

No. 5.

COMPULSORY VACCINATION BILL.

Clause 3. The parent of every child arriving in this Colony after the commencement of this Act shall within ~~three~~ **six** months after the arrival of such child and the parent of every child born in the said Colony shall if such child shall have been born before the commencement of this Act then within ~~three~~ **six** months thereafter or if such child be born after the commencement of this Act then within ~~three~~ **six** months after the birth of such child take or cause to be taken the said child to the medical officer or practitioner appointed in and for any part of the district in which the said child is resident for the purpose of being vaccinated or shall within such period as aforesaid cause it to be vaccinated by some "legally qualified" medical practitioner and the said medical officer or practitioner so appointed as aforesaid to whom such child shall be so brought shall with all reasonable dispatch vaccinate the said child **Provided that if any such child shall reside beyond a greater distance than ten miles from the residence of the nearest medical officer or practitioner then it shall not be compulsory for such child to be brought or taken**  
to

to such medical officer or practitioner for the purpose of being vaccinated and Provided however that the provisions of this section shall not apply where any child shall have been previously or shall be successfully vaccinated and the parent of such child shall have made a declaration to that effect under the Act nine Victoria number nine and shall have transmitted the same to the District Registrar of Births Deaths and Marriages of the district where such child shall be resident. (*Read.*)

*The clause having been amended, on motion of Mr. Lucas, by the omission of the words "three" and the insertion of the words "six" as shown above,—*

Question proposed,—That the clause as amended stand clause 3 of the Bill. (*Mr. Robertson.*)

Amendment proposed,—That the words "legally qualified," in line 10, be omitted. (*Mr. Wilson.*)

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

Ayes, 19.

Mr. Robertson,	Mr. Bell,
Mr. Josephson,	Mr. Alexander,
Mr. Egan,	Mr. Burdekin,
Dr. Lang,	Mr. Sutherland,
Mr. Neale,	Mr. Forster,
Mr. Cummings,	Mr. Samuel,
Mr. Lord,	<i>Tellers.</i>
Mr. Oatley,	
Mr. Gordon,	Mr. S. Brown,
Mr. Macleay,	Mr. W. Campbell.
Mr. Phelps,	

Noes, 11.

Sir James Martin,	<i>Tellers.</i>
Mr. Lucas,	
Mr. Wilson,	Mr. Lee,
Mr. Byrnes,	Mr. J. Stewart.
Mr. R. Stewart,	
Mr. Mate,	
Mr. Burns,	
Mr. Farnell,	
Mr. Tighe,	

*The clause was subsequently further amended by the omission of the words ruled through, and the insertion of the words in black letter, as shown above.*

*Clause, as amended, put and carried.*

No. 6.

REPORT FROM STANDING ORDERS COMMITTEE, IN REFERENCE TO "INTRUSION OF STRANGERS IN THE PASSAGES TO THE HOUSE"—"CONTROL OF MESSENGERS"—"PROPOSED NEW PARLIAMENTARY REFRESHMENT ROOM."

Question proposed,—That the Committee agree to the following Resolution;—Resolved,—That the Report of the Standing Orders Committee in reference to the "Intrusion of Strangers in the Passages to the House," the "Control of the Messengers of this House," and the proposal to provide "a New Parliamentary Refreshment Room,"—brought up on the 24th instant, be now adopted, and communicated by Address to His Excellency the Governor. (*Mr. Robertson.*)

Amendment proposed,—That the words "and the proposal to provide a New Parliamentary Refreshment Room" be omitted. (*Mr. Burns.*)

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

Committee divided.

Ayes, 16.

Mr. Josephson,	Mr. Dodds,
Mr. Robertson,	Mr. Bell,
Mr. Samuel,	Mr. Church,
Mr. S. Brown,	Mr. Alexander,
Mr. Sutherland,	Mr. Byrnes,
Mr. Smart,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Lucas,	Mr. Hart,
Mr. Cummings,	Mr. Neale.

Noes, 7.

Mr. Forster,
Mr. Egan,
Mr. Wilson,
Mr. Burns,
Mr. Oatley,
<i>Tellers.</i>
Mr. Hill,
Mr. J. Stewart.

No. 7.

SMALL DEBTS RECOVERY ACT AMENDMENT BILL (*as amended by the Legislative Council*).

Question proposed,—That the Committee agree to the Amendments made by the Legislative Council in this Bill. (*Mr. Byrnes.*)

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

Committee divided.

Ayes, 3.

Mr. Josephson,
<i>Tellers.</i>
Mr. Hart,
Mr. Sutherland.

Noes, 19.

Mr. Robertson,	Mr. Lucas,
Mr. Forster,	Mr. Samuel,
Mr. J. Stewart,	Mr. Burdekin,
Mr. Cunneen,	Mr. Eagar,
Mr. Byrnes,	The Speaker,
Mr. Farnell,	Mr. Bell,
Mr. Burns,	<i>Tellers.</i>
Mr. Alexander,	
Mr. Neale,	Mr. Hill,
Mr. Cummings,	Mr. S. Brown.
Mr. Tighe,	

No.

No. 8.

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

Committee divided.

Ayes, 2.

*Tellers.*Mr. Hart,  
Mr. Josephson.

Noes, 16.

Mr. Robertson,	Mr. Alexander,
Mr. Forster,	Mr. Samuel,
Mr. Egan,	Mr. Tighe,
Mr. J. Stewart.	Mr. Lucas,
Mr. Cunneen,	The Speaker,
Mr. Byrnes,	<i>Tellers.</i>
Mr. Hill,	
Mr. Farnell,	Mr. S. Brown,
Mr. Neale,	Mr. Burns.

And it appearing by the Tellers Lists that there was not a Quorum of Members present, the Chairman left the Chair to report.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer.—1869.

1868.

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.
1868.				
Oct. 13 ...	William Cronan, of Sydney ...	(1) One.....	Mr. Forster .....	Representing that, having been a digger at Lambing Flat, in 1863, and being desirous of removing from thence, Petitioner offered a certain sum of money in gold, for safe custody, to the Local Gold Commissioners, but that those officers declined the charge, and that he was subsequently robbed of the money; since which he has become almost blind, and incapable of resuming his occupation as a digger; and praying favourable consideration and equity in the case.
" "	Licensed Carters of the City of Sydney .....	(176) One hundred and seventy-six...	Mr. Sutherland.....	

Legislative Assembly Offices,  
Sydney, 17 October, 1868.

CHA. TOMPSON,  
Clerk of Legislative Assembly.



1868.

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.
1868.				
Dec. 8 ...	Certain Inhabitants of the Hastings Electorate.....	(627) Six hundred and twenty-seven.	Mr. Forster .....	{ Praying that, for the reasons set forth, an Act may be passed, prior to the next General Election, dividing the Electorate of The Hastings into two or more Electoral Districts, to each of which one Member of Parliament may be assigned.
„ 8 ...	Certain Owners of Property having water frontage to Pymont Bay .....	(8) Eight .....	Dr. Lang .....	{ Praying for leave to be heard at the Bar of the House, by Counsel learned in the law, in reference to a certain Report of a Select Committee in the case and on the Claim of Mr. Thomas Smith.
„ 8 ...	Mr. Thomas Dangar, of St. Leonards .....	(1) One .....	Mr. Hart .....	{ Praying inquiry into the circumstances of Petitioner's recent dismissal from the Commission of the Peace, in this Colony, and relief in the premises.
„ 9 ...	Certain Inhabitants of the Town and District of Orange and neighbourhood }	(280) Two hundred and eighty.	Mr. McKay .....	{ Praying that steps may be taken for the promotion and immediate prosecution of a Railway Trial Survey between Bathurst and Orange, and the West.
„ 9 ...	Robert Taylor, Free Selector, Gilmore Creek, County of Wynyard, District of Murrumbidgee.....	(1) One .....	Mr. Thornton .....	{ Setting forth certain hardships and inconveniences alleged to have been sustained by Petitioner in settling on his free selection of land in the Murrumbidgee District; and praying for investigation into the circumstances of the case, and permission to complete the purchase of his selection.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1868.				
Dec. 10 ...	Henry Price, of the Auckland Village Reserve, near Singleton, farmer.....	(1) One .....	Mr. Burdekin .....	{ Praying for consideration and redress in reference to the opening of the Road through Petitioner's purchased land on the Auckland Village Reserve.
.. 10 ...	Certain Residents in the Districts of Singleton and Jerry's Plains .....	(84) Eighty-four .....	Mr. Burdekin .....	Similar prayer.
.. 11 ...	Municipal Council of the Borough of Cook, under signature of the Mayor and Corporate Seal .....	(1) One .....	Mr. S. Brown .....	{ Setting forth that the Borough of Cook sustains great loss of revenue from a particular limitation of its boundaries, and a certain exemption from taxation; and praying favourable consideration.

Legislative Assembly Offices,  
Sydney, 12 December, 1868.

CHA. TOMPSON,  
Clerk of Legislative Assembly.

1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT  
OF  
PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHERE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1868. Dec. 22 ...	James Powell, one of the Trustees of the Old Burial Ground .....	(1) One.....	Mr. Hart .....	Protesting against the alienation contemplated by the St. Andrew's Cathedral Close Bill, and praying that that Bill may not be passed without being previously submitted to a Select Committee.

Legislative Assembly Offices,  
Sydney, 26 December, 1868.

CHA. TOMPSON,  
Clerk of Legislative Assembly.



1868-9.

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.
1869. 5 Jan. ...	Mrs. Mary Singleton, Widow, and sole Legatee under the Will of the late Benjamin Singleton, of Singleton ...	(1) One.....	Mr. Wilson .....	{ Complaining of certain circum- stances connected with the alleged erection of a Court House and Lock-up by Petitioner's late husband, at Singleton, in 1841; and praying inquiry, with a view to redress in the premises.
5 " ...	William Clift, and Samuel Clift, both of Breeza, Graziers.....	(2) Two .....	Mr. Lee.....	{ Praying for leave to introduce a Bill to enable the Petitioners to grant leases of certain lands for mining purposes.
7 " ...	Mr. John Thomas Neilson, of Windsor .....	(1) One.....	Mr. Walker .....	{ Complaining of a certain grievance in connection with Petitioner's selection of a Run, in May, 1866; and praying for inquiry, with a view to relief.

Legislative Assembly Offices,  
Sydney, 9 January, 1869.

CHA. TOMPSON,  
Clerk of Legislative Assembly.



1868-9.

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.
1869. 12 Jan. ...	Mr. Thomas Smith, Landowner, Pyrmont Bay .....	(1) One.....	Mr. Neale .....	{ Praying that a certain arrangement, respecting water frontages in Pyrmont Bay, be left undisturbed.
" " ...	Frederick Beer, M.D., C.D., and O.D. ....	(1) One.....	Mr. Driver .....	{ Praying that the House will, under the circumstances set forth, recommend the Petitioner to the favourable consideration of Her Majesty for a Special Pardon for a certain offence therein described, of which he was convicted in 1856, and for which he duly served his sentence of imprisonment.
15 " ...	Alexander Walker Scott, of Sydney, Esquire, one of the Trustees of the Newcastle Proprietary Grammar School .....	(1) One.....	Mr. Lee.....	{ Setting forth an unsatisfied claim on account of land near Honey-suckle Point, Newcastle, taken by the Hunter River Railway, and praying for inquiry, with a view to relief, in the premises.

Legislative Assembly Offices,  
Sydney, 16 January, 1869.

CHA. TOMPSON,  
Clerk of Legislative Assembly.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT  
OF  
PETITIONS RECEIVED  
BY THE  
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHEN PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1869.				
19 Jan. ...	Certain Proprietors of Vineyards in the District of Maitland, and others interested in the cultivation of the Vine in New South Wales .....	(93) Ninety-three ...	Mr. Burns.....	{ Praying for legislation for the compulsory application of remedies, where Vines are infected with the disease <i>Oidium Tuckeri</i> .
" "	Do. do. Illawarra .....	(15) Fifteen .....	Mr. J. Stewart .....	Similar prayer.
" "	Do. do. Prospect and Fairfield .....	(117) One hundred and seventeen ... }	Mr. Farnell .....	Similar prayer.
" "	Do. do. Yass .....	(46) Forty-six .....	Mr. De Salis .....	Similar prayer.
" "	Do. do. Merriwa .....	(35) Thirty-five .....	Mr. Bell .....	Similar prayer.
20 "	Do. do. Bathurst .....	(33) Thirty-three .....	Mr. Piddington .....	Similar prayer.
" "	Do. do. Dubbo .....	(45) Forty-five .....	Mr. Piddington .....	Similar prayer.
" "	Do. do. Clarence River District .....	(53) Fifty-three .....	Mr. Piddington .....	Similar prayer.
" "	Do. do. Carcoar .....	(12) Twelve .....	Mr. Lee.....	Similar prayer.
21 "	Do. do. Goulburn .....	(89) Eighty-nine .....	Mr. Graham.....	Similar prayer.
" "	Do. do. Wagga Wagga ...	(45) Forty-five.....	Mr. Graham.....	Similar prayer.
22 "	Certain Owners and Occupiers of Land in the Parish of Petersham.....	(33) Thirty-three.....	Mr. S. Brown .....	{ Complaining of the establishment of the Balmain Cemetery, Petersham, and praying for a certain specific mode of relief in the premises.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1869.				
22 Jan. ...	From certain Proprietors of Vineyards in the District of Campbelltown, and others interested in the cultivation of the Vine in New South Wales.....	(17) Seventeen.....	Mr. Hurley .....	Praying for legislation for the compulsory application of remedies, where Vines are infected with the disease <i>Oidium Tuckeri</i> .
" " ...	Do. do. Corowa .....	(30) Thirty .....	Mr. Garrett .....	
" " ...	Do. do. Central Cumberland .....	(24) Twenty-four.....	Mr. Lackey .....	Similar prayer.
" " ...	Do. do. Appin.....	(19) Nineteen .....	Mr. Lackey .....	Similar prayer.
" " ...	Do. do. Port Macquarie...	(9) Nine .....	Mr. Nowlan .....	Similar prayer.
" " ...	Do. do. Clarence Town ...	(43) Forty-three .....	Mr. Nowlan .....	Similar prayer.

Legislative Assembly Offices,  
Sydney, 23 January, 1869.

CHA. TOMPSON,  
Clerk of Legislative Assembly.

1868-9.

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.
1869.				
28 Jan. ....	Certain Proprietors of Vineyards in the District of Camden and Narellan, and others interested in the cultivation of the Vine in New South Wales .....	(11) Eleven .....	Mr. Nowlan .....	{ Praying for legislation for the compulsory application of remedies, where Vines are infected with the disease <i>Oidium Tuckeri</i> .
.. ..	Do. do. Eden .....	(16) Sixteen .....	Mr. Nowlan .....	Similar prayer.
29 .. ..	Certain Hairdressers of the City of Sydney .....	(41) Forty-one .....	Dr. Lang .....	{ Praying for the passing of an Act to compel the closing of all Hair-dressers Shops on Sundays.

Legislative Assembly Offices,  
Sydney, 30 January, 1869.

CHA. TOMPSON,  
Clerk of Legislative Assembly.



1868-9.

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.
1869.				
2 Feb. ...	Certain Inhabitants of Emu Plains and Penrith .....	(121) One hundred and twenty-one ... }	Mr. Ryan .....	{ Praying that the Toll on the Bridge over the Nepean at Penrith may be abolished.
" " ...	Do. do. Gwydir District...	(168) One hundred and sixty-eight... }	Mr. Lord .....	{ Praying for the establishment of a District Court at Warialda.
" " ...	Do. do. Electorate of The Hume .....	(863) Eight hundred and sixty-three .....	Mr. Mate .....	Praying for an additional Member.
" " ...	Certain Owners of Property, and others, of the Borough of Paddington .....	(524) Five hundred and twenty-four }	Mr. Windeyer .....	{ Praying that the House will pass the "Sydney Boundaries Amendment Bill."
3 " ...	Certain Vineyard Proprietors and others, of Albury and Corowa Districts .....	(756) Seven hundred and fifty-six }	Mr. Martin .....	{ Praying that the "Diseases in Grape-vines Prevention Bill" may not be passed into law.
" " ...	Do. do. Patrick's Plains...	(67) Sixty-seven .....	Mr. Wilson .....	Similar prayer.
" " ...	Mr. Richard H. Wright, late Telegraph Line Inspector }	(1) One .....	Mr. S. Brown .....	{ Praying inquiry into the cause of his dismissal from the Public Service without having been heard in his defence.
4 " ...	From certain Proprietors of Vineyards and others, of Gundagai and Tumut .....	(32) Thirty-two .....	Mr. Burns .....	{ Praying that the House will pass an Act to cause the application of approved remedies where the Grape-vines are infected with disease.
5 " ...	From George Gray, as Chairman of a Public Meeting of certain Vineyard Proprietors of Corowa .....	(1) One .....	Mr. Mate .....	{ Praying that the "Diseases in Grape-vines Prevention Bill" may not be passed into law.
" " ...	From certain Butchers of Sydney and Suburbs .....	(62) Sixty-two .....	Mr. Hart .....	{ Praying that the "Sydney Cattle Slaughtering Prevention Bill" may not be proceeded with until Petitioners have an opportunity of considering the same.

Legislative Assembly Offices,  
Sydney, 6 February, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

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.
1869.				
9 Feb. ...	From the Commissioners of the Old Botany, Randwick, and Coogee Roads Trust...	(6) Six .....	Mr. Hart .....	{ Praying that the "Randwick and Coogee Roads Transfer Bill" (as amended in Select Committee) may not be passed into law.
" " ...	From John Wyndham, as Chairman of the Hunter River Vineyard Association )	(1) One.....	Mr. Nowlan .....	{ Praying that the "Diseases in Grape-vines Prevention Bill" may not be passed into law.

Legislative Assembly Offices,  
Sydney, 13 February, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

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.
1869.				
17 Feb. ...	From certain Vine-growers and others in the District of Bathurst .....	(46) Forty-six .....	Mr. W. Suttor.....	{ Praying that the "Diseases in Grape-vines Prevention Bill" may not be passed into law.
" " ...	Do. do. Hunter River { .....	(276) Two hundred and seventy-six... }	Mr. Dodds .....	Similar prayer.
" " ...	From William Cole, of Tomago, Hunter River .....	(1) One.....	Mr. Wisdom.....	{ Praying that the House will take steps to encourage the cultivation of Arrowroot in the Colony, and promote new industries by a system of bounties or otherwise.
19 " ...	From the Mayor and Aldermen, Borough of Waverley }	(9) Nine .....	Mr. Hill .....	{ Praying that the House may not pass the "Sydney Boundaries Amendment Bill" without such Amendments as will prevent the closing of certain Roads within the Municipality.
" " ...	From the Mayor, on behalf of the Municipal Council of the Borough of Paddington .....	(1) One.....	Mr. S. Brown .....	{ Praying that the House may not pass the "Sydney Boundaries Amendment Bill."
" " ...	From Ratepayers, Borough of Paddington .....	(345) Three hundred and forty-five }	Mr. S. Brown .....	Similar prayer.
" " ...	From certain Inhabitants of the Richmond and Tweed Rivers .....	(614) Six hundred and fourteen..... }	Mr. Robertson .....	{ Praying that the districts referred to may be erected into a separate and independent Electoral District.

Legislative Assembly Offices,  
Sydney, 20 February, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

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.
1869.				
23 Feb. ...	From certain Freeholders and Ratepayers of the Borough of Waverley.....	(104) One hundred and four .....	Mr. Neale .....	{ Praying that the "Sydney Boundaries Amendment Bill" may not be passed into law in its present form.
" " ...	From certain Landed Proprietors and Residents of the Town and District of Liverpool .....	(125) One hundred and twenty-five....	Mr. Lackey .....	{ Praying that such steps may be taken as will secure to the Petitioners a plentiful supply of water.
26 " ...	From certain Licensed Victuallers of Sydney and its environs .....	(203) Two hundred and three .....	Mr. Burdekin .....	{ Praying that the "Sale of Liquors Licensing Act Amendment Bill" may not be passed into law.

Legislative Assembly Offices,  
Sydney, 27 February, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

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.
1869. 5 March ...	From certain Freeholders and others, residents of the Township of Rydal .....	(45) Forty-five .....	Mr. Lucas .....	{ Alleging that the Government had resumed the Water Reserve, for Railway and other purposes, thereby inflicting upon the inhabitants of the District a serious grievance; and praying redress in the premises.
" " ...	From Mrs. Mary Fogg .....	(1) One.....	Mr. Driver .....	{ Alleging that, by the confiscation of her husband's property, consequent upon his conviction for Felony, she has been utterly ruined, and praying an investigation into the case.
" " ...	From certain Licensed Victuallers of New South Wales .....	(97) Ninety-seven ...	Mr. Burdekin .....	{ Praying that the "Sale of Liquors Licensing Act Amendment Bill" may not be passed into law.

Legislative Assembly Offices,  
Sydney, 6 March, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

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.
1869.				
12 Mar. ...	From certain Freeholders and Householders of the Parish of St. Peter's, Cook's River }	(55) Fifty-five .....	Mr. S. Brown .....	{ Praying that the "Burials Regulation Bill" may be passed into Law, with such amendments as may carry out the wishes of the Petitioners.
" " ...	From the Clergyman and Churchwardens of St. Peter's, Cook's River .....	(4) Four .....	Mr. Hill .....	{ Praying that the "Burials Regulation Bill" may be passed into Law, with an amendment by which the Burial-ground at St. Peter's may be exempted from the operation thereof.
" " ...	From certain Residents of the Borough of Balmain .....	(587) Five hundred } and eighty-seven }	Mr. Burns .....	{ Praying that the "Burials Regulation Bill" may not be passed into Law.
" " ...	From the Municipal Council of Balmain .....	(1) One .....	{ Mr. Sutherland, on behalf of Mr. Smart .....	Similar prayer.
" " ...	From certain Owners and Occupiers of Land, residing in the vicinity of the Balmain Cemetery, Petersham }	(164) One hundred } and sixty-four ... }	Mr. Oatley .....	Similar prayer.

Legislative Assembly Offices,  
Sydney, 13 March, 1869.O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 14.

## WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

## LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1869.				
19 Mar. ...	From certain Property-holders, Tenants, and Others, residents of Sydney }	(42) Forty-two.....	Mr. Burns.....	{ Praying that the "Sydney Taving Bill of 1869" may not be passed into law.
" " ...	Do. do. ....	(33) Thirty-three.....	Mr. Lyons.....	Similar prayer.
" " ...	From certain Owners and Occupiers of Land, in the vicinity of the Balmain Cemetery, Petersham .....	(95) Ninety-five .....	Mr. Neale.....	{ Praying that the "Burials Regulation Bill" may not be passed into Law.
" " ...	From certain Residents of the Borough of Balmain.....	(67) Sixty-seven .....	Mr. Burns.....	Similar prayer.

Legislative Assembly Offices,  
Sydney, 20 March, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

## PETITIONS.

GENERAL SUMMARY of the Weekly Abstracts of PETITIONS received by the Legislative Assembly, during the Session of 1868-9.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1869.	<b>Cemeteries.</b>				
Jan. 22 ...	Certain Owners and Occupiers of Land in the Parish of Petersham .....	(33) Thirty-three .....	Mr. S. Brown ...	{ Complaining of the establishment of the Balmain Cemetery, Petersham, and praying for a certain specific mode of relief in the premises .....	{ Printed.
Mar. 12 ...	From certain Freeholders and Household-ers of the Parish of St. Peter's, Cook's River .....	(55) Fifty-five .....	Mr. S. Brown ...	{ Praying that the "Burials Regulation Bill" may be passed into law, with such amendments as may carry out the wishes of the Petitioners .....	{ Printed.
" 12 ...	From the Clergyman and Churchwardens of St. Peter's, Cook's River .....	(4) Four .....	Mr. Hill .....	{ Praying that the "Burials Regulation Bill" may be passed into law, with an amendment by which the Burial-ground at St. Peter's may be exempted from the operation thereof.....	{ Printed.
" 12 ...	From certain Residents of the Borough of Balmain.....	(587) Five hundred and eighty-seven... }	Mr. Burns.....	{ Praying that the "Burials Regulation Bill" may not be passed into law ... }	{ Printed.
" 12 ...	From the Municipal Council of Balmain .....	(1) One .....	{ Mr. Sutherland, on behalf of Mr. Smart .....	{ Similar prayer .....	{ Printed.
" 12 ...	From certain Owners and Occupiers of Land, residing in the vicinity of the Balmain Cemetery, Petersham.....	(164) One hundred and sixty-four..... }	Mr. Outley .....	Similar prayer .....	Printed.
" 19 ...	From certain Owners and Occupiers of Land, in the vicinity of the Balmain Cemetery, Petersham .....	(95) Ninety-five.....	Mr. Neale.....	Similar prayer .....	Printed.
" 19 ...	From certain Residents of the Borough of Balmain .....	(67) Sixty-seven.....	Mr. Burns.....	Similar prayer .....	Printed.
	<b>Grape Disease—<i>Oidium Tuckeri</i>.</b>				
Jan. 19 ...	Certain Proprietors of Vineyards in the District of Maitland, and others interested in the cultivation of the Vine in New South Wales .....	(93) Ninety-three .....	Mr. Burns.....	{ Praying for legislation for the compulsory application of remedies, where Vines are infected with the disease <i>Oidium Tuckeri</i> .....	{ Printed.
" 19 ...	Do. do. Illawarra .....	(15) Fifteen .....	Mr. J. Stewart...	Similar prayer .....	Printed.
" 19 ...	Do. do. Prospect and Fairfield .....	(117) One hundred and seventeen..... }	Mr. Farnell .....	Similar prayer .....	Printed.
" 19 ...	Do. do. Yass .....	(46) Forty-six .....	Mr. De Salis.....	Similar prayer .....	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1869.	<b>Grape Disease—<i>Oidium Tuckeri</i>—continued.</b>				
Jan. 19 ...	Certain Proprietors of Vineyards in the District of Merriwa, and others interested in the cultivation of the Vine in New South Wales .....	(35) Thirty-five .....	Mr. Bell .....	{ Praying for legislation for the compulsory application of remedies, where Vines are infected with the disease <i>Oidium Tuckeri</i> .....	{ Printed.
" 20 ...	Do. do. Bathurst .....	(33) Thirty-three .....	Mr. Piddington .....	Similar prayer .....	Printed.
" 20 ...	Do. do. Dubbo .....	(45) Forty-five .....	Mr. Piddington .....	Similar prayer .....	Printed.
" 20 ...	Do. do. Clurence River District .....	(53) Fifty-three .....	Mr. Piddington .....	Similar prayer .....	Printed.
" 20 ...	Do. do. Carcoar .....	(12) Twelve .....	Mr. Lee .....	Similar prayer .....	Printed.
" 21 ...	Do. do. Goulburn .....	(89) Eighty-nine .....	Mr. Graham .....	Similar prayer .....	Printed.
" 21 ...	Do. do. Wagga Wagga .....	(45) Forty-five .....	Mr. Graham .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Campbelltown .....	(17) Seventeen .....	Mr. Hurley .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Corowa .....	(30) Thirty .....	Mr. Garrett .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Central Cumberland .....	(24) Twenty-four .....	Mr. Lackey .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Appin .....	(19) Nineteen .....	Mr. Lackey .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Port Macquarie .....	(9) Nine .....	Mr. Nowlan .....	Similar prayer .....	Printed.
" 22 ...	Do. do. Clarence Town .....	(43) Forty-three .....	Mr. Nowlan .....	Similar prayer .....	Printed.
" 28 ...	Do. do. Camden and Narellan .....	(11) Eleven .....	Mr. Nowlan .....	Similar prayer .....	Printed.
" 28 ...	Do. do. Eden .....	(16) Sixteen .....	Mr. Nowlan .....	Similar prayer .....	Printed.
Feb. 3 ...	Do. do. Albury and Corowa Districts .....	{ (756) Seven hundred and fifty-six .....	Mr. Martin .....	{ Praying that the " Diseases in Grapevines Prevention Bill" may not be passed into law .....	{ Printed.
" 3 ...	Do. do. Patrick's Plain .....	(67) Sixty-seven .....	Mr. Wilson .....	Similar prayer .....	Printed.
" 4 ...	Do. do. Gundagai and Tumut .....	(32) Thirty-two .....	Mr. Burns .....	{ Praying that the House will pass an Act to cause the application of approved remedies where the Grape-vines are infected with disease .....	{ Printed.
" 5 ...	From George Gray, as Chairman of a Public Meeting of certain Vineyard Proprietors of Corowa .....	(1) One .....	Mr. Mato .....	{ Praying that the " Diseases in Grapevines Prevention Bill" may not be passed into law .....	{ Printed.
" 9 ...	From John Wyndham, as Chairman of the Hunter River Vineyard Association .....	(1) One .....	Mr. Nowlan .....	Similar prayer .....	Printed.
" 17 ...	From certain Vine-growers and others in the District of Bathurst .....	(46) Forty-six .....	Mr. W. Suttor .....	Similar prayer .....	Printed.
" 17 ...	Do. do. Hunter River .....	{ (276) Two hundred and seventy-six .....	Mr. Dodds .....	Similar prayer .....	Printed.
	<b>Grievances.</b>				
1868.					
Oct. 13 ...	William Cronin, of Sydney .....	(1) One .....	Mr. Forster .....	{ Representing that, having been a digger at Lambing Flat, in 1863, and being desirous of removing from thence, Petitioner offered a certain sum of money in gold, for safe custody, to the Local Gold Commissioners, but that those officers declined the charge, and that he was subsequently robbed of the money; since which, he has become almost blind, and incapable of resuming his occupation as a digger; and praying favourable consideration and equity in the case .....	{ Not printed.
Dec. 8 ...	Mr. Thomas Dangar, of St. Leonards .....	(1) One .....	Mr. Hart .....	{ Praying inquiry into the circumstances of Petitioner's recent dismissal from the Commission of the Peace, in this Colony, and relief in the premises .....	{ Printed.

WHEN RECEIVED.	FROM WHOM AND WHENOR PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
<b>1868.</b>					
<b>Grievances—continued.</b>					
Dec. 9 ...	Robert Taylor, Free Selector, Gilmore Creek, County of Wynyard, District of Murrumbidgee	(1) One	Mr. Thornton	Setting forth certain hardships and inconveniences alleged to have been sustained by Petitioner in settling on his free selection of land in the Murrumbidgee District; and praying for investigation into the circumstances of the case, and permission to complete the purchase of his selection.	Printed.
<b>1869.</b>					
Jan. 5 ...	Mrs. Mary Singleton, Widow, and sole Legatee under the Will of the late Benjamin Singleton, of Singleton	(1) One	Mr. Wilson	Complaining of certain circumstances connected with the alleged erection of a Court House and Lock-up by Petitioner's late husband, at Singleton, in 1841; and praying inquiry, with a view to redress in the premises	Printed.
" 7 ...	Mr. John Thomas Neilson, of Windsor	(1) One	Mr. Walker	Complaining of a certain grievance in connection with Petitioner's selection of a Run, in May, 1866; and praying for inquiry, with a view to relief	Printed.
" 12 ...	Frederick Beer, M.D., C.D., and O.D.	(1) One	Mr. Driver	Praying that the House will, under the circumstances set forth, recommend the Petitioner to the favourable consideration of Her Majesty for a Special Pardon for a certain offence therein described, of which he was convicted in 1856, and for which he duly served his sentence of imprisonment	Printed.
" 15 ...	Alexander Walker Scott, of Sydney, Esquire, one of the Trustees of the Newcastle Proprietary Grammar School	(1) One	Mr. Lee	Setting forth an unsatisfied claim on account of land near Honeysuckle Point, Newcastle, taken by the Hunter River Railway; and praying for inquiry, with a view to relief, in the premises	Printed.
Feb. 3 ...	Mr. Richard H. Wright, late Telegraph Line Inspector	(1) One	Mr. S. Brown	Praying inquiry into the cause of his dismissal from the Public Service without having been heard in his defence	Printed.
Mar. 5 ...	From certain Freeholders and others, residents of the Township of Rydal	(45) Forty-five	Mr. Lucas	Alleging that the Government had resumed the Water Reserve, for Railway and other purposes, thereby inflicting upon the inhabitants of the District a serious grievance; and praying redress in the premises	Printed.
" 5 ...	From Mrs. Mary Fogg	(1) One	Mr. Driver	Alleging that, by the confiscation of her husband's property, consequent upon his conviction for Felony, she has been utterly ruined, and praying an investigation into the case	Printed.
<b>Miscellaneous.</b>					
Oct. 13 ...	Licensed Carters of the City of Sydney	(176) One hundred and seventy-six	Mr. Sutherland	Praying for a reduction of their license fee	Not printed.
Dec. 8 ...	Certain Inhabitants of the Hastings Electorate	(627) Six hundred and twenty-seven	Mr. Forster	Praying that, for the reasons set forth, an Act may be passed, prior to the next General Election, dividing the Electorate of The Hastings into two or more Electoral Districts, to each of which one Member of Parliament may be assigned	Printed.
" 8 ...	Certain Owners of Property having water frontage to Pyrmont Bay	(8) Eight	Dr. Lang	Praying for leave to be heard at the Bar of the House, by Counsel learned in the law, in reference to a certain Report of a Select Committee in the case and on the Claim of Mr. Thomas Smith	Printed.
" 9 ...	Certain Inhabitants of the Town and District of Orange and neighbourhood	(280) Two hundred and eighty	Mr. McKay	Praying that steps may be taken for the promotion and immediate prosecution of a Railway Trial Survey between Bathurst and Orange, and the West	Printed.

WHEN RECEIVED.	FROM WHOM AND WILLENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1868.	<b>Miscellaneous—continued.</b>				
Dec. 10 ...	Henry Price, of the Auckland Village Reserve, near Singleton, Farmer .....	(1) One .....	Mr. Burdekin ...	{ Praying for consideration and redress in reference to the opening of the Road through Petitioner's purchased land on the Auckland Village Reserve .....	{ Printed.
„ 10 ...	Certain Residents in the Districts of Singleton and Jorry's Plains .....	(84) Eighty-four .....	Mr. Burdekin ...	Similar prayer .....	{ Printed.
„ 11 ...	Municipal Council of the Borough of Cook, under signature of the Mayor and Corporate Seal .....	(1) One .....	Mr. S. Brown ...	{ Setting forth that the Borough of Cook sustains great loss of revenue from a particular limitation of its boundaries, and a certain exemption from taxation; and praying favourable consideration ...	{ Printed.
„ 22 ...	James Powell, one of the Trustees of the Old Burial Ground .....	(1) One .....	Mr. Hart .....	{ Protesting against the alienation contemplated by the St. Andrew's Cathedral Close Bill, and praying that that Bill may not be passed without being previously submitted to a Select Committee.	{ Printed.
1869.					
Jan. 5 ...	William Clift, and Samuel Clift, both of Brezza, Graziers .....	(2) Two .....	Mr. Lee .....	{ Praying for leave to introduce a Bill to enable the Petitioners to grant leases of certain lands for mining purposes .....	{ Not printed.
„ 12 ...	Mr. Thomas Smith, Landowner, Pymont Bay .....	(1) One .....	Mr. Neale .....	{ Praying that a certain arrangement, respecting water frontages in Pymont Bay, be left undisturbed .....	{ Not printed.
„ 29 ...	Certain Hairdressers of the City of Sydney .....	(41) Forty-one .....	Dr. Lang .....	{ Praying for the passing of an Act to compel the closing of all Hairdressers' Shops on Sundays .....	{ Printed.
Feb. 2 ...	Certain Inhabitants of Emu Plains and Penrith .....	(121) One hundred and twenty-one .....	Mr. Ryan .....	{ Praying that the Toll on the Bridge over the Nepean at Penrith may be abolished .....	{ Printed.
„ 2 ...	Do. do. Gwydir District .....	(168) One hundred and sixty-eight .....	Mr. Lord .....	{ Praying for the establishment of a District Court at Warialda .....	{ Printed.
„ 2 ...	Do. do. Electorate of The Hume .....	(863) Eight hundred and sixty-three .....	Mr. Mate .....	Praying for an additional Member .....	{ Printed.
„ 2 ...	Certain Owners of Property, and others, of the Borough of Paddington .....	(524) Five hundred and twenty-four .....	Mr. Windeyer .....	{ Praying that the House will pass the "Sydney Boundaries Amendment Bill" .....	{ Printed.
„ 5 ...	From Certain Butchers of Sydney and Suburbs .....	(62) Sixty-two .....	Mr. Hart .....	{ Praying that the "Sydney Cattle Slaughtering Prevention Bill" may not be proceeded with until Petitioners have an opportunity of considering the same .....	{ Printed.
„ 9 ...	From the Commissioners of the Old Botany, Randwick, and Coogee Roads Trust .....	(6) Six .....	Mr. Hart .....	{ Praying that the "Randwick and Coogee Roads Transfer Bill" (as amended in Select Committee) may not be passed into law .....	{ Printed.
„ 17 ...	From William Cole, of Tomago, Hunter River .....	(1) One .....	Mr. Wisdom .....	{ Praying that the House will take steps to encourage the cultivation of Arrowroot in the Colony, and promote new industries by a system of bounties or otherwise .....	{ Printed.
„ 19 ...	From the Mayor and Aldermen, Borough of Waverley .....	(9) Nine .....	Mr. Hill .....	{ Praying that the House may not pass the "Sydney Boundaries Amendment Bill" without such Amendments as will prevent the closing of certain Roads within the Municipality .....	{ Not printed.
„ 19 ...	From the Mayor, on behalf of the Municipal Council of the Borough of Paddington .....	(1) One .....	Mr. S. Brown .....	{ Praying that the House may not pass the "Sydney Boundaries Amendment Bill" .....	{ Not printed.
„ 19 ...	From Ratepayers, Borough of Paddington .....	(345) Three hundred and forty-five .....	Mr. S. Brown .....	Similar prayer .....	{ Not printed.
„ 19 ...	From certain Inhabitants of the Richmond and Tweed Rivers .....	(614) Six hundred and fourteen .....	Mr. Robertson .....	{ Praying that the districts referred to may be erected into a separate and independent Electoral District .....	{ Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1869.	<b>Miscellaneous—continued.</b>				
Feb. 23 ...	From certain Freeholders and Ratepayers of the Borough of Wavcley .....	(104) One hundred and four .....	Mr. Neale .....	{ Praying that the "Sydney Boundaries Amendment Bill" may not be passed into law in its present form..	{ Not printed.
" 23 ...	From certain Landed Proprietors and Residents of the Town and District of Liverpool.....	(125) One hundred and twenty-five ...	Mr. Lackey .....	{ Praying that such steps may be taken as will secure to the Petitioners a plentiful supply of water .....	{ Printed.
" 26 ...	From certain Licensed Victuallers of Sydney and its environs .....	(203) Two hundred and three.....	Mr. Burdekin ...	{ Praying that the "Sale of Liquors Licensing Act Amendment Bill" may not be passed into law .....	{ Printed.
Mar. 5 ...	From certain Licensed Victuallers of New South Wales..	(97) Ninety-seven .....	Mr. Burdekin ...	Similar prayer .....	Printed.
" 19 ...	From certain Property-holders, Tenants, and others, residents of Sydney .....	(42) Forty-two .....	Mr. Burns.....	{ Praying that the "Sydney Paving Bill of 1869" may not be passed into law.....	{ Printed.
" 19 ...	Do. do. ....	(33) Thirty-three .....	Mr. Lyons.....	Similar prayer .....	{ Not printed.

Legislative Assembly Offices,  
Sydney, 1 April, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.

[Price, 6d.]

Sydney: Thomas Richards, Government Printer.—1869.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 1.

ALPHABETICAL REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SESSION OF 1868-9.

SHORT TITLES.	BY WHOM INITIATED.	Ordered.	Presented and Read 1 <sup>o</sup> .	Read 2 <sup>o</sup> .	Committed.	Reported.	Recommitted.	Reported.	Report adopted.	Read 3 <sup>o</sup> .	Passed.	Sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendments.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to with Amendments.	Council agrees to Assembly's Amendments on their Amendments.	Council disagree to Assembly's Amendments on their Amendments.	Bill dropped.	Assent reported.	Number of Act.	REMARKS.	
Appropriation	Mr. Samuel	1869.	1869.	1869.	1869.	1869.			1869.	1869.	1869.	1869.	1869.								1869.	32 <sup>o</sup> Viet.	{ Standing Orders suspended (23 March), to admit of Bill passing through all its remaining stages in one day.	
Burials Regulation	Mr. Farnell	19 Feb.	19 Feb.	23 Mar.	23 Mar.																		{ Stopped by prorogation.	
Cattle Diseases Prevention Act Amendment	Mr. Forster	25 Feb.	25 Feb.																				{ Originated in a Committee of the Whole. Lapsed, 5 March, 1869.	
Collector of Customs Superannuation	Mr. Samuel	6 Jan. 1868.	6 Jan.																				{ Motion for second reading negatived, and Bill discharged, 15 January, 1869, A.M.	
Common Carriers	Mr. Windeyer	10 Dec. 1869.																					{ Bill not introduced.	
Compulsory Vaccination	Mr. Robertson	18 Feb.	18 Feb.	2 Mar.	2 Mar.	25 Mar.			27 Mar.														{ Originated in a Committee of the Whole. Lapsed, 3 March, 1869, A.M. Restored, 4 March, 1869. Lapsed, 22 March, 1869. Restored, 24 March, 1869. Stopped by prorogation.	
Consolidated Revenue Fund	Mr. Samuel	27 Jan.	27 Jan.	28 Jan.	28 Jan.	28 Jan.			28 Jan.	28 Jan.	28 Jan.	28 Jan.	29 Jan.										{ 3 Feb. 2	
Ditto (No. 2)	Mr. Samuel	25 Feb.	25 Feb.	26 Feb.	26 Feb.	26 Feb.			26 Feb.	26 Feb.	26 Feb.	26 Feb.	12 Mar. (A.M.)									19 Mar.	5	{ Originated in a Committee of the Whole. Referred to a Select Committee, 12 February, 1869. Progress reported, 19 March, 1869. No further action taken.
Diseases in Grape Vines Prevention	Mr. Nowlan	29 Jan.	9 Feb.																				{ Originated in a Committee of the Whole. Withdrawn, 22 March, 1869.	
Diseases in Sheep Act Amendment	Mr. Forster	25 Feb.	25 Feb.																				{ Stopped by prorogation.	
Friendly Societies	Mr. Sutherland	24 Mar. 1868.	24 Mar.																				{ Withdrawn, 22 January, 1869.	
Grape Disease (Oidium Tuckeri) Prevention	Mr. Nowlan	23 Dec. 1869.	15 Jan.																				{	
Impounding Act Amendment	Mr. Farnell	2 Mar.	2 Mar.	5 Mar.	5 Mar.	5 Mar.			5 Mar.	9 Mar.	9 Mar.	9 Mar.		23 Mar.	23 Mar.								{ 30 Mar. 11	
Municipalities Act Amendment	Mr. S. Brown	5 Feb.	5 Feb.																				{ Order for second reading expunged, 10 February, 1869, A.M.	
Ditto (No. 2)	Mr. S. Brown	26 Feb. 1868.	26 Feb.	2 Mar.	2 Mar.	2 Mar.			2 Mar.	3 Mar.	3 Mar.	3 Mar.		17 Mar.	19 Mar.								{ Originated in a Committee of the Whole.	
Ordinance Land Act Amendment	Mr. Martin	13 Oct. 1869.	13 Oct.																				{ Pro forma Bill.	
Police Regulation Extension	Mr. Farnell	19 Jan.	19 Jan.	22 Jan.	22 Jan.	22 Jan.			22 Jan.	27 Jan.	27 Jan.	27 Jan.		12 Mar. (A.M.)	12 Mar. (P.M.)								{ 24 Mar. 7	
Public Works Loan	Mr. Samuel	22 Mar.	22 Mar.	22 Mar.	22 Mar.				22 Mar.	23 Mar.	23 Mar.	23 Mar.	25 Mar.										{ 1 April 13	
Randwick and Coogee Roads Transfer	Mr. Oatley	8 Jan.	8 Jan.	26 Feb.	26 Feb.	26 Feb.			26 Feb.	2 Mar.	2 Mar.	2 Mar.		17 Mar.	19 Mar.								{ 30 Mar. 9	
Recovery of Sewerage Rates	Mr. Hart	29 Jan. 1868.	29 Jan.																				{ Referred to a Select Committee, 15 January, 1869. Reported, 29 January, 1869.	
Road Act Amendment	Mr. S. Brown	10 Dec. 1869.	10 Dec.	16 Dec.	23 Dec.	23 Dec.																	{ Stopped by prorogation.	
Sale of Liquors Licensing Act Amendment	Mr. Wilson	9 Feb.	10 Feb.																				{ Originated in a Committee of the Whole. Withdrawn, 23 March, 1869.	
Small Debts Recovery Act Amendment	Mr. Byrnes	29 Jan.	29 Jan.	5 Feb.	5 Feb.	12 Feb.			19 Feb.	23 Feb.	23 Feb.	23 Feb.		25 Mar.									{ Title amended, 12 February, 1869. Lapsed, 25 March, 1869.	
Small Pox Prevention	Mr. Robertson	3 Mar. 1868.	3 Mar.	22 Mar.	22 Mar.	23 Mar.			24 Mar.	25 Mar.	25 Mar.	25 Mar.											{ Originated in a Committee of the Whole. Not returned by Legislative Council.	
Stamp Duties Acts Continuation	Mr. Samuel	23 Dec. 1869.	23 Dec.	23 Dec.	23 Dec.	23 Dec.			23 Dec.	23 Dec.	23 Dec.	23 Dec.	23 Dec.	23 Dec.	23 Dec.								{ Standing Orders suspended (23 December), to admit of Bill passing through all its stages in one day.	
St. Andrew's Cathedral Close	Mr. Driver	17 Dec.	17 Dec.	15 Jan.	15 Jan.	23 Jan.	29 Jan.	29 Jan.	29 Jan.	5 Feb.	5 Feb.	5 Feb.	5 Feb.	25 Feb. (A.M.)									{ 4 Mar. 4	
Suburban Water Supply	Mr. Lucas	22 Dec. 1869.	22 Dec.																				{ Discharged, 15 January, 1869.	
Summary Convictions and Orders Amendment	Mr. Farnell	19 Jan. 1868.	21 Jan.	5 Feb.	5 Feb.	5 Feb.			5 Feb.	9 Feb.	9 Feb.	9 Feb.		12 Mar. (A.M.)	12 Mar. (P.M.)								{ 24 Mar. 6	
Sydney Boundaries Amendment	Mr. Windeyer	10 Dec. 1869.	2 Feb.	19 Mar.	19 Mar.	19 Mar.	23 Mar.	23 Mar.	10 Mar. 23 Mar.	23 Mar.	23 Mar.	23 Mar.											{ Referred to a Select Committee, 12 February, 1869. Reported, 16 March, 1869. Not returned by Legislative Council.	
Sydney Cattle Slaughtering Prevention	Dr. Lang	29 Jan.																					{ Withdrawn, 5 March, 1869.	
Sydney Corporation Act Amendment	Mr. Driver	19 Feb.	19 Feb.																				{ Originated in a Committee of the Whole. Stopped by prorogation.	
Sydney Paving	Mr. Driver	9 Feb.	11 Feb.	19 Feb.	19 Feb.	16 Mar.			16 Mar.														{ Lapsed, 19 March, 1869.	
Treason Felony Act Amendment	Mr. Driver	9 Feb.	23 Feb.																				{ Stopped by prorogation.	
Treasury Bills	Mr. Samuel	22 Mar. 1868.	22 Mar.	22 Mar.	22 Mar.	22 Mar.			23 Mar.	23 Mar.	23 Mar.	23 Mar.	25 Mar.										{ 1 April 14	
Triennial Parliaments	Dr. Lang	15 Dec. 1869.	15 Dec.																				{ Standing Orders suspended (23 March, 1869), to admit of Bill passing through all its remaining stages in one day.	
Workhouse Act Repeal	Mr. S. Brown	5 Feb.	5 Feb.	2 Mar.	2 Mar.	2 Mar.			2 Mar.	5 Mar. (A.M.)	5 Mar. (A.M.)	5 Mar. (A.M.)	23 Mar.										{ Motion for second reading negatived, and Bill discharged, 22 January, 1869.	



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1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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ALPHABETICAL REGISTERS

OF

ADDRESSES AND ORDERS FOR PAPERS,

AND OF

ADDRESSES

(NOT BEING FOR PAPERS).

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SESSION 1868-9.

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1868-9.

LEGISLATIVE ASSEMBLY

NEW SOUTH WALES.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS, DURING THE SESSION 1868-9.

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.
63	1869. 27 March	Mr. J. Stewart	Administration of Justice	.....	1869. 23 February	69/172	1869. 23 February	1869. 24 February
31	1868. 2 February	Mr. Wilson	{ Application for Music License for Har- burgh Hotel, King-street	{ Attempted Assassination of H.R.H. the Duke of Edinburgh	6 January	69/5	6 January	7 January
8	1869. 10 December	Mr. Macleay	Carroll, Mr. J., Superintendent of Quarant- tine Station	{ Contingencies—Incidental and Unforeseen Expenses	.....	.....	.....	.....
35	1869. 9 February	Mr. Windeyer	{ Commitments by Bench of Magistrates at Newcastle (Administration of Justice)..}	{ Crown Lands (held under Pastoral Occu- pation)	.....	.....	.....	.....
39	1869. 16 February	Dr. Lang	.....	{ Crown Lands—Sales of, in Sydney	.....	.....	.....	.....
32	1869. 3 February	Mr. Hart	.....	{ Cullen, Mr. Simon—Removal of, from Roman Catholic Orphan School, Parra- matla	.....	.....	.....	.....
61	1869. 24 March	Mr. J. Stewart	.....	.....	.....	.....	.....	.....
43	1869. 23 February	Dr. Lang	.....	.....	.....	.....	.....	.....
20	1869. 12 January	Mr. J. Stewart	.....	.....	5 February	69/130	5 February	6 February
38	1869. 12 February	Mr. W. Suttor	{ De Philipsthal, Mr., late Clerk in the Office of Inspector General of Police	.....	.....	.....	.....	.....

ALPHABETICAL REGISTER, &c.—continued.

WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
No.	VOTES.		By Address.	By Order.			Date of Order.	When delivered for Printing.
	Date.	Entry.						
8	1868. 10 December...	17 Mr. Burns.....		{ Dismissal of Warden McGrath from Deniliquin Gaol .....	1868. 23 December..... (In part) 1869. 11 March..... (Further) 28 January.....	69/355	1868. 23 December.....	1868. 24 December.....
20	1869. 12 January ...	10 Dr. Lang .....		{ Electoral Returns .....				
41	18 February ...	6 Mr. Garrett .....		{ Emery, Mr. William—Conditional Purchase of Crown Lands at Good Dog .....		69/220	1869. 11 March.....	1869. 12 March.....
43	23 February .....	16 Mr. R. Stewart.....	{ Equity Suit—The Attorney General v. Elliott (Administration of Justice).....			69/89	28 January .....	29 January.....
35	9 February .....	16 Mr. Burns.....		{ Examiners of Titles—Real Property Act .....				
8	1868. 10 December...	19 Mr. Lord .....		{ Farrand, Mr. William—Police Magistrate, Forbes .....				
61	1869. 24 March .....	9 Mr. Lord .....		{ Farrand, Mr. W.—Police Magistrate, Forbes .....				
32	9 February .....	9 Mr. Morrice .....						
43	23 February .....	18 Mr. Burns.....	{ Levy v. Downey .....					
60	23 March .....	10 Mr. Burns.....	{ Lindsey, G., Alleged Lunatic (Administration of Justice).....		23 February .....	69/171	23 February .....	24 February.....
35	9 February .....	14 Mr. Parkes .....	{ Luncheon, Cost of—provided for Volunteers in 1861 .....		12 March .....	69/233	12 March .....	15 March.....
45	25 February .....	4 Mr. Wisdom.....						
60	23 March .....	5 Mr. Lucas.....						
8	1868. 10 December...	7 Mr. Hannell .....						
31	1869. 2 February .....	17 Mr. Walker .....						
20	12 January .....	23 Mr. J. Stewart.....		{ Municipal Affairs, Newcastle .....	5 February .....	69/123	5 February .....	6 February.....
26	21 January .....	7 Mr. Garrett .....		{ Neilson, Mr. John Thomas.....	5 February .....	69/122	5 February .....	6 February.....
38	12 February .....	3 Mr. Windeyer .....		{ Non-ministerial Office-holders who have been Members of the Legislative Assembly .....				
20	12 January .....	11 Mr. Burns.....						
20	12 January .....	7 Mr. Lyons.....	{ Numba and South Shoalhaven—Incorporation of .....					
46	26 February .....	18 Mr. Driver .....	{ O'Farrell, H. J.—Depositions in the case of .....		23 February .....	69/173	23 February .....	24 February.....
54	12 March .....	12 Mr. Byrnes .....		{ Orphan Schools at Parramatta .....				
				{ Railway Accident at Redfern .....	28 January .....	69/91	28 January .....	29 January.....
				{ Railway Plant and Statistics .....				



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

WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPEALED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
No.	VOTES. Date. Entry.		By Address.	By Order.			Date of Order.	When delivered for Printing.
70	1867. 5 November. . . . . 11	Mr. Tunks . . . . .	{ Application to purchase and reclaim Land under 9th and 12th clauses of Crown Lands Alienation Act . . . . . }		1869. 7 January . . . . .	69/17	1869. 7 January . . . . .	1869. 8 January.
48	1866. 12 October . . . . . 18	Mr. Sutherland . . . . .		{ Conditional Purchases under Crown Lands Alienation Act of 1861 . . . . . }	6 January . . . . .	69/7		
107	1868. 17 January . . . . . 6	Mr. Forster . . . . .		{ Council of Education—Persons appointed Members of, or of Public School Boards. . . }	23 February . . . . . 1868.	69/170	23 February . . . . . 1868.	24 February. 1868.
142	21 April . . . . . 16	Mr. Forster . . . . .	{ Drew, Mr. S. C.—Dismissal of, by Council of Education . . . . . }		13 October . . . . .	68/232	13 October . . . . .	14 October.
112	28 February . . . . . 9	Mr. Neale . . . . .		Gael Statistics . . . . .	13 October . . . . .	68/233	13 October . . . . .	14 October.
17	1867. 30 July . . . . . 6	Mr. Forster . . . . .	{ Felons Apprehension Act—Returns in reference to—(Constable Carroll, or Kenning—Bushrangers Clarke.) (Administration of Justice) . . . . . }		1869. 28 January . . . . .	69/90	1869. 28 January . . . . .	1869. 29 January.
81	22 November. . . . . 12	Mr. Forster . . . . .		Municipalities, except the City of Sydney . . . . .	9 March . . . . .	69/213	9 March . . . . .	10 March.
119	1868. 17 March . . . . . 6	Mr. Tunks . . . . .		{ Road (proposed) to Gladsville, <i>via</i> Balmain and Five Dock. . . . . }	7 January . . . . .	69/18	22 January . . . . .	25 January.
30	1867. 10 September. . . . . 7	Mr. J. Stewart . . . . .		{ Salaried Officers who have received Leave of Absence . . . . . }	9 March . . . . . (In part.)	69/212	9 March . . . . .	10 March.
145	1868. 24 April. . . . . 15	Dr. Lang . . . . .	Scott, Mr. Thomas—Sugar Cultivation . . . . .		1868. 14 October . . . . .	68/255	1868. 14 October . . . . .	1868. 15 October.
135	8 April. . . . . 3	Mr. Forster . . . . .		Steam Postal Service, <i>via</i> Panama. . . . .	18 December. . . . .	68/347	18 December. . . . .	19 December.

Legislative Assembly Office,  
Sydney, 1 April, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.

ALPHABETICAL REGISTER OF ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SESSION 1868-9.

SUBJECT OF ADDRESS.	VOTES.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			WHEN AND HOW ANSWERED.			REMARKS.	
	No.	Date.	By whom.	No.	Date.	By whom.	No.	Date.	By whom.	No.	Date.	By whom.		
														No.
Newspaper Postage Act of 1864 .....	46	1869. 26 Feb. ...	15	46	1869. 26 Feb. ...	15	...	...	...	54	1869. 12 Mar. ...	2	The Governor.	
Presentation of Books by Her Majesty .....	8	1868. 10 Dec. ...	1	8	1868. 10 Dec. ...	1	...	...	...	...	...	...	...	
Provision for the Expenses of the proposed Visit of H.R.H. the Duke of Edinburgh....	45	1869. 25 Feb. ...	8	45	1869. 25 Feb. ...	8	...	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Reply to Governor's Opening Speech .....	1	1868. 13 Oct. ...	13	1	1868. 13 Oct. ...	13	2	14 Oct. ...	{ Legislative } Assembly }	2	1868. 14 Oct. ...	1	The Governor.	{ Committee appointed to prepare Reply.
Smith, Mr. Thomas—Petition of .....	31	1869. 2 Feb. ...	19	31	1869. 2 Feb. ...	19	...	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Standing Orders Committee .....	63	27 Mar. ...	6	63	27 Mar. ...	6	...	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Unauthorized Expenditure from the Treasury ...	24	19 Jan. ...	12	24	19 Jan. ...	12	...	...	...	...	...	...	...	{ Adopted on a Resolution agreed to in Committee of the Whole.
Water Supply for the Gold Fields .....	42	19 Feb. ...	16	42	19 Feb. ...	16	...	...	...	...	...	...	...	

Legislative Assembly Office,  
Sydney, 1 April, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.

1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1868-9.

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 .....	13 October, 1868. Votes, No. 1, Entry 13. (On motion of Mr. Lackey.)	{ Mr. Burns, Mr. Mate, Mr. Lord, Dr. Lang, } { William Macleay, Esquire, Thomas Garrett, Esquire, James Hart, Esquire, William Richman Piddington, Esquire, Hugh Gordon, Esquire, Stephen Campbell Brown, Esquire, and William Charles Windeyer, Esquire. }	Mr. Lackey .....	1	1	None .....	13 October, 1868.
2	Elections and Qualifications .....	13 October, 1868. Votes, No. 1, Entry 10. (By Speaker's Warrant, taking effect 27 October, 1868.)	{ Mr. Robertson, Mr. Martin, Mr. Forster, Mr. Parkes, Mr. Samuel, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Piddington, Mr. Cunneen, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Garrett, Mr. Hart, }	Mr. Macleay .....	15	15	38	8 February, 1869.
3	Alleged Conspiracy for purposes of Treason and Assassination .....	15 December, 1868. Votes, No. 10, Entry 4. (On motion of Mr. Macleay.)	{ Mr. Robertson, Mr. Martin, Mr. Forster, Mr. Parkes, Mr. Samuel, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Piddington, Mr. Cunneen, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Garrett, Mr. Hart, }	Mr. Macleay .....	3	2	None.	24 March, 1869. (Intrusion of Strangers in the Passages to the House—Control of Messengers—Proposed new Parliamentary Refreshment Room.)
4	* Library .....	15 December, 1868. Votes, No. 10, Entry 23. (On motion of Mr. Robertson.)	{ Mr. Robertson, Mr. Martin, Mr. Forster, Mr. Parkes, Mr. Samuel, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Piddington, Mr. Cunneen, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Garrett, Mr. Hart, }	The Speaker .....	4	4	.....	
5	Standing Orders .....	15 December, 1868. Votes, No. 10, Entry 24. (On motion of Mr. Robertson.)	{ Mr. Robertson, Mr. Martin, Mr. Forster, Mr. Parkes, Mr. Samuel, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Piddington, Mr. Cunneen, } { The Speaker, Mr. Martin, Mr. Parkes, Mr. Garrett, Mr. Hart, }	The Speaker .....	4	4	.....	

\* 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.	Number of Meetings.		No. of Witnesses Examined.	When Reported.
					Called.	Held.		
6	* Refreshment Room .....	15 December, 1868. Votes, No. 10, Entry 25. (On motion of Mr. Robertson.)	{ Mr. Macleay, Mr. Lord, Mr. Egan, Mr. Burns, Mr. Burdekin, Mr. De Sales, Mr. Driver, Mr. Josephson, Mr. Robertson, Mr. Parkes, Mr. Neale, Mr. Tighe, Mr. Alexander, Mr. Macleay, Mr. S. Brown, Mr. Robertson. }	.....	9	3	None.	
7	Duties of Master in Equity .....	12 January, 1869. Votes, No. 20, Entry 14. (On motion of Mr. J. Stewart.)	{ Mr. Burns, Mr. Burdekin, Mr. De Sales, Mr. Driver, Mr. Josephson, Mr. Robertson, Mr. Parkes, Mr. Neale, Mr. Tighe, Mr. Alexander, Mr. Robertson, Mr. W. Campbell, Mr. Driver. }	Mr. J. Stewart .....	9	8	9	24 February, 1869. (Progress.)
8	Training Ship "Vernon" .....	12 January, 1869. Votes, No. 20, Entry 20. (On motion of Mr. Driver.)	{ Mr. Robertson, Mr. Parkes, Mr. Neale, Mr. Tighe, Mr. Alexander, Mr. Robertson, Mr. W. Campbell, Mr. Driver. }	Mr. Driver .....	12	12	14	25 March, 1869. (Progress.)
9	Cliffs Coal Properties Leasing Bill .....	15 January, 1869. Votes, No. 23, Entry 3. (On motion of Mr. Lee.)	{ Mr. Piddington, Mr. J. Stewart, Mr. J. Campbell, Mr. Farnell, Mr. Dodds, Mr. Novlan, Mr. Burns, Mr. Lee. }	Mr. Lee .....	1	1	1	20 January, 1869.
10	Randwick and Coogee Roads Transfer Bill .....	15 January, 1869. Votes, No. 23, Entry 7. (On motion of Mr. Hart.)	{ Mr. Forster, Mr. Lord, Mr. Lucas, Mr. Neale, Mr. Onley, Mr. Forster, Mr. Lucas, Mr. Burns, Mr. Bell, Mr. Tighe, }	Mr. Hart .....	3	3	2	29 January, 1869.
11	Mrs. Mary Singleton .....	19 January, 1869. Votes, No. 24, Entry 4. (On motion of Mr. Wilson.)	{ Mr. Forster, Mr. Lucas, Mr. Burns, Mr. Bell, Mr. Tighe, Mr. Farnell, Mr. Dodds, Mr. Neale, Mr. Wisdom, Mr. Wilson. }	Mr. Wilson .....	10	10	7	23 February, 1869.
12	Removal of Mr. Samuel Charles from the Commission of the Peace .....	27 January, 1869. Votes, No. 28, Entry 6. (On motion of Mr. Garrett.)	{ Mr. Parkes, Mr. Neale, Mr. J. Stewart, Mr. R. Stewart, Mr. Forster, Mr. Parkes, Mr. Neale, Mr. Josephson, Mr. Byrnes, Mr. Garrett. }	Mr. Garrett .....	8	6	3	23 March, 1869.
13	Rev. Denis McGuinn, late R. C. C. at Carcoar .....	9 February, 1869. Votes, No. 35, Entry 9. (On motion of Mr. Mate.)	{ Mr. Egan, Mr. W. Suttor, Mr. Robertson, Mr. Roberts, Mr. Bell, Mr. Egan, Mr. Burns, Mr. Hart, Mr. J. Campbell, Mr. Mate. }	Mr. Mate .....	4	4	2	11 March, 1869.

\* 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.																			
14	Mr. Thomas Scott—Sugar Cultivation	10 February, 1869, a.m. Votes, No. 35, Entry 22. (On motion of Mr. Burns.)	<table border="0"> <tr> <td>{</td> <td>Dr. Lang,</td> <td rowspan="4">{</td> <td>Mr. Farnell,</td> </tr> <tr> <td></td> <td>Mr. Forster,</td> <td>Mr. S. Brown,</td> </tr> <tr> <td></td> <td>Mr. Hoskins,</td> <td>Mr. Wilson,</td> </tr> <tr> <td></td> <td>Mr. De Salis,</td> <td>Mr. Burns.</td> </tr> <tr> <td></td> <td>Mr. J. Stewart,</td> <td></td> <td></td> </tr> </table>	{	Dr. Lang,	{	Mr. Farnell,		Mr. Forster,	Mr. S. Brown,		Mr. Hoskins,	Mr. Wilson,		Mr. De Salis,	Mr. Burns.		Mr. J. Stewart,			Dr. Lang	3	3	2	24 March, 1869. (Progress.)
{	Dr. Lang,	{	Mr. Farnell,																						
	Mr. Forster,		Mr. S. Brown,																						
	Mr. Hoskins,		Mr. Wilson,																						
	Mr. De Salis,		Mr. Burns.																						
	Mr. J. Stewart,																								
15	Sydney Boundaries Amendment Bill...	12 February, 1869. Votes, No. 38, Entry 7. (On motion of Mr. Hart.)	<table border="0"> <tr> <td>{</td> <td>Mr. Forster,</td> <td rowspan="4">{</td> <td>Mr. Lucas,</td> </tr> <tr> <td></td> <td>Mr. Sutherland,</td> <td>Mr. Oatley,</td> </tr> <tr> <td></td> <td>Mr. Windeyer,</td> <td>Dr. Lang,</td> </tr> <tr> <td></td> <td>Mr. Hill,</td> <td>Mr. Neale,</td> </tr> <tr> <td></td> <td>Mr. S. Brown,</td> <td></td> <td>Mr. Hart.</td> </tr> </table>	{	Mr. Forster,	{	Mr. Lucas,		Mr. Sutherland,	Mr. Oatley,		Mr. Windeyer,	Dr. Lang,		Mr. Hill,	Mr. Neale,		Mr. S. Brown,		Mr. Hart.	Mr. Hart	9	8	18	16 March, 1869.
{	Mr. Forster,	{	Mr. Lucas,																						
	Mr. Sutherland,		Mr. Oatley,																						
	Mr. Windeyer,		Dr. Lang,																						
	Mr. Hill,		Mr. Neale,																						
	Mr. S. Brown,		Mr. Hart.																						
16	Diseases in Grape-vines Prevention } Bill } .....	12 February, 1869. Votes, No. 38, Entry 13. (On motion of Mr. Mate.)	<table border="0"> <tr> <td>{</td> <td>Mr. Forster,</td> <td rowspan="4">{</td> <td>Mr. De Salis,</td> </tr> <tr> <td></td> <td>Mr. Phelps,</td> <td>Mr. Farnell,</td> </tr> <tr> <td></td> <td>Mr. Smart,</td> <td>Mr. Lackey,</td> </tr> <tr> <td></td> <td>Mr. Tunks,</td> <td>Mr. Nowlan,</td> </tr> <tr> <td></td> <td>Mr. W. Suttlor,</td> <td></td> <td>Mr. Mate.</td> </tr> </table>	{	Mr. Forster,	{	Mr. De Salis,		Mr. Phelps,	Mr. Farnell,		Mr. Smart,	Mr. Lackey,		Mr. Tunks,	Mr. Nowlan,		Mr. W. Suttlor,		Mr. Mate.	Mr. Mate	7	6	5	19 March, 1869. (Progress.)
{	Mr. Forster,	{	Mr. De Salis,																						
	Mr. Phelps,		Mr. Farnell,																						
	Mr. Smart,		Mr. Lackey,																						
	Mr. Tunks,		Mr. Nowlan,																						
	Mr. W. Suttlor,		Mr. Mate.																						
17	Land Titles Department—Mr. W. } Wright } .....	23 February, 1869. Votes, No. 43, Entry 11. (On motion of Mr. Lyons.)	<table border="0"> <tr> <td>{</td> <td>Mr. Burns,</td> <td rowspan="4">{</td> <td>Mr. J. Stewart,</td> </tr> <tr> <td></td> <td>Mr. Farnell,</td> <td>Mr. Josephson,</td> </tr> <tr> <td></td> <td>Mr. Tighe,</td> <td>Mr. Tunks,</td> </tr> <tr> <td></td> <td>Mr. S. Brown,</td> <td>Mr. Lyons.</td> </tr> <tr> <td></td> <td>Mr. Lucas,</td> <td></td> <td></td> </tr> </table>	{	Mr. Burns,	{	Mr. J. Stewart,		Mr. Farnell,	Mr. Josephson,		Mr. Tighe,	Mr. Tunks,		Mr. S. Brown,	Mr. Lyons.		Mr. Lucas,			Mr. J. Stewart	8	7	10	24 March, 1869. (Progress.)
{	Mr. Burns,	{	Mr. J. Stewart,																						
	Mr. Farnell,		Mr. Josephson,																						
	Mr. Tighe,		Mr. Tunks,																						
	Mr. S. Brown,		Mr. Lyons.																						
	Mr. Lucas,																								
18	Water Frontage at Blue's Point, } North Shore } .....	2 March, 1869. Votes, No. 47, Entry 9. (By Ballot.)	<table border="0"> <tr> <td>{</td> <td>Mr. Tunks,</td> <td rowspan="4">{</td> <td>Mr. Lloyd,</td> </tr> <tr> <td></td> <td>Mr. S. Brown,</td> <td>Mr. Forster,</td> </tr> <tr> <td></td> <td>Mr. W. Campbell,</td> <td>Mr. Hill,</td> </tr> <tr> <td></td> <td>Mr. Neale,</td> <td>Mr. Sutherland,</td> </tr> <tr> <td></td> <td>Mr. Phelps,</td> <td></td> <td>Mr. Gordon.</td> </tr> </table>	{	Mr. Tunks,	{	Mr. Lloyd,		Mr. S. Brown,	Mr. Forster,		Mr. W. Campbell,	Mr. Hill,		Mr. Neale,	Mr. Sutherland,		Mr. Phelps,		Mr. Gordon.	Mr. Tunks	3	3	1	22 March, 1869. (Progress.)
{	Mr. Tunks,	{	Mr. Lloyd,																						
	Mr. S. Brown,		Mr. Forster,																						
	Mr. W. Campbell,		Mr. Hill,																						
	Mr. Neale,		Mr. Sutherland,																						
	Mr. Phelps,		Mr. Gordon.																						
19	Mr. William Emery .....	2 March, 1869. Votes, No. 47, Entry 11. (On motion of Mr. Garrett.)	<table border="0"> <tr> <td>{</td> <td>Mr. Forster,</td> <td rowspan="4">{</td> <td>Mr. Lucas,</td> </tr> <tr> <td></td> <td>Mr. Wilson,</td> <td>Mr. Mate,</td> </tr> <tr> <td></td> <td>Mr. Neale,</td> <td>Mr. Bell,</td> </tr> <tr> <td></td> <td>Mr. Cunneen,</td> <td>Mr. Gordon,</td> </tr> <tr> <td></td> <td>Mr. Farnell,</td> <td></td> <td>Mr. Garrett.</td> </tr> </table>	{	Mr. Forster,	{	Mr. Lucas,		Mr. Wilson,	Mr. Mate,		Mr. Neale,	Mr. Bell,		Mr. Cunneen,	Mr. Gordon,		Mr. Farnell,		Mr. Garrett.	Mr. Garrett	1	1	.....	
{	Mr. Forster,	{	Mr. Lucas,																						
	Mr. Wilson,		Mr. Mate,																						
	Mr. Neale,		Mr. Bell,																						
	Mr. Cunneen,		Mr. Gordon,																						
	Mr. Farnell,		Mr. Garrett.																						
20	Law relating to Lunacy .....	4 March, 1869. Votes, No. 49, Entry 7. (On motion of Mr. Burns.)	<table border="0"> <tr> <td>{</td> <td>Mr. Piddington,</td> <td rowspan="4">{</td> <td>Mr. Josephson,</td> </tr> <tr> <td></td> <td>Mr. Windeyer,</td> <td>Mr. Isaacs,</td> </tr> <tr> <td></td> <td>Mr. Tighe,</td> <td>Mr. Wilson,</td> </tr> <tr> <td></td> <td>Mr. Lucas,</td> <td>Mr. Dodds,</td> </tr> <tr> <td></td> <td>Mr. Farnell,</td> <td></td> <td>Mr. Burns.</td> </tr> </table>	{	Mr. Piddington,	{	Mr. Josephson,		Mr. Windeyer,	Mr. Isaacs,		Mr. Tighe,	Mr. Wilson,		Mr. Lucas,	Mr. Dodds,		Mr. Farnell,		Mr. Burns.	Mr. Burns	6	4	5	24 March, 1869. (Progress.)
{	Mr. Piddington,	{	Mr. Josephson,																						
	Mr. Windeyer,		Mr. Isaacs,																						
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	Mr. Lucas,		Mr. Dodds,																						
	Mr. Farnell,		Mr. Burns.																						

Legislative Assembly Offices,  
Sydney. 1 April, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

BUSINESS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES,  
DURING THE SESSION OF 1868-9.

1. New Writs issued	...	...	...	...	9
2. Select Committees :—					
On Public Matters	...	...	15		
On Private Bills	...	...	1		
3. Standing Committees	...	...	...	...	16
4. Public Bills :—					
Originated in the Assembly—					
Received the Royal Assent	...	...	14		
Dropped or otherwise disposed of	...	...	22		
			—	36	
Brought from the Council—					
Received the Royal Assent	...	...	0		
Dropped or otherwise disposed of	...	...	0		
			—	0	36
5. Private Bills :—					
Originated in the Assembly—					
Received the Royal Assent	...	...	1		
Dropped or otherwise disposed of	...	...	0		
			—	1	
Brought from the Council—					
Received the Royal Assent	...	...	1		
			—	1	2
6. Petitions received :—					
Printed	...	...	63		
Not Printed	...	...	9		
			—		72
7. Divisions :—					
In the House	...	...	72		
In Committee of the Whole	...	...	162		
			—		234
8. Sittings :—					
Days of Meeting	...	...	...	...	64
Hours of Sitting	...	...	...	...	443 h. 12 m.
Hours of Sitting after Midnight	...	...	...	...	20 „ 1 „
Daily Average	...	...	...	...	6 „ 55 m.
Adjourned for want of a Quorum—					
Before commencement of Business	...	...	2		
After commencement of Business	...	...	20		
			—		22
9. Votes and Proceedings	...	...	...	...	64
Entries in Votes and Proceedings—					
Of Business done	...	...	769		
Of Notices of Motion	...	...	1,130		
Of Orders of the Day	...	...	600		
Of Questions	...	...	390		
Of Contingent Notices	...	...	17		
			—		2,906
Daily Average	...	...	...	...	45
10. Contingent Notices	...	...	...	...	0
Entries in Contingent Notice Paper	...	...	...	...	0
11. Orders for Papers	...	...	...	...	36
12. Addresses for Papers	...	...	...	...	15
13. Other Addresses	...	...	...	...	8
14. Papers laid upon the Table :—					
By Message	...	...	10		
By Command	...	...	136		
By Speaker	...	...	1		
By Private Member	...	...	1		
In Return to Orders	...	...	19		
In Return to Addresses	...	...	10		
Reports from Select Committees	...	...	15		
			—		192
Ordered to be Printed	...	...	188		
Not Ordered to be Printed	...	...	4		
			—		192

Legislative Assembly Offices,  
Sydney, 1. April, 1869.

O. F. KELLY,  
Clerk of Legislative Assembly.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

INTRUSION OF STRANGERS IN THE PASSAGES TO THE HOUSE.

CONTROL OF MESSENGERS.

PROPOSED NEW PARLIAMENTARY REFRESHMENT ROOM.

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# REPORT

FROM THE

## STANDING ORDERS COMMITTEE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

24 *March*, 1869.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1869.

[Price, 3d.]

338—



1868-9.

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## REPORT.

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THE STANDING ORDERS COMMITTEE of the Legislative Assembly have the honor to report to your Honorable House that, having had under consideration the Questions of the "*Intrusion of Strangers in the Passages to the House*," the "*Control of the Messengers of this House*," and the proposal to provide "*a New Parliamentary Refreshment Room*," they have arrived at the following Resolutions in reference thereto, viz. :—

(1.) "That new entrances be made into the Antechamber of the Legislative Assembly and into the Parliamentary Library, and that the present entrances from the Hall be locked."

(2.) "That the Messengers of the Legislative Assembly should be under the direction and control of the Speaker, who should also have the power to appoint and dismiss them."

Your Committee have the honor further to report to your Honorable House, that your Committee, on Thursday, 4th March, 1869, met in conference the Standing Orders Committee of the Legislative Council, and considered, conjointly with the latter, certain proposals with reference to the erection of a New Parliamentary Refreshment Room.

The Conference having had before them two plans (submitted by the Colonial Architect), and having examined the sites therein shown for the proposed new building, the Members representing your Committee returned to Mr. Speaker's Room.

Your Committee then agreed to the following Resolution :—

"That the Committee having had under consideration the plan, No. 2, submitted by the Colonial Architect, for the proposed New Refreshment Room, recommend the said plan for adoption—20 feet in length being added; and that this Resolution be submitted to the Standing Orders Committee of the Legislative Council."

And the foregoing Resolution having been communicated to the Standing Orders Committee of the Legislative Council, that Committee has agreed to the following Resolution in reply thereto, viz. :—

"That although this Committee is of opinion that it would be more desirable to proceed to and with the erection of New Parliamentary Buildings, nevertheless they now give their concurrence in the arrangement proposed in the Resolution of the Standing Orders Committee of the Legislative Assembly so communicated as aforesaid."

*Speaker's Room,*  
24 March, 1869.

W. M. ARNOLD,  
Chairman.

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1868.

---

NEW SOUTH WALES.

---

ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE  
OF EDINBURGH.

(DESPATCH RESPECTING.)

---

Presented to both Houses of Parliament, by Command.

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THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

Downing-street,  
26 June, 1868.

MY LORD,

I have to acknowledge the receipt of your Lordship's despatch, No. 40, of 22nd April, enclosing Addresses to Her Majesty from the Members of the Legislative Council and the Legislative Assembly of New South Wales, and from the Inhabitants of Grafton, Orange, and Braidwood, together with duplicates of Addresses from different public bodies, to His Royal Highness the Duke of Edinburgh, and copies of *Government Gazettes*, containing the Reply of His Royal Highness to the various Addresses published in them.

I am commanded to instruct you to assure the Members of the Legislative Council and Assembly, and the Inhabitants of New South Wales, that Her Majesty cordially appreciates the spirit of loyalty to the British Crown, and of attachment to the person and family of the Sovereign, displayed in the Addresses which you have transmitted to me.

I have, &c.,

BUCKINGHAM & CHANDOS.

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1868.

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NEW SOUTH WALES.

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ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE  
OF EDINBURGH.

(DESPATCH IN REPLY TO ADDRESS FROM GUNNING.)

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Presented to both Houses of Parliament, by Command.

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THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.  
(No. 67.)

Downing-street,

30 July, 1868.

MY LORD,

I have the honor to acknowledge the receipt of your despatch, No. 58, of 27th of May, forwarding an Address to the Queen, from the inhabitants of the town and district of Gunning, on the occasion of the attempted assassination of His Royal Highness the Duke of Edinburgh.

I am commanded to instruct you to assure those who have signed this Address, that Her Majesty cordially appreciates the spirit of loyalty to the British Crown, and of attachment to the Person and Family of the Sovereign, which it displays.

I have, &c.,

BUCKINGHAM & CHANDOS.

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1868.

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NEW SOUTH WALES.

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DEPARTURE OF SIR JOHN YOUNG FROM COLONY.  
(DESPATCH.)

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Presented to both Houses of Parliament, by Command.

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THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE  
GOVERNMENT, NEW SOUTH WALES.

(No. 18.)

Downing-street,  
10 March, 1868.

SIR,

I have to acknowledge the receipt of your Despatch No. 1, of 27th December last, with its enclosures, reporting the departure of Sir John Young from New South Wales, and your assumption of the Administration of the Government.

It gives me much pleasure to learn that Sir John Young's services to the Colony are so highly appreciated by all classes of the community.

I have, &c.,

BUCKINGHAM & CHANDOS.



1868.

## NEW SOUTH WALES.

## TREASON FELONY ACT.

(DESPATCH, &amp;c., RESPECTING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

(No. 40.)

Downing-street,  
30 May, 1868.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's despatch, No. 29, of the 25th of March, forwarding an Act passed by the Legislature of New South Wales, "for the better security of the Crown and Government of the United Kingdom, and for the better suppression and punishment of seditious practices and attempts."

Her Majesty's Government are very sensible of the feelings of loyalty and devotion to Her Majesty's Crown and Person which have prompted the passing of this Act; but clauses 9 and 10, which are additional to those adopted from the Imperial Act, appear to me, although limited to two years in duration, extreme in their scope, and in the severity of their penalties.

I rely on the discretion and prudence of your Government to prevent any abuse of such unusual powers. I abstain from submitting the Act, in its present shape, to Her Majesty; and I should learn with satisfaction that your Government had thought well to propose modifications of those clauses.

I have, &amp;c.,

BUCKINGHAM &amp; CHANDOS.

To the Colonial Secretary.

I should be glad to know what course my Responsible Advisers propose to take with reference to this despatch.—8/8/68.—B.

THE Members of the Executive Council have, at the instance of His Excellency the Governor, had under their consideration the despatch of His Grace the Duke of Buckingham and Chandos, No. 40, and bearing date 30th May, 1868.

They are unable to recognize any force in the objections which have been raised to the Treason Felony Act, which forms the subject of that despatch. Exception is taken in it not to the 8th, which is the most stringent of the new clauses, but to the 9th and 10th. There is nothing in any of them approaching in severity to the law passed for the suspension of the Habeas Corpus Act, which has now been in operation in Ireland for more than a year, and which was passed with as much celerity, by the Imperial Parliament, as the Treason Felony Bill was passed by the Parliament of this Colony. The local Legislature, it may fairly be presumed, is better qualified to judge of the exigency which called for these special enactments than persons residing in England; and it is regarded by the Council as a matter of regret, that His Grace the Duke of Buckingham and Chandos should have given expression to doubts as to the propriety of the course taken at a time when prompt and vigorous action was universally admitted to be necessary for the preservation of public order.

The 9th and 10th sections of the Act, to some extent are merely an affirmation of the Common Law of England. By that law it has always been a crime to write or speak anything of the Queen that might lessen Her in the esteem of Her subjects, weaken the Government, or raise jealousies between Her and Her people. By the same law, libels upon the administration of justice have always been punishable. The sections complained of are in accordance with the spirit of these wise and ancient laws, and but very slightly extend their application.

Long before the attempt was made to assassinate His Royal Highness the Duke of Edinburgh, articles of a most seditious and inflammatory character had been, week after week, published in a Sydney newspaper, understood to be the organ of persons calling themselves Fenians; and the atrocities of those persons had been regularly held up for the admiration of the most ignorant and excitable classes of the population. The British Government was openly denounced,—British connections contemptuously derided,—and, on more occasions than one, persons ostentatiously stated, in public assemblages, that if the Queen's health were proposed, they would leave the room. When the attempted assassination became known, the disloyalty which had previously existed found new vent; and, from the sympathy manifested with the assassin, the Government were convinced that some strong measures ought to be taken, not so much to punish as to prevent crime.

The Government and the Legislature, in passing the Treason Felony Bill, desired only to preserve the public peace; and the Council are in a position to say that that object has been accomplished, without injury or oppression of any kind. Down to this time (now five months since the passing of the Act), no one has been punished under any of its provisions. A few arrests have been made under it, but in every case the persons arrested have in a few days after their arrest been set at large. The clauses objected to have had the effect, in the opinion of the Council, of preserving the public peace, by preventing, in a time of great excitement, the open and habitual expression of disloyal sentiments and the making of disloyal demonstrations.

The Council, upon the fullest reflection, are of opinion that a great public good was achieved by the passing of the Treason Felony Act, and particularly by the insertion in it of the 8th and 9th clauses; and they respectfully but firmly decline to recommend that the clauses be either altered or repealed, expressing at the same time a hope that His Grace the Duke of Buckingham and Chandos will, on fuller consideration, feel himself justified in submitting the Act for Her Majesty's approval.

1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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TREASON FELONY ACT.

(FURTHER DESPATCH RESPECTING.)

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*Ordered by the Legislative Assembly to be Printed, 6 January, 1869.*

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THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.  
(No. 81.)

Downing-street,  
22 October, 1868.

MY LORD,

I have the honor to acknowledge the receipt of your despatch, No. 83, of the 12th of August, enclosing a Minute from your Executive Council, on the subject of the Treason Felony Act of New South Wales.

From this Minute I learn that your Government are not disposed to propose any amendment of the Bill to the local Legislature. As the Legislature of the Colony had considered the Act necessary, and as the Colonial Government Ministers, after having had their attention called to the enactments which appeared extreme to Her Majesty's Government, were not of opinion that any alteration should be proposed, Her Majesty will not be advised to exercise Her power of disallowance in respect of this Act. But Her Majesty must not be considered thereby as indicating any approval of the enactments contained in the 9th and 10th sections.

I have, &c.,

BUCKINGHAM & CHANDOS.



1868.

NEW SOUTH WALES.

GREAT BANKS ISLAND.

(APPLICATION FOR LEASE OF, DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE. (No. 56.) Downing-street, 2 July, 1868.

MY LORD,

I transmit to Your Lordship, for your information, the copy of a correspondence with the Governor of Victoria, respecting an application which he forwarded from Mr. C. E. Glass, for a lease of Great Banks Island in the South Pacific.

I also enclose the copy of a Report which I obtained from the Emigration Commissioners on the subject of Mr. Glass' application.

I have, &c., BUCKINGHAM & CHANDOS.

[Enclosures in the foregoing.]

Governor Sir J. H. T. M. Sutton to The Duke of Buckingham. (No. 64.) Government Offices, Melbourne, 23 April, 1868.

My Lord Duke,

I have the honor to transmit to Your Grace, herein enclosed, a letter (which has been placed in my hands for that purpose) addressed by Mr. C. E. Glass to Your Grace.

Mr. Glass is a merchant (a produce broker) in Melbourne. But Great Banks Island is, unless I am misinformed, one of a group of islands which are situate in the South Pacific command; and I believe, therefore, that Mr. Glass' application should have been forwarded, in the first instance, to the Governor of New South Wales.

But this application is of a very exceptional character; and as the applicant is a resident in Melbourne, I have thought it best at once to accede to his request that I should forward to the Secretary of State his letter.

I have, &c., J. H. T. MANNERS-SUTTON.

Mr. C. E. Glass to The Duke of Buckingham.

Annan's Chambers, 32, Queen-street,  
Melbourne, 25 March, 1868.

May it please Your Grace,—

I beg respectfully to lay before you a proposition for a lease of the Island of Valua Lava, or Great Banks, which is situate in the South Pacific in about 13° south latitude 167° east longitude. Having ascertained the character of the natives, the climate, soil, and productions, and its general suitability for settlement and cultivation, I propose forming a permanent friendly settlement at Patterson Harbour, which is situate at the south-eastern part of the island, and of opening up a trade. At present there are not any white inhabitants there, and the place is unknown to trade intercourse. The advantages of such a settlement will be very great to commerce and the shipping, considering that vessels may find good holding ground and protection there against severe storms, and replenish their stores at the settlement—*desiderata*, I may point out, very much needed in that part. As any enterprise of the kind must necessarily require the outlay of a very large sum of money in the purchase of vessels for keeping up communication, for stores, material, plant, and labor, besides involve personal danger and privation, it will be obvious that liberal concessions of privileges will be expected by way of encouraging so desirable an enterprise. My fixed purpose is to keep spirits and firearms out of the island so long as possible, and to cultivate friendly feelings with the natives by the exercise of forbearance, liberality, and the strictest integrity and promptitude in all transactions, which only will be entered upon after distinct and clear understanding as to conditions. As it might embarrass Your Grace, and lead to a correspondence—which, from the distance at which I address you, might be protracted to a degree to render futile any undertaking of the kind proposed—I will not ask for any definite privileges, but will offer a few suggestions of what will meet my views, and leave Your Grace to frame ones as near thereto as Your Grace, with the recommendations of His Excellency the Governor of this Colony, may consider, in the interests of Her Most Gracious Majesty's Government, expedient. The concessions suggested are as follows, viz. :—

1st. The granting of a lease of the whole of Great Banks Island for not a less term than ten years, renewable for a like period at my option upon same terms, with exclusive rights to the products, the land, and to trade, for and in consideration of 2½ per cent. on the net profits on trade. Accounts to be furnished annually through His Excellency the Governor for the time being of this Colony.

2nd. A pre-emptive right of selecting and purchasing any lands or possessions on said island, during that time, at the rate of 3d. sterling per acre, only excepting the legitimate rights, if any, claimed by the natives to the ownership, occupation, and use of any of the said land on the island. And in cases where the title in said lands be acquired from the natives for consideration, to ratify and confirm to me such titles thus acquired, within the term specified, without further consideration than the 2½ per cent. upon the trading profits.

These conditions may thus be expressed :—Government to receive 2½ per cent. on net profits made by trade only, and 3d. per acre upon all lands free from native claims which may be selected and purchased under pre-emptive right within period named. My title to all purchases from natives of lands or possessions to be ratified, free of cost to me, by the Imperial Government. It to be understood, that for any land acquired from the natives at a less rate than 3d. per acre, I shall, on ratification of my title by the Imperial Government, pay to it the residue; so that all land will be acquired at the uniform cost of 3d. per acre.

Trusting that the foregoing brief outline, together with such information as I may be able to supply His Excellency the Governor, will be considered by Your Grace to be deserving of liberal consideration; and requesting that I may be favored with a reply, if possible, by the return Mail from England, I beg to leave the matter thus before Your Grace, through His Excellency's kind offices, and—

I have, &c.,

CHAS. E. GLASS.

Address :—

C. E. Glass,  
Annan's Chambers,  
32, Queen-street,  
Melbourne.

Mr.

Mr. Murdoch to Sir F. Rogers.

Emigration Board,  
23 June, 1868.

Sir,

I have to acknowledge your letter of 19th instant, with a despatch from the Governor of Victoria enclosing an application from Mr. C. E. Glass for a lease of Great Banks Island in the South Pacific. Mr. Glass' proposal is, that Her Majesty should grant him a lease of the whole of the island for ten years, to be subsequently renewed for a similar term, with exclusive right to the products, the land, and the trade, in consideration of a payment of 2½ per cent. on the net profits; that he should moreover have a pre-emptive right of selecting and purchasing land at the rate of 3d. an acre—excepting only the "legitimate rights, if any, of the natives;"—with leave also to purchase land from the natives.

2. The conclusive answer to this application is, that this island is, and ever has been since its discovery a century ago, inhabited by a large body of natives; that Great Britain has no claim to dominion over it, and has no right whatever to grant a lease of it, or in any way to interfere with the disposal of its land or trade. Even were it otherwise, it is difficult to imagine any scheme that it would be more impolitic to entertain than that put forward by Mr. Glass. The inhabitants of Banks Island—one of the group of the New Hebrides—are a race of fierce cannibal savages, not very much superior in intelligence to the Australian Aborigines, of whom they are supposed to be a branch. It is not conceivable that these people would allow strangers to come into their island, to appropriate their land, and to claim whatever trade they may have, without extreme resentment and resistance. The result would be collisions, in which Europeans would be massacred, and outrages perhaps committed which would compel the Colonial or Naval Authorities on the spot to interfere. This Country would, in the end, be involved in hostilities with the natives, which would be as embarrassing as they would be unprofitable.

3. Under these circumstances I would submit that Mr. Glass' application should be refused. I presume that he grounds his application, for the lease from the Crown of an island that does not belong to it, on the precedent of New Zealand. But in that case there was at least a surrender of the country to the Crown by the natives under the Treaty of Waitangi. In the present case there is no surrender of the kind, nor any other pretence to sovereignty on the part of this country.

I have, &c.,  
T. W. C. MURDOCH.



1868.

## NEW SOUTH WALES.

## GOVERNORS OF AUSTRALIAN COLONIES.

(DESPATCH RELATIVE TO LEAVE OF ABSENCE TO.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

(Circular.)

Downing-street,  
20 June, 1868.

SIR,

I have recently had under my consideration, in its bearing on the Australian Colonies, the clause of the Royal Instructions which requires that no Governor should quit the Colony which he governs without obtaining leave from Her Majesty, under the Royal Sign Manual and Signet, or through one of Her Majesty's Principal Secretaries of State.

Although the climate of the Australian Colonies, generally, does not require that a Governor should absent himself from his Government for so long a period as becomes occasionally necessary in the tropical Possessions of the Crown, yet, having regard to the relations which exist between those Colonies, and to the length of time which is required for communications with England, I am of opinion that a certain limited power of absenting themselves from their Governments, at such periods as the Public Service may allow, and of their visiting the adjacent Colonies, and obtaining the advantage of a change of climate, without the delay of obtaining a special permission from this Country, might be of advantage to the Public Service.

I have therefore submitted to the Queen my recommendation that the Governors of Her Majesty's Australian Colonies may be allowed, without in each case obtaining express leave from Her Majesty, to absent themselves from their Governments for the purpose of visiting any neighbouring Colony, for periods not exceeding one month at any one time, nor exceeding, in the aggregate, one month for every year's service in the Colony, arrangements being of course made that the Public Service shall suffer no injury during their absence, and half-salary being paid as usual to the Officer administering the Government, in case the absence of the Governor shall exceed fourteen days.

This recommendation Her Majesty has been graciously pleased to adopt, and I am to authorize you to guide yourself accordingly.

I have, &amp;c.,

BUCKINGHAM &amp; CHANDOS.



1868.

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NEW SOUTH WALES.

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**GIFT OF BOOKS BY THE QUEEN.**

(DESPATCH RESPECTING.)

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Presented to both Houses of Parliament, by Command.

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THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

Downing-street,

15 April, 1868.

MY LORD,

I am commanded by Her Majesty the Queen, to transmit to your Lordship's care, the accompanying copies of "The Early Years of His Royal Highness the Prince Consort, and Leaves from the Journal of Our Life in the Highlands," each bearing Her Majesty's Autograph Signature.

Her Majesty desires that these books may be placed in the following Libraries:— The Sydney University Library, Parliamentary Library of Sydney, and the Public Library of Sydney, to which Institutions they are presented by the Queen, both, as tokens of the interest with which Her Majesty regards the development of Institutions which tend to the spread of knowledge and intelligence in her Colonial Possessions, and because she believes that these records of the earlier days of their Sovereign and the Prince Consort will not fail to be valued by her subjects in New South Wales.

I have, &c.,

BUCKINGHAM & CHANDOS.

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1868.

NEW SOUTH WALES.

FEDERAL COUNCIL OF THE AUSTRALASIAN COLONIES.  
(DESPATCH RESPECTING.)

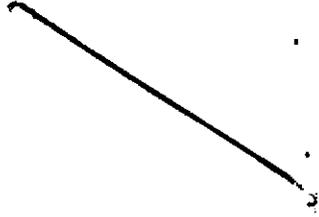
Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.  
(No. 1.)  
Downing-street,  
5 January, 1868.

SIR,  
I have the honor to acknowledge the receipt of your Despatch, No. 97, of the 23rd of October, forwarding the transcript of an Act passed by the Legislature of New South Wales, in the month of October last, and entitled "An Act to authorize the appointment of Members of the Executive Council to be Members of the Federal Council of the Australasian Colonies." c. VII

If the resolutions comprised in Schedule A of this Act had received the assent of Her Majesty's Government, and had continued to command that of the Colonies concerned, or if the Act had made provision for a Federal Council, for the purpose of considering generally and of coming to a collective decision upon the question of postal communication, or on any other subject of general interest to the Australian Colonies, I should have had great pleasure in bringing it under Her Majesty's favourable consideration; but as the powers of the Council are confined to a definite scheme, to the details of which Her Majesty's Government could not consent, I am unable to submit the Act as now worded for Her Majesty's sanction.

I have, &c.,  
BUCKINGHAM & CHANDOS.



1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

RETENTION OF TITLE OF "HONORABLE" BY  
EXECUTIVE COUNCILLORS.  
(DESPATCH.)

*Ordered by the Legislative Assembly to be Printed, 8 December, 1868.*

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE RIGHT HONORABLE  
THE EARL OF BELMORE.

Downing-street,  
18 January, 1868.

MY LORD,

I have received your predecessor's despatch, No. 92, of the 18th October, 1867, submitting the name of Mr. Geoffrey Eggar, with the recommendation that he should be permitted to retain the title of "Honorable," after he had ceased to be an Executive Councillor, Mr. Eggar having then completed three years as a Member of the Executive Council of New South Wales, and having been, during that period, a Member of the Government. I have also received Sir John Young's despatch, No. 93, of the 18th October, preferring a similar request on behalf of Mr. John Bowie Wilson.

In reply, I have to acquaint you, that there appears to me to exist generally strong objections to the consideration of such applications on behalf of Executive Councillors, while still in possession of office, as Members of Government. If you should bring these recommendations again under my notice, after these gentlemen should have respectively ceased to hold office, I shall be happy to consider them.

I have, &c.,  
BUCKINGHAM & CHANDOS.



1868.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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OFFICIAL UNIFORM OF EXECUTIVE COUNCILLORS.  
(DESPATCH.)

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*Ordered by the Legislative Assembly to be Printed, 8 December, 1868.*

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THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE RIGHT HONORABLE  
THE EARL OF BELMONT.

Downing-street,  
18 February, 1868.

MY LORD,

I received Sir John Young's despatch, No. 74, of the 16th September last, soliciting permission for Mr. James Martin, Mr. Eagar, and Mr. Wilson—three Members of his Government—to continue to wear, when out of office, the uniform of Executive Councillors, which they contemplated wearing on the occasion of the visit of His Royal Highness the Duke of Edinburgh to Sydney.

I referred that despatch to the Lord Chamberlain; and I have been informed, in reply, that, although there will, in all probability, be no objection to the privilege sought being granted to these gentlemen, on their retirement from office, it is considered to be more in order that the application in their favour should be made after that event.

I have, &c.,  
BUCKINGHAM & CHANDOS.

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1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPOSED CONFERENCE OF DELEGATES  
OF AUSTRALASIAN COLONIES.

(CORRESPONDENCE RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 6 January, 1869.*

THE CHIEF SECRETARY, VICTORIA, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Chief Secretary's Office,  
Melbourne, 16 December, 1868.

SIR,

I have the honor to transmit to you the accompanying copy of a letter addressed by me to the Honorable the Colonial Secretary of New Zealand, in reply to his communication of the 29th October last, on the subject of a Conference of delegates from the several Australasian Colonies.

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

[Enclosure.]

The Chief Secretary, Victoria, to The Colonial Secretary, New Zealand.

Chief Secretary's Office,  
Melbourne, 12 December, 1868.

Sir,

I have the honor to acknowledge the receipt of your letter of the 29th October last, suggesting that a Conference be held at Sydney, about the 1st of February next year, for the purpose of considering—

- 1—The commercial relations of the Australasian Colonies with the United States and other Foreign Countries, and also with each other.
- 2—The Ocean Postal Service.
- 3—The establishment of a Depot at the Auckland Islands, and the erection of a Lighthouse on the "Snares."

The Government of Victoria is fully alive to the importance of the questions proposed to be dealt with, and is especially anxious that the most advantageous relations may be established between all the Australasian Colonies, in reference to the Customs Duties, facilities for the Intercolonial Trade, Postal Service, and Ocean Lights.

The full discussion of these subjects, by duly accredited representatives of the Colonies interested, cannot fail to be attended with the greatest advantage, and this Government will gladly take part in a Conference for that purpose; but I regret that the state of public business, and the probability of Parliament being in session, make it impossible for them to be represented at Sydney in February next.

It is therefore suggested that, if convenient to the other Governments concerned, the Conference be held in Melbourne, at the date proposed; or if that be not practicable, that a later period of the year be named for the meeting at Sydney.

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



1868.

## NEW SOUTH WALES.

PROPOSED CONFERENCE ON THE SUBJECT OF FREE TRADE  
BETWEEN AUSTRALIAN COLONIES AND NEW ZEALAND.  
(CORRESPONDENCE RESPECTING.)

Presented to both Houses of Parliament, by Command.

## No. 1.

THE COLONIAL SECRETARY, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

(Circular.)

Colonial Secretary's Office,  
Wellington, 29 October, 1868.

SIR,

I have the honor to enclose a copy of a Resolution, adopted by the House of Representatives in this Colony, recommending that steps should be taken to ascertain the position of the Colony in relation to Commercial Treaties between Great Britain and Foreign Powers, and especially that authority should be sought to enable New Zealand, in conjunction with the Australasian Colonies, to enter into negotiations with the United States for the free admission into that country of wool the product of those Colonies.

In order to enable you better to understand the general object of the Resolution, I enclose a report of the Debate thereon (pages 197 to 201, *N. Z. Hansard*, week ending 10 October, 1868).

In connection with this subject, I may mention that the question of the free interchange between the Australian Colonies and New Zealand of certain of their products has been under the consideration of this Government, and has incidentally been referred to in Parliament. Fully impressed with the importance of some legislation on this subject, the Government would have submitted to the Legislature a measure for the encouragement of that interchange under certain conditions, were it not for the legal difficulty of framing such a measure so as to avoid the possible infringement of Commercial Treaties between the Government of the United Kingdom and Foreign Governments—a difficulty which has already caused the disallowance by Her Majesty of the Tasmanian Act (No. 23, 1867) entitled "A Bill to promote Intercolonial Free Trade."

It is unnecessary for me to dilate on the importance of this subject, or on the common interest which a maritime group like the Australasian Colonies must have, in a satisfactory settlement of their commercial relations with the United States and other Foreign Countries, and also with each other. This community of interest demands community of action; and, with that view, the Government of New Zealand is anxious to join with the Governments of the other Colonies in devising and adopting some united course of proceeding which, by the aid of Imperial legislation or otherwise, would enable the obstacles which have hitherto existed to be overcome, and would permanently secure the common object in view.

A Conference of Delegates from the Colonies concerned would, no doubt, be the best means of dealing with the consideration of these subjects, and of arriving at some practical conclusion. This conference might also deal with other questions respecting which correspondence is now passing between some of the Australian Governments and this Government, namely, the Ocean Postal Service; the establishment of a Dépôt at the Auckland Islands; and the erection of a Light-house on the "Snares," a dangerous reef to the south of New Zealand in the course of vessels bound from Australia towards Cape Horn. Any other matters which may require joint consideration could also receive attention.

I would accordingly suggest that, for this purpose, a Conference of Delegates from each Colony be held at Sydney about (say) the 1st of February next; and I earnestly hope that this proposal may be in conformity with the views of your Government.

I shall feel obliged by a reply, at your early convenience, and it would obviate delay if you would be good enough to intimate its purport to the other Australasian Governments, to whom I have made a similar communication.

I have, &c.,  
E. W. STAFFORD.

## 2 PROPOSED CONFERENCE ON THE SUBJECT OF FREE TRADE

EXTRACT from the Journals of the House of Representatives.

No. 68-68.

Wednesday, the 7th day of October, 1868.

*Resolved*,—“That, in the opinion of this House, it is desirable steps should be taken to ascertain the position which the Colony holds in relation to Commercial Treaties made by Great Britain with foreign countries, and especially that authority should be sought to enable New Zealand, in conjunction with other Australasian Colonies, to enter into negotiations with the United States for the free admission to that country of wool, the product of those Colonies.” (*On motion of Mr. Vogel.*)

## COMMERCIAL TREATIES.

Mr. VOGEL moved, “That, in the opinion of this House, it is desirable steps should be taken to ascertain the position which the Colony holds in relation to the Commercial Treaties made by Great Britain with foreign countries, and especially that authority should be sought to enable New Zealand, in conjunction with other Australasian Colonies, to enter into negotiations with the United States for the free admission into that country of wool, the product of those Colonies. He was painfully aware that that was a very late period of the session in which to introduce a new subject; but feeling as he did the great importance of the subject to which the motion related, he hoped the House would indulge him while he made a few remarks upon it. The relation between Great Britain and the Colony was a subject which must occupy very primarily the attention of the Colony without delay. There was no use blinding their eyes any longer to the fact that Great Britain, when she accepted the free trade policy, had sacrificed her Colonies to enlarging her relations with foreign countries. He thought they might even go so far as to say that on adopting that free trade policy, she really elected to be wealthy rather than powerful. Power, after all, was but a matter of comparison: a boy of ten years old was a giant compared to a child of three. Great Britain was more powerful before she adopted that policy than she was at the present time, for the simple reason that she had not placed at the command of other countries that power which she gave them by establishing free trade. It had aggregated enormous wealth in other countries, it had armed those countries, it had created enormous wealth and competition in them, which in course of time might react to their own injury. Had Great Britain taken another course than that which she had adopted, and endeavoured to develop the wealth of the Colonies, she would have created for herself a powerful empire, instead of throwing wealth and power into the hands of other countries. He believed Great Britain had absolutely been the means, by that policy, of creating a wealth outside her own dominions so large that a small percentage of it would absolutely pay off the whole of her national debt. They had the astonishing spectacle now presented to them of a comparatively new country, the United States of America, proposing to pay off, in a single year, a vast debt, little less than the debt of the United Kingdom. She said that could easily be done, because it was a small percentage of the yearly profits the country was making. The native Minister would now be able to form some notion of his meaning set forth in a pamphlet which he had published some time ago, and which the honorable gentleman sneered at, when he (Mr. Vogel) stated that, had Great Britain created in the Colonies the wealth she had created abroad, she might have relieved herself of the national debt. Had the Colonies been developed as a whole, the relieving of Great Britain of her own internal liability would have formed a small fraction of the vast wealth which England could have created in the colonies; but she had taken another course, and had put the Colonies entirely on one side; and, while making treaties with other countries, she overlooked how those treaties might affect her Colonies. They had *bonâ fide* evidence that these treaties were beneficial to other countries; and if it suited small States to make these Commercial Treaties with Great Britain, they should take it as a subject well worthy of consideration whether the Colony should not make similar treaties. An obstacle was interposed in the way of making arrangements between the Colonies themselves. He had heard that the Government were not sure whether the Bill for enabling differential duties to be made on Australian wines had received the sanction of the Home Government. The Bill in Tasmania had been disallowed, but he did not see why they should accept the position made for Tasmania—why they should not seek for the same consideration as was shown to the Canadian Colonies. In 1854, Great Britain entered into a reciprocity treaty with the United States, with a view of carrying out reciprocal arrangements between Great Britain and Canada. That treaty expired a few years ago; and when it was about expiring, a Convention was held in the city of Detroit, in July, 1865, for the purpose of deliberating upon the business interests of the country. He would read an extract from Sir S. M. Peto’s work, *Resources and Prospects of America* :—

“The commercial and trading bodies of nearly every important town in the north-east and north-west of the United States were represented. Canada, Nova Scotia, and New Brunswick also sent deputations to attend; but, whilst they took part in the deliberations of the Convention, the British colonial deputations thought it proper to abstain from voting, on the ground that there were many subjects of internal importance connected with the United States, on which it was more proper to allow the citizens of the Union to decide for themselves. The Convention, being organized, deliberated for four days, during which the position of the mercantile community was thoroughly discussed, as regarded matters of transit, river and harbour shipment, finance, agriculture, manufactures, and reciprocity.”

He would read the resolution arrived at by the Convention at the conclusion of their deliberations, to show that he had good foundation for believing that the subject of the resolution would be entertained :—

“*Resolved*, That this Convention do respectfully request the President of the United States to enter into negotiations with the Government of Great Britain, having in view the execution of a treaty between the two countries for reciprocal commercial intercourse between the United States and the several Provinces of British North America, including British Columbia, the Selkirk Settlement, and Vancouver’s Island, based on principles which shall be just and equitable to all parties, and with reference to the present financial condition of the United States, and which shall also include the free navigation of the St. Lawrence and the other rivers of British North America, with such improvements of the rivers and the enlargement of the canals as shall render them adequate for the requirements of the West in communicating with the ocean.”

That resolution pointed to a large treaty which absolutely bound the Western and the Eastern Settlements in British America. Subsequent to that, the American Government interposed grave objections in the way of renewing the treaty upon grounds which were supposed to be of a political nature. Canada applied to the Home Government, and, with the concurrence of that Government, had sent Commissioners to roam about different countries to ascertain what countries it would be convenient for Great Britain to make Commercial Treaties with. The report of the Commissioners states :—

“When

“When it became evident that the United States were indeed about to abrogate the Reciprocity Treaty, under which the main staples of Canadian produce had been freely admitted into their markets, it was decided that fresh outlets should be sought out for us abroad. It was at first intended that a Commission of three gentlemen from Canada should proceed to investigate the trade of the West Indies, but the Imperial authorities suggested a modification of the plan. Under their auspices a Confederate Council for trade, at which several of the Provinces of British North America were represented, was held in Quebec, in September, 1865, and it was resolved that the maritime provinces should unite with Canada in forming the delegation. The gentlemen, who finally proceeded on their mission, in December, 1865, were:—From Canada: Hon. Wm. McDougall, M.P.P., Provincial Secretary; Hon. Thos. Ryan, M.L.C.; J. W. Dunscombe, Esq., Collector of Customs for Quebec; and A. M. Delisle, Esq., now Collector for Montreal. From Nova Scotia: Hon. Jas. Macdonald, M.P.P., Financial Secretary, and Hon. Isaac Levesconte, M.P.P. From New Brunswick: Wm. M. Smith, Esq., Comptroller of Customs at St. John. From Prince Edward Island: Hon. W. H. Pope, M.P.P., then Colonial Secretary. The party divided at St. Thomas, W.I., into two; Messrs. Dunscombe, Levesconte, and Pope going to Brazil, the others visiting the West Indies. The movements of the latter body were aided by the services of a man-of-war steamer, placed at their disposal by the Admiralty. The instructions given to the Commissioners were to report ‘the nature and extent of the productions of the respective countries they visited,’ and particulars to their ‘trade, tariffs, and all other burdens imposed upon commerce, the ordinary prices current, &c.’ Also to offer suggestions tending to remove obstructions to the rapid increase of direct trade between British America and tropical regions.”

“He had read sufficient to show that absolutely in that matter the Home Government acted with the concurrence of the British American Colonies, in endeavouring to secure for them the means of making commercial treaties. He found that, while the Tasmanian Bill had been disallowed, the Canadian Parliament had passed a tariff which gave them the power to make arrangements for differential duties. In August, 1866, an Act was passed in Canada, in the Schedule of which he found the following:—

“Any or all of the articles mentioned in this Schedule, and when the growth and produce of the United States of America, may be admitted into this Province free of duty, upon proclamation by the Governor in Council, whenever satisfactory arrangements shall be entered into with the United States for the importation of similar articles from Canada into that country.”

“If a power of that kind were allowed to Canada, he would say that the Australian Colonies should do more than they had done in the matter; they should ask the same political power as was granted to the British American Provinces, and it would be creditable to the Government of this Colony to take a stand on this question and to invite the concurrence of other Colonies in the matter. The supposed obstacle in the way was the obscure passages in some of the treaties, which might be easily got rid of. Supposing that New Zealand was separated into two Colonies; two Governors appointed; two Legislatures; would it be said that any foreign country treating with Great Britain would say that the two islands should not be separated on the question as to the differential duties on different articles of produce? Those two islands would be in the same position as they were to New South Wales, as New Zealand had formerly belonged to it. They should endeavour to make arrangements between the Colonies and other countries; and what had been done in Canada was sufficient proof that whatever might be the stipulation as to foreign treaties, the British American dominions were not placed on a different footing from other Colonies. He would now come expressly to the question as to the free admission to the United States of the article of wool from the colonies, which was a question of enormous importance to a large and powerful interest in New Zealand. Owing to the policy adopted, the greater part of the wool manufactured for America was shut out. A Bill was nearly passed in the American Legislature enabling wool to be introduced duty free; but it was thrown out at the last, about eighteen months ago. The Americans were very jealous, he might say, and justly so, at receiving wool from Great Britain which had first been sent from the colonies. Such was the power that Great Britain exercised by the peculiar shipping system she had, that very large imports of wool took place with large duties attached to them in America. Colonial wools were sent home to Great Britain, and were there re-shipped to America, thereby giving an enormous advantage to British shipping. America was jealous of anything of the kind. For instance, Cape wool was sent home and re-shipped for America, instead of America having a trade open direct with the Cape. If direct trade with America were encouraged, large quantities of wool would be sent direct to America, instead of large shipments of colonial wool being made to America after having been landed and docked in Great Britain. They must remember that the tariff in America was enormously high for wool shipment. He had obtained the tariff with great difficulty from a hand-book, the correctness of which had been verified. On wool, at the value of 6d. per lb., the duty was 1½d.; over 6d. and not over 1s., 3d.; over 1s. and not over 1s. 4d., 5d.; over 1s. 4d., 6d. Those duties were enormous, and they had to support some of the languishing manufactures in America, and large imports had been made even with those prohibitory duties. With the railway now being constructed to California, he believed America, which was now a great manufacturing country, would find, from her geographical position and the great facilities that would be afforded, she would become an enormous producer of woollen and worsted goods. To encourage manufactures and industry, it would be necessary to make regulations by which wool might be admitted at less than one-half the present duty, and that America should be able to avail herself of direct free trade with New Zealand. Their position in New Zealand was very similar with that of America, in so far as they had to submit to the circumstance of having to pay great prices for labour. But wonderful appliances had been discovered in America, by which human agency is dispensed with and labour-saving machinery was a great feature in the national industry of America. That feature was largely required in this Colony; and in that respect they were likely to be large users of that machinery, if placed in direct relation with the United States. He believed they should offer reciprocal advantages to the United States, without going into the matter of the objectionable system of differential duties. With respect to the whale fisheries, they had offered advantages to America within the last few months. They had opened their ports free to American whalers: Circulars had been issued in America, stating the facilities which were offered in New Zealand for the purpose of whaling. They might ship their wool by American ships, which would make no difference to this country. He trusted the House would make some excuse for the meagre manner in which he had dealt with the subject, and also excuse him for having done so. He had brought the subject forward from a sense of its great importance, and he trusted he had said enough to enlist the attention of the Colonial Secretary on the subject. He believed the subject was one to which the Honorable member had already given a great deal of attention. From the remarks which the honorable member made in the House during the present and previous sessions, it was apparent that the subject of the relations between the Colony and Great Britain was one that had engaged a large share of thought on his part. He was aware that there were papers on the subject which had been laid before the other branch of the Legislature, and he was sorry that they had not been laid on the table of that House. He did not know whether the honorable member had thought specially over this subject, and of the admission of wool into the United States; but he knew that the subject of Commercial Treaties had engaged his attention, and trusted he would think it worthy of further attention on his part, and of taking active steps concerning it. He (Mr. Vogel) moved a resolution last session with reference to the colonial loans, advising that New Zealand should endeavour to secure the co-operation of the Australian Colonies, with the view of placing them in a firmer position than they now enjoyed, for it was monstrous that they were living under this system, as Colonies supposed to be a part of the British Empire, and yet, with the overflowing millions demanding investment at Home, the trustees could not invest in colonial funds or land except at their own personal risk.

risk. If they were to suppose that the Imperial authorities felt any interest in the Colonies, the time had come when the Australian Colonies should firmly insist on a much more assured and independent status than they now enjoyed, and he trusted the honorable member would endeavour to secure the active co-operation of the Australian Colonies, with the view of securing for them, in conjunction with New Zealand, a much better position with reference to Great Britain and other countries of the world than they at present enjoyed, which their resources and position fully entitled to demand and insist upon having. He trusted this subject would not be lost sight of."

"Mr. Stafford had very great pleasure in supporting this motion, and did not believe the honorable member had either over-estimated the importance of the question, or the fact that the time was approaching speedily when the large maritime Colonies of Britain were bound to consider their position with reference to the removal of restrictions on the exchange of commodities. The honorable member had only done himself (Mr. Stafford) and his colleagues justice in saying they had already directed their attention to this subject; but he was not prepared to say that he had yet taken any practical action in the matter, because, before doing so, it was necessary to ascertain the exact position of the existing law. He had been in correspondence, before the session, with certain gentlemen as to the introduction of Australian wines, free of duty, into New Zealand, on condition that certain New Zealand products were received there duty free; but he was stopped in making any definite proposition by the disallowance of the Tasmanian Act to which the honorable member referred. That Act would have allowed the Tasmanian Government to enter into treaties with other Australian Colonies as to a large number of articles, and, if not disallowed, it would have been very proper to have passed an Act here with a similar object. The Act was disallowed for certain reasons, but he had not been able to see the force of the reasons, for while they were allowed to put duties on Australian wines, they were not allowed to take them off—a very anomalous position. He proposed to ask the Attorney General to get up the whole case in a legal and technical point of view, and he thought, supported by the resolution of the Legislature, that the Government would be authorized to enter into communication with the different Australian Colonies, and ascertain whether they could not arrive at an agreement as to some common line of action towards the Imperial Government on the subject. He was not without hope that even one Colony might, by pertinacity, induce the Imperial Government to approach the matter; but there was more chance of success from joint action, and he could anticipate no objection on the part of the Colonies to enter on the subject. Before this motion of the honorable member, the Government had only directed their attention to the question of inter-colonial duties; but this motion went further, and would include Commercial Treaties with foreign countries. It appeared to him that, although this motion at first appeared to be asking the Imperial Government for more than a power to enter into intercolonial treaties, yet it was really asking less, for it might get rid of the objection which the Imperial Government hitherto had advanced against the Colonies taking action, namely, that they would interfere with its treaties with Foreign countries. If those most favoured nations entered into treaties themselves with the Colonies, that could not be urged; and he thought the motion of the honorable member might be one of the most easy modes of avoiding the difficulties hanging over the question. He thought that concerted action, with great pertinacity, might attain the object, for he was sorry to say he did not think the Imperial Government would act unless pertinaciously urged. They had left the Colony, in theory, to manage its own affairs, and in practice that theory was never disputed when the Colony had to carry a burden, or find the means for doing so; but when the Colony asked for the most trifling thing, such as running up a flag on a pole to benefit it, they would not do it. Some time back it was asked that a ship of war on this station, lying idle in harbour, might make the survey of a harbour between America and the Colonies in the Pacific, and plant the British flag on the island of Opara, the Colony paying all expense. The Imperial Government gave a cold red-tape reply of denial and six weeks afterwards the French flag was hoisted on the island, which was necessary as a coaling station for the steamers between New Zealand and Panama. Looking on the subject of the motion as likely to tend to the benefit of the Colony, he would promise that the Government would give their earnest attention to it as early as possible, and to a practical means of giving effect to it, the first course to be taken being, as he thought, to enter into communication with the other Australian Colonies, to gain their consent to a common course of action; and, not getting that, to act for themselves. He would be happy to give his humble aid to give effect to the resolution."

"Mr. Fox had no intention of going into a lengthened discussion on the point, but felt the House was deeply indebted to the honorable member for the Gold Fields for bringing the subject before them, and taking the trouble he had taken to go into the facts of the case with the evident care bestowed by him on the subject. It had always been a subject of regret to him that their relations with the United States of America had not been much closer than they had been up to this time; that great country, founded on principles analogous to those which ought to regulate, to his mind, the proceedings of all new countries in the development of their material resources, and which had obtained a degree of prosperity which must be the envy of all surrounding countries of the world, considering the short time they had been engaged in founding a nation. He believed it would have been much for the interest and good of the Australian Colonies and New Zealand if their relations with the United States had been fostered to a much greater degree than they have been up to the present, for the colonial connection with them was almost *nil*, and the importations from them exceedingly small; and even in a large city such as Melbourne, since the first flush of the gold fields had passed over, American commerce had ceased to be of great importance, and the number of American houses there was very much reduced. This was not the position in which the Australian Colonies ought to stand in relation to that great country, capable of doing such vast advantage to them in reciprocal commerce; and he trusted the motion of the honorable member, so properly seconded by the honorable gentleman at the head of the Government, would result at no distant day in establishing closer relations between this country and the United States, only to eventuate in promoting the welfare of this country, and which, he ventured to trust, would not be limited solely to the development of the material resources of the country, but that they might also receive much improvement from the elevating influences of closer connection with a nation of the elevated standing on which America stood amongst the nations of the world. They might study the mental and social progress of the Americans to their advantage, and be as much benefitted in that direction as the material advantage suggested, and he should be very glad if the promotion of the one object led to the other. He trusted that the honorable gentleman at the head of the Government would not prove correct in his anticipation of difficulties being thrown in the way of such arrangements by the Imperial Government; but at the same time that he had great hope, still he shared somewhat in the fears expressed by him on that head, for his own experience of the conduct of the Imperial Government towards the colonies had been this; that if you could succeed in appealing to the heart of the British people, which was sound, honest, true, and just, you would get justice at their hands, and the chance of consideration was much increased if you could appeal to the representatives of the British people in Parliament; but if the matter was delegated to the Colonial bureau or other Government offices, the chances were small indeed of having your propositions listened to, and he therefore concurred to that extent in the fears expressed by the honorable member at the head of the Government. He trusted that no Government would be disheartened by any temporary difficulty of that kind, for if they could make it apparent to that great country of the United States that they were desirous of placing themselves in commercial relations with it, he thought a little perseverance would enable them to secure the object in view."

"Mr. Travers said he took it the object of Great Britain in making Commercial Treaties with other nations was, in the first place, to secure the advantages of trade for herself, and also prevent her dependencies making any arrangement hostile to the course of trade she intended to pursue; but still the Colonies

Colonies were left free as to goods coming within their own limits, and therefore it appeared to him not to militate against the commerce of England if they could find additional markets for their own produce, so that he saw no difficulty, if the matter were brought under the British Parliament, of carrying the object in view, and much more so if concurred in by all of the Australian Colonies. An American house was established at Lyttelton, having a large capital at command, and with a primary purpose of trading in wool, sending to America in American bottoms in exchange for their goods, but that house had been obliged to suspend its operations, so far as Australian wool was concerned, on account of the heavy duty imposed; and it appeared to him desirable that if the Colonies desired to bring the matter under the consideration of the British Parliament with any chance of success, instead of being relegated to mere bureaux they should take some means of placing themselves in communication with some of the great English reformers who might be induced to bring the matter directly forward without, in the first instance, the necessity of bringing it under the consideration of the Government of the country. He apprehended there were men sufficiently interested in the Colonies, and aware of the great advantage of extending trade, who would not be unwilling to do so, and would probably be able to carry it through in that manner when they might in vain plead to the Government itself to take the matter into its consideration. He thought the course adopted by many of the large bodies in England for bringing their own special grievances under consideration of Parliament might be properly adopted by the Australian Colonies in endeavouring to secure the election, by the influence which the colonial element possessed in Great Britain, of some of the leading politicians in the country, who would take upon themselves the object of colonial interests at home, which were very large at the present time—they had great companies engaged in investing their capital here, with interest enough to make their cause heard in Parliament. The arguments were in favour of the views of the honorable member for the Gold Fields, and as far as he (Mr. Travers) could understand, Great Britain only required that her dependencies should not legislate in a manner to interfere with the relations made by Great Britain herself with other countries in reference to trade."

Mr. Vogel, was indebted to honourable members who had spoken, for the consideration given to this resolution, and he entirely agreed with the Hon. the Colonial Secretary that it would be best in the first instance to place himself in communication with the other Australian Colonies, but he did not share altogether in the opinion that the Home Government would not lend an ear to the matter, if pressed upon them with any degree of unanimity. He did not think they would refuse what was afforded to Canada, but would encourage it; for what was asked for was, from an Imperial point of view, not without precedent as to British America and other countries, and he was therefore not without hope that the Imperial Government would lend ear to it, particularly if the Conservative Government remained in office. Although he was not blind to the desirability of attempting to enlist Parliament in the matter, yet he thought that the reformer referred to by the honorable member went in rather for a self-reliant policy, and not cultivating external relations, while from the conservatives, who he yet thought might live to find that that principle would again come somewhat into fashion, he thought they were likely to receive sympathy and support. It was a very remarkable circumstance that twenty years ago, in an address delivered by Sir Archibald Alison to emigrants leaving for New Zealand, he went into many circumstances showing how the policy of Great Britain would react to the injury of the colonies, and that she would gradually become alienated from them by that self-reliant policy.

The motion was agreed to."

No. 2.

THE COLONIAL TREASURER, NEW SOUTH WALES, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

The Treasury, New South Wales,  
Sydney, 4 December, 1868.

SIR,

Adverting to a Despatch from the Government of New Zealand, under blank cover to me of the 14th ultimo, in explanation of the general object of a Resolution adopted by the House of Representatives in that Colony, a copy of which was therein enclosed, in reference to matters affecting the commercial interests of the Australian Colonies,—I have the honor to say that, as the representative of the financial policy of the Government of this Colony, I fully concur in the opinion expressed in this Despatch, that it would be of the greatest advantage to New South Wales to ascertain its commercial status, in relation to the Treaties made by Great Britain with Foreign Powers; and to obtain authority to negotiate for the free admission into America or other countries, of the products of New South Wales.

I am also quite alive to the importance of some legislation being initiated, as suggested by Mr. Stafford, for establishing a free interchange of products between the Australasian Colonies and New Zealand, respectively.

Acknowledging, therefore, the great importance of the step recommended by the Legislature of New Zealand, as well as the necessity of immediate and united action being taken to overcome the obstacles which stand in the way of permanently securing an object so desirable, I would strongly advocate that the Governments of the Australian Colonies be moved to express their opinion upon the advisability of adopting the suggestion, that a conference of delegates from the Colonies concerned, be held in this City, to consider—

1. The introduction of free trade on intercolonial produce; and also what I conceive to be of not less importance;
2. A uniform tariff; and
3. A union of Customs—

but I would name the early part of March next as more convenient than the date suggested by Mr. Stafford.

The opportunity might be taken of submitting to such conference any other questions of a cognate nature, upon which a practical conclusion is desirable, for the mutual benefit of the group of Australian Islands, and of New Zealand.

I have, &c.,  
SAUL SAMUEL.

## 6 PROPOSED CONFERENCE ON THE SUBJECT OF FREE TRADE

## No. 3.

THE COLONIAL SECRETARY, NEW SOUTH WALES to THE COLONIAL SECRETARY,  
NEW ZEALAND.

Colonial Secretary's Office,  
Sydney, 4 December, 1868.

Sir,

I have the honor to acknowledge, on the 16th ultimo, the receipt of your letter of the 29th of October last, in explanation of the general object of 'a Resolution—a copy of which you forwarded—adopted by your House of Representatives, affecting the commercial interests of the Australian Colonies; and to say in reply, that this Government fully concurs in the opinion expressed that it would be of the greatest advantage to this Colony, to ascertain its commercial status in relation to the treaties made by Great Britain with Foreign Powers, and to obtain authority to negotiate for the free admission into America, or other countries, of the products of New South Wales.

This Government is fully alive to the advisability of some legislation being initiated as suggested by you, for establishing a free interchange of products between the Australasian Colonies and New Zealand respectively.

Acknowledging, therefore, the great importance of the step recommended by your Legislature, as well as the necessity for immediate and united action being taken to overcome the obstacles which stand in the way of permanently securing an object so desirable, I shall invite 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 on intercolonial products, and also
2. A uniform Tariff, and
3. A union of Customs—

to be held in this City, in the early part of the month of March next; as that would be more convenient it appears, than the date suggested by you.

The opportunity might be properly taken of submitting to such Conference any questions of a cognate nature of which a practical solution may be desired for the mutual benefit of the group of Australasian Colonies and New Zealand.

A copy of this letter will be forwarded to the Governments of Victoria, South Australia, Queensland and Tasmania.

I have, &c.,  
JOHN ROBERTSON.

## No. 4.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE CHIEF SECRETARY, VICTORIA,  
AND THE COLONIAL SECRETARY, QUEENSLAND,

New South Wales.  
Colonial Secretary's Office,  
Sydney, 4 December, 1868.

Sir,

I have the honor to forward, for your information, a copy of a letter which I have addressed to the Honorable the Colonial Secretary of New Zealand, in reply to his circular of the 29th of October last; and, in doing so, I would wish to elicit an early expression of opinion from your Government upon the proposed Conference of Delegates in Sydney in March next, to consider the important subject named therein.

I have, &c.,  
JOHN ROBERTSON.

## No. 5.

THE COLONIAL SECRETARY, NEW SOUTH WALES to THE CHIEF SECRETARY,  
SOUTH AUSTRALIA.

Colonial Secretary's Office,  
Sydney, 4 December, 1868.

Sir,

Referring to previous correspondence which has passed between this Government, and that of South Australia, on the subject of the payment by the latter of a fixed annual amount, in lieu of the duties actually received, upon goods imported by you into this Colony, by way of the River Murray; I have the honor to forward for your information the copy of my reply to a circular which the Honorable the Colonial Secretary of New Zealand addressed to me, dated the 29th of October last,—together with a copy of that circular,—detailing the proposals made, in reference to the free interchange of colonial products, in terms of the Resolution therein forwarded;—and to say that, should your Government acquiesce in the arrangements set forth in such proposal,—the matter of the River Murray Customs could be then fully discussed at the Conference of Delegates; and a practical conclusion, on this important subject might be arrived at.

I have, &c.,  
JOHN ROBERTSON.

No. 6.

## No. 6.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,  
TASMANIA.

New South Wales.

Colonial Secretary's Office,

Sydney, 4 December, 1868.

SIR,

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, wherein you do me the favor to forward a copy of a letter which you have addressed to the Honorable the Colonial Secretary of New Zealand, in reply to his circular of the 29th October last; and to thank you for your attention, at the same time I beg to forward for your information a copy of a letter addressed by me to Mr. Stafford, in which I propose that the meeting should take place in this City, in the month of March next, when the season would be more generally favorable than earlier in the year.

I have, &c.,

JOHN ROBERTSON.



1868.

## NEW SOUTH WALES.

## LEASING, &amp;c., OF DEPOSITS OF GUANO.

(DESPATCH ENCLOSING COMMISSION TO GOVERNOR AUTHORIZING.)

Presented to both Houses of Parliament, by Command.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.  
(Separate.)

Downing-street,  
25 June, 1868.

MY LORD,

With reference to my predecessor's Despatch (separate), addressed to Sir John Young, on the 7th of September, 1863, enclosing a Commission, under the Great Seal, authorizing him, as Governor of New South Wales, within certain geographical limits, to make leases and other dispositions of islands and places containing guano and other fertilizing substances, which might from time to time become the possession of the Crown, and might not be within the jurisdiction of any Colonial Government,—I have to transmit to you herewith a similar instrument, addressed to and conferring like powers on the Governor of New South Wales, for the time being.

I have, &amp;c.,

BUCKINGHAM &amp; CHANDOS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith.

To our trusty and well-beloved our Governor and Commander-in-Chief in and  
over our Colony of New South Wales.

GREETING:

Whereas it may happen that guano and other fertilizing substances may, from time to time, be discovered on islands and other places belonging to us, our heirs and successors, being within the limits hereinafter described, but not within the jurisdiction of any Colonial Government: And whereas it is expedient to make provision for the disposal and use of such islands: Now know you, that we have thought fit to authorize, and do hereby authorize and empower you, our Governor, or Officer Administering the Government, of our said Colony of New South Wales, by any instrument, under your or his hand and seal, to make leases and other dispositions, for a term or terms of years, of any such islands as aforesaid, or of any part or parts thereof, and to issue licenses, authorizing the person or persons designated therein, to take guano or other fertilizing substances from the said islands, and to insert therein such conditions and stipulations as may seem to you advisable: Provided that, in the execution of the powers hereby conferred on you, you shall conform to such instructions as you may from time to time receive from us, under our Signet and Sign Manual, or through one of our Principal Secretaries of State: And we do further declare, that the aforesaid powers shall be exercisable by you with respect to all such islands as aforesaid, situate in that part of the Indian and South Pacific Oceans which is bounded as follows, that is to say:—On the north by the tenth parallel of south latitude; on the east by the one hundred and seventieth meridian of west longitude; on the south by the antarctic circle; and on the west by the seventh-fifth meridian of east longitude.

In witness whereof, we have caused these our letters to be made patent.

Witness ourself, at Westminster, the tenth day of June, in the thirty-first year  
of our Reign.

By warrant under the Queen's Sign Manual,

(L.S.) C. ROMILLY.



1868-9.

## NEW SOUTH WALES.

## FIJI ISLANDS.

(DESPATCHES RESPECTING SOCIAL AND POLITICAL CONDITION OF.)

Presented to both Houses of Parliament, by Command.

## No. 1.

GOVERNOR THE EARL OF BELMORE, to THE SECRETARY OF STATE FOR THE COLONIES.  
(No. 87.)Government House,  
Sydney, 24 August, 1868.

MY LORD DUKE,

I have the honor to inform your Grace that I have received a letter from Mr. Thurston, Her Majesty's Acting Consul in Fiji and Tonga, giving some account of the actual social and political condition of Fiji, for public information.

2. I have caused this letter to be published in the *Government Gazette*; it will be found on the first sheet, of which the enclosed is a copy. I previously had it laid before the Executive Council.

3. I also beg to enclose an extract from the *Sydney Morning Herald* of June 23rd, being a copy of the Charter referred to in the fourth paragraph of Mr. Thurston's letter.

4. Mr. Thurston also sent me a verbal message, by Captain Hope, R.N., of Her Majesty's Ship "Brisk," that he would send me for my information, by another opportunity, under flying seal, a report which he proposed to make to the Secretary of State for Foreign Affairs, and which he requested I would forward when read.

I have, &c.,  
BELMORE.

P.S.—I beg to enclose an extract from the *Sydney Morning Herald* of the 26th instant, which contains an amended version of the Treaty referred to in paragraph 3. B.—Aug. 27th.

[Enclosure in No. 1.]

H.M.'s. Acting Consul in Fiji and Tonga, to Governor the Earl of Belmore.

British Consulate,  
Fiji, 23 July, 1868.

My Lord,

The great interest manifested in this group of islands, by the commercial community in the Colony under your Excellency's government, and the probable disappointment and pecuniary loss that may accrue to it from action based upon incorrect or insufficient information as to the social and political condition of Fiji, has induced me to forward, for your Excellency's information, the following statement, in order that your Excellency may take such steps as appear desirable, to impress upon the public the necessity of exercising caution and deliberation, ere embarking their capital in Fijian enterprise.

The immediate occasion of this despatch has arisen from an attempt lately made, by the agents of a Company about to be formed in the city of Melbourne, Victoria, to obtain from the Chief of Bau (whom they have styled King of Fiji) a Charter, containing conditions and obligations of a highly illegal nature.

Owing to the immediate departure from this port of H.M.S. "Brisk," I am compelled to defer, until next mail, fully reporting this transaction to your Excellency.

At present, I beg to refer your Excellency to the *Sydney Morning Herald* of the 23rd June, for a correct copy of the Charter, which Thakobau, without my privity or consent, was induced to sign. A schedule, which does not appear in the letter of the *Herald's* correspondent, granted to these agents 200,000 acres of land, belonging to a tribe perfectly independent of the Chief of Bau, and at the present moment at war with him.

I beg to refer your Excellency to the report of Colonel Smythe, H.M. Commissioner to Fiji, and to the correspondence between the Foreign Office, Admiralty, and Colonial Office (Parliamentary Blue Book, 1862). As the result of this inquiry, Her Majesty's Government concluded that Thakobau was simply an important Chief of Fiji, but without claim to the title of King; moreover, that he could not grant 200,000 acres of land, "as he did not possess them."

I beg to inform your Excellency that, with a knowledge of Fiji for six, and after a constant residence of three years, I am not aware the accuracy of these conclusions can be questioned.

So slight is the authority of Thakobau, that he cannot protect from robbery or violence those European settlers who have bought lands in the districts he assumes to control. Grievances of this nature can only be redressed by the exercise of British or other civilized authority.

From this, and the fact that Fiji is without any form of Government—a mere congeries of savage tribes, incapable at present of entering into civilized relations—your Excellency will be aware that any attempt to obtain (by, taking advantage of Thakobau's pecuniary difficulties) comparatively enormous tracts of land, at the expense of independent tribes, must precipitate those complications which I fear will inevitably, as it is, arise in the future.

Many persons possessing a great knowledge of Fiji dissent from the conclusions arrived at by H.M. Commissioner—conclusions I thoroughly endorse. Briefly, these persons are,—

- 1st. Those who sympathize with the Chief personally.
- 2nd. Those who would profit by his misfortunes.

I have protested against the Charter of 23rd May, and the Chief has repudiated his action, as he was not fully informed of the nature of the document he signed.

I have, &c.,  
JOHN B. THURSTON,  
H.M. Acting Consul in Fiji and Tonga.

## No. 2.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.

(No. 88.)

Downing-street,  
3 December, 1868.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's despatch, No. 87, of the 24th August, on the subject of the social and political condition of the Fiji Islands, and enclosing copies of the Charter obtained by certain persons residing at Melbourne, with a view to the establishment of rights of jurisdiction over a portion of the islands.

I transmit to you, for your information and guidance, a copy of a despatch which I have addressed to the Governor of Victoria, conveying the views of Her Majesty's Government with respect to these negotiations.

I have, &c.,  
BUCKINGHAM & CHANDOS.

### [Enclosure in No. 2.]

The Secretary of State for the Colonies to Governor Sir J. H. Manners Sutton.

Downing-street,  
3 December, 1868.

Sir,

I have the honor to acknowledge the receipt of your despatch, No. 142, of the 12th of September last, enclosing copies of papers relating to negotiations entered into by some persons acting, as it appears, on behalf of a Company at Melbourne, to obtain rights of jurisdiction and property over a portion of the Fiji Islands.

I approve of the course which you have taken in this matter.

It should be distinctly understood that undertakings like the present receive no encouragement or authority from Her Majesty's Government.

I have, &c.,  
BUCKINGHAM & CHANDOS.

[Price, 3d.]

1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

CAPTAIN HIS ROYAL HIGHNESS THE DUKE OF  
EDINBURGH.

(PROPOSED ROUTE OF, IN H.M.S. "GALATEA"—DESPATCH.)

Ordered by the Legislative Assembly to be Printed, 5 February, 1869.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR THE EARL OF BELMORE.  
(Circular.)

Downing-street,  
5 November, 1868.

SIR,

I transmit to you herewith, for your information and guidance, the Scheme of Route proposed to be taken by Captain His Royal Highness the Duke of Edinburgh, in Her Majesty's ship "Galatea," showing the approximate times of his arrival at, and departure from, the several places he is to visit.

It is the desire of Her Majesty that there shall be no repetition of ceremonies at the reception of His Royal Highness in the Colonies which he has previously visited, so that Her Majesty's subjects, under these circumstances, may not have to incur any further expense.

I have, &c.,

BUCKINGHAM & CHANDOS.

[Enclosure.]

ROUTE of H.M.S. "Galatea," with approximate Times of Departure and Arrival.

Date of Departure.	Place of Departure.	Date of Arrival.	Place of Arrival.	Distance.
1868.		1868.		Miles.
First of November ...	Plymouth .....	First week in November.	Madeira.....	1,220
Middle of November...	Madeira .....	End of December ...	Cape of Good Hope...	6,440
1869.		1869.		
Beginning of January	Cape of Good Hope...	End of January .....	Swan River, Western Australia.	4,700
Beginning of February	Swan River .....	Middle of February...	Sydney .....	2,290*
Middle of March .....	Sydney .....	End of March .....	Wellington .....	1,170
	Wellington .....		Auckland .....	530
End of May .....	Auckland .....	End of June.....	Yokohama, Japan ...	5,000
Middle of July .....	Yokohama.....	End of July .....	Gulf of Pechili .....	1,200
First week in August...	Pechili .....	Middle of August ...	Shanghai .....	600
Last week in August...	Shanghai .....	End of August.....	Hong Kong .....	800
Beginning of September	Hong Kong .....	Early in September...	Manilla .....	650
Middle of September...	Manilla .....	Last week in September.	Singapore .....	1,300
End of September.....	Singapore .....	Beginning of October	Penang .....	380
Early in October .....	Penang .....	End of October .....	Calcutta .....	1,280
1870.		1870.		
End of January.....	Calcutta .....	Middle of February...	Trincomalee, Point de Galle, or Colombo.	1,210
End of February .....	Colombo .....	Middle of March .....	Mauritius .....	2,091
End of March .....	Mauritius .....	Middle of April .....	Cape of Good Hope...	2,254
End of May .....	Cape of Good Hope...	Second week in June.	St. Helena.....	1,707
End of June .....	St. Helena.....	End of July .....	Plymouth .....	4,210

\* Including calling at Adelaide and Melbourne, occasioning a probable detention of eight days.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

SALARIED OFFICERS WHO HAVE RECEIVED LEAVE  
OF ABSENCE.  
(RETURN RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 9 March, 1869.*

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 10 September, 1867,  
That there be laid upon the Table of this House,—

“ A Return of all Salaried Officers of the Government who  
“ have, since the year 1856, received Leave of Absence,—said  
“ Return to show the name of each officer, the time he  
“ received leave of absence, the time he returned to duty,  
“ and the salary he received while absent; also, that the  
“ said Return include the names of Clergymen absent from  
“ the Colony.”

*(Mr. J. Stewart.)*

SALARIED OFFICERS WHO HAVE RECEIVED LEAVE OF ABSENCE.

RETURNS of Leave of Absence granted to Officers of the undermentioned Departments,  
1856-1867 :—

COLONIAL SECRETARY'S OFFICE,	RAILWAY,
POLICE,	HARBOURS AND RIVERS,
OBSERVATORY,	COLONIAL ARCHITECT,
LEGISLATIVE COUNCIL,	ROADS,
LEGISLATIVE ASSEMBLY,	FITZROY DOCK,
PARLIAMENTARY LIBRARY,	GOVERNMENT PRINTER,
LUNATIC ASYLUM, TARBAN CREEK,	SUPERINTENDENT OF PILOTS,
LUNATIC ASYLUM, PARRAMATTA,	STEAM NAVIGATION BOARD,
REGISTRAR GENERAL,	ABATTOIRS,
PROTESTANT ORPHAN SCHOOL,	CUSTOMS,
IMMIGRATION OFFICE,	STORES,
COCKATOO ISLAND,	DISTILLERIES,
NAVAL BRIGADE,	HEALTH OFFICER,
GAOLS,	EMIGRATION OFFICER,
VOLUNTEERS,	SHIPPING MASTER,
GOVERNMENT HOUSE,	STAMP DUTIES,
GOVERNMENT ASYLUMS,	MILITARY STORES,
AUDITOR GENERAL,	IMMIGRATION.
WORKS,	

RETURN of all Salaried Officers in the Colonial Secretary's Office, who have received  
Leave of Absence between 1856 and 1867.

NIL.

N.B.—No officer in the department has received leave for any period beyond the customary annual  
leave of three weeks or a month, of which no record has been kept.

Colonial Secretary's Office,  
Sydney, 4th March, 1869.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 1 October, 1867.

SIR,

In attention to your letter, dated September, No. 67/5768, calling for  
information required for a return, to be laid before Parliament, of leaves of absence  
granted to officers of this department, I have the honor to furnish a statement of the only  
cases within my knowledge in which leave has been granted beyond the limits of the  
Colony, as I infer from the tenor of your letter that the information is not required to  
extend to all cases of leave in the Colony for short periods, and of which no special record  
has been kept beyond the correspondence—searching through which would entail very  
considerable labour.

I have, &c.,  
JNO. McLERIE,  
Inspector General of Police.

LEAVE

SALARIED OFFICERS—LEAVE OF ABSENCE.

LEAVE of Absence to Officers of the Police Department beyond the limits of the Colony since 1856.

Rank.	Name.	Period.	For what purpose.
Superintendent.....	E. V. Morrisset.....	20 March to 20 July, 1865...	Sick leave, to Queensland.
Inspector .....	J. D. Brown.....	25 July to 15 August, 1866..	Family affairs, to Melbourne.

REPORT in reply to the Colonial Secretary's Letter of September 30th, 1867, respecting Leaves of Absence.

Name.	Leave granted.	Left.	Returned.	Salary.	Remarks.
Rev. W. Scott ...	6 weeks .....	14 May, 1857	23 July .....	Full ...	Partly on Government business ; but how long, unknown.
	1 month ...	12 Mar., 1860	27 Mar., ...	„ ...	
	1 month ...	2 April, 1861	19 April ...	„ ...	
	3 months ...	1 Aug., 1862	Resigned ...	„ ...	
H. C. Russell ...	1 month ...	7 Jan., 1861	2 Feb. ....	„ ...	
	1 month ...	21 April, 1862	7 May .....	„ ...	
	1 month ...	1 April, 1864	14 April ...	„ ...	

G. R. SMALLEY,  
Govt. Astronomer,  
Oct. 8, 1867.

THE CLERK OF THE PARLIAMENTS to THE PRINCIPAL UNDER SECRETARY.

Legislative Council Office,  
Sydney, 2 October, 1867.

SIR,

In answer to your circular letter dated September, 1867, I have the honor to inform you that no salaried officer attached to this department has, since the year 1856, received leave of absence in the sense in which I understand the term as applied in the extract given in the said circular letter.

A short period is, I believe, annually allowed for healthful recreation to all officers in the Public Service—at all events, it is a practice necessarily observed in the Parliamentary Departments; but no record of absences thus arising is kept, as they are not of a nature to render necessary any arrangements touching the duties of the absent officers which ought reasonably to affect the rate or amount of the salaries paid to them.

I have, &c.,  
R. O'CONNOR,  
Clerk of the Parliaments.

THE

## SALARIED OFFICERS—LEAVE OF ABSENCE.

THE CLERK OF THE LEGISLATIVE ASSEMBLY to THE PRINCIPAL UNDER SECRETARY.

Legislative Assembly Office,  
Sydney, 1 October, 1867.

SIR,

In acknowledging receipt of your circular of the 30th ultimo, respecting leave of absence to public officers, I do myself the honor to inform you that I am not aware of any leave of absence having been granted to any officer of this department, except the usual period of three weeks or a month, *during recess only*, granted to every officer and messenger, being analogous to the period granted, every year I believe, to every other officer in the Public Service, if asked for, and a few days occasionally during sickness. No special record has been kept of such cases.

I have, &c.,  
CHAS. TOMPSON,  
Clerk of Legis. Assembly.

THE PARLIAMENTARY LIBRARIAN to THE PRINCIPAL UNDER SECRETARY.

Library of the Parliament,  
Sydney, 10 October, 1867.

SIR,

In reply to your circular letter, No. 67/5,768, of 30th September, 1867, I have the honor to state that, with the exception of a short time (of which no official record is kept) usually allowed during the Recess of Parliament to all parliamentary officers, no salaried officer of this department has received any special leave of absence since the year 1856.

I have, &c.,  
W. M'EVILLY,  
Librarian.

RETURN of all Salaried Officers in the Department of the Lunatic Asylum, Tarban Creek, who have received Leave of Absence since the year 1856.

Name.	Date of Authority.	Duration of Leave.	Salary received.
F. Campbell, M.D. ....	13 August, 1858 .....	One month .....	In full.
	18 August, 1859 .....	One month .....	In full.
	31 March, 1863 .....	One week .....	In full.
	12 September, 1863.....	One month .....	In full.
	28 September, 1865.....	One month .....	In full.
	17 May, 1867 .....	One fortnight.....	In full.
Henry W. Statham.....	21 August, 1867 .....	Four weeks, on condition of attending two days in each week of such leave	In full.

Tarban, 9 October, 1867.

F. CAMPBELL, M.D.,  
Superintendent.

THE SUPERINTENDENT, LUNATIC ASYLUM, PARRAMATTA, to THE PRINCIPAL UNDER SECRETARY.

Lunatic Asylum, Parramatta,  
3 October, 1867.

SIR,

In reply to your letter of the 30th ultimo, requesting that I will furnish a return of all the salaried officers in the department under my charge, who, since the year 1856, received leave of absence—said return to show the name of each officer, the time he received leave of absence, the time he returned to duty, and the salary he received while absent,—I have the honor to inform you that no officer in the department under my charge has had any leave of absence since that period.

I have, &c.,  
E. WARDLEY,  
Superintendent.

MEMORANDUM



## SALARIED OFFICERS—LEAVE OF ABSENCE.

RETURN of all Salaried Officers of the Department of the Protestant Orphan School, who have, since the year 1856, received Leave of Absence,—showing name of officer, time of leave of absence, duration of leave, time of return to duty, and salary received while absent,—called for by Legislative Assembly.

Name of Officer.	Time of Leave of Absence.	Duration of Leave.	Date of Return to Duty.	Salary received while absent.
Martha Betts, matron .....	3 Sept., 1860...	Three weeks ...	24 Sept., 1860...	£ s. d. 9 11 4
Martha Betts, matron .....	20 Oct., 1863...	One month ...	17 Nov., 1863...	13 13 4
Edward Marsden Betts, master ...	20 Jan., 1865...	Ten days .....	30 Jan., 1865...	2 10 0
Griffiths Jones, schoolmaster .....	7 Aug., 1865...	Three weeks ...	Never returned (died).	7 8 4
Thomas Shone, schoolmaster .....	13 Nov., 1865...	One week .....	19 Nov., 1865...	2 6 8
Martha Betts, matron .....	7 Feb., 1867...	One month ...	7 March, 1867...	13 13 4
Edward Marsden Betts, master ...	16 May, 1867...	Three weeks ...	6 June, 1867...	5 8 6
Annie Haro, second teacher.....	27 June, 1867...	One month ...	27 July, 1867...	5 0 0

This return does not include the annual Christmas and Easter holidays of the schoolmaster and teachers, to which I have considered it can scarcely apply.

Protestant Orphan School,  
Parramatta, 4 November, 1867.

M. BETTS,  
Matron.

RETURN of all Salaried Officers employed in the Immigration Office who have received Leave of Absence since the year 1856.

Name of Officer.	Date of Leave of Absence.	Date of Return to Duty.	Amount of Salary received.	Remarks.
William R. Logan ...	9 February, 1867	4 May, 1867 .....	Received salary at the rate of £350 per annum.	Absent from illness, under Medical Certificate.

Government Immigration Office,  
Sydney, 5 October, 1867.

GEO. F. WISE,  
Agent for Immigration.

## PENAL ESTABLISHMENT, COCKATOO ISLAND.

A RETURN of Salaried Officers who have, since the year 1856, received Leave of Absence.

Name and designation of Officer.	Time of receiving Leave.	Time of Return to Duty.	Salary received while absent
Hamilton O'Shaughnessy, fifth warder. (Medical certificate.)	16 August, 1865 .....	16 September, 1865 ...	7s. per diem.
James William Falloon, sixth warder. (Medical certificate.)	1 October, 1865 .....	31 October, 1865 .....	7s. per diem.
Rev. Chas. H. Rich (Chaplain of the Church of England.)	1 February, 1866 ...	4 February, 1866 ...	Nil.

Cockatoo Island,  
2 October, 1867.

GOTHER K. MANN.

RETURN of all Officers of the Naval Brigade who have, since the year 1856, received Leave of Absence, and the Pay received while absent.

Names of Officers.	Leave of Absence granted.	Returned to Duty.	Pay received while absent.
Sub-Lieut. Crook.....	29 November, 1865 ...	29 December, 1865 ...	2s. per day.
Lieut. Irwin .....	1 January, 1866 ...	14 January, 1866 ...	4s. per day.
Lieut. Irwin .....	27 August, 1866 ...	27 September, 1866 ...	4s. per day.

FRANCIS HIXSON,  
Captain Commanding.

RETURN

## SALARIED OFFICERS—LEAVE OF ABSENCE.

7

RETURN of Salaried Officers of the Gaols who have, since the year 1856, received Leave of Absence.

Name.	Office.	Period.		Salary received while absent.	Remarks.
		From	To		
Rev. J. S. Hassall.	Chaplain, Berrima	26 April, 1863	26 June, 1863	Full salary	Provided substitute.
Do.	Do., do.	17 Feb., 1867	17 April, 1867	do.	do.
Thomas Hosford	Gaoler, Goulburn	6 July, 1863	26 July, 1863	do.	Sick leave.
Do.	Do., do.	20 Sept., 1865	12 Nov., 1865	do.	do.
Michael Wallace	Do., Braidwood	21 July, 1863	31 July, 1863	do.	do.
Do.	Do., do.	29 April, 1864	11 May, 1864	do.	do.
Do.	Do., do.	7 Nov., 1865	14 Nov., 1865	do.	do.
W. H. Williamson	Visiting Surgeon, Berrima	24 Jan., 1865	7 Feb., 1865	do.	Provided substitute.
Do.	Do., do.	18 Jan., 1866	7 Feb., 1866	do.	do.
F. Robinson	Clerk, Berrima	11 Mar., 1865	11 April, 1865	do.	Did not resume duty.
John Wallace	Gaoler, Maitland	15 Mar., 1865	2 May, 1865	do.	
T. D. Allen	Do., Parramatta	16 Mar., 1865	23 April, 1865	Half salary	
I. M. Blake	Visiting Justice, Yass.	17 May, 1865	1 June, 1865	Full salary	
John Cecil Read	Principal Gaoler.	25 Nov., 1865	2 Dec., 1865	do.	
Rev. C. H. Rich	Chaplain, Darlinghurst.	— Mar., 1866	— Jan., 1867	No salary	
S. Hardy	Matron, Mudgee	— Nov., 1866	— Dec., 1866	Full salary	
J. H. Johnston	Clerk and Schoolmaster, Berrima.	1 Nov., 1866	1 Feb., 1867	do.	Provided substitute.
G. Bushby	Surgeon, Bathurst	10 Dec., 1866	15 Jan., 1867	do.	do.
R. J. Monteith	Gaoler, Wagga Wagga.	4 Mar., 1867	4 April, 1867	do.	Leave 3 weeks overstayed on account of illness.
Jane Monteith	Matron, do.	4 Mar., 1867	4 April, 1867	do.	
W. Small	Gaoler, Berrima.	22 Mar., 1867	6 May, 1867	do.	
W. Hobbs	Do., Wollongong	1 Oct., 1867	10 Oct., 1867	do.	

Sheriff's Office,  
Prison Branch,  
Sydney, 21st November, 1867.

HAROLD MACLEAN,  
Acting Inspector of Prisons.

LIUTENANT-COLONEL RICHARDSON to THE COLONIAL SECRETARY.

Volunteer Brigade Office,  
Sydney, 2 October, 1867.

SIR,

I have the honor to inform you, in reply to your circular letter of the 30th ultimo, 67-5,678, that no salaried officers have received leave of absence since the year 1856, in the department under my charge.

I have, &c.,

JOHN S. RICHARDSON, Lt.-Col.,  
Comd. Volunteer Corps.

THE PRINCIPAL UNDER SECRETARY to THE PRIVATE SECRETARY to HIS EXCELLENCY  
THE GOVERNOR.

Colonial Secretary's Office,  
Sydney, 30 September, 1867.

SIR,

Referring to the following Order, made by the Legislative Assembly on the 10th instant, viz.,—

“That there be laid on the Table of this House, a Return of all Salaried Officers of the Government who have, since the year 1856, received leave of absence; said Return to show the name of each officer, the time he received leave of absence, the time he returned to duty, and the salary he received while absent; also, that the said Return include the names of Clergymen absent from the Colony.”

I am directed by the Colonial Secretary to request that you will furnish the information required in respect of the department under your charge.

I have, &c.,

HENRY HALLORAN.

Return in reply to this letter.—Nil.

F. TURVILLE.

Government House,  
Sydney, 1 October, 1867.

THE

## SALARIED OFFICERS—LEAVE OF ABSENCE.

THE BOARD OF MANAGEMENT, GOVERNMENT ASYLUMS, to THE PRINCIPAL UNDER SECRETARY.

The Government Asylum,  
Sydney, 14 October, 1867.

SIR,

With reference to your letter of the 30th ultimo, requesting to be furnished with a return of all salaried officers who have received leave of absence, &c., I have the honor to inform you that Mrs. Dennis, the Matron of the Government Asylum at Parramatta, was granted leave for two months, to proceed for the benefit of her health to Tasmania; and that she was absent from the Colony from the 22nd May to the 14th July, 1867. No other officer of the Government Asylums has had leave approved of by the Government.

I have, &c.,

FREDERIC KING,  
Secretary.

A RETURN showing the names of Salaried Officers in this department, who have, since the 1st January, 1856, received Leave of Absence; also, period of such leave, date of return to duty, and salary received during such leave, so far as can be ascertained.

Name.	Period of Leave.	Date of Return to Duty.	Salary received during leave.
			£ s. d.
E. A. Macpherson .....	12 months from 1 May, 1856.	1 May, 1857.	122 10 0 per annum.
J. V. Meade (sick) .....	28 May to 20 Dec., 1863.	21 Dec., 1863.	85 0 0 ..
James Thomson (sick) .....	3 months from about 7 May, 1864.	* .....	500 0 0 ..
R. T. Hall (sick) .....	3 months from 15 Jan., 1866.	15 April, 1866.	370 0 0 ..
Edward A. Rennie .....	6 weeks from 1 May, 1866.	12 June, 1866.	550 0 0 ..
John S. Ryan (sick).....	3 months from 11 April, 1867; and 3 months from 11 July, 1867.	Leave not yet expired.	385 0 0 .. 265 0 0 ..
Christopher Rolleston.....	6 weeks from 1 Sept., 1867.	Leave not yet expired.	900 0 0 ..

\* Mr. Thomson having been transferred to the Treasury on the 1st July, 1864, and before the expiry of his leave, the date of his return to duty is not known.

Audit Office, Sydney,  
4 October, 1867.

E. A. RENNIE,  
For the Auditor General.

Department of Public Works,  
Sydney, 12 October, 1868.

A RETURN of all Salaried Officers of the Department of Public Works, who have, since the year 1856, received leave of absence, &c. (Resolution of Assembly, 10 September, 1867.)

No officer of the Ministerial Branch of the Department of Public Works has received any extended leave during the time specified.

JOHN RAE.

RETURN

## SALARIED OFFICERS—LEAVE OF ABSENCE.

9

RETURN of Officers of Railway Branch, Department of Public Works, who have received Leave of Absence from January, 1856, to September, 1867, and amount of Salary received during such leave.

Name of Officer.	Date of term of Leave.	Date of Return.	Salary, &c.
	1856—Nil.		
	1857—Nil.		
	1858—Nil.		
	1859—Nil.		
	1860—Nil.		
	1861—Nil.		
	1862—Nil.		
	1863—Nil.		
	1864—Nil.		
	1865—Nil.		
Brown John .....	1866. Oct. 18. 2 months.	December 18.....	Leave granted. Full pay. Mr. Brown to find a substitute.
Read J. W. ....	April 27. 1 month. 1867.	May 27 .....	Full pay—Mr. Read finding a substitute.

NOTE.—These are all the cases of Leave of Absence in the Railway Department, except for a day or two, and except sick leave on the usual medical certificate.

RETURN of all Salaried Officers of the Harbours and Rivers Department, who have, since the year 1856, until the 31st December, 1867, received Leave of Absence.

Names and Situations.	1856 to 1861.	1862.	1863.	1864.	1865.	1866.	1867.
E. O. Moriarty, Engineer-in-Chief.	Nil.	Nil.	1 month. Time not exceeded (April)—with salary, £1,100.	Nil.	1 month on medical certificate, 1 August. Time not exceeded. With salary. Nil.	Nil.	Nil.
W. H. Baron, Chief Surveyor and Engineer.	"	"	2 weeks, with salary, £550. Time not exceeded.	"	"	"	"
O. Rossbach, Surveyor and Draftsman.	"	"	Nil.	12 March. A fortnight, not exceeded. £300 per annum, with salary.	"	"	"
Joseph Barling, Clerk.	"	"	12 June, 2 weeks, with salary, £150 per annum. Time not exceeded.	7 November, 3 weeks, with salary. Time not exceeded.	"	"	"
Edward Berthon, Chief Clerk.	"	"	Nil.	Nil.	February. 3 weeks, with salary, £300. Time not exceeded.	"	"
P. J. Douglas, Clerk of Works.	"	"	"	"	Nil.	4 months, viz., 3 with salary, £150; 1 month without salary.	Jan. 1 to 31, 1 month, without salary.

For the Engineer-in-Chief,  
EDW. BERTHON,  
Chief Clerk.

6 June, 1868,

## SALARIED OFFICERS—LEAVE OF ABSENCE.

RETURN of Officers, Colonial Architect's Department, who have received Leave of Absence, from 1st January, 1856, to 31st December, 1867.

Year.	Name of Officer.	Time when Leave was received.	Time when Returned to Duty.	Salary received while absent.	Remarks.
1856				£	
1857	Alfred Cook	13 Jan.	3 Feb.	300	
1858					
1859					
1860					
1861					
1862	F. Rowley	4 Jan.	25 Jan.	150	Sick leave, on medical certificate.
1863	H. Chapman	11 Mar.	28 Mar.	450	
1864	J. M'Shane	3 Oct.	17 Oct.	300	
"	H. Chapman	25 Apl.	14 May	450	do. do.
1865	J. T. Neale	24 Mar.	31 Mar.	150	
"	H. Chapman	10 Feb.	25 Feb.	450	do. do.
"	W. Coles	13 May	27 May	600	
1866	H. Chapman	5 Feb.	24 Feb.	450	do. do.
1867	A. Cook	21 Mar.	28 Apl.	300	do. do.
"	H. Chapman	4 "	23 Mar.	450	do. do.
"	M. W. Lewis, jun.	14 Feb.	2 "	450	
"	Do.	20 May	4 June	450	
"	James M'Shane	4 Dec.	27 Dec.	300	

Colonial Architect's Office,  
Sydney, 14th March, 1868.

JAMES BARNET,  
Colonial Architect.

RETURN of all Salaried Officers who have, since 1856, received Leave of Absence.

## ROADS BRANCH.

Name.	Leave granted.	Date of Commencement.	Date of Return to Duty.	Rate of Salary received during Leave of Absence.	Remarks.
<b>1859.</b>					
W. Cogan	1 day	26 Dec.	27 Dec.	15/ per diem.	
H. Newcomen	A fortnight	10 June	24 June	£300 per annum.	
W. R. Collett	A few days	11 Aug.		£500 "	
A. C. Bayley	4 days	24 Aug.	28 Aug.	£1 per diem.	
J. Cox	A fortnight	6 Oct.	20 Oct.	£150 per annum.	
W. Cogan	2 days	1 June	3 June	15/ per diem.	
<b>1860.</b>					
A. C. Bayley	5 days	1 Jan.	6 Jan.	£1 per diem.	
Do.	4 "		Easter	£1 "	
H. Newcomen	3 weeks	15 Apl.	7 May	£300 per annum.	
W. R. Collett	A few days in October			£500 "	
<b>1861.</b>					
H. J. Chisholm	4 days	5 Mar.	9 Mar.	£150 per annum.	
W. S. Chauncey	3 "	7 "	10 "	£600 "	
A. D. Faunce	A month	16 "	16 Apl.	15/ per diem.	
F. Wells	2 weeks	22 "	5 "	£580 per annum.	
S. Hawthorne	1 week at Whitsuntide			£280 "	
H. Quodling	4 days	8 Apl.	12 Apl.	£400 "	
F. Wickham	10 "	15 May	25 May	12/ per diem.	
A. C. Clarke	10 "	20 "	30 "	15/ "	
R. Quodling	10 "	6 June	16 June	£400 per annum.	
S. G. Shairp	2 weeks	18 "	2 July	£300 "	
P. D. Brown	3 days	9 July	12 "	£600 "	
E. L. Maitland	2 weeks in October			15/ per diem.	
H. Moggridge	10 days	14 Nov.	24 Nov.	£600 per annum.	
E. A. Nardin	1 week	25 Dec.	1 Jan./62	£400 "	
S. Hawthorne	1 "	25 "	1 "	£280 "	
H. P. G. Williams	9 days	23 "	5 "	15/ per diem.	
J. Campbell	1 week	19 "	26 Dec./61	15/ "	
<b>1862.</b>					
J. G. Johnstone	A fortnight	15 May	29 May	£400 per annum.	
G. H. Gilbert	2 days	16 "	18 "	15/ per diem.	
E. J. Statham	A month	3 Nov.	5 Dec.	15/ "	
W. R. Collett (Commissioner for Roads.)	1 week	14 "	21 Nov.	£700 per annum.	
F. Napier	3 days	27 "	30 "	£500 "	
G. H. Gilbert	2 "	11 Dec.	13 Dec.	15/ per diem.	
H. P. G. Williams	A fortnight	17 "	1 Jan./63	15/ "	

SALARIED OFFICERS—LEAVE OF ABSENCE.

ROADS BRANCH—continued.

Name.	Leave granted.	Date of Commencement.	Date of Return to Duty.	Rate of Salary received during Leave of Absence.	Remarks.
<b>1863.</b>					
G. H. Gilbert	10 days	22 Jan.	2 Feb.	15/ per diem.	
A. D. Faunce	3 weeks	16 June	7 July	£1 "	
A. C. Bayley	20 days	1 Aug.	21 Aug.	£500 per annum.	
S. G. Shairp	10 "	5 Oct.	15 Oct.	£350 "	
<b>1864.</b>					
A. D. Faunce	A fortnight	19 Dec./63	2 Jan	£300 per annum.	
E. A. Nardin	A month	1 Jan.	31 "	£500 "	
J. Dixon	A fortnight	17 "	31 "	15/ per diem.	
A. J. Chisholm	A fortnight	9 Feb.	24 Feb.	£300 per annum.	
J. H. Thomas	3 days	19 "	22 "	£600 "	
J. Farram	A fortnight	16 "	1 Mar.	15/ per diem.	
E. J. Statham	2 days	14 Mar.	16 "	£300 per annum.	
J. Hoskins	4 "	16 "	21 "	£300 "	
E. J. Statham	3 weeks	12 July	1 Aug.	£300 "	
F. Wickham	3 "	1 Sept.	13 Sept.	£250 "	
W. F. Bundock	3 days	4 "	7 "	Nil.	
P. H. Flynn	Not specified	"	"	£200 per annum.	
F. Wells	3 weeks	7 Nov.	28 Nov.	£500 "	
V. de St. Remy	2 "	14 Dec.	31 Dec.	£500 "	
E. J. Statham	10 days	17 "	27 "	£300 "	
<b>1865.</b>					
E. A. Nardin	A week	2 Jan.	9 Jan.	£500 per annum.	
H. Moggridge	12 months	6 "	Extended.	£400 "	
W. S. Chauncey	A week	19 "	26 Jan.	£500 "	
E. L. Maitland	2 days	19 "	15 "	£300 "	
W. Mason	A fortnight	1 Feb.	15 Feb.	£120 "	
James Hoskins	3 days	5 "	8 "	£300 "	
J. B. Meldrum	A fortnight	14 Mar.	28 "	£400 "	
A. D. Faunce	10 days	5 May	15 May	£300 "	
A. C. Bayley	A week	15 June	22 June	£500 "	
J. B. Meldrum	3 weeks	14 July	6 Aug.	£400 "	
E. J. Statham	3 "	19 "	5 "	£300 "	
W. Mason	2 days	5 Sept.	7 Sept.	£300 "	
F. Wickham	3 "	12 "	15 "	£250 "	
R. B. Dawson	6 weeks	16 "	30 Oct.	£500 "	
H. Quodling	10 days	20 Oct.	30 "	£500 "	
E. J. Statham	6 weeks	20 Nov.	31 Dec.	£300 "	
<b>1866.</b>					
H. Moggridge	Extension, 12 months.	1 Jan.	31 Dec.	£400 per annum.	
R. B. Dawson	6 weeks	1 Feb.	15 Mar.	£500 "	
J. Hoskins	1 month	12 July	12 Aug.	£300 "	
A. J. Chisholm	1 "	23 Aug.	24 Sept.	£325 "	
A. J. Chisholm	6 months	1 Dec.	1 June/67 extended.	£162 10s. per an.	
<b>1867.</b>					
G. Philben	A fortnight	20 Dec./66	3 Jan.	£300 per annum.	
A. L. Trembicki	1 month	1 Feb.	4 Mar.	£500 "	
R. B. Dawson	1 "	28 Jan.	Transferred to C. C. L. Office before expiration.	£500 "	
W. Forde	1 month	15 Feb.	18 May	£112 10s. per an.	
E. A. Nardin	3 days	21 "	24 Feb.	£500 per annum.	
E. J. Statham	2 "	21 Mar.	23 Mar.	£300 "	
V. de St. Remy	1 month	15 April.	Resigned.	£500 "	
A. C. Bayley	14 days	9 "	23 April.	£500 "	
F. Wells	14 "	1 July	14 July	£500 "	
A. J. Chisholm	6 months, extended.	1 June	31 Dec.	£162 10s. per an.	

## SALARIED OFFICERS—LEAVE OF ABSENCE.

## DEPARTMENT OF PUBLIC WORKS—FITZROY DOCK BRANCH.

RETURN of Salaried Officers who have, since the year 1856, received Leave of Absence.

Name and Designation of Officer.	Time of receiving Leave.	Time of Return to Duty.	Salary received while absent.
Gother Kerr Mann, Engineer-in-Chief.....	16 July, 1863 .....	22 July, 1863 .....	Full salary.
	20 Oct., 1863 .....	28 Oct., 1863 .....	do.
Henry Broderick, Assistant Engineer and Clerk of Works .....	*18 Oct., 1858 .....	10 Nov., 1858 .....	do.
	2 June, 1861 .....	11 June, 1861 .....	do.
John Duff, Clerk and Storekeeper .....	1 Dec., 1858 .....	6 Dec., 1858 .....	do.
	24 Dec., 1862 .....	3 Jan., 1863 .....	do.
James B. Goggin, Clerk and Draftsman. (Resigned) ...	14 Aug., 1858 .....	14 Sept., 1858 .....	do.
Thomas Easton, Foreman of Works. (Superannuated) ...	*23 Nov., 1859 .....	7 Dec., 1859 .....	do.

\* Medical Certificate.

GOTHER K. MANN,  
Engineer-in-Chief.

## DEPARTMENT OF THE GOVERNMENT PRINTER.

RETURN of Salaried Officers who have, since the year 1856, received Leave of Absence.

Name.	Situation.	Received Leave of Absence.	Returned to Duty.	Salary received while absent.
Thomas Richards .....	Government Printer and Inspector of Stamps.	29 Jan., 1863 ...	8 Mar., 1863 ...	£ s. d. 58 5 1
Charles Potter .....		Superintendent.....	6 Nov., 1864 ...	23 Nov., 1864 ...
	10 Mar., 1863 ...		31 Mar., 1863 ...	22 11 6
	21 Sept., 1865 ...		28 Sept., 1865 ...	8 10 6
	10 Mar., 1867 ...		31 Mar., 1867 ...	22 11 6
Thomas Adams.....	Overseer .....	*17 Jan., 1863 ...	17 Feb., 1863 ...	25 11 5
		24 Aug., 1864 ...	7 Sept., 1864 ...	11 0 0
		9 July, 1866 ...	17 July, 1866 ...	6 4 0
Aug. F. Furber.....	Foreman of Bookbinding Branch.	6 May, 1867 ...	21 May, 1867 ...	11 12 3
		1 Mar., 1864 ...	22 Mar., 1864 ...	17 4 3

\* Medical Certificate.

Government Printing Office,  
13th November, 1867.THOS. RICHARDS,  
Government Printer.

RETURN of all Officers of the Department of Superintendent of Pilots, &amp;c., who have, since the year 1856, received Leave of Absence, and the salary received while absent.

Name of Officers.	Occupation.	Leave of Absence granted.	Returned to Duty.	Salary received while absent.
J. Robson .....	Pilot, Watson's Bay .....	14 Oct., 1859	28 Oct., 1859	At the rate of— £100 per ann. and fees.
G. R. Easton.....	Pilot, Richmond River .....	20 March, 1863	30 March, 1863	£175 per annum.
Chas. Harrold.....	Harbour Pilot, Sydney.....	21 March, 1864	2 April, 1864	£250 "
D. T. Allan .....	Harbour Master, Newcastle...	17 Aug., 1864	15 Sept., 1864	£350 "
C. H. Hannell.....	Clerk to H. M., Newcastle ..	17 March, 1866	24 March, 1866	£150 "
J. Lee.....	Supt., Lt. Ho., Cape St. George	8 March, 1867	22 March, 1867	£180 "
J. B. Garrard.....	Pilot, Macleay River.....	10 April, 1867	20 April, 1867	£175 "
J. Lee.....	Supt., Lt. Ho., Cape St. George	18 Sept., 1867	18 Oct., 1867	£180 "
Hy. Gibson .....	Pilot, Watson's Bay .....	14 Oct., 1867	4 Nov., 1867	Paid by fees.
STEAM NAVIGATION BOARD.				
D. C. Dalgleish	Engineer Surveyor & Inspector	1 May, 1867	12 May, 1867	£450 per annum.

FRANCIS HIXSON,  
Superintendent.

THE INSPECTOR, ABATTOIRS, GLEBE ISLAND, to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Abattoirs, Glebe Island,  
16 October, 1867.

SIR,

In reply to your P. O. No. 1,304, I have the honor to inform you that no "Absence on Leave" has been granted to any officer of this department since its formation in October, 1860.

I have, &c.;  
FREDK. OATLEY,  
Inspector.

RETURN

SALARIED OFFICERS—LEAVE OF ABSENCE.

RETURN of Officers of the Customs Department who have received Leave of Absence from the year 1856 to 1867.

Office.	Name.	Date.		Annual Salary.	Leave, &c.
		From.	To.		
Chief Clerk	W. N. Llewellyn	26 April, 1866	26 July, 1866	530	3 months.
Cashier	J. H. Maddock	20 April, 1866	25 July, 1866	530	do.
3rd Clerk	H. J. Rucker	20 Dec., 1865	9 Jan., 1866	375	3 weeks.
4th do.	John Lane	7 July, 1863	15 July, 1863	325	10 days.
4th do.	do.	25 Dec., 1864	2 Jan., 1865	325	do.
4th do.	do.	16 Mar., 1865	17 April, 1865	325	1 month.
6th do.	J. W. Jenkins	16 Nov., 1863	28 Nov., 1863	250	12 days.
6th do.	do.	2 Feb., 1866	17 Feb., 1866	250	1 fortnight.
7th do.	R. Small	20 Mar., 1864	28 April, 1864	200	5 weeks.
7th do.	do.	4 Jan., 1867	12 Jan., 1867	225	9 days.
8th do.	M. M'Taggart	9 April, 1866	23 April, 1866	205	1 fortnight.
12th do.	Michael D'Arcy	29 Dec., 1864	7 Jan., 1865	175	10 days.
12th do.	do.	2 Nov., 1865	11 Nov., 1865	175	do.
12th do.	do.	31 July, 1866	9 Aug., 1866	175	do.
Landing Surveyor	A. Berney	19 April, 1858	26 April, 1858	275	1 week.
do.	do.	7 Mar., 1861	7 April, 1861	325	1 month.
do.	do.	17 July, 1862	25 July, 1862	325	1 week.
2nd do.	Edmund Jones	1859	1859	400	1 month.
Landing Waiter	A. J. Ormsby	28 Oct., 1867	7 Dec., 1867	225	do.
2nd do.	Thos. Godfrey	6 May, 1864	1 Oct., 1864	325	5 months.
3rd do.	W. King	1 Dec., 1860	31 Dec., 1860	300	1 month.
3rd do.	do.	6 Mar., 1867	20 Mar., 1867	325	2 weeks.
5th do.	J. E. Turner	17 Aug., 1863	4 April, 1864	275	7½ months.
8th do.	Samuel Levy	5 July, 1866	31 July, 1866	225	1 month.
7th Landing Waiter	J. M. Chapman	April, 1860	April, 1860	215	1 week.
7th do.	do.	12 Oct., 1862	19 Oct., 1862	225	do.
7th do.	do.	9 Jan., 1867	1 Feb., 1867	225	3 weeks.
9th do.	Thos. Thompson	8 May, 1866	15 May, 1866	225	1 week.
10th do.	C. G. Reid	11 Sept., 1866	11 Nov., 1866	225	2 months.
10th do.	do.	11 June, 1867	11 July, 1867	225	1 month.
11th do.	George Lewis	6 Aug., 1863	6 Sept., 1863	205	do.
11th do.	do.	28 Jan., 1867	18 Feb., 1867	225	3 weeks.
12th do.	J. N. Stubbin	11 April, 1862	8 May, 1862	200	1 month.
14th do.	A. Fraser	21 June, 1865	28 June, 1865	205	1 week.
15th do.	J. D. Garvan	6 Jan., 1866	31 Mar., 1866	195	3 months.
15th do.	do.	3 June, 1867	3 July, 1867	205	1 month.
16th do.	Chas. Duberly	.....	.....	175	1 week.
17th do.	W. Beck	20 May, 1863	20 June, 1863	225	1 month.
1st Tide Surveyor	R. M. Russell	2 April, 1867	10 April, 1867	325	8 days.
2nd do.	M. M'Dermott	10 May, 1865	17 May, 1865	325	1 week.
Warehousekeeper	Thos. Fancourt	3 Mar., 1862	14 April, 1862	350	6 weeks.
Locker	W. Mundy	26 Mar., 1861	31 Mar., 1861	225	1 week.
do.	do.	9 July, 1861	22 July, 1861	225	2 weeks.
do.	do.	21 July, 1862	4 Aug., 1862	225	do.
do.	do.	14 Mar., 1865	20 Mar., 1865	225	1 week.
do.	do.	13 April, 1866	20 April, 1866	225	do.
do.	do.	18 Oct., 1866	25 Oct., 1866	225	do.
2nd do.	C. T. Williams	16 Sep., 1861	21 Sept., 1861	200	6 days.
2nd do.	do.	4 Dec., 1861	14 Dec., 1861	200	11 do.
2nd do.	do.	1 Mar., 1865	14 Mar., 1865	200	14 do.
2nd do.	do.	28 Aug., 1865	9 Sept., 1865	200	13 do.
2nd do.	do.	18 Sept., 1865	7 Oct., 1865	200	3 weeks.
2nd do.	do.	9 April, 1866	14 April, 1866	200	6 days.
2nd do.	do.	20 Sept., 1867	26 Sept., 1867	200	7 do.
3rd do.	T. B. Eldershaw	14 Aug., 1862	6 Sept., 1862	200	3 weeks.
3rd do.	do.	26 Mar., 1867	29 May, 1867	225	9 do.
5th do.	W. Wall	6 Sept., 1860	19 Sept., 1860	165	2 do.
5th do.	do.	4 April, 1862	19 April, 1862	175	3 do.
5th do.	do.	16 July, 1863	15 Aug., 1863	200	4 do.
5th do.	do.	13 Feb., 1866	18 Mar., 1866	200	5 do.
5th do.	do.	26 June, 1866	1 July, 1866	200	1 week.
5th do.	do.	20 May, 1867	30 June, 1867	225	11 days.
7th do.	R. Brock	20 Sept., 1867	20 Nov., 1867	200	2 months.
8th do.	Thos. M'Roy	14 Sept., 1863	27 Sept., 1863	200	2 weeks.
8th do.	do.	2 Nov., 1865	29 Nov., 1865	200	1 month.
10th do.	F. Huntley	7 Oct., 1864	29 Nov., 1864	200	8 weeks.
14th do.	Chas. St. Julian	3 July, 1862	3 Aug., 1862	175	1 month.
14th do.	do.	21 Sept., 1865	27 Sept., 1865	175	1 week.
Tide Waiter	L. Dickinson	12 Dec., 1863	30 Dec., 1863	175	3 weeks.
do.	do.	25 Sept., 1865	30 Sept., 1865	175	1 week.
do.	do.	20 Mar., 1866	14 May, 1866	175	8 weeks.
do.	do.	13 June, 1866	27 June, 1866	175	2 do.
do.	do.	17 July, 1866	27 July, 1866	175	10 days.
do.	do.	19 Jan., 1867	31 Jan., 1867	175	2 weeks.
do.	do.	1 April, 1867	30 April, 1867	175	4 do.
do.	do.	13 Aug., 1867	21 Aug., 1867	175	9 days.
do.	H. Ikin	16 Feb., 1864	1 Mar., 1864	175	2 weeks.
do.	do.	1 Dec., 1866	31 Dec., 1866	175	4 do.
do.	Hy. Spinks	1 Mar., 1867	14 April, 1867	175	6 do.
do.	do.	12 Aug., 1867	21 Aug., 1867	175	10 days.

CUSTOMS DEPARTMENT—*continued.*

Office.	Name.	Date.		Annual Salary.	Leave, &c.
		From.	To.		
				£	
Tide Waiter .....	Christ. Warburton .....	1 Nov., 1865	7 Nov., 1865	175	1 week.
do. ....	D. B. Duffy .....	16 Nov., 1864	15 Jan., 1865	175	2 months.
do. ....	do. ....	6 Mar., 1865	12 Mar., 1865	175	1 week.
do. ....	do. ....	7 July, 1866	16 July, 1866	175	10 days.
do. ....	do. ....	19 July, 1866	18 Aug., 1866	175	1 month.
do. ....	do. ....	4 Sept., 1867	4 Oct., 1867	175	do.
do. ....	W. Benson.....	2 Oct., 1865	8 Oct., 1865	175	1 week
do. ....	do. ....	1 Dec., 1866	20 Dec., 1866	175	3 weeks.
do. ....	do. ....	1 Jan., 1867	12 Jan., 1867	175	2 do.
do. ....	W. Warburton .....	28 May, 1861	28 June, 1861	175	1 month.
do. ....	do. ....	29 April, 1862	5 May, 1862	175	1 week.
do. ....	do. ....	3 Dec., 1864	19 Dec., 1864	175	2 weeks.
do. ....	do. ....	13 Oct., 1865	19 Nov., 1865	175	5 do.
do. ....	do. ....	23 Mar., 1867	12 April, 1867	175	3 do.
Warrant Messenger...	Jas. Jones .....	9 Feb., 1864	7 Mar., 1864	60	1 month.
do. ....	do. ....	19 May, 1865	25 May, 1865	60	1 week.
do. ....	do. ....	30 Oct., 1865	11 Nov., 1865	60	12 days.
do. ....	do. ....	15 May, 1866	21 May, 1866	120	1 week.
do. ....	do. ....	15 June, 1866	1 July, 1866	120	2 weeks.
do. ....	do. ....	22 Mar., 1867	23 May, 1867	120	7 do.
do. ....	Chas. Whittaker .....	29 Jan., 1867	2 Feb., 1867	60	1 week.
Boy Messenger.....	George Hannigan .....	18 June, 1866	25 June, 1866	40	do.
<b>BROKEN BAY.</b>					
Coastwaiter .....	A. T. Ross .....	1 April, 1865	30 April, 1865	250	1 month.
<b>NEWCASTLE.</b>					
Clerk .....	P. Nihill.....	19 Aug., 1867	27 Aug., 1867	200	8 days.
<b>EDEN.</b>					
Sub-Collector .....	G. P. Keon .....	19 July, 1861	25 July, 1861	300	6 days.
do. ....	do. ....	2 May, 1862	12 May, 1862	300	10 do.
<b>COROWA.</b>					
Officer of Customs ...	W. J. Brown.....	4 Feb., 1867	4 Mar., 1867	250	1 month.
<b>ALBURY.</b>					
Officer of Customs ...	J. F. McDonall .....	15 June, 1866	5 July, 1866	250	3 weeks.

Custom House, Sydney,  
18 October, 1867.

W. A. DUNCAN,  
Collector of Customs.

A RETURN showing the Names of Officers in the Store Branch of the Treasury who have received Leave of Absence, from the 1st July, 1864, to the 30th September, 1867.

Name.	Designation.	Date of Appointment to present Situation.	Leave of Absence granted.
L. I. Brennard .....	Clerk of Stores.....	1 July, 1864 .....	Nil.
J. A. Murray .....	Clerk .....	1 January, 1867 .....	Nil.

The Treasury,  
Store Branch,  
30 September, 1867.

L. I. BRENNAND,  
Clerk of Stores.

RETURN

SALARIED OFFICERS—LEAVE OF ABSENCE.

RETURN of all Salaried Officers of the Department of the Chief Inspector of Distilleries and Sugar Refineries, who have received Leave of Absence since the year 1856,— showing the name of each officer, the time he received leave of absence, the time he returned to duty, and the salary he received while absent.

Name.	Date.		Salary Received.	Remarks.
	Of Leave.	Of Return to Duty.		
John Stirling .....	11 Nov., 1858...	11 Nov., 1859...	Half Salary..	Absent from the Colony— Resigned.
Henry Lumsdaine ...	16 April, 1859...	1 May, 1859...	Full Salary...	On return from special service at Rockhampton.
Robert Blake .....	7 Aug., 1860...	7 Sept., 1860...	do. ...	Relaxation from duty.
do. ....	14 Nov., 1862...	14 Dec., 1862...	do. ...	do. do.
do. ....	9 May, 1863...	9 June, 1863...	do. ...	Upon Medical Certificate.
do. ....	9 June, 1865...	9 July, 1865...	do. ...	do. do.
do. ....	3 March, 1866...	3 June, 1866...	do. ...	do. do.
Geo. H. Barney .....	15 Nov., 1858...	15 Dec., 1858...	do. ...	Relaxation from duty.
do. ....	1 Nov., 1861...	1 Dec., 1861...	do. ...	do. do.
do. ....	23 April, 1862...	7 May, 1862...	do. ...	On occasion of his father's death.
do. ....	18 June, 1866...	18 July, 1866...	do. ...	Relaxation from duty.
Charles H. Horsley ...	26 May, 1862...	10 June, 1862...	do. ...	Upon Medical Certificate.
do. ....	17 April, 1866...	17 May, 1866...	do. ...	do. do.
do. ....	6 Dec., 1866...	13 Dec., 1866...	do. ...	do. do.
Henry R. Smith .....	25 April, 1865...	16 May, 1865...	do. ...	do. do.
do. ....	21 March, 1867...	6 May, 1867...	do. ...	do. do.
John W. Weekes ...	22 May, 1865...	3 June, 1865...	do. ...	Relaxation from duty.
do. ....	10 Sept., 1867...	23 Sept., 1867...	do. ...	do. do.

24 September, 1867. HENRY LUMSDAINE,  
Chief Inspector of Distilleries and Refineries.

THE HEALTH OFFICER to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sydney, 23 September, 1867.

SIR,  
Referring to your circular of date 16th instant, enclosing the following Order made by the Legislative Assembly, viz,—

“That there be laid on the Table of this House, a Return of all Salaried Officers of the Government who have, since the year 1856, received Leave of Absence, the time each one returned to duty, and the salary he received while absent; also, that the said return include the names of Clergymen absent from the Colony.”

I do myself the honor to inform you that no person connected with the department of Health Officer has ever received a single day's leave of absence since the 22nd July, 1852.

I have, &c.,  
H. G. ALLEYNE, M.D.,  
Health Officer.

THE EMIGRATION OFFICER to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sydney, 23 September, 1867.

SIR,  
Referring to your circular of date 16th instant, enclosing the following Order made by the Legislative Assembly, viz,—

“That there be laid on the Table of this House, a Return of all Salaried Officers of the Government who have, since the year 1856, received Leave of Absence; said return to show the name of each officer, the time he received leave of absence, the time he returned to duty, and the salary he received while absent; also, that the said return include the names of Clergymen absent from the Colony.”

I do myself the honor to inform you that no person connected with the department of the Emigration Officer has received a single day's leave of absence since the date of my appointment as Emigration Officer, on the 16th February, 1863.

I have, &c.,  
H. G. ALLEYNE, M.D.,  
Emigration Officer.

## SHIPPING OFFICE, SYDNEY.

RETURN of Salaried Officers who have, since the year 1856, received Leave of Absence.  
(One only.)

Name.	Situation.	Time he received Leave of Absence.	Time he returned to his Duty.	Salary he received while absent.	Remarks.
Maurice Finucane...	Clerk	19th Sept., 1861, extended, from time to time, up to the 26th July, 1862, when he died.	He returned to his duty on the 26th Nov., 1861, and remained in the office only until the 3rd of Dec., 1861, when he was obliged to ask further leave, in consequence of the state of his health.	Full salary.	He provided a substitute for six months of this period, and paid him out of his salary; but, for the two last months, he received his full salary without diminution, with the sanction of the Government.

Shipping Office, Sydney,  
23 September, 1867.

WM. E. SHORTER,  
Shipping Master, Sydney.

RETURN showing the Name of each Officer connected with the Stamp Duties Office, who has received Leave of Absence, the time he returned to duty, and the salary received while absent.

Name of Officer.	Absent.		Salary received while absent.	Remarks.
	From.	To.		
Spence, Francis .....	1866. 22 Feb. ....	1866. 5 Mar. ....	At the rate of £200 per annum.	} By medical certificate.
Foskett, William .....	27 Dec. .... 1867.	2 Jan. ....		
do .....	15 May ....	18 May ....	do .....	By leave.

The Stamp Office,  
21 September, 1867.

W. HEMMING,  
Commissioner.

THE ASSISTANT SUPERINTENDENT OF STORES to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Colonial Military Store,  
Sydney, 20 September, 1867.

Sir,

In answer to Treasury Circular, P.O. 1303, 16th Sept, 1867, calling for a return of officers of the Department of Powder Magazines who have been on leave since the year 1856, I have the honor to state that no officer of this department has had leave during that time.

I have, &c.,  
H. P. HUNT.

THE AGENT FOR IMMIGRATION to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Government Immigration Office,  
Sydney, 24 September, 1867.

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th instant, No. P.O. 1296, calling for a Return of all Salaried Officers connected with the Quarantine Establishment, who have, since the year 1856, received leave of absence, &c., and in reply to report, for the information of the Honorable the Secretary for Finance and Trade, that none of the officers employed at the Quarantine Station, Spring Cove, have obtained leave of absence since the year 1856.

I have, &c.,  
GEORGE F. WISE.

1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

**ELECTORAL ROLLS.**  
(NUMBER OF ELECTORS IN EACH DISTRICT FOR 1868-9.)

*Ordered by the Legislative Assembly to be Printed, 8 January, 1869.*

RETURN shewing the Number of ELECTORS on the ROLL of each ELECTORAL DISTRICT,  
for 1868-9.

Electoral District.	Number of Electors.	Electoral District.	Number of Electors.
1. Argyle .....	2,110	30. Monaro.....	1,584
2. Balranald .....	1,539	31. Morpeth .....	856
3. Bathurst .....	1,062	32. Mudgee .....	2,517
4. The Bogan.....	2,157	33. The Murray.....	960
5. Braidwood.....	2,439	34. The Murrumbidgee .....	2,053
6. Camden.....	2,917	35. Narellan .....	637
7. Canterbury .....	4,236	36. The Nepean.....	1,297
8. Carcoar .....	1,250	37. Newcastle .....	1,185
9. The Clarence .....	2,740	38. New England .....	2,268
10. Central Cumberland .....	2,785	39. Newtown .....	2,295
11. Eden .....	1,732	40. Northumberland.....	2,093
12. The Glebe .....	2,189	41. Orange.....	1,387
13. Goulburn .....	810	42. Paddington .....	2,781
14. The Gwydir .....	1,571	43. Parramatta .....	1,371
15. Hartley .....	1,748	44. The Paterson .....	530
16. The Hastings .....	2,339	45. Patrick's Plains .....	1,583
17. The Hawkesbury .....	1,516	46. Queanbeyan.....	1,024
18. The Hume.....	1,695	47. Shoalhaven .....	1,432
19. The Hunter .....	1,163	48. St. Leonards .....	1,909
20. The Lower Hunter .....	710	49. East Sydney .....	9,279
21. The Upper Hunter .....	2,482	50. West Sydney .....	8,574
22. Illawarra .....	1,416	51. Tenterfield .....	1,534
23. Kiama .....	1,371	52. The Tumut .....	1,329
24. The Lachlan .....	5,583*	53. Wellington .....	1,224
25. Liverpool Plains .....	2,146	54. The Williams .....	1,197
26. East Macquarie .....	2,480	55. Windsor .....	646
27. West Macquarie .....	1,045	56. Wollombi.....	1,087
28. East Maitland .....	861	57. Yass Plains .....	1,580
29. West Maitland.....	1,164		

\* This number contains many duplicate names.

Colonial Secretary's Office,  
Sydney, 8th January, 1869.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTORAL ROLLS.

(NUMBER OF ELECTORS IN THE GOLD FIELDS DISTRICTS FOR 1868-9.)

Ordered by the Legislative Assembly to be Printed, 8 January, 1869.

RETURN shewing the estimated Number of Electors entitled to vote in the several Gold Fields Electoral Districts, for 1868-9.

Electoral District.	Estimated Number of Electors.
1. Gold Fields South ... ..	2,250
2. Gold Fields West ... ..	7,000
3. Gold Fields North ... ..	700

Colonial Secretary's Office,  
Sydney, 8 January, 1869.





1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ELECTORS AND POPULATION OF THE COLONY.  
(RETURN OF.)

Ordered by the Legislative Assembly to be Printed, 28 January, 1869.

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 12 January, 1869, That there be laid upon the Table of this House,—

“ A Statement of the aggregate Population, and of the  
“ number of Electors in each Electorate of the Colony,  
“ respectively, at the latest period to which the account can  
“ be brought down.”

(Dr. Lang.)

STATEMENT of the Aggregate Population, and of the Number of Electors in each Electorate of the Colony, respectively, at the latest period to which the account can be brought down.

Estimated population on 30th June, 1868—456,372.

Electors in each Electorate of the Colony, in 1868.

Electorate.	Registered Electors.	Electorate.	Registered Electors.
Argyle ... ..	2,110	Morpeth ... ..	856
Balranald ... ..	1,539	Mudgee ... ..	2,517
Bathurst ... ..	1,062	The Murray ... ..	960
The Bogan ... ..	2,157	The Murrumbidgee ... ..	2,053
Braidwood ... ..	2,439	Narellan ... ..	637
Camden ... ..	2,917	The Nepean ... ..	1,297
Canterbury ... ..	4,236	Newcastle ... ..	1,185
Carcoar ... ..	1,250	New England ... ..	2,268
The Clarence ... ..	2,740	Newtown ... ..	2,295
Central Cumberland ... ..	2,785	Northumberland ... ..	2,093
Eden ... ..	1,732	Orango... ..	1,387
The Glebe ... ..	2,189	Paddington ... ..	2,781
Goulburn ... ..	810	Parramatta ... ..	1,371
The Gwydir ... ..	1,571	The Paterson ... ..	530
Hartley ... ..	1,748	Patrick's Plains ... ..	1,583
The Hastings ... ..	2,339	Queanbeyan ... ..	1,024
The Hawkesbury ... ..	1,516	Shoalhaven ... ..	1,432
The Hume ... ..	1,695	St. Leonards ... ..	1,909
The Hunter ... ..	1,163	East Sydney ... ..	9,279
The Lower Hunter ... ..	710	West Sydney ... ..	8,574
The Upper Hunter ... ..	2,482	Tenterfield ... ..	1,534
Illawarra ... ..	1,416	The Tumut ... ..	1,329
Kiama ... ..	1,371	Wellington ... ..	1,224
The Lachlan* ... ..	5,583	The Williams ... ..	1,197
Liverpool Plains ... ..	2,146	Windsor ... ..	646
East Macquarie ... ..	2,480	Wollombi ... ..	1,087
West Macquarie ... ..	1,045	Yass Plains ... ..	1,580
East Maitland ... ..	861	Gold Fields, North ... ..	700
West Maitland ... ..	1,164	"    South ... ..	2,250
Monaro ... ..	1,584	"    West ... ..	7,000

\* This includes many duplicate names. The number of Electors for 1867-8 was 2,287.



1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ELECTORATE OF THE HASTINGS.

(PETITION—CERTAIN ELECTORS OF THE HASTINGS.)

*Ordered by the Legislative Assembly to be Printed, 10 December, 1868.*

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

The humble Memorial of the undersigned Inhabitants of The Hastings  
Electorate,—

RESPECTFULLY SHEWETH :—

(1.) That your Memorialists have been long impressed with the belief that they are inadequately represented in the Parliament of the Country.

(2.) That whether the population, the business, or the importance of the Electorate be considered, they are entitled to at least two Representatives, since other districts inferior in all these respects now possess equal or more adequate representation than is now solicited at your hands.

(3.) Your Memorialists respectfully state that the long narrow shape of this Electorate is productive of many inconveniences; that from the Bellenger on the north to the Wollomba on the south the distance is nearly two hundred miles, and that there are neither commercial nor other relations between the two ends of this Electorate. The inhabitants are essentially aliens and strangers to each other, having little in common, whilst their local interests are often of a conflicting character.

(4.) Your Memorialists do not consider it necessary to dwell further upon the reasons that induce them to send this Petition, since the subject has already been more than once considered by your Honorable House, and all the Members of the Assembly are no doubt fully acquainted therewith. They therefore humbly pray that, the premises considered, you will be pleased to pass an Act dividing The Hastings into two or more Electorates, to each of which one Member of Parliament may be assigned; and they further pray that this may be done prior to the next general Election.

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

[*Here follow 627 Signatures.*]



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ELECTORAL DISTRICT OF THE HUME.

(PETITION FOR ADDITIONAL REPRESENTATION—CERTAIN INHABITANTS OF.)

*Ordered by the Legislative Assembly to be Printed, 3 February, 1869.*

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

The Memorial of the undersigned Electors and Inhabitants of the Electoral District of The Hume,—

HUMBLY SHEWETH:—

That the present number of the population settled in this scattered Electoral District, renders it impossible for one Member of Parliament to fairly and efficiently represent the views and interests of the said population; and further, that the great and rapid settlement which has been going on for the last few years in the District of The Hume, has now added so large a number of duly qualified electors to the Electoral Roll, as to entitle the District to more representation than could be claimed in 1858, under the scale which regulated the appointment of Members at the time of the passing of the Electoral Act.

At that time the Electoral Roll numbered only 926 electors; while, according to the last published List, namely, for the year 1868-69, the number of electors amounted to 1,695. And your Petitioners also submit that, since the date of that published return, a still further increase has taken place, by the arrival of large numbers of free selectors from South Australia and elsewhere. Since the time of the passing of the Electoral Act of 1858, at which time the District was considered to be entitled to one Member, there have been 150,000 acres of land taken up by free selectors, while the taking up of land, and the settlement of families thereupon, is still going on day by day. And, as an indication of what further rate of increase may be expected from this source, your Petitioners submit the following facts:—In the year 1866, two hundred and thirty-five selectors made conditional purchases of land in this District, and 36,014 acres were taken up; during the year 1867, two hundred and twenty-one selectors took up 31,371 acres of land; and, during the year just expired, three hundred selectors have taken up 41,079 acres.

Your Petitioners, therefore, pray that, in view of the facts above mentioned, your Honorable Parliament will see fit to allow an additional Representative for the District of The Hume.

And your Petitioners will ever pray, &c.

[Here follow 863 Signatures.]



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ELECTORAL REPRESENTATION OF THE RICHMOND  
AND TWEED RIVERS.

(PETITION RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 23 February, 1869.*

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

The Petition of the undersigned Inhabitants of the District of the Richmond and Tweed Rivers,—

HUMBLY SHEWETH :—

That at the time of the passing of the Electoral Act of 1858, the population settled in the District of the Richmond and Tweed Rivers was so scanty in number, and so widely dispersed, that it was deemed inexpedient to assign to it any separate representation in Parliament; and that consequently the District of the Richmond and the Tweed was included in the Electorate of the Clarence, to which one representative only was allotted in the distribution of seats.

That during the past eight years, but more especially since the passing of the Crown Lands Act of 1861, the population of this vast Electorate, which is equal in extent to the whole of England, has increased at so unprecedented a rate, and its resources have been so largely developed, that rival Steam Companies, representing a paid-up capital of £50,000 (fifty thousand pounds) and £30,000 (thirty thousand pounds), respectively, are devoting their attention exclusively, and now contend, with a numerous fleet of sailing vessels, for the profits of a trade with the metropolis.

That although the occupation and pursuits of the population of the Richmond and Tweed are identical in character with those of the Clarence, yet their interests are widely different and in many cases are directly antagonistic to each other.

That the population at present located on the Richmond, on the Tweed, and on country near the frontiers of Queensland, is not only greater than was the whole population of the Electorate at the passing of the Electoral Act of 1858, but it is also of a more settled character, yielding a much larger revenue to the State in proportion to its extent, and more industrious, prosperous, and intelligent.

That many of the districts in the neighbouring Colony of Queensland, though presenting far fewer attractions to the agricultural settler than those of the Richmond and Tweed, have been enabled, through direct representation, to arrive at a much higher position in point of population and trade; and that the Richmond and Tweed cannot rival those districts successfully in the extent and variety of their productions, till the character and resources of our northern territory are better known and appreciated.

That your Petitioners therefore humbly pray, that your Honorable House will be pleased to take the premises into your favorable consideration, and erect this large and populous District of the Richmond and Tweed Rivers into a separate and independent Electorate.

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

[Here follow 614 Signatures.]



1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

RULES OF COURT.

(FROM 4 DECEMBER, 1867, TO 18 NOVEMBER, 1868.)

*Ordered by the Legislative Assembly to be Printed, 9 December, 1868.*

In the Supreme Court of New South Wales.

Wednesday, the 4th day of December, 1867.

REGULÆ 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.

*Rules Nisi for New Trial.*

4. On the first four days of Term (after the usual Motions on the first day), Rules Nisi for New Trials will have precedence of all other business.

*New Trial Motions.*

5. On every succeeding Monday, Wednesday, and Thursday in Term, the like Motions, and Motions to make any such Rule absolute, will have precedence.

*Tuesdays and Fridays.*

6. On every Tuesday and Friday in Term (except the first Tuesday) Criminal and Crown Cases will have precedence; secondly, Motions other than as aforesaid; and, lastly, Demurrers and Special Cases in Civil matters.

*Sittings in Equity, &c.*

7. 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.*

8. On Wednesdays in Term, Ecclesiastical Matters, and Matters which may (by 22 Vict. No. 14) be heard before one Judge, will be taken *exclusively*. On Wednesdays out of Term, those Matters will have precedence only.

*The Like.*

9. 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.*

10. 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.*

11. 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.*

12. No Chamber application will be entertained on any day, in or out of Term (except in cases of emergency), after 1 o'clock.

*Saturdays.*

13. 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.*

14. 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.*

15. 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.*

16. 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.*

17. 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.*

18. 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.*

19. Causes for trial at Maitland, Bathurst, and Goulburn, shall be entered for the first *Friday* of the Sittings: And at Wagga Wagga, Deniliquin, and Armidale, for the first *Thursday*.

*Cases Reserved on Circuit.*

20. 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.

*Half-yearly Vacations.*

21. Except for the purposes specified in the next Rule, no business will be taken during the January and July Vacations; 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.

*Business in Vacation.*

22. Provided that Summonses, in cases 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 that all necessary Proceedings may be taken for the purposes of an Appeal, and for obtaining or dissolving any Injunction; and that all Writs may be issued, executed, and returned, in Vacation.

ALFRED STEPHEN, C.J.  
JOHN F. HARGRAVE.  
ALFRED CHEEKE.  
PETER FAUCETT.

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In the Supreme Court of New South Wales.

Friday, the 27th day of December, in the year of our Lord one thousand eight hundred and sixty-seven.

It is ordered that the Twenty-first of the Standing Rules of this Court, so far as it relates to the admission, as Attorneys, Solicitors, and Proctors, of persons having been articled to some practising Solicitor or Attorney in New South Wales, and having served the term of five years' clerkship, be amended by adding thereto the following words:—

words:—"Provided that such persons may serve for any part of such term not exceeding one year with the Sydney Agent of such Solicitor or Attorney without assignment, and such service with such Sydney Agent shall be equivalent to service for the same time with such Solicitor or Attorney under the original Articles: Provided also, that such Sydney Agent shall be required to answer such questions and give such certificate as he would have been required to answer and give if such person had actually served under Articles of Assignment."

ALFRED STEPHEN, C.J.  
JOHN F. HARGRAVE.  
ALFRED CHEEKE.  
PETER FAUCETT.

In the Supreme Court of New South Wales.

Thursday, the 5th day of March, A.D. 1868.

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, &c., viz. :—

William Hardy,  
William Roberts,  
James Greer,  
Robert Henry Mariner Forster, and  
Frederick Chapman.

ALFRED STEPHEN, C.J.  
JOHN F. HARGRAVE.  
ALFRED CHEEKE.  
PETER FAUCETT.

In the Supreme Court of New South Wales.

Wednesday, the 18th day of November, 1868.

REGULÆ 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.

*Rules Nisi for New Trial.*

4. On the first four days of Term (after the usual Motions on the first day) Rules Nisi for New Trials will have precedence of all other business.

*New Trial Motions.*

5. On every succeeding Monday, Wednesday, and Thursday in Term, the like Motions, and Motions to make any such Rule absolute, will have precedence.

*Tuesdays and Fridays.*

6. On every *Friday* in Term, Criminal and Crown Cases will have precedence; secondly, Demurrers and Special Cases in Civil Matters; and, lastly, Motions other than New Trial Motions. On every *Tuesday*, except the first, Motions other than New Trial Motions will have precedence; and then Demurrers and Special Cases. But Common Motions may, by leave of the Court, be taken at any time.

*Sittings in Equity, &c.*

7. 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.*

8. On Wednesday in Term, Ecclesiastical Matters, and Matters which may (by 22 Vict., No. 14) be heard before one Judge, will be taken *exclusively*. On Wednesdays out of Term, those Matters will have precedence only.

*The*

*The Like.*

9. Ecclesiastical Motions and Matters, and applications to a Judge or the Court in Insolvency (Appeals accepted), whether in or out of Term, will be taken by the Primary Judge only.

*Fines and Estreats.*

10. 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.*

11. 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.*

12. No Chamber application will be entertained on any day, in or out of Term (except in cases of emergency), after 1 o'clock.

*Saturdays.*

13. 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.*

14. 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.*

15. 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.*

16. 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.*

17. 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.*

18. 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.*

19. Causes for trial at Maitland, Bathurst, and Goulburn, shall be entered for the first *Friday* of the Sittings: And, at the other Circuit Courts, for the first *Thursday*.

*Cases Reserved on Circuit.*

20. 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 Vacation.*

21. 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.*

22. Provided that Summonses, in cases 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.*

23. 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.

ALFRED STEPHEN, C.J.  
JOHN F. HARGRAVE.  
ALFRED CHEEKE.  
PETER FAUCETT.

1868.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(RETURNS UNDER.)

Presented to Parliament, pursuant to Act 22 Vict., No. 18, sec. 103.

RETURNS under 103rd section of District Courts Act of 1858—22 Vict., No. 18.

METROPOLITAN AND COAST DISTRICT.

SYDNEY.  
NEWCASTLE.  
MAITLAND.  
SINGLETON.  
PATERSON.  
DUNGOB.  
WOLLONBI.

WINDSOR.  
PARRAMATTA.  
PENRITH.  
WOLLONGONG.  
KIAMA.  
NOWRA.

SOUTHERN DISTRICT.

EDEN.  
LIVERPOOL.  
CAMPELLTOWN.  
CAMDEN.  
PICTON.  
BERRIMA.

GOULBURN.  
QUEANBEYAN.  
COOMA.  
BOMBALA.  
BRAIDWOOD.  
MORUYA.

SOUTH-WESTERN DISTRICTS.

YASS.  
BURROWA.  
YOUNG.  
GUNDAGAI.  
TUMUT.

WAGGA WAGGA.  
ALBURY.  
DENILIQUIN.  
ILAY.

WESTERN DISTRICT.

HARTLEY.  
BATHURST.  
SOFALA.  
CARCOAR.  
FORBES.

MOLONG.  
ORANGE.  
WELLINGTON.  
DUBBO.  
MUDGEE.

NORTHERN DISTRICT.

WINGHAM.  
PORT MACQUARIE.  
KEMPSEY.  
MUSWELLBROOK.  
SCONE.  
MURRURUNDI.

TAMWORTH.  
ARMIDALE.  
GLEN INNES.  
TENTERFIELD.  
GRAFTON.

## DISTRICT COURTS ACT

A RETURN of the Number of SUITS commenced in the DISTRICT COURT holden at Sydney, and other  
1868,

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS.	THE COSTS OF THE SUITS.*	DATE, PLACE, AND DURATION OF SITTINGS.				
		Place.	Date.	Duration of Sittings.		
				Days.	Hours.	Minutes.
	£ s. d.		1867.			
Goods sold ... .. 3,902	4,410 cases, sum sued for not exceeding £5 ... 682 18 9	Sydney...	March ...	13	80	20
Work and labour ... .. 1,219	1,428 cases, sum sued for not exceeding £10 ... 399 12 10	Ditto ...	April ...	12	77	20
Bills of exchange, cheques, and p. notes ... .. 530	819 cases, sum sued for exceeding £10, but not exceeding £30, and no attorney employed by plaintiff ... 331 11 8	Ditto ...	May ...	9	38	45
Money paid—Money received ... .. 125	223 cases, sum sued for exceeding £30, but not exceeding £200, and no attorney employed by plaintiff ... 229 13 2	Ditto ...	June ...	16	95	40
Money lent ... .. 135	258 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney employed by him ... 1,019 18 4	Ditto ...	August ...	15	93	25
Rent ... .. 307	30 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney employed by him ... 153 19 11	Ditto ...	September ...	10	46	45
Use and occupation ... .. 18	42 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney employed by him ... 263 15 2	Ditto ...	October ...	14	68	20
Breach of contract ... .. 68	12 cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney employed by him ... 81 19 4	Ditto ...	November ...	10	48	45
Board and lodging ... .. 94	44 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney and counsel employed by him ... 545 4 9	Ditto ...	December ...	12	76	40
Sewerage rates ... .. 441	20 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney and counsel employed by him ... 212 7 0		1868.			
Municipal rates ... .. 170	23 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney and counsel employed by him ... 443 4 4	Ditto ...	February ...	14	72	30
Trover and detainue ... .. 38	21 cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney and counsel employed by him ... 325 13 2		Total ...	125	698	30
Judgment ... .. 5						
Trespass ... .. 16						
Damage to personalty ... .. 7						
Slander ... .. 36						
Negligence ... .. 54						
Assault ... .. 35						
Hire of goods ... .. 35						
Hire of cabs ... .. 8						
Hire of boats ... .. 2						
Interest ... .. 6						
Wharfage ... .. 8						
Freight ... .. 10						
Malicious prosecution ... .. 6						
Illegal distress ... .. 2						
Possession of tenements ... .. 1						
Agistment ... .. 15						
Covenant ... .. 1						
Bond ... .. 1						
Bite of dog ... .. 4						
Guarantee ... .. 6						
Breach of warranty ... .. 4						
Livery ... .. 2						
Deceit ... .. 6						
Replevin ... .. 1						
Insurance ... .. 5						
Libel ... .. 1						
Storage ... .. 2						
Waste ... .. 2						
Superannuation allowance ... .. 2						
7,330	7,330					
						£4,689 18 5

\* In enumerating the several cases in which the successful parties have become entitled to professional

We hereby certify that the foregoing is a full and complete Return of the

## OF 1858.—(Section 103.)

particulars required by the said Act, from the 1st day of March, 1867, to the 29th day of February, inclusive.

THE NUMBER OF SUITS COMMENCED.			RESULT.		Number of Cases left in Arrear.	Number of Cases tried by Jury.	Settled by Arbitration.	Number of Cases tried without Jury.
Commenced.	Settled without hearing.	Tried.	In favour of Plaintiff.	In favour of Defendant, including Nonsuits.				
7,330	2,882	4,446	4,085	361	Nil.	7 Exclusive of 1 Supreme Court issue.	2	4,439
Amount sued for.	Rehearing of Cases of Judgment by default, in consequence of Defendant's absence.	Number of Motions for New Trials.	Number of New Trials granted.	The grounds upon which such New Trials were granted.	Number of Appeals.	Number of Interpleader Suits.	Number of Issues from the Supreme Court.	
£ s. d. 64,495 10 11	7	12	3	2 surprise. 1 defendant's absence from first trial.	1 Dismissed.	27	5	

costs, those cases only have been taken into consideration in which there has been a taxation by the Registrar.

particulars required by the said Act, so far as we are able to set forth the same.

Dated at Sydney, this second day of April, 1868.

ALEX. C. MAXWELL, }  
GEORGE S. YARNTON, } Registrars.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of NEWCASTLE, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, viz. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases		The Number		The Grounds on which such New Trials were granted.										
	Com. commenced.	Settled without hearing.	Plaintiff.	Defendant.	£	s.	d.	Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	Tried.		Of Motions for New Trials.	Of New Trials granted.								
																By Jury.				Without Jury.							
Goods sold	46	19	23	2	16	10	9	..	..	..	2	Newcastle.	1867. 3 & 4 June 2, 3, and 4 Sept. 2 & 3 Dec. 1868. 30 Feb.	2	8	47	..	..	2	50							
Promissory Notes	15	9	6	..	11	4	4	..	..	..	..						..	..			..	..	..	..	..	..	
Rent	1	1	1	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Board and Lodging	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Trespass on Land	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Trespass on Person	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Illegal Distraint	1	2	..	1	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Trover	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Breach of Contract	7	3	2	2	23	16	4	..	..	..	..						..	..			..	..	..	..	..	..	..
Wages, Work, and Labour	13	6	7	7	10	13	3	..	..	..	..						..	..			..	..	..	..	..	..	..
Libel, Slander, or Defamation	5	1	4	1	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Commission on Agency	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Sales of Live Stock	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Money lent	3	1	1	1	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Partnership	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Interpleader	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Intestacy	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Legacy	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Possession of Tenements	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Replevin	..	..	..	..	..	..	..	..	..	..	..						..	..			..	..	..	..	..	..	..
Consent Jurisdiction	3	..	1	2	19	15	2	1	..	..	..	..	..	..	..	..	..	..	..	..							
Causes of Action not specified above	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..							
	97	42	53	9	80	19	10	1	..	..	2	..	..	..	..	..	..	..	..	..							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AU. CARTER,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of MARYLAND, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com. commenced.	Settled without hearing.	Tried.	Platiff.	Defendant.	£ s. d.	Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	83	36	47	44	3	120 11 9	..	47							..	47	..	..		
Promissory Notes .....	50	28	22	22	..	56 0 5	..	22							..	22	..	..		
Rent .....	9	1	8	5	3	51 14 8	..	8							1	7	..	2		
Board and Lodging .....	1	1	..	..	1	..	..	..							..	..	..	..		
Trespass on Land .....	5	3	2	1	1	19 15 8	..	2							..	2	..	..		
Trespass on Person .....	2	..	2	1	1	39 4 10	..	2							1	1	..	..		
Illegal Distraint .....	2	..	2	2	..	31 3 4	..	2							1	2	..	..		
Trover .....	2	..	2	1	1	33 14 6	..	2							1	1	..	..		
Breach of Contract .....	6	2	4	3	1	125 10 6	..	4							3	1	..	1		
Wages, Work, and Labour .....	25	13	12	12	..	39 0 3	..	12							..	12	..	..		
Libel, Slander, or Defamation .....	3	2	1	1	..	13 17 10	..	1							..	1	..	..		
Commission on Agency .....	..	..	..	..	..	..	..	..							..	..	..	..		
Sales of Live Stock .....	..	3	..	2	..	..	..	2							..	..	..	..		
Money lent .....	5	3	2	2	..	..	..	..							..	..	..	..		
Partnership .....	..	..	..	..	..	..	..	..							..	..	..	..		
Interpleader .....	..	..	1	1	..	..	..	1							..	..	..	..		
Intestacy .....	..	..	..	..	..	..	..	..							..	..	..	..		
Legacy .....	..	..	..	..	..	..	..	..							..	..	..	..		
Possession of Tenements .....	..	..	..	..	..	..	..	..							..	..	..	..		
Replevin .....	..	..	..	..	..	..	..	..							..	..	..	..		
Consent Jurisdiction .....	..	2	..	..	..	..	..	..							..	..	..	..		
Causes of Action not specified above	2	2	..	..	..	..	..	..							..	..	..	..		
	196	91	105	95	10	530 13 9	..	105							6	99	..	3		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AU. CARTER,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of SHERBORN, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tri- ed.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.	
																							Plaintiff.
Goods sold .....	22	8	14	13	1																		
Promissory Notes .....	17	10	7	7		40	10	0															
Rent .....	4		4	4		20	0	0															
Board and Lodging .....						17	4	0															
Trespass on Land .....	2	1	1	1		10	0	0															
Trespass on Person .....																							
Illegal Distraint .....																							
Trover .....																							
Breach of Contract .....	1		1		1	12	14	6															
Wages, Work, and Labour .....	5	1	4	3	1	45	6	0															
Libel, Slander, or Defamation .....	1		1	1		16	0	0															
Commission on Agency .....																							
Sales of Live Stock .....	1	1				0	16	6															
Money lent .....																							
Partnership .....																							
Intercader .....																							
Intestacy .....																							
Legacy .....																							
Possession of Tenements .....																							
Replevin .....																							
Consent Jurisdiction .....	3	1	2	2		1	1	0															
Causes of Action not specified above																							
TOTALS .....	56	22	34	31	3	163	12	0															

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 WM. DUDDING,  
 Registrar, District Court.



DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of Duxcoo, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DIFFERENT HEADS, VIZ. —	The Number of Suits commenced during the Twelve Months preceding.		The Results of the Trials, whether in Favour of Plaintiff or Defendants.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com- menced	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Tried. Without Jury.	Settled Motions for New Trials.	Of New Trials granted.
Goods sold .....	18	11	7	4	3															
Promissory Notes .....	6	2	4	4	...	26	6	5												
Rent .....	1	...	1	1	...	11	11	8												
Board and Lodging .....	...	...	...	...	...	0	18	0												
Trespass on Land .....	...	...	...	...	...	...	...	...												
Trespass on Person .....	...	...	...	...	...	...	...	...												
Illegal Distraint .....	...	...	...	...	...	...	...	...												
Trover .....	...	...	...	...	...	...	...	...												
Breach of Contract .....	...	...	...	...	...	...	...	...												
Wages, Work, and Labour .....	2	...	2	2	...	1	11	0												
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...												
Commission on Agency .....	...	...	...	...	...	...	...	...												
Sales of Live Stock .....	...	...	...	...	...	...	...	...												
Money lent .....	...	...	...	...	...	...	...	...												
Partnership .....	...	...	...	...	...	...	...	...												
Interpleader .....	...	...	...	...	...	...	...	...												
Intestacy .....	...	...	...	...	...	...	...	...												
Legacy .....	...	...	...	...	...	...	...	...												
Possession of Tenements .....	...	...	...	...	...	...	...	...												
Replevin .....	...	...	...	...	...	...	...	...												
Consent Jurisdiction .....	1	...	1	1	...	2	11	0												
Causes of Action not specified above	28	13	15	12	3	42	18	1												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

HEN. GORDON,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of WOLLONBI, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURES OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.		Defen- dant.	Of Appeals.	Of Judg- ments or Orders ad- mitted.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	4		3	3			3		1											
Promissory Notes .....	8	2	6	6			6								3					
Rent .....															6					
Board and Lodging .....																				
Trespass on Land .....	1		1	1			1													
Trespass on Person .....																				
Illegal Distraint .....																				
Trover .....																				
Breach of Contract .....																				
Wages, Work, and Labour .....	1		1	1			1													
Libel, Slander, or Defamation .....	1		1																	
Commission on Agency .....																				
Salcs of Live Stock .....	1		1	1			1													
Money lent .....																				
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....																				
Causes of Action not specified above																				
Totals .....	16	3	12	11	1		12		1						27	7	2		1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 J. N. BROOKS,  
 Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of WINDSOR, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.						
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judge- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.		
																							Of Appeals.	Reversed.
Goods sold .....	166	73	93	88	5	42	15	0																
Promissory Notes .....	23	7	16	13	3	7	13	6																
Rent .....	16	4	12	9	3	4	15	0																
Board and Lodging .....	1	1	..	..	..	0	5	6																
Trespass on Land .....	4	2	2	1	1	1	5	0																
Trespass on Person .....	2	1	1	..	..	0	9	6																
Illegal Distraint .....	..	..	..	..	..	..	..	..																
Trover .....	7	5	2	1	1	2	5	0						1867.										
Breach of Contract .....	4	3	1	1	..	0	18	0						4 Mar...	1	8								
Wages, Work, and Labour .....	23	7	16	16	..	7	5	6						5 "	1	7								
Libel, Slander, or Defamation .....	1	..	1	1	..	0	5	0						5 July	1	..								
Commission on Agency .....	..	..	..	..	..	..	..	..						4 Nov...	..	..								
Sales of Live Stock .....	9	3	6	3	3	2	12	0						5 "	..	..								
Money lent .....	8	4	4	4	..	2	7	0						4 Nov...	1	2								
Partnership .....	1	1	..	..	..	0	8	0						5 "	..	..								
Interpleader .....	..	..	..	..	..	..	..	..																
Intestacy .....	..	..	..	..	..	..	..	..																
Legacy .....	..	..	..	..	..	..	..	..																
Possession of Tenements .....	..	..	..	..	..	..	..	..																
Replevin .....	..	..	..	..	..	..	..	..																
Consent Jurisdiction .....	36	18	17	11	6	7	15	6																
Causes of Action not specified above	..	..	..	..	..	..	..	..																
Totals.....	300	129	171	148	23	80	19	6							5	32								
																								171
																								171

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. A. GORDON,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PARRAMATTA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

The Nature of the Causes, UNDER DISTRICT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding—		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£ s. d.	Of Appeals.	Of Judge- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Duration.		Tried By Jury.	Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.						
Goods sold .....	227	94	133	125	8															
Promissory Notes .....	15	4	11	11	...	71 3 9														
Rent .....	24	8	16	14	2	3 7 6														
Board and Lodging .....	9	3	6	5	1	7 3 9														
Trespass on Land .....	...	...	...	...	...	2 3 3														
Trespass on Person .....	...	...	...	...	...	...														
Illegal Distrant .....	...	...	...	...	...	...														
Trover .....	...	...	...	...	...	...														
Breach of Contract .....	5	3	2	2	2	1 6 3														
Wages, Work, and Labour .....	29	8	21	17	4	6 14 0														
Libel, Slander, or Defamation .....	6	...	6	4	2	3 10 0														
Commission on Agency .....	...	...	...	...	...	...														
Sales of Live Stock .....	...	...	...	...	...	...														
Money lent .....	9	3	6	4	2	1 15 0														
Partnership .....	...	...	...	...	...	...														
Interpleader .....	...	...	...	...	...	...														
Intestacy .....	...	...	...	...	...	...														
Legacy .....	...	...	...	...	...	...														
Possession of Tenements .....	...	...	...	...	...	...														
Replevin .....	...	...	...	...	...	...														
Consent Jurisdiction .....	...	...	...	...	...	...														
Causes of Action not specified above	14	4	10	7	3	3 17 0														
Totals.....	338	127	211	189	22	101 0 6	1													

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEORGE LANGLEY,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PENURTH, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number Of New Trials granted.	The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£.	s.	d.	Of Appeals affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Pays.			Hours.	Tried. By Jury.	Without Jury.	Settled by Arbitration.
Goods sold .....	83	39	44	43	1	17	8	3												
Promissory Notes .....	19	10	9	8	1	5	6	3												
Rent .....	7	6	1	1	...	2	19	0												
Board and Lodging .....	3	...	3	2	1	1	4	0												
Trespass on Land .....	2	1	1	1	...	0	10	6												
Trespass on Person .....	...	...	...	...	...	...	...	...												
Illegal Distraint .....	...	...	...	...	...	...	...	...												
Trover .....	1	...	1	...	...	...	...	...												
Breach of Contract .....	2	1	1	1	1	0	13	3												
Wages, Work, and Labour .....	37	22	15	12	3	0	14	0												
Libel, Slander, or Detraction .....	1	1	1	...	...	11	17	6												
Commission on Agency .....	...	...	...	...	...	1	0	6												
Sales of Live Stock .....	4	3	1	...	...	1	0	9												
Money lent .....	3	1	2	1	1	0	12	3												
Partnership .....	...	...	...	...	...	...	...	...												
Interpleader .....	...	...	...	...	...	...	...	...												
Intestacy .....	...	...	...	...	...	...	...	...												
Legacy .....	...	...	...	...	...	...	...	...												
Possession of Tenements .....	...	...	...	...	...	...	...	...												
Replevin .....	...	...	...	...	...	...	...	...												
Consent Jurisdiction .....	...	...	...	...	...	...	...	...												
Causes of Action not specified above	23	10	13	12	1	5	16	0												
Totals.....	185	94	91	81	10	40	2	3												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. K. CLEEVER, JUN.,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WOLLONGONG, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CASES, UNDER DISTRICT HEADS, VIZ.---	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number of the Suits.			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.		Settled by Arbitra- tion.	Of New Trials granted.
Goods sold	37	23	12	9	3	30	12	2												
Promissory Notes	19	8	11	10	1	33	1	3												
Rent	3	1	2	2	...	2	0	11												
Board and Lodging	2	...	2	1	1	3	9	6												
Trespass on Land	2	1	1	1	1	15	3	9												
Trespass on Person	...	...	...	...	...	...	...	...												
Illegal Distraint	...	...	...	...	...	...	...	...												
Trover	...	...	...	...	...	...	...	...												
Breach of Contract	...	...	...	...	...	...	...	...												
Wages, Work, and Labour	3	...	3	1	2	19	13	1												
Libel, Slander, or Defamation	3	1	2	2	...	23	18	11												
Commission on Agency	...	...	...	...	...	...	...	...												
Sales of Live Stock	3	2	1	1	1	1	11	0												
Money lent	1	...	1	...	...	12	15	2												
Partnership	...	...	...	...	...	...	...	...												
Intorpleader	...	...	...	...	...	...	...	...												
Intestacy	...	...	...	...	...	...	...	...												
Legacy	...	...	...	...	...	...	...	...												
Possession of Tenements	...	...	...	...	...	...	...	...												
Replevin	...	...	...	...	...	...	...	...												
Consent Jurisdiction	12	9	3	2	1	14	12	2												
Causes of Action not specified above	...	...	...	...	...	...	...	...												
TOTALS	85	45	38	28	10	156	17	11						5	26½	2	36	1	1	1

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ALFRED A. TURNER,  
Registrar, District Court.





A RETURN of the Number of Suits commenced in the District Court of Eden, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding—		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£ s. d.		Of Appeals.	Of Judge- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Days.	Hours.	By Jury.		Trial. Without Jury.	Settled by Arbitration.	Of New Trials granted.
						Of New Trials granted.	Of New Trials granted.													
Goods sold .....	9	1	8	6	2	29	5	9												
Promissory Notes .....	2	1	1	1	0	0	10	0												
Rent .....																				
Board and Lodging .....																				
Trespass on Land .....																				
Trespass on Person .....																				
Illegal Distraint .....																				
Trover .....																				
Breach of Contract .....	4	2	2	1	2	18	18	6												
Wages, Work, and Labour .....	1		1	1	0	0	0	0												
Libel, Slander, or Defamation .....																				
Commission on Agency .....																				
Sales of Live Stock .....																				
Money lent .....	1		1	1	5	15	6													
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....	8		8	6	2	36	3	0												
Causes of Action not specified above																				
Totals .....	25	4	21	15	6	90	18	9												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

C. D. HAYS,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of LIVERPOOL, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CASES, UNDER DISTINCT HEADS, viz.:-	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Cost of the Suits.		The Number.			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number.		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Without Jury.		Settled by Arbitration.	Of New Trials granted.	
																					Of Appeals.
Goods sold .....	17	9	8	8	...																
Promissory Notes .....	3	1	2	2	...																
Rent .....	1	1	...	...	...																
Board and Lodging .....	...	...	...	...	...																
Trespass on Land .....	...	...	...	...	...																
Trespass on Person .....	...	...	...	...	...																
Illegal Distraint .....	...	...	...	...	...																
Trover .....	...	...	...	...	...																
Breach of Contract .....	3	2	1	1	1								1867.								
Wages, Work, and Labour .....	...	...	...	...	...								Court House, Liverpool	21 May	...	...	...				
Libel, Slander, or Defamation .....	...	...	...	...	...								Do.	18 Sept.	...	12 mi- nutes	...				
Commission on Agency .....	1	1	2	2	...	8	8	0	Nil.	Nil.	Nil.		Liverpool	5 Feb.	...	...	13				
Sales of Live Stock .....	2	...	...	...	...				Nil.	Nil.	Nil.				...	...					
Money lent .....	...	...	...	...	...																
Partnership .....	...	...	...	...	...																
Interpleader .....	...	...	...	...	...																
Intestacy .....	...	...	...	...	...																
Legacy .....	...	...	...	...	...																
Possession of Tenements .....	...	...	...	...	...																
Replevin .....	...	...	...	...	...																
Consent Jurisdiction .....	...	...	...	...	...																
Causes of Action not specified above	2	2	...	...	...																
Amount of Expenses .....	29	16	13	12	1																

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEO. WHITE,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CAMPBELLTOWN, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.	
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.		Of Appeals.	Of Judge- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Duration.		Tried By Jury.	Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.
													Days.	Hours.					
Goods sold .....	18	7	11	11	1	..	1	..	..	..	..	..	..	11	..	..	..	..	Not sufficient grounds to grant a New Trial.
Promissory Notes .....	6	1	4	3	..	..	..	..	..	..	..	..	..	4	..	..	..	..	
Rent .....	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Trover .....	1	1	1	1	1	..	..	..	..	..	..	..	..	1	..	..	..	..	
Breach of Contract .....	13	6	7	5	2	..	..	..	..	..	..	..	..	7	..	..	..	..	
Wages, Work, and Labour .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Commission on Agency .....	4	2	2	2	..	..	..	..	..	..	..	..	..	2	..	..	..	..	
Sales of Live Stock .....	4	1	3	2	1	..	..	..	..	..	..	..	..	3	..	..	..	..	
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Causes of Action not specified above .....	2	1	1	1	1	..	..	..	..	..	..	..	..	1	..	..	..	..	
Agistment .....	2	2	1	1	1	..	..	..	..	..	..	..	..	1	..	..	..	..	
Money received .....	1	..	1	..	1	..	..	..	..	..	..	..	..	1	..	..	..	..	
Value of a Prize .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
<b>TOTAL</b>	<b>53</b>	<b>20</b>	<b>31</b>	<b>24</b>	<b>7</b>	<b>£</b>	<b>s. d.</b>	<b>17</b>	<b>18</b>	<b>6</b>	<b>Nil.</b>	<b>Nil.</b>	<b>Nil.</b>	<b>31</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>1</b>

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 GEORGE WHITE,  
 Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of CAMDEN, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases		The Number		The Grounds on which such New Trials were granted.							
	Com-menced	Settled without hearing.	Tried.	Plaintiff	Defen-dant.	£	s.	d.	Of Appeals.	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Tried Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.		
																							Of New Trials granted.	
Goods sold .....	52	21	31	31	...	22	4	6																
Promissory Notes .....	22	9	13	13	...	13	12	9																
Rent .....	4	3	1	1	...	5	3	9																
Board and Lodging .....	...	...	...	...	...	...	...	...																
Trespass on Land .....	...	...	...	...	...	...	...	...																
Trespass on Person .....	...	...	...	...	...	...	...	...																
Illegal Distraint .....	1	1	...	...	...	0	4	6																
Trover .....	...	...	...	...	...	...	...	...																
Breach of Contract .....	29	20	8	7	2	15	16	6						1867.	1									
Wages, Work, and Labour .....	...	...	1	arbitrated	...	...	...	...						27 May ...	1									
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...						23 Sept. ...	1									
Commission on Agency .....	1	1	...	...	...	0	12	6						1868.	...									
Sales of Live Stock .....	2	2	...	...	...	0	19	0						10 Feb. ...	1									
Money lent .....	...	...	...	...	...	...	...	...																
Partnership .....	...	...	...	...	...	...	...	...																
Interpleader .....	...	...	...	...	...	...	...	...																
Intestacy .....	...	...	...	...	...	...	...	...																
Legacy .....	...	...	...	...	...	...	...	...																
Possession of Tenements .....	...	...	...	...	...	...	...	...																
Replevin .....	...	...	...	...	...	...	...	...																
Consent Jurisdiction .....	11	6	5	4	1	3	16	0																
Causes of Action not specified above	122	63	59	56	3	62	9	0																

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. MARTIN,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Picton, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number				The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.	
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Without Jury.	Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.
Goods sold .....	39	23	16	14	2	27	1	2									16				
Promissory Notes .....	11	6	5	4	1	5	5	9									5				
Rent .....	6	4	2		2	2	2	0									2				
Board and Lodging .....																					
Trespass on Land .....																					
Trespass on Person .....																					
Illegal Distraint .....																					
Trover .....																					
Breach of Contract .....																					
Wages, Work, and Labour .....	6	2	4	3	1	3	18	0					1867.								
Libel, Slander, or Defamation .....													28 May	1			4				
Commission on Agency .....													24 Sept.	1							
Sales of Live Stock .....	2	1	1	1		1	2	3					1868.				1				
Money lent .....	1		1	1		1	2	8					11 Feb.	1			1				
Partnership .....																					
Interpleader .....																					
Intestacy .....																					
Legacy .....																					
Possession of Tenements .....																					
Replevin .....																					
Consent Jurisdiction .....		3	3	2	1	5	3	2													
Causes of Action not specified above	6																				
	71	39	32	25	7	45	15	0									32				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. MARTIN,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of BERRIMA, during the Twelve-Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CASES, UNDER DISTRICT HEADS, VIZ.:-	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases		The Number		The Grounds on which such New Trials were granted.					
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Tried, Without Jury.	Settled by Arbitration.	Of New Trials granted.	Of New Trials granted.
Goods sold .....	7	3	4	4	...	3	5	3	...	...	...	...	...	...	...	...	...	4	...	...	...	...
Promissory Notes .....	4	2	1	2	...	3	5	9	...	...	...	...	...	...	...	...	...	2	...	...	...	...
Rent .....	1	...	1	1	...	0	8	9	...	...	...	...	...	...	...	...	...	1	...	...	...	...
Board and Lodging .....	...	...	1	...	1	3	18	8	...	...	...	...	...	...	...	...	...	1	...	...	...	...
Trespass on Land .....	1	...	1	1	...	3	18	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour .....	15	5	8	5	3	14	15	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	2	1	1	...	1	1	10	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent .....	1	...	1	...	1	0	14	9	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	6	4	2	...	2	3	13	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 GEO. HY. ROWLEY,  
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GOULBURN, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, viz.,	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tri- ed.	Plaintiff.		Defen- dant.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Places.	Date.	Duration.		Tri- ed.			Of Motions for New Trials.	Of New Trials granted.	
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	71	31	33	29	4				7	Goulburn	1867. 6 June... 2 Oct... 1868. 19 Feb... 20 "...	1	2	2	1	1	1			
Promissory Notes .....	14	6	8	8																
Rent .....	2	1	1	1																
Board and Lodging .....	6	3	3	2																
Trespass on Land .....	1	1	1	1																
Trespass on Person .....	1	1	1	1																
Illegal Distraint .....	3	1	2	1					1											
Trover .....	4	1	2	2																
Breach of Contract .....	20	10	9	9																
Wages, Work, and Labour .....	2	2																		
Libel, Slander, or Defamation .....																				
Commission on Agency .....																				
Sales of Live Stock .....	6	2	4	3	1															
Money lent .....																				
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....	2	2																		
Replevin .....																				
Consent Jurisdiction .....	4	3	1	1																
Causes of Action not specified above	137	62	65	57	9				8			4	12	66	1					

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

TEMPLE NATHAN,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of QUEANBEYAN, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:-	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Days.	Hours.	By Jury.		Tried. Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	60	38	22	23	1	101	8	7														
Promissory Notes .....	39	16	22	22	1	116	10	8														
Rent .....	2	2	...	...	...	13	15	0														
Board and Lodging .....	1	1	...	...	...	3	0	0														
Trespass on Land .....	2	2	2	2	2	16	8	8														
Illegal Distraint .....	2	2	2	2	1	5	10	6														
Trover .....	5	3	2	2	1	18	3	10														
Breach of Contract .....	27	15	11	11	1	66	15	7														
Wages, Work, and Labour .....	2	2	...	...	...	17	2	0														
Libel, Slander, or Defamation .....	2	2	...	...	...	7	10	0														
Commission on Agency .....	2	1	1	2	1	2	16	6														
Sales of Live Stock .....	5	3	2	2	...	...	...	...														
Money lent .....	...	...	...	...	...	...	...	...														
Partnership .....	...	...	...	...	...	...	...	...														
Interpleader .....	...	...	...	...	...	...	...	...														
Intestacy .....	...	...	...	...	...	...	...	...														
Legacy .....	...	...	...	...	...	...	...	...														
Possession of Tenements .....	1	...	1	1	...	9	14	10														
Replevin .....	...	...	...	...	...	...	...	...														
Consent Jurisdiction .....	1	...	1	1	...	3	11	2														
Causes of Action not specified above	149	81	67	64	4	382	7	4														

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

O. WILLIAMS,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of COOMA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.		
	Com- menced	Settled without hearing.	Tried.	Plaintiff		Defen- dant.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Tried.	Settled by Arbitration.
						£ s. d.												
Goods sold .....	39	19	16	11	5		16								16			
Promissory Notes .....	30	12	13	11	2		13								13			
Rent .....																		
Board and Lodging .....																		
Trespass on Land .....	1		1	1			1								1			
Trespass on Person .....																		
Illegal Distraint .....	1		1		1		1											
Trover .....																		
Breach of Contract .....																		
Wages, Work, and Labour .....	11	4	6	3	3		6					1	5		6			
Libel, Slander, or Defamation .....																		
Commission on Agency .....																		
Sales of Live Stock .....																		
Money lent .....	1	1																
Partnership .....																		
Interpleader .....																		
Intestacy .....																		
Legacy .....																		
Possession of Tenements .....																		
Replevin .....																		
Consent Jurisdiction .....																		
Causes of Action not specified above	4	1	3	3			3								2			
	87	37	40	29	11		40							2	38			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

A. NORDBLAD,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BOMBALA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dent.	£	s.	d.	Of Appeals.	Of Judge- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Tried. Without Jury.	Settled by Arbit- ration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	8	4	4	3	1	7	16	0							2			4				
Promissory Notes .....	2	2	2	2		5	10	0							"			2				
Rent .....																						
Board and Lodging .....																						
Trespass on Land .....																						
Trespass on Person .....																						
Illegal Distraint .....																						
Trover .....																						
Breach of Contract .....	1	1	1	1	1	4	0	0							2			1				
Wages, Work, and Labour .....	2	2	2			7	17	3							"							
Libel, Slander, or Defamation .....																						
Commission on Agency .....																						
Sales of Live Stock .....																						
Money lent .....																						
Partnership .....																						
Interpleader .....																						
Intestacy .....																						
Legacy .....																						
Possession of Tenements .....																						
Replevin .....																						
Consent Jurisdiction .....																						
Causes of Action not specified above																						
	13	6	7	5	2	25	3	3										1				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 W. H. THOMAS,  
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BRAIDWOOD, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:-	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number				The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Without Jury.	Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	36	13	23	22	1	62	6	6										23				
Promissory Notes .....	19	8	11	11	...	18	6	2										11				
Rent .....	1	1	1	1	...	0	8	0										1				
Board and Lodging .....	3	1	2	2	...	10	1	2										2				
Trespass on Land .....	2	2	...	...	...	1	0	6										...				
Trespass on Person .....	1	1	...	...	...	1	0	6										...				
Illegal Distraint .....	...	...	...	...	...	1	0	6										...				
Trover .....	6	2	4	2	2	11	17	0										4				
Breach of Contract .....	4	2	2	2	...	4	15	0										2				
Wages, Work, and Labour .....	8	3	5	4	1	9	12	6										5				
Libel, Slander, or Defamation .....	1	1	...	...	...	4	0	0										...				
Commission on Agency .....	...	...	...	...	...	...	...	...										...				
Sales of Live Stock .....	...	...	...	...	...	...	...	...										...				
Money lent .....	2	2	...	...	...	0	16	0										...				
Partnership .....	...	...	...	...	...	...	...	...										...				
Interpleader .....	...	...	...	...	...	...	...	...										...				
Intestacy .....	...	...	...	...	...	...	...	...										...				
Legacy .....	...	...	...	...	...	...	...	...										...				
Possession of Tenements .....	...	...	...	...	...	...	...	...										...				
Replevin .....	...	...	...	...	...	...	...	...										...				
Consent Jurisdiction .....	...	...	...	...	...	...	...	...										...				
Causes of Action not specified above .....	4	2	2	2	...	5	3	7										...				
Money had and received .....	87	37	50	46	4	129	6	11										50				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

RALPH CLEMENGER,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of MORUYA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:-	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Days.	Hours.	By Jury.		Tried. Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold	7	4	3	2	1	8	11	7														
Promissory Notes	2	2	2	2	...	0	16	0														
Rent	...	...	...	...	...	...	...	...														
Board and Lodging	...	...	...	...	...	...	...	...														
Trespass on Land	...	...	...	...	...	...	...	...														
Trespass on Person	...	...	...	...	...	...	...	...														
Illegal Distraint	...	...	...	...	...	...	...	...														
Trover	...	...	...	...	...	...	...	...														
Breach of Contract	1	1	1	1	...	7	14	0														
Wages, Work, and Labour	1	1	...	...	...	0	15	0														
Libel, Slander, or Defamation	...	...	...	...	...	...	...	...														
Commission on Agency	...	...	...	...	...	...	...	...														
Sales of Live Stock	...	...	...	...	...	...	...	...														
Money lent	...	...	...	...	...	...	...	...														
Partnership	...	...	...	...	...	...	...	...														
Interspreader	...	...	...	...	...	...	...	...														
Intestacy	...	...	...	...	...	...	...	...														
Legacy	...	...	...	...	...	...	...	...														
Possession of Tenements	...	...	...	...	...	...	...	...														
Replevin	...	...	...	...	...	...	...	...														
Consent Jurisdiction	1	...	...	...	...	...	...	...														
Causes of Action not specified above	12	5	7	6	1	24	3	7														

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

W. STEWART CASWELL,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Yass, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CASES, UNDER DISTINCT HEADS, VIZ. :-	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number				The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.		Defen- dant.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases set in Arrest.	Place.	Date.	Days.	Hours.	By Jury.	Triod. Without Jury.	Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	16	4	12	12	1															
Promissory Notes .....	16	6	10	9	1										12					
Rent .....	2	1	1	1	1										10					
Board and Lodging .....	1	1	1	1	1										2					
Trespass on Land .....	9	5	4	3	1										3					
Trespass on Person .....	1	1	1	1	1										1					
Illegal Distraint .....	1	1	1	1	1										1					
Trover .....	6	4	2	2	2										1					
Breach of Contract .....	3	1	1	1	1										2					
Wages, Work, and Labour .....															1					
Libel, Slander, or Defamation .....															2					
Commission on Agency .....															1					
Sales of Live Stock .....																				
Money lent .....																				
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....	6	3	3	3	3										3					
Causes of Action not specified above																				
	60	23	*95	82	3							6	41½	1	34	2	1	1	1	

\* Two referred to Arbitration.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 CHAS. J. POOLE,  
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BURROWA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	32	22	10	7	8	19	0	6									10				
Promissory Notes .....	13	6	7	4	3	10	3	3									7				
Rent .....	1	1	1	1	1	0	11	6									1				
Board and Lodging .....	1	1	1	1	1	0	18	3									1				
Trespass on Land .....	1	1	1	1	1	0	11	0									1				
Trespass on Person .....	1	1	1	1	1	0	11	0									1				
Illegal Distraint .....	1	1	1	1	1	0	11	0									1				
Trover .....	4	1	3	2	1	2	5	6									8				
Breach of Contract .....	6	6	6	2	1	2	12	0									2				
Wages, Work, and Labour .....	2	2	2	1	1	3	5	6									2				
Libel, Slander, or Defamation .....	2	2	2	2	2	1	0	6									2				
Commission on Agency .....	2	2	2	2	2	1	0	6									2				
Sales of Live Stock .....	2	2	2	2	2	1	0	6									2				
Money lent .....	2	2	2	2	2	1	0	6									2				
Partnership .....	2	2	2	2	2	1	0	6									2				
Interpleader .....	2	2	2	2	2	1	0	6									2				
Intestacy .....	2	2	2	2	2	1	0	6									2				
Legacy .....	2	2	2	2	2	1	0	6									2				
Possession of Tenements .....	2	2	2	2	2	1	0	6									2				
Replevin .....	2	2	2	2	2	1	0	6									2				
Consent Jurisdiction .....	3	1	2	2	2	1	14	6									2				
Causes of Action not specified above	65	37	28	19	9	42	2	6									28				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 WILLIAM D. CAMPBELL,  
 Deputy Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Young, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, viz. :—	The Number of Suits commenced in this Court during the Twelve Months preceding—		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.				
	Com- menced	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Without Jury.	Settled by Arbit- ration.	Of New Trials granted.
Goods sold .....	17	5	12	12	...	19	15	2										12			
Promissory Notes .....	8	7	1	1	...	9	1	10										1			
Rent .....	1	...	1	1	...	0	7	6										1			
Board and Lodging .....	1	...	1	1	...	0	7	0										1			
Trespass on Land .....	5	...	5	5	...	23	14	0										5			
Trespass on Person .....	...	...	...	...	...	...	...	...										...			
Illegal Distraint .....	...	...	...	...	...	...	...	...										...			
Trover .....	4	...	4	...	4	16	13	4										4			
Breach of Contract .....	3	...	3	...	...	0	10	6										3			
Wages Work, and Labour .....	3	...	2	2	...	19	19	0										2			
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...										...			
Commission on Agency .....	1	...	1	...	...	2	2	0										1			
Sales of Live Stock .....	...	...	...	...	...	...	...	...										...			
Money lent .....	...	...	...	...	...	...	...	...										...			
Partnership .....	...	...	...	...	...	...	...	...										...			
Intestacy .....	...	...	...	...	...	...	...	...										...			
Legacy .....	...	...	...	...	...	...	...	...										...			
Possession of Tenements .....	...	...	...	...	...	...	...	...										...			
Replevin .....	...	...	...	...	...	...	...	...										...			
Consent Jurisdiction .....	1	...	1	...	...	0	10	6										1			
Causes of Action not specified above	...	...	...	...	...	...	...	...										...			
Totals .....	43	12	31	25	6	93	0	8										31			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. R. EDWARDS,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of GUNDAGAI, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :-	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com. without hearing.	Settled without hearing.	Tried.	Plaintiff.	Defendant.	£ s. d.	Of Appeals.	Of Judgments or orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	14	10	4	4	...	26 0 0	...	...	...	...	1867.	4 June...	6	4	...	...	...	...	...	
Promissory Notes .....	8	6	2	2	...	3 8 0	...	...	...	...	1867.	6 Nov...	1	4	...	14	...	...	...	
Rent .....	2	1	1	1	...	7 4 0	...	...	...	...	1868.	18 Feb...	...	8	...	...	...	...	...	
Board and Lodging .....	1	...	1	1	...	14 6 0	...	...	...	...	Court House at Gundagai	...	...	...	...	...	...	...	...	
Trespass on Land .....	1	1	1	1	...	7 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	1	1	1	1	...	6 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	2	1	1	1	...	22 6 0	...	...	...	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	2 5 6	...	...	...	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour .....	9	5	4	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	39	25	14	14	...	68 3 0	1	1	...	...	...	...	1	18	...	14	...	...	...	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

A. C. S. ROSE,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of TUNMUT, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number Of New Motions, Trials for New granted, Trials.	The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff		Defen- dant.	Of Appals affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.			By Jury.	Triad. Without jury.
Goods sold .....	49	34	15	15	5								15				
Promissory Notes .....	10	6	4	2	6								4				
Rent .....	2	2	2	2	0								2				
Board and Lodging .....	3	3	3	1	0								2				
Trespass on Land .....	3	3		2	0								2				
Trespass on Person .....																	
Illegal Distraint .....																	
Trover .....	4	2	2	2	0								2				
Breach of Contract .....	6	1	5	5	0								5				
Wages, Work, and Labour .....																	
Libel, Slander, or Defamation .....																	
Commission on Agency .....	1	1															
Sales of Live Stock .....	1	1															
Money lent .....																	
Partnership .....																	
Interpleader .....																	
Intestacy .....																	
Legacy .....																	
Possession of Tenements .....																	
Replevin .....																	
Consent Jurisdiction .....																	
Causes of Action not specified above	79	48	31	27	11								2	16	1	30	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JOHN F. BLAKE,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of WAGGA WAGGA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, viz. —	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.		Settled by Arbitra- tion.	Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	17	9	6	6	..	18	2	0	..	..	..	..	..	..	..	..	..	6	..	..	1	1
Promissory Notes .....	10	4	6	6	..	21	7	4	..	..	..	..	..	..	..	..	..	6	..	..	..	..
Rent .....	2	1	1	1	..	0	10	6	..	..	..	..	..	..	..	..	..	1	..	..	..	..
Board and Lodging .....	1	1	..	..	..	0	8	0	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	4	2	..	2	..	33	19	2	..	..	..	..	..	..	..	..	..	1	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	2	1	1	1	..	22	2	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	1	1	1	1	..	6	14	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour .....	10	2	8	7	1	53	4	0	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	2	..	2	2	..	33	0	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	1	1	1	1	3	33	8	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	20	12	7	4	3	85	4	2	..	..	..	1	..	..	..	..	..	..	..	..	..	..
<b>Total</b>	<b>70</b>	<b>32</b>	<b>35</b>	<b>31</b>	<b>4</b>	<b>308</b>	<b>1</b>	<b>2</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>3</b>	<b>..</b>	<b>..</b>	<b>5</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>..</b>	<b>..</b>	<b>1</b>	<b>1</b>

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

EDWIN H. TOMPSON,  
Registrar, District Court.



DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of DENVER, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CASES, UNDER SEVERAL HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding—		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£ s. d.	Of Appeals affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.	Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	25	8	17	17	10	77 8 1									17				
Promissory Notes .....	10	10	10	10	2	30 14 2									10				
Rent .....	1	1	1	1											1				
Board and Lodging .....	1	1																	
Trespass on Land .....																			
Trespass on Person .....																			
Illegal Distraint .....																			
Trover .....	8	2	6	3	3	72 12 8								1	5				
Breach of Contract .....	2	2	2	2		10 8 8								1	1				
Wages, Work, and Labour .....	5	2	3	3		49 6 6								1	2				
Libel, Slander, or Defamation .....																			
Commission on Agency .....																			
Sales of Live Stock .....																			
Money lent .....	7	3	4	4		24 15 8									4				
Partnership .....																			
Interpleader .....																			
Intestacy .....																			
Legacy .....																			
Possession of Tenements .....																			
Replevin .....																			
Consent Jurisdiction .....																			
Causes of Action not specified above .....	59	16	43	40	3									3	40				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 J. A. BROUGHTON,  
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of HAY, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.	
	Com- menced, without hearing.	Settled without hearing.	Plaintiff	Defen- dant.	£	s.	d.	Of Appea- rals or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	Tried By Jury.	Without Jury.		Settled by Arbitration.
Goods sold .....	12	6	6	6	46	14	10								6			
Promissory Notes .....	...	...	...	...	...	...	...								...	...		
Rent .....	3	3	1	1	12	1	4								2			
Board and Lodging .....	...	...	...	...	...	...	...								...	...		
Trespass on Land .....	...	...	...	...	...	...	...								...	...		
Trespass on Person .....	...	...	...	...	...	...	...								...	...		
Illegal Distraint .....	1	...	...	...	0	7	6								1			
Trover .....	2	1	1	1	28	12	2								4			
Breach of Contract .....	9	3	4	3	13	19	6								...	...		
Wages, Work, and Labour .....	...	...	...	...	...	...	...								...	...		
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...								...	...		
Commission on Agency .....	...	...	...	...	...	...	...								...	...		
Sales of Live Stock .....	1	1	1	1	9	1	8								1			
Money lent .....	...	...	...	...	...	...	...								...	...		
Partnership .....	...	...	...	...	...	...	...								...	...		
Intestacy .....	...	...	...	...	...	...	...								...	...		
Interpleader .....	...	...	...	...	...	...	...								...	...		
Legacy .....	...	...	...	...	...	...	...								...	...		
Possession of Tenements .....	...	...	...	...	...	...	...								...	...		
Replevin .....	...	...	...	...	...	...	...								...	...		
Consent Jurisdiction .....	4	...	3	1	38	16	4								4			
Causes of Action not specified above	32	14	18	15	149	13	4								18			

MEMO.—The discrepancies which appear in this return are thus accounted for:—Nine suits which had been commenced prior to the 1st March, 1867, have been either settled or tried within the period, and nine suits commenced within the said period, prior to the 1st March, 1868, were not to be heard until after its expiration, viz., on the 27th March, 1868.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 JAMES FORSYTH,  
 Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of HARTLEY, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:-	The Number of Suits commenced in this Court during the Twelve Months preceding			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.		Settled by Arbit- ration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold	88	45	43	40	3	35	4	0										43				
Promissory Notes	9	3	6	6	...	8	0	0										6				
Reat	3	3	...	...	...	0	14	6										...				
Board and Lodging	6	...	5	4	1	1	10	9										...				
Trespass on Land	1	...	1	1	1	1	4	9										1				
Trespass on Person	1	...	1	1	...	0	6	0										1				
Illegal Distraint	1	...	1	1	...	0	16	9										1				
Trover	2	1	1	1	...	0	16	9										1				
Breach of Contract	...	...	...	...	...	10	3	0										...				
Wages, Work, and Labour	23	4	19	17	2	10	3	0										...				
Libel, Slander, or Defamation	...	...	...	...	...	1	2	9										...				
Commission on Agency	3	3	...	...	...	0	4	0										...				
Sales of Live Stock	...	...	...	...	...	0	4	0										...				
Money lent	...	...	...	...	...	0	4	0										...				
Partnership	1	...	1	1	...	0	4	0										...				
Interpleader	...	...	...	...	...	0	4	0										...				
Intestacy	...	...	...	...	...	0	4	0										...				
Legacy	...	...	...	...	...	0	4	0										...				
Possession of Tenements	...	...	...	...	...	0	4	0										...				
Replevin	...	...	...	...	...	0	4	0										...				
Consent Jurisdiction	1	...	1	1	...	0	4	0										...				
Causes of Action not specified above	137	59	78	71	7	59	13	3										1				
																						77

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

THOMAS BROWN,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of Bathurst, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER BUSINESS HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.						
	Courts commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.	£	s.	d.	Of Appeals affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Tried Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.		
Goods sold .....	242																						
Promissory Notes .....	114																						
Rent .....	27																						
Board and Lodging .....	2																						
Trespass on Land .....	3																						
Trespass on Person .....	...																						
Illegal Distraint .....	...																						
Trover .....	5																						
Breach of Contract .....	6																						
Wages, Work, and Labour .....	28																						
Libel, Slander, or Defamation .....	...																						
Commission on Agency .....	...																						
Sales of Live Stock .....	4																						
Money lent .....	15																						
Partnership .....	...																						
Interspreader .....	6																						
Intestacy .....	...																						
Legacy .....	...																						
Possession of Tenements .....	1																						
Replevin .....	...																						
Consent Jurisdiction .....	...																						
Causes of Action not specified above	47																						
	500																						

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. C. GORE,  
Registrar, District Court.

{ Absence of defendant's witnesses (in both cases). }

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of SOFALA, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. —	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com-menced.	Settled without hearing.	Tried.	Plaintiff.	Defen-dant.		Of Appeals.	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By July.	Without Jury.	Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
Goods sold .....	14	8	5	3	2	£ s. d.														
Promissory Notes .....	5	5	5	5	...	18 9 6									5					
Rent .....						19 9 0									5					
Board and Lodging .....																				
Trespass on Land .....																				
Trespass on Person .....																				
Illegal Distraint .....																				
Trover .....																				
Breach of Contract .....	5	3	1	...	1	5 14 6														
Wages, Work, and Labour .....																				
Libel, Slander, or Defamation .....																				
Commission on Agency .....																				
Sales of Live Stock .....																				
Money lent .....	2		2	2	...	3 15 6														
Partnership .....																				
Intorpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....																				
Causes of Action not specified above	1	1	1	...	1	2 4 0									1					
Interest .....	2																			
Damages .....	20	12	14	10	4	44 12 6									14					

NOTE.—Cases adjourned to the 2nd May, 1868 ..... 3.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 HUGH BRIDSON,  
 Registrar, District Court.





DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of Molong, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrest.	Place.	Date.	Days.	Hours.	By Jury.	Tried Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.
Goods sold	6	6	6	1	2	7	6														
Promissory Notes	4	3	2	1	3	5	6														
Board and Lodging																					
Trespass on Land																					
Trespass on Person	1	1	1		1	13	0														
Illegal Distant																					
Troyer																					
Breach of Contract																					
Wages, Work, and Labour	1	1		1	0	16	0						1867.								
Libel, Slander, or Defamation					0	2	0						8 June...								
Commission on Agency													12 Oct. ...							1	
Sales of Live Stock													Molong ...								
Money lent																					
Partnership																					
Intestacy	2	2	1	1																	
Legacy																					
Possession of Tenements																					
Replevin																					
Consent Jurisdiction																					
Causes of Action not specified above	2	2	1	1	1	2	6														
Detinue																					
Agistment																					
	16	1	15	4	9	6	6										15			1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 WM. FINCH,  
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ORANGE, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.							
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Tried. Without Jury.	Settled by Arbit- ration.	Of Motions for New Trials.	Of New Trials granted.		
																							Of Appeals.	Of Judg- ments or Orders affirmed.
Goods sold .....	41	10	31	26	5																			
Promissory Notes .....	25	16	9	7	2																			
Rent .....	1																							
Board and Lodging .....	2		2	1	1																			
Trespass on Land .....	1		1		1																			
Trespass on Person .....																								
Illegal Distraint .....																								
Trover .....																								
Breach of Contract .....																								
Wages, Work, and Labour .....	9		9	3	6																			
Libel, Slander, or Defamation .....	2	1	1		1																			
Commission on Agency .....																								
Sales of Live Stock .....																								
Money lent .....	2	1	1	1																				
Partnership .....																								
Interspreader .....																								
Intestacy .....																								
Legacy .....																								
Possession of Tenements .....																								
Replevin .....																								
Consent Jurisdiction .....	1	1																						
Causes of Action not specified above																								
	84	39	54	38	16																			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

W. T. EVANS,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of WELLINGTON, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.—	The Number of Suits commenced during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits. £ s. d.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com- menced	Settled without hearing.	Tried	Plaintiff		Defen- dant.	Of Appals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.		Settled by Arbit- ration.	Of New Trials granted.
Goods sold .....	3	1	2	1	1										2				
Promissory Notes .....	3	1	2	2											2				
Rent .....																			
Board and Lodging .....																			
Trespass on Land .....																			
Trespass on Person .....	1		1	1											1				
Illegal Distraint .....																			
Trover .....	1	1	1		1										1				
Breach of Contract .....	1		1																
Wages, Work, and Labour .....																			
Libel, Slander, or Defamation .....																			
Commission on Agency .....	1		1		1										1				
Sales of Live Stock .....																			
Money lent .....	2		2	2											2				
Partnership .....																			
Interpleader .....	1		1	1											1				
Intestacy .....																			
Legacy .....																			
Possession of Tenements .....																			
Replevin .....																			
Consent Jurisdiction .....																			
Causes of Action not specified above .....	2	1	1		1										1				
Totals .....	15	4	11	7	4							4	7½		11			1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

FRED. MARSH,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Dubbo, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:	The Number of Suits commenced during the Twelve Months preceding.			The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.	
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Apprais affirmed.	Of Judg- ments or Orders reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Trial Without Jury.	Settled by Arbitration.		Of New Trials granted.
Goods sold .....	6	2	4	3	1	26	2	2									4			
Promissory Notes .....	9	4	5	5		20	4	4									5			
Rent .....																				
Board and Logging .....																				
Trespass on Land .....																				
Trespass on Person .....																				
Illegal Distraint .....																				
Trover .....																				
Breach of Contract .....	3	2	1	1		30	7	6									1			
Wages, Work, and Labour .....	7	3	4	3	1	30	2	6									4			
Libel, Slander, or Defamation .....																				
Commission on Agency .....																				
Sales of Live Stock .....																				
Money lent .....	3	2	1	1		10	7	6									1			
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....																				
Causes of Action not specified above .....																				
Totals .....	28	13	15	13	2	137	4	0									15			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

LUKE M'GUINN,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of Mudgee, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ. :-	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff		Defon- dant.	Of Appeals	Reversed.	Of Cases left in Arrear.	Place.	Date.	Duration.		By Jury.	Without Jury.		Settled by Arbitration.	Of Mediations for New Trials.	Of New Trials granted.
												Days.	Hours.						
Goods sold	30	15	15	15	9	£	75	11	9										
Promissory Notes	32	13	18	18	3	117	10	3						15					
Rent	3	3	3	3	6	30	7	6						19					
Board and Lodging	2	1	1	1	0	0	17	0						3					
Trespass on Land	2	1	1	1	4	10	11	4						1					
Trespass on Person	2	1	1	1	9	31	19	9						1					
Illegal Distraint	2	1	1	1	6	2	11	6						1					
Trover	1	1	1	1	8	4	3	8						1					
Breach of Contract	8	4	4	3	5	51	5	5						4					
Wages, Work, and Labour	1	1	1	1	6	1	1	6						1					
Libel, Slander or Defamation	1	1	1	1	6	1	1	6						1					
Commission on Agency	4	2	2	1	8	16	7	8						2					
Sales of Live Stock	4	2	2	1	8	16	7	8						2					
Money lent	4	2	2	1	8	16	7	8						2					
Partnership	4	2	2	1	8	16	7	8						2					
Interpleader	4	2	2	1	8	16	7	8						2					
Intestacy	4	2	2	1	8	16	7	8						2					
Legacy	4	2	2	1	8	16	7	8						2					
Possession of Tenements	2	1	1	1	4	14	8	4						1					
Replevin	4	1	1	1	2	12	3	2						3					
Consent Jurisdiction	4	1	1	1	2	12	3	2						3					
Causes of Action not specified above	7	4	3	1	2	12	3	2						3					
Issues from Supreme Court	7	4	3	1	2	12	3	2						3					
<b>TOTAL</b>	<b>100</b>	<b>45</b>	<b>55</b>	<b>45</b>	<b>10</b>	<b>368</b>	<b>18</b>	<b>10</b>					<b>4</b>	<b>51</b>					

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. A. PORTUS,  
Registrar, District Court.



A RETURN of the Number of Suits commenced in the District Court of Port Macquarie, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, viz. —	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases		The Number		The Grounds on which such New Trials were granted.							
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Without Jury.	Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.		
																							Of New Trials granted.	
Goods sold .....	11	..	11	11	..	27	4	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Promissory Notes .....	2	..	2	1	1	4	3	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rent .....	1	..	1	..	1	0	8	0	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	1	..	1	1	..	0	17	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour .....	1	..	1	1	..	4	6	0	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	1	..	1	..	1	3	4	10	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Rencements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	..	3	1	2	2	3	0	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	20	..	20	15	5	42	6	11	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. P. ORMISTON,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of West KENNESAW, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.							
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.		Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried. Without Jury.	Settled by Arbitration.		Of New Trials granted.						
																				£	s.	d.			
Goods sold	71	20	31	19	12	103	1	11	21	Court House, West Kenesaw.	1867. 25 Mar. 26 " " 3 Oct., 4 Oct.	1	1	7	1	1	1	1	1	1	1	1	1	1	1
Promissory Notes	17	9	4	4	...	17	10	2	4																
Rent	...	...	...	...	...	...	...	...	...																
Board and Lodging	...	...	...	...	...	...	...	...	...																
Trespass on Land	3	...	2	1	1	13	2	8	1																
Trespass on Person	2	...	2	1	1	24	0	7	2																
Illegal Distraint	...	...	...	...	...	...	...	...	...																
Trover	...	...	...	...	...	...	...	...	...																
Breach of Contract	...	...	...	...	...	...	...	...	...																
Wages, Work, and Labour	1	...	...	...	...	1	6	9	1																
Libel, Slander, or Defamation	1	...	...	...	...	1	1	9	1																
Commission on Agency	...	...	...	...	...	...	...	...	...																
Sales of Live Stock	1	1	...	...	...	10	8	6	1																
Money lent	1	...	...	...	...	0	8	0	1																
Partnership	1	...	...	...	...	...	...	...	...																
Interpleader	...	...	...	...	...	...	...	...	...																
Incestacy	...	...	...	...	...	...	...	...	...																
Jugency	...	...	...	...	...	...	...	...	...																
Possession of Tenements	...	...	...	...	...	...	...	...	...																
Replevin	...	...	...	...	...	...	...	...	...																
Consent Jurisdiction	...	...	2	1	1	21	17	2	2																
Causes of Action not specified above	4	...	...	...	...	...	...	...	2																
Totals	102	30	41	26	15	192	17	6	31	1	40	1	1	3	1	3	1								

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. CASEY,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of MUSWELLBROOK, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, viz.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.								
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.		By Jury.	Without Jury.	Settled by Arbi- tration.	Of Motions for New Trials.	Of New Trials granted.			
																							Of Trials granted.	Of Trials refused.	
Goods sold .....	9	4	5	1	4	3	12	0																	
Promissory Notes .....	7	5	2	2	2	2	0	6																	
Rent .....	2	1	1	1	1	0	18	0																	
Board and Lodging .....	1	1	1	1	1	1	4	0																	
Trespass on Land .....																									
Trespass on Person .....																									
Illegal Distraint .....																									
Trover .....																									
Breach of Contract .....	2	1	1	1	1	1	9	6																	
Wages, Work, and Labour .....	8	4	4	4	4	3	15	0																	
Libel, Slander, or Defamation .....																									
Commission on Agency .....																									
Sales of Live Stock .....																									
Money lent .....																									
Partnership .....																									
Interpleader .....																									
Intestacy .....																									
Legacy .....																									
Possession of Tenements .....																									
Replevin .....																									
Consent Jurisdiction .....	2	1	1	1	1	0	18	0																	
Causes of Action not specified above																									
<b>TOTAL</b>	<b>31</b>	<b>16</b>	<b>15</b>	<b>13</b>	<b>2</b>	<b>13</b>	<b>17</b>	<b>0</b>																	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. FOLEY,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of SCOVE, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits. £ s. d.	The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number Of New Trials granted.	The Grounds on which such New Trials were granted.	
	Com- menced.	Tried.	Plaintiff	Defen- dant.		Of Judg- ments or Orders affirmed.	Reversal.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.			Tried. Without Jury.
														Settled without hearing.		
Goods sold .....	2	2	..	2	1 10 0	..	..	..	..	..	..	..	..	..	..	..
Promissory Notes .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	1	..	..	..	1 10 0	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	1	1	1	1	0 10 6	..	..	..	..	..	..	..	..	..	..	..
Trover .....	1	1	1	1	3 7 6	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	1	1	1	1	0 9 9	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour .....	1	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Totals .....	7	6	3	3	7 15 9	..	..	..	..	..	..	..	..	..	..	..

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

F. R. WILSHIRE,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of Murrumbidgee, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIC. :-	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.		The Number		The Grounds on which such New Trials were granted.				
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appeals affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	Tried. By Jury.	Without Jury.		Settled by Arbitration.	Of Motions for New Trials.	Of New Trials granted.	
																						Of Appeals affirmed.
Goods sold .....	39	19	20	19	1	43	0	8														
Promissory Notes .....	2	2				0	19	6														
Rent .....																						
Board and Lodging .....																						
Trespass on Land .....																						
Trespass on Person .....																						
Illegal Distraint .....																						
Trover .....																						
Breach of Contract .....																						
Wages, Work, and Labour .....	2	1	1		1	8	16	0														
Libel, Slander, or Defamation .....	2	2				1	1	0														
Commission on Agency .....																						
Sales of Live Stock .....																						
Money lent .....																						
Partnership .....																						
Interpleader .....																						
Intestacy .....																						
Legacy .....																						
Possession of Tenements .....																						
Replevin .....																						
Consent Jurisdiction .....	1		1		1	0	6	6														
Causes of Action not specified above	46	24	22	19	3	54	3	8														

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. G. BRODIE,  
Registrar, District Court.



DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of ARMDALE, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTRICT HEADS, VIZ.—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in Favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number				The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Trials.	Plaintiff.		Defen- dant.	Of Appals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Trials Without Jury.	Settled by Arbitration.		Of New Motions, Trials for New Trials.	
																				By Jury.
Goods sold .....	34	11	20	19	1	£	s.	d.												
Promissory Notes .....	23	7	16	16		65	4	0												
Rent .....						46	16	4												
Board and Lodging .....																				
Trespass on Land .....	1		1	1		0	8	0												
Trespass on Person .....																				
Illegal Distraint .....																				
Trover .....																				
Breach of Contract .....																				
Wages, Work, and Labour .....	8	2	5	4	1	12	14	8												
Libel, Slander, or Defamation .....																				
Commission on Agency .....																				
Salts of Live Stock .....																				
Money lent .....	5	1	4	4		9	4	2												
Partnership .....																				
Interpleader .....																				
Intestacy .....																				
Legacy .....																				
Possession of Tenements .....																				
Replevin .....																				
Consent Jurisdiction .....																				
Causes of Action not specified above	3	1	2	2		28	13	6												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
 SYDNEY BLYTHE,  
 Deputy Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of GLEN INNES, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :—	The Number of Suits commenced in this Court during the Twelve Months preceding.		The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.		The Number of Appeals.			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.			
	Com- menced.	Settled without hearing.	Tried.	Plaintiff	Defen- dant.	£	s.	d.	Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.		Tried Without Jury.	Settled by Arbitration.	Of New Trials granted.
Goods sold .....	25	5	18	11	7	73	8	10	..	..	..	1					31	1			
Promissory Notes .....	7	4	3	3	..	9	16	8	..	..	..	..					..	..	..	..	
Rent .....	2	1	1	1	..	0	11	0	..	..	..	..					..	..	..	..	
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Breach of Contract .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Wages, Work, and Labour .....	6	1	5	4	1	10	13	4	..	..	..	..					..	..	..	..	
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Interpleader .....	1	..	1	..	..	10	12	10	..	..	..	..					..	..	..	..	
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..					..	..	..	..	
Consent Jurisdiction .....	1	..	1	..	1	14	0	0	..	..	..	..					..	..	..	..	
Causes of Action not specified above	42	11	29	19	10	119	2	8	..	..	..	..					31	1	..	..	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

A. OCTAVE WYATT,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1853.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of TENTERFIELD, during the Twelve Months preceding the 1st day of March, 1868, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:	The Number of Suits commenced in this Court during the Twelve Months preceding.			The Result of the Trials, whether in favour of Plaintiff or Defendant.		The Costs of the Suits.	The Number of the Suits.			The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours.			Number of Cases.			The Number		The Grounds on which such New Trials were granted.		
	Com- menced.	Settled without hearing.	Tried.	Plaintiff.	Defen- dant.		Of Appeals.	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Days.	Hours.	By Jury.	Tried.	Settled by Arbitration.		Of Motions or New Trials granted.	Of New Trials granted.
Goods sold .....	65	26	38	37	1	£	59	14	8											
Promissory Notes .....	17	5	12	12	...	27	14	0												
Rent .....	1	1	1	1	...	1	1	0												
Board and Lodging .....	5	4	1	...	...	1	6	0												
Trespass on Land .....	...	...	...	...	...	...	...	...												
Trespass on Person .....	...	...	...	...	...	...	...	...												
Illegal Distraint .....	...	...	...	...	...	...	...	...												
Trover .....	...	...	...	...	...	...	...	...												
Breach of Contract .....	2	2	2	1	1	0	11	9												
Wages, Work, and Labour .....	13	8	5	4	1	2	12	0												
Libel, Slander, or Defamation .....	...	...	...	...	...	...	...	...												
Commission on Agency .....	1	1	...	...	...	0	3	0												
Sales of Live Stock .....	6	...	6	4	2	9	15	10												
Money lent .....	...	...	...	...	...	...	...	...												
Partnership .....	...	...	...	...	...	...	...	...												
Interpleader .....	...	...	...	...	...	...	...	...												
Intestacy .....	...	...	...	...	...	...	...	...												
Legacy .....	...	...	...	...	...	...	...	...												
Possession of Tenements .....	...	...	...	...	...	...	...	...												
Replevin .....	...	...	...	...	...	...	...	...												
Consent Jurisdiction .....	...	...	...	...	...	...	...	...												
Causes of Action not specified above	1	1	...	...	...	0	7	6												
Law Costs .....	111	45	65	59	6	103	5	9												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.  
LEOPOLD YATES, Registrar, District Court.





1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISTRICT COURT AT WARIALDA.

(PETITION—CERTAIN INHABITANTS OF THE GWYDIR, RESPECTING ESTABLISHMENT OF.)

Ordered by the Legislative Assembly to be Printed, 3 February, 1869.

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

The humble Memorial of the undersigned Inhabitants of the Gwydir District,—  
RESPECTFULLY SHEWETH:—

That your Memorialists, resident in the townships of Warialda, Bingera, Moree, and the surrounding Districts, extending as far as the Northern Boundary of the Colony, and embracing a very extensive and populous area, suffer great inconvenience from the want of a District Court at Warialda.

The nearest District Court to which your Memorialists can at present resort, is either at Tamworth or Armidale; each at a distance of considerably more than one hundred miles from the larger number, and as much as two hundred and forty miles from others.

That, from the great expense and delay which prosecutors and witnesses have to submit to in travelling so great a distance, prosecutions are often abandoned, and the ends of justice defeated.

Your Memorialists believe that the establishment of a District Court at Warialda would, in a great measure, remedy the evil complained of.

That Warialda has been a place for holding a Court of Petty Sessions for the last twenty years, and that it is at present the head quarters of the Crown Lands Department of the District, the Police, and also Sheep Inspectors' Departments.

Your Petitioners trust that, under these circumstances, your Honorable House will accede to their prayer; and your Petitioners will ever pray.

[Here follow 168 Signatures.]



1868.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## ADMINISTRATION OF JUSTICE.

(PETITION—MR. THOMAS DANGAR.)

*Ordered by the Legislative Assembly to be Printed, 10 December, 1868.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of Thomas Dangar, of St. Leonards, a Magistrate for the Colony of Queensland, and a Commissioner of the Honorable the Supreme Court of New South Wales,—

MOST HUMBLY SHEWETH :—

That Petitioner was appointed a Magistrate on the twentieth of October, one thousand eight hundred and sixty-four, when a Member of the Legislative Assembly, by the then Honorable Premier, Mr. Martin, and acted for the City of Sydney for a period of four years.

That Petitioner, from unforeseen events caused by the dishonesty of his friends, lost large sums of money by endorsing bills, and was compelled, in August, one thousand eight hundred and sixty-seven, to assign his property to Trustees for the benefit of his creditors, which deed contained a release, and being executed as required by law, your Petitioner became entitled to the benefit thereof; and the said deed of assignment was duly published in the daily newspapers and *Gazette*, and was registered in August, one thousand eight hundred and sixty-seven.

That Petitioner has resided in this Colony for forty-three years, having during that period borne an unimpeachable character, and held a prominent and influential position as a merchant at Scone, and elsewhere, and has also been a Member of your Honorable House for the Upper Hunter.

That, owing to such adverse circumstances, your Petitioner was induced to apply, in April, one thousand eight hundred and sixty-eight, to the then Attorney General, Mr. Martin, for an appointment as Police Magistrate, which application was accompanied by testimonials expressing the greatest confidence in your Petitioner's integrity and fitness for the office, signed by eighty-two gentlemen (some of them Members of both Houses of Parliament) and Magistrates of the City of Sydney, and thirty-two solicitors and others, gentlemen of high official standing.

That Petitioner, on the seventh of July last, it being your Petitioner's roster day at the Central Police Court, commenced to investigate a charge of perjury against Mr. Joseph Noble, preferred by one Valentine. After taking much evidence for the prosecution and defence, Petitioner sitting ministerially, conscientiously believing, after a careful and a protracted investigation, that a strong *prima facie* was fully made out against Noble, the defendant, Petitioner committed him for trial to the Central Criminal Court.

That Petitioner believes the depositions in Noble's case were forwarded from Central Police Office to the Crown Law Offices, about the sixteenth of July last, for the decision of Mr. Attorney General Martin, that learned gentleman being at that time absent from the Colony.

That Petitioner has since been informed officially, that the defendant Noble wrote a letter to Mr. Attorney General Martin, on the twenty-fourth of July last; and, accompanying same were seven affidavits, complaining of your Petitioner's conduct as a Magistrate while conducting the inquiry into his case at Central Police Court, with a view to disgrace your Petitioner as a Magistrate, such documents being untrue and libellous.

That Petitioner, on the twenty-ninth of July last, was officially informed, as committing Magistrate, by the late Solicitor General Isaacs, through Mr. Plunkett, that he declined to prosecute Noble for perjury.

That your Petitioner believes the Solicitor General had no constitutional authority to ignore a Bill, and that the Attorney General for the time being could not depute his functions, as a Grand Jury of this Colony, to any other Officer of the Crown.

That Petitioner conceives that the letter and affidavits (containing many misrepresentations) forwarded by Noble, on the twenty-fourth of July last, which were received by the Solicitor General previously, may have influenced him in arriving at his decision.

That on the sixteenth of October Mr. Noble again applied to the late Attorney General, Mr. Martin, urging your Petitioner's dismissal, accompanying his letter with a Petition to His Excellency the Right Honorable the Earl of Belmore, signed by thirty-two persons, many of whom are totally unknown (except as previously mentioned), praying for your Petitioner's removal, and stating your Petitioner was unfit for the Magistracy, but assigning no valid reasons; many of the persons who signed the Petition having been brought before your Petitioner, in his capacity of Magistrate, on various charges; and in whose cases your Petitioner has adjudicated, and punished for infringement of laws in force.

That on the twenty-second of October last, your Petitioner was informed officially, by letter dated twentieth of October, by the Colonial Secretary, that a Writ of *Supersedeas* had been issued removing your Petitioner from the Commission of the Peace.

That on the said twenty-second of October your Petitioner had an interview with Mr. Attorney General Martin, asking the reason of your Petitioner's dismissal.

That your Petitioner received (pursuant to promise) from the Colonial Secretary, on the twenty-fourth of October, a letter, stating, after referring to the Petition of Noble, that "that alone would not have been sufficient, but that it had come officially to his knowledge that your Petitioner had assigned his estate." That your Petitioner conceives such matters no sufficient grounds or reasons for his unceremonious dismissal, as the same Government had appointed to the Magistracy two gentlemen, only a fortnight previously, both of whom had virtually become insolvent not long since, and allowed many Magistrates to remain on the Commission who had either been through the Insolvent Court or made similar assignments.

That your Petitioner feels that a grievous wrong has been committed on him as a British subject, in being summarily dismissed from the Magistracy, without having been called upon for his defence, and without having had the opportunity of even perusing the documents presented by Noble, and upon which your Petitioner assumes the Government based their decision.

That your Petitioner invites your Honorable House to take into consideration the propriety of instituting an inquiry as to the desirability of altering that part of the Constitution Act which gives the Attorney General the enormous power as Grand Jury of the country—a law which your Petitioner believes is unsafe for the liberty of the subject to be placed in the hands of one individual and his subordinates, however impartial they may be, or influenced by political or party bias; and that your Honorable House will inquire as to whether the administration of justice would not be more equitably performed (by the amendment of the present law) by the appointment of a Grand Jury of twelve independent men, chosen from the people, as is the practice and law of the mother country.

That Petitioner prays your Honorable House will cause the subject of his dismissal, or other matters referred to, to be investigated, not only for your Petitioner, but also in the right of all other Magistrates in the Commission of the Peace; it being for the interest of justice and the purity of its administration, that the Magistrates should discharge their duty without intimidation of any kind, and that they should not be condemned unheard, especially upon the complaints of disappointed litigants in the Courts in which the Magistrates preside.

Your Petitioner humbly prays that such inquiry may be instituted, and relief granted on the premises, as to your Honorable House may seem meet.

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

Dated this eighth day of December, in the  
year of our Lord one thousand eight  
hundred and sixty-eight.

THOMAS DANGAR.

1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CORRESPONDENCE RESPECTING CHARLES MILLER ALIAS MEYERS, &c., DISCHARGED FROM PRISON.)

Ordered by the Legislative Assembly to be Printed, 15 December, 1868.

THE PRINCIPAL GAOLER, DARLINGHURST, SYDNEY, to THE ACTING INSPECTOR OF PRISONS.

Darlinghurst Gaol,  
Sydney, 11 December, 1868.

SIR,

In obedience to instructions from the Honorable the Chief Secretary, received at his office this morning, I do myself the honor to report, with reference to a notice of motion on this day's Parliamentary Proceedings, that the prisoner named Charles Miller, *alias* Meyers, *alias* Thomas Smith, *alias* Holmer, was on the 4th May last transferred from this gaol to the gaol at Parramatta, on a special order produced by Detective Wager. This man did make a statement, to the effect that he knew something of a Fenian conspiracy; he had an interview with Mr. Parkes and Mr. Fosbery on the matter.

I am not aware of what has since become of him.

I have, &c.,

JOHN C. READ,  
Principal Gaoler.

THE PRINCIPAL UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,  
Sydney, 11 December, 1868.

SIR,

I am directed by the Colonial Secretary to request that he may be immediately furnished with the prison history of Charles Miller, *alias* Meyers, *alias* Smith, released in May last from the Parramatta Gaol.

I have, &c.,

HENRY HALLORAN.

THE PRINCIPAL GAOLER, DARLINGHURST, SYDNEY, to THE ACTING INSPECTOR OF PRISONS.

Darlinghurst Gaol,  
Sydney, 11 December, 1868.

SIR,

In compliance with the Principal Under Secretary's letter annexed, I do myself the honor to enclose the prison history of the man named in the margin, referred to in my letter of this morning. You will see from this that Miller was first received at this gaol on 23rd July, 1866, under a sentence of three months, for stealing a poncho. He then described himself as being a Jew, born at St. Petersburg, and gave his name as Thomas Smith. On his warrant he was aliased Holmes.

Charles Miller,  
*alias* Meyers,  
*alias* Thomas  
Smith, *alias*  
Holmes.

On his second admission he gave his name as Miller, otherwise Meyers, and said he was born at Copenhagen and was a Catholic. On this occasion he was tried and convicted of larceny at the Criminal Court on the 10th March last, and was sentenced to eighteen months' labour in this gaol.

I have, &c.,  
J. C. READ,  
Principal Gaoler.

## [Enclosure.]

PARTICULARS of Conviction and Prison History of Charles Miller, lately a prisoner in Darlinghurst Gaol.

Name of Prisoner .....	Charles Miller, <i>alias</i> Meyers.
Birth-place and Age .....	Copenhagen, 31.
Convicted { Where .....	Supreme Criminal Court, Sydney.
{ When .....	10 March, 1868.
Offence .....	Larceny.
Sentence .....	18 months' labour, Sydney Gaol.
Judge .....	Cheeke.

## PREVIOUS CONVICTIONS.

Where.	When.	Offence.	Sentence.
as Thomas Smith, <i>alias</i> Holmes or Holmer ; birth-place, St. Petersburg.			
Summarily, Sydney .....	23 July, 1866 ...	Stealing a Poncho .....	3 months' labour.

To Parramatta Gaol, 4th May, 1868.

Darlinghurst Gaol,  
11 December, 1868.

J. C. READ,  
Principal Gaoler.

TELEGRAM from THE GAOLER, PARRAMATTA, to THE SHERIFF, SYDNEY.

December 11, 1868.

Charles Miller, *alias* Myers, was received into Parramatta Gaol, under Sheriff's transmission warrant of the 4th May, 1868, issued under authority of Colonial Secretary's B.C. of same date. Warrant countersigned by Mr. Justice Hargrave. Sentenced for larceny at Supreme Criminal Court, on the 10th March, 1868, to 18 months' hard labour, Sydney Gaol. Was discharged from here on 6th May, 1868, under authority of Colonial Secretary's letter of 5th May. Cannot say where he went; but Detective Raven was with him.

THE INSPECTOR GENERAL OF POLICE to THE HONORABLE THE COLONIAL SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 11 December, 1868.

I HAVE confined myself in the attached statement to a reply to the Honorable the Colonial Secretary's questions categorically—the answer to the third question having been supplied by Mr. Fosbery.

The Colonial Secretary, however, desires me to furnish all the information within my reach connected with the matter. I have, therefore, to add that the late Colonial Secretary mentioned the subject to me, when I informed him my opinion that, from the known bad character of the prisoner, any statement he made should be received with extreme caution; and I recommended that, if the Government decided upon putting the man's information and professions to the test, no terms should be made with him, but that he should be unconditionally discharged from custody.

This course was adopted, and my duty subsequently was merely, by direction of the Honorable the Colonial Secretary, to provide the man with sufficient means to proceed to the country. He afterwards applied for more money; small sums were supplied under authority, the whole payments amounting to £11 12s. 9d. After a time I had no further communication with the man at all, and I do not know where he now is.

I have no documents in my possession relating to the matter.

JNO. McLERIE,  
Inspector General of Police.

[Enclosure.]

## [Enclosure.]

## Questions.

## Replies.

1. Had Mr. Fosbery, in company with the late Colonial Secretary, an interview with a prisoner in Darlinghurst Gaol, who was subsequently removed to Parramatta Gaol?

2. What was his name, the offence under which he was then confined, and his police history?

3. What statement, if any, was made by the prisoner?

4. How soon after the interview was the prisoner removed to Parramatta?

5. What was the police history of the man after his removal to Parramatta?

6. Was any money paid this man?

1. Yes.

2. Charles Miller, *alias* Myers, *alias* Smith, *alias* Hallam, *alias* Hallman, per "Charles," 1860. Free. Tried at Supreme Court, Sydney, 10th March, 1868, for stealing a gold watch, and sentenced to eighteen months' hard labour.

Previous record: Sentenced at Melbourne to sixteen months, for stealing from a dwelling.

Sentenced at Melbourne to nine months, for receiving stolen goods; also, to twelve months for vagrancy.

Sentenced in Sydney to three months in Darlinghurst Gaol, for stealing a poncho.

3. The prisoner repeated a statement he had previously laid before the Government in writing, to the effect that a Fenian organization existed in this Colony, and that the assassination of H. R. H. the Duke of Edinburgh had been planned, and that he (the prisoner) had been asked to do the deed. This was some time after the attempt upon the Duke's life. He had not informed the police previously.

4. The prisoner was removed from Darlinghurst Gaol to Parramatta Gaol within a few days of the above-mentioned interview, on or about the 5th of May last. This was nearly two months subsequent to the attempted assassination.

5. The prisoner was discharged to freedom on the following day, the 6th of May, as per notification attached, and has not, to my knowledge, been again in the hands of the police, or charged with any offence.

6. Yes, as stated upon the other side, £11 12s. 9d.

JNO. McLERIE,  
Inspector General of Police.

## MEMO. OF THE HONORABLE THE COLONIAL SECRETARY to HIS EXCELLENCY THE GOVERNOR.

HIS EXCELLENCY,

In consideration of important information given to the police by Charles Miller, *alias* Myers, committed before Mr. Justice Cheeke, at Darlinghurst, on the 10th March last, of larceny, I recommend that the unexpired portion of his sentence be remitted. The Attorney General, who is acquainted with the nature of the information supplied by Myers, concurs in this recommendation.

Colonial Secretary's Office.

HENRY PARKES,  
4/5/68.

## THE PRINCIPAL UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,  
Sydney, 4 May, 1868.

SIR,

I am desired by the Colonial Secretary to inform you that His Excellency the Governor has been pleased to remit the remainder of the sentence of eighteen months' labour in Sydney Gaol, passed upon the prisoner named in the margin for larceny; and to request that he may be discharged accordingly, provided no other cause exists for his detention.

I have, &c.,  
HENRY HALLORAN.



1868-9.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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ADMINISTRATION OF JUSTICE.

(PROCEEDINGS, &c., IN THE CASE OF LEVY *v.* DOWNEY.)

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*Ordered by the Legislative Assembly to be Printed, 23 February, 1869.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 3 February, 1869, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Copy of the Proceedings taken at the Central Police  
“ Office, Sydney, in the month of August last, in the case of  
“ Levy *v.* Downey.”

(*Mr. Morrice.*)

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## ADMINISTRATION OF JUSTICE.

D. C. F. SCOTT, Esq., P.M., to THE PRINCIPAL UNDER SECRETARY.

Central Police Office,  
Sydney, 9 February, 1869.

SIR,

I have the honor to forward, herewith, a copy of the proceedings taken at the Central Police Office, Sydney, in the month of *April* last, in the case *Levy v. Downey*.

Your letter of the 5th instant, asking for papers in this case, states that the proceedings were taken in August, 1868; but no such case was heard here except in April, which I imagine to be the one referred to in your communication.

I have, &c.,

D. C. F. SCOTT.

*Complaint on 9 Geo. 4, c. 31, for an Assault and Battery.*

New South Wales, }  
City of Sydney, }  
to wit. }

BE it remembered that, on the 20th day of April, in the year of our Lord one thousand eight hundred and sixty-eight, at Sydney, in the Colony of New South Wales, Samuel Levy, of the city of Sydney, 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 Downey, of the city of Sydney, in the Colony aforesaid, did, on the 11th day of April, in the year of our Lord one thousand eight hundred and sixty-eight, at Sydney, 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.

1 I ... 2 6  
3 Fo... 1 0  
1 A ... 1 0  
0 6  
Received.  
Recd by Bench.

S. LEVY.

Sworn before me, at Sydney aforesaid, on }  
the day and year first above written,— }

JAMES POWELL, J.P.

*Cause to shew.*

*Samuel Levy*, on oath, states:—I am an officer of Her Majesty's Customs; I have heard my information read; the contents are true; I was assaulted and beaten opposite the "Royal Hotel," on last Saturday fortnight, about 5 o'clock in the afternoon, by the defendant; I was standing outside the hotel, with a Mr. Goddard and Mr. Simpson, on the footpath; the defendant, without a word having been said, struck me on the ear, and I staggered from the effects of the blow; my friends, and passers-by, kept him back; I made no allusion about him, and never said a word to him before it; I went to King-street, and returned with a policeman; I saw Mr. Downey—he again made another attempt to strike me.

*By Mr. Curtis*: I am positive the defendant struck me with his closed fist; I know Mr. Francks and Mr. Sim; in their presence I did not drink particularly with the defendant, and I do not recollect shaking hands with him and accepting his apology; I was so excited, I don't recollect having shaken hands with defendant, but if I did, it was from his excited state at the time—I was afraid of him; on Tuesday he offered an apology; I did not shake hands with defendant that day; I told him I should consult my friends about the matter.

*By Mr. Roberts*: I have given evidence on oath in connection with the Custom House; I made an affirmation about a matter recently; this is how I account for the assault; I did not accept an apology on Tuesday.

*By the Bench*: I did not have a quarrel with the defendant previously.

S. LEVY.

Sworn at Sydney, }  
27th April, 1868, before— }

JAMES MURPHY, J.P.  
JAMES POWELL, J.P.

*Edward Goddard*, on oath, states :—I am a merchant ; on Saturday afternoon the 11th instant, about 5 o'clock, I saw the defendant assault the complainant, without any cause or provocation whatever ; the defendant appeared to have had a glass of wine too much ; the defendant intruded on Mr. Simpson, complainant, and myself, and without any warning struck the complainant ; he attempted to strike him a second time, but was prevented by Mr. Simpson and myself ; this occurred in the public street ; when I was in the 'bus I saw defendant again attempt to strike complainant.

EDWARD GODDARD.

Sworn at Sydney,  
27th April, 1868, before— }

JAMES MURPHY, J.P.  
JAMES POWELL, J.P.

*For the Defence.*

*Robert Charles Francks*, on oath, states :—I am a stockowner ; I know the parties before the Court ; I saw them on the evening of Saturday 11th, about half-past 5 o'clock, in the "Royal Hotel" ; I was speaking to Mr. Levy ; Mr. Downey and a friend came to Mr. Levy ; Mr. Downey said he regretted what had happened, and could only apologize for it ; Mr. Downey and Mr. Levy then shook hands ; before Mr. Downey came in, Mr. Levy said—"I hope the defendant won't assault me again," and I said no one should touch him while I was there ; they afterwards shook hands ; the defendant suggested to go in and have a glass of grog ; the four of us went in and had a drink, and the defendant paid ; we stopped there about a quarter of an hour, and Mr. Levy said he would think no more of it.

ROBERT C. FRANCKS.

Sworn at Sydney,  
27th April, 1868, before— }

JAMES MURPHY, J.P.  
JAMES POWELL, J.P.

*Alexander Sim*, on oath, states :—I am an accountant ; I know the complainant and defendant ; I remember the 11th instant ; I saw them in front of the "Royal Hotel" ; the complainant was speaking to Mr. Francks ; Mr. Downey walked over to Mr. Levy, and apologized, in the presence of Mr. Francks and myself, and shook hands ; Mr. Levy said he was very glad, and asked us to go into the hotel to have a glass together ; we were in there about ten minutes ; Mr. Levy said he hoped not one of us would speak about the matter.

A. SIM.

Sworn at Sydney,  
27th April, 1868, before— }

JAMES MURPHY, J.P.  
JAMES POWELL, J.P.

Fined £5 ; in default, one month in gaol.

C. P. C., Sydney, }  
27th April, 1868. }

JAMES MURPHY, J.P.  
JAMES POWELL, J.P.



1868-9.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## ADMINISTRATION OF JUSTICE.

(Proceedings at the Central Police Office, &c., on the various applications for a Music License for the  
"Hamburgh Hotel," King-street.)

---

*Ordered by the Legislative Assembly to be Printed, 23 February, 1869.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2nd February, 1869, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Copy of all the Proceedings taken at the Central Police  
“ Office, since 29th May, 1868, on the various applications  
“ of Mr. Keeshan, ‘Hamburgh Hotel,’ King-street, for a  
“ Music License.”

(*Mr. Wilson.*)

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**ADMINISTRATION OF JUSTICE.**

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D. C. F. SCOTT, Esq., P.M., to THE PRINCIPAL UNDER SECRETARY.

Central Police Office,  
Sydney, 9 February, 1869.

SIR,

In forwarding the documents connected with Keeshan's application for permission to have music in his licensed house (the "Hamburgh Hotel"), as directed by your letter of date the 4th instant, I have the honor to observe that, although this case has been several times before the Bench, yet evidence has been taken five times only, viz.,—twice when the permission was granted, twice when it was refused, and the fifth time when no order was made, two of the Justices being favourable, and one against its being granted.

I enclose a plan, in which the residences of the neighbours favourable to Keeshan are coloured red, and those unfavourable, black. Mr. Holmes, one of the latter, objects more to the nuisances committed in his unenclosed back-yard than to those in the street; and it did not appear whether these nuisances were committed by parties frequenting the music saloon, or by persons passing up and down King-street.

In one of Keeshan's applications, he states that this public-house has had a permission for music for nine years, without any objection being made against it; and the police state that Keeshan is a man of good character, which statement is corroborated by a document numerously signed, and forming part of the papers sent herewith.

I beg to attach a certificate (marked A), signed by six most respectable persons who reside in the neighbourhood, and who state that they have, and have had stables at the end of the lane dividing the premises of Messrs. Cole and Keeshan, for periods varying from two to ten years; that during that time they have had occasion to go to these stables from ten to twenty times both by day and night, and never had cause to complain of any nuisance arising from the permission for music given to Keeshan.

I believe it would be beneficial to the public if all music licenses were abolished.

I have, &c.,

D. C. F. SCOTT, P.M.

---

A.

Captain Scott, P.M.

Sydney, 5 February, 1869.

Sir,

We, the undersigned, residents in King and Pitt streets, hereby certify that we have stables at the end of the lane off King-street, dividing the premises of Messrs. Cole and Keeshan, King-street; and that we have used the said lane, for the purpose of bringing our horses to and from the said stables, for a period of two years.

During that time, we have had occasion to go to those stables ten or twenty times during the day and night, and have never had cause to complain of any nuisance arising from the music license granted to Mr. Keeshan's public-house.

WALTER RENNY. (Used the lane 8 years.)  
JAMES WEIR.  
JAMES TAYLOR.  
WILLIAM THOMAS JORDAN.  
MARIANE PAWSEY. (Back entrance. 10 years  
residing there.)  
ED. HX. O'NEILL, chemist, &c.

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CASTLEREAGH

CASTLEBROUGH STREET.

Edwin Gee, publican.	The "Monpellier Hotel."
William Boode, tobacconist.	
— Merrick, bootmaker.	
Sarah Neilly, publican.	
Henry Hammond, jeweller.	
J. C. Robards, publican.	"Prince of Wales Shades."
Mary Whelan, publican.	"Shakespeare Hotel."
Mrs. Emerson, oyster shop.	
P. Pardello, eating-house.	
J. N. Drennan, tobacconist.	
Chas. Hill, fruiterer.	
Saml. Holmes, baker.	
John Armstrong, grocer.	
David Norton, butcher.	
M. Keeshan, publican.	The "Hamburgh Hotel."

THE LANE.

Henry Cole, stationer.	
J. Jordan, tobacconist.	
James Austin, pastry-cook.	
E. H. O'Neill, chemist.	

KING STREET.

	The "Colonnade Hotel."	Denis Kearney, publican.
		Mrs. Capps, Registry Office.
		Patrick Fox, private house.
		Hillier and others— lawyers' office.
		Kirschbaum, chemist.
	The "Café de Paris."	G. Wangenheim, publican.
		George Howell, tailor.
	Unoccupied.	
		Coleman, umbrella-maker.
		Clarke, barber.
		Hogan, tobacconist.
		Martin, locksmith.
		Messrs. Mannix, tailors.
		S. Barr, fruiterer.
	The "Elephant and Castle."	C. Valentine, publican.

PITT STREET.

Mr. Inspector Read, Central Police Office.

106, King-street,  
Sydney, 22 May, 1868.

Sir,

I have to call your attention to a recurrence of the nuisance brought under your notice, some time since, by me, and which I have nightly to endure, owing to the manner the public-house next door (the "Hamburg Hotel") is conducted. It is impossible to describe what actually occurs, from about 8 o'clock in the evening till closing time—the disgusting scenes, especially, that repeatedly take place in the laneway, with prostitutes and other characters, and the nuisances perpetrated by them. There is also the constant rows and fights that take place in front of my premises, between parties frequenting the public-house, are a disgrace to the neighbourhood. I trust, therefore, that you will kindly look into the matter, and take whatever steps you may think most expedient to abate the nuisance complained of.

I remain, &c.,  
HENRY COLE.

Mr. Inspector Read, Central Police Office.

106, King-street,  
Sydney, 25 May, 1868.

Sir,

I am compelled, not only on account of the private comfort of myself and the other members of our family, but likewise acting under a sense of a public duty or obligation imposed upon me, to bring under your particular notice the manner in which the public-house next door (the "Hamburgh Hotel") is conducted. Owing to the publican, Mr. Keeshan, holding a singing license for the above hotel, the house has become a retreat for, and is frequented, both daily and nightly, by prostitutes of the lowest order and type, as also by sailors and others, mostly of the worst of characters; and, by reason of the drunkenness and rowdyism that is carried on there during the concert and singing hours, fights and disturbances are continually taking place, not only inside the public-house, but in the laneway leading to the private entrance of my dwelling, and in the public streets round about the public-house, and immediately in front of my shop and premises. Prostitutes, and men besotted with drink, are permitted to leave the public-house by a side door in the laneway, where nuisances of the most disgusting character are perpetrated by them, for the most part near and against the wall and private door of my residence; the consequence being, that men and women are continually exposing their persons, and committing filthy and disgusting tricks in the lane, which is exposed to the gaze of passers-by and others; and so great are the nuisances, that neither my sisters, who are growing girls, nor the other branches of our family, or our servants, can make use of our private entrance; and all this the publican is cognizant of being committed before his very eyes; and when I have remonstrated with him, I have met only with defiance and foul language, and abuse, from his sisters and servants who attend to the bar, and who are nightly eye-witnesses of the scenes before described. The neighbourhood around can vouch for the truth of my statements, to whom also the public-house has become a pest.

By your kindly taking steps to remedy the evils complained of, you will confer a great favour upon myself and the adjoining neighbours.

I am, &c.,  
H. COLE.

"Hamburgh Hotel," 108, King-street,  
Sydney, 29 May, 1868.

To their Worships the Justices of the Peace assembled in Petty Sessions, Sydney.

Your Worships,

I beg to apply for the renewal of the musical license granted to me hitherto for my above licensed house, for the ensuing month of June.

I have, &c.,  
MARTIN KEESHAN,  
Landlord.

The disorderly and indecent conduct in and about the neighbourhood of this house has rendered it an intolerable nuisance. The inhabitants have complained in writing.  
GEO. READ, Inspector. 2 June, 1868.

Refused. D. C. F. SCOTT, P.M. 3 June, 1868.

Sydney, 3 June, 1868.

To the Bench of Magistrates in Petty Sessions assembled, Sydney.

Gentlemen,

We, the undersigned residents in King-street, and neighbours of Mr. Martin Keeshan, do hereby certify that the concert room used by him is no annoyance or inconvenience to us or to our families, nor do we consider it to be a nuisance in any way whatever.

The

The room has been used, to our knowledge, for years, as a concert room, and we can confidently say, under the management of Mr. Keeshan, it has certainly not retrograded.

We therefore beg a regranting of his license.

We have, &c.,

GEO. HOWELL, 117, King-street.  
 WALTER RENNY, 170, Pitt-street. (Concert room is at the back of my house.)  
 THOMAS MARTIN, 111, King-street. (Directly opposite the house.)  
 WILLIAM THOMAS JORDAN, 108, King-street.  
 JAMES AUSTIN, 12½ King-street.  
 E. H. O'NEILL, corner of Pitt and King streets.  
 JOHN ARMSTRONG, 112, King-street. (Second door from the concert room.)  
 SAMUEL BARR, 107, King-street.  
 PATRICK MANNIX, 109, King-street.  
 JOHN MANNIX, 109, King-street.  
 WILLIAM HOGAN, 113, King-street.  
 F. CLARK, 115, King-street.  
 ANNA COLEMAN, 115, King-street.  
 JOHN DEBNAM, King-street East.  
 EDWIN G. ROSSITER, 116, King-street. (Four doors from Mr. Keeshan.)  
 BARTELLS & THOMPSON, 118, King-street.  
 WILLIAM CAMP, King-street.  
 A. W. KIRSCHBAUM, 127, King-street.

The music permission was granted by Messrs. Scott and Hill.

Sydney, 4 June, 1868.

To the Bench of Magistrates sitting in the case of the Queen v. Keeshan.

Gentlemen,

My signature to a petition to do away with Mr. Keeshan's music license having been obtained through misrepresentation, and when I was very much pressed with business, I now beg to withdraw my signature from that petition, believing that the said public-house is much better conducted now than ever it was before, and is no nuisance to me whatever.

I believe the whole affair originated in a neighbourly quarrel.

I am, &c.,

WALTER RENNY.

"Hamburgh Hotel," 108, King-street,  
 Sydney, 4 June, 1868.

To their Worships the Justices of the Peace assembled in Petty Sessions.

Your Worships,

For above nine years a musical license was granted for the "Hamburgh Hotel," without the slightest interruption. I hereby allow myself to apply for a renewal, referring your Worships to the annexed certificate signed by my next neighbours.

Trusting your Worships will be kind enough to grant my humble request,—

I have, &c.,

MARTIN KEESHAN.

Granted for the month of June. D. C. F. SCOTT, P.M. G. HILL, J.P. C.P.O.,  
 Sydney, 5 June, 1868.

Mr. Inspector Read, Central Police Office.

106, King-street,  
 Sydney, 22 June, 1868.

Sir,

Referring to my former communications of the 22nd and 25th ultimo respectively, and addressed to you, complaining of the nuisance to myself and family, caused by reason of the landlord of the public-house next door (the "Hamburgh Hotel") being permitted to have a music license for such hotel, I have to again call your attention to the like grievance still suffered by myself and family, from the causes explained in the before-mentioned communication, with a view to your taking such steps as may be deemed proper to prevent a recurrence of such annoyance.

I am, &c.,

HENRY COLE.

"Hamburgh

"Hamburgh Hotel," 108, King-street,  
Sydney, 30 June, 1868.

To their Worships the Justices of the Peace assembled in Petty Sessions.

Your Worships,

I beg to apply for the renewal of the music license granted to me hitherto for my above licensed house, for the ensuing month of July.

I have, &c.,  
M. KEESHAN,  
Landlord.

Refused. R. A. HUNT, J.P. THOMAS DANGAR, J.P. C.P.O., 3rd July, 1868.

Convictions recorded against Mathew Keeshan, landlord of the "Hamburgh Hotel," King-street.

April, 1867—allowing disorderly conduct in his house—40s. and costs. July, 1867—house open at 4½ a.m. Sunday—40s. costs. November, 1867—allowing prostitutes to continue in his house—40s. and costs. December, 1867—keeping house open at 1½ a.m.—10s. and costs. 24th February, 1868—keeping his house open on Sunday—20s. and costs. 22nd March, 1868—keeping his house open—40s. and costs. 22nd April, 1868—keeping his house open on Sunday—20s. and costs.

GEO. WATERS,  
Senior Sergeant of Police.

"Hamburgh Hotel," 108, King-street,  
Sydney, 4 July, 1868.

To their Worships the Justices of the Peace assembled in Petty Sessions.

Your Worships,

I beg to apply for a renewal of the musical license hitherto granted to me for my above licensed house, for the present month of July.

I have, &c.,  
MARTIN KEESHAN.

Postponed until 11 o'clock to-morrow—permission for music granted until then. D. C. F. SCOTT, P.M. C.P.O., 7 July, 1868.

Refused for the month of July, 1868. M. CHAPMAN, J.P. GEORGE RENWICK, J.P. Central Police Court, Sydney, 8th July, 1868.

Mr. Inspector Read, Central Police Office. 106, King-street,  
Sydney, 9 July, 1868.

Sir,

I have again to object to a music license being granted to the landlord of the "Hamburgh Hotel," and request that you will lay before the Bench of Magistrates, the former decision in the matter of two separate Benches of Magistrates in Petty Sessions assembled.

I am, &c.,  
HENRY COLE.

"Hamburgh Hotel," 108, King-street,  
Sydney, 8 July, 1868.

To the Justices of the Peace assembled in Petty Sessions.

Gentlemen,

Will you be good enough to grant me a renewal of the musical license hitherto held by me for my above licensed house, for the remainder of the present month of July.

I have, &c.,  
MATHEW KEESHAN.

Two similar applications of Mr. Keeshan's, for the present month, have been heard in Petty Sessions, before two Justices, and refused, on complaint of the inhabitants.—GEO. READ, Inspector. 9 July, 1868.

Refused. JAMES MURPHY, J.P. E. CAMPBELL, J.P. C.P.O., 10th July, 1868.

"Hamburgh

"Hamburgh Hotel," 108, King-street,  
Sydney, 30 July, 1868.

To the Justices of the Peace assembled in Petty Sessions.

Your Worships,  
Will you be kind enough to grant me a renewal of the musical license for my above licensed house, for the ensuing month of August.

I have, &c.,  
MATTHEW KEESHAN.

Three applications were made by Mr. Keeshan for music, during the present month. They were all heard in Petty Sessions before two Justices, and refused. I believe the inhabitants who objected to the previous applications being granted are not aware that this application has been made.—GEORGE READ, Inspector. 31st July, 1868.

Messrs. Dangar and Palsler refuse to entertain this application. Central Police Court, Sydney, 31st July, 1868.

Mr. Inspector Read, Central Police Office. 106, King-street,  
Sydney, 27 August, 1868.

Sir,

Mr. Mathew Keeshan, the landlord of the "Hamburgh Hotel," King-street, having lodged a further notice of his intention to apply to-morrow, Friday, the 28th instant, for a music license for the above hotel, I have to again object to the granting of such license, and beg that you will, at the hearing of the matter, bring under the notice of the Bench of Magistrates the several applications already made for a license, and the refusals thereupon.

I remain, &c.,  
HENRY COLE.

Forwarded for the information of the Licensing Bench.—G. READ, Inspector.  
28th August, 1868.

"Hamburgh Hotel," 108, King-street,  
Sydney, 19 August, 1868.

To the Justices of the Peace assembled in Petty Sessions.

Your Worships,  
Will you be kind enough to grant a renewal of the musical license for my above licensed house, for the ensuing month of November.

I have, &c.,  
MATTHEW KEESHAN.

Four similar applications have been made by Mr. Keeshan for music. They were all heard in Petty Sessions, before two Justices, and refused. Mr. Cole, who resides near the applicant's house, has intimated his intention of objecting to the granting of this application. GEO. READ, Inspector. 28 August, 1868.

Refused for September, 1868. JAMES OATLEY, J.P. R. A. HUNT, J.P. THOMAS DANGAR, J.P. C.P.O., 28 August, 1868.

King-street, Sydney, 2 September.

Sir been at the Police Court yesterday inspector Reed told me he would Not grant me the Consert Licens unless you would be king Enoughly to with draw the Complaint Which arose from the loking of the gate I feel sorry for what I have said in respect of it and beg leaf to be pardond.

MARTIN KEESHAN, Hamburg hotel.

2 September, King-street.

To Mr. Cole. Sir, I am quite agreeable that the Gates should be locked as you wish, and I will Take care that No person shall come through My side-door to commit any nuisans, to the annoyance of your family.

MARTIN KEESHAN,  
Hamburg hotel.

"Hamburgh

"Hamburgh Hotel," 108, King-street,  
Sydney, 4 November, 1868.

To their Worships the Justices of the Peace assembled in Petty Sessions.

Your Worships,

I beg to apply for renewal of the musical license for my above licensed house, for the present month of November.

I have, &c.,

MATTHEW KEESHAN,  
Landlord.

Five similar applications have been heard in Petty Sessions, and refused. GEO. READ, Inspector. 6/11/68.

Refused for the month of November, 1868. JAMES OATLEY, J.P. D. C. F. Scott, P.M. C.P.O., Sydney, 6 November, 1868.

"Hamburgh Hotel," 108, King-street,  
Sydney, 11 November, 1868.

To their Worships the Justices of the Peace now assembled in Petty Sessions.

Your Worships,

Will you be kind enough to renew the musical license granted to me previously for my above licensed house, for the present month of November.

I have, &c.,

MATTHEW KEESHAN.

A similar application has been refused six times in Petty Sessions, on complaint of the inhabitants. GEO. READ, Inspector. 13 November, 1868.

Withdrawn by M. Keeshan, 19 November, 1868. WM. JOHN HALLORAN.

To the Bench of Magistrates in Petty Sessions assembled at the Central Police Court,  
Sydney.

I, the undersigned, Henry Cole, an inhabitant of King-street, Sydney, stationer, do hereby object to a music license being granted to Matthew Keeshan, of King-street aforesaid, a publican, the landlord of the "Hamburgh Hotel," the same being a nuisance to me, as well as to others of the neighbours.

Dated this eleventh day of December, 1868.

HENRY COLE.

"Hamburgh Hotel," 108, King-street,  
8 December, 1868.

To their Worships the Justices of the Peace now assembled in Petty Sessions.

Your Worships,

I hereby beg to make application for a renewal of the musical license for my above licensed house, for this present month of December. Hoping this will meet with your Worships' kind consideration,—

I beg, &c.,

MATTHEW KEESHAN.

A similar application has been submitted and refused seven times in Petty Sessions, on complaint of the inhabitants. GEO. READ, Inspector. 11 December, 1868.

The Magistrates, Messrs. T. Hogg and J. Evans, refuse to sit in this matter.

Central Police Station,  
22 December, 1868.

To the Worshipful the Bench of Magistrates in Petty Sessions assembled, Central  
Police Court.

Gentlemen,

With reference to the application of Matthew Keeshan, of the "Hamburgh Hotel," King-street, for permission to have music in his licensed house, I beg most respectfully to state, for your information, that, during the time Mr. Keeshan had a music license before, prostitutes and other disorderly characters resorted to his house in the evenings, and also assembled in front of his house, to the great annoyance of foot-passengers; but since this permission has been refused him, there has been a marked improvement in the street, and his house is now very fairly conducted.

I have, &c.,

GEO. WATERS,  
Senr. Sergt. in charge.

Central

Central Police Court, Sydney.

In the matter of the application of Matthew Keeshan for a music license for the "Hamburgh Hotel," King-street.

Objection by Henry Cole and inhabitants.

To the Bench of Magistrates in Petty Sessions assembled, at the Central Police Court, Sydney.

I, the undersigned, Henry Cole, an inhabitant of King-street, Sydney, stationer, do hereby object to a music license being granted to Matthew Keeshan, of King-street, aforesaid, a publican, the landlord of the "Hamburgh Hotel," the same being a nuisance to me and to other of the neighbours.

Dated this 22nd day of December, 1868.

HENRY COLE.

"Hamburgh Hotel," 108, King-street,  
22 December, 1868.

To their Worships the Justices of the Peace now assembled in Petty Sessions.

Your Worships,

I hereby beg to make an application for a renewal of the musical license for my above licensed house, for the present month of December. Hoping this appeal will meet with your Worships' kind consideration and approval,—

I beg, &c.,

MATTHEW KEESHAN.

Postponed until 12 o'clock to-morrow, 24th December, 1868. JAS. MURPHY, J.P. C.P.O., 23 December, 1868.

Postponed until 11 o'clock Monday next, 28th December, 1868. D. C. F. SCOTT, P.M.

Refused. D. C. F. SCOTT, P.M. W. J. JOSEPHSON, J.P. C. P. O., 28th December, 1868.

To the Bench of Magistrates in Petty Sessions assembled, Central Police Court, Sydney.

WE, the undersigned residents of King-street East, Sydney, do hereby object to the granting of a music license to Mr. Matthew Keeshan, for his licensed house in King-street, aforesaid, the same being a nuisance to us and the neighbourhood generally.

Dated this 29th day of December, A.D. 1868.

HENRY COLE.

S. HOLMES.

"Hamburgh Hotel," King-street,  
28 December, 1868.

To their Worships the Justices of the Peace now assembled in Petty Sessions.

Your Worships,

I hereby beg to apply for a renewal of the music license lately held by me for my above-named licensed house. Hoping you will kindly comply with the above request,—

I beg, &c.,

MATTHEW KEESHAN.

This is the ninth or tenth similar application which have been heard in Petty Sessions and refused. GEO. READ, Inspector. 29/12/68.

Withdrawn. MATTHEW KEESHAN. 31 Decr., 1868.

To the Bench of Magistrates in Petty Sessions assembled, at the Central Police Court, Sydney.

WE, the undersigned, Henry Cole, of King-street, Sydney, stationer, and Samuel Henry Holmes, also of King-street, baker, inhabitants of King-street aforesaid, do hereby object to a music license being granted to Matthew Keeshan, of King-street aforesaid, a publican, the landlord of the "Hamburgh Hotel," the same being a nuisance to us and to other of the neighbours.

Dated at Sydney, this fifth day of January, 1869.

HENRY COLE.

S. HOLMES.

Sydney, December, 1868.

WE, the undersigned citizens of Sydney, do hereby certify that we know the bearer, Matthew Keeshan, inn-keeper, King-street, and consider him to be a highly respectable, honest, industrious man, and worthy of any indulgence that the Government may grant to any persons holding licenses in the same capacity :—

JAMES OATLEY, J.P., Bourke-street.  
 JAMES BUTLER.  
 G. HILL, J.P., Albion-street.  
 W. M. ALDERSON, J.P., Elizabeth-street.  
 JOHN MACINTOSH, J.P., Pitt-street.  
 OWEN J. CARAHER, Glebe-street.  
 DANL. EGAN, J.P., Postmaster General.  
 GEORGE HURLEY, Lower Fort-street.  
 WM. LONG (*per* R. BUTCHER), 540, George-street.  
 R. DRIVER, M.L.A., Elizabeth-street.  
 PETER MANNIX, King-street.  
 WM. HOGAN, King-street.  
 F. CLARKE, King-street.  
 THOMAS MARTIN, King-street.  
 WALTER RENNY, J.P., Pitt-street.  
 WM. THOS. JORDAN, King-street.  
 JOHN ARMSTRONG, King-street.  
 G. WANGENHEIM, King-street.  
 E. H. O'NEILL, King-street.  
 A. W. KIRSCHBAUM, King-street.  
 MRS. COLEMAN, King-street.

Residents in the immediate neighbourhood.

“Hamburgh Hotel,” King-street,  
 31 December, 1868.

To their Worships the Justices of the Peace now assembled in Petty Sessions.

Your Worships,

I hereby beg to apply for a renewal of the music license lately held by me for my above licensed house. Hoping this will meet with your Worships' kind consideration,—

I beg, &c.,

MATTHEW KEESHAN.

Eight or nine similar applications for music have been heard in Petty Sessions, and refused. GEO. READ, Inspector. 4 January, 1869.

Postponed until Friday next. JAMES MURPHY, J.P. C.P.O., 5th January, 1869.

Further postponed until Tuesday next, 12 o'clock. D. C. F. SCOTT, P.M. C.P.O., 8th January, 1869.

The Bench decline to make any order.

Central Police Court,  
 Sydney, 12th January, 1869.

W. T. PENNEY, J.P.  
 WILLIAM DAY, J.P.  
 THOMAS HOGG, J.P.

No. 1 Station,  
 31 December, 1868.

To the Worshipful the Bench of Magistrates, Central Police Court.

Gentlemen,

With reference to the application of Matthew Keeshan, landlord of the “Hamburgh Hotel,” King-street, for permission to have music in his licensed house,—I beg most respectfully to state, for your Worships' information, that during the time Mr. Keeshan had a music license before, prostitutes and other disorderly characters resorted to his house in the evenings, and assembled on the footway in front of his house, to the great annoyance of foot-passengers; but since the permission has been refused him, there is a marked improvement in the street, and his house is now very fairly conducted.

I have, &c.,

GEORGE WATERS,  
 Senior Sergeant of Police.

To the Bench of Magistrates in Petty Sessions assembled at the Central Police Court, Sydney.

WE, the undersigned, Henry Cole, of King-street, Sydney, stationer, and Samuel Henry Holmes, also of King-street, baker, inhabitants of King-street aforesaid, do hereby object to a music license being granted to Matthew Keeshan, the landlord of the “Hamburgh Hotel,” the same being a nuisance to us and to other of the neighbours.

Dated this 14th day of January, A.D. 1869.

HENRY COLE.  
 SAMUEL HOLMES.

Sydney,

Sydney, 12 January, 1869,  
"Hamburgh Hotel."

To their Worships of the Peace, now assembled in Petty Sessions.

Your Worships,  
I hereby beg to make application for a renewal of the musical license for my above-named licensed house. Hoping your Worships will take the above application into consideration,—

I beg, &c.,  
MATTHEW KEESHAN.

Nine or ten similar applications have been previously heard in Petty Sessions, and refused. GEO. READ, Inspector. 19th January, 1869.

Granted for one month (from date to 19th February, 1869).

Central Police Court,  
Sydney, 19th January, 1869.

D. C. F. SCOTT, P.M.  
THOMAS PARNELL, J.P.

[Price, 9d.]



1868-9.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

## ADMINISTRATION OF JUSTICE.

(RETURN OF INFORMATIONS, PROSECUTIONS, ETC., UNDER, AND BREACHES OF, THE FELONS APPREHENSION ACT, IN THE BRAIDWOOD DISTRICT)

*Ordered by the Legislative Assembly to be Printed, 28 January, 1869.*

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 30 July, 1867, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“(1.) A Return of all Apprehensions, Informations, Prosecutions, and Proceedings, under the Felons Apprehension Act, before any Justice or Justices of the Peace, in the Police District of Braidwood, or any adjacent District; specifying, in each case, the date and place of apprehension or proceeding, the name of each party apprehended or proceeded against, and the name or names of the Justice or Justices.

“(2.) Copies of all Informations and Proceedings before any Justice or Justices of the Peace, in the Police District of Braidwood, or any adjacent Police District, in any case of harbouring bushrangers, or other breach of the Felons Apprehension Act, in the prosecution of which, the late Constable Carroll, or Kennagh, or any person associated with either of them, in pursuit of the bushrangers Clarke, took part, or was in any way instrumental.”

*(Mr. Forster.)*

## SCHEDULE.

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2. Schedule of copies of all Informations and Proceedings, in the Police District of Braidwood, or in any adjacent Police District, in any case of harbouring bushrangers, or other breach of the Felons Apprehension Act, in the prosecution of which, the late Constable Carroll, or Kennagh, or any person associated with either of them, in pursuit of the bushrangers Clarke, took part, or was in any way instrumental	3
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## ADMINISTRATION OF JUSTICE.

## No. 1.

## NEW SOUTH WALES POLICE.

RETURN of all Apprehensions, Informations, Prosecutions, and Proceedings, under the Felons Apprehension Act, before any Justice or Justices of the Peace, in the Police District of Bradwood, or any adjacent District, specifying in each case the date and place of Apprehension or Proceeding; the name of each party apprehended or proceeded against, and the name of the Justice or Justices.

Name of Persons apprehended.	Date of Apprehension.	If Information laid.	Where apprehended.	Where Cases heard.	Offence.	Before whom.	Result.	Remarks.
Thomas Lawler .....	1866. 28 July	Yes	Gundaroo	Bradwood	Aiding and assisting an outlaw in the commission of crime.	David Dickson, J.P., James Larmer, J.P.	Discharged by Bench	Copy of depositions attached.
Patrick Connell .....	17 "	Yes	Kravarac	.....	An outlaw	.....	Shot dead by police	Copy of depositions attached.
Michael N. O'Connell .....	29 Nov.	No	Oranmeia	Bradwood	Giving aid and sustenance to an outlaw.	W. S. Bennison, J. W. Bunn, and James Larmer, J.P.	Committed for trial	Depositions sent to Crown Law Office, 29 December, 1866.
Patrick Griffen .....	29 "	No	do.	do.	do.	do.	do.	do.
Anne Clarke .....	6 Dec.	No	Bradwood	do.	do.	do.	Discharged by Bench	Copy of depositions attached.
Margaret Clarke .....	6 "	No	do.	do.	do.	do.	do.	do.
Henry M'Curley .....	13 "	No	do.	do.	do.	do.	Discharged by Bench	Copy of depositions attached.
Michael Griffen .....	14 "	No	Clyde Road	do.	do.	W. J. Bennison, J.P., and J. W. Bunn, J.P.	Committed for trial	Depositions sent to Crown Law Offices, 20 December, 1866.
James Griffen .....	1867. 14 Feb.	No	Oranmeia	do.	do.	James Larmer, J. W. Bunn, J. H. Griffen, Robert Maddrell, James Rodd, H. H. Voss, and Thos. Stewart, J.P.	do.	Depositions sent to Crown Law Offices, 29 December, 1866.
Thomas Berry .....	27 April	No	Jinden	do.	Giving aid and shelter to an outlaw.	James Larmer, J.P., J. W. Bunn, D. Dickson, R. Maddock, and J. Roddy, J.P.	Discharged by Bench, on his own recognizance to appear when called on.	Copy of depositions attached.
John Hyland .....	8 March	No	Long Swamp	do.	Aiding and assisting an outlaw	Thomas Stewart, J. W. Bunn, James Rodd, and G. O. M. Clarke, J.P.	Discharged by Bench	Copy of depositions attached.
Thomas Clarke .....	27 April	Yes	Jinden	Darlinghurst.	An outlaw	P. L. Cloete, P.M.	Committed for trial, sentenced to death, and executed.	

Police Department,  
Inspector General's Office, Sydney.

JNO. McLERIE,  
Inspector General of Police.

## ADMINISTRATION OF JUSTICE.

3

## No. 2.

## NEW SOUTH WALES POLICE.

COPIES of all Informations and Proceedings before any Justice or Justices of the Peace in the Police District of Braidwood, or in any adjacent Police District, in any case of harbouring bushrangers, or other breach of the Felons Apprehension Act, in the prosecution of which the late Constable Carroll, or Kennagh, or any person associated with either of them in pursuit of the bushrangers Clarke, took part, or was in any way instrumental.

Names of Persons apprehended.	Date of Apprehension.	Offence.	By whom apprehended.	Result.	If Information laid.	Remarks.
Michael N. O'Connell .....	186. 29 Nov. ....	Giving aid and sustenance to an outlaw.	Special Constable John Carroll and party.	Committed for trial	No. ....	Depositions forwarded to the Crown Law Offices, 29 December, 1866.
Patrick Griffin .....	29 "	do.	do.	do.	No. ....	Copy of depositions attached.
Anne Clarke .....	6 Dec. ....	do.	do.	Discharged by Bench	No. ....	Copy of depositions attached.
Margaret Clarke .....	6 "	do.	do.	do.	No. ....	do.
Henry M'Curley .....	13 "	do.	do.	do.	No. ....	See Return No. 1, depositions No. 3.
Michael Griffin .....	14 "	do.	Special Constables Kennagh and Phegan.	Committed for trial	No. ....	Copy of depositions attached.

Police Department,  
Sydney, October, 1868.

JNO. McLERIE,  
Inspector General of Police.

## No. 3.

J. H. GRIFFIN, Esq., J.P., to THE ATTORNEY GENERAL.

Braidwood,

15 January, 1867.

SIR,

I have the honor to forward herewith the depositions taken during a magisterial inquiry held by me at Jinden, Ballalaba, Krawarree, and Braidwood, extending over the period from the 11th to the 15th January instant, as to the circumstances attending the deaths of John Carroll, John Phegan, Patrick Kennagh, and Ennis M'Donnell.

2. You will perceive from the evidence that these men were traced from Ballalaba, eighteen or twenty miles from Braidwood, to Jinden, where they arrived on the evening of Tuesday, the 8th January instant; they left Jinden about 8 o'clock on the following morning, called at M'Ennenry's free selection, a mile distant, and after inquiring the road to Guinea's, passed on in that direction. They are next seen a few miles further on, at Watt's selection, where they dined, and remained some hours, and having obtained some information they desired, proceeded on their return to Jinden, about 3 o'clock in the afternoon; they were then armed with two revolving rifles and some revolver pistols; after this they were not again seen alive, as far as I can ascertain. When leaving Jinden on Wednesday morning, they had expressed their intention of returning the same evening, and their not doing so caused Mr. Smith, the superintendent of the station, some uneasiness. Smith, in sending a messenger to Bell's Creek the next morning, desired him to make inquiries along the road about the missing party. This man, after riding two miles, found two of the party, M'Donnell and Phegan, dead on the road; he galloped back to Jinden, he gave the alarm and returned, accompanied by Smith, who having despatched a messenger to the nearest police station, himself proceeded to Watt's free selection. Watt, his servant, and Smith, then made search for the two missing men, still hoping that they had escaped, and were lying concealed in the bush about. They were at first unsuccessful; but having been told by a woman who lived near that she had heard gunshots the day before in a certain direction, they went towards the place, and there found the dead bodies of Carroll and Kennagh, the remainder of the party. On examination, all the bodies were pierced with bullets, their rifles and ammunition gone, but a considerable sum of money on the persons of the murdered men was intact, and, as if to impress the finders with the conviction that the object of the murderers was revenge, and not plunder, there lay on Carroll's breast, immediately over his death wound, a red silk handkerchief, and on it a £1 bank note.

3. It is deposed by one witness, who saw Carroll's party leaving Watt's free selection the last time they were seen alive, that he particularly impressed on them the necessity of avoiding beaten tracks and paths, on their return to Jinden. This was good advice, but as the attack was commenced on the beaten road, it must have been disregarded; and it does seem to me unaccountable that four well armed men, in the midst of a country known to be the haunt of a lawless band of robbers, should have held their antagonists so cheap, or have relaxed their vigilance so far as to have suffered themselves to have been surprised in the way they undoubtedly were. The beaten track, at the spot where the attack first took place, leads close past two large trees admirably adapted to conceal three or four men; on reaching this ambuscade two of the party were at once killed, and whether the others surrendered, or retreated fighting, some short time must have elapsed between the first and second murders.

4. I have continued the inquiry from day to day, in the hope that some further particulars might be gleaned; but as nothing more seems forthcoming at present, I think it as well that it should now be closed. I may add, that Daniel Guinea and Michael Connell, who used threats, the one personally to Carroll, and the other in the hearing of the witness George Smith, shortly before the murders, have been arrested.

I have, &amp;c.,

J. H. GRIFFIN, J.P.

## No. 4.

DEPOSITIONS relating to the circumstances attending the deaths of John Carroll, Patrick Kennagh, John Phegan, and Ennis M'Donnell.

New South Wales, }  
to wit.

THE examination of Edward Smith, of Jinden, in the Colony of New South Wales, of Catherine M'Ennenry, M. N. O'Connell, J. Ahern, Daniel Guinea, Hezekiah Watt, John Lynn, George Smith, Daniel Byrne, Michael Wallace, George John Pattison, and Antony Vider, taken on oath, this 11th, 12th, 13th, 14th, 15th days of January, A.D. 1867, at Jinden, Krawarree, Ballalaba, and Braidwood, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, during a magisterial inquiry, held at Jinden, Krawarree, Ballalaba, and Braidwood, from the 11th to the 15th January, 1867, as to the circumstances attending the deaths of John Carroll, Patrick Kennagh, John Phegan, and Ennis M'Donnell.

This deponent, *Edward Smith*, on oath, saith as follows:—I am the superintendent of the Jinden cattle station, where I reside; I call it forty miles from Braidwood, but it is situated in the Moruya District, not far from the boundary of the Braidwood Police District;

District; I knew Special Constable Carroll, and the three others with him; I did not know of the name of any other except Carroll, who seemed to be the leader of the party; I remember being in Braidwood about three weeks ago; I saw Special Constable Carroll there on that occasion; we talked of the gang of bushrangers, of Clarke's gang; Carroll asked me if I thought they were in my neighbourhood; I said I believed they were sometimes; he said he thought of coming up to Jinden, and asked me if I would let him know of anything I could about them when he came up there; I said I would; Carroll and his party of three other special constables did come to Jinden, on Tuesday, the 8th January instant; they arrived about half-past 5 in the evening; they remained all night; they came on horseback, and were armed; I saw with them two revolving rifles and some revolving pistols; I had a conversation with Carroll over night, and on Wednesday morning, about Clarke's gang of bushrangers; I gave him no information; Carroll inquired the way to a free selector's about three and a half miles from Jinden, named Guinea; I put him and his party on the road to Guinea's free selection; they started from Jinden about 8 o'clock on the Wednesday morning; they left their horses with me at Jinden, and went away on foot; they had two revolving rifles and some revolving pistols with them; the party, four in number, went away towards Guinea's free selection; when Carroll and his party left, they told me they intended to return that evening; they did not return; I felt uneasy at this, and on the following morning I was sending a young man named John Lynn to Bell's Creek and Braidwood; I told him to go by Guinea's, and see if any one was disturbing the cattle, and to make inquiries for Carroll's party; Lynn left Jinden about 9 o'clock on Thursday morning, and in about three-quarters of an hour he returned and told me that two of the party that had left here the day before were lying dead on the road to Guinea's; I at once accompanied Lynn to the spot, and recognized the dead bodies as two of Carroll's party that had left Jinden the day before; I sent Lynn off at once to the nearest police station at Ballalaba, about twenty-five miles away, with instructions that if he found no one there, to go on to Major's Creek or Braidwood; I myself rode off to the selection of Hezekiah Watt, at the junction of the Back Creek with the Shoalhaven River, five miles away; I found Watt and a young man named George Smith there; they returned with me to the spot where the dead bodies were lying; we all three then made a search, and having heard from a woman named M'Ennenry that she had heard some gunshots in a certain direction, we searched there, and found two other dead bodies in the bush, about half a mile from the first two; one of these last I recognized as Carroll the special constable, and the other as one of the men who had left Jinden with him on the day before; we plucked grass, and covered up the faces of all the dead bodies, and in about ten minutes afterwards Sergeant Byrne and two other constables with a black tracker arrived on the spot; these were the Ballalaba police; we then got my horse and dray, and brought the four bodies over to Jinden Station; the bodies now shewn to me are the same four that we found in the bush; I identify them as those of Special Constable Carroll and his three men, whose names I have since ascertained—M'Donnell, Kennagh, and Phegan; I had not seen Clarke's gang about for some days, but had seen them, about six miles from this, a week ago; I heard no shots on the day Carroll and his party left Jinden, to go towards Guinea's free selection; of the two first bodies that I found dead, one was lying on its face, the other on its back; the two last were both lying on their backs, and on the left breast of Carroll's lay a red silk handkerchief, and on the handkerchief a one pound note of the Joint Stock Bank; I did not disturb the bodies in any way until the police arrived; the dead bodies of Carroll's party, when I found them, were lying between Jinden and Guinea's free selection—about two miles from Guinea's; two of the bodies were on the road, and two about half a mile in the bush; on a tree near where M'Donnell's body was lying dead, I observed the mark of a large bullet; there appeared to have been no hand to hand struggling; I believe they were all shot; I did not expect Carroll and his party when they arrived at Jinden; they had told me they would come, but did not fix any time in particular; I had previously, before seeing Clarke and his gang a week ago, given information to the police, and I expected the police up daily; Sergeant Byrne was up about the time, I believe, in search of Clarke's gang; he was up a little before the day I saw Clarke and his party.

EDWARD SMITH.

This deponent, *Catherine M'Ennenry*, on oath, saith as follows:—I am the wife of Henry M'Ennenry; we have a free selection about three-quarters of a mile from the Jinden Station, and on the road between Jinden and the selection of Guinea; I remember on last Wednesday morning four men stopping near my hut; one came up and asked me if I thought they were bushrangers; I said no; one was a stout man; I saw guns and pistols with them; they asked the road to Guinea's; the stout man was named Carroll I know; I recognize the dead body now shewn to me as that of Carroll; he was the man that came up to my hut on Wednesday last; I should not recognize the others; the four men that came to my hut went along the road towards Guinea's selection in about ten minutes; about an hour before sunset the same day, Wednesday, I heard a number of guns going off together—I dare say nine or ten reports; these first were towards the road I have mentioned as leading towards Guinea's; the firing stopped there for a little while, and again began in a different direction; it resembled the quick cracking of a stock-whip; I thought it was the four men I had seen in the morning, discharging their fire-arms, before returning to Jinden; I took no particular notice of it at the time—not until 10 or 11 o'clock the next morning, when Mr. Edward Smith, of Jinden, called me where I was working in the field; he asked me if I had heard any guns

guns go off the day before ; I said yes ; he said two men were lying dead on the road ; I pointed to the part of the bush where I had heard the last firing ; Mr. Smith and John Lynn then went in the direction I pointed ; after the last of the firing I had heard on the Wednesday evening, soon after it, a few minutes after it, I saw three men on foot cross the creek below my house—they were walking leisurely ; I thought they were Carroll's party I had seen in the morning, and that they were returning towards Jinden ; I took no further notice, until told by Mr. Smith, the next morning, that two men were lying dead on the road ; I then remembered seeing the three men crossing the creek ; I cannot describe the dress or appearance of these three men.

her  
CATHERINE × M'ENNENRY.  
mark.

This deponent, *Michael Nowlan O'Connell*, on oath, saith as follows :—I am a publican, living at Stony Creek, twenty-four miles from Braidwood, and twenty from Jinden ; my house is on the high road between Braidwood and Jinden ; I remember seeing Special Constable Carroll, Phegan, M'Donnell, and Kennagh, on Tuesday last ; they came together, from the direction of Braidwood, to my house, about 10 or 11 in the morning ; they remained and had dinner ; they were quite sober when they left my place ; they went away towards Jinden ; I did not see them again until to-day ; I saw their four dead bodies to-day at Jinden ; I identify Special Constable Carroll, as well as the bodies of Phegan, M'Donnell, and Kennagh ; I don't know their christian names ; I have known them as Special Constable Carroll and party of secret police ; when this party was at my house on Tuesday, they were riding, and were armed ; they had two revolving rifles, and some revolver pistols ; Tuesday last was the 8th January instant.

M. N. O'CONNELL.

This deponent, *James Ahern*, on oath, saith as follows :—I am a settler, living at Fairfield, about thirty miles from Braidwood, and eight or nine from Jinden ; I remember a party of four armed men coming to my house, about 2 o'clock in the afternoon of Tuesday last, the 8th instant ; they had some tea at my place ; they stayed an hour, and then rode on ; I have not seen them since Tuesday last until to-day, when I saw their four dead bodies lying in a shed at Jinden ; when I saw these men on Tuesday last, they told me who they were ; they described themselves as specially appointed to look after Clarke and his gang.

JAMES AHERN.

This deponent, *Daniel Guinea*, on oath, saith as follows :—I am a free selector, and reside at Jinden Creek ; I have seen the dead bodies of four men at Jinden to-day ; I have seen three of the four men alive in Braidwood about three weeks ago ; I only knew one by name—Mr. Carroll ; these men were known about this neighbourhood as "detectives" ; I have never seen any of these men since the time I mention in Braidwood, until I saw them dead at Jinden to-day ; if these men were about my place during the last two or three days, I never saw them ; I know the outlaw Thomas Clarke, personally ; I have not seen him during the last week ; I saw him about Christmas time last ; I saw him on the road between Stony Creek and my hut ; his brother, John Clarke, was with him when I saw him ; a man named Bill Scott was working for me before Christmas time ; I paid him his wages, and sent him away ; I never saw Bill Scott with Tommy Clarke or John Clarke ; I don't recollect ever saying that if Carroll and his detective police came up this way, they would be shot ; I know the spot where Carroll and his party were killed ; it is about two miles from my hut ; I was at home all Wednesday evening last ; Carroll and his party could not have been at my hut without my knowing it ; I heard great galloping near my place, on the flat, on Wednesday night ; I saw no one.

his  
DANIEL × GUINEA.  
mark.

This deponent, *Hezekiah Watt*, on oath, saith as follows :—I am a free selector, on the Upper Shoalhaven River ; I remember four men coming to my place on Wednesday last, the 9th January instant ; they arrived about 11 o'clock in the morning ; they were armed ; two of them had revolving rifles, and they all had revolving pistols ; I asked them if they were after the bushrangers ; they said yes ; they stayed to dinner ; they asked if I had seen Clarke's gang of bushrangers about ; I said no, I had only seen Tommy Clarke twice from the time he was outlawed, but if the police had come past before, they would have seen horses which I thought were the bushrangers' horses ; I said I had seen the horses on the flat ; while these men were eating their dinner, a man was going up the river on horseback—I thought it was Daniel Guinea's father ; one of the men at dinner replied—"Oh yes, that is a telegraph ; he was at Stony Creek when we were there yesterday" ; I told the four armed men that I thought the bushrangers' horses were still about ; they left my place between 1 and 2 o'clock in the middle of the day ; these men asked me about Bill Scott ; they went away towards Daniel Guinea's father's place ; I never saw them again until I saw their dead bodies lying—two on the road between Jinden and Guinea's, and two about half a mile further  
in

in the bush ; I helped Mr. Edward Smith, of Jinden, to look for the men when they were missing ; I was with Smith when we found two of them dead in the bush ; I saw no one else but these four men about that day, Wednesday ; Mr. Smith and I found the men's dead bodies that have been shown to me to-day as those of Carroll and his party, on Thursday, about the middle of the day.

his  
HEZEKIAH x WATT.  
mark.

The above depositions of Edward Smith, Catherine M'Ennenry, Michael Nowlan, O'Connell, James Abern, Daniel Guinea, and Hezekiah Watt, were made, signed, and marked before me, at Jinden, this eleventh day of January, 1867.

J. H. GRIFFIN, J.P.

[Inquiry adjourned to the 12th instant.]

J. H. GRIFFIN, J.P.

Jinden, 12th January, 1867.

[Inquiry resumed.]

This deponent, *John Lynn*, on oath, saith as follows :—I am hired as a labourer, at Jinden, with Mr. Edward Smith ; I remember seeing four men at Jinden Station, when I came in from the run on Tuesday evening last ; these four men left the station on foot, about half-past 7 or 8 o'clock on Wednesday morning ; they took the road towards Guinea's selection ; I saw two guns with this party ; I believed that they were a party of detective police ; I didn't know who they were in search of ; these men did not return to the station that night, and on the following morning (Thursday) I was sent by Mr. Smith to Bell's Creek, with a letter ; Mr. Smith told me he was uneasy at the men not having returned, and desired me to make inquiries about them along the road ; I took the same road the men had taken the previous morning ; I started about 10 o'clock, and when I got about a mile and a half or two miles from Jinden, I found the bodies of two of the men that I have been speaking of, dead on the road ; I galloped back to Jinden to Mr. Smith, and told him what I had seen ; Mr. Smith and I rode back to the spot where the dead bodies lay ; I saw a revolver pistol lying on the road near the bodies ; there was a good deal of blood about one body ; Mr. Smith sent me off to Balalaba, to inform the police ; I found no police at the station, and I went on to Major's Creek and gave information there ; I was about the Jinden Run on Tuesday last ; I saw no strangers about ; I know Tommy Clarke, and John Clarke, and Bill Scott ; I did not see them about on Tuesday ; I did see them on the previous Friday night, I mean yesterday week ; it was, now I think of it carefully, on a Thursday night—last Thursday week ; I and two other lads were camped at a stockyard at Bredbo, five or six miles from here ; Tommy Clarke, John Clarke, and Bill Scott, came up to where we were camped ; they staid all night ; we left them there in the morning ; we were watching cattle on the road to Gipps Land ; the two other lads have gone to Gipps Land with the cattle ; I am eighteen years old ; I did not give information about this because I was frightened—I was afraid of being shot ; they were armed with guns—each had a gun ; I have not seen the bushrangers since that time.

his  
JOHN x LYNN.  
mark.

This deponent, *Edward Smith*, being recalled and resworn, on oath, states as follows :—When I saw the dead bodies of M'Donnell and Phegan on the road, on Thursday morning, I saw the revolving pistol only, lying on the ground near ; these men had revolving rifles when they left Jinden the day before, but no rifles were found with the dead bodies, either with Carroll's, Kennagh, or these two men.

EDWARD SMITH.

This deponent, *George Smith*, on oath, saith as follows :—I am a labourer at Mr. Watt's free selection, near Krawarree, about six miles from Jinden Station ; I remember a party of detectives coming to Watt's station on Wednesday last ; it was about 12 o'clock in the day ; I had seen Carroll, the leader of the party, in Braidwood before ; he had three men with him ; they were all armed—they had two revolving rifles and some revolving pistols ; they left Watt's hut after dinner, about 3 o'clock in the afternoon ; they were quite sober ; Carroll, before leaving, asked me if I could give any information of Clarke's gang of bushrangers ; I was unable to tell him anything more than I thought they were in this neighbourhood, but I did tell him where I thought he could find the horses that I thought belonged to the bushrangers ; I directed them to search about four miles behind old Guinea's hut ; I also directed them on the road to Jinden, but cautioned them to keep off any beaten tracks ; they went away on Thursday morning ; the next day, about 11 o'clock, Mr. Edward Smith, of Jinden, rode over to Watt's, where I was, and told me that two of Carroll's men were lying dead on the road ; both Watt and I accompanied him in search of Carroll and the other man ; I saw the dead bodies of two of the men that were at Watt's, on Wednesday, lying on the road to Jinden ; the bodies were on the track ; they must have disregarded the caution I gave them—keeping off the track ; my reason for cautioning them was, that I believed the bushrangers

bushrangers might hide behind trees and shoot them down; we left the two bodies and went in search of Carroll and the other man; we found their bodies also; they were quite dead, and lying about half a mile from the first two; I waited until Sergeant Byrne's party of police arrived, and then went, at their request, to give information at Ballalaba Police Station; when Carroll and his party left Watt's, on Wednesday, it was their intention to avoid Guinea's place; I advised them to avoid the hut; I heard Daniel Guinea, about three weeks ago, say, outside Watt's hut, that if the fat wretch (meaning Carroll) come up this way, he would be shot; we were in conversation at the time, and talking over some cases brought by Carroll, in the Police Office at Braidwood, against Michael Connell and Thomas Berry.

GEORGE SMITH.

The above depositions of John Lynn, Edward Smith, and George Smith, were taken, marked, and signed before me, at Jinden and Krawarree, this 12th January, 1867.

J. H. GRIFFIN, J.P.

This deponent, *Daniel Byrne*, on oath, saith as follows:—I am a Sergeant of Police, stationed at Ballalaba, in the Braidwood District; I was acquainted with a party of special constables who have been about three months in this district; their names were, Carroll, Phegan, M'Donnell, and Kennagh; I saw them pass the Ballalaba Police Station, on horseback, on Tuesday morning last, about 8 o'clock; they were riding towards Stony Creek; I saw nothing more of them that day; on the following Thursday I left my station, about 8 o'clock in the morning, to go out collecting the Electoral Roll returns; I went towards Krawarree; I arrived at Williams' free selection, at Krawarree, about 1 o'clock in the day; I was there told by a man named Williams that two of the special constables had been killed near Jinden Station, about eight or nine miles distant; I at once proceeded there with my party of police and a black tracker; we arrived at Jinden about 2 o'clock in the day, and on inquiry, I found that the two dead bodies were lying on the road between Jinden and the free selection of a man named Guinea; on arriving at the spot, I found the dead bodies of Special Constables Phegan and M'Donnell about half-way between Jinden and Guinea's free selection; the bodies were in charge of an old man, a servant of Mr. Smith's, of Jinden; I sent this man back to Jinden for a horse and cart; while he was away, we searched about the spot and found three revolving Tranter's pistols—the chambers of each were all loaded, and the nipples capped; soon after, Mr. Smith, of Jinden, came up, accompanied by two men named George Smith and Hezekiah Watt; they told me they had found two more dead bodies about half a mile away in the bush; the cart had now arrived, and after putting the bodies of Phegan and M'Donnell into it, we went to the place where the other two were lying; when we got there, I recognized the second two dead bodies as those of Special Constables Carroll and Kennagh; and on Carroll's breast I found a red silk handkerchief, and on the handkerchief a one pound note of the Australian Joint Stock Bank, No. 4343; we placed these bodies also in the cart, and removed the whole to Jinden; I there remained in charge of the bodies until the arrival of Mr. Orridge and the Magistrate to hold the inquiry; on searching the bodies, I found on that of Carroll, besides the one pound note mentioned, the sum of eleven pounds four shillings in notes and silver; the notes are all of the English, Scottish, and Australian Chartered Bank, Nos. 179621 189240, 170021, 175506, 179236, 174391, 176725, 180860, 177965, 180553, 167777; on Kennagh's body I found no money, but two private letters signed "Mary Kennagh," and a certificate in writing signed "Henry Parkes," setting forth that the bearer was employed on secret police duty; on M'Donnell's body I found fourteen pounds in gold coin, one five pound note, Bank of Australasia, No. 23943, three shillings in silver, and a Bank of New South Wales deposit receipt for the sum of three hundred pounds; also, one silver watch, with chain and key, one clasp knife, and two trunk keys, and a piece of ruled paper, headed "Deposits and Repayment," with the words and figures "August 4, 1866. Received £80"—besides a certificate similar to Kennagh's, signed "Henry Parkes," authorizing the bearer to do secret police duty; on the body of Phegan I found five shillings and threepence in silver, an authority signed "Henry Parkes," certifying that the bearer was employed on secret police duty, a purse of leather, a lock of woman's hair plaited, a portrait of a female, and a small key; I now produce all the above articles; I also took possession of four horses, four saddles and bridles, and some clothing, all of which had been left by the deceased men in charge of Mr. Smith, of Jinden, on the morning of Wednesday, the 9th instant; I found no rifles where the dead bodies lay; I carefully examined the ground in every direction; the bodies of Phegan and M'Donnell were lying on the road—that of Phegan on its face, and M'Donnell's on its back, on the left-hand side of the road going towards Jinden; and two large trees stand, one within twenty-five and the other twenty-three yards of the spot where the bodies lay; these trees would afford sufficient cover for concealment, and I have no doubt that the persons who killed these men fired from behind these trees; there were tracks of human feet, and portions of cartridge, envelopes, and papers of a breech-loading rifle; one tree is 12 feet in circumference, and the other 9 feet, and they stand 16 yards apart; the only ammunition I found was pistol ammunition—about three or four rounds—under Carroll's dead body, and four or five rounds for a pistol in Phegan's pockets; the bodies of Carroll and Kennagh were lying on their backs, half a mile distant from the other two; Kennagh's hat and a loaded revolver lay both near the dead body of M'Donnell; the one pound note, Joint Stock Bank, No. 4343, found lying  
on

on Carroll's breast, is marked "A," and initialled by me; this morning, Saturday, the 12th January instant, I made a second careful search of the ground where the dead bodies were found, when the black tracker discovered a spot where some horses had been tied to trees on the ridge above the road where the bodies of M'Donnell and Phegan were found, and about three hundred yards distant from that place.

DANIEL BYRNE.

The above deposition of Daniel Byrne was duly sworn and signed before me, at Ballalaba, this 12th January, 1867.

J. H. GRIFFIN, J.P.

This deponent, *Michael Wallace*, on oath, saith as follows:—I am the Governor of the Braidwood Gaol; I know personally a party of special constables who have lately been doing duty in the Braidwood District; their names were John Carroll, Patrick Kennagh, John Phegan, and Eunis M'Donnell; I remember, on a Sunday evening in the month of December last, a conversation taking place in my presence between the deceased Mr. Carroll and Edward Smith; Carroll, in the course of conversation, accused Smith of being connected with Clarke's gang of bushrangers; Carroll then said to me, in Edward Smith's presence—"You were present when I received this information?" I said—"I was"; Carroll then said to Smith that he (Smith) had supplied the bushrangers with ammunition; Smith said it was a "bloody lie"—that Mick Connell had purchased a quantity of ammunition at a house in George-street, Sydney, and that it was then planted in the garden of a man named Daniel Guinea; Smith added, addressing Carroll—"If you will come up to Jinden, I shall give you every assistance in my power to take the "bloody wretches," saying that they, (meaning Clarke and party) had robbed his mother-in-law and himself of cattle; Smith then made an arrangement with Carroll, that Carroll should visit his place, and that he (Smith) would put him on the bushrangers; Smith also stated that at this time the bushrangers had a rifle belonging to him (Smith) in their possession; John Carroll and Smith were sober at this time; this conversation took place in Vider's public-house; this conversation took place about 9 or 10 o'clock at night; there was no time fixed, that I know of, for Carroll's visit to Jinden; I know of no other Smith that gave information to Carroll except Edward Smith.

M. WALLACE.

Sworn before me, at Braidwood, }  
this 13th January, 1867,— }

J. H. GRIFFIN, J.P.

Inquiry adjourned to Monday, 14th January instant.—J. H. GRIFFIN.

Braidwood, Monday, 14th January, 1867.

[Inquiry resumed.]

This deponent, *George John Pattison*, on oath, saith as follows:—I am a duly qualified medical practitioner, and reside at Braidwood; I have made a post mortem examination of four dead bodies lying at Jinden, a station on the Upper Shoalhaven, on Friday, the 11th January instant; on examination of the body that I identify as that of John Carroll, lately a special constable doing duty in the Braidwood District, I find face very much discoloured and disfigured, decomposition advancing rapidly; covering the upper part of the body were three woollen shirts, all of which were perforated by a circular aperture over the region of the heart; thorax—over anterior surface of left side, about an inch above left nipple, was observed a large oval-shaped wound, passing into the thoracic cavity; on removing the skin and pectoral muscles, I found an oval-shaped wound about an inch in length, immediately underneath the third rib, and close to the sternum, through which a piece of lung tissue about the size of a pigeon's egg protruded; on removing the sternum, together with the cartilaginous extremities of ribs attached thereto, I found a fracture of the fourth rib, cartilaginous part; left lung much collapsed; towards upper part of upper lobe anteriorly was found a large circular wound, passing through that part of lung which overlaps heart; pericardium and heart, a large circular wound through pericardium, towards apex of that membrane, corresponding with wound already described on left lung, and communicating with large wound through right auricle of heart, which corresponded with similar wound on right wall of right ventricle of heart, towards apex of that cavity; right lung, towards base of lung posteriorly, was found a circular wound passing through that part of lung, and corresponding to that part of the thoracic parietes, posteriorly over the seventh rib, close to the vertebral column; following course of wound with finger, found the seventh rib, close to seventh dorsal vertebra, fractured extensively; and immediately external to that rib, and situated in the erector spinal muscles, I found a large rifle bullet, which I produce, marked x x; I am of opinion that death was produced by a gunshot wound; that the wounds already mentioned were inflicted by the bullet removed, which entered the body through the fourth rib anteriorly, passing through part of left lung, upper part of pericardium, and lower lobe posteriorly of right lung, fracturing the seventh rib posteriorly as already described, lodging in the muscles of the back, over the seventh rib posteriorly; I am also of opinion that deceased must have been in a kneeling position when shot, and only a few yards from the weapon (which I believe to have been a rifle of some description) from which the bullet was discharged.

**Patrick Kennagh.** I also recognize and identify the dead body of Patrick Kennagh; on examination, I find decomposition rapidly advancing on head and face; neck, immediately over the pomum adamii of the thyroid cartilage, I found a large circular wound, passing through that cartilage in a downward and backward direction, through upper part of trachea and esophagus, wounding sub-clavian artery, passing through upper part of left lung backwards and downwards, fracturing transverse process of first dorsal vertebra, passing out posteriorly about an inch from spinal column, on left back through second rib, causing extensive fracture of that bone, finally passing through muscles and superficial tissues of back over that rib. I am of opinion that death was produced by the wound already described, which I believe to have been caused by a rifle bullet of large dimensions. I am also of opinion that deceased was in a kneeling posture when shot.

**Ennis M'Donnell.** I have examined the dead body pointed out to me as that of Ennis M'Donnell, and which I recognize as that of a man forming one of Constable Carroll's party. Face much blanched, as if deceased had bled to death. Left inferior extremity:—A circular opening was found in left leg of trousers, over middle thira of left thigh, a similar opening was found in leg of drawers, covering left thigh, corresponding with opening in leg of trousers. Left thigh:—Found circular wound over middle thira of thigh, slightly external to the mesial line, wound passing through vasti muscles of the thigh, and extensively fracturing the femur about middle thira, wounding the femoral artery and vein. On making incision through front part of thigh, found extensive fracture of femur, and removed about one dozen pieces of that bone, from half-inch to an inch in length; corresponding from half an inch to inch in length of that bone, found portion of bullet lodged towards upper posterior portion of the adductor magnus muscle. I am of opinion that death was caused by a gunshot wound, being the wound already described. I am also of opinion that deceased must have been in the erect position, and probably walking, and in the act of turning round towards assassin, when bullet entered thigh. I am of opinion that death must have taken place about two or three minutes after wound was inflicted. I am also of opinion that deceased must have been shot with a rifle ball, and some distance from person firing, say 20 yards; part only of bullet entered thigh; I now produce it, marked M.

**John Phegan.** I have examined a body which I recognize as that of John Phegan, one of the special constables of Carroll's party. Face and neck very much discoloured, and greatly congested. Right arm:—Circular opening through arms of flannel shirts, covering right upper arm over deltoid muscle. Thorax:—Two circular apertures penetrating shirts over right side under axilla, one small circular aperture over posterior lateral surface through shirt on left side; on removing clothing, found small circular wound over posterior left lateral surface of this cavity, between fifth and sixth ribs. Left lung:—Lower margin of upper lobe of left lung penetrated, descending vena cava penetralia, communicating with wound in right lung, which penetrated through middle of upper lobe, passing onwards through right lateral surface of thorax, immediately above margin of third rib. Right arm:—Wound on inner and upper surface of upper arm, close to axilla; when arm placed by side on dissection, found compound comminuted fracture of humerus, and between pieces of bone, underneath insertion of deltoid muscle, found a revolver bullet, produced, marked F 1; on right side, about an inch below the bullet wound already described, I found a large oval wound which passed in a downward direction, through base of right lung, through part of diaphragm, immediately intervening between base of right lung and liver, and passing through posterior border of liver, through tissues immediately external to the ninth rib, and found bullet lodged underneath ninth rib, posteriorly, close to spinal column. I am of opinion that death was caused by gunshot wounds, but that deceased was first shot through right side, bullet passing through base of right lung, through diaphragm and upper and posterior portion of liver, lodging in the tissues external to the ninth rib, posteriorly, close to the spinal column. I am of opinion that a second bullet from a revolving pistol entered body, probably when deceased was lying wounded on ground, passing between fifth and sixth ribs, posteriorly, as already described, through lung on the left side, wounding large blood-vessel, passing through right lung, making its exit on the right side, immediately above margin of third rib, as already described, entering right arm while deceased was lying on that arm, passing through inner and upper part of upper right arm, fracturing the bone and embedding itself in the tissues where I removed it, as already described. Rifle bullet produced, marked F.

G. J. PATTISON,  
Physician and Surgeon.

Sworn before me, at Braidwood, }  
this 14th day of January, 1867. }

J. H. GRIFFIN, J.P.

This deponent, *Antony Vider*, on oath, saith as follows:—I am a publican, and reside in Braidwood; I have known a party of special constables doing secret duty in the Braidwood District for the past four months; their names were, John Carroll, Patrick Kennagh, John Phegan, and M'Donnell; when in Braidwood they lodged at my house; on Sunday the 6th instant, the whole party left my house at 2 o'clock in the morning, to go to Jembaicumbeno; they were armed—they had five revolving pistols, and two revolving rifles, with a quantity of ammunition tied up in a red silk handkerchief; they proposed staying away about a fortnight. I remember about a fortnight ago seeing Michael Connell of Stony Creek, at my public-house—he was on horseback in front of  
my

my place, speaking to Mr. Carroll, who was under the verandah of my house ; I was standing close by ; I heard Michael Connell tell Mr. Carroll—" If ever I see you or any of your men about my place, or in my paddock, I will shoot you like dogs." Connell afterwards added—" Never mind, don't take notice of what I am telling you—you know what I am—don't pass by my place without coming and having a drink—and I am much obliged to you for the way you have acted towards me." Michael Connell at the time he said this was slightly under the influence of drink, but in my opinion knew what he was about ; Connell spoke the words I have stated very loud ; Michael Griffin was present ; Michael Connell's wife also ; Mr. Moriarty, a resident in Braidwood, and a next-door neighbour of mine, was within hearing distance at the time ; Daniel Guinea was also present. I also remember that on the Sunday evening either immediately before or after Christmas last, Edward Smith of Jinden had an interview with Mr. Carroll in my place ; Mr. Wallace, the Braidwood Gaoler, was present at this time with them ; these three—Smith, Carroll, and Wallace, were in close conversation ; while they were conversing, I sent Mr. Carroll a note telling him to be on his guard about Edward Smith ; a few days after, Edward Smith called at my house, and in the bar inquired for Mr. Carroll ; Mr. Carroll was out ; Smith waited about half an hour for him, and in the course of conversation with me, in the presence of some one else, I don't now recollect who, Smith said, speaking of the bushrangers—" I'll soon catch the buggers." Smith then went away without seeing Mr. Carroll. I also remember about New Year's day, Michael Griffin had a long private interview with Mr. Carroll ; I was not present at the interview.

A. VIDER.

Sworn before me, at Braidwood, }  
 this 15th January, 1867,— }

J. H. GRIFFIN.

No. 5.

DEPOSITIONS, &C., IN THE CASE OF THOMAS LAWLER,

*Information—General Purposes.*)

New South Wales }  
 to wit. }

BE it remembered, that on this 19th day of July, in the year of our Lord one thousand eight hundred and sixty-six, in the Colony of New South Wales, Richard Fitzroy Creaghe, of Ballalaba, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of our Lady the Queen in and for the Territory of New South Wales, and on oath informs me that, on the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, Thomas Lawler did, near Krawarra, in the Braidwood District, and Colony aforesaid, voluntarily and knowingly aid one Patrick Connell, an outlaw, with intent to facilitate the commission by him of further crime, contrary to the Act of the Governor and Legislative Council of the said Colony in such case made and provided ; whereupon the said Richard Fitzroy Creaghe prays that I, the said Justice, will proceed in the premises according to law.

RICHARD FITZROY CREAGHE.

In the said Colony, on the day first }  
 above written, before me,— }

J. H. GRIFFIN, J.P.

(C., 11 & 12 Vic., cap. 43.)  
*Warrant in the first instance.*

To the Officer of Police in charge at Braidwood, in the Colony of New South Wales, and to all other Peace Officers in the said Colony.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that one Thomas Lawler did, at Krawarra, in the said Colony, voluntarily and knowingly, on the 17th instant, aid one Patrick Connell, an outlaw, with intent to facilitate the commission by him of further crime, contrary to the Act in such case made and provided, and oath being now made before me substantiating the matter of the said information : These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said Thomas Lawler, and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said Colony, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, at Braidwood, in the Colony aforesaid,—

J. H. GRIFFIN, J.P.

(R 1.)

(R 1.)

*Warrant to convey the Accused before a Justice of the Colony, &c., in which the offence was committed.*

To the Sergeant of Police for the district of Queanbeyan, and to all other Peace Officers in the Colony of New South Wales.

WHEREAS Thomas Lawler, of Newington, Gundaroo, in the said Colony, laborer, hath this day been charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that he, the said Thomas Lawler, at Krawarra Ranges, in the said Colony, on the 17th day of July instant, voluntarily and knowingly did aid one Patrick Connell, an outlaw; and whereas I have taken the depositions of Robert Latimer and Luke Deacy, two witnesses examined by me in this behalf; but inasmuch as I am informed that the principal witnesses to prove the said offence against the said Thomas Lawler reside in district of Braidwood, in the said Colony of New South Wales, where the said offence is alleged to have been committed: These are therefore to command you, the said Sergeant, in Her Majesty's name, forthwith to take and convey the said Thomas Lawler to Braidwood, in the said Colony, and there carry him before some Justice or Justices of the Peace in and near unto the place where the offence is alleged to have been committed, to answer further the said charge before him or them, and to be further dealt with according to law; and I hereby further command you, the said constable, to deliver the said Justice or Justices the information in this behalf, and also the said depositions of Robert Latimer and Luke Deacy, now given into your possession for that purpose, together with this precept.

Given under my hand and seal, this 27th day of July, in the year of our Lord one thousand eight hundred and sixty-six, at Queanbeyan, in the Colony aforesaid,—

CH. NEWCOMBE, J.P.

(M., 11 & 12 Vic., cap. 42.)

*Depositions of Witnesses.*

New South Wales }  
to wit. }

THE examination of Robert Latimer, of Queanbeyan, in the Colony of New South Wales, Sergeant of Police, taken on oath, this 26th day of July, in the year of our Lord one thousand eight hundred and sixty-six, at Queanbeyan, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Thomas Lawler, who is charged this day before me, for that he, the said Thomas Lawler, on the 17th day of July instant, at Krawarra Ranges, in the said Colony, voluntarily and knowingly did aid Patrick Connell, an outlaw, with intent to facilitate the commission by him of further crime.

This deponent, *Robert Latimer*, on oath, saith as follows:—I am a sergeant of police, stationed at Queanbeyan; from information I received officially, I apprehended the accused, Thomas Lawler, now before the Court, on yesterday, about 1 o'clock, at his place of residence, at Newington, Gundaroo; I told him he was charged with aiding the outlaw Pat Connell; accused said—"All right"; he afterwards asked when he was charged with this; I told him on the 17th July. He said—"That was on Tuesday—I was in Queanbeyan then." I brought him to Queanbeyan, and delivered him into the Gaol on last night.

About the hour of 12 o'clock on Tuesday, the 17th instant, the accused called upon me at the police barracks at Queanbeyan, and remained with me in conversation about half an hour. I observed nothing remarkable in his manner, and he did not appear to be under more excitement than ordinary.

*Cross-examined by the accused*:—I saw the accused at Mack's Reef diggings on Monday, 16th instant—he was speaking to me.

ROBERT LATIMER.

The above deposition of Robert Latimer was taken and sworn before me, at Queanbeyan, on the day and year first above mentioned.

CH. E. NEWCOMBE, J.P.

Accused remanded into custody at the Gaol at Queanbeyan, until to-morrow.

CH. E. N., J.P.

Police Office, Queanbeyan,  
27th July, 1866.

Before Chas. Newcombe, Esq., J.P.

Thomas Lawler again brought up further to answer.

This deponent, *Luke Deacy*, on oath, saith as follows:—I am a constable of police stationed at Queanbeyan; I exhibit a warrant (marked A), signed J. H. Griffin, J.P., in the handwriting of that Justice of the Peace, to the best of my belief, and whose handwriting I have several times seen; the warrant is for the apprehension of Thomas Lawler; the accused now before the Court is Thomas Lawler, required by the warrant to be apprehended, to the best of my belief; all other witnesses in this matter reside at Braidwood or the neighbourhood thereof, into which place I pray the accused may be remanded further to answer.

LUKE DEACY.

The

The above deposition of Luke Deacy was taken and sworn before me, at Queanbeyan, on the day and year first above mentioned.

CH. E. NEWCOMBE, J.P.

Accused remanded to Braidwood, and to be taken before the Bench, there further to answer.

CH. E. NEWCOMBE, J.P.

This deponent, *Richard Fitzroy Creaghe*, sworn, saith:—I am a senior sergeant of police, stationed at Ballalaba; on the 17th July, 1866, I was in charge of a party of police; we came upon four bushrangers in camp in the Krawarra Mountains; we fired on the camp, and routed the bushrangers; they rushed across the creek; they then commenced firing; Constables Kelly and Gracy rushed after Pat Connell; Senior Constable Byrne and myself rushed after the other three bushrangers; while Kelly and Gracy were with Pat Connell in the creek, I was on the top covering them—I was beside a large tree; on my left front, behind a log, I saw two bushrangers; one I recognized as Tom Connell, and the other as the prisoner, Tom Lawler; I fired at them; before I fired, I saw the prisoner pointing me out to Tom Connell, who put his revolver over the log and fired at me; I immediately fired with my rifle; they ducked down under the log; as soon as I fired they looked up; he pointed me out a second time to Tom Connell, who fired; I fired again; they then ran away; the firing went on for some time; I did not see them again till we were packing the body of Pat Connell; I then saw them again; we fired, and they went into the scrub, which was very thick; Tom Connell had no hat on; the prisoner had after the fight was over; I remarked to the men that Tom Lawler was among the bushrangers; this was about 3 o'clock in the afternoon; the last time I saw him was about 5 o'clock in the afternoon—it was just about dusk, might be a little after 5 o'clock; I was about sixty yards from the prisoner, that was the nearest point I was to them. The prisoner here voluntarily states that witness ought to know him well, as he seen him, the prisoner, in two or three different dresses, and seen him one night in his shirt; all the other police knew me as well as him. I saw the prisoner three or four times before this—I knew him by sight.

RICHD. FITZ. CREAGHE.

*Thomas Kelly* sworn, saith:—I am a constable, stationed at Ballalaba; I was with Sergeant Creaghe at the encounter with the bushrangers, on the 17th July last, about 3 o'clock; we were firing for about two hours—it lasted until about 5 o'clock p.m.; I recognized Tom Connell, John Clarke, and after his death I recognized Pat. Connell; I do not know who was the fourth bushranger; it is about 50 miles from where the encounter took place to Mac's Reef, and about 50 miles to Queanbeyan—that is as near as I can say; I have been to Queanbeyan—I believe it to be a little nearer to the place than Mac's Reef is.

*To prisoner*: I cannot swear you were with the bushrangers; I produce the *Government Gazette*, dated 5th June, 1866, in which Patrick Connell and Tommy Clarke are proclaimed as outlaws; Patrick Connell, who was shot at the encounter referred to, is the same man referred to in the *Gazette* as an outlaw.

THOMAS KELLY.

*Michael Wallace* sworn, saith as follows:—I am the Gaoler at Braidwood; I see the notice in the *Gazette* produced in which Pat Connell is proclaimed an outlaw; he, Pat. Connell, has not surrendered himself to me.

M. WALLACE.

The above depositions of Richd. Fitz. Creaghe, Thomas Kelly, and Michael Wallace, were taken and sworn before us, this 2nd August, 1866,—

DAVID DICKSON, J.P.  
JAS. LARMER, J.P.

This deponent, *John Hunt*, sworn, saith:—I am a carpenter, residing in Queanbeyan; I know the prisoner Thomas Lawler; I recollect seeing him in company with Mr. Manton, on the 17th July last, in Queanbeyan; I do not recollect the time of day—I think it was about 3 o'clock p.m.; I am quite sure about the day—I think it was about 3 o'clock; my father keeps an hotel—I live with him; Lawler stayed at my father's house all that night; I could not be mistaken in prisoner—I know him; I made a memorandum on the following day—I was putting the items of the things which he had; I think Mr. Manton was looking after copper; he stayed with prisoner on that night at our house; I know prisoner for a year, and have seen him frequently; the memorandum contained a list of the beds and breakfasts that prisoner and Mr. Manton had; I looked at it yesterday, to refresh my memory as to the date; I do not know the amount—I did not look; my father keeps a set of books—I enter some in them—I enter some of the items referred; I swear he was in Queanbeyan on the 17th of last month, independently of the memorandum in question; I think he arrived about 3 o'clock—if anything, it was earlier; he was on horseback, and rode a small bay horse; Manton was riding a clipped horse—a bay or a brown.

JOHN HUNT.

*Robert*

*Robert Latimer*, sworn, saith as follows :—I am a sergeant of police stationed at Queanbeyan ; I know the prisoner ; I recollect the 17th July last ; I saw you in Queanbeyan, about 12 o'clock on that night ; the prisoner came to me about 12 o'clock that night, on particular business ; I had a conversation with him for half an hour ; I saw him on Mac's Reef the previous day ; I am perfectly certain as to the date ; it was two or three days after the encounter that Pat Connell was shot that I heard of it ; I executed the warrant ; I arrested the prisoner at Nowington, about 2 miles from Mac's Reef, at his house, on the 25th of last month. The prisoner came on foot to me on the night of the 17th July last ; he did not look fagged or tired—he had some drink taken—he was dressed similar to the way he is now ; I saw Lawler about 2 o'clock and about 6 o'clock p.m. on the 16th of July last, on Mac's Reef.

ROBERT LATIMER.

The above depositions of John Hunt and Robert Latimer were taken and sworn before us, this 2nd of August, 1866,—

DAVID DICKSON, J.P.  
JAS. LARNER, J.P.

The prisoner is discharged.

DAVID DICKSON, J.P.  
JAS. LARNER, J.P.

### No. 6.

DEPOSITIONS, &c., IN THE CASE OF MICHAEL NOWLAN O'CONNELL.

#### PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS, on the nineteenth day of April last, an information was duly filed in the Supreme Court of New South Wales, by the Honorable James Martin, Her Majesty's Attorney General for the said Colony, charging Thomas Clarke and Patrick Connell with the crime of murder : And whereas, by writ of summons, bearing date the twelfth day of May last, under the hand and seal of Sir Alfred Stephen, Knight, Companion of the Bath, Chief Justice of the said Colony, the said Thomas Clarke and Patrick Connell, were, under and in pursuance of the "Felons Apprehension Act," duly summoned to surrender themselves into the custody of the Gaoler of Her Majesty's Gaol at Braidwood, on or before Tuesday, the twenty-ninth day of May last, to abide their trial severally for that crime : And whereas the said Thomas Clarke and Patrick Connell did not, nor did either of them surrender themselves or himself as required by the said summons : And whereas the said Sir Alfred Stephen, Knight, as such Chief Justice as aforesaid, hath, by a declaration to that effect, under his hand, bearing date the thirty-first day of May last, duly adjudged and declared each of them, the said Thomas Clarke and Patrick Connell, to be an outlaw : Now I, the Governor aforesaid, by and with the advice of the Executive Council of the said Colony, in pursuance of the authority in me vested under and by virtue of the said Act, do hereby notify and declare that each of them, the said Thomas Clarke and Patrick Connell, was, on the said thirty-first day of May last, duly adjudged and declared to be an outlaw, by the said Sir Alfred Stephen, as such Chief Justice as aforesaid, by a declaration to that effect under his hand, and that the said declaration was, on the said thirty-first day of May last, filed in the said Court of Record.

Given under my hand and seal, at Government House, Sydney, this fifth day of June, in the year of our Lord one thousand eight hundred and sixty-six, and in the twenty-ninth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's command,  
HENRY PARKES.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,  
Sydney, 5th June, 1866.

Five Hundred Pounds Reward for the apprehension of the outlaw Thomas Clarke ; Three Hundred Pounds Reward for the apprehension of the outlaw Patrick Connell ; Two Hundred Pounds Reward for the apprehension of associates of the above offenders ; and One Hundred Pounds Reward for harbourers.

WHEREAS the above-named Thomas Clarke and Patrick Connell have, by Proclamation dated the fifth instant, been declared outlaws, under the provisions of the 28th Victoria, No. 2 (the "Felons Apprehension Act") : Notice is hereby given, that a reward of two hundred

hundred and fifty pounds will be paid for the arrest of the said Thomas Clarke, and a reward of two hundred and fifty pounds for such information as may lead to his capture, such reward to be in lieu of all other rewards previously offered for the apprehension of the said Thomas Clarke; and that a reward of one hundred and fifty pounds will be paid for the arrest of the said Patrick Connell, and a reward of one hundred and fifty pounds for such information as may lead to his capture.

Notice is also hereby given, that a reward of two hundred pounds, to be similarly divided, will be paid by the Government for the apprehension of any accomplices of the said outlaws Thomas Clarke and Patrick Connell, arrested in their company, and associated with them in the commission of crime.

It is also further notified, that a reward of one hundred pounds will be paid for such information as will lead to the conviction of any person or persons for harbouring, assisting, or maintaining the above-named outlaws Thomas Clarke and Patrick Connell.

It is to be understood that, in every case, the rewards will be paid to the person or persons performing the required service, whether policemen or not, and will not go into any Police Fund.

Public attention is particularly directed to the Caution, and Extracts from the "Felons Apprehension Act," published in the Government Notice dated this day; and all persons are hereby warned, that parties offending against the enactment will be rigorously prosecuted, as directed, as felons, subject to forfeiture of lands and goods, and imprisonment with or without hard labour.

HENRY PARKES.

Colonial Secretary's Office,  
Sydney, 5th June, 1866.

CAUTION against harbouring or aiding Thomas Clarke and Patrick Connell, or other outlaws.

WITH reference to the above-mentioned offenders, who have been proclaimed, and to others who hereafter may be proclaimed, outlaws, in accordance with the provisions of the "Felons Apprehension Act," public attention is particularly drawn to the subjoined extracts from the Act; and all persons are hereby warned, that parties offending in any respect against the enactment will be rigorously prosecuted as directed.

Section 4 of the Act is as follows:—

"If after [such] proclamation any person shall voluntarily and knowingly harbour conceal or receive or give any aid shelter or sustenance to such outlaw or provide him with fire-arms or any other weapon or with ammunition or any horse equipment or other assistance or directly or indirectly give or cause to be given to him or any of his accomplices information tending or with intent to facilitate the commission by him of further crime or to enable him to escape from justice or shall withhold information or give false information concerning such outlaw from or to any officer of police or constable in quest of such outlaw the person so offending shall be guilty of felony and being thereof convicted shall forfeit all his lands as well as goods and shall be liable to imprisonment with or without hard labour for such period not exceeding fifteen years as the Court shall determine and no allegation or proof by the party so offending that he was at the time under compulsion shall be deemed a defence unless he shall as soon as possible afterwards have gone before a Justice of the Peace or some officer of the Police Force and then to the best of his ability given full information respecting such outlaw and made a declaration on oath voluntarily and fully of the facts connected with such compulsion."

The attention of the police and others is also called to the 2nd section of the said Act, which is in the following words:—

"2. If the person so charged shall not surrender himself for trial pursuant to such summons or shall not be apprehended or being apprehended or having surrendered shall escape so that he shall not be in custody on the day specified in such summons he shall upon proof thereof by affidavit to the satisfaction of any Judge of the Supreme Court and of the due publication of the summons be deemed outlawed and shall and may thereupon be adjudged and declared to be an outlaw accordingly by such Judge by a declaration to that effect under his hand filed in the said Court of Record. And if after proclamation by the Governor with the advice of the Executive Council of the fact of such adjudication shall have been published in the *Gazette* and in one or more Sydney and one or more country newspapers such outlaw shall afterwards be found at large armed or there being reasonable grounds to believe that he is armed it shall be lawful for any of Her Majesty's subjects whether a constable or not and without being accountable for using any deadly weapon in aid of such apprehension whether its use be preceded by a demand of surrender or not to apprehend or take such outlaw alive or dead."

Attention is called to the rewards which will be paid for information leading to the capture of either of the above-named outlaws, and for their actual apprehension or capture, dead or alive. The terms of the rewards will be found in the Government Notice, dated this day; the amounts being, Five Hundred Pounds for the apprehension of the offender Clarke, and Three Hundred Pounds for the offender Connell; and also, Two Hundred Pounds for the apprehension of associates of the said outlaws Clarke and Connell, arrested in their company, and associated with them in the commission of crime; and also, One Hundred Pounds reward for information leading to the conviction of persons harbouring or assisting the said offenders.

HENRY PARKES.

J.

J. Larmer, Esq., J.P., to The Attorney General.

Court House, Braidwood,

24 December, 1866.

Sir,

Michael Nowlan  
O'Connell.

We do ourselves the honor to transmit herewith the depositions in the case of the prisoner named in the margin, who has been committed to take his trial at the next General Quarter Sessions of the Peace, to be holden at Braidwood, on the 27th March, 1867.

We have, &c.,

JAS. LARMER, J.P.

(M., 11 & 12 Vic., cap. 42.)

*Depositions of Witnesses.*

New South Wales }  
to wit. }

THE examination of John Carroll of Braidwood, in the Colony of New South Wales, special constable, Emma Bradley, Lucy Hurley, Jonah Newman, Christopher Payne, Daniel Byrne, William Cotton Fell, Alexander Bradly, and Cornelius O'Connell, of — in the said Colony, taken on oath, the 6th, 18th, and 20th days of December, in the year of our Lord one thousand eight hundred and sixty-six, at Braidwood, in the Colony aforesaid, before the undersigned, two of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Michael N. O'Connell, who is charged this day before us, for that he, the said Michael N. O'Connell, at Stony Creek, in the said Colony, did voluntarily and knowingly aid, shelter, and sustain the outlaw Thomas Clarke and his associates, at various times.

This deponent, *John Carroll*, being duly sworn, maketh oath and saith as follows:— I am a special constable in the district of Braidwood; on the 29th of November, 1866, I apprehended the prisoner Michael O'Connell, at his residence, Stony Creek, on a charge of harbouring, aiding, and assisting the outlaw Thomas Clarke and his associates. I told him the charge; he made no reply; I took him to Braidwood, and confined him in the lock-up there.

JOHN CARROLL.

Sworn before us, this sixth }  
of December, 1866,— . }

W. J. BENNISON, J.P.  
JAS. LARMER, J.P.

Remanded for one week.

This deponent, *Emma Bradley*, being duly sworn, maketh oath and saith as follows:—I reside in Braidwood; I know the prisoner Michael N. O'Connell; I know where he lives—he keeps a public-house at Jerrabatt Gully; I know Thomas Clarke, John Clarke, and Thomas Connell; I have heard him called the outlaw Thomas Clarke; my husband, Allen Bradley, was convicted at the last sessions here, for being an associate of the outlaw Thomas Clarke; he is now undergoing a sentence; there never was a charge brought against me in a Court of Justice here; I have not, since last October, nor before, seen the outlaw Thomas Clarke, John Clarke, or Tom Connell, at or near prisoner's place; I know when Lucy Hurley was committed for trial; I know when she was taken up; since that I went to Michael Connell's (the prisoner's), and received from the prisoner's wife a small bottle of gin for Tom Connell, and some bread and cheese—nothing else; I told Mrs. Connell that it was for Tom Connell, and that he would settle with her; Michael Connell was not present at the time; I took the gin and bread and cheese, and gave them to Tom Connell; I went once before for something to the prisoner—I went for a bottle of gin for Tom Connell; Catherine Berry gave me the bottle of gin; she was servant at the prisoner's; she is a niece of the prisoner's; I did not pay for the gin; I gave it to Tom Connell; Thomas Clarke was not with Tom Connell at the time that I gave the gin; I have seen Tom Connell in company with Thomas Clarke the outlaw.

*By the Bench:* Thomas Connell was in the bush near Griffin's when I gave him the gin.

*By Mr. Scarvell:* I think my husband was convicted for assault and robbery under arms at Mr. Taylor's, Little Bombay, in company with others—that was the only charge he was tried on.

her  
EMMA + BRADLEY.  
mark.

This

This deponent, *Patrick Griffin*, being duly sworn, maketh oath and saith as follows:—I am a farmer, residing at Oronmore; I am now on remand in gaol on a charge of being an associate of Thomas Clarke; I asked the officers in the gaol that I wished to see Mr. Carroll, special constable; I know the prisoner Michael Connell—he resides at Stony Creek—he keeps a public-house there.

*By Mr. Carroll, special constable:* I will not swear I do or I don't know Thomas Clarke the outlaw; I did not, that I recollect, tell you that I know him; I cannot say that I know Thomas Clarke the outlaw; I know Thomas Clarke the outlaw; I know John Clarke; I decline to answer whether I know Tom Connell or not; I cannot say whether I told you that I knew Tom Connell.

*To Mr. Carroll:* I will not swear that I did not tell you that I knew Tom Connell; I think I saw you within the last ten days; I know the prisoner's public-house; I saw a man standing in the bar—he had something in his hand; I cannot swear whether I told you he had a rifle or not—I cannot say whether it was a rifle or not; I might have said he had a rifle, but I will not swear that it was a rifle that the man had in his hand; a rifle is a sort of a gun; I was outside of the public-house, on horseback; I think I said the man had a gun in his hand, but I will not swear it was a gun he had; I heard somebody call the man Tom; I do not know whether anybody called him Tom or not; I will not swear that I knew the man, nor will I swear I do not know the man.

*By the Bench:* I knew it was Tom Connell; I sent for Mr. Carroll voluntarily and of my own accord; I have seen Tom Connell in company with Thomas Clarke the outlaw; on occasion I mentioned, the man that was in the bar pointed something out of the door, and said "Who comes there?" I said, Pat Griffin; Mick Connell was lying in the corner, drunk; I know he was drunk, because I asked him, a couple of days afterwards, if he recollected me being there, he said he did not; Mrs. Connell was in the bar; I was talking to my sister at the prisoner's—Connell was present.

*To Mr. Carroll:* I do not know what we were talking about; it was about the night that you are asking me about, I think; I think prisoner said "Were you here?" (meaning me); I have seen Mick Connell drunk very often; I do be at his place often; I might have been there once a week; I saw Tom Connell many times at prisoner's place within the last six months; I know Tom Connell was drunk the night that I saw him at the prisoner's place that I have previously mentioned; on my oath I never saw the outlaw Thomas Clarke at the prisoner's house after he was outlawed; I saw him once before he was outlawed; the prisoner's parlour paddock is on Government ground; Mick Connell fenced it; it is a mile or a mile and half from prisoner's place; I did not tell Mr. Carroll that Tom Connell said he wished it was a policeman until he would have a shot at him; he did not say that he would go to Wild Cattle Flat to shoot a constable; I swear I never told you that Tom Connell said he was going to Wild Cattle Flat to shoot a constable; I believe the prisoner was asleep when Tom Connell was at his place on the night in question; he was lying in the corner, and took no notice of us; there was no conversation between me and Tom Connell on that occasion; I did not, on any occasion, see Thomas Clarke and Thomas Connell in the parlour paddock; I saw Tom Connell about three times lately at prisoner's place; he was drunk twice when I saw him there, and I think the third time also.

*To Mr. Carroll:* You said to me—"If I let you off, will you assist me in taking Tom and John Clarke, the bushrangers?" You said this at Ballalaba Gap, on the day you apprehended me; you said this at my bed-room door; you told me, in the presence of Mr. Wallace, at the gaol, that you could not promise me any reward; I do not recollect seeing any person serving Tom Connell with grog in the prisoner's place; Tom Connell came to prisoner's place, on the occasion, drunk; he got sick after he came to Connell's, and threw off outside the house.

*By Mr. Scarvell:* It was after Mr. Carroll told me he would let me off that I sent for him; I thought Mr. Carroll was a detective, but I did not know.

P. GRIFFIN.

This deponent, *Lucy Hurley*, sworn, saith as follows:—I reside at Braidwood; I know the prisoner—he lives at Stony Creek; he is a publican; I am twenty years of age; I have seen Thomas Clarke the outlaw; I know Tom Connell, who is now committed for trial—we lived as man and wife together; I have got a child by Tom Connell; it is three years ago since I took up with Tom Connell; I am now under committal for aiding the bushrangers; I obeyed him as a wife should her husband; I recollect the sticking up at the Gulph—it is more than six months ago; I saw no gold dust with Tom Connell after that robbery, nor none in the possession of the prisoner after that robbery; I heard some conversation between Tom Connell and the prisoner about gold; I heard nothing about shares; I heard Tom Connell say that he had some gold; there was no person present but Tom Connell and myself; I did not know that I would be a witness in this case; I would give what evidence I know against the prisoner; I know what fire-arms are; I have visited prisoner's house once or twice, it might be three times, in company with Tom Connell; Tom Connell got some spirits sometimes at prisoner's house; I never saw Tom Clarke nor John Clarke in prisoner's public-house; I think I saw them within a quarter of a mile from prisoner's house once; I never saw Mick Connell speaking to the Clarkes; I saw him with Tom Connell on one occasion; I think the prisoners gave Tom Connell two bottles of gin on that occasion; this was about a quarter of a mile from the prisoner's house; I cannot say if Mick Connell got any pay for the gin; I never received anything from the prisoner's place for the Clarkes; I got something for Tom Connell—I got some bottles of gin sometimes; he was an associate of the Clarkes at that time; I sometimes

sometimes paid for the gin; I sometimes told the prisoner who it was for—I would say I want a bottle of gin for Tom Connell; I got a canister of powder and balls for Tom Connell, once, at the prisoner's place; the balls were not like those produced; when I went to the prisoner's, I told him I wanted some powder and balls for Tom Connell; he said he had not much powder in the house; he then gave it to me.

*To Mr. Carroll:* You never told me that you would give me any reward if I came here to-day to give evidence in this case; I did not know that I was to give evidence until I came here; I know what a breech-loading rifle is; I think I have seen the ammunition used for those rifles; the ammunition I got at the prisoner's would not do for a breech-loading rifle; what I got would not do for a common gun; I heard no complaints about the balls being too small that I got at prisoner's.

The prisoner keeps a store as well as a public-house.

her  
LUCY × HURLEY.  
mark.

This deponent, *Jonah Newman*, being duly sworn, saith:—I am a storekeeper, and one of the firm of Rodd, Newman and Payne, of Braidwood; I know the prisoner Michael Connell; I know Mr. Fell, solicitor—he sold a parcel of gold at our store on the morning of 10th of November last; I am not in the habit of buying gold myself; the gold Mr. Fell sold was coarse nuggety gold; I never saw Gulph gold to know it; I would not know it.

JONAH NEWMAN.

This deponent, *Christopher Payne*, being duly sworn, saith:—I am one of the firm of Rodd, Newman, and Payne, storekeepers, Braidwood; I know the prisoner; I know Mr. Fell, solicitor, of Braidwood—he sold a parcel of gold in our store about a month ago; I did not see the prisoner about our store at the time Mr. Fell sold the gold; about ten minutes after he sold the gold, I saw the prisoner walking up the street with Mr. Fell. The weight of the gold that Mr. Fell sold was 9 ounces 10 dwts. and 2 grains; I am in the habit of buying gold for the last three months; I can tell the Shoalhaven gold; I might be doubtful about that; I buy the most from there; it is very fine gold; I have seen gold that I was told was Gulph gold; I would not know Gulph gold for a certainty; when I bought the gold, I might have said it was similar to Gulph gold; I am not sufficiently acquainted with it to know; I gave £3 14s. 6d. per oz. for the gold; I do not know what the Gulph gold is worth; the Shoalhaven gold is worth £3 14s. 6d. to £3 15s. per oz.; I know nothing of Gulph gold in my experience; the gold that I bought from Mr. Fell was something like that shown to me as Gulph gold, it was dark and nuggety; I don't often buy gold like it; there has been a rush up in the Knawarrary district about two months ago; I do not know what the gold was like; Mr. Fell never sold any gold in our store but that lot, either before or since; I never heard of Mr. Fell being a gold digger or having shares at diggings; I never heard it; Knawarra is somewhere in the direction of Stony Creek, where the prisoner lives.

C. B. PAYNE.

This deponent, *Cornelius Connell*, being duly sworn, maketh oath and saith as follows:—

*To Mr. Carroll:* I am the prisoner's son; I know Thomas Clarke the outlaw, John Clarke, and Tom Connell; I have not seen any of them within the last six months; I might have seen Tom Connell, but not Tom or John Clarke; I did not see Tom Clarke John Clarke and Tom Connell close to my father's place; four weeks ago, when you were passing, I did not tell any person that I did see them; I had no conversation about this case with any person since I got the summons; I told Tom Kelly I had a summons to come here to-day; I did not see any person planting ammunition, or any other thing in the garden at the back of our house; I saw Tom Connell at my father's house, once or twice, about six or seven months ago; I know Pat Griffin; I have not seen Mr. Scarvell, nor had I any conversation with him about this case or anything else.

CORNELIUS C. CONNELL.

The above depositions of Emma Bradley, Patrick Griffin, Lucy Hurley, Jonah Newman, Christopher Payne, and Cornelius Connell, were taken and sworn before us, this 13th December, 1866.

THOS. STEWARD, J.P.  
JAS. LARMER, J.P.  
W. J. BENNISON, J.P.

Remanded until Monday, the 17th instant.

JAS. LARMER, J.P.

Remanded until 20th instant. Bail allowed—himself in £200, and two sureties in £100 each.

JAS. LARMER, J.P.

This

This deponent, *William Cotton Fell*, being duly sworn, maketh oath and saith as follows:—I am a solicitor residing at Moruya; I know the prisoner Michael N. O'Connell; the Gulph diggings is about thirty miles beyond Moruya, going from here; I am not in the habit of buying or selling gold; I cannot say whether I have seen Gulph gold; I would not know it from any other, except that I know it to be a coarse gold; I sold a parcel of gold at Mr. Rodd's in Braidwood, about 8 or 9 ozs. odd grains or pennyweights, I cannot say precisely; I got the gold in question from the prisoner; I think the prisoner came part of the way with me from my office towards Mr. Rodd's; prisoner came to my office on business; after we completed our business, he said to me—"I want you to do me a favour"; I asked him what it was; he said—"I want you to sell a small parcel of gold for me"; I said—"All right, but why don't you sell it yourself?" he said—"I don't want to be seen selling it myself personally"; I said—"Oh! I suppose this is some new find in your neighbourhood"; he said—"Well, you have about hit it." My impression was that there was a new find of gold in prisoner's neighbourhood; I sold the gold, and gave him the money; I have had no reason to change my belief yet, that this gold was not from a new diggings; I may say that the gold he gave me to sell was similar to gold I saw taken from the banks of the Shoalhaven River.

*By Mr. Scarvell (for prisoner):* I know the prisoner for eight years; he is a publican, on the banks of the Shoalhaven River; he has been my client nearly all that time; during the whole time I have known him, he has been a publican and storekeeper.

W. C. FELL.

This deponent, *Daniel Byrne*, being duly sworn, maketh oath and saith:—I am a sergeant of police at Ballalaba; I know the prisoner; I know Thomas Clarke the outlaw; I know John Clarke and Tom Connell; I apprehended Tom Connell lately on a charge of murder; when I apprehended him, he had a rifle and powder and caps upon him; I produce the ammunition (marked B) that I got on Tom Connell; it is ammunition for Terry's breech-loading rifle; it was in Connell's pocket, open as it is now; I knew Tom Connell to have been an associate of Tom Clarke the outlaw; I took the ammunition from Tom Connell on 14th of November last.

DANIEL BYRNE.

This deponent, *Alexander Bradley*, being sworn, saith as follows:—I am now doing a sentence in gaol; I know the prisoner—he resides at Stony Creek; I know Thomas Clarke the outlaw, John Clarke, and Tom Connell; I have been at the prisoner's a good many times within the last three months; I recollect the first time that I went to the prisoner's—I was living in Foxlow at the time—it was last September; I went with Tom Connell, the associate of Clarke; I was after a horse that was taken from Foxlow; I met John Clarke and Tom Connell in the gully; I then went with Tom Connell to the prisoner's; we went into the prisoner's house; Tom Connell called for nobblers, and the prisoner filled them out; Tom Connell called for two bottles of rum, and the prisoner gave them; I did not see him pay for the rum; I had no arms; Tom Connell had a breech-loading rifle and a revolver; the prisoner could see the arms; Tom Connell had the rifle slung over his shoulder, and the revolver in his belt; the prisoner, on that occasion, knew very well what he was doing; I do not know if he was sober; I heard the prisoner and Tom Connell speaking—I could not hear what he said; John Clarke stood up in the range about half a mile from the prisoner's house; when we were going away, the prisoner accompanied Tom Connell and I for about a quarter of a mile; I went another time with Tom Connell to the prisoner's—it was in October last; Tom Connell stopped at the yard; I went down to the prisoner's window and knocked, about 10 o'clock at night; the prisoner made answer to my knock; he said—"Is that you Tom?" the prisoner got up and told me to go back, and he would be up in a few minutes; I went back to Tom to the stock-yard, and in a few minutes after that the prisoner came up to the yard, about 100 yards from prisoner's house; prisoner had a bottle of gin; Tom Connell and prisoner shook hands; prisoner gave us a glass of gin; the prisoner and Tom Connell went some distance from me, and conversed for more than a quarter of an hour; I could not hear what they said; they came back to me, and the prisoner said he wanted me to go down to the house with him; I said, in prisoner's presence, to Tom Connell—"Did you forget the cartridges?" he said he was going to forget them if I had not reminded him of them; we went to the house; prisoner brought me some bread and meat to take up to Tom Connell; I took the bread and meat up to Tom, and a few minutes after prisoner came up with a bottle of gin, and some cartridges rolled up in paper; the cartridges were for a breech-loader; prisoner gave the gin and cartridges to Tom, and Tom put them into his pouch; the cartridges produced are similar to those given to Tom by prisoner; this took place before Tom Connell was taken; a week or ten days after that I went over to the prisoner's place for some grog; I told prisoner that I wanted a bottle of gin for Tom Connell, or the boys—they were all together; I said, I wanted it for Tom Connell; the outlaws go by the name of "the boys" in that part—they are well known by that name; prisoner gave me a bottle of grog, and some cartridges similar to those that Tom Connell got; I told prisoner they were for Tom Connell; I paid for the grog; the prisoner when he gave me the gin said—"Mind and be careful, and don't get taken by the police"; I was at the prisoner's place about the latter end of October or beginning of November last; I went there for a bottle of gin for Tom Connell; prisoner gave me the gin; I did not pay for it;

it; I told him it was for Tom Connell, he said it was all right; I sold a pair of women's boots to the prisoner, on one occasion; I told prisoner that they were a pair of boots stolen from Foxlow; I got a pair of spurs, of the value of 6s., for them from prisoner; he asked me where I got them; I told him; he said—"All right"; he took a file and filed the brand W.H off the sole of the boot, and run the spur over the place; I told him I had some tweed to sell—he said he would buy it; I told prisoner it was stolen from Foxlow; he said to me to take it down to the long tailor at Griffin's, and that he would make it up; I never delivered the tweed; I have not been at prisoner's place since; no person had a conversation with me about this case on the Clyde Road; I went from Berrima to Sydney, and up by the Clyde; Constable Watson and two other policemen came up here from the Clyde with me; Constable Watson spoke to me about the case.

*To Mr. Carroll:* I saw you in gaol; I had a little conversation with you; you said you brought me up as a witness against Michael N. O'Connell and the Griffins; you held out no inducement to me to give evidence in this case—no person did; Tom Connell told the prisoner that he got the two bottles of rum for himself.

*By Mr. Scarvell:* I arrived here on last Friday night; I have been in the gaol; I have seen nobody in gaol but Mr. Carroll; I forgot I saw Lucy Hurley outside the door; I spoke to her; she was outside the gaol; she was outside the gaol wall, and spoke through a hole in the wall; I spoke to Caroline Hurley in the same place; Mr. Wallace was alongside of me; Mr. Carroll spoke to me in the office, I was alone with him about ten minutes; there was no person present during that time; he spoke to me about Connell's case; he said nothing more than that he had me up as a witness; I did not know until I got into the box what I was going to be asked to-day; I have been in Berrima the most of my time since my conviction; I was told, last Tuesday week, that I was to be removed from Berrima; I had no other allowances since I got notice to come here only the usual; I had no tobacco.

*By Mr. Carroll:* You were writing a letter in the office; I was talking all.

*By the Bench:* Mr. Wallace was present when I spoke to Lucy Hurley; I had a conversation with her; she said my wife was confined, and doing all right.

his  
ALEXANDER × BRADLEY.  
mark.

—————

This deponent, William Cotton Fell, Daniel Byrne, and Alexander Bradley, were taken and sworn before us, this 20th December, 1866.

J. W. BUNN, J.P.

—————

(N., 11 & 12 Vic., cap. 42.)

*Statement of the Accused.*

New South Wales }  
to wit. }

Michael N. O'Connell stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this twentieth day of December, 1866, in the year of our Lord one thousand eight hundred and sixty-six, for that he, the said Michael N. O'Connell, at Stony Creek, in the said Colony, was an accessory to one Thomas Connell, as regards a felony; and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice having also stated to the accused, and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said Michael N. O'Connell; and the witnesses for the prosecution, John Carroll, Emma Bradley, Lucy Hurley, Jonah Newman, Christopher Payne, Daniel Byrne, William Cotton Fell, and Cornelius O'Connell, being severally examined in his presence; the said Michael N. O'Connell is now addressed by me as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial"; whereupon the said Michael N. O'Connell saith as follows:—"I make no statement; I call witnesses."

Taken before me, at Braidwood, in the said Colony, the day and year first above mentioned.

J. W. BUNN, J.P.

—————

This deponent, *Michael Wallace*, sworn, saith as follows:—I am the Gaoler in Braidwood; I produce the body of Alexander Bradley here to-day, under a writ of Habeas Corpus; the prisoner Bradley was received into my custody on last Friday afternoon; he has been in my custody ever since; Mr. Carroll, the prosecutor, saw prisoner Bradley in the gaol; on last Saturday, in my office, he had a private interview with him; it lasted fully

fully twenty minutes—it might be more or less ; I do not know what took place between them ; Mr. Carroll has seen prisoner once in gaol since that ; he had a private interview with him—it lasted about a quarter of an hour ; I know Emma Bradley, prisoner Bradley's wife, she gave evidence in this case ; I am sure that she did ; she had a private interview with the prisoner ; Mr. Carroll was present ; I think this was on last Saturday, and the interview lasted about twenty minutes ; she did not see him only that once ; Lucy and Caroline Hurley saw the prisoner Bradley ; they came together, and I think it was last Monday ; I heard every word was said between them ; there was not a word said about this case.

M. WALLACE.

Sworn before us, this 20th }  
December, 1866,— }

J. W. BUNN, J.P.

The prisoner, Michael N. O'Connell, stands committed to take his trial at the next General Quarter Sessions of the Peace, to be holden at Braidwood, on the 27th of March, 1867, on a charge to be then preferred against him. Bail allowed—himself in £200, and two surties in £100 each.

J. W. BUNN, J.P.  
W. J. BENNISON, J.P.

Court House, Braidwood,  
December 20th, 1866.

*Recognizance to give evidence.*

New South Wales }  
to wit. }

BE it remembered, that on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six, John Carroll, Emma Bradley, Lucy Hurley, Jonah Newman, Christopher Payne, Daniel Byrne, and William Cotton Fell, personally came before the undersigned, one 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 each, of good and lawful money of Great Britain, to be made and levied on their goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs, and Successors, if they, the said before-mentioned persons, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Braidwood, in the said Colony, before me,—

J. W. BUNN, J.P.

THE condition of the within-written recognizance is such, that whereas one Michael N. O'Connell was this day charged before Justice of the Peace within mentioned, for that he was an accessory to one Thomas Connell, as regards a felony ; if, therefore, they, the said John Carroll and others, shall appear at the next Quarter Sessions, to be holden at Braidwood, in and for the Colony of New South Wales, on Wednesday, the twenty-seventh day of March, 1867, and there give such evidence as they know, upon an information to be then and there preferred against the said Michael N. O'Connell, for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Michael N. O'Connell, then the said recognizance to be void, or else to stand in full force and virtue.

S I.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered, that on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six, Michael Nowlan O'Connell, of Jerrabatt Gully, in the Colony of New South Wales,—Thomas Hart, of Jerrabatt Gully, in the said Colony, farmer,—and Joseph Hart, of Jerrabatt Gully, in the said Colony, farmer,—personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say) ;—the said Michael O'Connell, the sum of two hundred pounds, and the said Thomas Hart and Joseph Hart, the sum of one hundred pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands, and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said Michael N. O'Connell, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned, at Braidwood, in the said Colony, before me,—

J. W. BUNN, J.P.

*Condition*

*Condition in ordinary cases.*

THE condition of the within-written recognizance is such, that whereas the said Michael Nowlan O'Connell was this day charged before me, the Justice within mentioned, for that he was an accessory of one Thomas Connell, as regards to a felony; if, therefore, the said Michael N. O'Connell will appear at the next Court of Quarter Sessions, to be holden at Braidwood, in and for the Colony of New South Wales, on Wednesday, the 27th day of March, 1867, and there surrender himself into the custody of the Keeper of the Gaol there, and plead to such information as may be filed against him, for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

*Affidavit of Justification.*

New South Wales }  
to wit. }

THE Queen v. Michael N. O'Connell, Joseph Hart, of Jerrabatt Gully, in the Colony of New South Wales, farmer, and Thomas Hart, of Jerrabatt Gully, in the said Colony, who severally offer themselves as bail for the above-named Michael N. O'Connell, severally make oath and say;—and first, the deponent, the said Joseph Hart, for himself, saith,—I am a farmer, residing at Jerrabatt Gully, in the said Colony, and am worth property to the amount of nine or ten hundred pounds over and above all my just debts and liabilities, and over and above every other sum for which I am now bail or surety; and this deponent, the said Joseph Hart, for himself, saith,—I am a farmer, residing at Jerrabatt Gully, in the said Colony, and am worth property to the amount of ten hundred pounds, over and above all my just debts and liabilities, and over and above every other sum for which I am now bail or surety.

JOSEPH HART.  
his  
THOMAS X HART.  
mark

Sworn at the Braidwood Police Office, Braidwood, in the Colony aforesaid, by the said Joseph Hart and Thomas Hart, the 20th day of December, in the year of our Lord one thousand eight hundred and sixty-six, before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales.

J. W. BUNN, J.P.

*Information under 28 Vic., No. 2.*

THE principal witnesses in this case are Lucy Hurley and Alexander Bradley, with accomplices. It will, therefore, be necessary, or at all events expedient, to get, if possible, some corroborative evidence beyond that of Mrs. Bradley. Let Inspector Orridge be communicated with at once, for that purpose—(See his letter of 21st February, 1867). Patrick Griffin's evidence is of no value, and he need not be examined. Mr. Fell's conduct appears to have been of a very questionable character; it should appear that notice ought to be taken of it; perhaps a recommendation will be made to that effect. Let the prisoner have notice of his trial at once, and let all the witnesses be subpoenaed to the Goulburn Circuit Court.

Be prepared with *Gazette* proving Clarke an outlaw, and proof of his identity.

G.M., A.G.  
12 March, 1867.

Mr. W. C. Fell to The Attorney General.

Braidwood, 26 June, 1867.

Sir,

1. I was subpoenaed as a witness, at the last May sitting, at Darlinghurst, by the Crown, in a case of the Queen against Michael Connell, charged with harbouring bushrangers.

2. I arrived in Sydney on Friday, the 10th day of May last; attended at Darlinghurst on the following Monday; and thence, from day to day, until the Court was adjourned for a week. I then attended again, until the Court was postponed to August next.

3. I reside in Braidwood, which is 180 miles from Sydney; consequently, when the Court was adjourned for a week, I remained in Sydney, as the expenses of a journey up and down would have been much greater than of remaining in Sydney, and the very short time I could have stayed in Braidwood would have been of no benefit to me.

4. I was allowed 10s. a mile, one way, for travelling expenses, and 4s. a day from the first day of my attendance at Darlinghurst, until the Court was finally postponed to August next.

5.

5. From the time I left Braidwood to the time I returned was twenty-seven days, namely, from the 9th May to the 5th June.

6. I am a solicitor, practising in Braidwood; I have no partner, nor have I any clerk competent to attend to my business in my absence; consequently, the same was entirely neglected for the above period, causing me very considerable loss. In addition to this, 4s. a day was (as you must be well aware) insufficient to pay my necessary expenses in Sydney.

7. I am aware that 4s. a day is the amount allowed for all witnesses, except medical men, who are allowed £1 1s. a day. No doubt, the probability of any other professional man except a medical man being called as a witness, and from a long distance, in a criminal case, did not occur to those who made out the scale of allowances for witnesses.

8. I do not attempt to seek for compensation for any loss of time or business, but I ask simply to be placed upon the same footing as a medical man, namely,—to be paid £1 1s. a day from the first day of my attendance at Darlinghurst till the first postponement of the case; or, in other words, to be paid 17s. a day in addition to the 4s. already received. I should certainly not make this application if I was in good circumstances, but I cannot afford to lose business, and be considerably out of pocket as well.

9. I have again to request you will refer to the depositions in the case in question. I submit that the evidence of myself, Mr. Newman, and Mr. Payne (both residing in Braidwood) has nothing whatever to do with the charge against the prisoner, and that the expenses of again bringing us to Sydney may as well be avoided.

Hoping to receive a favourable reply to my application,—

I remain, &c.,  
W. C. FELL.

P.S.—I was allowed for twenty-one days, at 4s. The difference between this and £1 1s. will be £17 17s.—W. C. FELL.

Mr. W. C. Fell to Mr. R. Hensley.

Moruya, 7 August, 1867.

Dear Hensley,

I hoped to have been able to start for Braidwood to-morrow, and thence to Sydney, or at all events to leave here for Sydney on Thursday. I called on Dr. Boot, and after examining me carefully, positively forbid my travelling at present, under any circumstances. I cannot possibly get a boot on, and the doctor says any exposure to cold or damp would be dangerous; besides which, I am obliged to live by rule.

This loss of time and expense is a serious matter to me.

I send his certificate, which had better be forwarded at once to Mr. Williams, the Crown Solicitor. You can get his name and address from the Directory, or if not, Mr. Scarvell can furnish you with it.

I remain, &c.,  
W. C. FELL.

Moruya, 7 August, 1867.

I hereby certify that Mr. W. C. Fell is suffering from an attack of erysipelas, and is not in a fit state to travel.

EDWARD BOOT,  
Surgeon.

Mr. R. Hensley to The Crown Solicitor.

Braidwood, 8 August, 1867.

(The Queen v. O'Connell.)

Sir,

In this case, W. C. Fell, Esq., solicitor, is bound over to appear on the 12th instant, as a witness for the Crown. Mr. Fell has been laid up at Moruya, seriously ill, for the last three weeks, and has not been able to return to his office in Braidwood. I have just received a letter from Moruya, enclosing a certificate from Dr. Boot, his medical attendant, as to his inability to attend, which I beg to enclose to you.

I am, &c.,  
ROB. HENSLEY,  
Clerk to W. C. Fell.

Telegram from Mr. W. C. Fell to The Crown Solicitor.

Braidwood, 17 August, 1867.

Re Connell. Can manage to travel by sea. Get to Sydney, Wednesday steamer. Telegraph if required.

To

To Michael Nowlan O'Connell, at present confined in Her Majesty's Gaol at Goulburn, in the Colony of New South Wales.

NOTICE is hereby given you, that an information will be exhibited at the Criminal Sittings of the Supreme Court, to be holden at Darlinghurst, Sydney, in the Colony of New South Wales, on the thirteenth day of May next, charging you with giving aid and sustenance to an outlaw, for which offence you were committed by the Bench of Magistrates at Braidwood, in the said Colony, to take your trial at the Court of General and Quarter Sessions of the Peace, to be holden at Braidwood aforesaid, on the twenty-seventh day of March instant: And you will further take notice that, upon the said thirteenth day of May, or on some other day during the sittings of the said Court, you will be tried upon the said information so to be exhibited as aforesaid.

Dated this twenty-second day of March, in the year of our Lord one thousand eight hundred and sixty-seven, at Sydney, in the Colony of New South Wales,—

JOHN WILLIAMS,  
Crown Solicitor.

H. M. Gaol, Goulburn.—Noted, and served on prisoners, 25 March, 1867.—  
C. TOLLICK.

H.M. Gaol, Goulburn,  
25 March, 1867.

I hereby certify that I received on the 24th, and duly served upon prisoner M. N. O'Connell this day, copy of notice of his trial being to take place in Sydney, on the thirteenth or some other day in May next, 1867.

THOS. HOSFORD,  
Gaoler.

The Crown Solicitor,  
Sydney.

Richard Rielly states that, on 12th July, 1866, he forwarded to M. N. O'Connell, of Stony Creek, 500 rounds of breech-loading cartridges, some green wire cartridges, and some military caps, in compliance with letter received from the prisoner.

DANIEL BYRNE,  
S. Sergt.

The Crown Prosecutor.

*From New South Wales Government Gazette, Tuesday, 15 May, 1866.*

THOMAS CLARKE AND PATRICK CONNELL—SUMMONS TO SURRENDER.

New South Wales }  
to wit. }

By His Honor Sir Alfred Stephen, Knight, Companion of the Bath, Chief Justice of the Supreme Court of New South Wales.

WHEREAS it hath been made to appear to me, by affidavit, that after oath made by John McLerie, of Sydney, Esquire, Inspector General of Police, before Peter Lawrence Cloete, Esquire, one of Her Majesty's Justices assigned to keep the Peace in and for this Colony, charging Thomas Clarke and Patrick Connell with having, on the ninth day of April last past, at Nerrigundah, in this Colony, feloniously murdered one Miles O'Grady, —a warrant was, on the nineteenth day of April last past, duly issued, under the hand and seal of the said Peter Lawrence Cloete, commanding all Peace Officers to apprehend the said Thomas Clarke and Patrick Connell upon the said charge:

And whereas it hath been, by affidavit, further made to appear to me that afterwards, to wit, on the said nineteenth day of April last past, an information was duly exhibited and filed in the Supreme Court of New South Wales, by the Honorable James Martin, Her Majesty's Attorney General for this Colony, informing the said Court, and charging that the said Thomas Clarke and Patrick Connell did, on the said ninth day of April last past, at Nerrigundah aforesaid, feloniously, wilfully, and of their malice aforethought, kill and murder the said Miles O'Grady:

And it hath been made further to appear to me, by affidavit, that the said Thomas Clarke and Patrick Connell are at large, armed, and will probably resist severally all attempts by the ordinary legal means to apprehend them or either of them:

And whereas, after proof to my satisfaction of the matters aforesaid, I have issued a Bench warrant, under my hand and seal, for the apprehension of the said Thomas Clarke and Patrick Connell, in order to their answering and taking their trial, upon the information of the said Attorney General, for the said murder, the same being a felony by law punishable by death:

Now, therefore, I, the said Chief Justice, in pursuance of the statute in this behalf made, called "The Felons Apprehension Act," do hereby, in Her Majesty's name, require, summon, and command the said Thomas Clarke and Patrick Connell, and each of them, that they severally do surrender themselves to the Gaoler of Her Majesty's Gaol at Braidwood, in this Colony, on or before Tuesday, the twenty-ninth day of May now instant,

instant, at or before noon of the same day, to abide their trial respectively, for the felony and murder so charged upon them as aforesaid, under the penalty as to each of them, in default of being adjudged and declared to be an outlaw, under the provisions of the said "Felons Apprehension Act."

And I order that this summons be published in the *Gazette*, in the next two numbers thereof, and twice in two Sydney newspapers, and not less than twice in one Goulburn and one Braidwood newspaper, and once in one Moruya newspaper, between the seventeenth and twenty-seventh days of May instant; and also, by a copy hereof being affixed to the principal outside door of the Police Office in Goulburn, Yass, Braidwood, Queanbeyan, Cooma, Nerrigundah, and Moruya respectively, and so kept affixed in the day-time, during, at least, four hours daily, on three days between those dates: And all and singular Her Majesty's subjects are enjoined to aid, as far as in them lies, in the apprehension of the parties so required to surrender, and are hereby warned that persons giving assistance in any manner to the said Thomas Clarke and Patrick Connell, or either of them, enabling them or him to elude or delay capture, may become thereby accessories to the murder with which those parties stand accused.

Given under my hand and seal, at the Supreme Court, in Sydney, the twelfth day of May, in the year one thousand eight hundred and sixty-six.

(L.S.) ALFRED STEPHEN, C.J.

No. 7.

DEPOSITIONS, &c., IN THE CASE OF ANNE CLARKE, MARGARET CLARKE, AND HENRY M'CURLEY.

This deponent, *John Carroll*, being duly sworn, saith:—I am a special constable in the district of Braidwood; on this day, about 12 o'clock, at the Court House here, I apprehended the two prisoners Anne and Margaret Clarke, on a charge of harbouring, aiding, and assisting the outlaw Thomas Clarke and his associates at various times; when I told Margaret Clarke the charge, she attempted to convey a locket to Mrs. Connell; she made no reply; Anne Clarke made no reply to the charge; I have taken a watch from Anne Clarke; I asked her if she had any objection to state where she got it; she said it was all right.

JOHN CARROLL.

Sworn before us, this 6th }  
of December, 1866,— }

W. J. BENNISON, J.P.  
JAS. LARMER, J.P.

[Remanded until the 17th December, 1866.]

This deponent, *John Carroll*, being duly sworn, saith as follows:—I am a special constable in the district of Braidwood; about 1 o'clock to-day I apprehended the prisoner Henry M'Curley, close to the Court House in Braidwood; I charged him with being an associate with Thomas Clarke the outlaw, and his associates, and aiding and assisting them, in company with the prisoners Anne and Margaret Clarke; he made no reply to the charge.

*By Mr. Scarpell*: I cannot state when he assisted them; I apprehended him on information received; I charge him with aiding them at several times.

JOHN CARROLL.

Sworn before us, this 13th }  
December, 1866,— }

W. J. BENNISON, J.P.  
JAS. LARMER, J.P.

[Remanded until Monday next.]

This deponent, *Al How*, being duly sworn, maketh oath (after the custom of his country), and saith as follows:—I reside at Jembaicumbene; I am a storekeeper; my store has been stuck up about four weeks ago to-morrow evening; I do not know Thomas Clarke the bushranger; I do not know John Clarke; my place was stuck up about 9 o'clock at night; I have seen Anne Clarke (pointing to her) and also the prisoner M'Curley, at Jembaicumbene, this day four weeks; M'Curley came into my store on that day, and asked would I buy a horse; the prisoner called Anne Clarke, who stood outside my store at the time; M'Curley spoke two or three words in the store, and then went away; I had my money in a box under the counter in my store; I did not put money in my box while prisoner M'Curley was in the store; I never saw the prisoner M'Curley at my store only the day he asked me to buy the horse; I lost a watch on the day I was stuck up—it was a silver watch and an iron chain; I lost four £1 notes, three half-sovereigns,

sovereigns, and a few pounds worth of silver, and broke into a box and took one £10 note; I would know my watch; I know the number, 1,694—a silver watch and iron chain; M'Curley did not go into my room; he stood at the room door; he could not see my box where I had the money, from where he was standing; it was under the counter.

*By Mr. Scarvell:* I never spoke to the prisoner Anne Clarke; she was on horse-back outside of the door when prisoner M'Curley came in; M'Curley said nothing, only asked would I buy a horse; I live a quarter of a mile from Myers' store; other Chinamen live about 300 yards from me; the China camp about thirty yards from my place; when the prisoner M'Curley went away from my place, Anne Clarke went with him.

AH HOW.

This deponent, *Ah Wing*, being duly sworn after the custom of his country, through his interpreter Joseph Tang, who is also sworn, saith:—I am a storekeeper at Jembaicumbene; I am a partner of Ah How, the last witness; I do not know Tom Clarke the bushranger; my store was stuck up on four weeks to-morrow; it was stuck up about 9 o'clock at night; the bushrangers took from the store four £1 notes, three half-sovereigns, and a few pounds in silver; the money belonged to all hands; the money was kept in a box behind the counter; I know the prisoners M'Curley and Anne Clarke (he points them out); I saw them at our store this day four weeks; M'Curley went into our store; I was in the bed-room; when I came out, I saw him going away; anybody going into the store could see the big box where we kept the money; I never saw the prisoner at my store before or since that day; when the prisoner went away from our store, the prisoner Anne Clarke went away with him; I do not know what bank the notes that we lost belonged to; the prisoners Anne Clarke and M'Curley came to our store on a Monday, and our store was stuck up next night.

*By Mr. Scarvell, for prisoners:* I produce a plan marked A; M'Curley was walking out of the store when I came out of the bed-room; I went and stood at the counter door, and did not come any further; I never saw the prisoners before or since; I swear to them; I stood at the front door and looked at them; they have not been pointed out to me since that day; I have not seen them since until here in the Court to-day; Ah How and Ah Goon was in the store at the time; Ah How was in his own bed-room, and Ah Goon was at the counter when I came out of the bed-room.

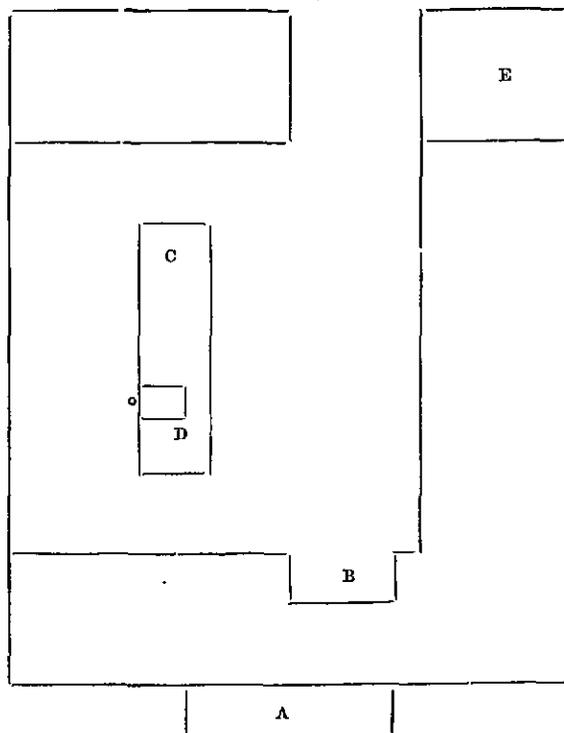
AH WING.

The above depositions of Ah How and Ah Wing were taken }  
and sworn before us this 17th of December, 1866,— }

J. W. BUNN, J.P.

[Remanded until 20th December, 1866.—J. W. BUNN, J.P.]

*Plan referred to, marked A.*



A—Front door. B—2nd door. C—Counter. D—Box (a drawer under counter).  
E—Bed-room where witness was. Young man was going out door B, as witness came out of bed-room E.

J. W. BUNN, J.P.

This

<sup>c</sup> This deponent, *Emma Bradly*, being sworn, saith as follows :—I am the wife of Alexander Bradly ; I know the three prisoners ; I know Tom Clarke the outlaw, John Clarke, and Tom Connell ; I have seen the three prisoners in company with Thomas Clarke the outlaw ; it was on the Thursday that Lucy Hurley was first remanded ; it is about two months ago ; I saw them about 8 o'clock at night ; they were at Tom Clarke's mother's place ; I only saw Margaret Clarke there on that occasion ; the bushrangers came up to Mrs. Clarke's place ; Mrs. Clarke and Margaret Clarke went out ; Mrs. Clarke came in, and said—"The boys are here to-night" ; she put some bread and meat in a bag, and she told me that Tom Connell wanted to speak to me ; I went out with them ; when I got to the front door, Tom Clarke was standing against the front post at the little garden ; he then bid his mother good night, and Margaret Clarke, Tom Clarke, and I, went up to the stockyard to John Clarke and Tom Connell ; I heard no conversation between the bushrangers and Mrs. Clarke on that night ; I heard Tom Clarke tell the prisoner Margaret Clarke where he would meet her next night ; he said down in the tea-tree ; on the next night I stopped at Mrs. Clarke's ; the bushrangers came to the house again, and Mrs. Connell gave them some bread and meat ; on that day week, the next Thursday night, the prisoner M'Curly and Annie and Margaret Clarke and I went down to the tea-tree near where the black man was shot ; Tom Clarke, John Clarke, and Tom Connell were in Mr. Stewart's paddock, known as the Mount Paddock ; Margaret brought them some bread and meat ; Annie and Tommy Clarke had some conversation ; I did not hear it ; I heard M'Curly tell Tom Clarke that Ben Spooner told the police where the camp was ; Tom Clarke said, he wish to God he could come across Spooner, and he would blow his brains out ; Tom Clarke and his party were armed at the time ; they had guns of some sort, and revolvers ; I never saw them only on the three occasions that I have mentioned.

*By Mr. Scarvell* : This was before Lucy Hurly was committed ; I stopped two nights at Clarke's ; I was not afraid then, but they threatened that if I ever told on them they would shoot me ; Margaret took the meat out of the safe ; the mother was there ; I told this to Mr. Carroll about three weeks or a month after it took place ; I did not tell the police before that Annie and Margaret Clarke are Tommy Clarke's sisters ; I never saw either of the female prisoners dressed in men's clothes.

her  
EMMA X BRADLY.  
mark.

This deponent, *Alexander Bradly*, sworn, saith :—I am a prisoner of the Crown, at present undergoing a sentence ; I know the three prisoners ; I know Thomas Clarke the outlaw, John Clarke and Tom Connell ; I never saw any of the three prisoners in company with Tom Clarke the outlaw ; I know where the Clarkes live ; I was there in the end of October last ; I went there for some victuals for Tom Clarke ; I got it ; I got two loaves of bread and some meat ; Margaret and Annie Clarke were present ; Annie Clarke handed the things up to me ; Mrs. Clarke said—"Bother them, they are always sending for bread and meat," and Annie said—"Give them what you have got" ; I gave the food to Thomas Clarke ; he was in the bush about a quarter of a mile at the back of Mrs. Clarke's house ; I asked Mrs. Clarke for the food ; I told Mrs. Clarke that I came for some grub for Tom Clarke ; Mrs. Clarke handed the grub to Annie, and she handed it to me ; I was on horseback.

his  
ALEXANDER X BRADLY.  
mark.

This deponent, *Francis Duffy*, being duly sworn, saith :—I am a senior sergeant of police in Braidwood ; I produce the New South Wales *Government Gazette* on the 6th of June, 1866, in which Thomas Clarke is proclaimed an outlaw ; he was proclaimed an outlaw on the 31st day of May last ; it is the same Thomas Clarke the outlaw ; I believe the prisoners Annie and Margaret Clarke are his sisters.

FRANCIS DUFFY.

The above depositions of Emma Bradly, Alexander Bradly, and Francis Duffy, were taken and sworn before us, this 20th December, 1866, at Braidwood.

W. J. BENNISON, J.P.  
J. W. BUNN, J.P.

*Ralph Clemenger*, Clerk of Petty Sessions, Braidwood, being duly sworn, saith :—I know Lucy Hurly ; I remember her being charged, about two months ago, before this Court, on 29th September ; it was a Saturday ; she was remanded to Thursday, the 4th October ; that was the first Thursday on which she was remanded ; she was remanded till the following Thursday, 11th ; she was further remanded till the following Thursday, the 18th ; she was then committed ; that was the only indictable offence with which she was charged within the last three months.

RALPH CLEMENGER.

This

This deponent, *Henry Buckland*, sworn, saith:—I reside in Braidwood; I know the prisoner Annie Clarke; I started with her for Goulburn from Braidwood, about 12 o'clock on 4th October, to attend John Clarke's trial; she came to my place on Monday, the 1st of October; she did not leave my place from that day until we started for Goulburn; Annie Clarke's mother lives about thirteen miles from Braidwood; we got to Goulburn on Saturday, the 6th; the Circuit Court commenced on the following Monday; and on Friday, the 12th of October, we left Goulburn, and arrived in Braidwood on the 16th of the month; she remained at my house until the 1st of November, and never went to her mother's place; from the time we arrived in Goulburn until we started back, we remained in and about Goulburn; I saw Annie Clarke at the Court House, Goulburn, on Thursday, the 11th of October; I was with her all the day; I saw Mr. Wallace, the Gaoler, and spoke to him when I was starting from Braidwood—also, Constable O'Reily.

*By Mr. Carroll*: I left here on the 4th of October, 1866; I swear that Annie Clarke was not at her mother's place from the 4th of October to the 1st of November last; I was at my own house on the 24th of October; Annie Clarke was at my house on that day, and also on the 25th; she slept in the next room to mine; I locked the door of her room every night, and hung the key up; I have got a wife; I have an old man stopping in my house—a servant; I always lock my female servants in at night; I have spoken to you about this case about two weeks ago; Mr. Wallace was present; I did not speak to any other person about the case; I did not send any person to you; I generally open the door in the morning of Annie Clarke's room; I do not know where I spent the day on the 10th or 12th of November last; I think I was at home on the 29th of October last past; I have been in this Colony thirty-five years; I came from England; I have been over these Colonies; I was in the Navy when I came out first—I was a sailor—I was sailing at Hobart Town; I went to Goulburn to prove an *alibi* for John Clarke.

his  
HENRY X BUCKLAND.  
mark.

*George Pattison*, sworn, saith:—I am a duly qualified medical practitioner in Braidwood; I was a witness for the Crown in the case of the late John Clarke; I attended the Goulburn Circuit Court; the Court commenced on Monday, the 8th of October last past; I left Goulburn about the end of the week; I saw the prisoner Annie Clarke every day at the Court in Goulburn; I saw her on the Goulburn Road on my way home; she was about four miles from Goulburn coming towards Braidwood; Henry Buckland and Mrs. Buckland—they were travelling with a tilted waggon; they were walking.

G. PATTISON.

*Robert Griffin*, sworn, saith as follows:—I am a farmer at Ballalaba; I know the three prisoners; the Clarkes live about a quarter of a mile from me; I recollect the 7th of October last; my wife was confined on that day; Margaret Clarke and Mrs. Clarke were present at the time; they had been attending my wife constantly for a week before that; my wife was very ill, and the Clarkes stayed constantly at my house; they were there for three weeks after either of them stopped at my house; every night I used to go back and forwards, at night, to look after the children at Clarke's; I saw Emma Bradly once on the 11th of October last; there was no person in Clarke's but the children and myself; Mrs. Bradly was there about 6 o'clock p.m.; she appeared to be the worse of liquor; she went away; she stopped in the house about half an hour, and went away; I left Clarke's that night about 11 o'clock; up to the time I left, no person else came to Clarke's house; I did not see M'Curly on that night; Mrs. Clarke and Margaret Clarke stopped at my house that night; I did not see the bushrangers on that night; Annie Clarke left her mother's place on the 1st of October, to go to Goulburn.

*By Mr. Carroll*: I saw Annie Clarke leaving her place on 1st of October last; I did not see her at home again till some time in November; I had no conversation with any person about this case; this is Thursday—I do not know the date; my wife booked the date she was confined; I know she did, because she read it to me; I cannot read; I have four children; I don't keep a memorandum; I do not know the date that my first child or second child was born; my wife was confined on the 7th of October; I have a reason for knowing it; I had business to Braidwood about a week ago, and when I got home I got my wife to read it over to see whether I was right or wrong; I had no doctor attending my wife; my wife was very bad the evening I went over to Clarke's; it was about dusk that I went to Clarke's; I returned about 11 o'clock p.m.; I was looking after Mrs. Clarke's children; she was looking after my wife; I swear I had no conversation with any person about this case; Annie Clarke came to my place this morning; she asked me whether I remembered the time she went to Goulburn; I said yes; she then said I'd have to give evidence in the case; Annie Clarke had not returned from Goulburn at that time.

his  
ROBERT X GRIFFIN.  
mark.

*George*

*George J. Pattison*, recalled, on his former oath, saith :—I recollect the day I left Goulburn ; on 12th of October—Friday ; it was that day that I passed Annie Clarke.

G. PATTISON,  
Physician and Surgeon.

The above depositions of Ralph Clemenger, Henry Buckland, Robert Griffin, and George J. Pattison, were taken and sworn before us, this 27th of December, 1866.

J. W. BUNN, J.P.  
W. J. BENNISON, J.P.

The prisoners are discharged.

J. W. BUNN, J.P.  
W. J. BENNISON, J.P.

No. 8.

DEPOSITIONS, &C., IN THE CASE OF JOHN HYLAND.

This deponent, *Charles Johnston*, being duly sworn, maketh oath and saith as follows :—I am a constable of police, stationed in the district of Braidwood ; I know the prisoner John Hyland ; I arrested him at Long Swamp, on yesterday, by Mr. Superintendent Orridge's order, on a charge of giving information, and aiding the outlaw Thomas Clarke and his associates ; when I told him the charge, he said he knew nothing about the bushrangers, and that on the night Williams' place was stuck up, he was at home at 11 o'clock.

To prisoner : You told me positively, 11 o'clock.

CHARLES JOHNSTON.

Sworn before me, this 9th }  
day of March, 1867,— }

G. O. MALLEY CLARKE, J.P.

[Remanded to the 14th instant.—G.O.M.C.]

This deponent, *James V. Williams*, being duly sworn, saith as follows :—I am an inn-keeper at Boro ; on the 6th of March instant I was out shooting, on the Long Swamp, with Mr. Cowley Cooper and my brother Richard, about four miles from my own place ; I know the prisoner John Hyland ; I saw him on the Swamp, about 11 o'clock a.m. ; he stayed two or three hours with us where we were shooting ; he was riding ; he left us, and went towards home ; prisoner lives with his mother, about seven miles from my place ; we were shooting all the day ; about sundown that evening we met the prisoner at Paddy's Flat ; when I saw the prisoner in the evening, he said there was no person at home, and that he came away again ; prisoner's brothers, Luke, Lawrence, and William, met us on the Swamp ; William Hyland left us first, Lawrence went after ; about sundown Luke Hyland left ; the prisoner came with us to Boro, to my place ; after tea I received some letters from my wife, in Hyland's presence ; there were ten one-pound notes in one of the letters ; when I took the money out of the letter, my brother, the prisoner, and John M'Anerny, were present ; this was after 10 o'clock p.m. ; prisoner might have stopped ten minutes, or fifteen ; after that he then went away ; he took three gills of rum with him ; after he got the rum he started ; he was sober ; I am quite sure my brother Richard or M'Anerny did not leave my place on that night ; prisoner was the only person left ; I saw M'Anerny and my brother going to bed that night ; they went to bed before me ; I went to bed about half-past 10 ; the house was closed up about that time ; after we went to bed—might be half-past 11 o'clock—two men came and rapped at my bed-room window ; there was no light in the room ; I answered them ; they told me to get up ; before I had time to get up they rapped again ; I told them I'd be out ; I told Mrs. Williams to get up ; Mrs. Williams opened the door ; two men came in ; they said they wanted nobblers ; they went on to the bar, and asked for Williams ; Mrs. Williams asked them if they were bushrangers ; they said no ; they turned back and came into my bed-room, and held two revolvers over me ; they told me to get up ; when I went to put my trousers on they said—" Never mind—come without them" ; I told them I would not go ; they then waited until I put on my trousers ; they took me into the bar ; John Clarke was one of the men ; I did not know the other ; they were both armed ; John Clarke ordered my wife to take a candle, and go with him to the bed-room ; when he went out of the bar I got near the door ; John Clarke opened some drawers in the bed-room, and searched them ; I heard him ; at this time the other man was in charge of me ; I had some conversation with the man ; I did not see a third bushranger ; Mr. M'Anerny had a chestnut horse at my place ; the horse had no shoes ; I had a trained horse in the stable, on that night, with very light shoes on ; the bushrangers stayed at our place about two hours ; they left at half-past 1 o'clock a.m. ; they took two horses, two saddles, a bridle, a breast-plate, and a poncho ; they took three bottles of gin, but paid for it ; one was gone with my horse before they let me out, but I saw the two men that were in my house start ; I noticed that

that one man was riding a chestnut, and the other a grey horse; the chestnut belonged to M'Anerny, and the grey horse I saw that morning near the Long Swamp, about four miles from the prisoner's mother's place, between that and my place; after the bush-rangers left, I sent for the Tarrago police; they arrived just after daylight; I can track pretty well; I have had a great deal of experience; the police and me got on the track of horses; one track I believe to be that of my horse; we tracked the horses to within seven or eight yards from the house where prisoner lives with his mother; it was on the road, close to the house; the tracks were quite fresh; we could not see the tracks after getting to Mrs. Hyland's; I saw tracks on the same road, going in the direction of Boro, but not quite so fresh from Mrs. Hyland's; when we got to Mrs. Hyland's place I went in; I met the prisoner just near to the door; he was dressed; this was between 6 and 7 o'clock a.m.; he had the sign of drink on him; I told him I blamed his brother Luke for putting the bushrangers on to rob my place; Luke then came up, and the prisoner said—"If that is the case, Luke had better give himself up to the police"; I heard galloping about my place at Boro during the time the bushrangers had me in charge inside; I know the outlaw Tom Clarke; John Clarke, who was at my place on that night, is his brother; the two men that came into the house were armed with revolving rifles, as well as with revolvers; prisoner knows my house well, and where I sleep.

*By Mr. Fell:* My wife handed the letters to me in the room opposite the bar; when I came home on that evening I opened them in that room; I handed the notes to my wife, and I said to M'Anerny, holding the notes out at the same time—"It is not every one that receives that"; I did not count the money; Hyland was sitting on the sofa at the time; he must have heard what was said, but I cannot say whether he was looking at the time; they took one horse my property, one horse from M'Anerny; I don't know how the grey horse was branded; I never saw it, to my recollection, before I saw it on the Long Swamp; the public road is within five or six yards of the house where prisoner lives; it was on that road I saw the tracks last; I searched on several roads about half a mile the other side prisoner's place, but could not pick up the tracks; I had the horse that was stolen from me about a month when it was taken—hardly a month; Mr. Cooper asked prisoner to go to Boro for some brandy; the first time he came back he brought the brandy; I cannot say whether prisoner went home on that day or not; he was away from me for an hour and a half in the evening; when prisoner said to Luke, "You had better give yourself up," I do not think that prisoner was joking; I was not joking, and I do not think the Hylands were.

J. V. WILLIAMS.

This deponent, *Richard Williams*, being duly sworn, maketh oath and saith as follows:—I am brother of Mr. Williams, publican, Boro; I was at his house on the evening of the 6th instant; I was in the parlour on that evening; the prisoner and others were there; I recollect Mrs. Williams handing some letters to Mr. Williams in the mail-room; this was between 9 and 10 o'clock p.m.; the door was open; the prisoner, M'Anerny, myself, Mr. and Mrs. Williams, were there; I saw Mr. Williams handing some bank-notes to his wife, and at the same time he said—"It is not every day a person gets such a present as this"; about twenty minutes or half an hour after this the prisoner left the room, to go home; I went to bed about half an hour after the prisoner left; I slept in the room opposite the stables; Marsden and Patrick Carroll slept in the same room; M'Anerny slept in the next room to me, and went to bed at the same time as I did; between 11 and 12 o'clock that night I was awoken up by M'Anerny; I put on my trousers; I looked through the window; I saw a horse, saddled, close to the little gate, and a few minutes after, I saw two men cross from the house towards the stable; one carried a light; they went to the stable, where my brother's horse was; they opened the door, and both went into the stable; they stayed there for two minutes; they went to the other stable, and stayed about four minutes, and went back to the other stable, and brought my brother's horse, and put a saddle on him; I saw that one had breeches and boots, black coat, and a gun slung across his back; I did not know either of those men; I knew Thomas Clarke before he became a bushranger—I have seen him at race-meetings; I did not know his brother John; I took particular notice of the man who had the gun on his back, and from what I heard I believe he was Tommy Clarke; he was something in shape like him; I saw one man going away first, and the other two followed in a few minutes afterwards.

*By Mr. Fell:* I saw no others about the house on that night; I did not hear what amount that Mr. Williams handed to his wife; it was not counted—merely handed over to her with the letter.

RICHARD WILLIAMS.

The above depositions of James V. Williams and Richard Williams were taken and sworn before me, this 14th March, 1867.

J. W. BURN, J.P.

This case stands remanded. Bail allowed—himself in £100, and two sureties in £50 each.

J. W. BURN, J.P.

Prisoner is discharged.

J. W. BURN, J.P.  
JAMES RODD, J.P.

## No. 9.

DEPOSITIONS, &amp;c., IN THE CASE OF PATRICK AND MICHAEL GRIFFIN.

J. H. Griffiths, Esq. to The Attorney General.

Police Office, Braidwood,  
29 December, 1866.

SIR,

We do ourselves the honor to transmit herewith, the depositions taken at this office, in the case of the prisoners named in the margin, who have been committed to take their trial at the next General Quarter Sessions of the Peace, to be holden at Braidwood, on the 27th of March, 1867, on a charge of aiding and assisting the outlaw Thomas Clarke.

Patrick Griffin  
and  
Michael Griffin.We have, &c.,  
J. H. GRIFFITHS.

(M., 11 &amp; 12 Vic., cap. 42.)

*Depositions of Witnesses.*New South Wales }  
to wit. }

THE examination of John Carroll, of Braidwood, in the Colony of New South Wales, special constable, Patrick Kennagh, Emma Bradley, Francis Duffy, Thomas Kelly, and Alexander Bradley, of ———, in the said Colony, taken on oath, the 6th, 17th, and 20th days of December, in the year of our Lord one thousand eight hundred and sixty-six, at Braidwood, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Patrick Griffin and Michael Griffin, who are charged this day before me, for that they, the said Patrick Griffin and Michael Griffin, at Jerrabatt Gully, in the said Colony, did voluntarily aid, assist, and harbour the outlaw Thomas Clarke and his associates, at various times.

This deponent, *John Carroll*, being duly sworn, saith:—I am a special constable in the district of Braidwood; on Thursday, the 29th of November last, I apprehended the prisoner Patrick Griffin, at his residence, Oronnear, on a charge of aiding, harbouring, and assisting the outlaw Thomas Clarke and his associates; in reply to the charge, he said that he wished I had waited for two days longer; I gave him no caution.

JOHN CARROLL.

Sworn before us, this 6th of }  
December, 1866,— }W. J. BENNISON, J.P.  
JAS. LARMER, J.P.Remanded for one week, until the 13th instant.  
Remanded until the 17th instant.—J. W. BUNN, J.P.

This deponent, *Patrick Kennagh*, being duly sworn, maketh oath and saith as follows:—I am a special constable in the district of Braidwood; on Friday, the 14th instant, I apprehended the prisoner Michael Griffin, on the Clyde Road; I told him I charged him on suspicion of harbouring, aiding, and assisting the outlaw Thomas Clarke and his associates, at various times; he made no reply; I brought him, and confined him in the lock-up.

*By Mr. Scarvall, for prisoner:* I am a special constable; I produce my authority; I was sworn in as a special constable before two Magistrates of the territory, Mr. Bennison and Mr. Rodd; I did not tell prisoner that I was a special constable when I apprehended him; I did not state any date that I apprehended him for aiding or assisting the outlaw.

PATRICK KENNAGH.

This deponent, *Francis Duffy*, being duly sworn, maketh oath and saith as follows:—I am a senior sergeant of police, stationed at Braidwood; I produce the New South Wales *Government Gazette* of the 5th of June, 1866; in it a proclamation is outlawing one Thomas Clarke; he was proclaimed an outlaw on the 31st day of May, 1866; Thomas Clarke is a prisoner who escaped from Braidwood Gaol; I believe he is about the Braidwood District now.

FRANCIS DUFFY.

This

This deponent, *Thomas Kelly*, sworn, saith as follows:—I reside at Jerrabatt Gully; I know Thomas Clarke the outlaw, and John Clarke, and Thomas Connell; I know the two prisoners Patrick and Michael Griffin; I saw the two prisoners in their own garden, in company with Thomas Clarke, John Clarke, and Thomas Connell, within the last two months; the prisoners' garden is behind Griffin's house, at Oronnear; they were together in the garden about 9 o'clock at night; Emma Bradley was with me at the time; she is the wife of Alexander Bradley; one of the prisoners brought out some bread, meat, and tea (I think), and gave it to the Clarkes and Connell; I cannot swear which of the prisoners brought the meat out; I saw one of the prisoners in conversation with Clarke the outlaw; I think it was Patrick Griffin; I did not hear what they said; I have not seen them in company at any other time that I can recollect; I have not seen Clarke about prisoner's place on any other occasion; I heard no conversation about a breech-loading rifle.

*By Mr. Carroll, for the Crown:* You never offered me any inducement to give evidence in this case.

I live two miles from Griffin's place; I was in the garden along with them; I went with my sister, Emma Bradley; this was about 100 yards from prisoners' house; I never gave any information to the police about it; I got a summons to come here to-day—Mr. Carroll gave me the summons; I saw Mr. Carroll at Griffin's the day that Patrick Griffin was apprehended; he did not speak to me only the once—this was at Griffin's; he said nothing on that occasion about the Clarkes and Connells; I got my summons about a week ago; Mr. Carroll spoke to me since I got the summons; he asked me about the Griffins, and which prisoner gave the grub; he asked me about James Doran the tailor, who was there, and gave a pair of trousers each to the Clarkes; Mr. Carroll said nothing about a reward; Mrs. Bradley said nothing to me about the case; I did not know that it was about the case that Mrs. Bradley spoke to me; Mrs. Bradley spoke to me on last Wednesday about this case; Mrs. Bradley said nothing to me about getting a reward if I gave evidence in the case; she told me what I was summoned for—that I was summoned against Griffin, to give evidence against him about the night that he came there to the paddock.

his  
THOMAS × KELLY.  
mark

*John Carroll* sworn, saith:—I am a special constable in the Braidwood District; on the 1st of December instant I visited the gaol at Braidwood; I saw the prisoner Patrick Griffin there; he told me that he sent for me; I asked him what he wanted to see me about; he said—"I want to speak to you about the Clarkes"; I never offered any inducement to him to say anything to me; I never in my life held out any inducement to him; I told him, in the presence of the Gaoler, that he was not to expect any reward, that I held out no inducement to him, but if he made any statement, he could do so; this was in Mr. Wallace's office; he then told me that he knew the Clarkes, and was on very intimate terms with them (I believe Mr. Wallace was present, I believe he went out on one occasion); prisoner told me if I'd allow him out of gaol, if I could get him out of this case, and that if I went with him to his place, he would bring the Clarkes there; that he could have them there any time he liked; he asked me if I was one of a surveying party that was in this district some months ago; I asked him why; he wanted to know, he said, because Tommy Clarke told him that he fired on us, and made us fly out of the district; he made several statements that I do not recollect—it was all relating to Clarke and party.

*By Mr. Scarvell, for prisoner:* I did not tell Griffin before the conversation that I might use it against him; I told Griffin that I could hold out no inducement to him; Mr. Wallace was not present all the time; I saw the prisoner alone, with the permission of Mr. Wallace; I had not an order from the Visiting Justice on that occasion; I was with prisoner alone about twenty minutes; prisoner made other statements that I did not believe; one of those statements that he made was that he was as much inclined to take Clarke as I was; he said that the Clarkes told him that they were going to stick up people coming from Moruya Races; he also told me names of people who, he said, harboured the Clarkes.

JOHN CARROLL.

The above depositions of Patrick Kennagh, Francis Duffy, Thomas Kelly, and John Carroll, were taken and sworn before us, this 17th December, 1866.

W. J. BENNISON, J.P.  
JAS. LARMER, J.P.

Remanded until Thursday, the 20th of December, 1866,—

W. J. BENNISON, J.P.  
JAS. LARMER, J.P.

Remanded case resumed, 20th December, 1866.

This deponent, *Emma Bradley*, being duly sworn, maketh oath and saith as follows:—I am the wife of Alexander Bradley; I know the prisoners Patrick and Michael Griffin; they live at Oronnear; I know Thomas Clarke the outlaw, John Clarke, and Thomas Connell; I have seen the two prisoners in company with the outlaw Thomas Clarke, John Clarke, and Thomas Connell; it was the day after Lucy Hurley was committed, about last September. I saw them at Oronnear, in the orchard at the back of the prisoners' house; I saw one of the prisoners bringing out victuals to the Clarkes; I do  
not

not know which of the prisoners brought it out ; this was at night ; I saw the two prisoners in conversation with the outlaw Thomas Clarke ; I heard them talking about a horse that Patrick Griffin lent to Thomas Connell ; Thomas Connell said he brought the horse home ; Thomas Kelly, my brother, was with me at the time ; Thomas Kelly saw the two prisoners in company with Clarke and his party at the same time ; I stopped there about an hour ; Thomas Kelly came away with me ; I left the two prisoners in company with Clarke and his party ; I was coming out of Braidwood on that night I met Thomas Clarke, John Clarke, and Thomas Connell ; they told me to go to Griffin's and get a saddle ; I got the saddle, and gave it to the police ; I never saw the prisoners in the outlaw Thomas Clarke's or the bushrangers' company, since or before—only that time.

*To Mr. Carroll, for the Crown :* I have seen my husband in gaol since he came up ; you were present at the time ; my husband did not, on that occasion, tell me what evidence to give in those cases, nor did I tell him you held out no inducement ; you said nothing to me ; I did not see my husband at Griffin's on that night.

*By Mr. Scarvell, for prisoners :* I went there because they told me to go ; my husband did not know I went to Griffin's on that day ; I think it was on a Thursday in September I met the bushrangers ; Thomas Clark told me to go to Griffin's orchard on that night, and get a saddle ; I gave no information to the police about my going there until I told Mr. Carroll ; it is between a month and two months ago since I told Mr. Carroll ; I went to Griffin's house about 7 o'clock that afternoon ; the bushrangers came soon after ; I swear one of the prisoners did not say to me that that was no place to bring the bushrangers ; the prisoner's father and brother were present when I went there ; I brought my brother with me ; I was frightened they would shoot me, and I went to Griffin's house ; I did not tell the police, because I was frightened ; I told the police as soon as I could get safe to do so ; I stopped with the bushrangers about three-quarters of an hour.

*By Mr. Scarvell :* The prisoner Patrick Griffin did not tell Thomas Connell that he had no right to take his horse away ; I have never spoken to my brother, Thomas Kelly, about this case ; Mr. Carroll did not tell me that my husband came up ; I heard two or three people say that he came up, and I went to the gaol ; I waited there some time ; I then went in with Mr. Wallace, and he left me with my husband for about a quarter of an hour ; Mr. Carroll went with me to see my husband ; it was in a small room ; I did not hear any conversation between my husband and Mr. Carroll on that occasion ; I was talking to my husband ; there was nothing said about this case ; I met Thomas Clarke close to Clarke's house on that day ; I lived then 12 miles from where I met Clarke, and the Griffins lived about 8 miles from where I met Clarke ; I saw Thomas Clarke, John Clarke, and Thomas Connell, at Griffin's, on that night ; Thomas Connell gave me the saddle.

her  
EMMA X BRADLEY.  
mark.

This deponent, *Alexander Bradley*, being duly sworn, maketh oath and saith as follows :—I am at present a prisoner, undergoing a sentence ; I know the two prisoners ; they live at Oronnear ; I know Thomas Clarke the outlaw, John Clarke, and Thomas Connell ; I was at Mr. Taylor's on the night that it was stuck up ; I was in company with Thomas Clarke, John Clarke, and Thomas Connell ; they were armed ; I saw Michael Griffin in company with Thomas Clarke, John Clarke, and Thomas Connell, in a bush paddock, near the prisoner's place, above the orchard ; this was about 10 o'clock at night ; the prisoner Michael Griffin stopped all night in the paddock with the Clarkes ; I stopped there with them all night ; I heard no conversation ; I heard nothing about a horse ; I did not see Michael Griffin giving anything to Clarke and his party on that night ; I saw the two prisoners in company with Thomas Connell in the orchard, at Griffin's, one night in last October ; Thomas Connell had a rifle on his back, and a revolver in his belt, at the time ; the prisoners brought him out bread and meat and tea ; Patrick Griffin brought it out on that night to Connell ; I heard Thomas Connell ask Patrick Griffin for the loan of a horse on that night ; Patrick Griffin said he could have it, that it was in the bush paddock, and he could go and catch it ; I saw the horse next day up near Michael Connell's, at Bunylea ; Thomas Connell was riding him ; on the night that I stopped with the Clarkes and Michael Griffin in the paddock, they slept ; no person kept watch ; I know Thomas Kelly ; he stopped in the paddock with us on that night ; we had no grog on that night ; I took no notice of anything that was said between the prisoners and the Clarkes.

*To Mr. Carroll :* I have seen my wife in gaol since I came up ; you were present, and, I think, Mr. Wallace ; Mr. Wallace was not there all the time ; I have only seen my wife once since I came up ; she did not tell me any evidence to give, when I was talking to her, nor did I tell her ; I have never seen the prisoner with the Clarkes since ; I never heard any conversation about ammunition between them.

*By Mr. Scarvell :* I admit I was at Mr. Taylor's when he was robbed ; Mr. Carroll is no connection of my wife or mine ; he came in, and was present when I was talking to my wife ; Mr. Carroll said nothing about this case ; the prisoner's name was not mentioned ; Mr. Carroll said nothing about this case when Mr. Wallace was present ; my wife was not present at any time when I was with the Clarkes ; I did not know until I got into the box what evidence I was required to give ; Thomas Connell caught the horse ; I saw Mr. Carroll twice in the gaol ; I only saw my wife once ; I think it was on Wednesday the last time that I saw Mr. Carroll at the gaol ; I saw him for about five or six minutes in the little parlour ; I do not know what he came to see me about ; he said something,

something, but nothing about what I came here for to state; I cannot swear what conversation it was that took place yesterday, or the day before, between Mr. Carroll and myself; I can remember the conversation that took place in October last between Thomas Connell and one of the prisoners.

*By Mr. Carroll:* I did not see you doing anything in the little parlour; I saw you writing; I do not know whether you were taking down a statement of what I was saying to you at the time; I did not know the horse that Connell got out of the paddock.

his  
ALEXANDER X BRADLEY.  
mark.

The above depositions of Emma Bradley and Alexander Bradley were taken and sworn before us, this 20th December, 1866.

W. J. BENNISON, J.P.

Remanded for one week.

J. W. BUNN, J.P.  
W. J. BENNISON, J.P.  
THOS. STEWARD, J.P.

(N., 11 & 12 Vic., cap. 42.)

*Statement of the Accused.*

New South Wales }  
to wit. }

MICHAEL Griffin stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six, for that he, the said Michael Griffin, at Jerrabatt Gulla, in the said Colony, did aid, assist, and harbour Thomas Clarke, the outlaw, and his associates, at various times; and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said Michael Griffin, and the witnesses for the prosecution, John Carroll, Patrick Kennagh, Emma Bradley, Thomas Kelly, Francis Duffy, and Alexander Bradley, being severally examined in his presence, the said Michael Griffin is now addressed by me as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial"; whereupon the said Michael Griffin saith as follows:—"I make no statement; I call witness."

Taken before me, at Braidwood, in the said Colony, }  
the day and year first above mentioned,— }

W. J. BENNISON, J.P.

(N., 11 & 12 Vic., cap. 42.)

*Statement of the Accused.*

New South Wales }  
to wit. }

PATRICK Griffin stands charged before the undersigned, two of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 27th day of December, in the year of our Lord one thousand eight hundred and sixty-six, for that he, the said Patrick Griffin, at Jerrabatt Gulla, in the said Colony, did assist and harbour Thomas Clarke the outlaw, and his associates, at various times; and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said Patrick Griffin, and the witnesses for the prosecution, John Carroll, Patrick Kennagh, Emma Bradley, Thomas Kelly, Francis Duffy, and Alexander Bradley, being severally examined in his presence, the said Patrick Griffin is now addressed by me as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged

obliged to say anything unless you desire to do so ; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial"; whereupon the said Patrick Griffin saith as follows :—" I decline making any statement ; I will call witnesses."

Taken before me, at Braidwood, in the said Colony, }  
the day and year first above mentioned,— }

J. W. BUNN, J.P.  
W. J. BENNISON, J.P.

Defence for Patrick Griffin and Michael Griffin.

*William Stafford* sworn, saith as follows :—I am a Sergeant of Police, at Braidwood ; I know the prisoner Patrick Griffin ; he came to me different times to Araluen ; he first came about three months ago ; he lives at Oronmear, about twenty miles from Araluen ; the first time he gave me information about the bushrangers, and about a month ago he told me that the bushrangers had been in his paddock, and had taken his horse ; he told me about three months ago also that they had been in his paddock ; for the last three months I have seen Patrick Griffin almost every Sunday on the same subject ; at those times he has given me information about the bushrangers ; I know the Jingera Station ; I believe the Wild Cattle Flat is nearer to Griffin's than Araluen, but it is easier to get to Araluen ; I cannot fix the date when he first came to me ; I never asked him to make a declaration or oath on the subject.

*By Mr. Carroll, for Crown* : Ballalaba Police Station is about five miles from the prisoner's place ; there are police stationed there ; I have acted on information received from the prisoner ; I am seven years next March in the Police Force ; I have heard of informers giving information to mislead the police ; I was never misled.

WILLIAM STAFFORD.

Sworn before us, this 27th }  
December, 1866,— }

J. W. BUNN, J.P.

THE prisoners, Patrick Griffin and Michael Griffin, stand committed to take their trial at the next General Quarter Sessions of the Peace, to be holden at Braidwood, on Wednesday the 27th of March, 1867, on a charge to be then preferred against them. Bail allowed each prisoner £100, and two sureties for each in £50 each.

Court House, Braidwood,  
27th December, 1867.

J. W. BUNN, J.P.  
THOS. STEWARD, J.P.

*Recognizance to give evidence.*

New South Wales }  
to wit. }

BE it remembered that, on the twenty-seventh of December, in the year of our Lord one thousand eight hundred and sixty-six, John Carroll, Patrick McKennagh, Emma Bradley, Thomas Kelly, and Francis Duffy, personally came before me, the undersigned, one 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 each, of good and lawful money of Great Britain, to be made and levied on their goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if they the said before-mentioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, }  
at Braidwood, in the said Colony, before me,— }

W. J. BENNISON, J.P.

The condition of the within-written recognizance is such, that whereas one Patrick Griffin and Michael Griffin were this day charged before the Justice of the Peace within mentioned, for that they did aid, harbour, and assist the outlaw Thomas Clarke and his associates, at various times : If therefore, they, the said John Carroll, and others within mentioned, shall appear at the next General Quarter Sessions, to be holden at Braidwood, in and for the Colony of New South Wales, on Wednesday the 27th day of March, 1867, and there give such evidence as they know, upon an information to be then and there preferred against the said Patrick and Michael Griffin, information for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Patrick Griffin and Michael Griffin, then the said recognizance to be void, or else to stand in full force and virtue.

## S 1.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered that, on the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six, Michael Griffin, of Ballalaba, in the Colony of New South Wales, farmer, Henry Buckland, of Braidwood, in the said Colony, and Henry M'Curley, senior, of Ballalaba, in the said Colony, farmer, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say); the said Michael Griffin, the sum of one hundred pounds; and the said Henry Buckland and Henry M'Curley, senior, the sum of fifty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said Michael Griffin shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, }  
at Braidwood, in the said Colony, before me,— }

W. J. BENNISON, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas the said Michael Griffin was this day charged before me, the Justice within mentioned, for that he did aid, harbour, and assist the outlaw Thomas Clarke, at various times; if, therefore, the said Michael Griffin will appear at the next General Quarter Sessions of the Peace, to be holden at Braidwood, in and for the Colony of New South Wales, on Wednesday the 27th day of March, 1867, and there surrender himself into the custody of the Keeper of the Gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

## S 1.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered that, on the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six, Patrick Griffin, of Ballalaba, in the Colony of New South Wales, farmer, Denis Dempsey, of Emu Flat, in the said Colony, farmer, and John Keevil, of Molonglo, in the said Colony, farmer, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say); the said Patrick Griffin, the sum of one hundred pounds; and the said Denis Dempsey and John Keevil, the sum of fifty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said Patrick Griffin, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, }  
at Braidwood, in the said Colony, before me,— }

W. J. BENNISON, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas the said Patrick Griffin was this day charged before me, the Justice within mentioned, for that he did aid, harbour, and assist Thomas Clarke the outlaw, and his associates, at various times; if, therefore, the said Patrick Griffin will appear at the next General Quarter Sessions of the Peace, to be holden at Braidwood, in and for the Colony of New South Wales, on Wednesday, the 27th day of March, 1867, and there surrender himself into the custody of the Keeper of the Gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

INFORMATION under 28 Vic., No. 2. Give notice of time to prisoners for Goulburn Circuit Court, and subpoena witnesses. Communicate with Inspector Orridge as to further evidence. See his letter, 21 Feb., 1867.

12 March, 1867.

G. M., A. G.

The

The Inspector General of Police to The Crown Solicitor.

Police Department,  
Inspector General's Office,  
Sydney, 4 April, 1867.

Sir,

Referring to your communication of the 21st ultimo, transmitting Bench warrants for the apprehension of the offenders named in the margin, I have the honor to inform you that Patrick and Michael Griffin appeared at Braidwood Quarter Sessions, and were remanded on bail to the Supreme Court, Darlinghurst, 13th May next, for trial.

Patrick and  
Michael Griffin.  
Bench warrant  
returned here-  
with.

I have, &c.,  
JNO. McCLERIE,  
Inspector General of Police.

To all Constables and other Her Majesty's Officers and Ministers of the Peace within the Colony of New South Wales, whom these presents may concern.

WHEREAS it is certified to me, by David Bruce Hutchinson, Esquire, Prothonotary of the Supreme Court, that Patrick Griffin stands charged by information this day filed against him and one Michael Griffin, in the Supreme Court, by Her Majesty's Attorney General for the said Colony, with giving aid and sustenance to an outlaw, upon which information the said Patrick Griffin hath not as yet been arraigned or tried: These are therefore to will and require, and, in Her Majesty's name, strictly to charge and command you and every of you, on sight hereof, to apprehend and take the body of the said Patrick Griffin, and bring him before me, or one of the Judges of the said Supreme Court, if taken in or near Sydney; and if elsewhere, before some Justices of the Peace near to the place where he shall be herewith taken; to the end that he may become bound with sufficient sureties for his personal appearance before the said Supreme Court at the then next Criminal Sessions thereof, to answer the said information; or in case the said Patrick Griffin shall neglect or refuse to become bound as aforesaid, to the end that he may be committed to Her Majesty's Gaol at Sydney, there to remain until he shall answer the said information, or shall otherwise be discharged by due course of law. Hereof fail not, at your peril.

Given under my hand and seal, at Sydney, this twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

(L.S.) ALFRED STEPHEN.

At the instance of Her Majesty's Attorney General.

JOHN WILLIAMS,  
Crown Solicitor.

To all Constables, and other Her Majesty's Officers and Ministers of the Peace within the Colony of New South Wales, whom these presents may concern.

WHEREAS it is certified to me, by David Bruce Hutchinson, Esquire, Prothonotary of the Supreme Court, that Michael Griffin stands charged by information this day filed against him and one Patrick Griffin, in the Supreme Court, by Her Majesty's Attorney General for the said Colony, with giving aid and sustenance to an outlaw, upon which information the said Michael Griffin hath not as yet been arraigned or tried: These are therefore to will and require, and in Her Majesty's name strictly to charge and command you, and every of you, on sight hereof, to apprehend and take the body of the said Michael Griffin, and bring him before me, or one of the Judges of the said Supreme Court, if taken in or near Sydney; and if elsewhere, before some Justices of the Peace near to the place where he shall be herewith taken; to the end that he may become bound with sufficient sureties for his personal appearance before the said Supreme Court at the then next Criminal Sessions thereof, to answer the said information; or in case the said Michael Griffin shall neglect or refuse to become bound as aforesaid, to the end that he may be committed to Her Majesty's Gaol at Sydney, there to remain until he shall answer the said information, or shall otherwise be discharged by due course of law. Hereof fail not, at your peril.

Given under my hand and seal, at Sydney, this twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

(L.S.) ALFRED STEPHEN.

At the instance of Her Majesty's Attorney General.

JOHN WILLIAMS,  
Crown Solicitor.

#### No. 10.

DEPOSITIONS, &c., IN THE CASE OF PATRICK AND MICHAEL GRIFFIN.

I hereby certify that I have this day examined William Cotton Fell, Esq., solicitor, who is suffering from an attack of erysipelas of right foot, requiring for its treatment absolute rest and confinement to the house for a few days.

PETER H. GENTLE, M.D.

Braidwood, 13 December, 1866.

Superintendent

Superintendent Orridge to The Inspector General of Police.

Police Department, Braidwood,  
Superintendent's Office,  
Southern District,  
21 February, 1867.

Michael Connell,  
and Patrick and  
Michael Griffin.

Sir,

I have the honor to inform you that the offenders named in the margin have been committed for trial, by the Braidwood Bench, at the next Quarter Sessions to be holden here, on charges of aiding and assisting the bushrangers, under the "Felons Apprehension Act."

The prosecutions not having been initiated or conducted by the regular police, I am not aware fully of the nature of the evidence. Should there be any defects or omissions, I should be glad to be informed of their nature, so that I may be able to supply, if possible, any testimony that may be wanting, and remedy any deficiencies.

I beg to recommend that these offenders be tried at the next Goulburn Circuit Court, instead of at the Quarter Sessions here.

I have, &c.,  
J. W. ORRIDGE.

Original letter believed to have been lost in mail stuck up near Goulburn, 22nd instant.—J. W. ORRIDGE, Supt.—27/2/67.

Perhaps the Under Secretary will obtain instructions from the Hon. the Attorney General.—Jno. McLERIE.—B.C., 2/3/67.

In the Supreme Court of }  
New South Wales. }

I HEREBY certify that Patrick Griffin and Michael Griffin stand charged, in Her Majesty's Supreme Court of New South Wales, by information this day filed against them, in the said Court, by Her Majesty's Attorney General for the said Colony, for that they, the said Patrick Griffin and Michael Griffin, on the seventeenth day of October, A.D. 1866, at Jerrabatt Gulla, in the Colony aforesaid, voluntarily and knowingly did harbour, conceal, receive, and give aid, shelter, and sustenance to one Thomas Clarke, the said Thomas Clarke then being an outlaw within the meaning of a certain Act of Council, passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, and intituled, "*An Act to facilitate the taking or apprehending of persons charged with certain felonies and the punishment of those by whom they are harboured.*"

Given under my hand, this twenty-first day of March, A.D. 1867.

D. B. HUTCHINSON,  
Prothonotary.

The Crown Solicitor to Superintendent Orridge.

Crown Solicitor's Office,  
Sydney, 10 April, 1867.

Sir,

I do myself the honor to request that you will be good enough to have forwarded to me the recognizances of bail of Patrick and Michael Griffin, who were bound over to appear at the Supreme Court, Sydney, on 13th proximo; also, the recognizances of the witnesses in the cases of highway robbery against William Bruce.

I have, &c.,  
JOHN WILLIAMS,  
Crown Solicitor.

Will Mr. Nathan be good enough to forward these recognizances to the Crown Solicitor.—J. W. ORRIDGE, Supt.—12/4/67.

The Clerk of the Peace, Goulburn.

The recognizances of bail of Patrick and Michael Griffin, and also a recognizance of one of the witnesses *v.* Bruce, were forwarded by me, from Braidwood, to Law Office, on or about 4th instant. The only witnesses *v.* Bruce who were bound over before last Court of Quarter Sessions at Braidwood, were those mentioned in enclosed recognizance, which is incomplete, the recognizances having been taken orally. I believe the witnesses can be easily subpoenaed in the Braidwood District.

TEMP. S. NATHAN,  
Clerk of the Peace, Goulburn.  
18 April, 1867.

The Crown Solicitor, Sydney.

S 1.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered that, on the twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, Patrick Griffin, of Braidwood, in the Colony of New South Wales, farmer, at present a confinee in Darlinghurst Gaol, Sydney, in the said Colony, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of one hundred pounds, of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said Patrick Griffin, shall fail in the condition indorsed.

P. GRIFFIN.

Taken and acknowledged, the day and year first above mentioned, at the Gaol, Darlinghurst, in the said Colony, and before me,—

JOHN BIRRELL, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas an information was exhibited against the said Patrick Griffin, on the thirty-first day of May last, charging him with giving aid and sustenance to an outlaw ; if, therefore, the said Patrick Griffin will appear at the next Court of Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the twelfth day of August next, at nine of the clock in the forenoon, and then and there surrender himself into the custody of the Keeper of the Gaol there, and plead to the said information, or such other as may be filed against him, for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

JOHN BIRRELL, J.P.

S 1.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered that, on the twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, Michael Griffin, of Braidwood, in the Colony of New South Wales, farmer, at present a confinee in Darlinghurst Gaol, Sydney, in the said Colony, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of one hundred pounds, of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said Michael Griffin, shall fail in the condition indorsed.

MICHAEL GRIFFIN.

Taken and acknowledged, the day and year first above mentioned, at the Gaol Darlinghurst, Sydney, in the said Colony, and before me,—

JOHN BIRRELL, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas an information was exhibited against the said Michael Griffin, on the thirty-first day of May last, charging him with giving aid and sustenance to an outlaw ; if, therefore, the said Michael Griffin will appear at the next Court of Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the twelfth day of August, at nine of clock in the forenoon, and then and there surrender himself into the custody of the Keeper of the Gaol there, and plead to the said information, or such other as may be filed against him, for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

JOHN BUNN, J.P.

*Recognizance*

*Recognizance to give evidence.*

New South Wales }  
to wit. }

BE it remembered that, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, Cong Hay, of ———, of the Sydney Police Force, in the Colony of New South Wales, and Ah Yan, of ———, in the said Colony, personally came before the undersigned, the Deputy of the Court of Quarter Sessions holden at Braidwood, for the Colony of New South Wales, and acknowledged themselves to owe our Sovereign Lady the Queen the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied on their goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if they, the said before-mentioned persons, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Braidwood, in the said Colony, before me,—

The condition of the within-written recognizance is such, that whereas William Bruce was charged before ———, Esquire, of Her Majesty's Justices of the Peace for the said Colony, with robbery; if, therefore, they, the said before-mentioned persons, shall appear at the next Court of Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on the thirteenth day of May next, at nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said William Bruce, for the offence aforesaid, to the Jurors who shall pass upon the trial of the said William Bruce, then the said recognizance to be void, or else to stand in full force and virtue.

Superintendent Orridge to The Crown Solicitor.

Police Department,  
Superintendent's Office,  
Southern District,  
Braidwood, 12 April, 1867.

Sir,

I have the honor to inform you, in reply to your letter of the 10th instant, that the recognizances of bail of Patrick and Michael Griffin, who were bound over to appear at the Supreme Court, Sydney, on 13th proximo, and also the recognizances of the witnesses in the cases of highway robbery against William Bruce, are in the possession of the Clerk of the Peace, Goulburn. I have requested him to forward them to you.

I have, &c.,  
J. W. ORRIDGE,  
Superintendent, Southern District.

The Secretary and Superintendent of Police to the Crown Solicitor.

Police Department,  
Inspector General's Office,  
Sydney, 25 May, 1867.

Perhaps the Crown Solicitor will instruct the bearer, Sergeant Byrne, to see Mr. Rielly, if he consider that course desirable.

E. FOSBERY.

Subpœna for Rielly, handed Sergeant Byrne, 25 May.

Sub-Inspector Creaghe to The Inspector General of Police.

Braidwood, 21 May, 1867.

THE Regina of M. N. O'Connell—giving aid and sustenance to an outlaw.

Mr. Hugh Wallace, J.P., informed me this evening, that, a short time ago, when conversing with Mr. Richard Reilly, ironmonger, of George-street, near the Royal Hotel, Sydney, about the bushrangers, Mr. Reilly remarked that Michael N. O'Connell, who was in the habit of dealing with him, purchased from him a quantity of cartridges. In the case against O'Connell, there is evidence that he supplied the outlaw Clarke with Terry's cartridge; perhaps something may be made of this.

R. F. CREAGHE,  
Sub-Inspector,  
Officer in charge.

New

New South Wales }  
to wit. }

BE it remembered that, on this first day of June, in the year of our Lord one thousand eight hundred and sixty-seven, Edward Smith, late of Jinden, now here present, acknowledges himself to be indebted to our Sovereign Lady the Queen, in manner following (that is to say), in the sum of forty pounds of lawful money of Great Britain, upon condition that, if the above-bounden Edward Smith shall appear at the next Court of Gaol Delivery at Sydney, in the said Colony, at ten of the clock in the forenoon, and then and there give such evidence as he knoweth, upon an information which has been prepared against one James Griffin, charging the said James Griffin with murder of one Patrick Kennagh, and shall not depart without leave of the Court, then this recognizance shall be void, but otherwise to remain in full force.

Taken and acknowledged, the day and }  
year first aforesaid, before— }

The Clerk of Petty Sessions, Braidwood, to The Crown Solicitor.

Police Office, Braidwood,  
10 June, 1867.

Sir,

I do myself the honor to transmit herewith, bail bonds and affidavits of justification, in the case of the prisoners named in the margin, who are to be tried at Darlinghurst, on the 12th of August, 1867, for aiding and assisting an outlaw. Michael Griffin.  
Patrick Griffin.

I have, &c.,  
RALPH CLEMENGER,  
C.P.S.

S 1.

*Recognizance of Bail.*

New South Wales }  
to wit. }

BE it remembered that, on the tenth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, Joseph Hart, of Jerrabatt Gully, in the Colony of New South Wales, farmer, and John Munaghan, of Oronmeir, in the said Colony, farmer, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say), the sum of fifty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if Michael Griffin fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Braidwood, in the said Colony, before

H. WALLACE, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas the said Michael Griffin was, on the 31st day of May, 1867, arraigned with one Patrick Griffin, on a charge of aiding and assisting an outlaw; if, therefore, the said Michael Griffin will appear at the next sittings of the Central Criminal Court and Gaol Delivery, to be holden at Darlinghurst, in and for the Colony of New South Wales, on the twelfth day of August, A.D. 1867, and there surrender himself into the custody of the Keeper of the Gaol there, and plead to the said information, or other such as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

New South Wales }  
to wit. }

ON the tenth day of June, 1867, Joseph Hart, of Jerrabatt Gully, in the Colony of New South Wales, farmer, being duly sworn, maketh oath and saith as follows:—

I am possessed of property in the Colony of New South Wales, to the value of one hundred pounds and upwards, after payment of all my just debts. My property consists of land, cattle, and horses.

Sworn by the deponent, on the day first above }  
mentioned, at Braidwood, before me,— }

JOSEPH HART.

H. WALLACE, J.P. }

## S 2.

*Notice of the said Recognizance to be given to the Accused and his Bail.*

TAKE notice, that you, Joseph Hart, of Jerrabatt Gully, in the Colony of New South Wales, farmer, and John Monaghan, of Oronmeir, in the said Colony, farmer, are bound in the sum of fifty pounds each, that Michael Griffin appear at the next sittings of the Central Criminal Court and Gaol Delivery, to be holden at Darlinghurst, in the said Colony, on 12th August, 1867, and not depart the said Court without leave; and unless the said Michael Griffin personally appear and plead, and take his trial accordingly, the recognizance entered into by you shall be forthwith levied on you.

Dated this 10th day of June, one thousand eight hundred and sixty-seven.

H. WALLACE, J.P.

*Recognizance of Bail.*

to wit. }

BE it remembered that, on the tenth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, Denis Dempsey, of Emu Flat, in the Colony of New South Wales, farmer, and John M'Donald, of Bungendore, in the said Colony, farmer, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe our Lady the Queen the several sums following (that is to say), the sum of fifty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if the said Patrick Griffin fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Braidwood, in the said Colony, before—

H. WALLACE, J.P.

*Condition in ordinary cases.*

The condition of the within-written recognizance is such, that whereas the said Patrick Griffin was, on the 31st day of May, 1867, arraigned with one Michael Griffin, on a charge of aiding and assisting an outlaw; if, therefore, the said Patrick Griffin will appear at the next sittings of the Central Criminal Court and Gaol Delivery, to be holden at Darlinghurst, in and for the Colony of New South Wales, on the 12th day of August, A.D. 1867, and there surrender himself into the custody of the Keeper of the Gaol there, and plead to the said information, or such other information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

J.P.

New South Wales }  
to wit. }

OR the 10th day of June, 1867, Dennis Dempsey, of Emu Flat, in the Colony of New South Wales, farmer, being duly sworn, maketh oath and saith as follows:—I am possessed of property in the Colony of New South Wales, to the value of one hundred pounds and upwards, after payment of all my just debts. My property consists of land, horses, and cattle.

DENNIS DEMPSY.

Sworn by the deponent, on the day first above }  
mentioned, before me, at Braidwood,— }

H. WALLACE, J.P.

## S 2.

*Notice of the said Recognizance to be given to the Accused and his Bail.*

TAKE notice that you, Dennis Dempsey, of Oronmeir, in the Colony of New South Wales, farmer, and John M'Donald, of Bungendore, in the said Colony, farmer, are bound in the sum of fifty pounds each, that Patrick Griffin appear at the next sittings of the Central Criminal Court and Gaol Delivery, to be holden at Darlinghurst, in the said Colony, on 12th August, 1867, and not depart the said Court without leave; and unless the said Patrick Griffin personally appear and plead, and take his trial accordingly, the recognizance entered into by you shall forthwith be levied on you.

Dated this 10th day of June, one thousand eight hundred and sixty-seven.

H. WALLACE, J.P.

New

New South Wales }  
to wit. }

On the tenth day of June, 1867, John Monaghan, of Oronmeir, in the Colony of New South Wales, farmer, being duly sworn, maketh oath and saith as follows:—I am possessed of property in the Colony of New South Wales, to the value of one hundred pounds and upwards, after payment of all my just debts. My property consists of lands, cattle, and horses.

his  
JOHN + MONAGHAN.  
mark.

Sworn by the deponent, on this day, first above mentioned, at Braidwood, before me; the contents having previously been read to him, and he appearing to me fully to understand the same,—

H. WALLACE, J.P.

New South Wales }  
to wit. }

On the tenth day of June, 1867, John M'Donald, of Bungendore, in the Colony of New South Wales, farmer, being duly sworn, maketh oath and saith as follows:—I am possessed of property in the Colony of New South Wales to the value of one hundred pounds and upwards, after payment of all my just debts. My property consists of land, crops, and horses.

JOHN M'DONALD.

Sworn by the deponent, on the day }  
first above mentioned, at Braid- }  
wood, before me,—

H. WALLACE, J.P.

Mr. P. Griffin to The Crown Solicitor.

Braidwood, 15 July, 1867.

Dear Sir,

The Queen against Patrick and Michael Griffin.

I have done everything in my power to raise sufficient money to bring down the witnesses required on our behalf, but I have not been able to do so. Mr. Martin instructed me, if such should be the case, that I was to request you to communicate with him. The witnesses required are, Sergeant Stafford, Sub-inspector William Wright, James M'Curley of Ballalaba, Wm. Berriman, awaiting his trial in Goulburn Gaol.

*Re* James Griffin.

If James Griffin is to be tried for aiding and assisting Clarkes, witnesses required for defence will be, Kean, overseer to Hugh Wallace, Esq., Ballalaba, and James Byrne, stockman to Hugh Wallace, Esq. Please do all in your power to bring these witnesses down, as Mr. Martin instructed me to write to you requesting you to act in communication with him.

I am, &c.,

P. GRIFFIN.

Address to Patrick Griffin,  
Oranmeir, near Braidwood.



1868.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

**HENRY JAMES O'FARRELL.**

(COPIES OF PAPERS RELATING TO THE ATTEMPT TO ASSASSINATE H.R.H. THE DUKE OF EDINBURGH.)

*Ordered by the Legislative Assembly to be Printed, 15 December, 1868.*

MINUTE OF THE COLONIAL SECRETARY.

AFTER the arrest of Henry James O'Farrell, for the attempt to assassinate His Royal Highness the Duke of Edinburgh, on the 12th of March, I, on several occasions, saw the prisoner in Darlinghurst Gaol. On those occasions he entered voluntarily and freely into conversation on the subject of his crime, and many of his statements were of so startling a nature that I considered it my duty to employ a professional shorthand writer to take down any similar statement that might subsequently be made. There could be no design to use any of his statements against the prisoner himself, for the case against him was already complete; but it was thought that some clue might be thus obtained, which would lead to the discovery of accomplices.

After the first day, when he was suffering acutely from the wounds and bruises he had received at Clontarf, the prisoner never lost an opportunity of expressing his satisfaction that he had failed in his attempt to murder His Royal Highness. His explanations of the circumstances which led to the attempted murder, were made unhesitatingly; they had no appearance of an invented story, and his casual allusions, at different times, to the main topic, were all consistent one with another. The substance of the prisoner's principal statement in the unreported conversations was, that a "warrant" came out from England to "execute" the Prince; that he and nine or ten others met in Sydney to consider the expediency of carrying out this warrant; that before entering upon the discussion, they took an oath, binding each individually to abide by the decision of the majority; that he (O'Farrell) spoke and voted against it; and that a majority decided to carry it out. It was next agreed that the executioner should be appointed by lot; but, before drawing lots, a second oath was taken, binding each, individually, to do the deed, if the lot fell to him; and a third oath, binding each, individually, to take the life of the man to whom the lot fell, if he failed to do it.

The conversations which were subsequently written down, consist naturally of fragmentary allusions to the fuller statement already made; but it will be seen that they are quite consistent with the prisoner's first account, which, to a great extent, they repeat. The most striking circumstance, however, is, that these voluntary statements of the prisoner in gaol, made at different times, and to different persons, derive confirmation in a remarkable degree from the entries made by him in his private journal, when he was at large and unsuspected, probably several weeks before the murder was attempted.

In the course of his conversations, O'Farrell made various incidental statements where his truthfulness could be tested, and in all these cases it was ascertained that he spoke the truth. It is inconceivable that he could have had any object which would be served by statements of the character here described. His manner and language, after his arrest, were precisely what might be expected in a man relieved, as he described himself to be, from the horrible obligation to commit a crime against which all the better feelings of his nature rebelled.

It may be stated that the Report of the Inspector General of Police was not called for by the Government. It is therefore the voluntary expression of opinion, on the part of the Head of the Police, who must be supposed to possess the best means of forming an opinion on the subject.

If O'Farrell's account is true, it will be seen that it would be next to impossible to discover his accomplices, unless some one of them was prepared to sacrifice his life in the interest of justice.

I wish to add, that J. C. Read, Esq., the Principal Gaoler, was present during my conversations with the late prisoner.

HENRY PARKES.

Colonial Secretary's Office,  
Sydney, September 17th, 1868.

*This is the Paper mentioned and referred to in the Declaration to which this is annexed as*  
*EXHIBIT A.*

SAMUEL COOK.

A CONVERSATION between the Colonial Secretary (Mr. Parkes) and the late prisoner, Henry James O'Farrell, in Darlinghurst Gaol, March 18th, 1868, reported by Samuel Cook, Esq.

*The Colonial Secretary* : You had left Melbourne before the reception took place ?

*Prisoner* : Yes.

*The Colonial Secretary* : You came here in September, I think ?

*Prisoner* : About that.

*The Colonial Secretary* : You did not come here with the intention of attacking the Prince—did you ?

*Prisoner* : Oh no ; it came on by chance.

*The Colonial Secretary* : Oh, you ——

*Prisoner* : It came on by a strange concurrence of circumstances.

*The Colonial Secretary* : You had no design to kill the Prince when you left Melbourne ?

*Prisoner* : No, I had not the slightest thought of it.

*The Colonial Secretary* : Had you joined this organization when you left Melbourne ?

*Prisoner* : Yes, but not specially to do this.

*The Colonial Secretary* : You had simply joined the organization ?

*Prisoner* : That was all.

*The Colonial Secretary* : For the redress of the wrongs of Ireland, as you put it ?

*Prisoner* : Yes.

*The Colonial Secretary* : But you had not entered into any of the specific plans of the organization.

*Prisoner* : No.

*The Colonial Secretary* : You had not entered into any of the specific plans ?

*Prisoner* : No ; it is the same organization as the American. I think the Prince will encounter more danger in New Zealand than here.

*The Colonial Secretary* : You think he will encounter more danger ?

*Prisoner* : In fact, I would like to say in the dock—I would like to beg them not to molest him ; he has sustained so much injury.

*The Colonial Secretary* : You would not wish it ?

*Prisoner* : I could not possibly write, because whatever I write the Government sees. I could only say it, and it would be reported in the papers. The only time I could say that, would be when the Judge asks me if I have anything to say.

*The Colonial Secretary* : Our impression is that he will not be subject to any danger in New Zealand ?

*Prisoner* : He will chance what I call "running the gauntlet." That might be : I cannot say. After this they might think of the anxiety of his mother. They might think that to shoot a man who had been shot at once would look cowardly. I thought of what you said afterwards. It was a staggerer. I remember well the pause—the irresolution which came over me when he was down—when Sir William Manning came rushing up. He went running off with his hands like this. Then was the time I would have shot him, but Sir William Manning prevented it. There was a feeling of irresolution, as though I would not like to shoot a man when he was down.

*The Colonial Secretary* : But I understood you to say that you had great compunction in shooting him at all—that you did not like it ?—

*Prisoner* : Who would ?—

*The Colonial Secretary* : But you felt compelled by the instruction from the Fenian Government ?—

*Prisoner* : We were under oath. As to the matter of fear I did not care a fig. I took the oath to shoot any man that did not fulfil the particular obligation which devolved on him—all did.

*The Colonial Secretary* : I think you said there was a band of ten ?

*Prisoner* : Yes.

*The Colonial Secretary* : Who formed part of some four and twenty ?

*Prisoner* : No.

*The Colonial Secretary* : But I understood you to say there were more, and that the band was reduced to ten ?

*Prisoner* : No. There was one, but he was over in New Zealand ; he was not one ; you could not call him one, for he was not in the secret.

*The Colonial Secretary* : And the band of ten was formed in Sydney ?

*Prisoner* : No ——

*The Colonial Secretary* : Completed in Sydney it must have been ?

*Prisoner* : Completed ; but still it was completed before with the numbers we had. They added to the numbers. It was completed for all purposes before ——

*The*

*The Colonial Secretary* : But you swore to effect the Duke's death, and you also swore that if the person to whom it was allotted to do it, did not do it, you would shoot him?

*Prisoner* : That he should die ; we did not say how.

*The Colonial Secretary* : That is a terrible oath—did you like taking such an oath as that?

*Prisoner* : I did not, to tell you the truth, still we were very much exasperated at the time about certain things at home.

*The Colonial Secretary* : And the ballot took place in Sydney?

*Prisoner* : Oh yes.

*The Colonial Secretary* : In a public-house?

*Prisoner* : I would not say.

*The Colonial Secretary* : Oh, I would not think of asking you to say where it was.

*Prisoner* : I beg pardon ; I would not say.

*The Colonial Secretary* : You would not say whether it was a public-house or a private house?

*Prisoner* : Oh no.

*The Colonial Secretary* : And the ballot-paper was carried round by a boy—but the boy —

*Prisoner* : He is gone home ; he is related to one of them ; he did not know.

*The Colonial Secretary* : He did not know what he was doing?

*Prisoner* : No ; there was money left on the table.

*The Colonial Secretary* : For the purpose of deluding the boy?

*Prisoner* : That is all. He shook [or took] the cards out.

*The Colonial Secretary* : How long before the arrival of the Prince was it that this matter took place?

*Prisoner* : No, I could not tell you that ; you would be astonished how clues are taken up.

*The Colonial Secretary* : But it must have been before the Prince arrived, because you say you attempted to shoot him on the day he did arrive?

*Prisoner* : You can form your own conclusions ; I most decidedly object to assist you.

*The Colonial Secretary* : You told me you took a room at Lloyd's public-house for the purpose of shooting the Duke on the day he landed.

*Prisoner* : Where is Lloyd's public-house?

*The Colonial Secretary* : Where was that room with a verandah—the room near the wharf?

*Prisoner* : Nearer the Exchange.

*The Colonial Secretary* : Do you know the "Star Hotel"?

*Prisoner* : You pass over an empty space and there is the "Custom House Hotel," not facing the wharf, but towards the town—the room next the Exchange. The girl, a little inquisitive, saw the butt end of the gun when I was taking it away ; they did not see me taking the gun in ; I had to take it in secretly before the procession went by, but a portion of the cover came off the brass end, and a little girl cried out, "There's a gun!"

*The Colonial Secretary* : A little girl at the house?

*Prisoner* : Yes ; that excited my suspicions ; I thought the information might be communicated to a detective.

*The Colonial Secretary* : But you had the Prince covered, you say?

*Prisoner* : Yes ; but the other was in a line with him ; he rose a little.

*The Colonial Secretary* : But was not Superintendent Orridge, an officer of police, in a line with the Prince? He had instructions to keep in a line with the Prince, in case he was attacked.

*Prisoner* : It would have struck him here ; it was No. 3 wire cartridge. On the other side there was some one else. I said to myself at the time, "What is the use? they are prepared for all the sports in Sydney ; let them enjoy themselves ; it would spoil everything."

*The Colonial Secretary* : You thought you would let them enjoy themselves first?

*Prisoner* : Yes ; it would have spoiled everything ; I intended to enjoy myself ; the time was not specified ; it was coming to a conclusion, but I had no stomach for the work.

*The Colonial Secretary* : But you said you had him covered on one occasion, when Lord Newry was with him?

*Prisoner* : No, that is a mistake ; only near the "Custom House Hotel." I do not know where Lloyd's is.

*The Colonial Secretary* : It is a mistake of mine ; I confounded the hotels ; I should think you are sorry now?

*Prisoner* : I am delighted he is recovering, because I did my best, and I am not sorry that I failed \* \* \* \* retaliation for what had been done at Manchester and elsewhere.

*The Colonial Secretary* : It is a thousand pities to see a man like you, in the prime of life, in such a place as this ; a man of more than ordinary intelligence.

*Prisoner* : We must die once.

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*The Colonial Secretary* : How many of these were Sydney men?

*Prisoner* : I would not say.

*The Colonial Secretary* : I do not see how that can be any clue.

*Prisoner* : No more do I ; but still it might be.

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*The Colonial Secretary* : I cannot understand why these people who joined you should go home?

*Prisoner* : Out here they could not see much to do ; the work is to be done at home chiefly—in London.

*The Colonial Secretary* : What work ?

*Prisoner* : In the Fenian organization ; here it is a mere nothing ; all the artisan and mechanical class, and a great portion of the middle class—we look upon them as sure to join ; of course the foundation is the republic.

*The Colonial Secretary* : The republic for Ireland ?

*Prisoner* : No ; for the three kingdoms—England, Ireland, and Scotland ; a confederation of fifteen States—three for Ireland, two for Wales, three for Scotland, and seven for England—a division of States.

*The Colonial Secretary* : How many States altogether ?

*Prisoner* : Fifteen altogether.

*The Colonial Secretary* : How many for Scotland ?

*Prisoner* : Three.

*The Colonial Secretary* : How many for Ireland ?

*Prisoner* : Three.

*The Colonial Secretary* : And how many for England ?

*Prisoner* : Seven.

*The Colonial Secretary* : Is that planned ?

*Prisoner* : Of course we approve of it. They were going on the basis of population, but that would not do on account of Scotland—on account of its manufactures and enormous shipping ; it is astonishing the number of ships now in the ports of Scotland.

*The Colonial Secretary* : I may be obtuse, or short-sighted, but it seems to me very wonderful that, if these Fenians wish to make an attack on the Royal Family, they do not make it on the Prince of Wales, or some one near at hand.

*Prisoner* : They are very fond of the Prince of Wales.

*The Colonial Secretary* : Fond of the Prince of Wales ?

*Prisoner* : In this sense, they look upon him as useful in the cause—the republican cause, because he disgraces royalty.

*The Colonial Secretary* : They think he will work out their object ?

*Prisoner* : Yes ; that he is turning England against royalty.

*The Colonial Secretary* : And you wish to preserve his life ?

*Prisoner* : They would not harm him. They look upon him as likely to set the people against royalty.

*The Colonial Secretary* : Will this attack upon the Prince be expected in England by any one ?

*Prisoner* : Oh yes.

*The Colonial Secretary* : It will be looked forward to ?

*Prisoner* : It is known now what has taken place.

*The Colonial Secretary* : Did I understand you to say that you were engaged here as a tutor ?

*Prisoner* : No.

*The Colonial Secretary* : I thought I understood you to say that you were engaged at St. John's College ?

*Prisoner* : No ; I wished to live quiet and retired ; I could have had the use there of the library.

*The Colonial Secretary* : But you applied for employment ?

*Prisoner* : Yes ; but that was on account of my sisters ; they wished me to study for the Church ; I deceived them and told them I was going to do so, and I wrote several letters.

*The Colonial Secretary* : You got a letter from St. John's College on the morning this attack was made ?

*Prisoner* : Yes ; it was a letter from Melbourne with some money, and the idea was, that I was going on to join the Bishop of Goulburn. It was a system of deception. My sister wrote to me ; she is the last one who would approve of anything of the sort.

*The Colonial Secretary* : We have information that a letter came to you from Melbourne, to the care of Dr. Forrest ?

*Prisoner* : Yes ; that was from my sisters ; I had letters addressed there.

*The Colonial Secretary* : And you had letters addressed to Mr. M'Encroe ?

*Prisoner* : Yes ; they are from relations.

*The Colonial Secretary* : Did you fetch that letter yourself ?

*Prisoner* : Yes ; I walked in and took it.

*The Colonial Secretary* : It was on the table ?

*Prisoner* : Yes.

*The Colonial Secretary* : That is according to our information—that the letter was lying on the table.

*The Colonial Secretary* : You must have gone straight from St. John's College to the steamer ?

*Prisoner* : No. \* \* \* I had to dress myself after that.

*The*

*The Colonial Secretary* : It was said that the letter was taken about 11 o'clock—it must have been taken earlier.

*Prisoner* : I left the Circular Quay by the 12 o'clock boat. It did not start till after 12, and the people were impatient. They said : "What a shame ; it is twenty minutes past 12, and they call this the 12 o'clock boat!" And there was the half-past 12 boat about to come away. My intention was to fire two shots at the same time. It is a most extraordinary thing I did not do so.

*The Colonial Secretary* : With the two pistols ?

*Prisoner* : So.

*The Colonial Secretary* : But you did not do it.

*Prisoner* : No ; I do not know what it was prevented me.

*The Colonial Secretary* : Are you a good shot ?

*Prisoner* : Yes, a very good shot.

*The Colonial Secretary* : But you were practising the day before ?

*Prisoner* : That was the first time I was at Waverley. It is said I was practising just behind the house. It is not so ; I was nearly half a mile from the house. I had a shot at a handkerchief. I was pleased with the place. Some of those gullies are very beautiful.

*The Colonial Secretary* : A person living in Pitt-street came and stated that you, or some one like you, went to borrow money from him on the occasion of the Citizens' Ball, I think ?

*Prisoner* : Yes ; he would not do it.

*The Colonial Secretary* : You referred him to Dr. Forrest, did you not—you said you would take him to Dr. Forrest ?

*Prisoner* : I said I could refer him ; but I got the money afterwards, and did not go.

*The Colonial Secretary* : You did not go to the ball ?

*Prisoner* : One of the Fenian circle wanted to fire the Pavilion. He was reckless ; he did not care ; he said it had been erected in honor of English royalty, and if they did these things they would suffer for it.

*The Colonial Secretary* : He was supplied with some inflammable substance ?

*Prisoner* : Yes.

*The Colonial Secretary* : But you would not countenance it ?

*Prisoner* : No. I would rather charge a regiment of cavalry, or point a gun. We used to go out with the French Artillery to practise. I would not mind something of that sort, but not this miserable sort of thing. And yet, even in England, when people begin to talk that Church establishments should be abolished, it is always under the influence of fear ; they never attribute a generous motive ; that is shewn in Gladstone's speech.

*The Colonial Secretary* : You attribute Mr. Gladstone's advocacy of the cause of Ireland to fear ?

*Prisoner* : Yes.

*The Colonial Secretary* : And you look upon that as a successful result of Fenian organization ?

*Prisoner* : Yes ; I know that the Presbyterians of Scotland would never have got their Church but they fought for it. They were simply rebels, and they fought and won ; whereas the Catholic clergy—of course the Fenians are against them \* \* \* \* \* The Catholic clergy have been opposed to every movement that would benefit Ireland.

*The Colonial Secretary* : Not all. It is reported that a funeral procession took place at Hokitika, New Zealand, and that a clergyman of the Catholic Church addressed the assembly, and advised the erection of a tablet in honor of the men who were hanged at Manchester.

*Prisoner* : That is possible ; they might do that. That is one in a thousand ; but how many thousands are there in Ireland ? There are six thousand clergy. You would find an isolated one in favour of the people. The Scotch clergy, to a man, are for their own people.

*The Colonial Secretary* : But the greater number of the more intelligent of the Catholic laymen are against the Fenians ?

*Prisoner* : The Pope, in the first instance, prefers England to Ireland. He sent his bull ; he has sent his directions to Ireland, and in consequence Dr. Cullen published that manifesto in which he says the Catholics must not join the movement. It comes direct from the Pope. But there are men who will judge for themselves—Catholics, Protestants, and Presbyterians also. There are plenty of English Fenians, are there not ?

*The Colonial Secretary* : I do not think so.

*Prisoner* : Oh yes. Lancashire is full of them. The Queen refused to receive a deputation—

*The Colonial Secretary* : Does Fenianism simply mean the conversion of the British Empire into a united republic ?

*Prisoner* : It does, in the English sense of the word.

*The Colonial Secretary* : Is that the broad object ?

*Prisoner* : That is the broad object.

*The Colonial Secretary* : You never once contemplated the attack made on you by the populace ?

*Prisoner* : I calculated that I would have been dead before anything took place. I know what I would have done myself in the same case, Fenian or not Fenian ; I would have done

done just what they did; but I expected to be dead. I had two plans: one to fire into my mouth, that is very certain; and the other to fire just above the ear.

*The Colonial Secretary:* That was in destroying yourself?

*Prisoner:* Yes. This is very awful—very unchristian.

*The Colonial Secretary:* Do you feel at all cheerful now?

*Prisoner:* Oh yes.

*The Colonial Secretary:* You seem so?

*Prisoner:* Oh yes.

*The Colonial Secretary:* Did any of the persons in this organization with you, and who afterwards left the Colony, go to New Zealand?

*Prisoner:* I would not mention.

*The Colonial Secretary:* They did not all go home to England. I do not see much harm in mentioning that?

*Prisoner:* I would not mention.

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*This is the Paper mentioned and referred to in the Declaration to which this is annexed as*  
*EXHIBIT B.*

SAMUEL COOK.

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A CONVERSATION between the Principal Warder of Darlinghurst Gaol (Mr. Frederick Robert Bernard) and the late prisoner Henry James O'Farrell, March 20th, 1868, reported by Samuel Cook, Esq.

*The Principal Warder:* It is most extraordinary the reports they have circulated about this affair. It is said that you had animosity against the Prince in consequence of an affair with some woman?

*Prisoner:* Those are the penny-a-liners' stories. They must make up something. There was something genial about him. He was a good-hearted soul altogether. I voted against it, and argued against it.

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*The Principal Warder:* They say that you got a warrant while you were in Sydney—a warrant to execute the Prince?

*Prisoner:* That is right enough; but I did not get the warrant.

*The Principal Warder:* They say you did.

*Prisoner:* The whole lot of us got it. I was not the head of the council—what they call the "senex," or chairman.

*The Principal Warder:* Then that must have been when first the Prince came from Melbourne?

*Prisoner:* I will not say anything about that. That is what Mr. Parkes asked me about—dates, and times, and all that sort of thing. They trace those things fearfully.

*The Principal Warder:* You can confide in me.

*Prisoner:* I would not say. It was a matter of necessity. I would like the Prince to go straight home as soon as possible \* \* \* He has seen the best of the Colonies—what is the use of his going to New Zealand?

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*Prisoner:* All that money collected, to be sent to widows and orphans, was a humbug; it all went to the cause.

*The Principal Warder:* I suppose they would get a little of it.

*Prisoner:* I suppose they would, but it went to the cause,—it was all a sham. How is the Prince?

*The Principal Warder:* He is getting on all right.

*Prisoner:* Can he walk?

*The Principal Warder:* I think so.

*Prisoner:* Mr. Parkes told me the other day that he could sit up.

*The Principal Warder:* I believe he can walk now. Another report in the paper is that a plot was made to execute him.

*Prisoner:* Yes, that is known.

*The Principal Warder:* Some people come to the conclusion that he was to be hanged, or have his head cut off.

*Prisoner:* It is looked upon as almost the same thing as hanging. It was agreed to put him to the most ignominious death, as Maximilian prayed to be shot in the back. I am very glad he has escaped; I did my best. It is strange that I did not shoot him with two pistols—two shots at once—that would have killed him. I had one of those revolving guns, but I left it behind me. They are the most treacherous things in the world; you put caps on and fire, and when you go to fire again the cap stops you, and then you may work away at it till you are wild before you can get it right; but with the other, mind you, you can fire, and pull at the trigger, and at it again. I frightened the wits out of Sir William Manning. He was right at me. I forced him back two or three steps. He did

did not see what he was doing or where he was going. He staggered back and fell on all-fours. I only saw him fall on all-fours. The Prince was on the ground, and then there was an irresolution to shoot him.

*The Principal Warder*: No, it would not do to shoot a man when he was down; it was not the spirit of the thing.

*Prisoner*: Of course it was all the same shooting, but still I had a repugnance, and before I could get the thing out of my own mind, I was jumped upon.

*The Principal Warder*: I am glad there is no foundation for that report about the woman, and that you had no personal animosity against him.

*Prisoner*: Poor fellow! A programme was issued that three men were to be shot for the three men executed at Manchester. It was imperative to shoot the Prince, but the rest was left to discretion. While they were sitting at the table, with the crowd all around, I was close to Yorke and Lady Belmore.

*The Principal Warder*: I am more rejoiced than you are aware of, to find that you had no private animosity against this poor young fellow.

*Prisoner*: What I have done I could die for now—it will give me more strength. At the same time, I was bound to it. It so happened by good fortune that the ball was stopped. It will have the same effect at home.

*The Principal Warder*: They must have had great confidence in you, as a man of unshaken nerve. Did any of them feel glad it did not fall to their lot?

*Prisoner*: If they ever breathed freely in their lives, it was then.

*The Principal Warder*: You could tell by their countenance, I suppose, and the breathless silence?

*Prisoner*: There was terrible jealousy lest one should get more favour than another; the boy was delighted at seeing all the money on the table.

*The Principal Warder*: He was not a boy picked up by the wayside.

*Prisoner*: No. He had to shake the bag, and lay the numbers on the table with the numbers up.

*The Principal Warder*: Up?

*Prisoner*: Yes; and he should touch them and no one else, lest there should be some trick.

*The Principal Warder*: Then you had not implicit confidence in them?

*Prisoner*: Yes, but in a matter of that sort it should be above suspicion, and then he had to knock the table and shake it out the other way with his arm bare.

*The Principal Warder*: Did it turn with the number up, or upside down first?

*Prisoner*: With the number up.

*The Principal Warder*: There must have been great suspense?

*Prisoner*: There were a few shillings on the table. The poor boy thought we were gambling. \* \* \* \*

*The Principal Warder*: The "Great Britain" went a week ago. She will carry the first news home. They will be looking out for the papers to see the account of it.

*Prisoner*: I suppose so. I wrote myself to *The Nation* and to *The Irishman*, but ten to one the letters have been stopped. \* \* \* I wrote that about a week before the affair at the "Custom House Hotel." With that wire cartridge I believe I could have killed the whole four in that carriage.

*The Principal Warder*: Was it swan-shot?

*Prisoner*: No; the next number. The wire itself, and the sand mixed up with it. Oh, the Prince!—I could have shot him dead, and Lord——what do you call him?

*The Principal Warder*: Newry?

*Prisoner*: No; Belmore.

*The Principal Warder*: The oath was imperative to kill the Prince, but the others were left at discretion.

*Prisoner*: It was bad enough to do with one; and he is such a nice fellow. He seemed to be a nice winning fellow, from what I could see when he was speaking to Lady Belmore.

*The Principal Warder*: Ill tell you what seems a puzzle—that commission you got; how the deuce did you know it was an official document?

*Prisoner*: I did not get it myself.

*The Principal Warder*: I suppose it came out "signed, sealed, and delivered," with a big pound of wax on it, and green tape, of course?

*Prisoner*: It came to us all \* \* \* \* It is the power of secrecy and the power of terror. There is never anything done but under the influence of fear.

*This is the Paper mentioned and referred to in the Declaration to which this is annexed as*

*EXHIBIT C.*

SAMUEL COOK.

A CONVERSATION between the Colonial Secretary (Mr. Parkes) and the late prisoner Henry James O'Farrell, in Darlinghurst Gaol, March 24th, 1868, reported by Samuel Cook, Esq.

*The Colonial Secretary :* You would rather lose your life than be imprisoned ten years ?

*Prisoner :* I would, infinitely.

*The Colonial Secretary :* But then you had made up your mind to throw your life away ?

*Prisoner :* Yes, I made up my mind to leave this world. It strikes me as something terrible—ten years ! What would it be for life ?

*The Colonial Secretary :* You say you were prepared to take your own life ?

*Prisoner :* Yes, at that time.

*The Colonial Secretary :* You had made up your mind to forfeit your life ?

*Prisoner :* I had.

*The Colonial Secretary :* Did it never appear to you, when you looked at the sunny waters and the blue sky and the green trees, that it would be better to live ?

*Prisoner :* No, I was not very much enchanted by them. They are very well in their way. I was a little *ennui'd*. \* \* \* \*

*The Colonial Secretary :* You did not want to die for the sake of change ?

*Prisoner :* Sometimes we do to a great extent, to find out the great secret.

*The Colonial Secretary :* But then you could have died without taking anybody else's life ?

*Prisoner :* Undoubtedly ; I am only mentioning the fact ; according to Christian doctrine, we know what suicide is \* \* \* \* We have latitudinarian views on those subjects.

*The Colonial Secretary :* (To the Principal Gaoler) Has O'Farrell ever expressed a wish to see any one ?

*The Principal Gaoler :* No.

*Prisoner :* The parties I would wish to see perhaps would not wish to see me ; I would not like them to come here.

*The Colonial Secretary :* That is, some of your friends who were mixed up with you ?

*Prisoner :* That is partially ; I only suspect there is one in Oceanica or Polynesia, and this man I believe to be a scout to see that I did my work, and to take my life if I did not ; of course against him individually I could have no possible enmity.

*The Colonial Secretary :* But suppose a person has been to me, and told me positively that he can go and put his hand on one of them ?

*Prisoner :* He could not do it. He could if he knew where he was ; but not in New South Wales, unless the party has returned.

*The Colonial Secretary :* No ; he is going out of New South Wales, but he undertakes to do it at his own expense and trouble.

*Prisoner :* I do not see how he can—I do not see who is to inform him—I do not see how it is to be done, unless he has returned and broken his word. I know well what he staid for—to see if I did it ; and if I did not, of course I knew the consequence. If the one allotted was irresolute and did not perform his duty, we agreed with each other that he should die.

*The Colonial Secretary :* I understood you to say that nine or ten men took an oath, or something equal to it, that if the man detailed off, or to whose lot it fell to murder the Prince, failed, they would take his life ?

*Prisoner :* To kill the Prince—not to commit murder. Each one of us agreed to that. Of course each one knew that he could not do it without sacrificing his life. That was understood. It was supposed to be a matter of fact.

*The Colonial Secretary :* He cannot be gone from Sydney long ?

*Prisoner :* I would not give dates.

*The Colonial Secretary :* I did not ask you.

*Prisoner :* "Long" signifies time. Had a person been gone long ? All I am frightened about now is, that the Prince might exercise what is called royal magnanimity, and that the sentence will be commuted. The worst punishment on earth would be a long weary imprisonment. Better send a man to a madhouse ; although I believe there are some here for ten or fifteen years—are there not, Mr. Read ?

*The Principal Gaoler :* Longer than that.

*Prisoner :* How do they stand it ; have they lost their senses ?

*The Principal Gaoler :* They forget the length of time.

*Prisoner :* And those men, if they were sent out when their time had expired, would wish to return, I should say.

*The Colonial Secretary :* Perhaps they would not go away.

*Prisoner :*

*Prisoner* : The prisoners of the Bastille, you know, wished to return to their cells. I think if I had been living in one place for thirty years, and had got habituated to it, I should not like to leave it.

*The Principal Gaoler* : One thing I know, that when a man leaves who has been ten or fifteen years here, it is a great trouble for him to know where to get his food and lodging ; he is miserable for a long time after. Here he has no care of that kind.

*The Colonial Secretary* : I have been thinking over what you said ; it is a sort of metaphysical investigation. I cannot understand how a number of men would come to the same resolution ; they could not do it without discussion.

*Prisoner* : No ; I was one of the strongest against it.

*The Colonial Secretary* : You deliberated on it ?

*Prisoner* : Yes.

*The Colonial Secretary* : Then I can understand it ; when they met they did not know what decision might be come to ?

*Prisoner* : I said if they considered death was desirable, let them take his life in England. There were plenty of chances there.

*The Colonial Secretary* : You urged that ?

*Prisoner* : Yes. This is what they called the shambles, or convict station ; and they said, "Let one of the Royal Family die out here." It was the *lex talionis* for those executions at Manchester. They called this a gaol.

*The Colonial Secretary* : There seems to be some discrepancy between an order, or, as I think you put it once, a warrant, coming from home, and a number of persons deliberating as to what they should do.

*Prisoner* : Whether they would carry it out ?

*The Colonial Secretary* : If they had declined to carry it out, they would have bound themselves to secrecy in regard to it ?

*Prisoner* : Yes.

*The Colonial Secretary* : Was it decided by a majority ?

*Prisoner* : By a majority ; but I believe there was one or two who would have done it on their own responsibility.

*The Colonial Secretary* : You, no doubt, have been connected with many political movements—meetings, committees, and things of that kind ?

*Prisoner* : Yes.

*The Colonial Secretary* : Suppose there are twelve persons, and a majority of seven divide against five, and suppose that five have strong opinions, they will rebel—I have seen it the case often—they would not consent to be bound by the majority. How is it that in such an important matter as this—the taking of a human life—the minority who were against it (you, for example, who argued against it) were bound by the majority ?

*Prisoner* : I was bound by an oath.

*The Colonial Secretary* : Before you commenced ?

*Prisoner* : Yes.

*The Colonial Secretary* : You bound yourselves by an oath to abide by the decision of the majority ?

*Prisoner* : Yes ; in all our deliberations the senex or chairman could give a casting vote.

*The Colonial Secretary* : The senex ?

*Prisoner* : Yes. He could give a casting vote. There were eleven with that man, but he was shipped away.

*The Colonial Secretary* : Was there a large majority in this case ?

*Prisoner* : No.

*The Colonial Secretary* : There were more than you against it ?

*Prisoner* : Yes, but we were so few.

*The Colonial Secretary* : It must have been very hard for you to have to do a thing against which you argued.

*Prisoner* : It did not signify ; it was put to the lot ; it was as fair as a thing could be fair ; before that there were eleven.

*The Colonial Secretary* : What did you say when it fell to you ?

*Prisoner* : I said nothing.

*The Colonial Secretary* : You said nothing ! But you turned pale, I should think ?

*Prisoner* : I had to do it, that was all ; it broke up at once ; that one who knew very little of the society—what became of him I cannot tell ; we saw him in the company of detectives ; he got away somewhere up the country.

*The Colonial Secretary* : In the company of detectives ?

*Prisoner* : Yes ; they suspected him. They are all away now except one.

*The Colonial Secretary* : And that one is somewhere in the South Seas ?

*Prisoner* : That is all I can say.

*The Colonial Secretary* : They may have returned ?

*Prisoner* : No, there is not the slightest chance of that.

*The Colonial Secretary* : If they went home, there has not been time enough for them to return ?

*Prisoner* : Oh no, they would not return.

*The Colonial Secretary* : That warrant which came out—was it a formal document or parchment ?

*Prisoner* : There was a parchment.

*The Colonial Secretary* : Was it sealed ?

*Prisoner* : Oh yes.

*The Colonial Secretary* : It did bear a seal and signature.

*Prisoner* : Yes.

*The Colonial Secretary* : It was executed in a formal manner, like a State instrument?

*Prisoner* : Yes \* \* \* There are two ways of liberty—on the sea and on the scaffold—which would you prefer? I suppose you would prefer to be “over the ocean wave.”

*The Colonial Secretary* : I do not particularly value life either.

*Prisoner* : And yet the reporters say “he was launched into eternity”—as if it were a ship going out into the sea.

*The Colonial Secretary* : If Fenianism is an organization for the rectification of what you call the wrongs of Ireland—

*Prisoner* : It is a republican organization. It contemplates a republic as much for England as Ireland.

*The Colonial Secretary* : Does Fenianism embrace the whole of the United Kingdom?

*Prisoner* : Yes.

*The Colonial Secretary* : You would not be satisfied with an independent legislature for Ireland?

*Prisoner* : Decidedly not.

*The Colonial Secretary* : But, taking your enlarged representation of what you mean by Fenianism—that it aims at the entire reconstruction of the Government of Great Britain and Ireland—

*Prisoner* : Yes.

*The Colonial Secretary* : Understanding it in that sense, do you think such an outrage as has been here committed will not do a great deal to retard its progress?

*Prisoner* : That will be for the council to decide. As I argued, it could have been done at home, but some of the central council wished it done out here; they knew that the oligarchy would be awfully savage if the Prince were killed out here.

*The Colonial Secretary* : What you mean by the central council is what you would call the Fenian Government?

*Prisoner* : One circle.

*The Colonial Secretary* : Are there different circles?

*Prisoner* : Yes, in every town and capital city.

*The Colonial Secretary* : Was this determined by one circle, apart from the central authority.

*Prisoner* : No, we obtained this from the —

*The Colonial Secretary* : Central authority?

*Prisoner* : Yes, we know very little beyond us.

*The Colonial Secretary* : It is rather a mysterious movement?

*Prisoner* : We did the same as the United Irishmen. Of course one circle could not know another. Has that Act passed—the Treason Felony Act of England?

*The Colonial Secretary* : That is law. It passed in less than twelve hours through both Houses of Parliament.

*Prisoner* : Unanimously?

*The Colonial Secretary* : Only two persons voted against it in the Assembly. I suppose you are sufficiently acquainted with our Constitution to be aware that that is the representative body—the body elected by the people. It passed in the Legislative Assembly by 44 to 2.

*Prisoner* : And in the Council?

*The Colonial Secretary* : Unanimously.

*Prisoner* : Does the Governor object to sign it?

*The Colonial Secretary* : No, it is not very likely he would.

*Prisoner* : He did not veto it. These are the instructions from home, of course.

*The Colonial Secretary* : It is passed with additional clauses much more severe than those of the English law—it gives the Government power to search houses, and to punish people for refusing to drink the Queen's health, even?

*Prisoner* : That is going rather far.

*The Colonial Secretary* : Do you not see that that is one of the consequences of your act?

*Prisoner* : I am very well pleased. This suits us to a T. It is one of the very things we want. It will stir up those who are always professing and professing and never doing anything. There are lots of Irish who profess and never do anything. Let them drink the Queen's health, and send home plenty of money. They want stirring up about here, a great number of them.

*The Colonial Secretary* : Who do you mean?

*Prisoner* : A great number of the Irish.

*The Colonial Secretary* : But the persons born here of Irish parents —

*Prisoner* : Oh, they are like the Americans—the most strenuous supporters of Fenianism. What is that you said to me — “the further they are away from Ireland the better they like it”?

*The Colonial Secretary* : There will be a great meeting held to-night, exclusively of natives, to express their sympathy with the Prince.

*Prisoner* : This will do as long as the place is attached to England—as long as it is to their interest.

*The Colonial Secretary* : The clergy of the Roman Catholic Church have done the same.

*Prisoner* :

*Prisoner* : I do not doubt it. Our friend who came here and had an argument with me\* said they were not friends of mine. He has not been here at all since. We had a tough argument.

*The Colonial Secretary* : Did you send for him ?

*Prisoner* : He came of his own accord.

*The Colonial Secretary* : Do you want to see him ?

*Prisoner* : Not much. He will come in good time, I suppose. He sends books. He is a native—of Irish parents.

*The Colonial Secretary* : He is a very nice man, I think ?

*Prisoner* : Very.

*The Colonial Secretary* : He is not a Fenian, I think ?

*Prisoner* : No. Because he will say "We are so peaceful and contented here." His parents were Irish. He does not like the state of things in Ireland, but he says "We are so comfortable here—every one is so comfortable." Yet it seems to me that they were at loggerheads with Dr. Lang in every way about this Education Bill.

*The Colonial Secretary* : The Prince thinks of going to New Zealand very soon.

*Prisoner* : He is ? Why can't he go straight home ? I think he has had enough of suffering.

*The Colonial Secretary* : He thinks he would like to complete his trip.

*Prisoner* : Well, the point is this : A man goes into another place ;—if every second man was a detective, it would not signify if he intended to shoot him.

*The Colonial Secretary* : The man who wanted to fire the Pavilion is somewhere in Oceanica.

*Prisoner* : I call him "scouting."

*The Colonial Secretary* : It may be in New Zealand, or the South Sea Islands—but that is the man—the man who wanted to fire the Pavilion.

*Prisoner* : Yes.

*The Colonial Secretary* : He would not be scrupulous.

*Prisoner* : He would dress well. He has plenty of money.

*The Colonial Secretary* : He dresses like a gentleman ?

*Prisoner* : Yes.

*The Colonial Secretary* : Is he a young man ?

*Prisoner* : No ; I said he could dress like a gentleman, or he could go about like a coal-heaver.

*The Colonial Secretary* : If the Prince fell across this man, nothing could save the Prince ?

*Prisoner* : I fear not ; unless he was contented to leave things as they are ; I cannot tell what his mind would be.

*The Colonial Secretary* : But you think it would be far better for the Prince not to go to New Zealand ?

*Prisoner* : I do, most decidedly : he is unwell—and what would he see in New Zealand ? He would go to Auckland and Wellington, and see a few hills. But perhaps he wishes to have a few more addresses ; perhaps he wants to make up a million exactly, or a legion—ten thousand ; he has received more than ten thousand already, I believe, and there is a fresh stream now from all parts of the Colony.

*The Colonial Secretary* : Yes.

*Prisoner* : Good gracious\*\*\* will he take them all home with him ? Will the "Galatea" hold them all ? I think he ought to set fire to the lot, and take the ashes of them all home.

*The Colonial Secretary* : It is a wonder you did not make this attempt on the Prince at the regatta, when he was on board the flag-ship.

*Prisoner* : It was too soon ; there were so many enjoyments going on.

*The Colonial Secretary* : You seem to combine enjoyment with your engagements ?

*Prisoner* : They were spending a deal of money ; crowds had spent small fortunes on their dresses ; it was all the same thing ; it did not matter for a fortnight or so ; it would do as well just before his departure as at the very beginning. He has passed by Powell's Hotel several times. When he was at the Club-house he would go out with that little servant of his—the jockey—and run across to Government House. Of course he has a billiard-room at Government House, but he prefers going to the Club.

*The Colonial Secretary* : I think I told you, when I saw you before, that the mail was in, and that the intelligence represents that Fenianism is subsiding in England ?

*Prisoner* : Indeed !

*The Colonial Secretary* : You knew that they had endeavoured to blow up Clerkenwell Prison ?

*Prisoner* : No ; that is not a Fenian attack. They wanted to rescue the prisoners. The prisoners were supposed to be walking in the yard ; if so, the wall would have killed them, including Burke and Casey. Fenians would not have done that. Besides, there were no persons to rush the gaol.

*The Colonial Secretary* : They have got the persons who did it.

*Prisoner* : It could not have been a Fenian plot, because there is no sense in it.

*The Colonial Secretary* : Some people would say there is no sense in Fenianism itself ?

*Prisoner* : Very likely.

\* The Rev. M. J. Dwyer, then Roman Catholic Chaplain. Mr. Dwyer saw the prisoner the morning after his arrest, but was afterwards prohibited from seeing him while he was awaiting trial.

New South Wales, Sydney, }  
to wit.

I, SAMUEL COOK, of the city of Sydney, in the Colony of New South Wales, Chief Reporter on the Parliamentary Staff of the *Sydney Morning Herald*, do solemnly and sincerely declare as follows:—

In the month of March last I was engaged by the Honorable the Colonial Secretary to attend at Her Majesty's Gaol, at Darlinghurst, in the said city, to take down, in writing, any statement that Henry James O'Farrell, who was then confined in the said Gaol upon the charge of wounding with intent to kill His Royal Highness the Duke of Edinburgh, might make with reference to the crime with which the said Henry James O'Farrell was charged.

I was, on the eighteenth day of the said month of March, in the wing of the said Gaol, in which the said Henry James O'Farrell was confined, during an interview which the Colonial Secretary then had with the said Henry James O'Farrell, and stood in such a position as to be able to hear all that was said by the Colonial Secretary and the said Henry James O'Farrell, as reported. I carefully took down in writing, a conversation on that occasion, between the Colonial Secretary and the said Henry James O'Farrell. The printed paper hereto annexed, marked with the letter "A," is a true statement of that part of the said conversation which related to the crime in respect of which the said Henry James O'Farrell was then detained in custody—the words in the said paper set out as having been spoken by the Colonial Secretary were spoken by him, and the words in the said paper set out as having been spoken by the said Henry James O'Farrell, were spoken by him as so set out.

I was also, on the twentieth day of the said month of March, in the wing of the Gaol in which the said Henry James O'Farrell was so confined, during an interview which Mr. Frederick Robert Bernard, the Principal Warder in the said Gaol, then had with the said Henry James O'Farrell, and I stood in such a position as to be able to hear all that was said by Mr. Bernard and by the said Henry James O'Farrell, as reported. I carefully took down, in writing, a conversation between the said Frederick Robert Bernard and the said Henry James O'Farrell on that occasion. The printed paper hereto annexed, marked "B," is a true statement of that part of the said conversation which related to the crime in respect of which the said Henry James O'Farrell was then detained in custody—the words in the said paper set out as spoken by Frederick Robert Bernard, were spoken by him, and the words in the said paper set out as spoken by the said Henry James O'Farrell, were spoken by him as so set out.

I was also, on the twenty-fourth day of the said month of March, in the wing of the said Gaol in which the said Henry James O'Farrell was so confined, during an interview which the Colonial Secretary then had with the said Henry James O'Farrell, and stood in such a position as to be able to hear all that was said by the Colonial Secretary and by the said Henry James O'Farrell, as reported. I carefully took down, in writing, a conversation between the Colonial Secretary and the said Henry James O'Farrell on that occasion. The printed paper hereto annexed, marked "C," is a true statement of that part of the said conversation which related to the crime in respect of which the said Henry James O'Farrell was then detained in custody—the words in the said paper set out as spoken by the Colonial Secretary, were spoken by him, and the words in the said paper set out as spoken by the said Henry James O'Farrell, were spoken by him as so set out.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales; and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

SAMUEL COOK.

Declared and subscribed before me, at Sydney, }  
in the Colony of New South Wales, this }  
18th day of September, in the year of our }  
Lord one thousand eight hundred and }  
sixty-eight.

Houlton H. Voss, W.P.M.

This is the Paper referred to in the annexed Declaration as EXHIBIT D.

COPY of the leaves of a private Diary in the handwriting of Henry James O'Farrell, which were seized by the Police among the personal effects of the prisoner, on the 12th March, 1868.

\* \* \* \* \*

and before long its ugly nose will get a tweak it little dreams of. How if I should fail, *quod avertat Deus*, I should never forgive myself. Fail! but I cannot; I am alone, and surely I can trust myself. Oh! that the Orangemen would rouse up the apathetic Irish of these parts; one good effect would follow in English capitalists losing heavily by the depreciation of colonial debentures, and the failures consequent on the Colonies being in a state of anarchy. If I had had my will, every English ship in these colonial ports should have been destroyed. Shall I write once more to the dear nine? No; you have written once, and that is once too often, for the P.O. officials are not over scrupulous about opening letters. Be wary, be loyal to them and to yourself. To think I have not one relation that knows of my proceedings! What will they say? Threaten to inform against me, I'll be sworn. *Go in for the Church!* The idea disgusts me. That is what they would have me do. And yet I cannot get money, unless I lead them to believe I am studying for the Church. I did think of doing so once, and it plunged me into fever—the having to decide on loyalty to a Church or to Country. What sums I have sent home, and now to be so pressed for money! Still I have enough, with care and common prudence. There is no *taedium vitæ* in me, and yet\* I am to die in a few days;—let me see;—in two weeks from this, and in tolerable company. It will be a fine soul race to somewhere, or more probably, nowhere, or *nihil*. What nonsense it is to write like this, and yet I find a grim satisfaction in thinking of the vengeance. How the nobility of the three countries will curse me, and the toadying, lickspittle Press hunt the dictionaries over for terms of abhorrence! But *vengeance for Ireland* is sweet. Woe to you England, when the glorious “nine” carry out their programme. There was a Judas in the twelve—in our band there was a No. 3 as bad, but his horrible death will I trust be a warning to traitors. Such another I am confident is not among the nine. Oh, that I were with them! For after all, this thing I have to do for vengeance, and to rouse the Irish here, will cost too dear, as I know I could have done so much more in England. But it is my duty to the R., & I will, if able, do it. What is there to prevent me? Fool!—suppose the police come suddenly upon you, and, taken unawares, these papers be found upon you? True; but this last six months I have passed through so many dangers of the sort, that impunity is begetting a kind of fatalism in my own invincibility—my own non-atableness in matters of this description. Play the fool like Brutus—the simpleton—the ready laugh for all comers. Shew yourself incapable of entertaining serious ideas, least of all a sentiment of patriotism. Be a \* \* \* \* \*, a joker, a fictus, a goodnatured tender fool and mountebank. Do excessively silly things in small matters. Shew implicit faith and confidence in the word, saying, and actions of all around you. No matter how incredible the story, prove to them, by great sympathy, that you believe. Shout for the police, and speak to them of the Fenians as a Judge might in summing up on Burke and Cascy. With all this pretension to be Fenians, there are numbers of them seeking to become informers. How is it we allow informers to live? In the first place, they are so contemptible; in the second, they do not know anything of us, but are paid for convicting men of whom the Government is afraid. The \* \* \* \* \* wretches swear \* \* \* \* \* that will swear to anything is very numerous. They are \* \* \* \* \* with information, and the \* \* \* \* \* get the \* \* \* \* \* nous tell a tale of what they would do for a swinging reward and free pardon—I am safe. That noble nine! Alas, that I should be left behind, and for such a purpose. Oh, for a gallant cavalry charge, not such a thing as this! Oh destiny! It must be done! and it must be done! Fate, fate! A life in irons, in torture, would I rather have had than that the lot should have fallen on me. Was Washington criminal for hanging poor Major André? Was he, seeing he did it in *retaliation*? He did it for his country, and it checked the cruelty of the English. Three of us butchered at Manchester! So some hundreds of the “98” patriots were shot down like dogs in the seething lazar-house. Woe to thee England, or rather to your accursed oligarchy! It is well! The “*Sat. Review*” calls the “*Nation*” the O’Dood. Very funny! But “*Nimis un Harilu indulges*,” pray in so much as to be the rendezvous of answer. My countrymen here think more of the fleshpots than of the allegiance they owe their country. They talk big, profess and profess. Indeed, as far as professions go, they would each and all out Emmett-Emmett for the republic—but I can trust very few. The whole nine that have gone on this expedition. I dare not trust that man Tierney. His and his \* \* \* phans \* \* and neglect from the graves of criminals, and that it stilled all good and generous ideas among these *in esse* or *in posse* convict people. For swearing and cursing and the use of the word *bloody*, commend me to this Colony. Well, I am going too far. There are many \* \* \* \* \* and \* \* \* \* \* those \* \* \* \* \* not to \* \* \* \* \* A more wicked Government; a more \* \* \* \* \* filthy, corrupt \* \* \* \* \* can \* \* \* \* \* earthly \* \* \* \* \* Britain. Woe to thee, England!

NOTE.—The blanks filled by asterisks, represent portions of the Diary which were illegible. \* The following words appear here in the original, but are scored through :—“ how short a span of life remains to me.”

HENRY WAGER.  
New

New South Wales, Sydney, to wit.

I, HENRY WAGER, of the city of Sydney, in the Colony of New South Wales, the Officer in charge of the Detective Police, in the city of Sydney, in the said Colony, do solemnly and sincerely declare as follows:—

On the twelfth day of March last I, by the direction of the Honorable the Colonial Secretary, proceeded, in company with Alexander Baikie, a Sergeant of Police in the Police Force, Sydney, to the "Clarendon Hotel," kept by one David J. Powell, and situated in Hunter and George streets, in the city of Sydney, and from thence to the "Currency Lass Hotel," kept by one Daniel Tierney, and situated in Pitt and Hunter streets, in the said city.

I visited these hotels for the purpose of making search for and taking possession of any books, papers, and other personal effects of Henry James O'Farrell, who had been then recently apprehended, and was in custody upon a charge of wounding His Royal Highness the Duke of Edinburgh.

At the "Clarendon Hotel," at which place I was informed the said Henry James O'Farrell was residing, I took possession of certain books, papers, and other personal effects belonging to him; and amongst the articles so taken possession of by me, were the loose leaves of a private journal or diary, in the handwriting of the said Henry James O'Farrell. The leaves of the said journal were in the pocket of a waistcoat which I was informed and verily believe was the property of the said Henry James O'Farrell.

I have carefully compared the handwriting in the said leaves of the journal with the handwriting of the paper given by the said Henry James O'Farrell, as his dying declaration, as to the commission of the said crime of which he had been found guilty, and have no doubt they were written by the same person.

The Honorable Henry Parkes, then Colonial Secretary, and the Honorable the Minister for Works, were present at the time I made search at the said hotel, and when I took possession of the said books, papers, and personal effects.

I read and examined the leaves of the said journal immediately after I had taken possession of same, and I yesterday carefully examined the said leaves of the said journal;—they are in the same state and condition as when the same were so taken possession of by me, as before mentioned. The printed paper, hereto annexed, marked as exhibit "D," is a true and exact copy of the said leaves of the said journal.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Declared and subscribed before me, at Sydney,  
in the Colony of New South Wales, this  
18th day of September, in the year of our  
Lord one thousand eight hundred and  
sixty-eight.

HENRY WAGER.

Houlton H. Voss, W.P.M.

New South Wales, Sydney, to wit.

I, ALEXANDER BAIKIE, of the city of Sydney, in the Colony of New South Wales, Sergeant of Police, do solemnly and sincerely declare as follows:—

On the 12th day of March last I accompanied Mr. Wager, the Officer in charge of the Detective Police in the said city, to the "Clarendon Hotel," kept by one David J. Powell, and situate in Hunter-street and George-street, in the said city, and to the "Currency Lass Hotel," kept by one Daniel Tierney, and situate in Pitt-street and Hunter-street, in the said city, for the purpose of searching for any books and papers belonging to Henry James O'Farrell, who had been then recently apprehended on a charge of shooting with intent to kill His Royal Highness the Duke of Edinburgh.

At the "Clarendon Hotel" I took possession of a memorandum-book, which I found placed on a dressing-table in a bed-room which I was informed and verily believe was the bed-room used by the said Henry James O'Farrell; and I noticed that a number of leaves had been taken from the said book. Mr. Wager took at the same place possession of books and the loose leaves of a journal; the writing upon the leaves of the said journal is, I believe, in the handwriting of the said Henry James O'Farrell; the said leaves appear to have been torn out of the book found by me, and were taken by Mr. Wager from the pocket of a waistcoat which I was informed and believe was the property of the said Henry James O'Farrell; I have since seen the leaves of the said journal; they are now in the possession of the Hon. Henry Parkes, and are in the same state and condition as when taken possession of by Mr. Wager.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Declared and subscribed before me, at Sydney,  
in the Colony of New South Wales, this  
18th day of September, in the year of our  
Lord one thousand eight hundred and  
sixty-eight.

ALEXANDER BAIKIE.

Houlton H. Voss, W.P.M.

THE

THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 10 August, 1868.

SIR,

I do myself the honor to transmit herewith the only papers remaining in my possession having reference to the case of the executed convict H. J. O'Farrell, and take the opportunity, in doing so, to express my views respecting the crime for which O'Farrell was convicted, and my reasons for the conclusions I have arrived at.

My opinion, as I have informed the Government from the outset, is that the attempted assassination of His Royal Highness the Duke of Edinburgh was not the unaided act of one individual, but the fruits of the treasonable organization commonly known as Fenianism; this opinion has been strengthened by after occurrences and disclosures.

Before the arrival of His Royal Highness the Duke of Edinburgh, the Government were in possession of intelligence, certainly not of a very definite character, that persons ill-disposed towards the English Government, would take the opportunity of the visit of His Royal Highness for outrage of some kind; and you will no doubt remember more than once inquiring the nature of the precautions I proposed to take, and whether it would not be practicable, by the means at the disposal of the Government, to obtain more precise information with regard to any seditious movement on foot.

Various means were employed to obtain information, but the result, though placing it beyond doubt that many disaffected persons, Fenian sympathizers and agents, were in the Colony, fell short of evidence definite enough to warrant prosecution.

Corroboration of this, to a great extent, was to be found in many matters noticed by the Press; some attracted more than passing attention, and the publications of an unconcealed treasonable tendency in the *Freeman's Journal* were viewed with general disapprobation, participated in by leading members of that party whose organ the newspaper was supposed to be.

The outrages that had taken place elsewhere, avowedly sanctioned by Fenian leaders, and the sympathy such atrocious crimes evoked amongst a certain class, gave rise, no doubt, to many of the surmises that some blow would be struck in the cause during the visit of His Royal Highness to these shores.

Following upon the attempted assassination was the culprit's own statement of the object of the attempt, and the circumstances which led to it. This confession agreed with his private entries in the pocket-book afterwards found by the police, and was also quite in accordance with the plans and organization of similar plots elsewhere, and having an aspect of truth, which in my opinion has not subsequently altered.

Whilst there can be no room for doubt that a large class of persons in New South Wales and the adjacent Colonies openly sympathized with the Fenian movement, and had no hesitation in avowing their disaffection, yet there are, in my opinion, no grounds for supposing that O'Farrell had accomplices amongst the residents of New South Wales.\* There are sufficient grounds for concluding that there were Fenian agents visiting the Colonies, and correspondence carried on with centres in Ireland and America; and amongst such persons, I believe, O'Farrell's accomplices would be found.

Many persons were known to be active in the openly expressed object of raising funds in the Fenian cause, under the cloak of applying such contributions for the benefit of the widows of Fenian "martyrs," and many were leaving for the States. One man, whose property was searched on the eve of his departure for America, by authority of a search warrant under the Treason Felony Act, openly avowed himself a Fenian, but stated he had taken good care not to bring himself within reach of the law. He had a considerable sum in American gold coin, and was, he stated, an Irishman—naturalized in the United States, to which country he was returning. His papers left no doubt he was a Fenian. The attached extract † from the log of the Panama mail steamer "Rakaia," and communication from the purser, will confirm what I have stated.

The numerous letters threatening assassination, received by gentlemen occupying the highest public stations, shortly following the attempted assassination, must not be forgotten; nor the fact that the threat in one such letter was carried into effect by the attempted assassination of a gentleman whose principles were known to be hostile to those of the extreme Irish party. The other intentions of a similar kind may possibly have been frustrated by the precautionary measures taken.

The last statement made by the convict O'Farrell before his execution is, I think, inconsistent with itself. It has, however, been already the subject of much criticism; and I need only record my belief, founded upon long experience, that dying declarations, made under such circumstances, are seldom to be relied upon.

I have, &c.,

JNO. McLERIE,  
Inspector General of Police.

\* This report was written by the Inspector General of Police in ignorance of the conversations with the late prisoner, which form part of these papers.

† This extract is not published, as the consent of the purser, who is absent from the Colony, cannot be obtained.



1868.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

## HENRY JAMES O'FARRELL.

(CORRESPONDENCE—INCLUDING LEGAL OPINION—RESPECTING “PAPERS RELATING TO O'FARRELL'S CASE, AND TO AN ALLEGED FENIAN CONSPIRACY,” IN POSSESSION OF MR. PARKES.)

*Ordered by the Legislative Assembly to be Printed, 15 December, 1868.*

## THE CROWN SOLICITOR to THE ATTORNEY GENERAL.

Crown Solicitor's Office,  
Sydney, 15 December, 1868.

SIR,

I have the honor to state that, in obedience to the directions given in the concluding paragraph of your opinion with reference to “Papers relating to O'Farrell's case, and to an alleged Fenian Conspiracy,” I waited upon Mr. Parkes, at his office, Wynyard-square, and handed him a copy of that opinion, and requested him to deliver the papers mentioned therein to me, on your behalf as Attorney General.

In reply, Mr. Parkes stated that, if he had O'Farrell's declaration, the Bishop of Adelaide's letter, or any other papers of that description, in his possession, they had been inadvertently taken by him, and that they should be returned, as a matter of course, and without delay.

With respect to the notes of conversation, Mr. Parkes requested me to state that he regretted he could not concur in the opinion given by you; that he considers the request to deliver them involves a question of great public importance, as to whether Ministers of State who may obtain or receive information respecting crimes committed, or proposed to be committed, are bound to leave such information to be dealt with as succeeding Governments may think fit; and that he felt it to be necessary that he should consult with a legal friend before giving me an answer as to this portion of the application.

Awaiting your further instructions herein,—

I have, &amp;c.,

JOHN WILLIAMS,  
Crown Solicitor.

## PAPERS RELATING TO O'FARRELL'S CASE, AND TO AN ALLEGED FENIAN CONSPIRACY.

It appears to me most clearly, that Mr. Parkes is wholly in error in claiming a right to withhold these papers, or any of them, from the present Colonial Secretary; and that it will be the duty of the Crown Law Officers to take steps for their recovery, if they be not forthwith given up.

But under the circumstances in which he acquired his present possession of them, as stated to me by the late Attorney General and Premier, I think that the remedy to be sought should be that of a civil action, after demand and non-compliance.

I arrive at the opinion that these documents ought to be in the custody of the present Colonial Secretary, as public documents or State papers, on the following grounds, viz. :—

- (1.) That some of the papers came originally into the hands of Mr. Parkes as Colonial Secretary, and not otherwise: such are the last declaration of O'Farrell, and certain seized or intercepted papers connected with his case—which declaration and papers are supposed to be amongst those now held by Mr. Parkes.

- (2.) That others, which are also believed to be so held, are documents of an official, if not judicial character, which were produced at the public cost, or under the reward of an Executive act of mercy.
- (3.) That even the notes of conversations held by Mr. Parkes with O'Farrell in Darlinghurst Gaol possess the character of State papers, because Mr. Parkes had access to the Gaol, and had his conversations with the criminal, in his capacity of Colonial Secretary, and because he caused the conversations to be noted and reported by a shorthand writer whom he employed on public account, and who was paid by the Treasury at his instance, and also because it is understood that he subsequently used the reporter's notes for the information of his ministerial colleagues and for that of the Home Government. I do not consider these last papers to be any the less official and public, from the fact of the Premier having subsequently (it is not yet known to me at what time) caused a surcharge at the Treasury to be ordered in respect of the payment to the reporter; for it seems to me that even if Mr. Parkes had thereupon covered the surcharge out of his private means (which has not been stated to me), this *ex post facto* matter could not, as against the State or the public, alter the original character of these papers, so as to make them the private property of that gentleman.
- (4.) Lastly, on the ground that Mr. Parkes has himself repeatedly furnished the strongest proofs, as against himself, that the whole of the papers held by him are important State papers, by asserting that they constitute evidence in the hands of the Government of the existence of a conspiracy dangerous to the public peace and security, and of the commission of a foul crime in connection with that conspiracy, and which has not yet been brought to light.

2. I consider, however, that the remedy should be by civil action, on the grounds that, according to the facts stated to me, Mr. Parkes did, in relinquishing office, leave the papers in the charge of an officer of his department, sealed up, so as to protect them from the inspection of subordinates, but not so as to withhold them from a subsequent head of the department; and that the sealed parcel was subsequently, and after he had ceased to hold office, handed to him, under the spontaneous order of the late Attorney General and Premier (with the concurrence of one or more of the other Ministers), on the ground that, in that Minister's opinion, the contents of the parcel were non-official, and not properly connected with the Administration as a body, and that they ought therefore to be rejected and removed from the charge of the Colonial Secretary's Department.

It is indeed explained that, in taking this course, Mr. Martin supposed he was dealing only with the notes of the conversations, and that he is not even now cognizant of the parcel having contained any other documents; but this does not sufficiently alter the complexion of the case as regards the circumstances under which Mr. Parkes last came into the personal possession of the papers, and the consequent remedy for their recovery.

Having been informed by the late Attorney General, in an interview with which he favoured me, that whilst retaining his opinion as to the notes of conversations with O'Farrell, he considered, and would so advise Mr. Parkes, that all other papers (if any) ought to be delivered up, I hope that it will be unnecessary to try the question of right in so far as such last-mentioned papers are concerned; and I also hope that the right of the Government to the notes of conversations will also be recognized, and that they will be now surrendered without legal contest.

With this impression, I request the Crown Solicitor to hand a copy of this Minute to Mr. Parkes, and to invite him to deliver the whole of the papers forthwith into his hands, on behalf of the Colonial Secretary, or of myself as Attorney General.

Dec. 14/68.

W. M. MANNING,  
Attorney General.

THE CROWN SOLICITOR to THE COLONIAL SECRETARY.

Crown Solicitor's Office,  
Sydney, 15 December, 1868.

SIR,

I have the honor to inform you that, when I called upon Mr. Parkes with reference to the papers referred to in the Honorable the Attorney General's opinion respecting the papers relating to O'Farrell, I also, as requested by you, made application to Mr. Parkes for the declaration or statement made by Mears, and was informed by Mr. Parkes that he was not aware that he had it, and that he thought Mr. Fosbery was entirely mistaken as to its being in his (Mr. Parkes') possession.

I have, &c.,

JOHN WILLIAMS,  
Crown Solicitor.

1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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**HENRY JAMES O'FARRELL.**

(STATEMENT MADE BY, TO CHIEF WARDER, DARLINGHURST GAOL.)

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*Ordered by the Legislative Assembly to be Printed, 19 January, 1869.*

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Darlinghurst Gaol,  
13 March, 1868.

SIR,

I have the honor to inform you, that I visited the man O'Farrell this morning in his cell; and finding that he recognized me—having seen me in Victoria—I questioned him relative to the sad affair of yesterday. He communicated the following:—Immediately after the news arrived here of the Manchester executions, a Fenian body was organized in Melbourne, composed of some Ballarat men, under the leadership of a person who came out from England for that purpose, when it was agreed upon that Prince Alfred was to be shot. They came over here and recruited their ranks, some two dozen; but losing confidence in some of their members, the band was reduced to ten, who drew lots to whose part it would fall to assassinate the Prince and Earl of Belmore. Immediately after this, the Earl of Belmore became the Patron of some Society that was favourable to them, or they were favourable to it. Lots were again drawn, to know who was to shoot the Prince only, and it fell to O'Farrell. He further states,—that the arrangements for the assassination were agreed upon two months back, when nearly all the prominent members of the band left for England. O'Farrell is expecting letters from England by this mail, addressed to Victoria, from the Brotherhood, but did not say how they were to be directed. He has sisters in Victoria, one of whom is married to a Mr. Lane, of Wilkes & Lane, Melbourne. Awaiting instructions,—

I have, &c.,

F. R. BERNARD,  
Chief Warder.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ATTEMPTED ASSASSINATION OF HIS ROYAL HIGHNESS  
THE DUKE OF EDINBURGH.

(CORRESPONDENCE, REPORTS, DECLARATIONS, &c., WITH REFERENCE TO.)

*Ordered by the Legislative Assembly to be Printed, 6 January, 1869.*

RETURN to an *Order* made by the Honorable the Legislative  
Assembly of New South Wales, dated 10 December, 1868, That  
there be laid upon the Table of this House,—

“Copies of all letters, reports, confessions, affidavits, decla-  
“rations, or documents of any kind, in the possession of the  
“Government, having reference to the attempted Assassination  
“of H.R.H. the Duke of Edinburgh, or to any circumstances  
“arising out of or connected with that event.”

*(Mr. Macleay.)*

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ATTEMPTED ASSASSINATION OF HIS ROYAL HIGHNESS THE DUKE  
OF EDINBURGH.

No. 1.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,  
QUEENSLAND,

New South Wales,  
Colonial Secretary's Office,  
Sydney, 19 March, 1868.

SIR,

I have the honor, by direction of His Excellency the Earl of Belmore, to inform you, that recent occurrences in this Colony have induced the Government to appeal to Parliament for additional powers to punish and suppress offences of a treasonable and seditious character.

2. A Bill to assimilate the law of this Colony to that of the United Kingdom as settled by the Act of the Imperial Parliament 11 Victoria, cap. 12, with additional clauses, giving power to search for papers and arms, and to punish persons guilty of disloyal and seditious writings and utterances, was introduced into the Legislative Assembly and passed through all its stages in both Houses of Parliament yesterday. This Act, a copy of which I transmit to you, for the information of your Government, will be assented to by His Excellency on behalf of Her Majesty, this morning.

3. It is my duty to inform you that sufficient evidence is before this Government to justify the belief that disloyal organizations exist in the Australian Colonies, and that these bodies are in treasonable correspondence with agents of the Fenian conspirators in the United Kingdom. It appears to be beyond doubt, that the man O'Farrell, who made the late atrocious attack on the life of His Royal Highness the Duke of Edinburgh, acted throughout as the appointed agent of a diabolical organization of this kind. This man arrived in Sydney about five months ago, having resided in Victoria for several years previous to his coming to this Colony, and he acknowledges having been connected with Fenian Societies in Victoria.

4. I am sure you will gladly co-operate with this Government, in its endeavours to discover and bring to justice all accomplices in the great crime which has been committed in this community, and which was so near being attended by the most terrible and afflicting consequences.

I have, &c.,

HENRY PARKES.

Similar letter to Chief Secretary, Victoria.  
" " Chief Secretary, South Australia.  
" " Colonial Secretary, Tasmania.

No. 2.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE COLONIAL SECRETARY,  
NEW ZEALAND.

[Confidential.]

Colonial Secretary's Office,  
Sydney, New South Wales,  
21 March, 1868.

SIR,

I am directed by His Excellency the Earl of Belmore to inform you, that recent occurrences in this Colony have induced the Government to apply to Parliament for additional powers for the punishment and suppression of treasonable and seditious offences.

2. A Bill to assimilate the law, in respect to these offences, to the law of the United Kingdom, as settled by the Act of the Imperial Parliament 11 Victoria, No. 12, with additional clauses, giving power to search for papers and arms, and to punish persons guilty of disloyal and seditious writings and utterances, was introduced in the Legislative Assembly, on the 18th instant, and passed through all its stages in both Houses the same day. This Act, a copy of which I transmit for the information of your Government, received the royal assent the day following its passage through Parliament.

3. It is my duty to inform you, that sufficient evidence is before this Government to justify the belief that disloyal organizations exist in the Australian Colonies, and that these bodies are in treasonable correspondence with agents of the Fenian conspirators in the United Kingdom. It appears to be beyond doubt, that the man O'Farrell, who made the late atrocious attack on the life of His Royal Highness the Duke of Edinburgh, acted throughout as the appointed agent of a diabolical organization of this kind. This man arrived in this Colony about five months ago from Victoria, where he had

## 4 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

had resided several years, and was, according to his own admissions, intimately connected with Fenian movements. If his statement since his apprehension can be relied upon, the Fenian sympathizers are strong in New Zealand. O'Farrell has repeatedly expressed himself to the effect that, if the Duke of Edinburgh proceeds on his tour, His Royal Highness will be in much greater danger in New Zealand than he has been in while travelling through these Colonies.

4. The prisoner O'Farrell, who is perfectly collected, and even cheerful, speaks with much candour and freedom on general topics connected with his crime, always guarding himself against implicating others; and, where any opportunity has occurred for testing the truthfulness of his statements, they have been proved to be in accordance with the facts.

5. The Governments of the other Australian Colonies have been invited to co-operate with this Government, in its endeavours to discover and bring to justice all accomplices in the great crime which has been committed in our midst; and I am sure the New Zealand Government will zealously assist in an object which so closely concerns the honor of all. I shall be glad to hear from you whether, in the opinion of your Government, the disaffected persons who pass under the name of "Fenians" have really spread the ramifications of their conspiracy, as reported, in New Zealand.

I have, &c.,

HENRY PARKES.

## No. 3.

## COPIES OF OATHS, &amp;c., IN CASE OF EIGHT SPECIAL CONSTABLES.

For the Police District of the City of Sydney, in the Colony of New South Wales.

I, JOHN Hy. Parnell, of Bunnerong House, Botany, and Café Francais, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

JOHN HY. PARNELL.

Taken and subscribed by the said J. H. Parnell, }  
at Sydney, before us, this 23rd day of }  
March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, John Henry Parnell, Esq., of Sydney, was sworn in as a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

For the Police District of the City of Sydney, in the Colony of New South Wales.

I, ALFRED E. Evans, of Colonial Treasury, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

ALFRED E. EVANS.

Taken and subscribed by the said Alfred E. Evans, }  
at Sydney, before us, this 23rd day of March, }  
A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Alfred Essex Evans, Esq., of Newtown, was sworn in a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

For

ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH. 5

For the Police District of the City of Sydney, in the Colony of New South Wales.

I, ALBERT Thomas Black, of 167, Macquarie-street, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

ALBERT THOS. BLACK.

Taken and subscribed by the said Albert Thomas }  
Black, at Sydney, before us, this 23rd day }  
of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Albert Thomas Black, Esquire, of 167, Macquarie-street, Sydney, was sworn in a Special Constable, before the Honorable James Byrnes and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

For the Police District of the City of Sydney, in the Colony of New South Wales.

I, CHARLES L. Blair, of the Joint Stock Bank, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

C. L. BLAIR.

Taken and subscribed by the said Charles L. }  
Blair, at Sydney, before us, this 23rd day }  
of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Charles Lithgow Blair, of Sea View Terrace, Darlinghurst, Esquire, was sworn in a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

I, RICHARD Child Hewitt, do swear that I will well and truly serve our Sovereign Lady the Queen, for the Police District of the City of Sydney, in the Colony of New South Wales, in the office of Special Constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

R. C. HEWITT.

Taken and subscribed by the said Richard }  
Child Hewitt, at Sydney, before us, this }  
23rd day of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Richard Child Hewitt, Esquire, of 176, Pitt-street, Sydney, was sworn in a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney 24 March, 1868.

## 6 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

I, ALICK Mackenzie, do swear that I will well and truly serve our Sovereign Lady the Queen, for the Colony of New South Wales, in the office of Special Constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

A. K. MACKENZIE.

Taken and subscribed by the said A. K. }  
Mackenzie, at Sydney, before us, this 23rd }  
day of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Alexander Kenneth Mackenzie, Esquire, of North Shore, was sworn in as a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

I, ROBERT Hamilton Banks, do swear that I will well and truly serve our Sovereign Lady the Queen, for the Police District of the City of Sydney, in the Colony of New South Wales, in the office of Special Constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the person and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

ROBERT H. BANKS.

Taken and subscribed by the said Robert }  
Hamilton Banks, at Sydney, before us, this }  
23rd day of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Robert Hamilton Banks, Esquire, 710, Elizabeth-street South, was sworn in as a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

I, THOMAS Stokes, do swear that I will well and truly serve our Sovereign Lady the Queen, for the Colony of New South Wales, in the office of Special Constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

THOS. STOKES.

Taken and subscribed by the said Thomas }  
Stokes, at Sydney, before us, this 23rd }  
day of March, A.D. 1868,—

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

To Police Officers and others.

THE bearer, Thomas John Stokes, Esquire, of 167, Elizabeth-street South, was sworn in as a Special Constable, before the Honorable James Byrnes, and Henry Halloran, Esquire, Justices of the Peace, on the 23rd instant.

HENRY PARKES,  
Colonial Secretary.

Colonial Secretary's Office,  
Sydney, 24 March, 1868.

ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH. 7

No. 4.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,  
Brisbane, 24 March, 1868.

SIR,

I have the honor to acknowledge the receipt of your letter of the 19th instant, covering the "Treason Felony Act," recently passed by your Legislature, for which I beg to tender the thanks of this Government, which is fully alive to the necessity that exists for stringent measures to suppress the too frequent indications of seditious feeling kept alive, it is feared, by secret agencies of societies in the United Kingdom. This Government is fully resolved to act promptly and decisively for the suppression of treason or sedition, but as the Legislature is not now in session, no enactment can be brought to bear in such matters. It is, however, intended to place before Parliament, on its reassembling, a Bill similar in purport to that now become law in New South Wales.

I have, &c.,  
A. H. PALMER.

No. 5.

TELEGRAM from THE CHIEF SECRETARY, MELBOURNE, to THE COLONIAL SECRETARY, SYDNEY.

25 March, 1868.

If you have any information shewing that O'Farrell has accomplices in Victoria, and you forward that information confidentially to this Government, to enable the police to have the matter fully investigated, and to justify us in offering a reward for the discovery of accomplices, we will do so. We are anxious to assist your Government to the utmost of our power.

No. 6.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.  
[Immediate.]

Police Department,  
Inspector General's Office,  
Sydney, 25 March, 1868.

SIR,

I do myself the honor to submit, for the information of the Hon. the Colonial Secretary, the accompanying report from the officers of police on duty at Clontarf, on the occasion of the recent attempt on the life of H.R.H. the Duke of Edinburgh, which, unfortunately, happened whilst I was temporarily confined to my house by illness. (2)

In forwarding these reports, perhaps I may be permitted to request, that the acknowledgments of the Government should be expressed to the civilians who so promptly and energetically assisted the police on the occasion; and that the same may be also communicated to the Commanding Officer of the service in which Lieutenant Gowland holds an appointment, and also to the Officer commanding the Forces, and the Commodore, as regards the bandsmen referred to.

I understand that Mr. Vial was the first to seize the assassin, but as the officers of police did not personally observe the act, it is not mentioned in the reports. No doubt also there were many other gentlemen who rendered ready and effective service on the occasion, who escaped the observation of the police.

I have, &c.,  
JOHN McLERIE,  
Inspector General of Police.

[Enclosures in No. 6.]

(No. 1.)

The Secretary and Superintendent of Police to The Inspector General of Police.

Police Department,  
Inspector General's Office,  
Sydney, 24 March, 1868.

Sir,

In submitting the attached report from Supt. Orridge to the Inspector General of Police, I think it right to state that, acting on his behalf, I offered to send a larger number of police to Clontarf, but the stewards considered twelve sufficient; I sent fifteen, and Mr. Orridge accompanied me on duty.

When the assassination was attempted, I was at some distance from the spot (though I had remained near His Royal Highness until he walked away from the luncheon tent, in private conversation with Sir Wm. Manning. Hearing of the act, and finding that the offender, owing to Superintendent Orridge's promptitude and determination, had been removed to a place of safe custody, I remained on duty near His Royal Highness and His Excellency the Governor, until they reached Government House, having, of course, forwarded instructions to Sydney to the police how to act. Although I was left with only two or three constables at Clontarf, there was no difficulty in preserving order during the great excitement on the ground, and apprehension that the assassin had accomplices; as Magistrates, Naval Officers, and others, willingly rendered assistance in keeping the ground near the tent where the Duke lay wounded.

EDMUND FOSBERY,  
Secy. and Supt. of Police.

(No. 2.)

## 8 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

(No. 2.)

Mr. Superintendent Orridge to The Inspector General of Police.

Police Department,  
Inspector General's Office,  
Sydney, 20 March, 1868.

Sir,

I have the honor to report that, when the attempt to assassinate H.R.H. the Duke of Edinburgh was made, at Clontarf, on the 12th instant, great difficulty was experienced in securing the person of the offender (O'Farrell), from the efforts made by the large assemblage of people congregated, to rescue him from the custody of the police, and lynch him then and there.

I think it only right to bring under notice, that, but for the valuable assistance rendered to the small body of police on the spot, by Lord Newry, Lieut. T. Gowland, R.N., of the Admiralty Survey (who was in uniform), Henry Clarke, Esq., J.P., and other gentlemen, and also by some of the bandsmen of H.M.S. "Galatea" and the 50th Regiment, I doubt if I should have succeeded in removing him alive.

I have, &c.,  
J. W. ORRIDGE,  
Supt., Southern District.

No. 7.

THE COLONIAL SECRETARY to LORD NEWRY.

Colonial Secretary's Office,  
Sydney, 27 March, 1868.

MY LORD,

In the official report made to me by the Inspector General of Police, of the late atrocious attempt on the life of His Royal Highness the Duke of Edinburgh, at Clontarf, several gentlemen are mentioned as having rendered valuable assistance to the police,—and the first is that of your lordship.

Though your lordship had an interest in the late afflicting occurrence, altogether apart from the Government of this Colony,—which would naturally lead you to exertions above any recognition on my part,—I hope I may be permitted to tender to you the thanks of the Government for your assistance in the arrest of a desperate criminal, and, at the same time, in the support of the law, under trying and perilous circumstances.

I have, &c.,  
HENRY PARKES.

No. 8.

THE PRINCIPAL UNDER SECRETARY to HENRY CLARKE, Esq., J.P.

Colonial Secretary's Office,  
Sydney, 27 March, 1868.

SIR,

The Inspector General of Police, in his official report to me of the late atrocious attempt on the life of His Royal Highness the Duke of Edinburgh, mentions you as one of the gentlemen who afforded valuable assistance in effecting the arrest of the criminal, and in support of the law.

I have much pleasure in conveying to you the thanks of the Government, for your timely services on the occasion alluded to.

I have, &c.,  
HENRY HALLORAN.

No. 9.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 2 April, 1868.

SIR,

I have the honor to submit, for the information of the Hon. the Colonial Secretary, the result of the execution of the search warrant under the "Treason Felony Act," upon the person and luggage of one James Riordan (or Rearden), on board the Panama mail-steamer "Rakaia."

I may state that I have communicated with the Commissioners of Police at Melbourne and Adelaide, relative to the above-named individual, and informing them of his connections in those Colonies, and the circumstances of the case.

I have, &c.,  
JOHN McLERIE,  
I. G. of Police.

[Enclosures

## ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH. 9

[Enclosures in No. 9.]

The Secretary and Superintendent of Police to The Inspector General of Police.

Police Department,  
Inspector General's Office,  
Sydney, 1 April, 1868.

Sir,

Having, in accordance with your instructions, executed the search warrant, under the "Treason Felony Act," upon the person and luggage of one James Riordan (or Rearden), on board the Panama mail-steamer "Rakia,"—being assisted in the search by Superintendent Orridge, Mr. Wager, and Detectives Powell, Bloomfield, and Chudleigh,—I found that, although Riordan's papers fully proved that he was an active Fenian agent, and had received a testimonial for exertions in raising funds for the widows of the executed felons,—miscalled Irish patriots,—yet there were, in my opinion, not sufficient grounds to warrant his detention.

Riordan had a large quantity of luggage, a number of gold watches, and a quantity of jewellery and American and English gold coin. He states he is an American subject, but born in Ireland. The papers found bearing on the Fenian movement I seized, and append hereto, No. 1 to 8.

EDMUND FOSBERY,  
Sec. and Supt. of Police.

PAPERS taken from luggage of James Riordan (or Rearden), on board "Rakia" steamer, 1st April, 1868—from No. 1 to 7.—E. F.

(No. 1.)

William Regan to James Rearden.

Kapunda, 23 September, 1867.

Sir,

I received your letter, as also the posters and books for collecting do. I have collected £1 11s., and am promised £5 or £6 more, which I hope to get next Sunday. It would be well if there was a meeting held in Kapunda, with a few good speakers from Adelaide in attendance, as you know there is not many amongst us that could take the platform. I would advise you to push Morris for your tin; I am informed that Mullen has backed his bill for £100. I think Mullen will be insolvent before many days. I suppose you have read his trial; the Bunk has gained it, and all is up the spout. I am sorry that the meeting in Adelaide was so badly attended to: things would go on well here if we had a meeting. I don't think Tommy Dutton will be able to lead the Duke's procession, as the doctor's Boatail is under medical attendance; also, Bill Tremaine is suffering from indigestion, for the want of beer. I don't think D. O'Leary is doing much as to collecting,—the times are duffed, awaiting the arrival of H.R.H. the Scotty.

Yours very truly,  
WILLIAM REGAN.

N.B.—I hope ye are all well, and the cat.

(No. 2.)

Messrs. O'Neil, Fitzgerald, and Clarke, to James Rearden.

Adelaide, 9 March.

Dear Sir,

We received your letters and newspapers by last mail, and were glad to hear of your safe arrival to Melbourne, and of the safe delivery of our little testimonial to you. We are very much obliged to you for the advocates which you sent us, as there is a good deal of that information which we, as Irishmen, like to here contained in it. We think it will take well, as it devotes considerable space to political topics, especially to Irish matters, which was very much neglected in these Colonies. We hope it will be successful; we have secured a zealous agent for it, in the person of Mr. T. F. Fitzgerald, who will write about it to you or the proprietors. We are getting on very slow with the subscriptions from the country. Manning has sent me a letter at last, and says he has done nothing with it, and sent a most stupid note with it, requesting our Treasurer, L. M., to stand for the district; he declined, very sensibly. Your friend Terrance Read has brought £8 10s. on Thursday, very good. Mr. O'Neil requests of me to remind you of Promise about our hankerchiefs, and to have them a good size. We will send you some newspapers. The Editor of the *Satirist* is in Goal for Libel. Wishing you every happiness, and safe voyage when you start, is the earnest wish of—

Yours truly,  
JOHN O'NEIL,  
WM. DIXON FITZGERALD,  
&c.,  
D. CLARKE, Hon. Sec.

(No. 3.)

Various envelopes addressed to Reardon,—blank bill-heads, posters, &amp;c.

(No. 4.)

C. W. Parrinton to Mr. Rearden.

Gum Flat, Yorke's Pema.

Dear Sir,

Mr. Hammett and myself have interested ourselves in behalf of the widows and orphans of the imprisoned Irish patriots, I am sorry to say, with but little success. Many Irishmen in Australia seem to love their nationality,—a sad contrast to their countrymen in the States. As an American by adoption, for the services rendered by Irishmen during the rebellion I feel it my duty to assist them to the extent of my means,—my small pittance of £1, I have instructed Mr. J. Waterman, District Clerk, Lower Mitcham, to pay to you.

In reference to the Kangaroo:—the season for Joeys is pretty far advanced, but should I be able to get one, I shall feel great pleasure in complying with your request. Please to remember me to my bush friend, Mr. Dunk. Wishing every success to the Fenian cause,

Believe me,  
Very truly yours,  
C. W. PARRINTON.

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(No. 5.)

## 10 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

(No. 5.)

John O'Neil to Mr. Rearden, Hindley-st., Adelaide.

Adelaide, 9 March, 1868.

Dear Friend,

I received your letter, and I am very glad to hear you are quite well after your sea voyage, as it leaves us all at present. Buisness is very dull here; it is not any better than when you left. We are not getting much on the books; they are coming in very slowly. Mr. Reed, that you gave the book to, brought his in with the sum of £8 10s.; it is the best book we have had for many a long day. I understand that you are going to sale by the next boat. I hope you will not forget the handkerchiefs when you get to America, but send us a few. I am very glad to hear you like the Medil, and I hope you will wear it on St. Patrick's Day, wherever you may be. One of the Sons of Erin shall be Decerated with the Arms of the poor unfortunate Country, witch I hope will be free some day. Fitzgerald is going to write to the Editor of the paper, to be his agent. We are going to forward the paper up to Kapunda, to get as many subscribers as we can, for they all seem to take a likeing to it. So I must conclude with my hearty best wishes to you, wherever you may go. I hope you will have a quick and safe voyage when you sale. I have sent you too papers by this male. Let us here from you when you land in America. Mrs. O'Neil wishes to be remembered to you all, and also Maggy. So no more to say at present.

From your sincere friend,  
JOHN O'NEIL.

(No. 6.)

William Regan to Mr. J. Rearden.

Kapunda, 30 September, 1867.

Sir,

I have received your letter of 27th September. I wish to impres on the minds of the loyal few in Adelaide, that an early meeting in Kapunda is most desirable; you will try and impress it on your Colleges. I have on hands about £3, and a good many promises,—say, cash and promises would amount to £7 or £8. It would be well if ye would scnd books for collecting, to Patt. Buckley, Gilberton, Michael McInerny, Saddleworth, John Markham, Chinford, and many others, which yourselves may know in the various districts,—for the more collectors the better. There was no advertisement enclosed in your letter. I have received the book, and forwarded it to Mr. Burke. Please let me know how the collection gets on in Adelaide. I hope you and Mrs. and Amny are well, not forgetting Pussy. My Mrs. has been very ill for the last fourthnight,—she was dying one night, and took her leave with all of us; her illness has put me about very much. I hope things may mend, as times are very bad up here. No more at present, but let us remember poor Ireland.

Yours very truly,  
WILLIAM REGAN.

How is it that ye did not send the *Saturist* on last Saturday? Allen must be brought over the coals for keeping our news from us.—W. R.  
Send a book to Thomas Crowley, Marrabel.

(No. 7.)

Adelaide, 20 December, 1867.

RECEIVED from Mr. Riorden, for the families of the prisoners in Ireland, twenty-five pounds three shillings.

LUKE MURPHY,  
Treasurer.

## No. 10.

THE COLONIAL SECRETARY to THE SHERIFF.

[Confidential.]

Colonial Secretary's Office,  
Sydney, 7 April, 1868.

MY DEAR MR. SHERIFF,

The case of the unhappy man H. J. O'Farrell was considered yesterday by the Executive Council, and it was determined to carry the law into effect.

Up to this time no person outside the Council knows of this decision, but it is desirable that the unhappy prisoner himself should be informed without delay. In conveying this knowledge to him, it is the wish of the Government that you should do it in such a manner as will not allow the fact to be known to other persons in your office during to-day.

It will be your duty to impress upon the prisoner that he must not entertain the slightest hope of mercy.

The day of execution is fixed for Tuesday, the 21st instant.

I am, &c.,  
HENRY PARKES.

## No. 11.

THE COLONIAL SECRETARY to THE PRINCIPAL GAOLER, DARLINGHURST.

Colonial Secretary's Office,  
9/4/68.

DEAR SIR,

Mr. Dwyer has applied personally to me to ask permission for Mrs. Allan to see the prisoner H. J. O'Farrell without the presence of warders. He says that the interview will be very trying to this lady, and pleads that it would be very hard for the  
first

ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH. 11

first outburst of her affliction to be witnessed by strangers. I do not desire to subject Mrs. Allan to any unnecessary trial, by exposing her grief under such circumstances to others, but still every precaution must be taken to prevent the possibility of the means of suicide.

Mr. Dwyer says that he will act the warder in this respect, and that after the first meeting of brother and sister he has no objection to a warder being present.

I consent to a departure from your instructions to this extent.

Your obedient servant,  
HENRY PARKES.

The Venerable Archdeacon M'Encroe can see the prisoner.

The Revd. Mr. Dwyer informs me that the Chief Secretary wishes to have a copy of his letter to me of this date.—9 April, 1868.

JOHN C. READ,  
Principal Gaoler.

No. 12.

MR. J. H. PARNELL, &C., to THE COLONIAL SECRETARY.

Sydney, 9 April, 1868.

SIR,

I have the honor to inform you, for myself, and on behalf of the gentlemen holding the enclosed permits, that it has been decided to withdraw from all further responsibility.

I regret sincerely that our efforts to discover any matter really important have not resulted more successfully; but I can assure you that we have expended a considerable amount of money, and devoted our attention almost unreservedly to accomplish our purpose. That we have not succeeded, allowing there to be such a society, has not been owing to want of energy on our parts; and, did we entertain any reasonable hope of succeeding, we would never dream of resigning.

I have, &c.,  
J. H. PARNELL.

No. 13.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

47 Hunter-street,  
20 April, 1868.

SIR,

I have the honor to remind you of an interview which took place between us, some three weeks ago, respecting the convict O'Farrell's accomplices in this Colony.

I assume it will be fresh in your recollection, that I then guardedly informed you of the felon having been accompanied by four confederates at the time of the attempted assassination, and that after the commission of the offence, the latter separated—two remaining in Sydney, one going to Newcastle, and the other proceeding to Maitland.

Subsequently to our conversation, I have ascertained beyond the possibility of a doubt that these men have again met in this city, and that they are here now.

In addition to this information, I am credibly informed of the existence of secret societies both here and in Victoria, and of there being seven other confederates in the latter Colony.

If you condescend to grant me another interview, an early appointment will oblige,—

Your most obedient servant,  
H. R. BENEDICT.

No. 14.

THE PRINCIPAL UNDER SECRETARY to MR. J. H. PARNELL.

Colonial Secretary's Office,  
Sydney, — April, 1868.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 9th instant, whercin, on behalf of yourself and the other gentlemen associated with you as special constables, in an endeavour to detect illegal organizations in Sydney, you return the permits in your favour, dated the 24th ultimo, and state that you desire to withdraw from all further responsibility.

Mr. Parkes trusts that you and your associates will accept his thanks for the efforts which you have made in the performance of duties voluntarily undertaken, and of the unpleasant and difficult character of which he so fully apprised you before you entered upon them.

I have, &c.,  
HENRY HALLORAN.

No. 15.

## 12 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

## No. 15.

THE PRINCIPAL UNDER SECRETARY to MR. L. T. MELLIN.

23 April, 1868.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your recent letter. It is ascertained from the Police Department, that a detective did make inquiries respecting Mr. Cunningham's departure from the Colony; but I am desired to say that the Government has no knowledge of any circumstance prejudicial to the character of that gentleman.

I have, &c.,  
HENRY HALLORAN.

## No. 16.

COPIES OF OATHS TAKEN BY MESSRS. A. ALLAN AND D. BEATSON, AS SPECIAL CONSTABLES.

I, DONALD Beatson, of Camperdown, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof, in the execution of warrants and otherwise, faithfully, according to law. So help me God.

DONALD BEATSON.

Taken and subscribed by the said Donald Beatson, }  
at Sydney, before us, this 23rd day of April, }  
A.D. 1868.

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

I, ANDREW Allan, of Sydney, do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Special Constable, without favour or affection, malice or ill-will; that I will see and cause Her Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof, in the execution of warrants and otherwise, faithfully, according to law. So help me God.

ANDREW ALLAN.

Taken and subscribed by the said Andrew Allan, }  
at Sydney, before us, this 24th day of April, }  
A.D. 1868.

JAMES BYRNES, J.P.  
HENRY HALLORAN, J.P.

## No. 17.

THE COLONIAL SECRETARY, NEW SOUTH WALES, to THE CHIEF SECRETARY, VICTORIA.

Colonial Secretary's Office,  
24 April, 1868.

MY DEAR SIR,

The services of the bearer, Mr. Benedict, have been accepted by this Government, to effect the apprehension of certain persons in the Colony of Victoria, who, he says, he has reason to believe were accomplices in the late attempt to murder His Royal Highness the Duke of Edinburgh. Mr. Benedict has explained to the Attorney General and myself the nature of the evidence he says he can produce against these persons, and also the leading features of his plan of proceeding to effect their arrest. As it is necessary for his object to keep the principal circumstances within his own knowledge, it is not possible for us to form a clear judgment on the cases only imperfectly disclosed to us by Mr. Benedict, but we are so far satisfied that we are anxious to afford him all the assistance in our power.

Mr. Benedict has requested me to give him this letter to you, with the view of obtaining the aid of the police in Victoria—not, as I understand him, to take any steps in discovering the offenders, which he says he can do best by his own means, but to effect their safe arrest when discovered. I shall be glad if you will give the necessary instructions to place at the disposal of Mr. Benedict, at the proper time and places, such police assistance as he may describe as necessary for his purpose.

I have, &c.,  
HENRY PARKES.

[Annex.]

[*Annex.*]

I hereby guarantee, on behalf of the Government of this Colony, that, in the event of H. R. Benedict securing the arrest and conviction of one or more of the supposed accomplices of H. J. O'Farrell in his attempt to murder the Duke of Edinburgh, the sum of £1,000 shall be paid to him for each of the persons so arrested and convicted, without reference to the police or others whom he may call in to assist him.

Sydney, April 24th, 1868. HENRY PARKES,  
Colonial Secretary.

The terms of this guarantee shall apply to the reward of £250 for treasonable offences.—H.P.—24/4/68.

No. 18.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

47, Hunter-street,  
Sydney, 29 April, 1868.

SIR,

I have the honor to inform you that I leave for Melbourne, per "Alexandra," this afternoon, and upon my arrival there, will, with all convenient speed, further report to you.

I have, &c.,  
H. R. BENEDICT.

No. 19.

THE PRINCIPAL UNDER SECRETARY to MR. W. C. CAMPBELL.

Colonial Secretary's Office,  
Sydney, 4 May, 1868.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letters of the 23rd and 25th ultimo, addressed to the Inspector General of Police, and to say that, if you can produce evidence that will sustain conviction in any case of sedition, the police will be instructed to assist you; but that the Government cannot give attention to matters of vulgar rumour and suspicion.

I have, &c.,  
HENRY HALLORAN.

Letter to a Mr. Campbell on subject of sedition.  
Letters referred, not herewith.

No. 20.

TELEGRAM from HARRY R. BENEDICT, BALLARAT, to THE COLONIAL SECRETARY, SYDNEY.

4 May, 1868.

RESULTS very satisfactory; success beyond doubt. Letter per steamer "Alexandra."

No. 21.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

*Re O'Farrell's accomplices.*

[Private and confidential.]

Wills-street, opposite Smith's Store,  
Ballarat East, Victoria,  
4 May, 1868.

SIR,

Pursuant to my arrangement, I have the honor to report hereon up to the present time. I arrived at Sandridge at 5.45 p.m. on Saturday last, and proceeded *instantly* to Melbourne, where, as far as practicable, I satisfied myself of the accuracy of my informant's report. I, however, discovered that one of the four Melbourne men was about proceeding to Geelong by that night's mail train; and as he is *not* one of those resident in Melbourne, and is strongly suspected by my informant to be in the immediate possession of highly important documentary evidence, I deemed it advisable that he should be kept under strict surveillance, and therefore despatched one of the two well-trained and highly trustworthy assistants (who were, unknown to each other, to meet me—as arranged by letter—at various places, if need required) to Geelong, by the same train as he, the accomplice, travelled, with instructions to stay in the same hotel, if the followed person repaired to one and there remained; and if unable to converse with

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with him freely, or at all, in the train, to overcome the difficulty at the hotel. My assistant's report is not yet to hand. They and I travelled by the same train, but in different carriages. My second assistant received strict injunctions from me to proceed to Sandhurst, per mail train, on Saturday night last, make the necessary, but exceedingly cautious inquiries respecting the accomplice resident there, return to Melbourne, watch the three men there, and, as quickly as possible, furnish his report to me; it is not, however, yet to hand.

I have, for obvious reasons, arranged to receive these and succeeding reports in an indirect manner, as their miscarriage, *if forwarded direct*, might occasion the loss of *my* life, at least. Fully relying upon my informant's report, I forthwith came up here, to watch the movements of the two men "on the corner"—dealers in shares—with whose private address (they were represented as living in the same abode) I was supplied; otherwise I might have deferred my visit here till to-day, as little or no business is transacted there after noon on Saturday, until 10 a.m. on the following Monday. My reliance was not misplaced, for I easily gained an introduction yesterday (Sunday) to one of them; by him was introduced to the other, and we conjointly attended divine service at the Wesleyan Church, Lydiard-street, in the evening. Their movements have been closely watched by me to-day, and I am extremely well satisfied with their workings.

I shall hope to have the honor of further reporting on Thursday next, per "City of Adelaide."

I am averse to using the "wires," unless absolutely necessary. That necessity, as I imagined, existed this morning, and I availed myself of it; and no doubt you received my message.

Immediately previous to leaving Sydney, I handed £15—one-half of the amount of your loan to me—to my informant, though he neither required nor needed it, but expediency required it. My Victorian outlay has already exceeded my most sanguine expectations, and has obliged me to make a serious inroad upon my private resources. The result is, that I am reluctantly necessitated to ask for a further loan, per banker's draft, of £40, which, if withheld, it is possible my energies may have been unavailing.

I have, &c.,

H. R. BENEDICT.

## No. 22.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

*Re O'Farrell's accomplices.*

[Private and confidential.]

Wills-street, Ballarat East,  
Victoria, 6 May, 1868.

SIR,

As anticipated, I am honored in furnishing, per s.s. "City of Adelaide," a further report of my, and assistants' inquiries, and the result of our respective personal observation; it is as follows:—

My agents at Melbourne, and Sandhurst, and Geelong, state, by letters indirectly received by me this morning, that, under my direction, they have succeeded far beyond their most sanguine expectations, in obtaining incontrovertible proofs of the suspected persons' complicity with the misguided man O'Farrell.

The Melbourne men are, as I am advised, now altogether. I refer to the quartette. They seem, however, to be somewhat "shifty"; his position is not, therefore, stationary; he contrives, however, irrespective of the aid of telegraphic wires, to keep me well "posted up" respecting the parties under his surveillance.

My report from Sydney is exceedingly satisfactory.

The two men here and I are becoming very intimate. I have elicited from them, *amongst other things*, that a volunteer belonging to one of the local corps has been recently dismissed for drilling Fenians here.

A little more written evidence is all that I require, ere I deliver your letter to the Honorable the Colonial Secretary for this Colony.

I have, &c.,

H. R. BENEDICT.

## No. 23.

TELEGRAM from H. R. BENEDICT, WILLS-STREET, BALLARAT, to THE COLONIAL SECRETARY, SYDNEY.

16 May, 1868.

NEITHER letter nor telegram. All arranged, except delivery of letter. The requested remittance urgently required; expenses been heavy. Please reply.

## MINUTE OF COLONIAL SECRETARY.

Reply in name of P. U. Secretary,—

"I am directed to say that the conditions agreed upon with you in Sydney will be adhered to."—16/5/68.

No. 24.

No. 24.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

[Private.]

Wills-street, Ballarat East,  
Victoria, 16 May, 1868.

SIR,

I have the honor to acknowledge your reply to my telegram of to-day, and to inform you that I never for a moment doubted "the conditions agreed upon between us in Sydney would be adhered to."

I beg to reiterate that my expenses have far exceeded my most sanguine expectations, and absolute necessity alone has compelled me to ask the favour of a further loan of £40 from you. I have been to Melbourne *five* times since my arrival from Sydney. All the men are under strict surveillance, for which I have had to pay very handsomely.

Impecuniosity may possibly seriously retard my progress; *my* efforts will remain unabated; but, without means, I cannot vouch for the acts of my assistants.

The documentary evidence, which I so much coveted, and which the Attorney General thought so essential, is now forthcoming.

I have, &c.,  
H. R. BENEDICT.

DRAFT TELEGRAM of Colonial Secretary (Mr. Parkes), attached to the above.

"THE period within which you engaged to act is now expired. If things are in the state which you represent, it is inconceivable that you cannot act at once. The complexion of circumstances does not warrant any further advance."

Sydney, May 22nd, 1868.

No. 25.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

[Private.]

Wills-street, Ballarat East,  
Victoria, 22 May, 1868.  
5:30 p.m.

SIR,

I have the honor to inform you that this morning I received two communications which I incline to think of great importance; the one was from Sydney (per "Alexandria" I imagine), and the other from Melbourne. The former advises me of the apparent unsettled state of one of the two men who left Sydney immediately after a certain occurrence, and the probability of his speedily leaving for this Colony, and the uncertain movements of the other of those two men. The latter states that the two shopkeepers, resident in Melbourne, anticipated leaving for England, per "Essex," and that one of their relatives, a Mr. C—, went by that vessel.

My notion is, that matters should be speedily brought to a climax. My Victorian assistants are crying out for money; I have expended 50 per cent. beyond your loan.

The telegram which was sent by your direction on Saturday last, in reply to mine of that date, is so ambiguous that it admits of many interpretations; in fact, my *question* remains unanswered.

I would respectfully suggest that you should consult with the learned Attorney General, and then reply, with or without the required remittance. Your extensive experience will tell you that unless the great inducement—money—is forthcoming, information becomes scarce. I find it so.

I have, &c.,  
H. R. BENEDICT.

No. 26.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

[Private.]

Wills-street, Ballarat East,  
Victoria, 27 May, 1868.

SIR,

In acknowledging the receipt, this morning, of a memorandum without date or signature, but which, for obvious reasons, must have emanated from your or the learned Attorney General's department (tho' it differed in one essential particular from your telegram—it was prepaid), still, from its discourteous tone and superscription, I cannot divest myself of the belief that it was not penned at the dictation of either of you (it is perfectly clear, from the fact of the enclosure and address being in separate hand-writings, and neither in your or Mr. Martin's, that you have deliberately or incautiously broken faith with me, to the possible loss of the Government of New South Wales and myself),—I beg to reply as follows:—

As

As I am not a "quaker," tho' it is a most creditable society, but numbers insignificantly in your Colony, I have, up to the receipt of your memorandum, enjoyed the undisputed right of the prefix "Mr." if not any affix—tho' generally that is ceded me. If the prefix were purposely omitted by the inditer of the written communication—tho' it be yourself—I tell you or him that his insult, intended or implied,

"Passes me as the idle wind—  
Which I heed not."

In my oral and written communications with you and the Attorney General, I have, as is my wont, treated each of you with the greatest possible respect; and perhaps it is not too much to expect the semblance of a return of similar gentlemanlike behaviour.

Before leaving Sydney, I presumed you placed the greatest possible confidence in my integrity. I placed, and still place, implicit confidence in you—assuming the writers of the memorandum and superscription are reliable persons; and the best proof of this is, that I left my original testimonials with you, when only copies were required by you.

My telegram will have reached you hours since.

If your determination is a cheeseparing one, I will cause the arrest of five out of the eleven, and reluctantly—most reluctantly—allow the remainder, who are the greatest offenders, to escape.

Before, and at the time you granted the loan, I told you it was probable, but only probable, I might aid in and complete the arrest of the offenders in about a fortnight from my arrival in this Colony. Awaiting your reply,—

I am, &c.,  
H. R. BENEDICT.

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No. 27.

TELEGRAM from MR. H. R. BENEDICT, BALLARAT, to THE COLONIAL SECRETARY, SYDNEY.

27 May, 1868.

INFERRED irreconcilability answered thus:—Progress impeded by unpaid agents withholding important information and conclusive evidence. Letter per steamer.

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No. 28.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

[Private.]

Wills-street, Ballarat East,  
Victoria, 13 June, 1868.

SIR,

I have the honor of informing you that I had hoped you would have condescended to reply to my written or telegraphic communications; and in the absence of one or more of your valuable suggestions, that I have not felt myself justified in resorting to extreme measures, being apprehensive that, under any circumstances, you might now or hereafter censure me for my precipitancy, especially as, *for already explained reasons*, the arrests would necessarily be limited, but exceedingly hazardous to delay. If I had received, as I conjectured I should have done, a written communication, with or without a further loan from you, this morning, my arrangements, though somewhat curtailed, were perfected to have an interview with the Honorable the Colonial Secretary of this Colony, on Monday next.

It may not be amiss to apprise you that my movements are established on a stronger basis than when I last had the honor of communicating with you.

I have, &c.,  
H. R. BENEDICT.

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No. 29.

MR. H. R. BENEDICT to THE COLONIAL SECRETARY.

[Confidential.]

Wills-street, Ballarat East,  
Victoria, 2 July, 1868.

SIR,

I have the honor to inform you that I had hoped you would have seen the advisability of continuing your correspondence with me. Its interrupted course impedes my progress, and may probably defeat the ends of justice. The honorable and learned Attorney General will, according to public announcement, leave your city on Monday next—*after this* reaches you—and I would most submissively request that he would be conferred with ere that,—that you reply,—and that I be enlightened as to its result. The delay occasioned by your suggestion or suggestions, as to my next action or actions, has caused a personal and written communication to be made from Sydney to me, by certain agents there.

I have, &c.,  
H. R. BENEDICT.

No. 30.

THE PRINCIPAL UNDER SECRETARY to MR. H. R. BENEDICT.

6 July, 1868.

SIR,

I am directed to acknowledge the receipt of your letter of the 2nd instant, and to say, in reply, that the Colonial Secretary has no further communication to make to you, on the subject of your application to the Government some weeks ago.

2. You are reminded that, in your interviews with Mr. Martin and Mr. Parkes, you declined to place them in possession of any of the facts and circumstances implicating several persons in the crime of H. J. O'Farrell, which you alleged were within your own knowledge. You simply affirmed that, if the whole amount of the rewards was guaranteed to you by the Government, and certain conditions complied with, you could effect the apprehension of these persons, and obtain sufficient evidence to ensure their conviction. Everything which you required was done in the manner specified by yourself; but you, on your part, have done nothing which you undertook to do.

3. I am now to inform you that, unless some satisfactory explanation of your conduct is at once afforded, it will be deemed necessary to communicate with the Government of Victoria on the subject, stating the circumstances under which the letter in your favour to the Chief Secretary of that Colony was obtained.

I have, &c.,

HENRY HALLORAN.

No. 31.

MR. H. R. BENEDICT to THE PRINCIPAL UNDER SECRETARY.

Wills-street, Ballarat East,  
Victoria, 11 July, 1868.

SIR,

I beg to acknowledge the receipt to-day of your memorandum of the 6th instant, which you represent, and which representation I fully believe was written under the direction of the Honorable the Colonial Secretary, he having, as you advise me, no further communication to make to me in reply to my letter of the 2nd instant. My best thanks are freely accorded to you for your promptitude. If Mr. Parkes had evinced a corresponding alacrity, much conjoint unpleasantness might have been spared us, and considerable expense saved me.

I have the honor to inform you, in reply to the 2nd paragraph contained in your uncongratulatory memorandum, that the non-consummation of my plans has been brought about by the Chief Secretary's lukewarmness; for, although not expressed, it was implied that he would have seen the inadvisability of uncompulsorily withholding a further loan of money, if required by me; and I have to most respectfully remind you that, as you were absent from the interviews to which you refer, you are precluded from stating what took place thereat, and therefore the information conveyed in yours by way of reminder is capable of considerable modification.

Concurrently with the receipt of your memorandum, I opened a correspondence with a friend in Melbourne, through whom I shall hope to speedily perfect my plans.

I shall be happy, if you require it, to return you Mr. Parkes' letter to the Colonial Secretary of this Colony, but I presume to dissent from the adoption of such a course.

I have, &c.,

H. R. BENEDICT.

No. 32.

MR. J. W. M'CORMACK to THE COLONIAL SECRETARY.

45, Bathurst-street West,  
Sydney, 13 July, 1868.

SIR,

On the 10th day of April last I addressed you respecting my communication to His Royal Highness Duke of Edinburgh, delivered to him as per acknowledgment of the Earl of Belmore. The document alluded to was giving (*sic*) timely information that His Royal Highness' life was premeditated.

The purport of these few lines is to inform you that I am now in the greatest deprivation, and cannot earn a living, of which I can give ample proofs, and most humbly request your able assistance to render me some relief for the present, to aid me to proceed to some other part of the Colonies.

I have, &c.,

J. W. M'CORMACK.

MINUTE OF PRINCIPAL UNDER SECRETARY.

DISPOSED of. The sum of £4, remaining from the sum of £25 left by His Royal Highness for distribution, having been handed to Mr. M'Cormack.—4 August, 1868.—  
Put by.

## No. 33.

Mr. J. W. M'CORMACK to THE COLONIAL SECRETARY.

15 July, 1868.

THE writer of yesterday's communication to your Honor, respecting His R. H. Duke of Edinburgh being shot at, awaits your Honor's convenience.

Yours, &c.,  
J. W. M'CORMACK.

A reply through the messenger would be a favour, or by post.

## No. 34.

Mr. J. W. M'CORMACK to THE COLONIAL SECRETARY.

45, Bathurst-street,  
17 July, 1868.

J. W. M'CORMACK, who addressed your Honor respecting his present position, daily waited your Honor's convenience as to any prospects of relief in his present deplorable position. The subscriber humbly solicits your Honor to place him in some situation he is able to fulfill; and begs to represent he years past held one of the most responsible situations might be placed in his hands, for the facts of which he can give *bonâ fide* references in this city, viz., that of a Governor of a Gaol.

I have, &c.,  
J. W. M'CORMACK.

## MINUTE OF PRINCIPAL UNDER SECRETARY.

MAY be put by. The writer received £4 of the money left for distribution by His Royal Highness the Duke of Edinburgh.—21 August, 1868.

## No. 35.

Mr. J. W. M'CORMACK to HIS EXCELLENCY THE GOVERNOR.

Sydney, 1 September, 1868.  
263, Castlereagh-street.

To His Excellency Earl Belmore, Knight Commander of the Bath, Governor and Governor-General.

The humble Petition of J. W. M'Cormack, known as Professor Mac.,—

HUMBLY SHEWETH :—

That previous to His Royal Highness the Duke of Edinburgh's arrival in this city, that Petitioner gave information to Inspector Read that His Highness' life was in Joperday, and might be shot.

Petitioner being in distressed circumstances most unexpectedly, some weeks past applied to the Honorable Hy. Parkes for some assistance to leave the Colony; he (H. Parkes) did so in £4, Petitioner intending to proceed to Marryborough Diggings. Petitioner being in the Insolvent Court, was prevented from leaving the Colony until after another meeting, and ordered by the Commissioner not to do, under the penalty of a misdemeanor; from which detention Petitioner is now penniless, and his clothing detained for Board and Lounding for £1 10s., and cannot find any means of obtaining a living or food at this moment he writes.

Petitioner believes his life is not now safe in this Colony, as by some clandestive way, the *Freeman's Journal* has found out Petr. did give warning respecting the attack made on the Prince's life. Petr. was stopped in the street, on Friday last, by Lambert, the foreman, stating what a nice mess he made of himself respecting the Prince. On the following morning, a gentleman from Pitt-street, Redfern, called on him, and informd him he heard two Parties speaking of it, and advised him, as he was not very well, to get into the Infirmary for safety. Petr. then called on James Black, proprietor of the Volunteer Hotel, Park-street (a late Inspector of the Mounted Police, and ex-Gaoler at Parramatta), who advised him to clear out of the Colony, as the *Journal* and others were aware of it.

Petitioner humbly begs and craves that your Excellency may be pleased to grant him some assistance to aide his destitute condition, and enable him to leave this Colony for his personal safety and livelyhood.

And Petitioner, as in duty bound, will ever pray.

J. W. M'CORMACK.

## No. 36.

THE COLONIAL SECRETARY to THE ATTORNEY GENERAL.

MY DEAR MARTIN,

This packet contains the correspondence with the man Benedict, and his original testimonials.

I think the papers had best be kept for the present in confidential papers.

Yours, &amp;c.,

HENRY PARKES.

16/9/68.

## MINUTE OF ATTORNEY GENERAL.

THESE papers had better be left as public papers in the Colonial Secretary's Office, with other papers in O'Farrell's case.—J. M., A.G.—20/9/1868.

## DESCRIPTION OF TESTIMONIALS, &amp;c., OF MR. BENEDICT.

1. Note from Mr. Fosbery, Inspector General's Office, expressing regret that Mr. Benedict cannot receive further employment at his hands at present.—Date, May 27th.
2. Certificate from Chief Commissioner, Police, Melbourne, dated 19th April, 1865, showing that Benedict was in the Detective Police Force of Victoria, that his conduct was "good," and that he was discharged at his own request.
3. Certificate of good and efficient service on the part of Benedict in the Police of Fingal, Victoria, for six months. Signed by Local Police Magistrate and another J.P.—3rd March, 1858.
4. Certificate of good and efficient service by Benedict, in his capacity of Acting Police Clerk at Green Ponds, Victoria, for eleven months. This document recommends Benedict's permanent attachment to the office, and is signed by George A. Kemp, J.P. It is dated 5th August, 1867.
5. Certificate in favour of Mr. Benedict, dated 29th November, 1860, from Under Sheriff, Launceston, referring to Benedict's conduct as Bench Clerk.
6. Letter from Mayor of Launceston, 24th September, 1860, in answer to Mr. Benedict's application for increase of salary as clerk; purport favourable.
7. Certificate from Alderman Clayton, of Launceston, testifying to Benedict's good conduct as Bench Clerk.—Dated 13 November, 1860.
8. Letter in respect of Benedict's good conduct as Bench Clerk, dated 19th January, 1859, signed by W. Gunn, Launceston.
9. Letter dated 13th November, 1860, from Honorable Thos. J. Knight, Attorney General, certifying as to Benedict's attention and skill in his official capacity, and promising assistance in obtaining situation under local Government.
10. Cutting from newspaper, having reference to increase of salary for Benedict as Bench Clerk, Launceston.
11. Letter of recommendation from Mr. Whiteford, Police Officer, Green Ponds, in favour of Benedict, then Watch-house Keeper.—Dated 1st August, 1857.

## No. 37.

INSPECTOR GENERAL'S REPORT.

Police Department,

Inspector General's Office,

Sydney, 30 September, 1868.

MANY persons (some of high standing) represented to me the danger of allowing Orangemen to walk in procession upon the occasion of the official landing of H.R.H. the Duke of Edinburgh, as it would excite the Roman Catholics, and probably result in a disturbance of the public peace. Hints and suggestions were not wanting that the life of H.R.H. might be endangered. Orangemen were not permitted to walk in the procession, and measures were taken by me to prevent the exhibition, by any persons, of party emblems or colours likely to create ill-feeling or occasion disturbance. Any requests made with this view were cheerfully complied with on all sides.

I need not say that, as far as practicable, H.R.H. was accompanied by a police escort. An officer rode on either side of the carriage during the procession—this being, however, no exceptional precaution, but the ordinary rule in royal escorts.

The man M'Cormack does not bear such a character as to entitle his statements to any weight. He said the same as others,—that if the Orangemen walked in procession there would be a disturbance. As they were not permitted to do so, there the matter ended.

JNO. McCLERIE, I.G.P.

[Enclosures in No. 37.]

Inspector Read to The Inspector General.

Inspector's Office,

Sydney, 1 October, 1868.

Sir,

I have the honor to report, for your information, that in the month of January last, shortly before the arrival at Sydney of His Royal Highness Prince Alfred, I received a note from a person named M'Cormack, to the effect that he was prepared to give information to the police respecting an attempt about to be made to take the life of His Royal Highness. I immediately submitted the note to you; and, in accordance with your instructions, directed Senior Sergeant Waters to see Mr. M'Cormack, and

## 20 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

and receive from him any information he was able to give. Senior Sergeant Waters shortly afterwards informed me that he could obtain no information from Mr. M'Cormack, further than that Mr. M'Cormack stated, that a man had informed him that he had heard a person say in a public-house, that if the Orangemen marched in procession at the landing of His Royal Highness there would be a row, and during the row he would shoot the Prince. The Sergeant also informed me that Mr. M'Cormack refused to give the name of his informant, or to state in what public-house the threat in question had been used.

I have, &c.,  
GEO. READ,  
Inspector.

Senior Sergeant Waters to The Inspector General.

No. 1 Station,  
30 September, 1868.

Senior Sergeant Waters begs to report, for the information of the Inspector General of Police, that early in the month of January last he was shown a note by Inspector Read, purporting to be from a man named M'Cormack. The note was to the effect that, if Mr. M'Cormack was waited upon by the police, he would give information with reference to an attempt that would be made on the life of H.R.H. Prince Alfred. Senior Sergeant Waters was therefore directed by the Inspector to see M'Cormack, which he did at once, at his lodgings in Park-street. M'Cormack told the Senior Sergeant that a man informed him that should the Orangemen walk in procession on the day of the Prince's landing there would be a row, and that he, M'Cormack's informant, had heard another man say, in a public-house, that during the disturbance he would shoot the Prince. M'Cormack further stated that he himself was an old Irish rebel, he understood those sort of things, and had a good deal to do with them in the old country. The Senior Sergeant pressed him to give the name of his informant, or the public-house alluded to, but he refused to give either. Senior Sergeant Waters communicated the result of his information verbally to Mr. Inspector Read.

GEO. WATERS,  
Senr. Sergt. of Police.

Sergeant M'Keogh to The Inspector General.

No. 1 Station,  
30 September, 1868.

Sergeant M'Keogh reports, for the information of the Inspector General of Police, that in the beginning of January last he met a man named M'Cormack, better known by the name of "Professor Mac," then residing in Park-street. He (M'Cormack) said that if the Orangemen marched when the Prince arrived, there would be a row between them and the Catholics. The Sergeant told him that if he (M'Cormack) could give any information respecting it, to see Inspector Read, which he promised to do. Nothing further passed at the time, as far as the Sergeant can recollect.

MATTHEW M'KEOGH,  
Sergeant.

## No. 38.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 5 December, 1868.

SIR,

In compliance with the directions of the Honorable the Colonial Secretary, conveyed in your letter of the 4th instant, u.s., I have the honor to forward herewith copy of the letter and its enclosures, transmitted by me, on the 10th August last, to the late Colonial Secretary, having reference to the executed convict O'Farrell.

I have, &c.,  
JNO. McLERIE,  
Inspector General of Police.

## [Enclosures in No. 38.]

The Inspector General of Police to The Colonial Secretary.

Police Department,  
Inspector General's Office,  
Sydney, 10 August, 1868.

Sir,

I do myself the honor to transmit herewith the only papers remaining in my possession, having reference to the case of the executed convict H. J. O'Farrell, and take the opportunity, in doing so, to express my views respecting the crime for which O'Farrell was convicted, and my reasons for the conclusions I have arrived at.

My opinion, as I have informed the Government from the outset, is, that the attempted assassination of H.R.H. the Duke of Edinburgh was not the unaided act of one individual, but the fruits of the treasonable organization commonly known as Fenianism. This opinion has been strengthened by after occurrences and disclosures.

Before the arrival of His Royal Highness the Duke of Edinburgh, the Government was in possession of intelligence, certainly not of a very definite character, that persons ill-disposed towards the English Government would take the opportunity of the visit of H.R.H. for outrage of some kind; and you will, no doubt, remember more than once inquiring the nature of the precautions I proposed to take, and whether it would not be practicable, by the means at the disposal of the Government, to obtain more precise information with regard to any seditious movement on foot.

Various means were employed to obtain information; but the result, though placing it beyond doubt that many disaffected persons, Fenian sympathizers and agents, were in the Colony, fell short of evidence definite enough to warrant prosecution.

Corroboration

Original Memoranda in the handwriting of the convict O'Farrell.

Seven letters addressed to H. J. O'Farrell, numbered from 1 to 7. (Not herewith.)  
Four French newspapers. (Not herewith.)

ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH. 21

Corroboration of this, to a great extent, was to be found in many matters noticed by the Press. Some attracted more than passing attention, and the publications of an unconcealed treasonable tendency in the *Freeman's Journal* were viewed with general disapprobation, participated in by leading members of that party whose organ the newspaper was supposed to be.

The outrages that had taken place elsewhere, avowedly sanctioned by Fenian leaders, and the sympathy such atrocious crimes evoked amongst a certain class, gave rise, no doubt, to many of the surmises that some blow would be struck in the cause during the visit of His Royal Highness to these shores.

Following upon the attempted assassination was the culprit's own statement of the object of the attempt, and the circumstances which led to it. This confession agreed with his private entries in the pocket-book afterwards found by the police, and was also quite in accordance with the plans and organization of similar plots elsewhere, and having an aspect of truth which, in my opinion, has not subsequently altered.

Whilst there can be no room for doubt that a large class of persons in New South Wales and the adjacent Colonies openly sympathized with the Fenian movement, and had no hesitation in avowing their disaffection, yet there are, in my opinion, no grounds for supposing that O'Farrell had accomplices amongst the residents of New South Wales. There are sufficient grounds for concluding that there were Fenian agents visiting the Colonies, and correspondence carried on with centres in Ireland and America; and amongst such persons, I believe, O'Farrell's accomplices would be found.

Many persons were known to be active in the openly expressed object of raising funds in the Fenian cause, under the cloak of applying such contributions for the benefit of the widows of "Fenian martyrs," and many were leaving for the States. One man, whose property was searched on the eve of his departure for America, by authority of a search warrant under the Treason Felony Act, openly avowed himself a Fenian, but stated he had taken good care not to bring himself within reach of the law. He had a considerable sum in American gold coin, and was, he stated, an Irishman naturalized in the United States, to which country he was returning. His papers left no doubt that he was a Fenian. The attached extract from the log of the Panama mail-steamer "Rakaia" and communication from the Purser, will confirm what I have stated.

The numerous letters threatening assassination, received by gentlemen occupying the highest public stations, shortly following the attempted assassination, must not be forgotten, nor the fact that the threat in one such letter was carried into effect, by the attempted assassination of a gentleman whose principles were known to be hostile to those of the extreme Irish party. The other intentions of a similar kind may possibly have been frustrated by the precautionary measures taken.

The last statement made by the convict O'Farrell before his execution is, I think, inconsistent with itself. It has, however, been already the subject of much criticism, and I need only record my belief, founded upon long experience, that dying declarations made under such circumstances are seldom to be relied upon.

I have, &c.,  
JNO. McLERIE,  
Inspector General of Police.

Panama, New Zealand, and Australian Royal Mail Company. Limited.

Sydney, 31 July, 1868.  
R.M.S. "Rakaia."

Mr. Powell,

Dear Sir,

I beg to enclose you the promised extracts from the official log-book of last voyage, with reference to Messrs. Reardon and A'Herne; and, at the same time, Captain Wright desires me to state on his behalf, that he had great trouble with these people, as they tried to agitate on board the ship; they were evidently connected with the Fenian movement, but not so as to enable him to take active measures at sea. On arrival at Panama, he communicated with the British Consul, who felt that he likewise had no power to interfere, but sent word to the English Consul at New York private information on the subject.

Should your authorities require further information on this matter, Captain Wright will be most happy to give it.

Yours, &c.,  
C. P. FARNFIELD,  
Purser.

Extract from Official Log-book, R.M.S. "Rakaia."

31 March, 1868.  
Tuesday, 4 p.m., Sydney.

Mr. Powell, Sydney detective, came on board, and requested that Mr. Reardon's luggage might not be put into the hold until next day.

1 April, 1868.  
Wednesday, 1 p.m., Sydney.

SEVERAL detectives came on board, with search warrant against the person and baggage of Mr. Reardon; they took notes of papers, &c., found, but said they could not detain him as a Fenian, in consequence of not finding certain documents they expected.

Thursday, 16 April, 1868.  
At sea, 10:30 p.m.

REVEREND Mr. A'Herne found very drunk, and Mr. Reardon and others evidently inciting him to riotous conduct; said A'Herne found endeavouring to communicate with two trimmers then in confinement and irons; when spoken to, he used very violent and abusive language, saying to Chief Officer that he would knock any b \* \* \* r down that interfered with him; at 2:30 p.m. the priest and others retired to bed.

Friday, 17 April, 1868.  
At sea, 5 p.m.

REVEREND Mr. A'Herne having remained in bed the whole day, the Captain sent for two of the forecabin passengers (Messrs. Reardon and Whitley) and expressed his great annoyance at the conduct of A'Herne, requesting them not to be the medium through which he had liquor, at the same time stating that abusive and seditious language and behaviour would not be tolerated.

Saturday,

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Saturday, 18 April, 1868.

At sea, noon.

REVEREND Mr. A'Herne having risen for the first time since being drunk, the Captain called him into his cabin and expostulated with him on his recent conduct; in the course of the interview he admitted having given a bottle of brandy to the firemen.

THE above facts, coupled with the strongly expressed Fenian sympathy of Messrs. Reardon and A'Herne, leads us to believe them to be dangerous characters. The Captain, therefore, told all trustworthy people to be on their guard against any insidious conversation having a tendency to conspiracy.

C. P. FARNFIELD,  
Purser, R.M.S. "Rakaia."

COPIED from rough notes transcribed from memoranda. Perfected copy transmitted to the Hon. the Colonial Secretary, with original memoranda, with letter of the 10th August last, No. 68,309.

"Noses tell a tale of what they would do for a swinging reward and free pardon. I am safe, that — nine — also, that I should be left behind, and for such a purpose! Oh for a gallant cavalry charge, not such a thing as this. Oh destiny! it must be done, and it must be done, fate, fate; a life in irons in future would I rather have found than this — should have fallen on me. Was Washington criminal for hanging Major Andre? was he, seeing he did it in *retaliation*? He did it for his country, and it checked the cruelty of the English. Three since butchered at Manchester. So some hundreds of the '98 patriots were shot down like dogs in this seething lazar-house. God, woe to thee England, or rather to your accursed oligarchy. It is well the *Saturday Review* calls the *Nation* "the O'Dood"—very funny this! but "*nimis une naribo indulges*" and before long its ugly nose will get a tweak it little dreams of now. If I should fail, "*quod avertat Deo*," I should never forgive myself. Fail! but I cannot. I am alone, and scarcely I can trust myself. Oh that the Orangemen would rouse up the apathetic Irish of these parts; one good object would follow, in English capitalists losing too heavily by the depreciation of colonial debentures and the failures consequent on the Colonies being in a state of anarchy. If I had my will, every English ship in these colonial ports should ere this have been destroyed.

Shall I write once more to the dear nine? No, you have written once, and that is once too often, for the P. O. officials are not over scrupulous about opening letters. Be wary, be loyal to them and to yourself. To think that I have not one relative that knows of my proceedings. What will they say? Threaten to inform against me. I'll be — go in for the Church. The idea disgusts me, that is what they would have me do, and yet I cannot get more, unless I lead them to believe — I am studying for the Church. I did think of doing so once, and it plunged me into fever, the having to decide on loyalty to the Church or to country. What sums I have sent home, and now to be pressed for money. With care and common prudence, — there is no *tedium vitæ* in me, and yet I am to die in a few days; let me see, in two weeks from this, and in tolerable company. It will be a fine soul-race to somewhere, or more probably to nowhere, or *nihil*. What nonsense it is to write like this, and yet I find a grim satisfaction of thinking of the vengeance; how the nobility (q.v.) of the three countries will curse me, and the toadying lickspittle Press hunt the dictionaries over for terms of abhorrence! *But vengeance for Ireland is sweet*. Woe to you England when the glorious nine carry out their programme. There was a Judas in the twelve—in our band there was a No. 3 as bad; but his horrible death will I trust be a warning to traitors. Such another I am confident is not among the nine. Oh, Oh, Judas — in by them — do — after all, *this thing I have to do for vengeance, and to prove the Irish here will not be too dear*, as I know a conviction — have done so much more in England, but it is my duty to the Re. and I will if able do it. What is there to prevent me? Fool! suppose the police come suddenly upon you, and, taken unawares, these papers be found upon you? True; but this last six months I have passed through so many changes of the sort that impunity is begetting a kind of fatalism in my own individuality—my own *non-atableness* in matters of this description — Play the fool like Brutus, the simpleton, the ready laugh, *act cavero*, shew yourself incapable of entertaining serious ideas; last of all, sentiments patriotic; be a — joker, a jester, a good-natured tender fool and mountebank, do excessively silly things in small matters, shew implicit faith and confidence in the words, sayings, doings, and actions of all around you, no matter how incredible the story; prove further by great sympathy that you believe — shout for the police, and speak to them of the Fenians as a Judge might in summing up on Bourke or Casey.— With all these pretensions to be Fenians, there are numbers of them seeking to become informers. How is it that we allow informers to live? In the first place they are so contemptible; in the second, they do not know anything of us, but are paid to convict men of whom the Government is afraid. The poor wretches swear — There are — and others that will swear to anything — is every — and night from the graves of criminals, and that it stifled all good and generous ideas among them — in *esse* or in *posse* convict people for swearing and cursing, and for the use of the word "*Bloody*" commend me to this Colony. Well, I am going too far, there are many thinking and — general — able — those — Insomuch, or to be the rendezvous for — My countrymen here think more of the fleshpots than of the allegiance they owe their country — they talk and profess, and profess indeed — as far as professions go they would each and all out-*Emett Emmet* for the republic, but I can trust very few: there are nine that have gone on their — I — not trust — Spot — His—this man's — a more wretched Government; a more — filthy, corrupt — Earth agitation — be careful — The Britain — Woe to thee England — this convict.

CORRESPONDENCE.

CORRESPONDENCE WITH CHARLES MILLER,  
alias MEYERS.

SCHEDULE.

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No. 1.

C. MYERS [OR MEYERS] to THE INSPECTOR GENERAL OF POLICE.

Yass, 7 May, 1868.

SIR,

I arrived here by this evening's mail, and as there is no coach for Young till to-morrow evening, I shall be compelled to remain here to-night.

Not having been admitted to an interview either with you, sir, or with Mr. Fosbery, before leaving Sydney, which I very much desired, I am obliged to use the means of writing to make such remarks as I intended otherwise to have made verbally.

I do not think that I need make any further remarks upon the objects that I am desired to attain, as I believe they are perfectly understood, both by you, sir, and also by me; but the means by which these objects are to be attained are, I believe, on the contrary, not so fully understood as could be desired.

Before leaving Sydney I received from Mr. Wager the sum of £3, which, after paying for my railway ticket and a few necessary articles, only left me the small balance of £1 14s., which, although administered with the most rigid economy, after defraying expenses on the road and for my stay here to-night, will only leave me a very few shillings on arrival in Young. Now, sir, as you are well aware that the distance from Lambing Flat to Bathurst is almost 200 miles, to accomplish which journey (which it is my intention to make on foot) it is either necessary that I possess a sum sufficient, or seek employment while travelling, to obtain the means of living; and also, a sum to pay the expenses of board and lodging while seeking employment in Bathurst. Now this last alternative would, as you will perceive, sir, delay my arrival in Bathurst for some longer or shorter time; and as I deem that all unnecessary delays are dangerous for the attainment of the object in view, I hope, sir, that you will not think it unreasonable if I request you to make me a further advance of £4, which sum I consider sufficient for all purposes; and I beg you, therefore, sir, in a short telegram addressed to me, at the Post Office in Young, to inform me if you are willing to do so, and where I can receive such money, if granted.

It is my intention, if such should meet with your approval, until my arrival in Bathurst, from time to time to inform you by letter of my whereabouts; and, after arrival, daily to report to you upon my mode of proceeding and place of living; and have no doubt that I shall be able to prove to you and Mr. Parkes, before long, that the confidence reposed in me was not misplaced, and am,—

Sir, &c.,  
C. MYERS.

P.S.—If the answer by telegram to my application is forwarded as soon as possible after the receipt of this letter, I might be able to receive the same upon my arrival by the mail at Young, which will be about 12 o'clock on Saturday.—C.M.

## No. 2.

C. MYERS [OF MEYERS] to THE INSPECTOR GENERAL OF POLICE.

Young, 9 May, 1868.

SIR,

I arrived here this day at 12 o'clock, and received your telegram and remittance of £2, which I hereby acknowledge. It is my intention to stop here to-night, and proceed early to-morrow morning, by Grenfell, Cowra, and Carcoar, to Bathurst.

I consider it incumbent upon me to make you acquainted with circumstances in association with my connection with the F.B., which I have hitherto not communicated either to you or Mr. Parkes. The reasons why I did not mention these circumstances before were various, while in a bond state, and particularly as I doubted if I ever should be able to obtain the necessary proofs in connection with this *particular transaction*; but I think, nevertheless, that I am bound to bring them to your knowledge.

In November last—some day between the 9th and 12th—it was suggested privately to me by Mr. W. C., that the F.B. intended to aim a terrible blow against the English Government, by causing the death of H.R.H., during his stay in the Colonies; and informed me that this subject had been discussed by the leading members (without mentioning whom), and that they had come to the decision that it should be carried out by some member of the association. Mr. C. gave me to understand that if I was willing to undertake it, everything in the Society's power should be done to facilitate my escape; and suggested, also, that it could easily be accomplished, as the Prince, by all accounts as yet received, was in the habit of riding and driving about privately with only one or a very few attendants. This suggestion almost struck me dumb, as such a deed, in spite of all oaths, &c., to be committed by me, was quite out of the question; nevertheless, I told Mr. C. that this undertaking was of too vast importance for me to undertake without consideration, and asked him to give me time to consider upon the subject. He informed me then that he was leaving for the Lachlan, but that he should return in a few days, when he expected my answer. On his return he recommenced the subject, and proposed that I should commit the deed in Victoria, as a good opportunity would present itself on the Duke's riding to or returning from Melbourne and Toorak, and also facilitate my escape. To this I objected, but expressed my willingness to make the attempt in Sydney, when the matter dropped, and was never resumed between me and Mr. C.

In December following, Mr. S. A. D——y opened the subject with me, by informing me that Mr. C. had mentioned our conversations to him, and inquired if I was willing to carry out the project, to which I consented, provided that means were put in my hands for its accomplishment, as I had no means myself; and also that money should be placed at my disposal to leave the Colony immediately after the deed; to all of which he assented. I had afterwards several conversations with Mr. D. upon the subject; and at last, on Monday, January 27, 1868, it was determined that I should leave Sydney, and he handed me a revolver, and twenty sovereigns to pay my expenses, and informed me that after the deed was done, a sum of £100 should be placed to my credit in any bank I chose to mention, and next handed me an official-looking letter addressed to Mr. Sh. in Sydney, to be delivered by me. The same evening I took occasion, from some trifle, to have a quarrel with Mr. Phillips, which resulted in my immediate discharge, and I left Bathurst the next day for Sydney. On my arrival in Sydney I opened the letter, but being written in cipher, and after several ineffectual attempts to decipher it, I re-enclosed it again in its envelope, and upon delivery, informed Mr. S. that the letter had become wet by being kept in an outside coat pocket, as it was raining the whole time during the journey. I had several conversations with Mr. S. upon the object of my presence in Sydney, who suggested several places as likely for me to be successful, viz., the Duke's visit to Miss Aitken's readings at the Masonic Hall, the visit to the Weatherboard Falls, Parramatta, and lastly, on his visit to Newcastle and Maitland. I went to Newcastle, but as my money, by this time, was all gone, and as I never for one moment had the slightest intention to commit this deed, I informed Mr. Sh. and Mr. D., by letter from Newcastle, that I had not the requisite courage to commit this act, and that I had thrown the pistol overboard, and informed them that I intended to leave the Colony and go overland to Queensland. Since then I have had no communication with any of the parties, as I was arrested the next day by Camphin and brought to Sydney, and tried and convicted in a fictitious name.

I shall leave to-morrow morning for Grenfell, and as you will receive this communication about simultaneously with my arrival in Cowra, I beg you to inform me, by telegram, addressed to Post Office, Cowra, if you desire to communicate with me any further upon this subject before my arrival in Bathurst, and am,—

Sir, &c.,  
C. MYERS.

## No. 3.

TELEGRAM from JOHN CLARKSON, SYDNEY, to C. MEYERS, YOUNG.

9 May, 1868.

APPLY at once, Post Office, Young. Telegraphic order, £2.

O.H.M.S. Private.

No. 4.

No. 4.

TELEGRAM from CHAS. MEYERS, GRENFELL, to JOHN CLARKSON, SYDNEY.

12 May, 1868.

Not sufficient funds for Bathurst. Please send some money.

No. 5.

TELEGRAM from CHAS. MEYERS, GRENFELL, to JOHN CLARKSON, SYDNEY.

13 May, 1868.

DELAYED for want of money. Going by Forbes and Orange. Please answer.

No. 6.

C. MEYERS to THE COLONIAL SECRETARY.

Grenfell, 13 May, 1868.

SIR,

I consider myself bound to address you upon the subject for which I have been sent up *here*, much against my own inclination, and the means by which I hope quicker, and at the earliest opportunity, to obtain the proofs which are necessary for the conviction of the persons mentioned by me.

As you will recollect, sir, I mentioned to you already that I always associated with the persons mentioned, on terms of almost equality, by which means it was that I gained their confidence. Now, I consider that, if the Government would put me in a position again to associate with these persons, on the same terms as previously, I should be able soon, and more certainly, to obtain the proofs than otherwise. For this purpose, I deem it necessary that the Government should supply me, first, with a moderate sum of money, sufficient to supply me, with some respectable-looking clothing, as I am almost destitute of wearing apparel, to enable me to appear in Bathurst outwardly something in the same manner as when I left it; secondly, I do not wish to appear in Bathurst with means to live without employment, which would naturally create suspicion; this must be avoided; and as it would be a long time before I would obtain employment by my own exertion, I mean to suggest the following plan, which I have considered well, and consider the most practicable one. My plan is for the Government to give me employment in the Superintendent's office in Bathurst. This, if managed right, would never create any suspicion with the parties with whom I have been formerly connected; on the contrary, it would gain me their confidence to a still higher degree than I ever possessed it before.

In my opinion, this could be managed in about the following manner:—Let the Superintendent insert an advertisement in the local papers for a man to do some writing in his office, which situation I should obtain on application, and for the fulfilment of which I should receive a moderate salary sufficient for my support. This arrangement would attain two objects: firstly, I should be able constantly to communicate with the police without causing any suspicion; and I should have leisure sufficient to prosecute my object, with a chance of succeeding in a much shorter time than would be the case if I sought private employment.

I leave this place to-day for Bathurst, by Forbes and Orange, so that you, sir, will be able to inform me if you approve of this arrangement, which I deem the best possible, by addressing to me at the Post Office, Orange, at which place I shall wait for instructions; and am,

Sir, &c.,

C. MEYERS.

No. 7.

TELEGRAM from SUB-INSPECTOR SANDERSON, GRENFELL, to THE INSPECTOR GENERAL OF POLICE, SYDNEY.

14 May, 1868.

Will you please inform me if there is a man named Charles Meyers connected with the police?

No. 8.

TELEGRAM from THE INSPECTOR GENERAL OF POLICE, SYDNEY, to SUB-INSPECTOR SANDERSON, GRENFELL.

[Confidential and urgent.]

14 May, 1868.

CHARLES Meyers is known to me, also the object for which he is in the district. Reply, informing me why you inquire, and if the man has said or done anything improper, or disclosing anything shewing connection with police. Use caution, and do not interfere unnecessarily.

JNO. McCLERIE,

I. G. P.

## 26 ATTEMPTED ASSASSINATION OF H.R.H. THE DUKE OF EDINBURGH.

## No. 9.

TELEGRAM *from* C. MEYERS, FORBES, *to* THE INSPECTOR GENERAL OF POLICE, SYDNEY.

14 May, 1868.

ARRIVED here; leaving to-morrow for Orange; any instructions received? Telegram at Orange.

## No. 10.

TELEGRAM *from* SUB-INSPECTOR SANDERSON, GRENFELL, *to* THE INSPECTOR GENERAL OF POLICE, SYDNEY.

15 May, 1868.

WEDNESDAY last, Meyers accosted Constable Best in the street; in conversation told his *name*, and that he *belonged to the force*. I met them. Meyers asked me for a map. I had none. He left; he never made his business known to me; it was his statement to Best, and his manner, that impressed me so much; so I thought if he was not a detective, he was assuming the character of one; hence my applying to you.

## No. 11.

TELEGRAM *from* JOHN CLARKSON, SYDNEY, *to* CHARLES MEYERS, GRENFELL.

18 May, 1868.

MONEY-order for £3 telegraphed to you. Do not wish to hear again till you reach Bathurst.

## No. 12.

TELEGRAM *from* C. MEYERS, ORANGE, *to* JOHN CLARKSON, SYDNEY.

19 May, 1868.

ARRIVED here last night. Want money to continue my journey. Waiting for answer to my letter to Mrs. (*sic*) Parkes from Grenfell. Send answer to-day.

## No. 13.

TELEGRAM *from* CHARLES MEYERS, ORANGE, *to* JOHN CLARKSON, SYDNEY.

20 May, 1868.

RECEIVED no reply to telegram. To succeed, expect assistance from Government. If not, willing at any time to return to former position when ordered. Waiting to proceed to Bathurst. No funds to meet expenses incurred.

## No. 14.

TELEGRAM *from* C. MEYERS, ORANGE, *to* MR. FOSBERY, SECRETARY AND SUPERINTENDENT OF POLICE, SYDNEY.

20 May, 1868.

NOT received any reply. Shall, in the course of the day, place myself at the disposal of the local police. Awaiting orders.

## No. 15.

TELEGRAM *from* JOHN CLARKSON *to* CHARLES MEYERS, ORANGE.

21 May, 1868.

MONEY-order for £3 transmitted to you by telegram this day, to enable you to proceed to Bathurst. Your proceedings, up to present time, considered unsatisfactory.

Private—O.H.M.S.

No. 16.

No. 16.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 23 December, 1868.

SIR,

Adverting to the subject of a personal interview with the Honorable the Colonial Secretary, respecting the release, by pardon, of the prisoner named in the margin, when I stated that I had never had in my possession the original statement made by the man Miller, when he was in confinement in Darlinghurst Gaol, and that I had handed the communications, subsequently received from Miller, to Mr. Parkes, then Colonial Secretary,—I have now the honor to report that, having since made further search for the latter papers, I have discovered them, and beg to transmit the same to the Honorable the Colonial Secretary, as directed.

Charles Miller,  
alias Meyers, &c.  
One letter addressed by C. Meyers to the Hon. H. Parkes, Colonial Secretary.

I may mention, in explanation, that my office has been for some weeks in considerable confusion, occasioned by the falling-in of the ceiling, and the necessity for removing all books, papers, &c., during repairs. On rearranging the same, I found that the documents in question had again come into my possession, and that I had placed them in a private receptacle.

Two letters addressed by C. Meyers to Capt. McLerie, Inspector General of Police.  
12 telegrams, N. 1 to 12.

I can positively assert, however, that the original statement made by Miller in the Gaol was never in my possession at all.

I have, &c.,  
JNO. McLERIE,  
Inspector General of Police.



## O'FARRELL CORRESPONDENCE.

## SCHEDULE.

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## No. 1.

THE RIGHT REVD. DR. SHEIL, ADELAIDE, to MR. H. J. O'FARRELL.

Franciscan Convent,  
Wexford, Ireland,  
31 July, 1867.

MY DEAR HENRY,

'Twas only yesterday I received yours, April 26. Go at once to Adelaide, and present yourself to the Vicar General, to whom I have written. Your best place will be with the Jesuits, who will treat you with every kindness and attention suitable to your position. I am delighted to find that you have yielded to the promptings of divine grace. May God grant you perseverance. I will offer the holy sacrifice for you. Put yourself under the protection of the B. Virgin, who will obtain for you a renewal of the spirit of your vocation. I presume that you are in a position to pay something for your maintenance. In any case, go at once to Adelaide. May God bless you, my dear Henry; and believe me,—

Yours very sincerely in Xt.,  
+ L. B. SHEIL.

Show this letter to the Vicar General of Adelaide.

## No. 2.

MR. P. W. WELCH to MR. H. J. O'FARRELL.

Ballarat, 30 August, 1867.

DEAR SIR,

Please forward me a copy of the account I rendered to you, as I find it has not been entered with my letter to you of the 10th of June last.

Yours faithfully,  
P. W. WELCH.

## No. 3.

MR. W. BOYD to MR. J. H. (sic) O'FARRELL.

Ballarat, 6 September, 1867.

SIR,

I hear there will be a dividend of something like 20s. in the pound, in the insolvent estate of Chas. Davcy. Believing you to be a creditor, and thinking you might not know anything of it, I took the liberty of writing you, as you will have to send your affidavit to the Official Assignee at once.

I am, &c.,  
W. BOYD.

## No. 4.

## No. 4.

THE MANAGER, BANK OF AUSTRALASIA, BALLARAT, to MR. H. J. O'FARRELL.  
 No. 12,007. Bank of Australasia, Ballarat,  
 16 September, 1867.

£30—No. 48,010.

TAKE notice, that your acceptance, dated 12th August, 1867, in favour of Norrie & Sim, for the sum of thirty pounds, payable one month after date, having been duly presented for payment where payable, has been dishonored, and now lies overdue at this bank. You are, therefore, required to make payment of the same without delay.

(For the Manager),  
 HUGH A. SCOTT.

## No. 5.

MESSRS. WALKER & Co. to MR. H. J. O'FARRELL.  
 Ballarat, 16 September, 1867.

DEAR SIR,

Having presented your acceptance of £8 18s. at Bank Victoria for collection, it has been returned dishonored. Would you be kind enough to forward me a cheque for the amount, to save any further trouble.

I remain, yours, &c.,  
 G. WALKER & CO.,  
 Market Square.

## No. 6.

THE MANAGER, BANK OF AUSTRALASIA, BALLARAT, to MESSRS. NORRIE & SIM.  
 No. 12,004. Bank of Australasia, Ballarat,  
 16 September, 1867.

£30—No. 48,010.

TAKE notice, that H. J. O'Farrell's account, dated 12th August, 1867, in favour of yourselves, for the sum of thirty pounds, payable one month after date, and indorsed by you, having been duly presented for payment where payable, has been dishonored, and now lies overdue at this bank. You are, therefore, required to make payment of the same without delay.

(For the Manager),  
 HUGH A. SCOTT.

## No. 7.

ANNEX BY MESSRS. NORRIE &amp; SIM to MR. H. J. O'FARRELL.

MESSRS. NORRIE & SIM request Mr. O'Farrell's immediate attention to the acceptance herein mentioned.

Ballarat, 17/9/67.

## No. 8.

MESSRS. M'DOWALL & GRAY to MR. H. J. O'FARRELL.  
 Ballarat Market,  
 17 September, 1867.

DEAR SIR,

We beg to give you notice that your acceptance to us, for the sum of £12, was dishonored on the 15th instant.

We beg you will take steps at once to meet the debt,—

And remain, &c.,  
 M'DOWALL & GRAY.  
 (Per J. A. W.)

## No. 9.

MR. WM. HARRISON to MR. H. J. O'FARRELL.  
 Bush-street,  
 18 September, 1867.

DEAR SIR,

Your acceptance for £22 9s., due 14th instant, and most urgent that some provision may be made for the liquidation of same without delay.

Yours, &c.,  
 WM. HARRISON.

No. 10.

## No. 10.

LEAVES OF PRIVATE DIARY IN HANDWRITING OF H. J. O'FARRELL.

COPY of the leaves of a Private Diary in the handwriting of Henry James O'Farrell, which were seized by the police among the personal effects of the prisoner, on the 12th March, 1868.

\* \* \* \* \*  
 and before long its ugly nose will get a tweak it little dreams of. How, if I should fail, "*quod avertat Deus*," I should never forgive myself. Fail! but I cannot; I am alone, and surely I can trust myself. Oh! that the Orangemen would rouse up the apathetic Irish of these parts; one good effect would follow, in English capitalists losing heavily by the depreciation of colonial debentures, and the failures consequent on the Colonies being in a state of anarchy. If I had had my will, every English ship in these colonial ports should, ere this, have been destroyed. Shall I write once more to the dear nine? No; you have written once, and that is once too often, for the P.O. officials are not over-scrupulous about opening letters. Be wary; be loyal to them and to yourself. To think I have not one relative that knows of my proceedings! What would they say? Threaten to inform against me, I'll be sworn. *Go in for the Church!* The idea disgusts me. That is what they would have me do. And yet I cannot get money, unless I lead them to believe I am studying for the Church. I did think of doing so once, and it plunged me into fever—the having to decide on loyalty to Church or to Country. What sums I have sent home, and now to be so pressed for money! Still I have enough, with care and common prudence. There is no *tedium vite* in me, and yet I am to die in a few days—let me see—in two weeks from this, and in tolerable company. It will be a fine soul race to somewhere, or more probably nowhere, or *nihil*. What nonsense it is to write like this, and yet I find a grim satisfaction in thinking of the vengeance. How the nobility (?) of the three countries will curse me; and the toadying lickspittle Press hunt the dictionaries over for terms of abhorrence! But *vengeance for Ireland* is sweet. Woe to you, England, when the glorious "Nine" carry out their programme. There was a Judas in the twelve—in our band there was a No. 3 as bad; but his horrible death will, I trust, be a warning to traitors. Such another, I am confident, is not among the nine. Oh, that I were with them! For after all, this thing I have to do for vengeance, and to rouse the Irish here, will cost too dear, as I know I could have done so much more in England. But it is my duty to the Re., and I will, if able, do it. What is there to prevent me? Fool! suppose the police come suddenly upon you, and, taken unawares, these papers be found upon you? True; but this last six months I have passed through so many dangers of the sort, that impunity is begetting a kind of fatalism in my own invincibility—my own non-atableness in matters of this description. Play the fool like Brutus—the simpleton—the ready laugh for all comers. Shew yourself incapable of entertaining serious ideas, least of all a sentiment of patriotism. Be a \* \* \* \* \*, a joker, a jester, a good natured, tender fool and mountebank. Do excessively silly things in small matters. Shew implicit faith and confidence in the words, sayings, and actions of all around you. No matter how incredible the story, prove to them, by great sympathy, that you believe. Shout for the police, and speak to them of the Fenians as a judge might in summing up on Burke and Casey. With all this pretension to be Fenians, there are numbers of them seeking to become informers. How is it we allow informers to live? In the first place, they are so contemptible; in the second, they do not know anything of us, but are paid to convict men of whom the Government is afraid. The base wretches swear \* \* \* \* \* that will swear to anything is very numerous. They are \* \* \* \* \* with information, and the \* \* \* \* \* get the \* \* \* \* \* nous tell a tale of what they would do for a swinging reward and free pardon. I am safe. That noble nine! Alas, that I should be left behind, and for such a purpose. Oh, for a gallant cavalry charge, not such a thing as this! Oh, destiny! It must be done, and it must be done! Fate, fate! A life in irons, in torture, would I rather have had, than that the lot should have fallen on me. Was Washington criminal for hanging poor Major André? Was he, seeing he did it in *retaliation*? He did it for his country, and it checked the cruelty of the English. Three of us butchered at Manchester! So some hundreds of the "98" patriots were shot down like dogs in the seething lazar-house. Woe to thee, England, or rather to your accursed oligarchy! It is well. The *Sat. Review* calls the *Nation* the "O'Dood." Very funny! But "*Nimis uncis naribus indulges*." Pray inasmuch as to be the rendezvous of answer. My countrymen here think more of the flesh-pots than of the allegiance they owe their country. They talk big, profess and profess. Indeed, as far as professions go, they would each and all out-Emmett Emmett for the republic; but I can trust very few. The whole nine that have gone on this expedition. I dare not trust that man Tierney. His and his \* \* \* plans \* \* \* and night from the graves of criminals, and that it stifled all good and generous ideas among these in *esse* or in *posse* convict people. For swearing and cursing, and the use of the word "*bloody*," commend me to this Colony. Well, I am going too far. There are many \* \* \* and \* \* \* those \* \* \* not to \* \* \* A more wicked Government; a more \* \* \* filthy, corrupt \* \* \* can \* \* \* earthly \* \* \* Britain. Woe to thee, England! \* \* \* \* \*

## No. 11.

NOTE.—The blanks filled by asterisks represent portions of the diary which were illegible.

† The following words appear here in the original, but are scored through:—"How short a span of life remains to me!"

No. 11.

THE INSPECTOR GENERAL OF POLICE to THE PRINCIPAL UNDER SECRETARY.

Police Department,  
Inspector General's Office,  
Sydney, 19 December, 1868.

SIR,

I do myself the honor to enclose, for the information of the Hon. the Colonial Secretary, copy of a letter received by me from Mr. Parkes, M.P., and to state that the papers therein referred to, as transmitted to me, are now in my possession.

I have, &c.,  
JNO. McCLERIE,  
Inspector General of Police.

[Enclosure in No. 11.]

Henry Parkes, Esq., M.P., to the Inspector General of Police.  
Wynyard-square,  
Sydney, 19 December, 1868.

Sir,

I beg to return into your hands the original leaves from the Diary of the late prisoner O'Farrell; also, a letter addressed to the late prisoner by Dr. Shiell, and other letters and newspapers, as enumerated in margin, which were handed or sent to me, while holding the office of Colonial Secretary.

Letters addressed to O'Farrell—1 to 7.  
Four French newspapers.

I have, &c.,  
HENRY PARKES.

No. 12.

EXTRACT FROM *L'Univers*, OF 24 DECEMBER, 1867, SENT TO O'FARRELL.

*Lettres de Londres.*

Londres, 21 décembre, 1867.

Ainsi que je l'avais malheureusement prévu, l'exécution des trois fénians à Manchester, au lieu de terrifier les agitateurs, n'a fait qu'accroître leur désir de vengeance. L'atroce attentat du 13 décembre, qui rappelle les affreuses catastrophes de la machine infernale de Fieschi et des bombes d'Orsini, en est une preuve suffisante. Ce n'est pas tout. Hélas! sur tous les points de l'Angleterre, règne en ce moment la plus affreuse panique. On a tenté d'enlever à Wolverhampton les dépôts d'armes appartenant aux volontaires. A Thirtdale, on a tenté de faire sauter la prison. Le 18 encore, à Newcastle, des caisses remplies de feu grégeois, ont été trouvées. Elles étaient destinées à détruire la banque de cette ville, et lorsqu'elles ont été enlevées, leur explosion a coûté la vie à sept personnes, parmi lesquelles se trouvaient un policeman et le shérif de la ville. Enfin, une tentative pour faire sauter à Londres la prison de Millbank, la plus forte des trois royaumes, n'a échoué que grâce à la vigilance de la police, qui a pu saisir une barque chargée de poudre, dont les marins ont pu se dérober, grâce à l'obscurité.

Ces faits sont patents, et prouvent que le fénianisme a dans toutes les grandes villes de l'Angleterre des ramifications inconnues et puissantes. Qu'espèrent-ils cependant, ces hommes qui ne reculent pas devant des massacres en grand pour satisfaire leur haine contre le gouvernement anglais?

C'est ce que nul ne peut dire. Il existe en Irlande un immense parti qui demande que l'Irlande soit mise sur le même pied que l'Ecosse, c'est-à-dire qu'elle ait comme cette dernière sa plénière et entière liberté de religion. En effet, en quoi le catholicisme serait-il plus dangereux pour le gouvernement britannique que le presbytérianisme? Ce parti est hautement avoué, il a pour chef des membres du Parlement et des hommes honorables à tous les points de vue. Il ne procède que par des moyens légaux, et de même qu'au temps d'O'Connell il peut obtenir de grands résultats avec le temps. C'est ainsi que la pétition laïque contre l'Eglise établie en Irlande, après avoir été revêtue de la signature de tous les membres du barreau irlandais, appartenant pour la plupart à la religion catholique, a singulièrement modifié les opinions de l'un des journaux le plus protestants, le *Northern Whig*, qui se voit aujourd'hui dans l'obligation d'avouer que le meilleur moyen de faire respecter l'Eglise anglicane en Irlande serait de renoncer à la subvention de l'Etat et de la soutenir par des contributions volontaires.

Un second parti plus avancé dans les idées réclame l'indépendance complète de l'Irlande avec une forme de gouvernement républicaine. Celui-là se compose des anciens partisans de Smith O'Brien qui ont levé l'étendard de la révolte en 1848, et qui ont depuis passé une partie de leur existence en Amérique. Il se recrute parmi les jeunes gens qui, sortant des collèges et des universités, ont encore la tête farcie des héros de la Grèce et de la république romaine. Ce fait du reste se présente partout, et il démontre, je crois, de plus en plus la nécessité de remplacer les auteurs latins soumis à la jeunesse par les auteurs indiqués par l'abbé Gaume, et qui ont au moins le mérite de ne pas être aussi immoraux qu'Horace et Virgile, et de monter moins à la tête que le *De viris illustribus* de Lhomond et le *Catilina* de Salluste.

Mais

Mais je m'éloigne de mon sujet : pour en revenir au parti républicain, je dois constater qu'en dépit des chimères dont il se berce, il ne pactise pas avec les misérables qui ne craignent pas de répandre le sang innocent sans avoir cependant de but déterminé.

Il ne me reste plus qu'une classe à examiner, et c'est là que nous trouverons les véritables coupables. Cette catégorie se compose de ces hommes qui, entrés dans l'armée fédérale dans le but de s'enrichir par le pillage et trompés dans leur attente, ont été congédiés à la fin de la guerre. Ces hommes qui, pendant un laps de quatre ans, ont complètement perdu l'habitude du travail, ont cherché un emploi à l'activité dont ils sont dévorés. Ils se sont liés avec des irlandais mécontents, ils ont excité leurs passions, et, encouragés en dessous par le gouvernement américain, ils leur ont fourni assez d'argent pour entreprendre tout ce qu'ils voudraient contre le gouvernement britannique.

C'est là, et non dans le peuple irlandais, qu'il faut chercher les coupables, en dépit de certains journaux qui ne craignent pas de déverser la calomnie non-seulement sur cette loyale population, mais encore sur le clergé qu'ils taxent d'hypocrisie en l'accusant de publier ouvertement des mandements qui condamnent la rébellion, tandis que secrètement les prêtres catholiques excitent leur troupeau à briser le joug que leur impose l'Angleterre.

Je ne répondrai pas à de pareilles imputations ; elles tombent d'elles-mêmes, et ne souffrent pas la moindre imputation. D'autre part, selon moi, le fenianisme, cette lèpre qui grandit chaque jour, pourrait bien être un châtiment de la Providence, une sorte de repréaille pour la politique constamment suivie par l'Angleterre.

\* \* \* \* \*

A. LACORDAIRE.

### No. 13.

EXTRACT FROM *L'Univers* OF 24 JANUARY, 1868, SENT TO O'FABRELL.

*Lettres de Londres.*

\* \* \* \* \*

Que dire, du reste, d'une religion où la sainteté du mariage est tellement peu respectée, qu'un homme a le droit de vendre sa femme, pourvu qu'elle y consente, sans que personne puisse y trouver à redire ? On a taxé ce fait d'exagération, puis on s'est reporté sur de vieilles coutumes, abolies, disait-on, depuis longtemps. Ces coutumes sont tellement peu abolies que samedi dernier, à Blackburn, le nommé Thomas Harland a vendu sa femme, Sarah Ellen, à un de ses amis, Henry Lomax, pour la somme d'une livre sterling. Quand le contrat de vente a été signé en présence de deux témoins, Harland s'est empressé de faire mettre un avis dans les journaux pour déclarer qu'il ne se regardait plus responsable des dettes que ferait à l'avenir sa femme, qui ne l'était plus.

Quelles mœurs !

Les arrestations un moment suspendues sont de nouveau à l'ordre du jour. Elles ont lieu à Londres, à Dublin, à Cork, à Liverpool, à Glasgow, en un mot, dans tous les grands centres de la Grande-Bretagne. Il est vrai que ce ne sont que de pauvres diables qui tombent entre les mains de la police ; celle-ci profite de cette circonstance pour accumuler les haines de la population contre les malheureux irlandais qui n'y peuvent rien, et qui se trouvent tous victimes de l'horreur inspirée par quelques misérables qui croient pouvoir affranchir un pays à l'aide de l'assassinat et de l'incendie.

Cette haine va si loin qu'elle amène des divisions entre ceux-là mêmes dont le devoir est de faire respecter et exécuter la loi. Pour n'en citer qu'un exemple, je me transporterai à Manchester, à la station de police, où les agents de service s'entretenaient l'autre soir du meurtre de sergent de Brett. De cet assassinat au fenianisme la transition était aisée. C'était à qui maudirait ces hommes dont les tristes exploits mettaient les policemen sur les dents. Jusque-là la conversation était restée dans les limites permises, mais bientôt on généralisa et le mot fénians se changea en irlandais, au point que l'un des agents s'écria que pour en finir une bonne fois on devrait pendre tous les irlandais. Un fils de la verte Erin, qui faisait partie de la division de service, se leva à ces mots et déclara que, si telle était l'opinion de tous les agents, il préférerait voir assassiner tous les policemen, à commencer par lui, que de voir pendre ses compatriotes.

Ces paroles furent rapportées, commentées, et peut-être envenimées, et le malheureux policeman fut traduit, après dix-sept ans de bons et loyaux services, devant le tribunal, sous l'accusation de fénianisme. Heureusement, le magistrat était un homme de bon sens, qui non-seulement acquitta le prévenu, mais encore adressa de sévères reproches à ses camarades, en les prévenant que si de pareilles provocations se renouvelaient, c'est sur eux que tomberait la punition. Néanmoins l'affaire n'en resta pas là, et le chef de station, repoussé par le magistrat, a demandé au commissaire en chef de la police le renvoi de ce malheureux, qui, ayant droit à sa retraite dans trois ans, va peut-être perdre le fruit de ses travaux uniquement parce qu'il est irlandais.

Parmi les arrestations qui ont eu lieu, il en est une cependant que je crois devoir signaler parce qu'elle est de nature à amener des complications avec les États-Unis. Il s'agit de celle de M. George-Francis Train, venant en Angleterre en qualité de correspondant du *New York World*, et arrêté à Queenstown, où il débarquait de la *Scotia*, qui l'avait amené d'Amérique. Ce M. Train est bien connu ici pour les violents discours qu'il a prononcés à Boston contre l'Angleterre, et il faut qu'il soit bien imprudent ou bien certain de l'appui du gouvernement américain pour venir ainsi pénétrer de gaieté de cœur dans l'ancre du lion britannique, qu'il pouvait braver impunément de l'autre côté de l'Atlantique. Pour donner une idée de la violence de ses discours, il me suffira de dire que

que dans le dernier, prononcé à Boston, il y a un mois à peine, il proposait comme solution des difficultés le moyen suivant: Il faut dès aujourd'hui envoyer au gouvernement anglais une dépêche électrique ainsi conçue: "Payez immédiatement les réclamations qui vous sont adressées au sujet de l'Alabama, ou la guerre." Et en cas de réponse insignifiante, envahir immédiatement le Canada, et jeter cent mille hommes en Irlande pour affranchir cette île sous la protection des Etats-Unis.

On voit par là qu'il n'allait pas de main-morte; aussi était-il très populaire à Boston, où l'annonce d'un discours de lui suffisait pour attirer une foule considérable. Reste à savoir ce que sa popularité lui procurera en Angleterre!

A côté des arrestations, je dois signaler un autre fait beaucoup plus grave, c'est celui de la poursuite exercée contre le journal l'*Irishman*. Un délit de presse dans un pays où l'on tolère des écrits dans le genre de celui dont je vous ai envoyé un échantillon dans ma dernière lettre, doit naturellement s'appuyer sur quelque-chose de bien grave, me direz-vous. Vous allez en juger.

Dans la dernière session du Parlement, on a cité à plusieurs reprises un passage tiré de l'un des discours de M. Disraeli. Suivant le chancelier de l'Echiquier, l'Irlande, en 1848, était gouvernée au profit d'une Eglise qui lui était étrangère et d'une aristocratie toujours absente, et les maux qu'elle endurait auraient provoqué une révolution dans tout autre pays. Eh bien! c'est pour avoir reproduit ce discours que l'*Irishman* est poursuivi. Le *Dublin Evening Mail* l'a également reproduit, et on ne l'a pas inquiété; mais ce dernier est un organe du gouvernement, tandis que l'autre est patriote. La reproduction dans le *Dublin Mail* a été inspirée par le plus pur patriotisme, tandis que l'*Irishman* n'a publié le même article que pour appeler le peuple à la révolte. Ce ne sera pas la faute du gouvernement si M. Richard Pigott ne passe pas à l'état de martyr, comme M. John Wilkes du *North Britain*.

Pendant ce temps, que font les catholiques anglais et irlandais, tant calomniés par une partie de la presse anglaise, qui s'acharne à les présenter comme complices des attentats de Manchester, de Clerkenwell, &c.? Ils organisent partout des meetings pour protester contre le féniisme et assurer le gouvernement de leur appui. A Shrewsbury, dont la population ouvrière se compose principalement d'irlandais, c'est le pasteur lui-même, M. Hopkins, qui conduit son troupeau devant le tribunal, pour assurer les magistrats que leur plus grand désir est de maintenir le bon ordre; et le soir même, presque tous les membres de la religion catholique sont enrôlés comme constables spéciaux, à Cardiff, à Wrexham, à Worcester, à Warrington. Partout enfin où l'élément irlandais paraît devoir inquiéter le gouvernement, les mêmes scènes se produisent, et, fidèles à la maxime de notre divin Maître, nos coreligionnaires s'engagent à rendre à César ce qui est dû à César, ne réclamant que le droit d'offrir à Dieu ce qui lui est dû.

Ils arment cependant les catholiques de la Grande-Bretagne, mais c'est à bon escient, et pour une cause sainte! Je vous ai annoncé, il y a quelque temps, le départ pour Rome de cinquante écossais. Une nouvelle troupe se prépare à Inverness, et sous peu nous verrons descendre des Highlands un second détachement de ces braves montagnards, qui sauront manier, pour le service du Saint-Père, les armes modernes, avec autant de courage que leurs ancêtres en ont déployé en tirant leur claymore pour la défense des Stuarts.

Ce noble exemple a piqué d'honneur les anglais, et Liverpool est devenu le centre de ralliement où doit se former une brigade anglaise de défenseurs du Saint-Siège. Déjà le commandant est nommé, ainsi qu'un certain nombre d'officiers, tous choisis avec soin. Bon nombre de volontaires ont répondu à l'appel, et j'espère avant peu vous annoncer un premier départ.

Je ne terminerai pas sans vous dire un mot d'une publication qui depuis quelques jours a mis en émoi la presse des trois royaumes. Je veux parler du journal de la reine. On se tromperait si l'on y cherchait la moindre allusion politique. C'est un journal d'impressions, écrit jour par jour, sans recherche, sans afféterie, et qui ne paraissait nullement destiné à l'impression. C'est la mère, c'est l'épouse seule qui parle, et je crois pour ma part, que si ce journal n'émanait point d'une main royale, il eût passé complètement inaperçu.

A. LACORDAIRE.



1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON

ALLEGED CONSPIRACY FOR PURPOSES OF TREASON  
AND ASSASSINATION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
3 February, 1869.

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SYDNEY : THOMAS RICHARDS, GOVERNMENT PRINTER.

1869.

[Price, 5s.]

118—a

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1868-9.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

1868.

VOTES, No. 10. TUESDAY, 15 DECEMBER, 1868.

- 4. Alleged Conspiracy for purposes of Treason and Assassination :—Mr. Macleay moved, pursuant to Notice,—
  - (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into, and report upon, the existence of a Conspiracy for purposes of Treason and Assassination,—alleged, by a former Colonial Secretary, to have subsisted in this country; and to receive all evidence that may be tendered, or obtained, concerning a murder,—alleged, by the same person, to have been perpetrated by one or more of such conspirators,—the victim of which murder is stated to be unknown to the police.
  - (2.) That such Committee consist of Mr. Robertson, Mr. Martin, Mr. Forster, Mr. Parkes, Mr. Samuel, Mr. Eagar, Mr. S. Brown, Mr. Hoskins, Mr. J. Stewart, and the Mover.
 Debate ensued.  
 Question put and passed.

VOTES, No. 13. FRIDAY, 18 DECEMBER, 1868.

- 3. Alleged Conspiracy for purposes of Treason and Assassination :—Mr. Macleay, *with the concurrence of the House*, moved (without Notice),—That the undermentioned Papers,—laid upon the Table of this House, and ordered to be printed on the 15th December instant, viz. :—
  - (1.) Copies of Papers relating to the crime of the late prisoner Henry James O'Farrell, in attempting to assassinate H.R.H. the Duke of Edinburgh ;—
  - (2.) Correspondence (including legal opinion) respecting "Papers relating to O'Farrell's case, and to an alleged Fenian Conspiracy," in possession of Mr. Parkes, late Colonial Secretary ;—
  - (3.) Correspondence respecting Charles Miller,—*alias* Meyers, *alias* Thomas Smith, *alias* Holmer,—transferred from Darlinghurst to Parramatta Gaol, and thence discharged ;—
  - (4.) Letter from Inspector General of Police, dated 14 January, 1868, respecting appointment of Special Constables, for maintenance of order at the approaching reception of H.R.H. the Duke of Edinburgh, and marked "Appd., Colonial Treasurer. Sd., H.P.—21/1/68";—
 be referred to the Select Committee now sitting on "Alleged Conspiracy for purposes of Treason and Assassination."  
 Question put and passed.

VOTES, No. 14. TUESDAY, 22 DECEMBER, 1868.

- 3. Alleged Conspiracy for purposes of Treason and Assassination :—Mr. Macleay, *with the concurrence of the House*, moved (without Notice),—That the undermentioned documents, viz. :—
  - (1.) Correspondence, &c., entitled "Inquiry by the Sheriff into the circumstances " under which a statement similar to the one furnished to the Colonial Secretary, " by the late prisoner Henry James O'Farrell, came to be in the unauthorized " possession of persons outside the prison,"—laid upon the Table of this House, and ordered to be printed, on the 27th April, 1868 ;—
  - (2.) Letter from Inspector General of Police, dated 28 January, 1868, submitting account for special expenses incurred by his department in connection with the reception of H.R.H. the Duke of Edinburgh, and marked "Appd., H.P.—3/2/68,"—laid upon the Table of this House, and ordered to be printed on the 15th December, 1868 ;—
 be referred to the Committee now sitting on "Alleged Conspiracy for purposes of Treason and Assassination."  
 Question put and passed.

1869.

## VOTES, No. 17. WEDNESDAY, 6 JANUARY, 1869.

## 2. Papers :—

\* \* \* \* \*

(2.) Mr. Robertson laid upon the Table the undermentioned Papers :—

(1.) Return to Order, in reference to "Attempted Assassination of H.R.H. the Duke of Edinburgh," made by this House, on motion of Mr. Macleay, on 10 December, 1868.

Ordered, on motion of Mr. Robertson, to be printed, and referred to the Select Committee now sitting on "Alleged Conspiracy for purposes of Treason and Assassination."

\* \* \* \* \*

## VOTES, No. 25. WEDNESDAY, 20 JANUARY, 1869.

5. Alleged Conspiracy for purposes of Treason and Assassination—*Special Report* :—(1.) Mr. Macleay, *with the concurrence of the House*, moved (without Notice), That the Select Committee on Alleged Conspiracy for purposes of Treason and Assassination have leave to make a *Special Report*.

Debate ensued.

Question put and passed.

(2.) Mr. Macleay then, as Chairman, brought up from the said Committee a *Special Report*, which was read at length by the Clerk, by direction of the Speaker, as follows :—

## SPECIAL REPORT.

The Select Committee of the Legislative Assembly, appointed on the 15th December, 1868,—"*with power to send for persons and papers*,"—"*to inquire into and report upon the existence of a Conspiracy for purposes of Treason and Assassination,—alleged by a former Colonial Secretary to have subsisted in this country; and to receive all evidence that may be tendered or obtained concerning a murder,—alleged by the same person to have been perpetrated by one or more of such conspirators,—the victim of which murder is stated to be unknown to the police*,"—beg to submit the following *Special Report* to your Honorable House :—

Your Committee beg to report to your Honorable House, that, on Friday, 15th day of January, instant, the Honorable James Martin, a Member of your Honorable House, and a Member of this Committee, was duly summoned before the Committee to give evidence concerning the matters which formed the subject of the Committee's inquiry, and failed either to attend or to explain to the Committee the cause of his absence.

That, on Tuesday, the 19th, and on Wednesday, the 20th day of January, instant, he was also duly summoned to give evidence, and on both occasions failed to appear, and furnished the Committee with no reason for his disregard of the summons of the Committee.

Your Committee, in conformity with the practice of Parliament, beg to report the conduct of the Honorable James Martin to your Honorable House.

No. 2 Committee Room,  
Sydney, 20th January, 1869.

WILLIAM MACLEAY,  
Chairman.

## VOTES, No. 52. WEDNESDAY, 3 FEBRUARY, 1869.

2. Alleged Conspiracy for purposes of Treason and Assassination :—Mr. Macleay, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 15th December, 1868,—together with Appendix.  
Ordered to be printed.

MEMO. :—

The Report of this Committee was expunged from the Proceedings, by order of the House, made on Thursday, 18 February, 1869, A.M. (*See Votes and Proceedings, No. 40, Entry 7, Session 1868-9.*)

*Legislative Assembly Chamber,*

*Sydney, 18 February, 1869, A.M.*



PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 18 DECEMBER, 1868.

MEMBERS PRESENT :—

Mr. Parkes,		Mr. J. Stewart,
Mr. Forster,		Mr. Macleay,
Mr. Hoskins,		Mr. Samuel,

Mr. Robertson.

Mr. Macleay called to the Chair.

Entry in the Votes, appointing the Committee, read by the Clerk.

Committee deliberated as to their course of proceedings.

Chairman requested to move the House to refer to this Committee, all the Papers laid upon the Table and ordered to be printed on the 15th instant, in reference to the subject of this inquiry.

Ordered,—That the undermentioned gentlemen be summoned to give evidence at next meeting, viz. :—

The Inspector General of Police—Captain McLerie.  
The Secretary and Superintendent of Police—Mr. Fosbery.

[Adjourned to Tuesday next, at 10:30 A.M.]

TUESDAY, 22 DECEMBER, 1868.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. J. Stewart,		Mr. Eagar,
Mr. S. Brown,		Mr. Parkes,
Mr. Robertson,		Mr. Samuel.

Printed copies of the papers referred by the House on the 18th instant, before the Committee.

John McLerie, Esq., *Inspector General of Police*, called in and examined.

During the examination of the witness, Mr. Eagar objected to a question put by the Chairman.

Witness withdrew.

Committee deliberated.

Witness recalled, and examination continued.

Witness then produced, and read to the Committee, four documents in reference to the subject of their inquiry ;—

And Mr. Parkes objecting to the mere production of certain papers, and stating that, in his opinion, they should be handed in,—

Witness requested to withdraw.

Committee deliberated, and decided that all the Papers should be appended to the Evidence. (*Vide Appendix, A 1 to A 4.*)

Witness recalled, and examination continued.

Eight documents then handed in by witness. (*Vide Appendix, A 5 to A 12.*)

Witness withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

TUESDAY, 5 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. J. Stewart,		Mr. Robertson,
Mr. Eagar,		Mr. Parkes,
Mr. Forster.		

Printed copies of the papers referred by the House on the 22nd December, before the Committee.

Ordered,—That printed copies of the Evidence of each witness as taken, be furnished for each meeting of the Committee.

Edmund Fosbery, Esq., (*Secretary and Superintendent of Police*), called in and examined.

And .

And Mr. Parkes objecting to a question put to the witness by the Chairman,—  
 Room cleared.  
 Committee deliberated.  
 Objection waived,—witness recalled,—and examination continued.  
 Mr. Forster objecting to a question put to the witness by Mr. Parkes,—  
 Witness withdrew.  
 Committee deliberated.  
 Objection withdrawn,—witness recalled,—and examination continued.  
 Witness withdrew.  
 Committee then deliberated as to the witnesses who should be called, and—  
*Ordered*,—That the undermentioned gentlemen be summoned for next meeting,

viz. :—

Mr. J. C. Read, Principal Gaoler of Darlinghurst Gaol, The Sheriff,	The Visiting Surgeon, Darlinghurst Gaol, and The Principal Under Secretary.
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[Adjourned to to-morrow, at 10:30 A.M.]

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WEDNESDAY, 6 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Parkes,		Mr. Forster,
Mr. J. Stewart,		Mr. Robertson.

Clerk submitted a letter from Under Sheriff, dated 6th January, 1869, informing that the Sheriff is at Bathurst, and will therefore be unable to attend the Committee this day,—*read by Chairman*.

Mr. John Cecil Read, (*Principal Gaoler of Darlinghurst Gaol*.) called in and examined.

Witness handed in a number of documents. (*Vide Appendix, B 1 to B 26.*)

Witness withdrew.

Committee deliberated.

Henry Halloran, Esq., (*Principal Under Secretary*.) called in and examined.

Witness read Schedules of the Papers then in his possession, and was requested by the Chairman to append a copy of the same when returning his evidence after revision. (*Vide Appendix, C 1 to C 3.*)

Witness withdrew.

Committee deliberated.

Isaac Aaron, Esq., (*Visiting Surgeon of Darlinghurst Gaol*.) called in and examined.

Witness withdrew.

Committee deliberated, and decided to request Henry Parkes, Esq., M.P., a Member of this Committee, to give evidence at next meeting. Clerk instructed to send usual letter.

[Adjourned to to-morrow, at 10:30 A.M.]

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THURSDAY, 7 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. J. Stewart,		Mr. Parkes,
Mr. Forster,		Mr. Robertson,
	Mr. Bagar.	

Henry Parkes, Esq., M.P., a Member of this Committee, examined in his place.

Committee deliberated as to Mr. Parkes' objection to produce, at this stage of his examination, certain papers referred to in a question put by the Chairman.

Examination resumed.

Witness handed in two telegrams and three letters. (*Vide Appendix, D 1 to D 5.*)

Committee deliberated.

Clerk instructed to send to Henry Parkes, Esq., M.P., an intimation of the desire of the Committee to receive any further information he may be willing to afford relative to this inquiry.

[Adjourned to to-morrow, at 10:30 A.M.]

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FRIDAY,

FRIDAY, 8 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Forster,		Mr. Parkes,
Mr. J. Stewart,		Mr. Samuel,
Mr. Eagar,		Mr. Robertson.

Committee deliberated.

Henry Parkes, Esq., M.P., a Member of this Committee, further examined in his place.

Witness handed in certain documents. (*Vide Appendix, D 6 to D 17.*)

Committee deliberated.

Mr. Francis Robert Kean, of Camperdown, called in and examined.

And Mr. Forster objecting to a question put by Mr. Parkes, having reference to a document in his possession and not before the Committee,—

Witness withdrew.

Committee deliberated.

Witness recalled, and examination resumed.

Witness withdrew, having first submitted a claim to be allowed his expenses for travelling, loss of time, &c.

Mr. Eagar moved, "That the sum of fifteen shillings be awarded to Mr. F. R. Kean, for attending upon this Committee,"—*agreed to.*

Committee deliberated as to the witnesses to be called for the next meeting, and ordered that the following gentlemen be summoned, viz.:—

Mr. D'Arcy Murray,	Mr. J. G. O'Connor, and
Mr. S. Cook,	Rev. M. J. Dwyer.

[Adjourned to Tuesday next, at 11 o'clock.]

TUESDAY, 12 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Forster,		Mr. Parkes,
Mr. J. Stewart,		Mr. Eagar.

Clerk submitted a letter from Mr. J. C. Read, returning his Evidence, and explaining a portion of it. *Ordered to be printed as an Addendum to his Evidence.*

Clerk submitted a letter from Mr. Samuel Cook, in reply to his summons, stating that he has no desire to appear before the Committee otherwise than as a professional witness. Same read by Clerk, by direction of the Chairman.

Committee deliberated.

Mr. D'Arcy Wentworth Lathrop Murray called in and examined.

Witness withdrew.

Mr. Samuel Cook, (*Short-hand writer,*) called in and examined.

Witness withdrew.

Mr. D'Arcy Wentworth Lathrop Murray again examined, at his own request.

Witness handed in a letter addressed to him by Lieutenant Haig, Equerry-in-waiting to H.R.H. the Duke of Edinburgh. (*Vide Appendix E.*)

Witness again withdrew.

The Reverend Michael Joseph Dwyer called in and examined.

Witness withdrew.

Committee deliberated, and—

*Ordered,*—That the following witnesses be summoned for next meeting, viz.:—

Mr. J. G. O'Connor,	Detective Camphin,
Senior-constable Irvine,	" Bowden,
Detective Wager,	" Lyons, and
" Raven,	Ex-Detective M'Glone.

[Adjourned to to-morrow, at 11 o'clock.]

WEDNESDAY, 13 JANUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay, in the Chair.

Mr. J. Stewart,		Mr. Parkes,
Mr. Robertson,		Mr. Hoskins,
Mr. Forster.		

Clerk submitted a letter from Mr. S. Cook, enclosing an account for £2 2s., for attendance before this Committee as a professional witness.

Committee deliberated, and—

*Resolved,*—on motion of Mr. J. Stewart, "That the sum of £2 2s., be awarded to Mr. S. Cook, for attending this Committee as a professional witness."

Detective

Detective William Camphin called in and examined.

Witness withdrew.

Mr. Joseph Graham O'Connor called in and examined.

Witness *produced* certain Bills of Exchange for money sent to Ireland in aid of certain distressed persons; also, Extracts from three Sydney newspapers, being letters calling for subscriptions—copies of which letters he was requested to furnish when returning his evidence after revision.

Witness withdrew.

Senior Constable Irvine, (*Sydney Police*,) called in and examined.

Witness withdrew.

Mr. Henry Wager, (*Officer in charge of the Detective Police*,) called in and examined.

Witness *produced* two books, shewing the duties performed daily by each detective.

Witness withdrew.

Detective John Raven called in and examined.

Witness withdrew.

Committee deliberated, and decided to call the following witnesses for next meeting, viz. :—

Captain S. H. Wright,	Detective Chudleigh,
Mr. Daniel M'Glone,	„ Lyons,
Detective Broomfield,	„ Bowden, and
„ Powell,	„ Finigan.

[Adjourned to to-morrow, at 11 o'clock.]

**THURSDAY, 14 JANUARY, 1869.**

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Parkes,	Mr. J. Stewart,
Mr. Forster,	Mr. Samuel,
Mr. Hoskins,	Mr. Robertson.

Detective Patrick Lyons called in and examined.

Witness withdrew.

Detective Edward Toomer Broomfield called in and examined.

Witness withdrew.

Detective Charles Powell called in and examined.

Witness withdrew.

Captain Samuel Harry Wright called in and examined.

Witness withdrew.

Detective Joseph Bowden called in and examined.

Witness withdrew.

Committee deliberated, and decided to call the following witnesses for next meeting, viz. :—

Mrs. Bergin,	Detective Chudleigh,
Henry Lane, Esq.,	„ Finigan,
John McLerie, Esq.,	„ Howard, and
Mr. F. Fitzpatrick,	Ex-Detective M'Glone.
Warder Carroll,	

Committee also decided to request the attendance of the Hon. James Martin, M.P., Q.C., for the purpose of giving any information he might be willing to afford, and instructed the Clerk to inform him accordingly.

† [Adjourned to to-morrow, at 11 o'clock.]

**FRIDAY, 15 JANUARY, 1869.**

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Parkes,	Mr. Hoskins,
Mr. J. Stewart,	Mr. Forster,
Mr. Eagar,	Mr. Samuel,
Mr. Robertson.	

Printed copies of the Paper *referred* by the House on 6th January, on the Table. Clerk submitted letter from Henry Lane, Esq., stating that he cannot attend, but that the Accountant will produce the papers required, in his stead.

Clerk drew attention to a material alteration in Mr. Parkes' second Evidence, made on revision, which the Committee allowed.

Mr. George Layton, (*Accountant to the Treasury*,) called in and examined.

Witness *handed in* the Vouchers for payments to Samuel Cook and H. R. Benedict. Ordered to be appended. (*Vide Appendix, F 1 and F 2.*)

Witness withdrew.

John



John Williams, Esq., (*Crown Solicitor*), called in and examined.

Witness withdrew.

The Right Worshipful the Mayor (Charles Moore, Esq.) called in and examined.

Mr. Patrick Nailan called in and examined.

Witness withdrew.

Mr. Oliver Rea called in and examined.

Witness withdrew.

Mr. Philip Baker called in and examined.

Witness withdrew.

Henry Parkes, Esq., M.P., Member of this Committee, again examined in his place.

Witness *handed in* five extracts from the "*Freeman's Journal*" newspaper; also, copies of eleven orders for admission to the Gaol, given by a previous Colonial Secretary, Mr. Forster.

And objection being taken to the handing in of the eleven orders,—

Committee deliberated.

Motion made (*Mr. Hoskins*) and Question put,—That the various documents, produced before the Committee by Mr. Parkes, purporting to be copies of orders given by a former Colonial Secretary, authorizing the admission of persons to Darlinghurst Gaol to visit prisoners, ought not to be received in evidence, having no relevancy to the object for which the Committee was appointed.

Committee divided.

Ayes, 2.	Noes, 3.
Mr. Forster,	Mr. J. Stewart,
Mr. Hoskins.	Mr. Eagar,
	Mr. Parkes.

Papers then received. (*Vide Appendix, J 1 to J 16.*)

Examination of Mr. Parkes resumed and concluded.

Committee deliberated as to the non-attendance of the Honorable James Martin, Esq., M.P., to whom three letters had been sent, expressing the desire of the Committee to receive any information he might be willing to afford.

Motion made (*Mr. Forster*), and *Question*,—That the Chairman be requested to report to the House that the Honorable Member for the Lachlan, being a Member of the Committee, having been three times invited to attend in his place and give evidence before the Committee, has failed to comply with the invitation,—*agreed to.*

[Adjourned to this day week, at 11 o'clock.]

WEDNESDAY, 27 JANUARY, 1869.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. Samuel,	Mr. Forster,
Mr. J. Stewart,	Mr. Parkes.

Chairman informed the Committee that he had prepared a Draft Report, printed copies of which would be circulated amongst the Members, without delay.

Committee deliberated.

Clerk instructed to circulate the Draft Report, when printed, and to call the next meeting to consider the same.

[Adjourned to Friday next, at 11 o'clock.]

FRIDAY, 29 JANUARY, 1869.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. Parkes,	Mr. Eagar,
Mr. J. Stewart,	Mr. Forster,
Mr. Samuel,	Mr. S. Brown,
Mr. Robertson,	Mr. Martin.

Motion made (*Mr. Samuel*), and *Question*,—That the Clerk have leave to return to the Treasury the two vouchers *handed in* by Mr. George Layton on 15th January, for payments made to H. R. Benedict and S. Cook, and that copies of the same be kept for publication in the Appendix,—*agreed to.*

Clerk submitted letter from the Crown Solicitor to Clerk of Legislative Assembly, dated 28th January, 1869, informing that he had requested the Chairman to re-examine him as to a portion of his previous evidence, and that he had not received any reply to such request, and intimating his desire to be again called,—*read by Chairman.*

Committee deliberated.

Chairman submitted Draft Report, printed copies of which had been circulated amongst the Members since the last meeting.

Committee deliberated, and

[Adjourned to Tuesday next, at 11 o'clock.]

TUESDAY,

TUESDAY, 2 FEBRUARY, 1869.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Martin,		Mr. Eagar,
Mr. Forster,		Mr. Samuel,
Mr. J. Stewart,		Mr. Parkes,
Mr. S. Brown,		Mr. Robertson.

Chairman laid before the Committee a letter from the Crown Solicitor in explanation of his evidence.

Committee deliberated, and ordered that the letter and its enclosures be printed in the Appendix—(*Vide Appendix K.*)

Draft Report, proposed by the Chairman, read 1<sup>o</sup>, as follows,—

“ DRAFT REPORT.

“ THE SELECT COMMITTEE of the Legislative Assembly, appointed on 15th December last,—“ *with power to send for persons and papers,*”—“ *to inquire into, and report upon, the existence of a Conspiracy for purposes of Treason and Assassination—alleged, by a former Colonial Secretary, to have subsisted in this country,—and to receive all evidence that may be tendered, or obtained, concerning a murder—alleged, by the same person, to have been perpetrated by one or more of such conspirators—the victim of which murder is stated to be unknown to the police,*”—to whom were referred, on the 18th December last,—

“ (1) *Copies of Papers relating to the crime of the late prisoner Henry James O'Farrell, in attempting to assassinate H. R. H. the Duke of Edinburgh,*—

“ (2) *Correspondence (including legal opinion) respecting 'Papers relating to O'Farrell's case, and to an alleged Fenian Conspiracy,' in possession of Mr. Parkes, late Colonial Secretary,*—

“ (3) *Correspondence respecting Charles Miller, alias Meyers, alias Thomas Smith, alias Holmer, transferred from Darlinghurst to Parramatta Gaol, and thence discharged,*—

“ (4) *Letter from Inspector General of Police, dated 14 January, 1868, respecting appointment of Special Constables, for maintenance of order at the approaching reception of H. R. H. the Duke of Edinburgh, and marked 'Appd., Colonial Treasurer. Sd., H. P.—21-1-68,'*—and to whom were referred, on the 22nd December last,—

“ (1) *Correspondence, &c., entitled 'Inquiry by the Sheriff into the circumstances under which a statement similar to the one furnished to the Colonial Secretary, by the late prisoner Henry James O'Farrell, came to be in the unauthorized possession of persons outside the prison'—laid upon the Table of this House, and ordered to be printed on the 27th April, 1868,*—

“ (2) *Letter from Inspector General of Police, dated 28 January, 1868, submitting account for special expenses incurred by his department, in connection with the reception of H. R. H. the Duke of Edinburgh, and marked 'Appd., H. P.—3-2-68'—laid upon the Table of this House, and ordered to be printed on the 15th December, 1868,*—and to whom was referred, on the 6th January last,—

“ *Return to Order, in reference to 'Attempted Assassination of H. R. H. the Duke of Edinburgh,' made by this House, on motion of Mr. Macleay, on 10 December, 1868,*”—have agreed to the following Report :—

“ 1. The appointment of your Committee by your Honorable House was made not in consequence of any information, either communicated to your Honorable House by the Government, or procured in any other way by your Honorable House, but exclusively in consequence of certain statements made, both in his place in Parliament and elsewhere, by a former Colonial Secretary. The official position of the honorable gentleman referred to, at the time such statements were made,—the alarming nature of his assertions,—and the general excitement occasioned by their publication,—all required that, at the very earliest period, the evidence in his possession, and upon which his allegations were based, should be submitted to the examination and judgment of a competent tribunal. It will be desirable that your Honorable House should be reminded of the precise language in which the allegations were made. On the 21st day of April, 1868, a motion was submitted to your Honorable House with the view of eliciting from the Government a statement of the terms of a declaration which had been made by Henry James O'Farrell, executed on that day for wounding with intent to murder His Royal Highness the Duke of Edinburgh. In addressing your Honorable House on that occasion, the then Honorable Colonial Secretary, Mr. Henry Parkes, Member of your Honorable House for the Electoral District of Kiama, made the following statement :—

‘ It was true that a statement made by the prisoner O'Farrell had been sent to the Colonial Secretary ; but, that a demand should be made to make that statement public before the executive authority had considered it, was a thing perfectly new. This statement was opened at the very same time that another statement was opened of the very highest importance ; and it would be in the greatest degree detrimental to the public interest, for one of these statements to be considered apart from the other. One was from the prisoner before execution, the other was from another source, entitled to great consideration. He never heard that it was proper—that the thing could be imagined—to ask for statements of this kind, when the Government had to grapple, as it believed, with a new kind of crime, of which there was evidence sufficient to carry moral conviction to the mind of any man, that it was deeply seated in the Colony, and which it was in the highest degree difficult to deal with.’

“ 2. This report of the speech of Mr. Parkes—the accuracy of which was never questioned, from the 22nd of April up to a date to which attention will be shortly called—was, however (according to the testimony of Mr. Parkes, given on the 7th day of

January, before your Committee), not a precise and correct statement of what he then said, or intended to convey. And without, at this stage, entering into such an analysis of Mr. Parkes' statement as will be essential hereafter, it is sufficient now to inform your Honorable House that he has, before your Committee, in his evidence, affirmed that what he meant by the '*new kind of crime was, the crime that had been committed in endeavouring to murder the son of the reigning Sovereign.*'\*

"3. On the 24th day of August, 1868, Mr. Parkes, being then Colonial Secretary, is reported to have made the following statement to his constituents at Kiama :—

'We were told—the police were told in the ordinary way of information—long before the Duke of Edinburgh landed on these shores, that his life would be attempted.'

"And further on, in the same speech, he is reported to have said :—

'I do not hesitate to say here, that I have in my possession evidence, which I can produce at any moment, that will satisfy every unbiassed, independent mind in the country, that we had just and large grounds for every step of precaution which we, as a Government, took; and though perhaps we, as a Government, might have been content to allow this damning evidence to have remained unknown, still, if we are to be taunted, misrepresented, and vilified by a complete storm of lies, we may, in justification of ourselves, yet see fit to lay this before the world. I have that evidence in my possession, and I can produce it at any moment. I can produce evidence, attested by affidavits, which leaves no doubt on my mind, that not only was the murder of the Prince planned, but that some person, who was in the secret, and whose fidelity was suspected, was foully murdered before the attack was finally made upon the Prince.'

"4. Your Committee having had this report before them during their examination of Mr. Parkes, and his attention having been repeatedly drawn to it by various questions, have not heard that its literal accuracy has been impeached. Indeed, the admission of Mr. Parkes of the various allegations contained in it, will be found in his answers to the questions of your Committee; and, during his repeated explanations, he never suggested that, with regard to this speech, his language had been misrepresented; although he, in the second question put to him, took exception to the competency of your Committee to ask him anything about what he stated to his constituents.‡

"5. On the 10th day of October, 1868, Mr. Parkes, who had then retired from the office of Colonial Secretary, in an address made to his constituents at Jamberoo, is reported to have made the following statement :—

'The two statements made by him when last before his constituents were—and he thought he could remember them faithfully—that the Government had reason to suppose that some attack would be made upon His Royal Highness, before that attack was made. The other statement was, that he had in his possession, evidence attested by affidavits, which left no doubt on his mind, not only that the attack on the Duke was premeditated, but that some person who was privy to his intention, and whose fidelity was suspected, had been foully murdered. These were the two statements, and he thought that he had repeated them both with perfect fidelity. He repeated them to-night. Parliament met next Tuesday. As a Member of Parliament,—as a citizen with considerable public character at stake, possessing the confidence, he verily believed, of as large a number of his fellow-citizens as any man in the country,—feeling all this responsibility, he repeated those statements. He accepted the fullest responsibility that in reason and justice could attach to him, and he was prepared at any time, and in any place, to defend what he had said. He hoped that, after that, there would be no more idle talk that he was afraid of facing these statements, or about these statements slipping from his tongue unguardedly. The words were uttered deliberately. Every word was studied. He adopted them as he was reported to have uttered them, and he was prepared to defend them.'

"And in another part of the same address, in answer to some writer who had asked why precautions had not been taken for the protection of the Duke of Edinburgh's life, if the Government knew beforehand that His Royal Highness' life was in danger, Mr. Parkes is reported to have made the following statement :—

'The fact was, that all practicable precautions were taken. When the Prince landed, no less than 500 special constables were sworn in; officers of police were directed to ride in the line of his body, on either side, throughout the line of procession; and all other precautions were taken that appeared necessary to secure the safety of our illustrious visitor.'

"6. These were the various statements to which the attention of your Committee was directed; and, with a view to collect all the evidence which could be obtained concerning charges so grave and momentous against the loyalty and character of the country, it seemed to your Committee expedient that its inquiry should be conducted with a view to ascertain the truth or falsehood of these allegations :—

- "1. Was the intention to perpetrate the murder of His Royal Highness the Duke of Edinburgh, known to the Government previous to the arrival of His Royal Highness in this country?
- "2. Were extraordinary precautions taken in consequence of such knowledge?
- "3. Was the crime of O'Farrell, who attempted to murder the Duke of Edinburgh, the result of any conspiracy or organization existing in this country, or, as far as the Government had or have any knowledge, the result of a conspiracy or organization existing elsewhere.
- "4. Was any one in the guilty secret of such conspiracy, and whose fidelity was suspected by his fellow-conspirators, murdered before the attempted assassination of His Royal Highness.

"7.

\* Vide questions 1012, 1013, 1014, p. 40.

† Vide p. 37, questions 959, 960, 961, 962, 963.

‡ Vide p. 37, q. 956.

"7. Your Committee have examined the witnesses named in the margin\*, and have had before them various documents procured during the course of their inquiry, and having reference to its object. All these documents will be found in an Appendix to this Report, together with a copy of the evidence taken before your Committee.

"8. Your Committee have had before them no evidence of any Member of the Government in which Mr. Parkes held the office of Colonial Secretary, except that of Mr. Parkes himself. Although repeatedly summoned by your Committee, the Honorable and learned Member of your Honorable House for the Electoral District of the Lachlan, Mr. Martin, who was Attorney General, and head of the Ministry referred to, failed to appear before your Committee. And Mr. Parkes, who furnished your Committee with the names of several witnesses, who were called and gave evidence, never suggested that any of his former colleagues could give your Committee any information whatever, concerning the knowledge alleged to be possessed by the Government. This is mentioned, in order to explain that the whole of the evidence of the knowledge of the Government obtained by your Committee, is derived from the testimony of Mr. Parkes himself, and such permanent officers of the Government as were called before your Committee—some of those officers having been summoned at the instance of Mr. Parkes.

"9. The first witness summoned before your Committee was the Inspector General of Police; and his answer to the second question put to him, leaves no doubt on the mind of any one that the police of the country had not been the means of communicating any information to the Government, on the subject of the first head of your Committee's inquiry;\* and the evidence of the Secretary and Superintendent of Police and Deputy Inspector General (which, together with that of Captain McLerie, will be frequently referred to hereafter) is of exactly a similar character. At present, it will be sufficient to remark, that the only apprehensions entertained by the police, and which both officers mentioned agree in affirming were communicated to Mr. Parkes, as the Ministerial Chief of the Police Department,† were, that the manifestation in the public rejoicings, on His Royal Highness' arrival, of party bannets and sectarian symbols or emblems, might lead to collision between sections of the community, whose hostile feelings to each other might be excited by such demonstrations; or, at all events, that such manifestations might endanger the preservation of the public peace. These apprehensions, which were not peculiar to the occasion of the visit of His Royal Highness, but were entertained—and without doubt, reasonably entertained in this case—because of the great assemblage of persons anticipated, and the popular enthusiasm then existing, leading many ill-informed persons to indulge in expressions of party triumph, offensive to large bodies of their fellow-citizens, were based upon certain rumours of an extremely vague character, which had come to the knowledge of the police. But the material consideration is this:—The police never communicated to the Government that they were in possession of any information of the character which Mr. Parkes affirms the Government possessed before the arrival of the Prince; nor did the police receive from the Government any instructions in consequence of such alleged information in their possession, up to the time of the attempted assassination of His Royal Highness.

"10. It is necessary to allude, in this place, to a document referred to your Committee, signed by the Inspector General of Police, dated 10th of August, 1868, addressed to the then Colonial Secretary; and this necessity arises from the circumstance that, in that document, certain statements are contained which formed the subject of your Committee's anxious inquiry. The document in question purports to express the views of the Inspector General of Police respecting the crime for which O'Farrell was convicted, and the reasons of that officer for the conclusions at which he had arrived.‡ The date of this document—several months after the execution of the criminal—would naturally suggest the suspicion that it was not a spontaneous proceeding on the part of the official whose name it bears. It was somewhat late for a police report to be made on a crime which had been thoroughly investigated, and its perpetrator punished nearly four months before the views of the Chief of the Police 'respecting the crime' were furnished to the Government.

"11. The examination of the officer whose name is attached to this document, and of his subordinate, Mr. Fosbery, clearly establishes the fact that this report was called for by Mr. Parkes, who insisted upon its being forwarded without delay to him, alleging that it was necessary for transmission by His Excellency the Governor, to the Imperial Government,§ and that but for this official requirement on the part of Mr. Parkes, the report would never have been written.||

"12. This is a very important consideration, not only in estimating the value of the report itself, but in assisting the Committee to judge of another important document bearing the signature of Mr. Parkes, and which purports to be a minute made by him as Colonial Secretary, on the 17th of September, 1868, within a few hours of his resignation of that office.

"13. In the fifth paragraph of his¶ minute, Mr. Parkes, adverting to the report of Captain McLerie, makes this assertion:—'It may be stated that the report of the Inspector General of Police was not called for by the Government. It is therefore the voluntary expression of opinion on the part of the Head of the Police, who must be supposed to possess the best means of forming an opinion on the subject.' And although on this point, the Inspector General of Police had no doubt whatever of the fact

\* Aaron, Isaac, Esq.  
Baker, Mr. Philip.  
Bergin, Mrs. Mary.  
Boon, Warder William.  
Bowden, Detective Joseph.  
Broonfield, Detective Edward Toomer.  
Campbell, Detective William.  
Carroll, Warder John.  
Chudleigh, Detective John H.  
Cook, Samuel, Esq.  
Coulter, Mr. William.  
Dwyer, Rev. Michael Joseph.  
Finigan, Mr. Laurence.  
Fitzpatrick, Mr. Francis.  
Fosbery, Edmund, Esq.  
Halloran, Henry, Esq.  
Howard, Detective Patrick.  
Hughes, John, Esq., J.P.  
Irvine, Senior Constable.  
Kean, Mr. Francis Robert.  
Layton, Mr. George.  
Lyons, Detective Patrick.  
McGlone, Mr. Daniel.  
McLerie, John, Esq.  
Moore, Charles, Esq.  
Murray, Mr. D'Arcy, W. L.  
Nailan, Mr. Patrick.  
O'Connor, Mr. J. G.  
Parkes, Henry, Esq., M.P.  
Powell, Detective Charles.  
Raven, Detective John.  
Ren, Mr. Oliver.  
Read, Mr. John Cecil.  
Reynolds, Mr. Robert Henry.  
Wager, Mr. Henry.  
Williams, John, Esq.  
Wilson, Mr. George Lea.  
Wright, Captain Samuel Harry.

\* Vide page 1, question 2.

† Vide page 5, questions 84, 85, 86, 87, 89; and also, page 11, questions 250, 251, 252.

‡ Vide Inspector General of Police to the Colonial Secretary, 10th August, 1868; page 15 of papers ordered by the Legislative Assembly to be printed, 15th December, 1868.

§ Vide page 2, questions 20, 21; page 6, questions from 104 to 108 inclusive.

¶ Page 8, questions 169, 170, 171; page 10, questions from 231 to 239 inclusive; page 15, from 375 to 381 inclusive.

¶ Minute of the Colonial Secretary, page 1; papers ordered by the Legislative Assembly to be printed, 15 December, 1868.

fact being precisely the opposite of the allegation as to its being his voluntary act, adverted to circumstances supporting his assertions, and was to some extent corroborated by Mr. Fosbery, Mr. Parkes still maintained, in his evidence before\* your Committee, that he had given no such directions as those in obedience to which the Inspector General affirms his report to have been written. It will be seen that the report must have been received by Mr. Parkes a short time before he left Sydney for Kiama, on the occasion when he made to his constituents the first statement about the assassination of His Royal Highness being the work of a conspiracy, the operations of which were known to the Government previous to His Royal Highness' arrival. It does not appear essential to your Committee to examine paragraph by paragraph the report of the Inspector General, inasmuch as it is based partly upon rumours, the sources of which he has failed to indicate, if he was ever able to discover them; and it also rests to a large extent upon circumstances long subsequent to the crime of O'Farrell, and therefore of no value in the part of the inquiry to which your Committee are at this stage of their report confining their attention, namely, the information in the possession of the Government before the arrival of the Duke of Edinburgh. Hereafter, your Committee will be obliged to examine this report with the object of seeing how far it is of any value in assisting your Committee to judge whether the crime of O'Farrell was the result of a conspiracy or organization existing out of this country; for the Inspector General of Police acknowledges, in paragraph 8 of his report, that there are, in his opinion, no grounds for supposing that O'Farrell had accomplices amongst the residents of New South Wales.

"14. Having thus considered the evidence adduced before the Committee, exclusive of the testimony of Mr. Parkes, concerning the knowledge possessed by the Government previous to the arrival of the Duke of Edinburgh, of any intention to take His Royal Highness' life, your Committee now invite attention to the statements made by Mr. Parkes himself in the course of his evidence, and the various documents by which he affirms his statements to be corroborated. At the commencement of his examination, he stated that the information which came into his hands as Colonial Secretary, with reference to the Duke of Edinburgh's danger in visiting this country, consisted partly of various rumours which reached the Government through different channels, and which were of such a character that they 'appeared to call upon the Government to take every precaution,' and partly of 'letters from different persons, and persons occupying respectable positions of society, to the effect that danger of this kind might be apprehended.'†

"15. It became at once necessary to test the value of this statement, by ascertaining who were the persons who had a knowledge of murderous intentions towards the Prince of some members of the community; and what kind of communications—and from what sources—had been received by Mr. Parkes. It will be seen on reference to the evidence,‡ that the first part of this information Mr. Parkes positively refused to furnish to your Committee, and for some time declined to place them in possession of certain letters which he produced at a later period of the inquiry, and which will be found in the Appendix.§ There could have been no object to be served by the concealment of the names of those persons who had given information of the kind indicated to the Government; and indeed, with regard to information supplied after the attempted assassination, Mr. Parkes had no difficulty whatever in furnishing the names of his informants,|| and even suggesting in one case that a witness whose name he mentioned should be summoned to give evidence. The documents furnished by him to your Committee were all, with one exception, written, and all were received, after the attempted assassination of the Duke of Edinburgh; so that they are valueless for the present purpose of your Committee, which is limited to the information in the possession of the Government before His Royal Highness' arrival—or at all events, before the attempt upon his life. The exception, which is dated on the very day of the attempted assassination, from Kiama (a place to which there is telegraphic communication from the metropolis), may or may not have been written after a knowledge of the crime had reached the writer. The author of this communication is a Mr. A. Keith Collins, of whom Mr. Parkes alleges that he has no personal knowledge.¶

"16. On the division of the subject having reference to the knowledge of the Government, before the Prince's arrival or before he was shot, of the intention of any one to take his life, your Committee have to report that no evidence has been laid before them to justify any belief whatever in the existence of such information.

"17. And, apart from the voluminous mass of evidence taken on this subject, which, of itself, clearly points to the conclusion at which your Committee have arrived, the consideration of the next part of the case will be important, for the purpose of showing that no Member of the Government could, at any time, have reasonably entertained a doubt upon the matter.

"18. Had the Government any reason to apprehend personal danger to His Royal Highness, either on the day of his arrival or at any time during his stay in this country, it will be universally admitted that extraordinary measures of precaution should have been adopted for his protection. The police should, of course, have been at once placed in possession of the whole of the information; the Prince should have been warned of the danger of moving about unattended; and, apart from His Royal Highness' own feelings on the subject (to which it will be seen hereafter some trivial reference was made), it became

\* Page 44, questions 1070, 1071, 1072.

† Vide page 37, questions 964 to 967.

‡ Vide page 37, questions 968 to 977.

§ Vide Appendix, page 14, documents marked D 1, D 2, D 3, D 4.

|| Vide page 42, questions 33 and 39.

¶ P. 33, questions 977 to 982 inclusive.

became the imperative duty of the Government to see that no measure of precaution was neglected against a calamity the possibility of which had been notified to them. And accordingly, when Mr. Parkes made the first part of his statement to the effect that the Government were aware, before His Royal Highness' arrival, that an attempt would be made here to take his life, it was not a matter of surprise to learn, as Mr. Parkes asserted, 'that all practicable precautions were taken,' that 'when the Prince landed, no less than 500 special constables were sworn in,' that 'officers of police were directed to ride in the line of his body, on either side, throughout the line of procession; and all other precautions were taken that appeared necessary to secure the safety of our illustrious visitor.'

"19. Your Committee have ascertained that no such measures were taken by the Government. The Inspector General of Police has informed your Committee\* that it was originally intended to have sworn in a number of special constables—not with any reference to any anticipated peril to His Royal Highness, but simply for the preservation of the public peace; that this officer, feeling confident that the ordinary police arrangements were sufficient, dispensed with the services of special constables; and, moreover, communicated officially to Mr. Parkes, a few days after the Prince's landing, that no special constables had been employed. It is almost superfluous to add, that Mr. Parkes has informed your Committee that he is satisfied the 500 special constables were not sworn in.† With his explanations of the mistake into which he had fallen your Committee are in no way interested, but those explanations will be found in the evidence.‡ It was, it seemed to your Committee, simply their duty to ascertain the truth or falsehood of the statements made in connection with these matters. It is clear that no such directions as those stated by Mr. Parkes to have been given to officers of police, were given; and the only foundation for any statement at all with regard to special directions to the officer in command of the body-guard of His Royal Highness was, a 'jocular remark' made to that officer, by the Inspector General of Police; but that no special directions of any kind whatever were given, either to the officer commanding or to any member of the guard.§ It is abundantly established that, neither on the occasion of the landing of the Prince, nor on any subsequent occasion up to the time of his attempted assassination, were any special precautions taken against the calamity of which Mr. Parkes alleges the Government had been forewarned. His Royal Highness was permitted to go about the city and suburbs unguarded and unattended; and, on the very day he was shot, although there were thousands of persons assembled at the place where the crime was committed—a distance of a few miles from the metropolis, there were only twelve policemen on the ground,|| and not one of these had received special instructions to protect the person of His Royal Highness. It was stated¶—it is presumed in explanation of the apparent negligence of the police—that His Royal Highness had an intimation conveyed to him 'that it was unwise for him to go about alone,' and that he had replied that 'he would do as he liked'; but His Royal Highness was never informed, either by the police or anybody else, that his life was in the slightest danger, from the time he arrived in this city until he was shot; and indeed, the very witness who was instrumental in conveying the intimation, admits that he had no idea whatever of any danger to His Royal Highness' life.

"20. In the consideration of the next object of your Committee's inquiry—as to whether the attempt to murder the Duke of Edinburgh was the result of any conspiracy either in or out of this country—it will be necessary again to advert to parts of the evidence already used for the purpose of the two heads of this Report, which have now been dealt with. While no testimony to justify the belief in the conspiracy existing here has been adduced from the police, whose especial business it would have been to have traced it out, it is—as has been stated before—the deliberate opinion of the Inspector General of Police, expressed in his report of 10th August, 1868, that there was no conspiracy for such a purpose in this country. It will be convenient to take into consideration here the documents laid upon the Table of your Honorable House by Mr. Parkes, and ordered to be printed on the 15th December, 1868. The first of these documents is the Minute of the Colonial Secretary already referred to, for the single purpose of pointing out the misstatement contained in its 5th paragraph. The other portions of this Minute consist of a history of Mr. Parkes' intercourse with the prisoner O'Farrell, between the 12th of March and the date of his execution; and some reflections of Mr. Parkes on the statements made by the prisoner. The remaining documents consist of shorthand reports of certain conversations, on different days, between Mr. Parkes and O'Farrell, and between the latter and a Mr. F. R. Bernard, formerly Principal Warder of Darlinghurst Gaol; a copy of the leaves of a private diary in the handwriting of O'Farrell, which were seized by the police among the personal effects of the prisoner, on the 12th March, 1868; certain declarations in lieu of oaths made by persons who verify the accuracy of the reports so far as they go, and prove the discovery of O'Farrell's papers, and, by comparison, his handwriting; and lastly, the report of the Inspector General of Police to the Colonial Secretary, dated 10th August, 1868. It will be found that it is to a large extent on the diary of O'Farrell, and on portions of his conversations with Mr. Parkes, that the latter bases his allegation concerning the existence of a conspiracy. Although rewards were offered for the discovery of the conspiracy, and the apprehension of any or all of the conspirators, and, from the day  
of

\* Vide p. 5, question 89.

† Vide p. 38, question 985.

‡ Vide p. 38, questions 983 to 986 inclusive.

§ Vide p. 4, questions 77, 78.

|| P. 4, questions 74 to 77 inclusive.

¶ P. 15, question 325.

of O'Farrell's crime until your Committee entered upon its deliberations, every step was taken that could help the administration of justice in punishing the guilty, if any criminals existed in our midst, no single apprehension was made by the police, or any one else, of any person against whom any evidence could be adduced.

"21. Your Committee pronounce no opinion whatever on the value of the 'diary' found in O'Farrell's possession, beyond this—that it may have been written with an intention to mislead, or it would have probably been destroyed by a man who must have known that the crime he was about to commit would involve his death on the spot, or at the most within a short time after his attempt; or, it may be regarded as evidence of the insanity of the prisoner. It was not produced on the trial of the prisoner, when his insanity formed the only defence that was set up for him; and, consequently, up to this time, no opinion, scientific or otherwise, has been pronounced upon it. As to the conversations with O'Farrell, your Committee propose to enter into no analysis of those conversations, and to express no opinion on the propriety or otherwise of a Colonial Secretary visiting a criminal in his cell and engaging him in long and secretly-reported conversations concerning his life, his crime, his motives, his associates, his objects, and his opinions. But it is the duty of your Committee to point out that, if any reliance could have been placed upon the statements of O'Farrell made to Mr. Parkes, in which the prisoner tells the story of his associates, of the conspiracy, and his crime as the result of such conspiracy, it is impossible for any unprejudiced person to have continued his faith in such statements after reading the declaration made by the prisoner, and placed in the hands of Government immediately before O'Farrell's execution. It was a declaration made under the most solemn circumstances, with no expectation of any mercy at the hands of the Executive—for the criminal had especially requested that the document should not be opened till after his death—and in which he substantially contradicted the whole of the statements he had previously made concerning his crime. There were no inducements to lead to this declaration, beyond a sense of the nearness and certainty of his death, and his criminality in circulating untruths concerning the crime for which he was about justly to suffer. On the supposition of his having any religious impressions at all, the highest credit is to be given to his last statement; and if, on the other hand, he had no religious convictions of any kind, what credit can be given to any of his statements? He was either false in his statement to Mr. Parkes, or false in his dying statement, when he must have affected the deepest religious sense of his crime. If he was capable of deceiving his spiritual adviser, and dying with a lie upon his lips, why should anything said by him which is uncorroborated be accepted for the truth? But it is clear from the evidence of the Roman Catholic Chaplain of the Gaol, who attended the prisoner in his last moments, who was privy to his declaration, and who was in possession of a copy of that document, that a great change, in all probability occasioned by his conviction of impending death, came over O'Farrell about a week before his execution. Under the influence of this change, he affirmed that he had purposely deceived Mr. Parkes,\* that he was extremely sorry† for what he had done, and resolved to make amends as early and as completely as possible; and that he appeared for the rest of his life truly penitent. It may be remarked here, that two circumstances were relied upon, in corroboration of O'Farrell's being a Fenian instrument—one of which is mentioned by Mr. Parkes in his Minute, and the other by the Deputy Superintendent of Police, in his evidence. The first is to this effect:—'In the course of his conversations, O'Farrell made various incidental statements, where his truthfulness could be tested; and in all these cases it was ascertained that he spoke the truth.' On referring to his conversation with Mr. Bernard, the Principal Warder of Darlinghurst,‡ O'Farrell is reported to have made this assertion:—'All that money collected to be sent to widows and orphans was a humbug—it all went to the cause.' And again—'It went to the cause—it was all a sham.'

"22. Your Committee examined, concerning this matter, a witness who was engaged in raising funds for the relief of the wives and children of Irish State prisoners; and this witness clearly proved the falsehood of this statement of O'Farrell's, and furnished your Committee with the fullest particulars concerning the amounts collected, their destination and distribution.§ The second circumstance is, the one stated by Mr. Fosbery,|| who prefers to dying declarations, in some cases, the 'exclamations of prisoners taken unawares,' and affirms that, under these circumstances, O'Farrell had declared that he was a Fenian. Your Committee have ascertained that, in this assertion of what took place at the time of O'Farrell's apprehension, Mr. Fosbery was in error; and moreover, should have known that what he was stating to your Committee was incorrect. For, by the evidence of Senior-constable Robert Irvine,¶ the first exclamation of O'Farrell was to this effect—'O my God! what have I done?' It is worthy of notice that this constable, who beyond all doubt apprehended O'Farrell, was never called at any of the preliminary hearings, or at his trial, although the constable had specially reported the evidence he could give to his superiors, and although the Crown Solicitor knew the nature of the testimony that the constable could furnish; and this notwithstanding that, in capital cases, it is almost the universal practice to call the apprehending constable, inasmuch as the statements made by prisoners on being charged with offences are sometimes regarded as important links in a chain of evidence.

" 23.

\* Vide p. 71, questions 1638 to 1645 inclusive; and p. 73, question 1702.

† Vide p. 72, questions 1647 to 1651 inclusive.

‡ P. 6; copy of papers ordered to be printed, 15 December, 1868.

§ Vide p. 76, questions 1776 to 1789.

¶ Vide p. 14, questions 338 to 346 inclusive.

|| P. 77, questions 1798 to 1874.

" 23. Apart from the interpretation placed by Mr. Parkes upon the diary of O'Farrell, and the statements made by him during his conversations already referred to, there were two persons who alleged that they were cognizant of the existence of a Fenian organization in this country; and proposed to Mr. Parkes to assist in discovering it, and bringing those concerned in it to justice. One of these was a convict,\* of infamous character, serving a sentence in Darlinghurst Gaol, who was liberated under peculiar circumstances, furnished with various sums of money by the Government, and who made statements of the most extravagant kind; but who appears to have been abandoned by Mr. Parkes, at a period not long subsequent to the convict's liberation. This man had been repeatedly convicted—bore many *aliases* known to the police—was regarded by the Inspector General of Police as a man not to be believed—and received his pardon on the condition that he was to help the Government in denouncing the Fenians with whom he had been acquainted. The other person who professed acquaintance with Fenian conspirators in this and a neighbouring Colony, was a man who, having also received money from Mr. Parkes, and having been furnished with an official introduction to the Government of Victoria, was ultimately discovered by Mr. Parkes himself to be unworthy of credit.† Having received certain payments from the Public Treasury, and having gone to Victoria, apparently with a view of seeing certain conspirators there, and having made repeated applications for increased pecuniary assistance from the Government, he closes his correspondence with Mr. Parkes by an insolent ‡ letter, characteristic of the imposture of his pretended revelations from the beginning. There was placed before your Committee certain testimony, which left no doubt on their minds that, had this unhappy creature obtained the sympathy and co-operation of some perjured and utterly unscrupulous man, in all probability some ten or twelve innocent persons would have been denounced as participators in the crime of O'Farrell.§

" 24. In dismissing the evidence of Mr. Parkes, and the corroboration of it furnished by the two persons whose statements have just been considered, your Committee are compelled to notice one circumstance. In the statement made at Kiama, on the 24th of August, the possession of affidavits, on the part of the Government, revealing the conspiracy, and the murder of the guilty and suspected conspirator, is affirmed by Mr. Parkes. In his examination before your Committee, he expressly states that all the affidavits he possessed he had laid upon the Table of the House—that all these were taken since he had ceased to be Colonial Secretary, and that he had no affidavits in his possession concerning this matter while he was Colonial Secretary.|| The declarations are dated 18th of September, 1868—that is, three weeks after they were alleged to be in existence, and have been already referred to by your Committee.

" 25. With the object of proving that some Fenian organization existed in this city, the precise character of which it was difficult, if not impossible for the police to ascertain, a large number of witnesses were called, including several detectives at present employed in the police service, and some who had been removed from the force before the appointment of your Committee. From these witnesses your Committee were anxious to learn whether, in any single case, it could be proved, by the testimony of any witness who could be called before your Committee, that a Fenian meeting had taken place in any part of the country. Many of the witnesses called before your Committee deposed to having heard reports of such meetings; but none were prepared to furnish your Committee either with the names of the authors of such reports or with the names of the persons at whose houses such meetings were reported to have been held; and no witness was called who had any personal knowledge of such meetings, by attending them, or being in any way concerned in their organization. Mr. Fosbery¶—whose evidence in this matter is entirely valueless, as far as his own personal observation is concerned—was strongly of opinion that meetings for seditious purposes had been held previous to the attempted assassination of His Royal Highness. Of his own knowledge Mr. Fosbery could give the Committee no information whatever; but he had heard rumours, and received police reports, which inspired the conviction in his mind that such meetings had taken place. He was of opinion, however, that these were meetings not 'for the purpose of organizing overt acts of sedition,' but 'more for debating.' His meaning was not clearly apprehended by the Committee, as he failed, in a subsequent part of his examination, to convey precisely what was the difference, in his opinion, between the Fenian organizations here and in other places.\*\*

" 26. The examination of the Officer in charge of the Detective Police—Mr. Henry Wager—was conducted with the view of discovering, if possible, whether any specific case could be satisfactorily established of a single Fenian meeting having been held in any part of the city. From him it was ascertained that special instructions had been given to the detectives to ascertain the number and places of such meetings, the persons by whom they were attended, and any other particulars that could be procured concerning them; and the result of such inquiries was, that they never actually discovered the fact of any Fenian meeting 'being held anywhere.'††

" 27.

\* Vide page 50, questions 1196 to 1251 inclusive.

† Vide page 54, questions 1234 to 1261.

‡ Page 11, No. 13; page 12, No. 17, page 13, Nos. 17, 18, 20, 21; page 14, Nos. 22, 23; page 15, Nos. 24, 25, 26; page 16, Nos. 27, 28, 29; page 17, Nos. 30, 31; Appendix to Report.

§ Page 107, questions 2743 to 2748 inclusive.

|| Pages 46 and 47, questions 1101 to 1113 inclusive.

¶ Vide p. 19, questions 200 to 206.

\*\* Vide p. 19, questions 44 to 461 inclusive.

†† Vide p. 83, questions 2020 to 2026 inclusive.

" 27. There was a locality in this city—the Haymarket—indicated by several reports and rumours that had reached the police, where it was suspected meetings for treasonable purposes were held. This portion of the city was repeatedly referred to in the evidence of various witnesses, taken before your Committee, as the seat of seditious assemblies, according to police rumour. On Friday, 24th April, 1868, a detective policeman, named Raven, was specially instructed to obtain admittance to one of these meetings. He had, under instructions, watched the place of meeting for some time previously, and having seen 'what sort of people were going in,' he disguised himself by dressing as they did.\* He found, on entering, that he was in the midst of an Odd-fellows' Benefit Society, consisting of bricklayers' labourers, the members of which were engaged in making or receiving various small payments. With this single exception, your Committee have not had a particle of evidence placed before them of any single meeting attended by any policeman or other witness. The following is a copy of the only written report laid before your Committee concerning 'Fenian Meetings':—

'Detective Raven to the Inspector General of Police.

'Fenian Meetings said to be regularly held every Friday evening, at the "Burrangong Hotel," Haymarket.

'Subject:—Fenian Meetings, "Burrangong Hotel."

'Detective Police Station, 25 April, 1868.

'Detective Raven reports, for the information of the Inspector General of Police, that he has made inquiries as to the Fenian meetings said to be held every Friday evening, at the "Burrangong Hotel," Haymarket, and find that no seditious meetings are held there. The detective was present during the meeting of yesterday evening, and found that it was a benefit society (Odd-fellows), who meet regularly, and have done for years.

'Four different societies meet at this hotel, on different evenings of the week, on business connected with their lodges; but certainly no Fenian meetings, or any other meeting for improper purposes.

'JOHN RAVEN.'

'Seen.—J. McL., I.G.P.'

" 28. One person was, it is alleged, known to the police as a Fenian; and concerning his case, it will be necessary for your Committee to report some circumstances of importance. He was a stranger in this country, named James Riordan (or Reardon), born in Ireland, and had been in this city for about a fortnight, on his way from South Australia. He had taken his passage in the Panama mail steamer "Rakaia," † and was lodging at the house of a Mrs. Bergin, in Palmer-street, waiting for the departure of the mail steamer. During this period, a man named Baker § is alleged by two witnesses (one of them a gentleman of intelligence, and who has held high offices in an adjoining Colony) to have visited the house, and proposed to Mrs. Bergin to denounce Reardon as an accomplice of O'Farrell, and divide with her the reward offered by the Government. On the morning of Reardon's departure, he was, as has been proved before your Committee, by the testimony of various witnesses, || brutally assaulted, apparently without the smallest provocation, by a man of colour, named Brady. It may be remarked, in passing, that at the time the proposal to denounce Reardon was made by Baker, as is alleged, the latter was a clerk in the Lands Office; and that, within a very short period after Reardon's departure from the Colony, the man Brady received a Government appointment on board the nautical training-ship "Vernon." On the 1st April, 1868, Mr. Fosbery executed a search-warrant, under the Treason Felony Act, upon the person and luggage of Reardon, who was then on board the steamer "Rakaia"; and having seized his papers (which will be found appended to Mr. Fosbery's report), ¶ that officer judged there were not sufficient grounds to warrant Reardon's detention. In the report furnished by Mr. Fosbery of this transaction, to his superior officer, the following statement is made:—"I found that although Reardon's papers fully proved that he was an active Fenian agent, and had received a testimonial for exertions in raising funds for the widows of the executed felons—miscalled Irish patriots—yet there were, in my opinion, not sufficient grounds to warrant his detention." It will be convenient here to notice that, in paragraph 9 of the report of the Inspector General of Police to the Colonial Secretary, dated 10th August, 1868, it is also stated that Reardon's 'papers left no doubt he was a Fenian.' Your Committee are not called upon to pronounce an opinion one way or the other. Reardon was a stranger here, had apparently no associates, was about leaving the Colony immediately, and could have been in no way a party to Fenian organization here. But your Committee feel bound to point out that the papers appended to Mr. Fosbery's report do not support that gentleman's assertion; and, consequently, to no extent justify the statement of the Inspector General of Police.

" 29. That there is in this—as in all other British communities—an element of the population characterized by the indulgence, under excitement, and frequently under provocation, of loose and violent language—in some cases amounting to disaffection—is unquestionable. That, in the universal excitement occasioned by the Prince's visit—an excitement in the midst of which the whole country was convulsed by the crime of O'Farrell—many exceptionable expressions should have fallen from the lips of drunken, disloyal, and half-insane people, was to have been expected by any one who has had the smallest

\* *Vide* p. 83, question 2024.

† *Vide* p. 85, questions 2015 to 2108.

‡ *Vide* p. 9; papers ordered to be printed, 6 January, 1869.

§ *Vide* p. 64, questions 1484 to 1492.

|| *Vide* p. 64, question 1489; p. 102, questions 2622 to 2624.

¶ *Vide* p. 9; papers ordered to be printed, 6 January, 1869.

smallest experience of mankind; but your Committee have been unable to discover that, from one end of this Colony to the other, there were any other sentiments inspired by the crime of O'Farrell than those of profound sympathy with his royal victim, and the heartiest sorrow that the character of the country had been stained by such an outrage.

"30. With regard to this, the third head of your Committee's inquiry, your Committee report that no evidence has been placed before them that the attempt to murder His Royal Highness the Duke of Edinburgh was the result of a conspiracy or organization, existing either in this country, or, as far as the Government had or have any knowledge, the result of any conspiracy or organization existing elsewhere.

"31. The last portion of your Committee's inquiry has reference to the last statement of Mr. Parkes with which it is proposed to deal. It is the statement made twice publicly by Mr. Parkes, in these words:—'I can produce evidence, attested by affidavits, which leaves no doubt on my mind that not only was the murder of the Prince planned, but that some person, who was in the secret, and whose fidelity was suspected, was foully murdered before the attack was finally made upon the Prince.' Your Committee have heard no evidence to support, in any way, any portion of this statement. It is presumed that the idea of the crime adverted to was suggested by some incoherent allusions in the diary of O'Farrell. Your Committee do not feel it necessary to say more on this subject than this,—that, at the time the statement was first made, no single affidavit was in existence; and that the affidavits produced in no way 'attest' any evidence of the kind referred to in these statements.

"32. Many matters have formed incidentally the subjects of examination on the part of your Committee, which have not been deemed of sufficient importance, or have not seemed sufficiently pertinent to the special objects of your Committee, to be noticed in this Report. Your Committee have endeavoured, as far as it seemed to them possible to do so, to keep strictly in view the special purpose of their appointment—which was, to vindicate the character of the country, and to place beyond all shadow of doubt the loyalty of its people."

Draft Report, proposed by Mr. J. Stewart, read 1<sup>o</sup>, as follows:—

#### " DRAFT REPORT.

" THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 15th December last—*"to inquire into, and report upon, the existence of a Conspiracy for purposes of Treason and Assassination, alleged, by a former Colonial Secretary, to have subsisted in this country; and to receive all evidence that may be tendered or obtained concerning a murder, alleged, by the same person, to have been perpetrated by one or more of such conspirators, the victim of which murder is stated to be unknown to the police,"*—and to whom were referred various papers and documents, as enumerated in Schedule annexed, report as follows:—

"Your Committee, on entering upon their inquiry, could not but be sensible of the difficulty of arriving at satisfactory conclusions on a subject which is in its nature so vague and intangible as that of the secret complicity of individuals in treasonable or seditious designs and proceedings, and which, in relation to the present case of inquiry, it is impossible to view at this late period in the light in which it presented itself to men's minds during the general and unprecedented excitement that followed the attempt to assassinate His Royal Highness the Duke of Edinburgh, in March, 1868. They have addressed themselves to the task entrusted to them with an anxious desire to collect such information as would be of real value in guiding your Honorable House to a correct judgment on the several questions involved in their inquiry; and they have sought this information from such persons as appeared to be most likely to be in the possession of facts, or best qualified to form sound opinions in reference to the occurrences of the time. They have taken the evidence of the late Colonial Secretary (Mr. Parkes), the Inspector General of Police, the Secretary to the Police Department (Mr. Fosbery), the Officer in charge of the Detective Force, and a number of other persons; and they now submit to your Honorable House the principal results of their inquiry, as gathered from the evidence of these witnesses, and from the various documents referred to your Committee for consideration.

"(1.) It has not been proved before your Committee that any conspiracy for purposes of treason and assassination has existed in this community; nor has any evidence been produced to show that it was ever alleged by a former Colonial Secretary that any such conspiracy existed.

"(2.) The evidence shows that several officers of the Government, whose official standing or experience entitles their views to much weight, and also other witnesses, are of opinion that meetings of seditious persons have been held in the Colony. It could not be expected that your Committee would obtain evidence of any such meeting having been surprised by the police, because if any discovery of that kind had been made, which justified a prosecution, the facts would be already known to the public, from the proceedings in our Criminal Courts. No such discovery followed by a prosecution has taken place. Mr. Fosbery, however, has no moral doubt that seditious meetings were held, previous to the attack on the Duke of Edinburgh, and has seen no reason to modify his opinion on the subject. One witness, whose character is unimpugned, distinctly states that he was present at meetings of this description, where the Royal Family were spoken of in the most treasonable language, and where the lives of Members of the local Government were threatened; and it is worthy of remark that these meetings are described as having

Evidence—questions 300 to 214, 261 to 265, 372 to 374, 303, 1026, 1026, 1901, 2051, 2052, 2151 to 2155, 2204 to 2231.

Evidence—questions 1315 to 1321.

been

been of a semi-social character, such as is known to be the assumed form of disguise of similar meetings in other parts of the world. Without attaching undue importance to the opinions of the several witnesses referred to, it does not appear to your Committee that the failure of the police to make any discovery is any proof that those opinions are unfounded, as the discovery of seditious meetings is admittedly a most difficult thing of accomplishment, even to a police force specially trained to deal with such offences against the law.

Evidence—questions 241 to 247, 400 to 402, 409, 410, 512 to 515, 755 to 757. Appen., D 6, D 7, D 8. See also Report of Inspector General, March 10.

“(3.) Several of the witnesses examined by your Committee (some of them men of superior standing and intelligence) have expressed a deliberate opinion that O’Farrell was not alone and unaided in his attempt to murder the Duke of Edinburgh; and evidence, which it is impossible to resist, is brought forward to show that there were persons who sympathized with his atrocious crime. The admissions of O’Farrell himself, voluntarily made in the first instance to Mr. Bernard, the chief warder of Darlinghurst Gaol, and to William Chapman, one of the warders in attendance, and afterwards repeated to Mr. Parkes—that he was one of several who had entered into a conspiracy to murder the Duke—have never been rebutted by a single circumstance, apart from the subsequent statement of the criminal a short time before his execution; and this statement, so far from being cleared from the suspicion that attaches to it from the circumstances surrounding its origin, has been placed in a new and less favourable light by the evidence of the Rev. M. J. Dwyer before your Committee. This gentleman, who was then Roman Catholic Chaplain of the Gaol, has stated that he did not assist in the composition of O’Farrell’s written paper, but he admits that he caused an entire sentence to be expunged from that document. In the expunged sentence, according to Mr. Dwyer’s own description of it, O’Farrell solemnly called upon ‘those who might sympathize with him, by their love of God and their hope of salvation, not to think of taking vengeance on his account.’ The state of thought and feeling which could find expression in such terms, at such a time, appears to your Committee perfectly consistent with a knowledge in the same mind of the existence of criminal sympathizers and associates. Among the documentary evidence brought before your Committee, there are several articles from the *Freeman’s Journal*—a newspaper supposed to have a considerable circulation—which prove beyond doubt that there were persons in the Colony, previous to the attack on the Duke of Edinburgh, who contemplated and suggested crimes of revenge of the worst description, in retaliation for the execution of the three Fenian rioters at Manchester. One of these articles, published on the 25th January, says:—‘Notwithstanding the statement that the execution of these men was generally approved of in England, we do not believe that it will ultimately have a good effect; at all events, it is folly to suppose that it will act as a deterrent, or hinder the recurrence of a similar endeavour, should like occasion arise. It is much more likely to prompt the brethren of the strangled men to make reprisals whenever an opportunity presents itself. The Fenians can argue in this way—Allen was hung, not for shooting Brett, but for being a Fenian. If the British Government shoot us for being republicans, and to deter us from rebelling, we are justified in shooting their adherents for being royalists, and to impress them with the uselessness of resistance.’ The whole spirit of the article is equally treasonable with the passage quoted, and it concludes as follows:—‘According to our judgment, the Fenians were put to death because it was politically expedient to make an example, and because it was hoped that the sight of three men hanging for the murder of a policeman, whom none of them ever as much as laid a finger on, would prevent the republican conspirators from carrying out their programme. Whether the execution will fully answer the expectations of those who advocated it is a matter open to debate.

“A programme was issued that three men were to be shot for the three men executed at Manchester. It was imperative to shoot the Prince, but the rest was left to discretion.”—*O’Farrell’s Conversations*, page 7; also, Appendix, D 5.

We are rather inclined to take the negative side. Perhaps a month or two will tell whether we are right or wrong’ This language, it cannot be denied, has a horrible significance, considered in relation to subsequent events, for within ‘a month or two’ of its publication the Duke of Edinburgh was shot, and the man who committed the crime declared that it was done to avenge the Manchester executions. ‘The British Government,’ says the same newspaper, on the 15th February, ‘deliberately chose to initiate the game of murder, by hanging three men for the accidental shooting of one, and now no human being can tell how the end of it will be.’ These articles, which are printed at length in the Appendix to the evidence given before your Committee, conclusively prove that, if treasonable organizations do not exist in this community, it is not for want of traitors to advise, or of a treasonable disposition to support them; though the general loyalty of the population leaves no doubt that the disloyally-disposed are few in numbers.

Evidence—questions 3 to 5, 250, 257, 258, 959, 964; 1086 to 1039. Appendix, D 1, D 4.

“(4.) The evidence shows that rumours of intended violence to His Royal Highness the Duke of Edinburgh, more or less definite, were in circulation previous to the 12th March, 1868. Some of the reports made to the Government state definitely that persons had spoken of the life of His Royal Highness as being in danger before the attack of O’Farrell was made, and the Inspector General of Police and others, received at different times, information of a similar character.

“(5.) The inquiry of your Committee justifies the conclusion that the measures adopted by the Government, on the occasion of the visit of the Duke of Edinburgh and the attempt to assassinate His Royal Highness, were characterized by prudence and circumspection, combined with discriminating vigour. Those measures were undoubtedly successful in preserving the peace, vindicating the character of the country, and giving satisfaction to the public; and no evidence has been submitted to your Committee to show that any serious error was committed by the authorities, acting under circumstances of unprecedented difficulty.

“(6.) With respect to the latter part of the resolution appointing your Committee, no proof has been offered that it was ever alleged as a fact by any person that one or more

more of a band of conspirators had been murdered. Mr. Parkes, when questioned on this subject, replies:—“I have stated, and now repeat, that I have evidence, the genuineness of which can be attested by affidavits, which leaves on my mind the conviction that not only was the attempt on the life of the Duke of Edinburgh planned, but that some person, who had a knowledge of the intended crime, and whose fidelity was suspected, had been foully murdered.” It is understood that this witness felt convinced that some accomplice in O’Farrell’s crime had been murdered, from a consideration of the expressions used by O’Farrell himself in his diary. The Inspector General of Police appears to entertain the same opinion, formed from a consideration of the same expressions. The words used by O’Farrell are:—“There was a Judas in the twelve; in our band there was a No. 3 as bad, but his horrible death will, I trust, be a warning to traitors. Such another, I am confident, is not among the nine.” There does not appear to be a doubt that these words were written by O’Farrell some time before he attempted to murder the Prince, and the probability is that he intended to destroy all trace of them by tearing them from the book in which they had been written. He has himself explained that he hurriedly changed his clothes before going on board the steamer for Clontarf, on the morning of the 12th March. The torn leaves of the diary were found in the pocket of a waistcoat, which he probably wore in the earlier part of that morning. It seems a reasonable inference that they were left there by O’Farrell in his haste and confusion, and that after the fearful occurrences that followed, he forgot what he had done with them. In his evidence before your Committee, Mr. Dwyer says that O’Farrell mentioned this diary to him, but it does not appear that he ever mentioned it in any of his many conversations with other persons, and there is no evidence that he ever knew that it was in the hands of the police. Assuming that the leaves of his diary or journal were not only written by O’Farrell, but written *bonâ fide* as the expression of his thoughts and feelings at the time of writing (of which there is not sufficient reason to doubt), the question arises, how this passage could suggest itself, if it had no reference to some dark crime of which the writer had a guilty knowledge. Undoubtedly, Mr. Parkes, and, apparently, Captain McLerie also, assign to these words the extreme meaning which they literally convey.

Evidence—questions 15 to 19.

Evidence—questions 2037 to 2060.

“Your Committee cannot conclude their Report without respectfully directing the attention of your Honorable House to the whole of the evidence appended, which contains much, in addition to the matters adverted to, entitled to careful consideration.”

Motion made and Question proposed,—That the Draft Report of “the Chairman” be read 2°, paragraph by paragraph.

Amendment proposed (*Mr. J. Stewart*),—To leave out the words “the Chairman,” and insert the words “Mr. J. Stewart” instead thereof.

Question put,—That the words “the Chairman” stand part of the Question.

The Committee divided.

Ayes, 4.	Noes, 4.
Mr. Robertson,	Mr. Martin,
Mr. Samuel,	Mr. J. Stewart,
Mr. Forster,	Mr. Parkes,
Mr. S. Brown.	Mr. Bagar.

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

Original Question then put and agreed to, and the Chairman’s Draft Report read 2°, paragraph by paragraph.

Paragraph 1 read and considered.

Amendments proposed (*Mr. Forster*),—To omit the word “required,” in line 9, and to insert in its place the words “appeared to require.” Also, to insert, after the word “Kiama,” in line 21, the words “is reported to have.” Amendments put and agreed to.

Paragraph, as amended, agreed to.

Paragraphs 2 and 3 read and agreed to.

Paragraph 4 read and considered.

Amendments proposed (*Mr. Forster*),—To omit from line 7 the words “never suggested,” and to insert in their place the words “did not suggest.” Amendments put and agreed to.

Paragraph, as amended, agreed to.

Paragraphs 5, 6, and 7, read and agreed to.

Paragraph 8 read and considered.

Amendment proposed (*Mr. Forster*),—To insert after the word “Committee,” in line 7, the words “or to offer any excuse for not appearing.” Amendment put and agreed to.

Paragraph, as amended, agreed to.

Paragraph 9 read and considered.

Amendment proposed (*Mr. Forster*),—To omit the word “leaves,” in line 3, and to insert in its place the words “can leave.” Amendments put and agreed to.

Paragraph, as amended, agreed to.

Paragraphs 10 to 18, inclusive, read and agreed to.

Paragraph 19 read and considered.

Amendment proposed (*Mr. Forster*),—To insert after the word “but,” in line 13, page 8, the words “it does not appear that.” Also, to omit the word “never,” in the next line, and to insert the word “ever” in its place.

Amendments

Amendments put and *agreed to*.  
 Paragraph, as amended, *agreed to*.  
 Paragraph 20 read and *agreed to*.  
 Paragraph 21, read, *verbally* amended, and *agreed to*.  
 Paragraphs 22 to 32, inclusive, read and *agreed to*.  
 Motion made (*Mr. Forster*),—That the Draft Report, as amended, be the Report of this Committee.  
 Amendment proposed (*Mr. Eagar*).  
 Proposed amendment withdrawn.  
 Question put.  
 The Committee divided.

Ayes, 4.	Nocs, 4.
Mr. Robertson, Mr. Samuel, Mr. Forster, Mr. S. Brown.	Mr. Martin, Mr. J. Stewart, Mr. Parkes, Mr. Eagar.

The numbers being equal, the Chairman gave his casting vote with the Ayes.  
 Motion made (*Mr. Samuel*), and *Question*,—That Chairman report to the House,—*agreed to*.

#### EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	Whence summoned.	Number of days under Examination.	Expenses allowed for Attendance.	Total Expenses allowed to Witnesses.
Francis Robert Kean .....	Brickmaker.	Camperdown	1	£ s. d. 0 15 0	£ s. d. 0 15 0
Samuel Cook .....	Shorthand Writer.	.....	1	2 2 0	2 2 0
					2 17 0

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1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

ALLEGED CONSPIRACY FOR PURPOSES OF  
TREASON AND ASSASSINATION.

TUESDAY, 22 DECEMBER, 1868.

Present:—

MR. BROWN,	MR. ROBERTSON,
MR. EAGAR,	MR. SAMUEL,
MR. MACLEAY,	MR. J. STEWART,
MR. PARKES.	

WILLIAM MACLEAY, Esq., IN THE CHAIR.

John McLerie, Esq., called in and examined:—

1. *Chairman.*] You are Inspector General of Police? I am.
2. As Inspector General of Police, have you any knowledge of a plot to assassinate His Royal Highness the Duke of Edinburgh, and did such knowledge come to you before his arrival in the Colony? I had no knowledge of such a plot before the arrival of His Royal Highness.
3. Were extraordinary means of precaution taken before the arrival of the Prince, to guard his life against any such attempt? From information that reached me, communicated to me personally and by anonymous letters, I thought it my duty to take precautions to prevent any disturbance of the peace on the day of the Duke's arrival; and I was led to believe that, had a disturbance taken place that day, probably His Royal Highness' life would have been endangered.
4. Were 500 special constables sworn in to guard the life of the Prince? Carrying out the views I have just expressed to the Committee, I considered it my duty to apply to the Government for authority to employ 500 special constables to be on duty on the day of the Duke's landing.
5. Was that with the view of protecting the life of the Prince from attack, or to preserve the peace? For the preservation of the peace; for I was of opinion that, if the peace had been broken, His Royal Highness' life might have been endangered.
6. On the day of O'Farrell's execution, are you aware that the Government received information of the highest importance, from a source entitled to the highest consideration, giving them to believe that they had to grapple with a new kind of crime, of which there was evidence to carry conviction to the mind of any man, that it was deeply seated in the community, and in the highest degree difficult to deal with—

Mr. Eagar objected to the general character of the question.

The witness withdrew.

Committee deliberated.

Witness again called in.

J. McLerie,  
Esq.  
22 Dec., 1868.

- J. McLerie,  
Esq.  
22 Dec., 1868.
7. *Chairman.*] Are you aware that, on the day of O'Farrell's execution, the Government received information, from a source entitled to great consideration, of the existence of a new kind of crime in the country? On the day of the execution of O'Farrell, I went to see the Colonial Secretary upon other business, and then he told me he was in possession of information which, if true, shewed that a crime of a new description had sprung up in the country; but neither the source of his information nor the description of crime did he tell me then.
8. Were you subsequently informed by Mr. Parkes of the nature of this crime? Yes. In the course of my official business with the Colonial Secretary afterwards, he told me the information conveyed to the Government was, that a Fenian conspiracy existed in the Colony.
9. Was your attention as Inspector General of Police called to this? Yes.
10. Were you at all aware of it before you heard the assertion of Mr. Parkes? I was not, before Mr. Parkes told me, convinced of the existence of a Fenian conspiracy, but I was decidedly of opinion that a strong Fenian sympathy existed in the Colony.
11. Did you, at any time, see this communication which Mr. Parkes received on the morning of O'Farrell's execution? On the occasion I allude to, he held a paper in his hand, but I did not read the paper.
12. *Mr. J. Stewart.*] What communication is that you refer to? A communication which Mr. Parkes said the Government had received.
13. Was it a written document? It appeared to be a long closely written letter.
14. *Chairman.*] Were you ever in possession of affidavits sufficient to convince you that the attack on the Prince was the result of a conspiracy to take away his life? Yes.
15. Were you in possession of any evidence that a person in possession of the guilty secret had been foully murdered? The only opinion I could form upon that point was from the diary of O'Farrell—it was mere matter of opinion.
16. You had no evidence? No evidence.
17. Did you, within the last two years, have any murder reported to you where the body was made away with, or so mutilated as to be incapable of identification? No.
18. Have you heard of any one who has been missing under suspicious circumstances, leading to the inference that his life had been taken and his body concealed? Within what period?
19. Within (say) two years? A great many cases of a suspicious kind have occurred within two years in the Colony of New South Wales. Once or twice a month bodies are found in the bush in the interior, and in the harbour of Port Jackson, which are never identified.
20. Why was the report, dated 10th August, 1868, and bearing your signature, written? It was written in compliance with personal directions received by me from the Colonial Secretary, who called upon me to return all the papers in my possession in reference to the convict O'Farrell, and to report as to my opinion of the whole circumstances connected with his case.
21. That was a verbal communication? That was a verbal communication.
22. What papers were then remaining in your possession in connection with O'Farrell's case? (*The witness referred to the letter.*) I was under the impression that they were noted in the margin. There were some French newspapers and private letters of no consequence found in his lodgings in Melbourne.
23. These were the only papers remaining then in your possession? At that time those were the only papers sent to the Colonial Secretary with this letter.
24. What was the nature of the intelligence which you describe as "not of a very definite character" in possession of the Government—"that persons ill-disposed towards the English Government would take the opportunity of the visit of His Royal Highness for outrage of some kind," as intimated in the third paragraph of your report? I have already, I think, answered that question. We had information from various sources, I had personal communications, and both the Government and myself had received anonymous communications.
25. Where are these communications you speak of? Personal communications, of course, are not forthcoming; but some of the written communications, although anonymous, I have kept.
26. Are they now in your office? Yes.
27. The intelligence you spoke of "not of a very definite character," consisted chiefly of anonymous letters? Yes, and verbal communications made to me.
28. What were the means employed to obtain information, as stated in paragraph 4 of your report—You say "various means were employed to obtain information, but the result, though placing it beyond doubt that many disaffected persons, Fenian sympathizers and agents, were in the Colony, fell short of evidence definite enough to warrant prosecution"? By means of the police under my direction—detective and other police.
29. What evidence of Fenian sympathizers and agents existing in the country was possessed by you? Statements made to me by my own officers.
30. Have you got those reports with you? No. Verbal statements were made to me daily by them.
31. Is it the fact, as stated in paragraph 6, that "the outrages that had taken place elsewhere, avowedly sanctioned by Fenian leaders, and the sympathy evoked amongst a certain class, gave rise, no doubt, to many of the surmises that some blow would be struck in the cause during the visit of His Royal Highness to these shores"? Yes, that was my own conclusion, from information I received. If the two parties so antagonistic to each other had met, and a conflict had resulted, I believe the life of the Duke would have been in danger.

32. What was the "large class of persons in New South Wales and the neighbouring Colonies," as stated in paragraph 8, which "openly sympathized with the Fenian movement"? Persons belonging to one of the religious creeds, and natives of Ireland.

33. What creed? The Roman Catholic.

34. What was the ground for concluding that there were "Fenian agents visiting the Colonies, and correspondence carried on with centres in Ireland and America"? That part of my report was based principally on the contents of the convict's diary, and other information that came into my possession afterwards.

35. Whose property was it that was searched on the eve of its owner's departure for America, by authority of a search warrant? A man of the name of Reardon.

36. Were his papers seized by the police? No, nothing was found that would justify the police to seize him, within the meaning of the Act.

37. Did his papers leave no doubt that he was a Fenian? His subsequent conduct between Sydney and Panama convinced me that I was right, and that my suspicions were correct as to his being a Fenian.

38. Did the papers which came into the possession of the police here leave no doubt as to his being a Fenian? I have some papers to produce, which leave no doubt on my mind. I have traced them to other Colonies, and from reports I have received from other Colonies —

39. What was the nature of the extract from the log-book of the Panama mail-ship? I can produce it. I may as well read a communication I had from the police of Victoria, which justified me, from subsequent circumstances, in concluding this man was a Fenian. (*Vide Appendix, A 1.*)

40. This is the detective officer's report? (*Vide Appendix, A 2.*) I have here also a note addressed to one of my detective officers, by the Purser of the Panama mail-ship "Rakaia," and also an extract from the ship's log. (*Vide Appendix, A 3 and A 4.*)

41. Where and in what way is the last statement made by O'Farrell inconsistent with the first, as stated in the last paragraph of your report? I founded that opinion upon my experience of upwards of twenty years in connection with the police, culprits, and crime.

42. How and in what way is the statement of O'Farrell inconsistent with itself? Coupled with his own diary.

43. Is that last statement of O'Farrell in your possession? I think it is, if you will allow me to refer. (*The witness withdrew, and on his return said*)—It is not.

44. Under what circumstances do you believe that dying declarations are not to be relied upon? Because I have known, during my experience, many cases of malefactors who, at the last moments of their life, have denied facts which I knew to exist, as certainly as I knew that the sun was shining at the time.

45. What were the particular circumstances in O'Farrell's case that, in your opinion, invalidated his last declaration? The diary that was found after he was apprehended, taken in connection with the facts I have already related in respect to Fenianism.

46. Do you know a man of the name of Mac, or whose *alias* is Mac? I know him by repute, as a quack who professes to cure rheumatism.

47. How long have you known him? Within the last twelve months I have seen his advertisements in the papers.

48. Can you give us his police history? I can. My attention was first drawn to Professor Mac by the extraordinary nature of his advertisement, and I thought it would be for the benefit of the public that something should be known of the man. I therefore called upon one of my detective officers, who had served in Victoria, and also in New Zealand, who said he knew the man, to make a report, and he did so. This is his report. (*Vide Appendix, A 5, A 6.*) This report was made in consequence of a letter that appeared in one of the public prints, stating that certain information had been given to the police, which had not been attended to; and having had no communication with the man myself, I called upon the officer in charge of the city to report whether he knew anything of him.

49. Have you ever had any communication with the late Colonial Secretary with reference to this man Mac? I do not think I have ever spoken to the late Colonial Secretary upon the subject. As I said before, the man never came before me prominently.

50. *Mr. Parkes.*] You never saw him at my office? Never.

51. *Chairman.*] Do you know a man named Meyers, *alias* Muller, *alias* Smith? I do.

52. When did you first know him? About May last, I think.

53. What was his character and police history? Very bad.

54. Have you got it? I find I have not a copy of his police history here.

55. What communication had you with the late Colonial Secretary with reference to this man Meyers? The late Colonial Secretary, on one occasion when I was at his office, said that a prisoner in the gaol had offered to communicate to the Government very important information with respect to the existence of Fenianism in the Colony.

56. That was the first communication you had? Yes. Mr. Parkes, at the same time, said of course the source from whence it came was doubtful; but at that time he would not say anything further to me upon the subject. He did not even give me his name, but said he was a prisoner in gaol, who had received a sentence at the Quarter Sessions in March, and that he was a foreigner.

57. This man was subsequently liberated, was he not? Yes.

58. Were you a party to his liberation, by recommendation or otherwise? Mr. Parkes, on a subsequent occasion, spoke upon this matter; and although he still expressed a doubt about the fellow's statement, he thought it was worth while to make the experiment. I should have stated before, that when I went back to the office, although I did not know

J. McLerie,  
Esq.

22 Dec., 1868.

- J. McLerie,  
Esq.  
22 Dec., 1868.
- know the name of the man who had been referred to, yet, knowing that he was a foreigner, and that he had been convicted at the Quarter Sessions, I had a clue, and I then had copied from the police records this man's history. When I afterwards saw Mr. Parkes, I told him of the man's previous conviction in Victoria, when he said—"I know, of course, that he is an infernal rogue, he admits it himself, but the question is whether he can be used with safety by the Government." The man had asked to leave the gaol to attach himself to the police, and promised to give the required information, and if it proved to be untrue it was proposed to return him to his imprisonment.
59. *Mr. Parkes.*] Did I not say to you on these occasions, that I should not take any step in the matter without consulting you? I will come to that presently.
60. *Chairman.*] What was the evidence against Meyers at this time—what offence had he committed? Stealing in a dwelling-house, I think.
61. Did he not plead guilty to the charge? No, I do not think he did.
62. What was the valuable information this man could give to procure his liberation? I was not informed by Mr. Parkes, of the particulars of the information he professed to be able to give.
63. Was he attached to the police after his liberation? No.
64. Do you know a man of the name of Benedict? I do not; I never saw him.
65. Was he not for a short time in the detective police of this country? In the month of April of last year, I went on a long tour of inspection to the Murray and Darling, and I was away upwards of three months. On my return, it was reported to me by Mr. Fosbery, who had acted during my absence, that he had engaged a man of the name of Benedict, as a detective upon probation, and that during his month's probation he had reason to believe that he was not faithful. He had some doubts of the man, and as he had previously been employed in the detective police in Victoria, Mr. Fosbery communicated with the officer at the head of that department, from whom he received a telegram to the effect that Benedict was not to be trusted; and as he was only on probation, he received notice to quit. His name was brought before me on my return, to confirm his appointment while on probation, and to decide upon a claim which he made for a month's pay. It appeared that, during the month of his probation, he had fallen from an omnibus, sprained his ankle, and through the following month had been laid up. Having met with the accident while on police duty, it seemed to me that this was a fair claim, and I sanctioned its payment; that was for the month of June.
66. Do you know anything of his previous character? I do not, further than what was contained in the report from the Victorian police authorities,—that he was not to be trusted.
67. Did he make any offer to furnish information in his possession concerning the attempted murder of the Prince? Not to my knowledge.
68. Have you had any communication with the late Colonial Secretary concerning Benedict? I do not think the man's name has ever been mentioned between the late Colonial Secretary and myself.
69. Did you know that Benedict had been paid money out of the Public Treasury, by way of loan? Not at that time; I have learned so since from the papers.
70. Did the late Colonial Secretary ever inform you of any correspondence between himself and Benedict? No.
71. Can you give the names of all persons who agreed to furnish information to the police, with respect to the attempted attack upon the life of His Royal Highness? No, I cannot, and if I could, I do not think it would be advisable.
72. You say you repeatedly received verbal information? Yes.
73. And by letter? By letter.
74. Did you ever inform His Royal Highness, before the attempt on his life, that his life was in danger? No, certainly not.
75. Did not His Royal Highness constantly walk, ride, and drive about the city, quite unguarded? Yes; I have seen him myself quite unguarded, but generally he had an escort of three or four mounted police with him as a guard. I have seen him frequently, however, without any such guard.
76. What was the number of police upon the ground at Clontarf, on the day of the attack upon him? Only twelve, and they were sent at my own suggestion, for the committee did not apply for any.
77. Were any special instructions given to them? None whatever.
78. Had any special instructions been given, at any time, to the police who were in attendance upon His Royal Highness? The only instructions I gave, in forming the guard—having been accustomed to that kind of duty at home—was to the officer in command of the guard of honor as to his position in the procession. I said—"Your place is at the side of the carriage on which His Royal Highness sits, whichever that is"; and I added, jokingly—not that I anticipated any attempt of the kind—"because if the royal personage were fired at, you would receive the shot." It was merely a sort of jocular remark, and not in anticipation of anything of the kind. I did not say His Royal Highness the Duke, but "the royal personage," referring generally to such cases, "because if the royal personage is fired at, the officer receives the shot."
79. *Mr. Brown.*] Do we understand that, notwithstanding all the communications which you say you received, you received nothing to warrant the belief that there would be any attempt on the life of the Prince? Not after the matter of the party processions had been settled.
80. *Chairman.*] Have you any reason to believe that any body of men have been in the habit of meeting together, in any part of the country, for illegal purposes, or purposes unknown to the police? I had information to that effect, but of so vague a kind that I should

should not like to say it was so. But I may remark that, on two occasions, when it was intended to have funeral processions in connection with the Manchester and Clerkenwell business, it came to my knowledge; and in consequence of instructions I sent to the police, both processions were stopped. One was on the western line of railway, and the other at Singleton.

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81. Then you have no evidence that you consider worth anything, to shew that there was any Fenian organization in this Colony? Not organization—not to amount to any regular organization, I have not.

82. *Mr. Brown.*] Have you any of those anonymous letters you have spoken of with you? I have.

83. Will you produce them? This is an anonymous letter sent to a respectable citizen well known in Sydney. (*Vide Appendix, A 7.*) Here is one addressed to the Earl of Belmore.

84. That was after the attempt at assassination—I want to know what anonymous letters you received before the arrival of the Prince? My information prior to the arrival of the Duke was more of a personal than a written kind.

85. Do I understand that that is the only letter you received? The only one I have at present.

86. Was the verbal communication of the same character as the written? I had more than one verbal of the same character as that now read.

87. Was it not in order to prevent collision between the Orange Lodges and Catholics, in their party processions, that you applied for special constables? Not to prevent collision, but to preserve the peace.

88. In paragraph 10 of your letter you say—"The numerous letters threatening assassination received by gentlemen occupying the highest public stations"—Who are these gentlemen? The Governor, the Premier, and the Colonial Secretary.

89. Have you got those letters? I have one or two. I would wish to explain respecting the special constables, and my explanation may possibly remove some misunderstanding. I understand that the late Colonial Secretary has, to some extent, considered me blamable for not reporting to the Government that the special constables were not employed. The facts are simply these:—I saw the heads of different societies, and arranged to have a number of men at my office, on the morning of the royal landing, to be sworn in as special constables; but when I went there with my officer to have them sworn in, I found so few who were willing to take the oath, and feeling confident, from the arrangements I had made, that the two bodies would not meet that day, I determined to dispense with their services, and said—"Do not bother with them at all—I can do without them." I had not an opportunity, in consequence of the great pressure of business, to report, on that day, to the Colonial Secretary, that we did not swear them in; but I think, on the occasion of Mr. Parkes congratulating me on the manner in which the whole affair had passed over—I am not positive—but I think I said I had been able to carry out the arrangements, without making use of his authority to employ special constables. However, I did it officially a few days after. This is a letter addressed to His Excellency Earl Belmore, Governor of New South Wales: it bears the Beechworth postmark of the 23rd April last. (*Vide Appendix, A 8.*)\*

90. *Mr. Parkes.*] What instructions did I give you respecting that letter? You instructed me at once to put myself in communication with Inspector Singleton, of the New South Wales Police, at Albury, and also with the Head of the Police in Victoria, to endeavour to ascertain the writer of the letter.

91. What was the result of your investigation? A report was sent by the officer of the Victorian Police, to Mr. Singleton, at Albury, which I have here. (*Vide Appendix, A 9.*) This is a letter addressed to His Excellency Earl Belmore, Government House, Sydney. (*Vide Appendix, A 10.*)

92. Was that letter sent through the post to His Excellency? Yes, it bears the postmark.

93. What instructions did I give about that letter? These instructions I received from the Chief Secretary. (*Vide Appendix, A 11.*)

94. *Mr. Brown.*] Did you find anything? We found that a person at the Victoria Wharf had been shooting with an air-gun, and the police watched all the public-houses near Argyle-street for that night, and some subsequent nights, but could find no meeting.

95. Did you find anything in the subsequent conduct of the man who had been shooting with an air-gun to lead to the belief that he was the person described in the letter? Not in connection with the shooting of the Prince.

96. Was he known to the police? As an ordinary labouring man upon the wharf.

97. Was there anything against the man's character? No.

98. *Mr. Samuel.*] What countryman was he? An Irishman.

99. *Mr. Brown.*] What gentleman do you refer to in the 10th paragraph of your letter, where you state there was an "attempted assassination of a gentleman whose principles were known to be hostile to those of the extreme Irish party"? Mr. Gray, at Kiama.

100. Did ever you see O'Farrell's last statement? Not till I saw it in the *Herald* the other morning.

101. Was it ever officially communicated to you? Never.

102. Your only knowledge of its contents was derived from the public prints? That is all.

103. Did you ever see the questions and answers, the report of conversations between the late Colonial Secretary and the prisoner? Not till I saw them in the *Herald*.

104.

\* And three enclosures omitted to be handed in during examination. J. McL. (*Vide Appendix, A 8,—Enclosures Nos. 1, 2, and 3.*)

- J. McLerie,  
Esq.  
22 Dec., 1868.
104. Did you write this letter of 10th August, yourself? By direction of the Chief Secretary.
105. Did you write it yourself? It was written by the Police Secretary and myself.
106. Was there any reason given why that letter was required at that time—O'Farrell shot at the Prince in March, and was executed in April—was there any reason given why this letter should be written in August? Yes, I think Mr. Parkes told me Earl Belmore wanted to send it to Downing-street.
107. That letter was written by you to be sent to England? My impression is, that it was just before the mail was made up, and the letter was written in consequence of verbal instructions given me by Mr. Parkes.
108. *Mr. Parkes.*] Are you sure that I gave you any instructions to write a letter? Positive.
109. Did I not ask you to return any papers you might have in your possession, relating to the crime of O'Farrell? Yes; and you said—"By the by, you must also give me a report of your own official knowledge and opinion of this disturbance, because I want to give it to Lord Belmore." And if I recollect rightly, you sent afterwards for a second copy of the letter, and I think I have a private note from you requesting me to send the second copy.
110. *Mr. Brown.*] Have you got this private note with you? Being a private note, I have not brought it with me.
111. Do you know of any money having been paid to Meyers? Yes.
112. By whom was it paid, and for what purpose? It was paid by the Police Department, to enable him to reach Bathurst.
113. For what purpose was he to reach Bathurst? To carry out the promise of information he had made to the Government, while in gaol.
114. Did he report that there was any suspected person in Bathurst? I looked upon him, and I believe Mr. Parkes looked upon him, as a scoundrel.
115. You say money was given to him? It was paid him by instalments.
116. What did he particularly require to go to Bathurst for? To acquire the information that he promised the Government with respect to the Fenian organization.
117. Did he speak of Bathurst as being the seat of this organization? Yes.
118. This money was paid to him to enable him to go to Bathurst, to ferret out this information for the Government? Yes.
119. Was any declaration taken from Meyers before he left? Not by me.
120. Was the precise nature of any statement or information given by Meyers communicated to you, as head of the police? Yes, that there was a Fenian conspiracy at Bathurst, and that a Member of Parliament was one of the parties mixed up in that conspiracy.
121. Was that taken in writing, to your knowledge? No.
122. Then I understand the money was paid to him, in order to enable him to go to Bathurst, to verify the information he had given? Precisely.
123. Were you communicated with before Meyers was discharged? Yes.
124. Did you, as Inspector General of Police, give your assent to the propriety of discharging him? Yes.
125. Was it before or after that information was communicated to you that you gave it? Afterwards. It was proposed that he should be discharged from gaol, and that he should return again if the information were found not to be true.
126. Have you ever heard of him since he received the money—since he received the last payment? No.
127. In how many instalments were the payments made? £3 on leaving Sydney, £2 sent to him at Young; he went round by the south; £3 sent to Grenfell, £3 to Orange. He sent for some more, but no more was sent.
128. And you have never heard from him since? No.
129. Was he unconditionally discharged from custody? Unconditionally; that was at my own suggestion. I said—"If you make use of the man, you must discharge him unconditionally. You cannot allow him to leave prison, and then compel him to return to it. The moment he leaves, he is free in law."
130. The arrangement was made after he was discharged from gaol? I do not know what arrangement was made in gaol—I never saw it.
131. Did you know, until you saw it in the papers, that there had been conversations between the late Colonial Secretary and O'Farrell in gaol? Yes, Mr. Parkes, in the course of conversation, said he had seen him in gaol.
132. He did not tell you the nature of the conversations? No.
133. All that you saw relating to O'Farrell, other than these anonymous letters and documents you have produced, was O'Farrell's diary, at the time you wrote that letter of the 10th of August? Yes.
134. *Mr. Samuel.*] Have you heard—for there is such a report about—that Meyers was taken out of gaol and taken back again, before he was finally pardoned? That is not true.
135. *Mr. Parkes.*] I think you were ill at the time of the arrival of the Duke? Not at the time of his arrival; I was knocked up for some days after his arrival. I was ill at the time of his attempted assassination.
136. I mean at the time of the attempted assassination? Yes.
137. You were ill, and confined to bed, at the time of the attempted assassination? Yes.
138. The business of the police was conducted during that time by Mr. Fosbery? Yes, but I saw him daily, and he consulted me on most matters of importance.
139. The Chairman asked you whether you based your opinion respecting some attempt, the nature of which you did not clearly understand, being made before the arrival of the Duke

Duke—whether you based it upon verbal communications as well as upon letters—is it not the fact that nearly the whole of the information obtained by the police here and in other places is derived from verbal sources? Yes.

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140. Information that has no record? Yes.

141. The greater part of the information communicated to the head of the police, by the officers placed under him, is so communicated, is it not? Yes.

142. And is necessarily of a very vague character, in very many instances? Yes, in many instances it is.

143. Until definite clues are ascertained? It is merely suspicion, until various links are discovered so as to form a chain of evidence.

144. With reference to the precautions adopted against any breach of the peace upon the arrival of the Prince, are you aware whether any portion of the military were removed and placed under arms in the town? Yes, at my suggestion, a picket of a hundred men was placed in the Hyde Park Pavilion.

145. On whose recommendation did His Excellency communicate with the Officer commanding the Garrison to have these men removed to town? I suggested it, and you communicated my suggestion to the Governor.

146. Did you consider the danger so imminent that you desired me, as the head of the department, to put His Excellency in motion in order to have a hundred men placed under arms in the city? Yes.

147. That is so? Yes.

148. And they were so during the whole of the time? During the whole of the day.

149. *Mr. Brown.*] Was that in reference to the probable collision between the two bodies? Yes.

150. *Mr. Parkes.*] With regard to the man Reardon, who was the officer who superintended the execution of the warrant in his case? Mr. Fosbery and Mr. Orridge; I directed both to go on board.

151. Mr. Fosbery is in possession of the full particulars? He, of course, knows what transpired at the time, and the particulars of anything that occurred after I have laid before the Committee.

152. How often did you see me during the time the excitement which followed the attempt upon the life of the Duke of Edinburgh, after you recovered from your sickness? I think I was confined to my room four or five days; after that I saw you almost daily.

153. Do you remember whether communications were made almost hourly, some to you, some to the Colonial Secretary, expressing apprehensions as to the disturbed state of society, and seditious proceedings,—during the time of excitement, and for some weeks that followed? The public mind was in a very excited state after that event, but I never anticipated further disturbance.

154. Were not communications constantly made? Yes, continually.

155. Will you state to the Committee whether, in your judgment, I, as Colonial Secretary, ever behaved improperly at that time; whether I ever attempted to give undue weight to this state of things; whether I shewed any disposition to push things to the extreme, to attach undue importance to the circumstances that were occurring? Not at all; so far from that being the case, I frequently remarked the indifference with which you treated all threats of violence to yourself.

156. Do you know that I received myself some twenty letters threatening my life? I do.

157. Did I ever seek police protection? No.

158. Did I ever attach any importance to them? You treated them with a great deal of scorn.

159. Did they ever seem to sway me in the discharge of my duty, so far as you could judge? Certainly not.

160. With regard to letters of a violent character, addressed to His Excellency,—in my communication with you as head of the department, did I not state that I thought no danger was to be apprehended, but that precautions should be taken? Yes, and at the same time you said His Excellency did not anticipate any danger. In giving me instructions, you said the Government did not apprehend any danger, but that they took these steps as a matter of precaution.

161. You say, in this letter, that you think the dying declarations of prisoners are, as a rule, of no value? I do.

162. Is it not the fact that a number of persons have died, paying the last penalty of the law, where their guilt was beyond doubt, who have nevertheless made declarations of this kind? Yes, I have already stated that in my evidence. I said I had known malefactors to make statements just before their death, that I knew to be untrue, as surely as I knew the sun to be shining.

163. With regard to the man Meyers,—when I put myself in communication with you, as head of the police, about this man, did I, at any time, appear to attach any kind of importance to his statement? No, you said he was an infernal scoundrel, but that you thought it was just worth while trying—that you had consulted with one of your colleagues on the subject, but that you knew he was a great scoundrel, as well as I did.

164. Did I not state that, although there was probable reason to suppose he was attempting to impose upon the Government, that still there was so much consistency in his story, that I should scarcely be justified in refusing the opportunity of testing it? Yes.

165. Did I not say, when I was first communicating with you, that I should take no step without first communicating with you upon the expediency of the step? You did consult me.

166. I believe you were not in gaol when this man made the statement? No, I was not.

167. Mr. Fosbery went up to the gaol? Yes.

168.

- J. McLerie, Esq.  
22 Dec., 1868.
168. You remember, probably, that the chief thing Meyers said he could do was, that he could put the Government in possession of treasonable documents—Do you recollect that? I cannot recollect that—I recollect in one of his statements he said he had been asked by the parties with whom he was connected, or said he was connected, to be the person to assassinate the Prince.
169. That must be a mistake; as far as I have any knowledge, he never said so in my presence. With respect to this letter of August 10th, you say that I suggested that this letter should be written; if you refer to a minute of mine written as Colonial Secretary, you will find that I say—"It may be stated that the report of the Inspector General of Police was not called for by the Government"? It was that very statement that struck me, and led me to tax my memory as to the fact.
170. The very opening paragraph of your report would seem to lead to the conclusion that I am right in my recollection, and you are wrong in yours, because you do not say in obedience to verbal instructions received from me you write this letter, which you would have done if I had given any, but you say you "take the opportunity in doing so," that is, in transmitting the papers, "to express my views respecting the crime for which O'Farrell was convicted." You will see that is the form of your letter? I am very positive about it, because I recollect on my return to my office calling Mr. Fosbery and saying—"We must draw up a report on the matter of these disturbances, because Mr. Parkes has called for it to-day"; and Mr. Fosbery will bear me out.
171. What I asked, if I recollect aright, was, that you should return to my office all the papers connected with O'Farrell's case? And at the same time to accompany it with a report, and I think I can find your private note where you say you want a second copy.
172. When His Royal Highness visited any other district—for instance, the Hunter River—were not precautions taken, and police sent for his protection? Yes.
173. When he visited Parramatta? Yes.
174. The Weatherboard Waterfalls? Only two or three mounted men, I think, were there.
175. Do you recollect how many men were sent? I cannot to Parramatta; I do not think above half a dozen mounted men.
176. *Mr. Brown.*] More as a guard of honor to the Prince? Yes.
177. *Mr. Parkes.*] With regard to this man Mac, did I ever communicate to you in any way respecting a man named Mac? I have already said I do not remember the name of Mac being mentioned between yourself and me.
178. With respect to Benedict, you know nothing about him? I never saw him.
179. The Chairman asked you whether you remembered any sum of money being paid out of the Treasury to him—that would scarcely be within your knowledge? Not unless it passed through the police account. If it were chargeable to the police vote, the Treasurer would require a voucher from my office to pass it.
180. To what do you attribute the preservation of the peace during the time of the excitement consequent upon the arrival of the Duke, and afterwards consequent upon the attack upon his life—peace was preserved, I believe, almost without accident? I think chiefly to the good sense of the public.
181. Do you attribute it in any degree to the steps taken for the preservation of the peace? Yes, to the steps I took myself, between the two parties who are always antagonistic.
182. Have you ever expressed an opinion that it was attributable in some measure to the Treason Felony Act? No doubt the Treason Felony Act had a great effect in preserving the peace of the Colony.
183. *Mr. Samuel.*] Do you consider that Meyers furnished any valuable information to the police? Not a word.
184. Did you ever attach value to his information? I attached as much value as I always do to information from such a source.
185. What may that be? It is very seldom worth anything.
186. *Mr. Eagar.*] Have you any other anonymous letters besides those you have produced? Yes, I have another. This is a letter addressed "Immediate," and bears the Sydney post mark, 22nd April, 1868. (*Vide Appendix, A 12.*)
187. *Mr. Robertson.*] Did the Attorney General communicate that to you? No; that is one of a great many that were received by Mr. Parkes. I got it from Mr. Parkes, in order that I might trace, if possible, the handwriting.
188. Was there any importance attached to it at the time? No more than its contents convey.
189. Was any police allotted for the protection of Mr. Martin? No, not in consequence of that letter.
190. In consequence of any letter? No. At one time Mr. Martin had two policemen at his house at Potts' Point. That was at the time some disturbances were expected at the House.
191. What was the nature of the disturbance expected at the House—I do not remember it? Arising out of Fenianism. There was some question before the House, and a good deal of excitement; so much so, that I thought it my duty to come up and see the Chief Secretary myself.
192. *Mr. Eagar.*] Have you any anonymous letters beside those you have produced to-day? Yes; a large number were received by Mr. Parkes. I presume he has them still, or has torn them up; but he may have kept some.
193. These are all you have? Yes.
194. *Mr. Parkes.*] What do you mean by this 5th paragraph, where you say "Corroboration of this to a great extent was to be found in many matters noticed by the Press; some attracted more than passing attention; and the publications of an unconcealed treasonable

treasonable tendency in the *Freeman's Journal* were viewed with general disapprobation, participated in by leading members of that party whose organ the newspaper was supposed to be? The corroboration that I allude to might have been seen in the *Freeman's Journals* published at the time. The concluding part of the paragraph I considered it my duty to insert, from the almost general disapproval of the articles in the *Freeman's Journal* I knew to be expressed by members of that Church whose organ it was supposed to be.

J. McLerie, Esq.  
22 Dec., 1868.

195. Did you yourself read any articles of an unconcealed treasonable tendency? I did. I am not a lawyer, but I thought them sufficiently treasonable to warrant a prosecution.  
196. More than once? For some weeks consecutively there was something, in my opinion, treasonable in each week's paper. As the excitement subsided, the articles became less violent.

TUESDAY, 5 JANUARY, 1869.

Present:—

MR. EAGAR, | MR. PARKES,  
MR. FORSTER, | MR. ROBERTSON,  
MR. JOHN STEWART.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Edmund Fosbery, Esq., called in and examined:—

197. *Chairman.*] You are Secretary of Police? Secretary and Superintendent of Police, and Deputy Inspector General.

E. Fosbery, Esq.

198. Have you entire charge of the police, in the absence of Captain McLerie, or during his illness? I have.

5 Jan., 1869.

199. Are you aware of a proclamation having been issued offering a reward of £250 for the apprehension of people meeting together for seditious and illegal purposes, dated 9th April, 1868? I am.

200. Were you aware of any meetings of disaffected people at that time in Sydney? I was not actually aware of them, but it was reported to me that they did take place.

201. Had you good reason to believe that such was the case? I had good reason to believe that such was the case.

202. Can you mention any instance? I should, perhaps, explain how far "seditious purposes" come within my view of the matter. I do not suppose there were any meetings for the purpose of organizing overt acts of sedition; I think they were more for debating.

203. You have good reason to believe that disaffected persons met together? I have.

204. Can you give any of those reasons? I instructed several members of the police force personally to test the weight of rumours that had reached us that such meetings were held.

205. Can you give any single example? I instructed Detectives Camphin, Lyons, and McGlone.

206. At what time? Prior to the arrival of His Royal Highness the Duke of Edinburgh. The general police were also instructed.

207. At the period of this reward being offered, had you reason to believe that meetings of disaffected people were being held in Sydney? No, I believed then that they had entirely ceased.

208. Then at that time there was not good reason to believe there were meetings of disaffected persons? Not at that particular date. I believe the attempted assassination immediately put a stop to any such meetings.

209. Then what was the use of this proclamation of a reward? On the assumption, I conclude, that these meetings might be renewed.

210. Then, at the time this reward was offered, there was no reason to believe that disaffected persons were in the habit of meeting together for seditious purposes? I think there was sufficient reason to suppose they had been in the habit of meeting for some time previously.

211. But you can give no single instance? We were never able to prove it, but the reports of the detectives were all to the same effect.

212. Have you these reports? They were confidentially made; there were none in writing—neither the instructions nor the reports were in writing.

213. Some of these detectives said there were seditious meetings held? They believed there were Fenian sympathizers in the city, and that they did meet to debate on Fenian matters.

214. Did they give any reason for their belief? I presume their conclusions were founded upon the results of the inquiries they had made.

215. Was there no instance of the police being told of a place of meeting, and of the police making an attack on the place or entering it, on some occasion, about this very period? Assertions were made that meetings were held in particular places—more than one—but no evidence was ever obtained to support those assertions; no legal evidence, I should say, was ever obtained.

216. Was there not a meeting-place somewhere about the Haymarket, reported to the police at one time? Yes.

- E. Fosbery, Esq.  
5 Jan., 1869.
217. What was done? Detectives were instructed to watch it.
218. What did they discover? They thought there were some grounds for the assertion having been made, but they failed to obtain any evidence.
219. Did they not go to some or one of the meetings? I am not aware that they ever attended a Fenian meeting.
220. A Fenian meeting? A meeting for seditious purposes.
221. On one occasion, did not some of the police or some of the detectives not attend or go to the place? They went to the place, but I am not aware that they attended any meeting.
222. While the meeting was going on? I am not aware.
223. What did they report? They reported that they could not get any evidence to support the assertion.
224. They did not tell you what the character of the meetings was? They did not.
225. Then really at the time this reward of £250 was offered, there was no good reason to believe that there were any meetings of the kind in Sydney? I think at that particular date they had ceased; they were checked by the attempted assassination.
226. And yet you have not been able to find, from any information received, that any meetings of a seditious character were held in Sydney? We never had legal proof.
227. Who were the detectives who informed you of these Fenian meetings—what were their names? I had reports from the three detectives I have named, of the results of their inquiries—Camplin, Lyons, and McGlone; but the information that meetings of the kind took place came from outside the department generally.
228. Were they in writing? Some, I believe, were; some were anonymous.
229. Have you those papers? I have no papers; the Inspector General has the custody of them.
230. Were all the papers giving information of the kind included in those handed in by the Inspector General? I do not think so; in fact, I am certain some of the communications were verbal.
231. I suppose you were aware of the report which was sent by the Inspector General, to the Colonial Secretary, dated 10th August, 1868? Yes.
232. You wrote it, I believe? I was not the actual writer. In what sense, might I ask, do you put the question?
233. Did you write it? It was not in my handwriting. I, of course, assisted in its composition.
234. And when completed, you took it for the Inspector General's signature? I did.
235. How did this report happen to be written on the 10th August? The Inspector General told me verbally that a report was required.
236. Did he say he had been asked for it? He said he had been called upon to make a report, by the Colonial Secretary.
237. Did he tell you anything further? Conversationally we agreed that it would perhaps be as well that the report should not be written at that time, as the matter, to a certain extent, had died out; but a few days subsequently, he told me that it was necessary the report should be written; as I understood him, he had been again requested to send it in at once.
238. Did he tell you that a report was expected upon the whole matter? Upon the whole matter touched upon in the letter.
239. That, in fact, he had received orders to send in a report upon the subject? It would amount to that.
240. What are the papers alluded to there as being transmitted with this report? The original rough notes, believed to be in the handwriting of the convict O'Farrell, some letters addressed to him, and some French newspapers; and further on, reference is made to papers relating to a man named Reardon, upon whom a warrant was executed under the Treason Felony Act, which warrant I executed.
241. What reason can you give, or had you, for the opinion expressed here that the attempted assassination of His Royal Highness "was not the unaided act of one individual," as stated in the second clause of this report? That is stated as an opinion, from conclusions drawn by the writer, from events that had transpired. Of course, all the reasons which led up to such a conclusion I could not undertake to give.
242. Was this not your opinion? I am quite willing to identify myself with that opinion, but it is not given as mine in the letter.
243. Was it Captain McLerie's opinion? Certainly.
244. But not yours? And mine also. I say I am quite willing I should be identified with such an opinion.
245. What reason have you for such an opinion? There were a variety of reasons which led up to that conclusion, from events which had transpired throughout the affair.
246. Can you state what they were? The nature of the crime itself, the statements made by the convict, and the similarity that the crime bore to others of the same class committed by avowed Fenian agents.
247. Are these your sole reasons for expressing an opinion of this kind in a police report? I gave the matter more thought at greater length at the time, and there were other reasons which do not occur to me now.
248. You say the confessions of the prisoner himself—Were you at that time acquainted with the conversations held between Mr. Parkes and O'Farrell? No.
249. Then what communications do you allude to? After committing the deed, he at once asserted that he was a Fenian, and did it on that account; and I was acquainted with some of the statements he made in the Gaol after his arrest—I think to the Chief Warder; I was acquainted with the tenor of them, I should say.

250. What information had the Government or the police, before the arrival of His Royal Highness the Duke of Edinburgh, to the effect that persons ill-disposed towards the English Government would take the opportunity of his visit for outrage of some kind? That information reached the police authorities from various sources, and was the subject of considerable deliberation. I might mention particularly one leading clergyman of the Roman Catholic Church who had, I think, at least an hour's conversation with me on the subject; I allude to the late Archdeacon M'Enroe. E. Fosbery,  
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251. What did he say? He urged that we should take steps to prevent any badges or colours being displayed, or other acts that would tend to excite hostile feelings on the part of the Irish Catholics.
252. Did he say that His Royal Highness could possibly have anything to do with that, or be endangered by it? He said that the consequences of the outrages which might arise from such a collision it would be impossible to predict.
253. Had you any more information of a more definite character? Reports of various kinds reached the police.
254. Did you at that time receive a letter from a person calling himself Professor Mac? I never received such a letter, but an Inspector of Police did, I believe.
255. Did he show it to you? I cannot charge my memory with that letter at all; I have tried on previous occasions, and failed. It was received by Inspector Read, and acted upon by him.
256. In what way was it acted upon? He reported to the Inspector General, in my presence, that he had inquired into it, through the agency of one of his sergeants, and did not attach any importance to it.
257. What precautions did you take—You speak here of there having been some inquiry made into the nature of the precautions proposed to be taken? The Colonial Secretary inquired from me personally; I remember the occasion—it was at Government House, when the Earl of Belmore inspected the Police Escort for the Duke. He then inquired if these reports had reached the police, what steps were being taken to test their accuracy, and what precautions the police intended to take to prevent any disturbance or outrage. That I believe to be the substance.
258. What steps were taken? The police were increased in force to the utmost extent practicable; the military were kept in reserve, in a place not exposed to public view; and the police were generally instructed to do all they could to prevent any untoward action, especially, I might mention, by preventing the exhibition of any party colours or emblems.
259. It is stated here, in the fourth clause of the report, that the information obtained, "though placing it beyond doubt that many disaffected persons, Fenian sympathizers and agents, were in the Colony, fell short of evidence definite enough to warrant prosecution." What information did you receive that placed it beyond doubt that there were disaffected persons in the Colony? I can give a case in point—that of Reardon, on whom the warrant I have before spoken of was executed.
260. Were you aware of many disaffected persons being in the Colony? I read in the newspapers accounts of seditious expressions made use of at certain meetings, and I also read the *Freeman's Journal*.
261. Will you state what you know of this case of Reardon? A man, whose name at present I do not remember [stated subsequently in this evidence to be "Gale"], called at the office, and mentioned that he had met a man in the streets with whom he had been lodging in Melbourne, and who there manifested himself openly as a Fenian; that he had Fenian documents printed for distribution, and boasted that he had in his possession some warrant received by him from the Fenian body. After some difficulty, this man, whose name he mentioned (Reardon), was traced by the detective police, just as he was about sailing for America by the Panama steamer. It was thought advisable that his luggage should be all gathered together, and then searched by virtue of a warrant under the Treason Felony Act. This was done by the express sanction and direction of the Government. He made great objection to his property being overhauled, stated that he was an American subject, and would have justice. Some of his private letters were read relating to Fenian subjects, and showing that he had been a very prominent person in that body in South Australia. He also had some reprints from the *Dublin Freeman's Journal*, expressing strong Fenian sentiments; but he informed me that he had taken care not to place himself within the grasp of the law, that he knew the thing I wanted to find, and had taken care to place it out of my reach.
262. He told you this? He told me this.
263. Where? On board the "Rakaia."
264. *Mr. Parkes.*] Did he make any declaration of his opinions? He said he was not ashamed to avow his principles; he said that at the same time that he said he had taken care not to bring himself within the reach of the law. He had a large quantity of property, including a number of gold American eagles.
265. *Chairman.*] What was the name of this person who gave you the information about him? I cannot remember at this moment.
266. What is he? He is a digger, and was formerly a builder in Victoria.
267. Is he in Sydney now? No, I believe not.
268. Did you send any detectives to watch the house at which Reardon stopped? I did.
269. What were their names? I believe they were Broomfield, Powell, and Bowden.
270. All detectives? All detectives.
271. Was there no other person engaged in this? None, excepting the man who gave me the information.

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272. You have seen a letter of a Mr. Murray's in the *Empire*? Yes.
273. Do you know the man alluded to by him as having visited the place? I do not. I inquired about it, and found there was no foundation for the statement whatever.
274. *Mr. Stewart.*] Do you know anything about the Mr. Murray who wrote that letter? Nothing of my own knowledge; I have been informed he has been in Van Diemen's Land. I prefer not to state what I have heard of him, because it was merely given to me as a report, and not by a member of my department.
275. *Chairman.*] Do you know a man named Benedict? I do.
276. He was for some time in the Detective Police? He was for some time in the Melbourne Detective Force, but for a very short time on probation here.
277. Did he come here from Melbourne? He had been offered an appointment in the Sydney Detective Force some five years ago, which he then declined. When he presented himself to me last year, I assumed that his character was then the same that it had been when he was previously offered an appointment. I told him I would employ him on probation for a few weeks, but that he must not consider he had any claim for a permanent appointment. I then ascertained privately that he was a man not to be trusted—that he had forfeited his good character, and I discharged him.
278. When he first came to you, did he bring a character from Captain Standish? I believe he did.
279. You did not see it? I saw all his testimonials; he had a very large number.
280. Was he dismissed for misconduct, or simply not kept on? Not dismissed; he left of his own free will, I believe, in Victoria.
281. Did this man, shortly after the attempt to assassinate the Duke of Edinburgh, make any offer to the police? He wrote either to the Inspector General or myself, offering his services.
282. In what way? To assist in any extra duty.
283. Did he say he could give any valuable information? Certainly not.
284. What answer did you give him? We simply declined his services.
285. Did you know that subsequently this man Benedict was in communication with the Colonial Secretary? I knew it for the first time about a fortnight ago; I surmised it at the time, but I did not know it.
286. Do you remember a statement made by Mr. Parkes in the Assembly, to the effect that he had received a communication, on the day of O'Farrell's execution, acquainting him with the existence of a new crime? I remember generally such a subject.
- Mr. Parkes* : I never made any such statement, Mr. Chairman.
- Chairman* : Those were the words I think I heard.
- Mr. Parkes* : I wish my denial to be taken down.
287. *Chairman.*] Were you ever made acquainted with the communication alluded to by Mr. Parkes at the time? I do not know what communication Mr. Parkes did allude to. I was made acquainted with a communication received about that time.
288. Received on that morning? I cannot say when it was received.
289. Who was that communication from? From a prisoner in Darlinghurst Gaol.
290. Was that on the morning of the same day that O'Farrell was executed? I was not made aware of it till some time afterwards.
291. You are not aware of any communication having been sent by this man Benedict to Mr. Parkes? No.
292. And you believe the important disclosures made on the day of O'Farrell's execution were from this man Myers? I concluded they were; it is a mere matter of judgment; they may not have been.
293. You never heard of any disclosures made by Benedict? Never, except what was stated in the House about it.
294. But you were acquainted with some disclosures made by this man Myers? I was.
295. What was the nature of the disclosures made by Myers? I never had the original statement actually in my possession, but I believe it was either read to me or I read it, and it was to the effect that he was aware of the existence of a Fenian Association in the Colony, and that he was a member of it, mentioning the names of the parties associated with him.
296. He mentioned names? He mentioned names.
297. What were the names he mentioned? —
- Mr. Parkes submitted whether it was wise to have the names of parties published, but stated that personally he had no objection.
- Witness requested to withdraw.
- Committee deliberated.
- Witness recalled.
298. Will you state, as nearly as you can recollect, all the disclosures made by this man Myers, mentioning names and everything? He stated that he had been a waiter in an hotel in Bathurst, that he had seen persons there who stated that they were Fenians, and who administered the oath to him. Their names were Mr. William Cummings, M.P., Mr. Stephen Donnelly, and Mr. Kinna, a magistrate of Bathurst. I should state that as this man Myers made several statements, without referring to them I could not say in which of them particular statements were made, without confusion; but I believe I am correct in what I have said.
299. Were his statements taken down in writing? He wrote them himself. He wrote an extremely good hand.
300. What became of these papers? The original statement never came into my possession, nor, as far as I am aware, into the Police Department.

301. Do you know what became of it? I never saw it out of the possession of the then Colonial Secretary.

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302. Do you know what became of it? No. It was the Colonial Secretary who showed it to me.

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303. This man was released from gaol, was he not? He was.

304. What was done with him then? Sufficient means were given to him to leave Sydney and proceed to the Western District circuitously, when he undertook to make good his statements.

305. What route did he take? He went *via* Yass, Young, Grenfell, Forbes, and Orange, where communication with him ceased.

306. Have you never heard anything of him since? I heard that he was knocking about Orange.

307. Did you believe this man's statements? I did not.

308. Were you asked by any one as to what reliance should be placed on his statements? Mr. Parkes desired me to hear the man's statement from his own lips. I did so; and, to the best of my recollection, I contented myself with stating that any statements made by a man of such character and under such circumstances would have to be received with great caution, but that if the Government thought fit to test his statements, I took the liberty to suggest that he should be unconditionally released.

309. You can give us no information whatever as to disclosures made by Benedict? None whatever.

310. What reason had you for surmising that he was in communication with Mr. Parkes? I was asked by Mr. Martin, I believe in Mr. Parkes' presence, if I knew such a man; I said I did, that I had no confidence in him, but that I believed some one else had, as he had been seen with money in his possession as though he were in employment. I then thought it possible he might have made a similar offer to others that he had made to me, and that it might have been favourably entertained.

311. Do you know anything of him since? Nothing whatever.

312. Do you know where he is now? I do not.

313. What was the name of the constable who apprehended O'Farrell at the time he attempted to assassinate the Duke of Edinburgh? Superintendent Orridge took him in charge.

314. Was he the first who seized him? There was a great scuffle, but he was one of the first, I believe, who actually seized him on the part of the police; at any rate, he took him in charge.

315. Was he not previously seized by a constable? There were constables present in the scuffle; I was not there myself, and cannot say who was the first to seize the man.

316. Has it never been reported to you that some constable who was there seized the man before Mr. Orridge? I think a senior constable of the name of Irwin considered he was the first to apprehend him. Mr. Orridge made no claim to have apprehended him, but merely took him in charge, stating what it was for, which is necessary of course by law.

317. Did you receive any report on the subject from this constable Irwin? I believe he suggested that his evidence ought to be taken at the trial.

318. Was it not? I do not think it was.

319. He was not called at the preliminary examination? I was not present. The constable did not proceed with the prisoner O'Farrell to the Gaol; he came to me on the ground, showing me a coat of the prisoner's, of which he had taken possession.

320. Were any instructions of a special character given to the detectives, after the attempted assassination of the Prince, or to the police generally? Yes.

321. What were they? Instructions were given to the detective police to renew their inquiries vigorously as to the existence of any Fenian organization.

322. Were any instructions given, after the recovery of the Prince, to protect his person? There were. Four of his police escort were detailed for his personal attendance, they living at Government House.

323. Were any instructions of the kind given before the attempted assassination? I believe the four men were told off, in the first instance, to attend upon him.

324. Was he not in the habit of constantly going about without any attendance? Constantly.

325. At that time you had no idea his life was in any danger? None whatever. I thought it unwise for him to go about alone, and said so to one of his suite, and he brought me a reply that His Royal Highness said he would do as he liked.

326. You said the police were told to inquire as to the existence of Fenian plots? Yes.

327. What was the result? No further result than before, except that still greater silence was maintained by all persons on the subject.

328. Were the houses of some suspected persons watched for some time? They were, and one or two special detectives were appointed to make inquiries.

329. Without discovering anything? Without discovering anything tangible.

330. The military were frequently called out, were they not, during these few weeks? Two or three times they were secreted in the pavilion in darkness, in case of emergency.

331. The volunteers, were they called out? I am not aware; I believe they were under arms at their own depôt.

332. Not at the pavilion? No.

333. Were many of the police removed or dismissed from office at the time? No; one or two were.

334. Could you state how many of the police were dismissed or removed, between the 12th March and the 17th September? I could by reference to my books.

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335. Could you not give us an estimate of the number? Nothing out of the ordinary proportion. There were two or three things that arose out of circumstances connected with this, which led to men being dismissed; Detectives Lyons and Apjohn were dismissed for misconduct in connection with this affair.
336. In the last paragraph of this report of the 10th August, it is stated that "the last statement made by the convict O'Farrell before his execution is inconsistent with itself." What do you mean by that? I should have to read O'Farrell's statement, and logically consider it again, before I could recollect what was my idea at the time that was written.
337. You have no recollection of your reason for making that statement in this report? At this moment, I am not prepared to answer the question.
338. What is your reason for believing that "dying declarations made under such circumstances are seldom to be relied upon"? I have so often had moral proof of their untrustworthiness.
339. Are they more likely to be untrue than statements made some time before death? That would depend upon circumstances.
340. Are they more likely to be untrue than statements made by people not under sentence of death? I think statements made by way of exclamation, when offenders are taken unawares, are more likely to be truthful than those which are considered.
341. In the case of O'Farrell, what do you allude to? His statement at Clontarf,—that he was a Fenian.
342. Was that the first statement he made? I cannot recollect, in order, what he stated, word for word.
343. You are under the impression that that was the first statement he made? It was made at the time.
344. You say "under such circumstances"—What do you mean by that? Simply that he was at the point of execution for a detestable crime.
345. You think declarations made then, are less to be relied on than declarations made at other times? Not than declarations made at other times, but than statements made at other times.
346. Are you under the impression, then, that the first statement made by O'Farrell, after his attempt to assassinate the Prince, was, that he was a Fenian? I believe he stated at the time that he had done it, being a Fenian.
347. *Mr. Stewart.*] What is there about the *Freeman's Journal* which induced you to think there were many disaffected persons—Fenian sympathizers and agents—in the Colony? It is addressed to a certain section of the community, in language so distinct as to be unmistakably seditious.
348. That is to say, if there were no seditious readers, there would be no seditious writers? It may be addressed to a class, but the readers may not accept it, or identify themselves with it.
349. It is supposed to be agreeable writing for the subscribers to the paper? I presume if it was not received, it would not be published and sold; but I may state that leaders of the Catholic body have expressed to me their abhorrence of the sentiments of the *Freeman's Journal*.
350. *Mr. Parkes.*] At the time when the attack was made on the life of the Duke of Edinburgh, I think the Inspector General was away from duty on account of illness? Yes.
351. And in consequence of Captain McLerie's illness, you were then in sole charge of the police? I was.
352. In that capacity, you had very frequent interviews with myself and other members of the Government? I had.
353. Was it, or was it not the case, as far as your recollection serves you, that reports were made to the Government, on which you were consulted, either orally or in writing? Frequently.
354. Not every day merely, but almost every hour in the day, for some time? Yes, very frequently.
355. That they were very numerous indeed, from different members of the community, and representing almost all classes of the community? Certainly.
356. Was it not the general impression at that time, not only in the intercourse between yourself and Members of the Government, but the general impression, as far as it could be gathered, that there was some seditious organization in the community? Certainly, that was the prevailing impression.
357. I should like you to state whether, in your intercourse with me, you observed any want of due precaution, or whether I evinced any disposition to make out a case, or whether in any way I disclosed a want of prudence, considering the position I held at the time, and under the circumstances? On the contrary, you adopted every precaution and took every step, as far as I am aware, that could have been taken.
358. When any of these reports came to me as the Minister over the Police, and I considered it my duty to consult you upon them, did I not in every instance express my doubts as to whether they might be true, but the desirability of testing their truth as far as we could? As far as I remember, that was the way you looked at all these communications,—that none should be discarded, but all should be tested.
359. In cases where the Government were specially informed that attacks would be made,—your recollection may serve you that we were definitely informed that attacks would be made upon the life of the Governor, at a particular time, and a particular place? I am aware.
360. You will probably recollect that in all these cases I expressed my distrust of them, but that the police should use all precautions, in case there might be any truth in them? Yes, that was the effect of what you said.
- 361.

361. You said, just now, you had reason to think seditious meetings were held in Sydney prior to the attack on the life of the Duke of Edinburgh? Yes.
362. But after the attack you thought they were no longer held, because the persons supposed to have been holding them took alarm at the outrage? That was how I intended to express myself.
363. Did you mean for the Committee to gather from the answers you gave them, that there was still no reason to suppose there were seditious persons in the community? I presume that their views were more concealed at that time.
364. Not that they were absent from the community? Not absent, but kept more in concealment.
365. Simply that it was more difficult to discover such persons? They vied with each other in expressing their loyalty.
366. The Chairman asked you several times whether you could give any instance of cases of sedition. Would it not be extremely difficult to give any instance of any case of crime of this kind, unless it were an instance where the parties could be brought to justice—that is, if the evidence failed to bring them to justice, would it be sufficient to point out definitely any given case? The reports were more general than particular; they did not refer to one individual or one establishment.
367. I suppose you are aware what has been going on by the operations of the police in England and Ireland. Is it not the case that notwithstanding there are some twelve thousand police in Ireland, and that the country is full of military, very few instances are discovered, scarcely any instances, except the few cases where convictions have been obtained? I do not think the convictions have been so large as might have been expected, considering the number of arrests that have been made.
368. What I want to get stated to the Committee is this,—whether, in the case of concealed crime, it is possible to point out any rigid foundation between mere rumour and conviction, if the case is not strong enough for conviction—that there is scarcely any case which can be adduced and stated circumstantially, unless the evidence is sufficient to procure conviction—that is, that you cannot point to any person as having committed an overt act of treason, unless you have sufficient grounds on which to have him arrested? It would be very impolitic for a police officer to commit himself to anything of the kind, unless he had legal proof.
369. Is not the police business conducted by oral reports—by oral communication between the various officers and the heads of the department? There is a great deal of verbal instruction and report, but I think it is generally reduced to writing.
370. There are many statements, by detectives for instance, that are not reduced to writing? The majority of the statements are made verbally, and the salient points afterwards reduced to writing when practicable—when there is anything definite.
371. I think the Chairman asked you about the police making an attack upon some place. There never was an attack made on any place? I understood the Chairman to correct that question, and to ask whether they had visited any place; there was no attack.
372. The Chairman asked you whether you were able to find proofs of any Fenian meetings. If proofs of any Fenian meetings had been found, the parties concerned would have been prosecuted? It would have been difficult, before the passing of the Treason Felony Act, to have brought forward sufficient evidence.
373. Are you still of opinion that meetings of that character were held? Certainly.
374. You have no moral doubt of that? None whatever.
375. With regard to the report signed by Captain McLerie, as Inspector General, and dated 10th August—you say Captain McLerie told you he was requested to make that report? Yes.
376. The Chairman put it in this way,—that in fact he had received orders to report; I think you added that you believed he had; you were not present when any such orders were given? No.
377. You never received any such orders in writing at the office? Never.
378. What is the usual form of official reports, when a Minister requests the head of a department to make a report—is it not generally “In compliance with your request”? Certainly.
379. Will you read this report? I see that that report does not commence in that way. When the question was mooted, I immediately referred to the report, and was astonished to find that it was not commenced in that way.
380. Do you think any report like this would commence in this way, if instructions had been given for its preparation? An omission may have been made.
381. This is the way it commences,—“I do myself the honor to transmit herewith the only papers remaining in my possession having reference to the case of the executed convict H. J. O’Farrell.” My statement is, that I requested these papers to be sent to the Colonial Secretary’s Office, and that the report which accompanied them was a voluntary act on the part of the Inspector General. That is my belief. The first part of the paragraph which I have just read is strictly in conformity with my explanation—that I requested these papers to be sent in; and then it goes on—“and take the opportunity, in doing so, to express my views respecting the crime for which O’Farrell was convicted, and my reasons for the conclusions I have arrived at.” Is that the form which would be adopted if the Minister had requested the Inspector General of Police to send this report? I must plead guilty to wording that paragraph myself, after I had received instructions from Captain McLerie to write it in accordance with his directions; therefore, the fault, if any, was mine.
382. You were asked something about a man named Reardon, and you have explained what took place. Did you arrest him? I did not.

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383. I would like to ask you a question with reference to a letter which appeared in the *Empire* of 22nd December last, signed "D'Arcy W. L. Murray." Do you know who the writer of this letter is? I have no personal knowledge of him.

384. Do you know how he is employed? I do not.

385. The writer uses these words:—"The disclosures consequent upon Mr. Parkes' asseveration of the so-called plots, on which he based the statements he made at Kiama, are in every respect startling, more especially those having reference to Fenian organization in this Colony. One of them, founded upon a document laid upon the table of the Assembly, on Tuesday last, dating from the 'Inspector General's Office, Sydney, 10th August, 1868,' contains a narrative so extraordinarily untrue as to details, that at this time, when a Committee is sitting to inquire into the grounds of those statements which have startled the whole of the Colonies, it is most desirable that everything within the knowledge of any loyally disposed citizen should be made public." And then the writer goes on to say, in a subsequent paragraph:—"Whilst this gentleman (Mr. Reardon) and his family were living at Mrs. Bergin's, a man, whose name I can give at the proper time, came and procured apartments. One day, I was in my room, indisposed, and the window being open, I overheard this man deliberately tell our landlady that he had been sent there to procure Mr. Reardon's conviction as a Fenian—that Mr. Reardon had taken his passage to America, and had purchased a quantity of American gold coin, and that these circumstances would be sufficient to convict him, if she would join him in swearing that she heard Mr. Reardon say he was a Fenian. He also said that a thousand pounds reward would be paid for sufficient evidence to convict Reardon. He urged Mrs. Bergin to join him in swearing that Reardon had said he was a Fenian, assuring her that the Government would give them the thousand pounds between them if she would do so." Have you any knowledge of any person having been sent to lodge in this house? Certainly not.

386. Do you think there is any truth in this, as far as you have any knowledge? I do not think there is the slightest truth in it. I might state that I found a photograph in the possession of Reardon, of a constable who was about to be superannuated. He saw I recognized it, and said it was a friend of his, and I understood him they were lodging together. I called for the constable, and took him to task about being on such friendly terms with a man of such principles; and Reardon subsequently wrote to this man, telling him he believed it was he that furnished information to the police, but the constable had had nothing whatever to say to it? Possibly on that, that statement was founded.

387. Did any one receive instructions from the Inspector General's Department to engage apartments at this house? None.

388. You have no knowledge of any person being sent to lodge in this house? A detective was sent to watch it, and he may have felt himself justified in taking such a course, but I made inquiry and found he had not done so. I gave him that letter to read, and he told me he could not understand it, and did not know the man alluded to; and it appeared to be a total perversion of the truth.

389. The writer of this letter describes Reardon as a respectable Australian colonist, who had amassed a fortune as a draper in Adelaide. Did the information in the hands of the police corroborate that statement? On the contrary, we have heard from the police in Victoria that this man was known to be a bad character; and, from the number of second-hand gold watches in his possession, I concluded that he was a receiver of stolen goods.

390. The letter also describes an assault committed on Reardon, or some insulting language; and it goes on to say that one of the persons engaged in this attack on Reardon was, the following week, appointed to a Government situation, which he still holds? I know nothing whatever of that circumstance. I now recollect the name which I could not remember when the Chairman asked me; the name of my original informant was Gale.

391. You have no means of identifying the person alluded to here? I could discover if there is any truth in it.

392. Do you remember the statement in the last part of this letter,—that the writer of it was in constant communication with the Duke of Edinburgh and myself? I know nothing about that.

393. Did you ever see a written statement by Mr. Bernard, formerly Chief Warder of Darlinghurst Gaol, who is now Governor of some Gaol in Queensland, as to revelations made to him by O'Farrell? It was communicated to me, but was never in my possession.

394. Do you not remember that the statement was handed to you at the time of the trial? If it was handed to me, I did not read it at that time; I handed it to the Crown Solicitor; he required all documents that bore on the case.

395. There has been a name mentioned in connection with this matter several times, and it has been once mentioned I think to-day—Professor Mac. Do you, in your numerous interviews with me, as Colonial Secretary, remember that name being mentioned? Never. I know the man; I have seen and spoken to him; his name is McCormack.

396. Among the numerous papers submitted to you, or on which you were consulted, having a bearing on the supposed treasonable organization, do you ever remember any paper from this person? No.

397. The Chairman asked you whether it was not a fact that the Duke of Edinburgh was constantly going about alone; the question was asked of Captain McLerie as well as yourself; and I imagine with the view of an inference being drawn from it that there was no suspicion of his safety, and no effort made to protect him. Is it not the case that the Duke went about alone of his own will, and in spite of a desire to protect him on the part of the police? Yes, it was his own desire to do so.

398. That is, from the time of his landing to the time of the attempted assassination? Throughout; even after the attempted assassination, as well as before.
399. On the evening of the illumination in honor of his arrival, he was about the streets privately, I believe? I heard so, but I did not meet him.
400. In the second paragraph of the Inspector General's report, he says—"My opinion, as I have informed the Government from the outset, is, that the attempted assassination of His Royal Highness the Duke of Edinburgh was not the unaided act of one individual, but the fruits of the treasonable organization commonly known as Fenianism. This opinion has been strengthened by after occurrences and disclosures." I can understand from your evidence to-day, that you are as much the author of this letter as Captain McLerie himself—that is, you were consulted by Captain McLerie? Yes.
401. Is this opinion stated upon the impression drawn from the whole of the proceedings and the whole of the reports, from the time of the proposed visit of the Duke until the attack on his life? Collating the whole matter, that was the conclusion we arrived at.
402. That is, after considering the innumerable reports made by persons, either through the Colonial Secretary's Office or directly through your own office, and also numerous letters sent by different persons, some anonymous and some otherwise? Yes, all the circumstances.
403. Can you state to the Committee whether statements were ever made, prior to the attempt on the Duke of Edinburgh's life, that attempts would be made—for example, that he would not leave the Colony alive, or that a black flag would wave over him before he left the Colony, or various other forms of threatening? I heard that some observations of that kind were made, but I could not commit myself to the authenticity of such statements, or trace them to any particular individual. I have an impression in my mind that such statements were made.
404. Did you ever see any letters addressed to the Colonial Secretary at the time, to that effect? I cannot charge my memory.
405. Perhaps you can state whether your recollection serves you as to whether statements of this kind were made before the crime was committed? The general impression on my mind is that such statements were made.
406. In the third paragraph of the Inspector General's report, he says—"Before the arrival of His Royal Highness the Duke of Edinburgh, the Government were in possession of intelligence, certainly not of a very definite character, that persons ill-disposed towards the English Government would take the opportunity of the visit of His Royal Highness for outrage of some kind." You have already stated, I think, that you had had various reports made to you that something would be done—that some breach of the peace would take place? Yes.
407. Were you in the habit of reading the *Freeman's Journal* for any length of time? I was.
408. Can you state, more distinctly than you have done, what was the character of the articles you considered treasonable? I consider calling executed convicts "martyrs," the expression of a desire to bury steel in the breasts of the British, and all such statements as these, to be seditious.
409. Is it within your knowledge that expressions of sympathy with the author of this crime were frequent? Certainly; I heard them myself.
410. They were frequently reported to the Government? No doubt.
411. Do you recollect that a great civic ball was held in Hyde Park, in a pavilion erected for the purpose? I remember it.
412. Did the police receive any information that an attempt would be made to set fire to the pavilion during the ball, and assassinate the Duke of Edinburgh? Not to my knowledge. Information was received that an attempt would be made to burn the building, and we had men watching, and fire was discovered on one occasion.
413. In the last paragraph of this report, it is stated that "numerous letters threatening assassination were received by gentlemen occupying the highest public stations," and that in one case the threat was actually carried out. Who were the persons here alluded to? His Excellency the Governor, the Premier, the Colonial Secretary, and Mr. John Gray.
414. Where were many of these letters? I saw a great many myself; some of them of a very violent kind.
415. Some of them coming from a distance? Yes, from an adjoining Colony.
416. In the case of firing at Mr. John Gray, at Kiama, what was the impression you formed from the investigations of the police? I believe he made himself very obnoxious, and similar methods were taken to convince him of it as were taken in Ireland.
417. Did you arrive at any opinion that he was not fired at at all, or that he was fired at? I have no reason to doubt that he was fired at, although I have lately heard that doubts have been expressed about it.
418. You are aware that doubts have lately been expressed in some newspapers. I wish you to state what was the opinion you formed from your own investigation? I came to the conclusion that he was fired at.
419. You are aware that threatening letters were sent to Mr. Gray? I am.
420. The present Colonial Secretary, some little time back—I do not find any date—addressed a number of queries to the Inspector General of Police, with reference to the man Charles Miller, *alias* Myers, who was liberated from gaol; one of those queries was, whether you, in company with the late Colonial Secretary, had an interview with that prisoner; another was, the name of the prisoner, and the offence of which he was convicted; and the third was in these words:—"What statement (if any) was made by the prisoner?" The Inspector General signs the document, but I observe that he says that

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that "the answer to the third question has been supplied by Mr. Fosbery"; therefore the Inspector General would appear to leave you responsible for this answer. The answer is in these words:—"The prisoner repeated a statement he had previously laid before the Government in writing, to the effect that a Fenian organization existed in this Colony, and that the assassination of H.R.H. the Duke of Edinburgh had been planned, and that he (the prisoner) had been asked to do the deed"? I have stated, in answer to a previous question, that this man had made several statements, none of which were to hand, that I could not be satisfied that one had not been mixed up with another, and that the statement with regard to the assassination was not made subsequently to that interview.

421. What I wish to point out to yourself and the Committee is, that this answer to that question is unfounded—

Mr. Forster objected to the mode of examination, observing that Mr. Parkes was making statements himself, rather than putting questions to the witness.

Witness requested to withdraw.

Committee deliberated.

Witness recalled.

422. *Mr. Parkes.*] I drew your attention to this answer, which is said to have been supplied by yourself to query No. 3—Perhaps you will read it? (*Witness read the answer alluded to.*) I do not wish to deny the responsibility of that statement; but it will be observed that the Inspector General also was of opinion that that was the subject of it, because it is stated there that it agreed with a statement which he had read. But, if I may be allowed to proceed, this matter took place some eight months ago; Myers wrote several statements, all within a period of a few days, and if reference be made to the original statement he made, and no allusion is made to assassination in it, then, as a matter of course, Captain McLerie and myself must have been both under misapprehension as to what time he first made this statement. That he did make such a statement I am positive.

423. Did you ever have any interview with this man, except on the one occasion when you had an interview with him in my company? I saw him previous to his leaving town, and gave him some clothes and money.

424. The statement is very precise, that "the prisoner repeated a statement,"—that is at the time you accompanied me to the Gaol, because this alludes to that time? Yes.

425. "Previously laid before the Government in writing, to the effect that a Fenian organization existed," and so on? His verbal statement agreed with his written one.

426. I wish to examine you on the subject, but I really do not know how to proceed, because I know the statement is inaccurate—I hardly know how to proceed, beyond simply asking you whether you adhere to it? I have stated that, to the best of my recollection, that was the substance of his statement. I am further impressed with that, from the fact of his having made allusion to a certain packet containing instruction or warrant that was left for him at a public-house in Sydney, as far as my memory now serves me, in reference to the assassination; but I may be wrong. His statements were various, and made within a few days of each other, and it is more than possible, very probable, I am confounding one statement with another; but that he did refer to the subject of the assassination in one of his written statements, I am positive. That written statement has been forwarded to the Colonial Secretary.

427. What written statement? Referring to the assassination—not the original statement—but one written statement referring to the assassination has been forwarded to the Colonial Secretary.

428. *Mr. Forster.*] You have said a great deal about Fenianism—Will you be good enough to state what you mean by Fenianism? I mean an organized society which has arisen amongst the Irish, for the purpose of freeing themselves from the dominion of the British Government.

429. Do you regard every man as a Fenian who is disaffected? If his disaffection takes the form of that particular organization.

430. May it not be possible that other forms of disaffection have existed, if any have existed? Yes, certainly.

431. Do I understand you, in the remarks you have made, to imply that the disaffected persons spoken of were all connected with Fenianism? All connected with that particular organization.

432. In the remarks you have made, you do not mean to imply that there is any other form of disaffection in the Colony? No, I do not.

433. Then, all the remarks you have made about disaffection and sedition, implied Fenianism? They did.

434. I find here, in the papers before me, a letter from Mr. Henry Downing to Inspector Singleton, in which he speaks of a man that he considers dangerous. Do you imply that he looked upon him as a Fenian—do you think that was intended? The man had been previously brought under Mr. Downing's notice, as having written a threatening letter in connection with Fenianism; and, in stating that he looked upon him as dangerous, I conclude that he meant in that light.

435. I perceive he goes on—"Since I saw you, he has been fined £5 for indecent assault—Does that show any connection with Fenianism? It shews that he was a man of loose character.

436. Is there necessarily any connection between indecent assault and Fenianism? I see none.

437. Would you argue from that, that he was a Fenian? It would shew that his character was loose, but would in no way strengthen the belief that he was a Fenian.

438. Do you imply that persons of loose character are more inclined to Fenianism than others of good character? Possibly a lawless man would be more inclined to Fenianism than a law-abiding one.

439. Might it not be the case that persons of loose character, for the purpose of protecting themselves from the police, would claim the title of Fenians, with the object of dividing the attention of the police, and rendering it difficult to punish them? I do not gather the effect of your question.

440. Is it not likely that people of loose character would like to confuse the police, by appearing to be Fenians, when they were not so? I think not. There is no law in Victoria making it an offence for a man to call himself a Fenian. This happened in Victoria.

441. What is the object of mentioning this in a letter describing him as a dangerous man? It gives a clue to the police here to form an opinion as to his character.

442. I observed, in your evidence about Reardon, you stated that he had a number of gold watches—Does that imply that he was a Fenian? That was mentioned to support the statement made by the Victorian police, that he was a man of generally indifferent character.

443. Have you generally found that persons suspected of Fenianism were people of loose character, and given to felonious acts? Not at all. Allow me to observe that I made that statement in answer to a question of Mr. Parkes as regards the character of this man, which was asserted by Murray to be a very good one.

444. In answer to Mr. Parkes, you said there was reason to believe there was a seditious organization in the Colony—What do you mean by organization? I did not mean to imply that the organization went the length of complete enrolment; I had no proof of that. I meant organization in the sense of people meeting together for seditious purposes, and becoming known to each other as holding similar sentiments.

445. How far was that consistent with another statement you made, that the disaffected meetings which the police believed to exist were not for organization, but for debate? That agrees with what I have said, that the members might be known to each other.

446. Then I understand that, in fact, you do not intend to imply any organization, but merely meetings for debating? Possibly it may not have been a happy term to have used. What I meant was, that persons met together for seditious purposes, and became known to each other as belonging to that class, talked over their supposed grievances, and debated what steps should be taken.

447. Do you mean that you used too strong a term? Scarcely; I would still hold to my expression.

448. How is it consistent with your telling the Committee that these meetings were not for organization? Not for organization in the sense in which the Fenians organized themselves in Ireland, which they did by swearing in, and regular enrolment for drill, &c.

449. Then to what length do you intend to imply that these meetings went—do you mean that they were debating societies to debate Fenianism? I think organization is a word capable of being applied to considerably differing extremes; organization may be very loose, or very definite and perfect. I do not consider there was any organization, in this Colony, in the sense in which the Fenians were organized in Ireland, but in the sense of men meeting together to talk over seditious subjects and debate over what steps should be taken, and recognize each other as holding seditious opinions.

450. Did you think, at the time when you spoke of disaffected meetings, that the persons attending these meetings had some purpose of committing acts against the law? I believe that was their tendency.

451. What do you mean by their tendency? Their tendency was seditious, but the length they went to we were never able to determine.

452. I see you say it was asserted that these meetings were disaffected in the sense which you have explained? Yes.

453. Asserted by the police? Asserted outside the police, and by the police also, as far as they were able to ascertain.

454. On what was this assertion or opinion founded? Numerous reports that reached the police, not by distinct evidence or documents, but verbal communications, anonymous letters, and various means.

455. Merely by reports and anonymous letters? There might have been other conversational means of ascertaining these things.

456. When you described the character of these meetings so very nicely as to draw a distinction between organization and debate, how was this very nice distinction discovered by the police? I said the Inspector General and myself were of opinion that the meetings were such as I have stated. The reports were sometimes very much to the purpose; for instance, one of the detectives told me that he believed such persons met together, talked over Fenian matters, and expressed themselves willing to subscribe, but that he did not believe any enrolment took place, or that any books were kept.

457. Did this or any other detective describe the proceedings of these meetings from his own knowledge? No, they were so indefinite that we invariably expressed ourselves, in making our reports to our superiors, as falling short of the evidence necessary for proof.

458. Do I understand that all the grounds the police had for arriving at these conclusions were simply hearsay—that somebody had told them so? No. Some of our information came first-hand; they heard expressions themselves.

459. Did they mention how they gathered this information? No. I asked for names, and names were mentioned to me as those of men they had their doubts about, but we have never been able to bring them to the test.

460. Did they mention the names of their informants? No.

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461.

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461. Are you able to state positively that their informants spoke from having been themselves present? It is very difficult to say on what ground a detective bases his conclusions; but being trustworthy officers, we take their opinions for what they are worth in connection with other matters.

462. Do you never ascertain whether they have heard what they tell you at second-hand? If we can make a case out of it, we very soon insist on having chapter and verse.

463. Did you make a case out of this? No; as I have stated before, the evidence fell short.

464. I must still press the question, how you came to have so decided and distinct an opinion on these meetings, when, from all I can gather, you had nothing but mere hearsay to go upon? I was obliged to place some reliance on the reports made by my officers; they all had one tendency.

465. Did you not think it necessary to test this assertion which you say was made so frequently about these meetings, as to whether it was true or false? It came to us by the common consent of all the persons who inquired.

466. Do you never think it your duty, in testing evidence, to find out whether it is based upon hearsay or actual observation? Certainly.

467. In this case did you not think it your duty to do so? No doubt. I put all the questions I could to those who brought me information, and then weighed the matter in my own mind.

468. Have you any reason to state that these meetings were ever proved to have taken place, so as to make it satisfactory? I had no moral doubt, but the legal proof was wanting.

469. Does it not all amount to this,—that hearing this hearsay evidence repeatedly, it made an impression on your mind at last? Not at all.

470. What is the distinction between legal proof and moral proof—What sort of proof was there? You might feel that there was no moral doubt about a thing, and yet the circumstances on which your belief was founded might be worthless as given in evidence. I elicited what was sufficient to prove to my mind the fact, and yet the facts on which my belief rested would have been worthless as legal evidence.

471. Does the statement you make apply to several meetings? To numerous meetings.

472. And you have no moral doubt that they were all of that character? No; the letters I read of Reardon's confirmed that impression very strongly.

473. Would you have held it to be no offence against the law if you found that these meetings were discussing the question of Fenianism? Not if they were merely debating it *pro* and *con*, but I would if they were debating it in the interests of the Fenian association.

474. Do you believe these were accredited agencies from the Fenian associations at home? I believe they were taken part in exclusively by Fenians.

475. Do you mean to say they had correspondence with similar associations at home? I think it very likely.

476. Have you any moral doubt about it? I do not put it so strongly as that. I have no moral conviction, but I think it very probable.

477. How long do you think this state of things existed in the Colony, in a rough way? I think it grew with the growth of Fenianism at home, after the execution of the first so-called Fenian martyrs.

478. Do you think these meetings were in existence a long time before the Prince came here? Certainly.

479. Had you information about them? We had some.

480. When did the information you got present itself in the distinct form it appears to have presented to your own mind? I think it reached a serious position shortly before the arrival of the Prince.

481. You say they were checked—I think you used the expression checked—by the attempted assassination—Did you mean by that, that they ceased altogether? I believe that that led to their concealment—that people were loud in their professions of loyalty.

482. Did you not say the meetings were always concealed? Expressions were heard that were not concealed.

483. Do you think this state of things went on after the Prince's attempted assassination? I do not think it has ever prevailed since to the extent it did before.

484. You placed in writing at the time, of course, all the information you received? I did not.

485. Is all the information that was ever committed to writing contained in the papers that have been placed before the Government since this investigation began? Other papers that would bear upon the subject might be found, but each one would require an explanation of itself—so much is necessarily done verbally.

486. Did you never make a record of the information you received? The conversation I had with the detectives was sometimes at the corner of the street, or at the theatre, or any place where I happened to meet them.

487. You never made any record of it in writing? No. I retained my conclusions, although I have not a very perfect recollection of what led up to them.

488. Then all you have stated is your impression arising from this desultory way of receiving information? My impressions remained on my mind.

489. Were none of the anonymous letters traced to particular people? I do not think they were—certainly none of the important ones.

490. There is allusion made to a Member of Parliament as having been connected with Fenianism—Did you believe that—is that one of the pieces of hearsay evidence which led to the impression on your mind? (*The witness asked whether it was necessary to answer this question.*)

491. *Chairman.*] I understood you to say, in answer to a question from me, that you did not believe any of the statements of this man Myers? I did not say that; there were some of his statements that were necessarily true; for instance, the fact of his having been a waiter at an hotel at Bathurst. E. Fosbery,  
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492. *Mr. Forster.*] Did you place any credence in any of the important information that you received from him? I do not think it was worthy of credence. Perhaps it would be better for me to answer the question by saying that I had no belief in what Myers stated,—that Mr. William Cummings was a Fenian head centre. 5 Jan., 1869.
493. Were any other names of Members of Parliament mentioned to you as disaffected in that sense? No.
494. You never heard that I was a Fenian, did you? No. At the time of the Orange demonstration at Ryde, after the action you then took, I heard a suggestion made that you were going round that way.
495. Did it not strike you as singular that, after having had all this information, no further evidence than such as you have stated you had, ever came into your possession, or that no one was taken? I continued to have the inquiries pressed, but the result was not very definite.
496. The police, I suppose, did their very best in pushing those inquiries? I hope so.
497. But no evidence was found, in favour of the supposition of there having been these Fenian meetings, but such as you have stated? No.
498. You stated that you had a very bad opinion of the *Freeman's Journal*, as containing Fenian doctrine? I did.
499. Can you say why that journal was never prosecuted? I believe a prosecution was in contemplation, and I was directed to obtain copies of the *Freeman's Journal* for the purpose.
500. How far did the prosecution go? I know nothing more.
501. What did you do with the copies? I filed them all, with a note on each, stating from whom they were obtained.
502. Did the Government take any steps to carry out the prosecution? I am not aware.
503. *Mr. Robertson.*] Whom do you mean by the Government? The Colonial Secretary and the Premier, who spoke to me on the subject.
504. *Mr. Forster.*] Something has been said about papers in Reardon's possession, having shewn that he held a prominent place among the Fenians in South Australia—Have you ever had any information from the Government or Police of South Australia, that led to the supposition that such an organization exists there? No such statement has ever been made; no inquiry has been made on the subject.
505. Has your impression as to the existence of a Fenian organization in South Australia, no better evidence to support it—? I did not say much of the existence of a Fenian organization in South Australia. What I said was, that this man was shewn by his letters to be a prominent member of such an association.
506. Did you not mean by that, that such an association existed in South Australia? I inferred that it did, unless the letters were forgeries.
507. Did these letters shew any intention to commit overt acts? They spoke of Fenian principles that it was desirable should be evoked by such men as himself, and that collections were to be made to forward the great cause.
508. Were you present at the examinations, by any person in authority, of any of these men whose names you have mentioned as having given information—Myers, for instance? I was present at the Gaol, and questioned Myers.
509. What was the style of examination? I only know of one. I questioned Myers, and his answers were very unsatisfactory.
510. What do you mean by unsatisfactory? He fenced a good deal.
511. Did you put leading questions to him, so as possibly to suggest his answers? I put such questions as I thought would draw out everything he had to say.
512. You have stated your opinion that O'Farrell was not unaided at the time of his attempt—Have you any other evidence in favour of that opinion? That was simply an opinion.
513. On what was that opinion founded? I think it was a deduction to be drawn from the surrounding circumstances of the case. It seemed improbable that an assassination of the kind should be committed by one man, avowing himself a Fenian, without the connivance and assistance of other Fenians.
514. Do you hold the same opinion now? I do.
515. You have seen no reason then to change it? I have seen no reason to change it.
516. Do you think O'Farrell was sane? I certainly do.
517. Have you found, in conversation with other persons qualified to judge, that many others hold the same opinion? Yes, many.
518. Have you any reason to believe that many of them have changed their opinions? I have not heard of any.
519. You have stated that the Duke of Edinburgh went about privately very frequently, without any attendance—did you mean that he went about singly? Singly.
520. Did it not strike you as extraordinary, if assassination was intended, in consequence of a deliberate arrangement, that he was never attacked at these times? I never apprehended there would be an attempt at assassination.
521. You say that, in your opinion, O'Farrell was not unaided? That was an opinion formed after the fact.
522. Did you not say that O'Farrell was the agent of a kind of conspiracy? Yes, that he was worked upon by others.

- E. Fosbery, Esq.  
5 Jan., 1869.
523. Then I ask you for an opinion as to whether it was not extraordinary that the Prince should not have been attacked when going about privately? In weighing the matter, I thought it very reasonable that they wished to make the attack publicly; the man knew he would be sacrificed, and therefore wished to do the deed in a public manner; O'Farrell said himself that he preferred to make the attack in public.
524. Does that argue the deliberate intent of a sane man? He considered himself an executioner.
525. Do you regard that as the idea of a sane man? I do.
526. Do you suppose then that this organization did not really care about killing the Prince? I think they did it to show that their arm could be felt anywhere.
527. If they really wished to kill the Prince, do you not think they would have attempted it in the manner most likely to be successful? I think they could have had no special desire to take the Duke of Edinburgh's life, but that they wanted to make some public example.
528. I think you mentioned a ball at which the Prince was present—Would it not have been a more easy thing to have killed him at any of these balls? O'Farrell had not the money to pay for a ticket for the ball at the theatre, at which he wished to make the attempt.
529. *Mr. Robertson.*] Does that look like organization? He stated in his diary, that it was hard that a man who had had such command of money should be left without any just at that moment.

WEDNESDAY, 6 JANUARY, 1869.

Present:—

MR. FORSTER,		MR. ROBERTSON,
MR. PARKES,		MR. STEWART.

WILLIAM MACLEAY, Esq., IN THE CHAIR.

John Cecil Read, Esq., examined:—

- J. C. Read, Esq.  
6 Jan., 1869.
530. *Chairman.*] You are the Governor of the Darlinghurst Gaol? I am.
531. Have you brought with you any reports from the warders, and others, connected with the prisoner O'Farrell? I have; I have brought everything I had, as I did not know what would be required.
532. Will you state what the documents are? I have, in some cases, the duplicates of the warders' reports, and I have a few originals. I have brought even the duplicate of the signatures of those who witnessed the execution of O'Farrell, the originals of which are in the Supreme Court. I have also brought several memoranda of instructions as to who should visit the prisoner, and of conversations that occurred between him and the warders, the Surgeon, and others.
533. What are the other papers? Memoranda relative to the course of treatment, and different things about him. I have a copy here of a report by Warders Carroll, Finucane, and Chapman, and also one from the late Chief Warder, Mr. Bernard, who is now in Brisbane, relative to a conversation with him. The latter is dated as far back as 17th March. (*Vide Appendix, B 1.*) The next is from the Chief Warder, dated 17th March. This is an original document, and the reason, I think, of its being written was, that he had something to add, and made a fresh report afterwards. I found this among the papers. (*Vide Appendix, B 2.*) The next I have are two reports on the same date, the 25th March last, from Warder John Carroll, respecting what occurred between the Surgeon and the late O'Farrell. (*Vide Appendix, B 3 and B 4.*) The next is a report from Warder Carroll, and a late warder, William Clarke, dated 27th March. This is a copy, and it is relative to a conversation that took place. (*Vide Appendix, B 5.*) This is from the late Chief Warder, Mr. Bernard, dated 24th March. (*Vide Appendix, B 6.*) Here is another, dated 30th March, a copy, from Mr. Bernard, the late Chief Warder. (*Vide Appendix, B 7.*) The next is a letter from myself, forwarding the reports referred to, to the Inspector of Prisons. (*Vide Appendix, B 8.*) The next is a letter from the Sheriff to myself, with reference to my report dated 30th May. (*Vide Appendix, B 9.*) One from the Sheriff's Office, dated 23rd May, forwarding the reports to the Colonial Secretary's Office. (*Vide Appendix, B 10.*) Another from the Chief Secretary's Office, dated 27th May, with reference to the same subject. (*Vide Appendix, B 11.*) The next is a letter from myself to the Inspector of Prisons, dated 22nd April, relative to what passed between Dr. Carr and the late prisoner O'Farrell. This is a copy. (*Vide Appendix, B 12.*) The next paper is merely a memorandum with the signatures attached of those who were present at O'Farrell's execution. (*Vide Appendix, B 13.*) I have also a letter here from the Sheriff, dated 23rd April, two days after O'Farrell's execution, directing an inquiry to be made, by order of the Colonial Secretary, as to the circumstances under which a certain paper got out of Gaol. (*Vide Appendix, B 14.*)
534. Are those papers, now in your hand, identical with those already published? (*The Chairman handed to the witness the "Inquiry by the Sheriff," ordered by the Legislative Assembly to be printed, 27 April, 1868.*) That inquiry was made in consequence of the letter I have just handed in. I have some other papers, but I do not know whether it is requisite to hand them in. They are merely orders with reference to the Roman Catholic Chaplain seeing O'Farrell, O'Farrell's warrant of committal, and different things of that kind.

535. Have you any others? No, except orders for those who were permitted to see him under certain circumstances. J. C. Read, Esq.
536. You had better hand those in? All the orders, or nearly all the orders, were signed by Mr. Parkes himself, as to persons who were permitted to see O'Farrell during his incarceration. 6 Jan., 1869.
537. *Mr. Parkes.*] How many orders were there altogether? Eleven. (*Vide Appendix, B 15 to B 26.*)
538. *Chairman.*] Have you now handed in everything? Everything, I think, that can be of any consequence.
539. Have you received any answer to that paper (*handing B 8 to witness*)? Yes. I have handed it in.
540. What final action was taken in that case.—This paper contains a statement of complaints made by one of the warders against the Visiting Surgeon? By four of the warders.
541. You applied for an inquiry—Has any inquiry been made? There is only the answer to it which I have given in. (B 10.)
542. And this (B 10) ends that correspondence? Yes.
543. Did you know a prisoner named Meyers? Yes.
544. What was his sentence? I think it was eighteen months.
545. Did he make any communication to you? Very little to me; he told me he could, but he would not make any admissions to me personally.
546. He merely said he could give information? He came to me on the morning of the 17th April, before 9 o'clock, and told me that he was a Fenian, and that he could give information about it.
547. About the plot to assassinate the Prince? No, he did not say anything about the Prince; he would not tell me anything, in fact, anything definite, only that he knew a good deal about it.
548. When did Mr. Parkes first see him? On that very morning. He said he could give information either to the Government or to the Inspector General of Police, but he would not give me anything definite. I told him to put it in writing, and I would forward it. That morning, after he had written it, and I had put a minute on it to forward it, Mr. Parkes himself came in, in company with Mr. Arnold.
549. In consequence of this note? No, he came in accidentally; not accidentally, but he came in upon some other business, in company with Mr. Arnold. I had not had time to forward the note, or to make a minute of it, further than the minute I had made on it. I had made none in the book.
550. Had Mr. Parkes an interview with him then? Yes.
551. Were you present? I was.
552. What disclosures did the man make? He would make none before me. He offered to do it, and to give certain information, but I could see he had an objection to give it before me; he did not say those exact words, but I could see it by his manner.
553. Had Mr. Parkes an interview with him without your being present? No.
554. Not then? No.
555. How often did Mr. Parkes see him? Three times; again that evening.
556. Were you present? Yes.
557. Did he make any further disclosures then? No; he was evidently wishing me to go away, but Mr. Parkes objected to have anything to do with him without my being present.
558. When did he next see him? On Saturday, the following day.
559. Were you present then? Yes.
560. Did the man state anything further then? He stated nothing definite. He stated certain names—names I am not aware of; and he told Mr. Parkes that a gentleman of very high position had something to do in administering the Fenian oath to him—that he met him where he lodged at a public-house—that he slept in the house.
561. You did not hear the name? No.
562. *Mr. Parkes.*] He wrote the name on paper? Yes, he wrote the name on a piece of paper, and gave it to Mr. Parkes, so that I should not know it; he also wrote on the paper (so I heard him say) the Fenian oath, or rather two oaths, and handed the paper to Mr. Parkes. I did not see what was in it.
563. *Chairman.*] Did Mr. Parkes see him after that? Yes. Mr. Parkes and Mr. Fosbery had an interview with him on the 25th of April; I was not present then.
564. Were there any further interviews between that time and the time of his being taken away? I am not aware of any further interview; he was taken away a few days afterwards, perhaps a week afterwards.
565. On what day did he leave Darlinghurst? I think on the 5th May he was taken away, by the detective officer Mr. Wager, and taken by him to Parramatta.
566. What authority did this detective officer shew for taking him away? A letter from the Colonial Secretary.\*
567. Signed by Mr. Parkes? I do not know; I was not there at the time the prisoner was removed.
568. Is a letter from the Colonial Secretary a sufficient authority to you for the removal of a prisoner sentenced to be imprisoned in Darlinghurst Gaol? I would not have the letter always; in some cases it would be lodged in the Sheriff's Office. Sometimes I receive an order from the Sheriff's Office to transmit a prisoner to another gaol. 569.

\* NOTE (on revision):—A transmission warrant was subsequently sent after the prisoner to Parramatta Gaol, I have been informed. (*Vide Addendum to this Evidence.*)

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569. Did the Sheriff give you orders in this case? I do not recollect.
570. Your only authority was a letter from the Colonial Secretary's Office? Yes.
571. Did you deem that sufficient? Yes.
572. Were you disposed to give much credit to this man's statement? I could not, for I could not hear what he said.
573. Do you think he was a man who might be trusted? No, he was a man who had been in gaol before. He was not the sort of man I should be inclined to put any trust in. I made the remark to Mr. Parkes at the time, that sometimes we got the most valuable information from the most worthless characters, but that I should not put any dependence upon anything such a man would say, unless it were strongly corroborated by something else. When such persons give information in gaol, I do not put confidence in it, further than to watch for confirmatory evidence.
574. Were many people permitted to visit O'Farrell during his imprisonment? I could mention everyone, by referring to the Visitors' Book. (*The witness referred.*) The first persons who saw him after he came there on the 12th March—I think it was on that day he was brought there—were Mr. Parkes and Mr. Byrnes. Mr. Pearce and Mr. Clarke, both Magistrates, came on the same day, in the afternoon, to identify him, at the request of the police, having been on the ground when His Royal Highness was shot. On the 13th March, the Roman Catholic Chaplain saw him. On the 14th, Mr. Carfrae, a Magistrate from Victoria, saw him, at the written request of the Secretary to the Police Establishment, for the purpose of identification. He was accompanied by the Honorable Mr. Hay. On 17th March, Mr. Parkes and Mr. Arnold saw him. On the 18th, Mr. Parkes and Mr. Samuel Cook saw him; 20th, Mr. Parkes and Mr. Samuel Cook saw him; 23rd March, Mr. Parkes and Mr. Cook saw him; on the 26th, Mr. Whittington, and Mr. Montague Scott, the photographer, saw him; on the same day, Mr. Wangenheim saw him; 27th March, Mr. Pavey, solicitor from Melbourne, saw him; on the 30th March, Mr. Parkes, and on the same day Mr. Frederick A. Bell saw him; also, Mr. Pavey and Mr. Aspinall, his attorney and barrister; on the 29th, Mr. Dalley and Mr. Aspinall; 3rd April, Mr. Parkes; on the 9th, Mrs. Allen, his sister, saw him; on the 11th April Mr. Parkes saw him; also, by special order, the late Archdeacon M'Encroe, and on the same day, O'Farrell's sister, Mrs. Allen, saw him; on the 15th April, Mr. Kelly, the phrenologist, saw him; on the 16th, two Sisters of Charity, also Mrs. and Miss Terry, and the late Archdeacon M'Encroe; on the 17th, Mr. Parkes and the Archbishop saw him, also Mr. Barnett, the Colonial Architect; on the same day, two Sisters of Charity; on the 18th April, the late Roman Catholic Chaplain, Mr. Dwyer, saw him, and also two Sisters of Charity; Mr. Parkes saw him afterwards; on the same day, Dr. Carr, the phrenologist, saw him; the Chaplain saw him afterwards; on the 19th, the Sisters of Charity saw him; on the same day the Catholic Archbishop saw him; on the 20th Mr. Parkes saw him, and the Archbishop afterwards. I think that is every one who saw him, excepting Mr. Lett, who, a few days previous to his trial, came to serve him with some legal notice.
575. Were you present on all the occasions when Mr. Parkes had interviews with O'Farrell? Yes, I think, with the exception that I was called away for a short period.
576. *Mr. Parkes.*] Did I request you to be present on all occasions? You did, and on one occasion when I went away, you sent for me to be called back again.
577. *Chairman.*] Where was Mr. Cook placed? Beside the door. (*The witness illustrated the position, by standing on one side of one of the doors of the Committee Room.*) As if this were the cell door, he was so that O'Farrell could not see him.
578. Was Mr. Cook placed at the outside of the door through which people passed to go to O'Farrell's cell? Yes.
579. Were there not two doors? Yes, there is a door and a gate to each cell.
580. Do you think that O'Farrell knew that there was a reporter outside the door? No; but I thought it was strange in O'Farrell, the way he tried to get his eye round the door, as though he had some faint idea that there was some one there. I could not say positively that he was doing so, but he seemed to be trying to get a glimpse round where the shorthand writer was.
581. Was this on the first, second, or third occasion? I think on the second occasion.
582. Do the conversations reported here between Mr. Parkes and O'Farrell contain the whole of the statements made on these occasions? I have not read it all through, but what I have read is pretty correct—I think it is correct.
583. You cannot say whether any portions of the conversations are omitted? There were some parts that struck me; there was a sort of jocular remark which O'Farrell made when describing how he was going to shoot the Prince when he was on the ground.—“But,” said he, “poor young fellow, I did not like to shoot him when he was down. Now would you?” he said to Mr. Parkes, in a jocular manner.
584. That is omitted? I did not see it, but I must add I did not read it all through.
585. Was this system of endeavouring to ascertain what O'Farrell said to visitors carried out on other occasions? No, except by Mr. Parkes and the warders. The Chief Warder did, on several occasions, go into the cell and speak to him. On one occasion the Chief Warder had a conversation with him even loud enough for Mr. Cook to take notes of it.
586. On any other occasion when a person visited the prisoner, was that mode adopted of recording what the prisoner said? No.
587. It was only on the three occasions when Mr. Cook was placed there, that anything of the kind was done? That was all.
588. I presume that all these visitors—Dr. Carr and the others—came upon the orders of Mr. Parkes? Yes, the orders I have given in to-day.
589. You, I presume, frequently saw the prisoner before his execution? Several times a day.

590. What was his demeanour and conduct after his sentence? Just the same all through; he acted in a very gentlemanly manner—very intelligent.
591. Was it the same up to the last? Yes, it was the same cool and deliberate conduct up to the scaffold.
592. Did he seem deeply impressed with the nature of his crime? I cannot say that he did; I do not know that he ever repented, further than saying he was glad that His Royal Highness did not die.
593. Did you see any change in him towards the latter part of his time? I cannot say that I did; he always seemed to speak and look gay; in fact, he looked gay and happy, particularly so for a man in his circumstances.
594. Did you see his dying declaration before it was published in the papers—his last declaration? I think I heard it read by the Sheriff, when making the inquiry at Darlinghurst Gaol.
595. That was after the execution? Yes. I am wrong; I think a morning or two after his execution I saw it in the newspapers; that was the first I saw of it.
596. I suppose Mr. Parkes used to be at the Gaol every day at that time? Nearly, I think.
597. Has he been much at the Gaol since he resigned his position as Colonial Secretary? Only once.
598. When was that? About two days ago—on the 4th of this month.
599. Had he any particular business there? He came to look at the new wing, to see how the works were getting on.
600. *Mr. Parkes.*] I signed the Visitors' Book, did I not? You did, on the 4th.
601. *Mr. Steuart.*] These visitors to O'Farrell, did they see him alone? No, two warders were present.
602. Even when the Archbishop was there? I think the Archbishop saw him privately—I think by the papers given in, his clergy were allowed to see him privately.
603. Those were the only parties who did see him privately? Those were the only parties, excepting his sister, who saw him once privately; when I say privately, I think the late Catholic Chaplain was by him.
604. *Mr. Parkes.*] If you take this paper (*handing a paper* "Administration of Justice—Correspondence respecting Charles Miller, *alias* Meyers, discharged from prison"), you will find at the top six queries which were put to the Inspector General of Police respecting the prisoner named Meyers or Miller who was liberated from gaol. If you will refer to the third query, you will see an answer which I should like you to read? (*The witness read the same as follows*):—"The prisoner repeated a statement he had previously laid before the Government in writing, to the effect that a Fenian organization existed in this Colony, and that the assassination of H.R.H. the Duke of Edinburgh had been planned, and that he (the prisoner) had been asked to do the deed. This was some time after the attempt upon the Duke's life. He had not informed the police previously."
605. Did you hear the prisoner make any observation of that kind? No.
606. What did he say? You asked him about O'Farrell—did he know anything about him, or the attempt on the life of the Prince; and he said, no, he did not know anything about it.
607. Did he say that very promptly and positively? As promptly as he said anything. He did not like to make any admission before me. I know he denied any knowledge of O'Farrell, or of any attempt to murder His Royal Highness.
608. During the interview I had with this prisoner, he never made any such statement as is reported here? No, rather the reverse.
609. Just the contrary? Just the contrary.
610. That he had no knowledge of the attempt on the life of the Duke of Edinburgh, or of O'Farrell? Yes, that he knew nothing of O'Farrell, or of the attempt on the life of His Royal Highness. I recollect that was the second time.
611. *Mr. Forster.*] Are you sure that you are referring to this particular interview (*pointing to the paper*)? I know nothing about this. I never saw this paper before.
612. Do you know anything of this interview? No, I know nothing of it. They had an interview with him, and I went out, as he would make no admission before me.
613. *Mr. Parkes.*] My question is, whether, during my interview with this prisoner in your presence, he ever said anything like this? No.
614. Whether, in fact, he did not say the very opposite? Yes.
615. Should you know that prisoner's handwriting? I might; I would not be very positive about it, but I think I should know it.
616. I think I saw the prisoner, in consequence of your making a communication to me that he had some statements he desired to make to the Government? You came in with Mr. Arnold, and I put his letter into your hand, and said—"I was just going to forward this, through the Sheriff." That was the morning of the 17th April. I was about to forward it to the Sheriff's Office, for transmission to you.
617. With regard to the release of this man Meyers, was he not released in the ordinary way in which prisoners are released? No, it was a special order that came to transmit him to Parramatta Gaol.
618. The Under Secretary will be able to state that? I believe the order came from the Under Secretary. I was out when he was taken away.
619. With regard to my interviews with O'Farrell, are you aware that, in consequence of my first interview, the Government ascertained who he was, where he lived; and that in consequence, his effects were seized by the police, which otherwise they probably would not have been? Yes, I put it down at the time —
620. At the time I visited the Gaol, on the 12th of March, the police knew nothing of

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where he had lodged, or whence he had come? That is correct. I put it down in writing at the time. I sent for the police, and advised them to go at once and search his lodging.

621. With respect to the other interviews that followed, you say I requested you to be present? Yes, and when I went away a couple of times, you sent for me, and brought me back—you always would have me present.

622. Did it come to your knowledge in any way, that I in any manner intruded upon the prisoner—did I thrust my presence upon him? No, he seemed to be pleased at your calling to see him.

623. Did I not upon many of these occasions call at his own request? You sent to him to know if he had any objection, and the prisoner said—"No, you know I like to see Mr. Parkes."

624. Coming to the last statement he made—his dying statement that was sent to the Colonial Secretary's Office—Do you remember under what circumstances I happened to be in the Gaol on that occasion? No.

625. Was not the Colonial Secretary of Queensland, Mr. Palmer, visiting the Gaol at the time? Yes.

626. Was I with him? He came in before you.

627. I came in to join him? Yes; you made a kind of apology that you were not up with him.

628. Did you intimate to me that O'Farrell had some statement to make? Yes.

629. Do you recollect that I stated I did not desire to see him, unless he desired to see me? Yes.

630. Can you describe to the Committee what took place? I do not know if I can, clearly, from memory. All that I know is, that you said it was to be scaled up and given to the Magistrate.

631. Do you know whether he offered to give that statement into my hand? He did.

632. Did I decline to take it? You did.

633. Did I decline to look at it? You did.

634. Did I say that the best way would be, to have it attested by the Visiting Magistrate, and to leave it under seal? Yes.

635. If I had been desirous of taking the statement, O'Farrell was desirous of giving it to me? He was.

636. I believe it is your duty to examine all letters which prisoners write to their friends? It is.

637. Do you remember the last letter the prisoner O'Farrell wrote to his sister, Mrs. Allen? I do.

638. Which he wrote the night previous to his execution? Yes.

639. Did the prisoner say anything about the Colonial Secretary? He spoke very highly of your kindness to him.

640. Can you state to the Committee in substance what he did say? No, I cannot; only I know he spoke very highly of your kindness to him, and always was pleased to see you.

641. What is your impression as to whether O'Farrell was sane or insane? I have nothing to go by. He appeared very intelligent,—in fact, a witty man; a clever man I should take him to be, only for the atrocious act he committed against the Prince.

642. I think you stated that there was no observable change in his conduct during the time he was in prison? I think not,—even on the scaffold. He was the coolest man I ever knew. The cool manner in which he ascended the scaffold, looked up at the drop, and assisted the hangman to adjust the rope, was the coolest thing I ever witnessed.

643. Were the various statements he made, as to the circumstances that led him to make this attempt on the life of the Duke of Edinburgh, made voluntarily? At first they were. He commenced in the first instance making those voluntary statements, and then what is reported by Mr. Cook is in answer to your questions.

644. Were not those statements rather conversations than answers to questions? Yes.

645. Remarks on observations that the prisoner made himself, rather than questions? Yes; he used to converse on many subjects, on his travels in Germany, France, and other places; about Ireland, and his knowledge of Fenianism in America.

646. *Mr. Forster.*] Those documents, which you have submitted to the Committee,—are they all the documents bearing upon the question which they have met to consider, that you know of? So far as I know, I have brought everything I have got relative to this case. I think the others I have are irrelevant—I think they would only burden the evidence.

647. You are aware that this Committee is sitting to examine into the probability of an alleged conspiracy? Yes.

648. Has the question of such a conspiracy ever come across your consideration, during the time that it is alleged to have existed? I know nothing of it, only what I heard from the police,—that the Gaol would be attacked, and O'Farrell would be released, and all that sort of thing.

649. Did you ever place much credence upon these rumours? On one or two occasions I thought it must be true, when Captain McLerie, Mr. Fosbery, and Mr. Orridge, said we would be attacked.

650. Did any of these gentlemen ever make any statement to you that amounted to more than hearsay? No.

651. Did they ever give you the name of any one who could be adduced as credible evidence in favour of such statements? No.

652. Did you ever hear of any one? No.
653. What was the conclusion you came to? I must acknowledge that I had some apprehension.
654. You were informed that the Gaol would be attacked? Yes; we had extra guards.
655. Was there anything placed before you more than mere hearsay? No.
656. Merely the opinion of these gentlemen? Yes.
657. Did they ever give you anything in the shape of evidence or proof to substantiate these statements? No, they said they had private information.
658. Did they ever tell you what sort of private information? Never.
659. Have you ever seen anything produced in public documents that in the slightest degree substantiates such an opinion? No.
660. You have stated that there were some charges made against Mr. Aaron, the Visiting Surgeon to the Gaol—Can you state the nature of those charges? Warder Carroll stated that the Surgeon had said to O'Farrell that he would not leave the Gaol alive; to which the prisoner replied, he knew that, and wished it was next week; that Dr. Aaron then said he would not have the honor of martyrdom, as we executed our prisoners in private. This is the report that was made to me of the conversation. (B 3.)
661. Did you think it your duty to bring Mr. Aaron's conduct before the Government? I forwarded the reports myself to the Acting Inspector of Prisons, Mr. Maclean.
662. These reports were made by the warders? Yes; and the Surgeon asked how much money he would give if he would bring him in insane.
663. Did you think these reports that were furnished by you, supplied a fair *prima facie* case for investigation? Yes, or I should not have forwarded them.
664. What was done? The answer is there (*referring to the papers handed in*).
665. Was there any investigation made, or is there anything further than the explanation of Mr. Aaron? Yes. Mr. Aaron first denied it—at least, he said it was "a tissue of garbled truth and actual falsehood"; and I made a report, stating that if the officers of the Gaol were capable of acting in such a manner, in such a case they were unworthy to hold their offices, and that I should be relieved of their services.
666. The investigation, I think you said, went so far as to draw this statement and explanation from Dr. Aaron? Yes.
667. Was he ever called upon to substantiate that explanation? Yes.
668. Did he substantiate it? He said it was a "tissue of garbled truth and actual falsehood," gave a precedent for his conduct in a case, and also quoted a case from the *Lancet*.
669. What was done in the matter? The letter will show for itself.
670. Were the warders ever called upon to make any statement? Nothing further.
671. Do you consider that the matter was properly inquired into? That is a matter of opinion. I would not give my opinion upon the conduct of my superior officer.
672. On the supposition that these statements of the warders were correct, would you consider Mr. Aaron a proper person to hold his office? No, I should consider it my duty to report the case. It struck me at the time it was exceedingly wrong; in fact, I went so far in my letter as to say I considered his conduct was "monstrous"—that was the expression I used in my report.
673. You stated that you were present at all, or at most of the conversations or interviews that took place between Mr. Parkes and O'Farrell? Yes.
674. I suppose you had daily opportunities of observing O'Farrell's demeanour during his imprisonment? Yes.
675. In stating that you considered him an intelligent, clever man, do you mean to imply that you considered him in every respect sane? I had nothing to lead me to another opinion—he was so very conversable.
676. Did you regard him in the least as what may be considered an enthusiast? No doubt he was an enthusiastic man; this very business, according to his own showing, proved it.
677. Did it ever strike you that enthusiasm might be a species of madness? I think it borders very closely on it.
678. Did you think, in O'Farrell's case, it came very close to insanity, or not? I do not know how to describe it; I would not like to give an opinion upon that subject.
679. Were you under the impression that O'Farrell's statements, as a rule, could be relied on? I think so.
680. Did you find his statements made at one time inconsistent with those made at another? Not in that way.
681. Still, I think you said you did not give much credence to these statements? I do not think the Chief Warder did, from the first moment of bringing out that statement about drawing lots out of a bag. Mr. Bernard said—"I do not know what to make of O'Farrell—he is a curious fellow, but we can trace it out from Dr. Caldwell; he says he can throw some light on the subject." It was at the time he (Dr. Caldwell) was absent from Sydney.
682. Did anything O'Farrell said or did, or such knowledge as you derived from all the circumstances, in various ways, impress you with the idea that he spoke the truth, in representing himself as the agent of a conspiracy? I wondered about it at first. At first I thought there was something in it, but latterly I began to doubt it.
683. You have said, however, that when O'Farrell saw Mr. Parkes, he always wished to see him? He made the remark—"You know I always like to see Mr. Parkes."
684. He spoke highly of Mr. Parkes—he had a good opinion of him? He liked to see him.
685. He rather liked him? Yes; the thing pleased him.
686. He appeared to enjoy his conversation? Yes.
687. You have said that all the statements made by O'Farrell were volunteered statements? With the exception of the questions that were put to him and taken down.
688. You implied, with reference to these conversations, that O'Farrell did not show any unwillingness to engage in them? Not the slightest.
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689. Would you call that a volunteer statement, that was made in the presence of another, while a third person was concealed, as the reporter appears to have been concealed? No, because that was in answer to questions put by Mr. Parkes.
690. Would you call a statement a volunteer statement in any sense, which was made so as to be heard by a person whose presence was not known to the person making the statement? That I do not know.
691. Do you think, if O'Farrell had been made aware that a reporter was concealed, he would have made those statements? Yes, for he made the same statement to Mr. Arnold; he did not care who heard it.
692. Do you think he would have objected to the reporter being present, if he had been asked? I do not.
693. What object do you then suppose he could have had in attempting to look round towards the door? I suspected some of the officers might have given him a hint.
694. *Mr. Parkes.*] You are not sure he was looking? No, I merely had a suspicion; I saw him try to look in that direction.
695. *Mr. Forster.*] Did you ever see a proceeding of that kind adopted in a gaol before? No.
696. You have been a long time connected with prisons? Thirty years—Inspector of police in the London police, and connected with gaols.
697. And you never knew such a proceeding to be adopted before? No, never.
698. Do you think there was any breach of faith, by the publication of these conversations in the papers? That I cannot say.
699. Did you ever see a report of some of these conversations which were published in the papers? Yes, I read part of them.
700. Do you think they were correct? Yes.
701. Do you think O'Farrell, supposing he had been asked himself, would have consented to this? Yes; I do not think he cared for life.
702. Do you think his great aim was notoriety? I think he was tired of life; he said so; he said he wished to find out the grand secret.
703. Do you think his being tired of life might have been his motive for the commission of this crime? Possibly. The only thing he said he was afraid of was, that they might bring him in insane, and confine him to a madhouse.
704. Did it strike you that, in his conversation, he seemed to be in earnest and sincere? In some of it there seemed to be a lightness. He was a fellow very difficult to know.
705. Do you think at any time he was making fun of the people? It is quite possible.
706. Do you think it is possible he might have been amusing himself at Mr. Parkes' expense? No. I do not know; he used to ask curious questions of the warders.
707. Your opinion has been asked about the answer which was given, or said to have been given, by the prisoner Meyers or Miller, to Mr. Parkes, before Mr. Fosbery—Were you present at all the interviews between that prisoner and Mr. Parkes and Mr. Fosbery? I was not present when that interview took place between Mr. Parkes, Mr. Fosbery, and Meyers; I merely went to give them a sheet of paper, and went out again.
708. In stating what you did, do you intend to impugn the statement made by Mr. Fosbery? No.
709. Is it possible that the statement of Mr. Fosbery might have been quite true, and yet that a different statement might have been made to Mr. Parkes at another time? Yes.
710. From the character of this man, would you rather place reliance upon his statement than upon the statement of Mr. Fosbery? Certainly I would believe Mr. Fosbery sooner than him.
711. Was anything this man Meyers said worthy of belief? He would not say anything in my presence, therefore I cannot say.
712. From his general character? His character was very bad.
713. You state that Meyers was removed by a special order from the Colonial Secretary's Office—Is that the common course of proceeding? It has occurred before, but it is not the general way. I can't remember a similar case.
714. What is the general way? A transmission warrant, sometimes signed by a Judge of the Supreme Court, or sometimes from the Colonial Secretary's Office, sanctioned by the Governor.
715. How many cases do you know where this course has been adopted? I cannot tell.
716. Did this strike you as an extraordinary proceeding? No, because I knew he was wanted to be removed for police purposes.
717. Had you any idea of the reason of his removal in this extraordinary way? Yes; I believed he was going to give information to the police about Fenians.
718. You believed this special mode of transmission was adopted on that account? Yes.
719. *Mr. Parkes.*] With regard to what you said, in answer to Mr. Forster's question about this statement of the prisoner Meyers to Mr. Fosbery,—Do you think it probable that the prisoner Meyers would make one statement to me at one time, and another to Mr. Fosbery at another? Not unless he forgot himself, as a witness will contradict himself under cross-examination.
720. You are aware that I was present during this interview with Mr. Fosbery? Yes.
721. You are aware that his denial of any knowledge of O'Farrell, or of an attempt on the life of the Duke of Edinburgh, was made to me in your presence? It was.
722. With regard to the order given to you for the removal of the prisoner Meyers,—Cannot that order be produced? Yes, from the Sheriff's Office.

ADDENDUM.

## ADDENDUM.

J. C. Read,  
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6 Jan., 1869.

The Principal Gaoler to The Clerk of the Legislative Assembly.

Darlinghurst Gaol,  
9 January, 1869.

Sir,

I do myself the honor to return herewith my evidence as taken before the Select Committee. Since giving evidence, I have been informed that there was a transmission warrant for the removal of the late prisoner Charles Miller, *alias* Meyers, &c., but that the order was not produced at the Gaol, by the executing officer, Mr. Wager. As the late Chief Warder, who delivered up the prisoner, is in Queensland, I beg leave to enclose a report from the Second Clerk of the Gaol, who was present at the time.

In transferring prisoners, we invariably receive the transmission warrant first, and then apply for the police escort.

I have, &amp;c.,

JNO. C. READ,  
Principal Gaoler.

[Enclosure.]

The Second Clerk, Darlinghurst Gaol, to The Principal Gaoler.

Darlinghurst Gaol,  
Sydney, 8 January, 1869.

Sir,

I remember the prisoner Myers being transferred from this Gaol to Parramatta Gaol, on 4th May last. The Chief Warder, Mr. Bernard, had a note in his hand, which he said was a special order. I did not see any transmission warrant, though I understand a warrant was prepared and sent after the prisoner.

I have, &amp;c.,

JAMES J. TAYLOR,  
Second Clerk.

Henry Halloran, Esq., examined:—

723. *Chairman.*] You are the Under Secretary? I am.

724. Do you produce any papers relative to O'Farrell's case? I have a number of papers, copies of which have been prepared, and are ready to be laid upon the Table of the House.

H. Halloran,  
Esq.

6 Jan., 1869.

725. What are they? I have here the schedules which will accompany the copies. (*The witness read the same. Vide Appendix, C 1, C 2, and C 3.*)

726. These are prepared for laying on the Table of the House to-night? Yes.

727. You state that, among these papers there is a letter from McCormack, *alias* Professor Mac? Yes, I think so, to the Colonial Secretary.

728. Do you recollect paying Mac £4? Yes.

729. Did you take an acknowledgment for it? I am not certain that I did.

730. By whose order did you pay that amount? The then Colonial Secretary's. It was the balance of a small sum left by the Prince, to be given to certain persons who had written begging letters to him.

731. Did you ever yourself see this man Benedict? Yes, I did.

732. Was he frequently at the Colonial Secretary's Office? I think he was there twice or thrice. I think I showed him in to the Chief Secretary at the time; he was very anxious to see him.

733. Did you pay him any money? I think not.

734. Were you cognizant of his having been paid money? I believe he was.

735. On more than one occasion? I say I believe. I think it will appear from the papers—I think the papers will show that.

736. Do you know anything of the engagement of Mr. Cook as shorthand writer? I am aware, from certain documents, that he did act as shorthand writer. The papers are published.

737. Do you know whether he was paid? I have not seen anything to show that he was paid.

738. There is nothing in your office to show that he was paid? He was not paid through my office.

739. These papers now to be laid before the House are all you can find at all bearing upon the subject? Excepting, of course, those already laid upon the Table.

740. *Mr. Parkes.*] You remember the occasion of the attempt upon the life of the Duke of Edinburgh? Yes; I was on the ground at the time.

741. You were at the time attending to your duties as Under Secretary—the following day? Yes.

742. And for some time after? Yes.

743. Attending to your duties continuously? Yes.

744. You have, from your official position, necessarily knowledge of the persons who come to the office? Yes.

745. Can you state to the Committee whether many persons came to the Colonial Secretary's Office, to bring information, to state their opinion, to offer advice as to the state of public opinion, during that time? There were several, I think. I dare say I can recollect names.

746. I do not know that it is necessary to do that. Was there anything unusual —? Yes, it appeared to me that public feeling was greatly excited.

747. Was there anything unusual in the number of persons who visited the office, to offer advice, to give their opinion, or to give information? I think so.

748.

H. Halloran,  
Esq.  
6 Jan., 1869.

748. Had you any opportunity of observing the general conduct of myself, in the treatment of these reports and rumours of persons who visited the office? If not irrelevant to say so, I thought you impassive, excepting on one occasion; not at all so urgent in the matter as I thought—judging from my more impulsive nature—you might have been. I recollect, when I first saw you on the evening of the attempted assassination, I thought you appeared excited, but you afterwards relapsed into your ordinary demeanour.

749. You were, I believe, in constant communication with me on public business? Daily.

750. And had perhaps a better opportunity of observing me than anybody else. Did you form an opinion as to whether I was anxious to make out a case of suspicion against any? I thought, as I have said, you seemed impassive, being of a different temperament myself.

751. Did I appear to desire to weigh all reports made to me with due prudence and care? Yes.

752. Did I frequently have conversations with you on the state of the public mind at that time? Occasionally you did, I think.

753. I should be glad if you could state whether, in your opinion, I showed any disposition to do other than sift these various statements that were made, with due caution? I think you did sift statements with due caution.

754. What was your impression, yourself, upon coming into contact with the public outside, and with persons who visited the office, as to whether there were persons entertaining treasonable views in the country? I was under the impression myself that there were.

755. What is your opinion of the position of O'Farrell, in his attempt upon the life of the Duke of Edinburgh—do you think he stood alone? From what I have read?

756. At that time, from various matters that came to your knowledge, and from what you observed, both in the office and outside? I thought he did not stand alone.

757. You thought he must have some treasonable accomplices? That there must be some persons aiding, abetting, and assisting.

758. You are aware that numbers of letters—I might almost say innumerable letters—came to the office, of a private character—some threatening the lives of persons, others warning persons against attempts that would be made against their lives, others alleging that certain treasonable language had been used by certain persons, and others giving reasons for suspicion? I think you have shown me some of these; and one other you have not alluded to, of a still graver character—a contemplated attack upon the Colony.

759. You allude to the letter addressed to the Earl of Belmore? I think it was.

760. How long have you been in the Public Service? Since 1st May, 1827—forty-two years next May.

761. And you have been in office-life during all that time? Yes, all that time.

762. Did you ever know a time of similar excitement to the time, say a month following the attack on the Duke of Edinburgh's life? Not of such general excitement. I have known times of great excitement, but not of such general excitement.

763. From your official experience, do you think I instituted any inquiry, made any statement, or expressed any desire with reference to this matter, which was unbecoming my position at that time? I cannot say I do; certainly not.

764. Did I appear to you to be over-credulous? No; I said just now, rather impassive—rather holding back than otherwise.

765. There were a great number of letters addressed to the Duke, during the visit of His Royal Highness, of various kinds, from different persons? I have a number of them.

766. You are aware that there were a number of letters, on various subjects, sent to him? Yes; and I know many of them were marked by Lieutenant Haig, on the outside, "Begging letters."

767. You are aware that, as a rule, these letters were referred to me by His Royal Highness? Yes.

768. Do you remember a memorial or letter addressed to the Duke, by a man calling himself Professor Mac? I think I must have seen it.

769. Probably you will recollect whether I, in any way, acted upon that memorial—whether I ever gave any instructions about it? I think not; I am not certain that you ever saw it.

770. You have no knowledge of my ever giving any instructions with reference to it? I do not remember it.

771. Have you any knowledge of my communicating, in any way, with this person signing himself Professor Mac, as to the attack on the Duke, or any circumstances arising out of it? I think not.

772. You state £4 was paid to him—was not that paid to him as an act of charity, on his representing himself, under the name of MacCormack, as having been in business and failed? Yes; I think it was to enable him to get to New Zealand, or something of that kind.

773. You are aware that that £4 in no way came out of the public revenue? You told me that it was the balance of a certain sum of money given to you by the Prince to be distributed in charity.

774. You are aware that it was given to this man as an act of charity, he being one of the persons who had sent begging letters to the Duke? Yes, that was the case. I think you had intended to give it to some other person at Brisbane Water, whose case, having been reported upon by the Police Magistrate there, did not appear to you to be a good case; and this money remaining over was given by you to Mac.

775.

775. *Mr. Forster.*] Did you hear of any papers that were taken from your office by Mr. Parkes, at one time or another, when he was Colonial Secretary or afterwards,—the papers that have been spoken of? Which have been printed? H. Halloran,  
Esq.
776. I mean the papers spoken of as having been in the possession of Mr. Parkes? I have never heard of their having been taken by him; they were left with Mr. Goodman. 6 Jan., 1869.
777. Do you know nothing about them? Personally, nothing.
778. But officially—did you know them in any way? No. I knew he had them, on his own mention to me.
779. How did Mr. Parkes get possession of them? Were they not forwarded in this letter of Captain McLerie, Inspector General of Police, dated 5 December, 1868?
780. I only wish you to speak from your own knowledge. These papers that we are alluding to you say were in Mr. Parkes' possession in some way or other? I believe so.
781. How did he become possessed of them—in what capacity? As Colonial Secretary.
782. Did you regard these as public documents? They are not recorded public documents.
783. Is it not usual, in regard to most public documents, or all generally that are in possession of the Colonial Secretary as Colonial Secretary, that the Under Secretary should also be joint custodian,—has he not some knowledge or recognition of them generally? I fancy that must be the rule.
784. Then are you able to inform the Committee how it was that these papers were dissociated from the general character of public papers? I suppose from the peculiar character of the case.
785. Then I suppose you are not able to inform the Committee what the papers were at all? I am not at all, unless they be those that are printed.
786. I presume, then, you are unable to say whether these papers, produced now after this lapse of time, are those that were left with Mr. Goodman? I did not see them.
787. I observe, in the list you have read, a good deal of reference is made to correspondence with this man Miller or Meyers—letters from Miller or to Miller? Telegrams mostly.
788. In what capacity did this man correspond with the Government? He addressed the Inspector General of Police.
789. He never corresponded with your office? I do not think in a single instance.\*
790. You do not know the position he occupied in relation to Government? I know he was a convict at Darlinghurst, and was removed to Parramatta, and afterwards released.
791. It was after his release that this correspondence took place? I think it must have been.
792. You do not know whether he held any appointment under Government? I am not aware.
793. You say you saw Benedict? Yes, on two or three occasions.
794. What became of him, so far as you know? He went to Victoria.
795. Has he ever corresponded with Government? Yes.
796. Are these papers here? I think so. (*The witness referred.*) Yes.
797. Are you aware whether he had any accredited mission or appointment from the Government? I think he had a letter of introduction to the Chief Secretary of Victoria.
798. And he continued after that to correspond with the Government here? Yes.
799. Was that with your office? Yes, with the Colonial Secretary, I think.
800. In what capacity did he correspond? I think he was a special constable.
801. How was it that he did not correspond with the Inspector General of Police? I do not think special constables, as a rule, do so.
802. Has that been the rule ever since you have been in office,—that special constables always correspond with the Government? It was so in the case of the special constables employed to capture the Clarkes at Braidwood, and in this case.
803. You have given it as your opinion, that some sort of Fenian organization or conspiracy existed? That there were some persons associated for treasonable purposes.
804. You say during the time you held that opinion, you had frequent conversations with Mr. Parkes? Yes.
805. Was it his opinion too? Yes.
806. You spoke of a contemplated attack upon the Colony as having been among the measures intended by Fenians? Yes.
807. What do you mean by that—was it to be an invasion of the Colony by land or sea? By sea. Some maniacal letter —
808. Were any Foreign Governments implicated? I think not. As far as I remember, I think it referred to some organization in America—some troops preparing under Meagher.
809. It was not Miller? No, Meagher. They were going to convert the country into some enormous kingdom for the Pope. Some madman's letter.
810. It was a madman's letter—I thought you said it impressed you at the time as showing the existence of a Fenian conspiracy? No. I was more impressed with the conversations I had with mercantile men and others, who came to the office. They came to ascertain who were the friends of Meagher and others in America, so as to trace out who were the supporters here.
811. Did you ever hear of a single fact, or come across a single evidence, that could be produced in a Court of law, to justify the impression that such an organization existed? I can only answer that with insufficient knowledge. I am not a lawyer, and therefore cannot say; but some of the documents that I have seen appeared to be of strength and validity.

\* NOTE (on revision) :—Yes, in one instance. See letter, 13 May, 1868.

- H. Halloran, Esq. 812. They are included in the papers before the Committee? Yes.  
 813. Can you point them out? Pages from that man's diary.  
 814. O'Farrell's diary? Yes.  
 6 Jan., 1869. 815. Was it from this you derived your knowledge? No, because I have only recently seen those documents; it is from what I heard, both out of doors and in the office.  
 816. Are you sure your opinion was not derived from hearing the same thing constantly repeated? It might, in part.  
 817. You say you had repeated conversations with Mr. Parkes? Yes.  
 818. That was under the impression that an organization existed? I think so.  
 819. Did he give you that impression? I cannot say.  
 820. *Mr. Parkes.*] I think you were on leave of absence at the time I resigned? I was; from the 10th September to the 3rd October I was away.  
 821. I suppose you are aware that a number of papers came to me of a private character, giving me information, which I always treated as non-official? Yes; I think you looked upon them as confidential papers.  
 822. You are aware that I took all those papers, and that I always intended to do so? You certainly did so.  
 823. I always kept them in my own possession—all papers of a private nature, which gave me information which I did not consider official? Yes, I think I noticed that you always put them into that right-hand drawer of yours.  
 824. In reading the schedule of papers which, I understand, are to be laid on the Table of the Assembly this afternoon, you enumerate several letters from Benedict? Yes.  
 825. Are you aware that there are some original testimonials of that man in the Colonial Secretary's Office? Yes.  
 826. Are they included in that schedule? No.  
 827. Could you hand in copies of these testimonials, as an appendix to your evidence? Yes, I think so; I think they are here (*referring*). I find they are not. (*Vide Appendix, C 4 to C 15.*)  
 828. *Mr. Robertson.*] Can you say why they are not? I cannot. I think this meets the Order of the House.  
 829. *Mr. Parkes.*] It was alleged by a witness before this Committee, this morning—Mr. Read, of the Darlinghurst Gaol—that the man Meyers or Miller was released from Darlinghurst Gaol, by an order from the Colonial Secretary's Office, a special order—Do you recollect under what circumstances he was released—whether in the ordinary way or not? I cannot; there seemed some haste. I think the Inspector General of Police was engaged in the matter in some way.  
 830. Does your recollection serve you sufficiently to enable you to state whether the proper order was sent to the Sheriff? Not the slightest doubt about it.  
 831. In the ordinary way? I should prefer referring, but I believe it was the case.\* I should think the Sheriff would not act unless upon some formal direction.  
 832. That, of course, can be ascertained from the Sheriff? Yes.  
 833. *Mr. Stewart.*] Can you tell me what it is that constitutes a public document? I look upon a public document more as a registered document—a thing that is recorded.  
 834. A written document coming from a private individual to an officer of a department is not a public document till it is recorded? It depends upon its nature.  
 835. Coming from a private individual to an official? According to its own nature. If on an official subject, it is bound to be recorded.  
 836. That would be the reason for recording it? Yes.  
 837. Until recorded it can hardly be considered a public document? It may be omitted, or not recorded; still, in its own nature it might be a public document.  
 838. The persons entrusted with the documents are the only persons to judge whether they are official or not? I think so; I think the weight rests upon them.  
 839. *Mr. Robertson.*] It certainly would be a breach of duty for an official to withhold a letter upon an official subject, because he chose to consider it not a public document? Certain papers have been left for years not recorded—letters about Magistrates; and yet these are, in a certain sense, official.  
 840. *Mr. Forster.*] I suppose it would depend a good deal about the intention of the writer. If a person intended to write a confidential letter, that would not be official? Obviously not, if it were confidential.  
 841. *Mr. Robertson.*] In the case of a prisoner ordered for execution leaving a declaration as to any matters that were of a public nature, would you consider that a public document—falling into the hands of any public officer, it would become necessarily a public document? Do you mean falling into the hands of a Minister? If it came into my hands it would be; but it might be in the discretion of the Minister if it fell into his hands.  
 842. *Mr. Forster.*] Must there not be some documents so clearly public documents that no room could be left for discretion? It would depend upon its own character.  
 843. It would be only in a doubtful case that there would be room for discretion? In some cases persons write that such and such persons should not be made Magistrates; these would not be considered public documents.

Isaac Aaron, Esq., examined:—

- I. Aaron, Esq. 844. *Mr. Parkes.*] You are Visiting Surgeon to Darlinghurst Gaol? Yes.  
 845. And have been for some time? Nearly three years.  
 6 Jan., 1869. 846. How long have you been a medical practitioner? Since 1827.  
 847. How long in this Colony? Nearly thirty years.

848.

\* NOTE (*on revision*):—The proper order was sent.

848. Have you, in the course of your professional practice, paid attention to cases of I. Aaron, Esq. insanity? Of course I have had casual cases, but I have never had so much to do with cases of that kind as since I have been attached to Darlinghurst Gaol.

6 Jan., 1869.

849. You have to some extent observed the symptoms of insanity? Unquestionably, as every medical man ought to do.

850. Latterly it has been part of your duty? A great part of my duty.

851. Do you remember a prisoner being brought to Darlinghurst Gaol on the 12th March last, named O'Farrell? I do, perfectly.

852. Were you Visiting Surgeon at the Gaol at that time? I was.

853. During the time he was a prisoner in the Gaol? Yes.

854. Will you state to the Committee what is your opinion, based upon your knowledge as a medical man, and the opportunities you had of observing this individual case, as to whether O'Farrell was sane or insane? From my personal observation, having seen him twice nearly every day during the whole time of his imprisonment, I am most perfectly satisfied that he was sane, and quite accountable for his actions.

855. It has been stated by a witness this morning before the Committee—Mr. Read, the Governor of the Gaol—that on one occasion you asked O'Farrell how much money he would give you to prove he was insane? I did so; and there were four or five warders present on the occasion I did so. I may perhaps be allowed to state my reason for adopting that course. I had anticipated the defence that would probably be set up in his case, and therefore felt it my duty to qualify myself in every possible way to give an opinion as to his state of mind, and that was the course I chose to take. I did it in a jocular way, as every one present must have known. I had alluded before to the probable defence that would be set up, and I said—"You see I was right, that there would be an attempt to prove you insane"; he said—"Yes, so it appears." I am now stating from recollection what took place on that occasion. "Well," I said, "are you?" "No," he said, "I hope not." "Well," I said, "but why then do you allow this defence to be set up?" "Oh! it is the usual course now-a-days, my sister wishes it, and has just come up from Melbourne." "Well," I said, half laughing, "what will you give me to prove you insane?" "Oh!" said he, "there are medical men in England would do it for £500." "Indeed," I said, "I was not aware of that, but will you guarantee me £500?" He said—"Oh Doctor! I cannot guarantee you anything; what is your price?" "Far beyond your reach, or all connected with you"; and I left him. Of course my object was to put him to the proof—to draw him out.

856. *Mr. Robertson.*] Was he sentenced at this time? No, it was before his trial.

857. *Mr. Forster.*] What do you consider your duties in regard to prisoners in Darlinghurst Gaol? Professional, medical.

858. That is rather a wide answer? Yours was rather a wide question.

859. Do you think your professional duties—I presume you think them—are to attend to the health and well-being of your prisoners? Yes.

860. Do you think it is included among your medical duties to obtain evidence against prisoners under committal for trial? No.

861. How did you, then, in this particular case of O'Farrell, depart from what you admit to be the strict line of medical duty, by anticipating the line of defence? I beg pardon; I do not think I said I departed from the strict line of my medical duty.

862. Do you consider it part of your medical duty to make use of the interviews you have with a prisoner, to obtain evidence either for or against him? As to the state of his mind?—Yes. Supposing I had been summoned as a witness, and I had been asked on the trial—a defence of insanity having been set up—whether I believed him to be insane or not, I should have looked foolish if I had taken no steps to ascertain the state of his mind.

863. You had anticipated a defence on the ground of insanity? Yes.

864. What led to that anticipation? Because it was common, and the only feasible—in fact, the only defence that could be set up.

865. Then you thought it your duty, as the medical man of the Gaol, to find out the state of his mind, by asking these questions? Yes.

866. Are you not aware that, in a certain degree, you were violating the rule that gives a prisoner warning that any answer he gives to a question may be used against him? He was quite aware of my object.

867. Did you tell him? Inferentially I told him.

868. Will you explain by what sort of inference? Because I had said to him on one occasion—"So it appears a defence of insanity is to be set up in your favour, as I expected." After that the conversation I have spoken of took place.

869. Had you any instructions from the Government to take this particular line of procedure? No, I had not.

870. Then you took it simply from a sense of duty? Yes.

871. Were you examined? I was not.

872. Were you told you would be examined? I was not.

873. Are you aware whether any of O'Farrell's legal advisers approved or disapproved of this course? I am only aware of it from hearing Mr. Aspinall's speech in Court during the trial.

874. Did you communicate to the Gaol authorities your intention of making this examination of O'Farrell? I did not think it necessary.

875. Did you think it quite fair to this man—in the state he was in, under the circumstances, without any legal advice—to make use of the position you were in, to obtain this kind of evidence? As to the state of his mind, it was quite within the scope of my duty, unquestionably.

I. Aaron, Esq. 876. Did you ever communicate to Government afterwards the course you had adopted?  
 6 Jan., 1869. I was reported by the Gaoler on one occasion, and I also communicated with the Government, suggesting that, as that line of defence was to be set up, it might be desirable that some other medical gentleman might be associated with me in the examination of O'Farrell.

877. Was your suggestion adopted? It was not.

878. How was it the Government overlooked this offer of yours? I am not answerable for the Government; the Government must answer for themselves. I only know the fact that my proposition was declined.

879. Were any of these conversations which you held with O'Farrell published afterwards in any way? Not that I am aware of.

880. Did you ever see anything in the papers purporting to be a report of what took place between you and O'Farrell? I did see something purporting to be.

881. Was it correct? No, incorrect.

882. Was it authorized by you? No; I know who put it in.

883. These examinations, I think you said, were held in the presence of warders? Yes.

884. Was not your conduct afterwards reported by these warders, as a charge against you? Yes; by the warders to Mr. Read, and by Mr. Read to the Sheriff, and by the Sheriff to the Colonial Secretary.

885. What was the result of the charge? The result was that I got slightly censured.

886. Was there any investigation into the charges at all? Nothing more than that.

887. You were called on, I presume, for an explanation? Yes.

888. After this you came to the conclusion that O'Farrell was sane? I did.

889. How many conversations did you hold with him to lead to that opinion? About a dozen.

890. How much time was occupied in these investigations? Sometimes five minutes.

891. Do you think any opinion can be fairly formed as to the sanity or insanity of a man, without knowing his previous history? Sometimes it can.

892. Do you think, simply by conversations of a few minutes' duration, or even for a number of hours, you could decide the question of a man's sanity? In some cases.

893. You are quite sure that in O'Farrell's case you might? Yes.

894. Have you ever heard of cases of insanity, of monomania in particular, in which the person afflicted was capable of carrying on an intelligent conversation on subjects not connected with the particular point on which he was maniacal? Yes, many such cases.

895. Might not that be the case of O'Farrell? No; because the particular subject of conversation was his crime, from first to last.

896. Did you ever hear of cases of men who admitted themselves to have been guilty of crimes, and who were capable of describing in minute detail a number of circumstances attending them, or purporting to do so, and who were absolutely insane upon the point altogether? Yes.

897. And who were found afterwards to have been telling untruths throughout the whole statement? There have been such cases.

898. Did you ever hear of the case of Oxford, who shot at the Queen? Yes.

899. Was it not the fact that Oxford did make a supposed revelation, and described a number of circumstances, which, if true, showed him to be criminal, and which afterwards were found to be fabrications? Yes; but the question of sanity or insanity was not proved thereby. It has turned out, I believe satisfactorily, that he was perfectly sane, and I think he has been discharged as such.

900. Are there not a number of cases within your knowledge, reading, or experience, of monomaniacs talking very intelligibly, even upon the very subject on which they were mad, and giving descriptions that had a certain degree of feasibility about them? I am not aware of any such cases, where there has been a special point upon which the insanity has turned, that the insane person has been able to talk rationally about it.

901. What do you call the special point in O'Farrell's case upon which the question of insanity turned? I do not say he was insane.

902. If you came to the conclusion that he was not insane, is it not possible that you did not find the special point? I went to work to test him in every way, as to the cause of the crime—the origin of it. If that was not the way to get at the point, I do not know what was.

903. You have stated, on your authority as a medical man, that the prisoner O'Farrell was sane, and that an insane person, if tested on the point on which he was insane, would be sure to betray his insanity? In ninety-nine cases out of a hundred, if not more.

904. Does it follow, because you came to the conclusion, by conversations with him for a certain number of hours, that O'Farrell was sane, that you knew the point of insanity—If you had been aware of it, might you not have obtained proof by touching upon it? I do not see the drift of your question. If there were any insanity, it must have been connected with the crime; if he was insane upon any other point, I had nothing to do with that?

905. Were you aware that he had been a man of intemperate habits, and subject to delirium? I heard that afterwards.

906. Were you not aware of it at the time? I was not.

907. Do you think you were as fully informed of O'Farrell's habit of body and previous history, as to enable you to judge, from a few short conversations, whether he was sane or not? It does not follow that a person who has been suffering from delirium at one time should feel the effect afterwards.

908. Do you not think it would have rendered you better suited to determine upon the question of insanity, if you had been aware of this previous stage of his life? I can only answer

answer that question by saying, that if I had known it, it would have made no difference in the result at which I arrived. A man may have *delirium tremens* at one time, and be perfectly sane at others.

I. Aaron, Esq.

6 Jan., 1869.

909. *Mr. Robertson.*] Were the examinations you have spoken of, made when he first went to the Gaol, or were they confined to the latter part of the time? I will tell the truth about the matter.

910. Of course, I have no doubt you will? Within the first three or four days after his arrival there, I had no idea of entering into that course of examination. I asked him some questions with reference to his crime, but it was more with the purpose of cooling the excitement I was in myself, by endeavouring to get some information upon the point. It was after some days that it came to my mind that the defence that would be set up would be that of insanity, and then the conversations I had were held with that view.

911. I would ask you, whether the gaol treatment, and absence of intoxicating drink, would tend rather to improve the state of his mind, and to reduce its irritability, so that he would be likely to be more sane after he had been in gaol a week or two than when he first went in? Of course, assuming the fact that he was insane, no doubt the treatment he received would have been likely to lessen his irritability. If the man had been drinking, as I was certain he had when I first saw him, a day or two's quiet in gaol would tend to cool him down.

912. Had he, at the time of this examination, cooled down as he had before he died? Yes, quite sufficiently to enable me to judge of his sanity.

913. You say you were joking with him? Yes.

914. Is it not the fact that insane people are very good hands at joking, and might he not have been joking with you? No, he did not joke with me; but he did not use any such expressions as are reported.

915. You say he was not joking with you, but that you were joking with him? No doubt he was aware that all that was passing between us was in a jocular strain.

916. How do you know he was joking? When he asked my price, I knew it was a joke.

917. Are you aware that he gave two different statements as to the influences that brought about the attempt to assassinate the Duke of Edinburgh; the earlier one being that he was connected with the Fenian movement, and the other that he was not? That was the last one.

918. Which statement would be most likely to be true, having regard to the gaol treatment he had received? Am I called upon to give an opinion?

919. *Mr. Parkes.*] That is all you can do —

920. *Mr. Robertson.*] I suppose you have been giving an opinion as to his joking? The answer to that question may involve some other considerations. I might express an opinion which might be unpleasant to some parties.

921. I suppose you may have done so now. If you choose to refuse, you can refuse; I presume you will do your duty. I ask you, as a medical man, whether O'Farrell, having made these two statements, and having been drinking just before he came into gaol, the one made just after he came in, and the other made on his near approach to death, which is the more likely to be correct? You ask me for my opinion, and it involves a point of another kind altogether. With regard to the statements he made in the first instance, I look upon them to a certain extent as reliable, because they were spontaneous; the last one was probably given under influences which —

922. The influence of brandy? Certainly not.

923. The influence of low diet—What were the influences? Other influences.

924. *Mr. Forster.*] Which you do not like to particularize? Which I do not like to particularize.

925. *Mr. Robertson.*] I ask you which, assuming there were no outside influences, would be likely to be the more reliable statement,—the one made when he first went into the gaol, when he was labouring under the excitement consequent upon intemperance, or the one after having been under the treatment you have referred to, and being at the point of death—assuming there were no other influences? There might not be external influences, but there might be internal; there might be influences.

926. Supposing there were none? It is really a question that is hardly fair to put to me.

927. You are assuming other influences which you do not state. I say, leaving those influences out of the question, what is the general effect of treatment in the gaol—would a person who, upon going into gaol, laboured under the effects of excessive drinking, be more likely to give a reliable statement upon any matter immediately after his admission, than he would after having been some time in gaol, when at the point of death, and knowing that death was approaching? Upon that simple proposition, possibly you may conclude that the latter statement would be most reliable; but it does not follow as a fact, as we know very well from experience that the most diabolical villains have died on the gallows with a lie in their mouths, and therefore there is no argument to be derived from that.

928. I will now assume a case for the purpose of having the answer as I think it ought to be, especially as there is some idea in your mind with regard to other influences. Supposing John Brown was put into prison to-morrow? — John Brown?

929. John Jones, or John Robinson, having been suffering from excessive drinking—Supposing he made a statement of any event that had just occurred, and supposing that at a subsequent period, when he knew death was approaching, he made another. Looking to the effect of this treatment to which you have referred, which statement do you think would be the more reliable? It is scarcely possible to give an opinion on that point. A man partially under the influence of liquor might state truths which, when he came to himself, he would not do.

930.

- I. Aaron, Esq. 930. You think, on the whole, it is more likely that the statement he made when he came into the gaol, suffering from the effects of drinking, was true, than that the statement he made when he was approaching death was true? I think so.
- 6 Jan., 1869. 931. *Mr. Stewart.*] Suppose you had found O'Farrell insane, in your opinion, what course of action would you have taken? I should, as a matter of course, have reported to the Government that he was.
932. Without anything other than your professional sense of duty? Certainly.
933. *Mr. Parkes.*] Did you notice any material difference in the conduct and general demeanour of O'Farrell immediately before his execution, from that he ordinarily manifested? None whatever.
934. *Mr. Forster.*] You have given an opinion of his complete sanity; but does it follow from that, that he may not have been insane when the act was committed, some days before, particularly having regard to the fact of his having been an intemperate man? That is a question which can only be answered by those who had him under their observation before.
935. All I want from you is, that your opinion of his sanity at this time does not imply that he was sane before you saw him—You do not go that length? At the time.
936. You do not mean to infer that he may not have been insane before? I would not give that opinion, but I may hold it. I would not state in Court that I was certain he was perfectly sane before, or any length of time before; all I can say is, that when he was admitted into gaol he was evidently under the effect of drink, which he acknowledged to me next day.
937. *Mr. Robertson.*] Do you remember what day that was? On the 12th of March. On the second or third day after his admission I went to see him, as usual, in the course of my duty. I said—"You are shaky yet, O'Farrell; I suppose the fact is, when you did this, you had been imbibing some Dutch courage for the purpose?" "Yes," he said, "two or three glasses of whiskey and some wine."
938. He was shaky then? Yes, just as a man will be after he has had a drinking-bout.
939. When a man is shaky two or three days after, would you not infer that he had had a tremendous bout? It does not follow; some men are affected by a very small quantity.
940. *Mr. Forster.*] Is it not the case after people have had these attacks of drinking, that they recover from delusions under which they have laboured at the time? Yes, generally; not always.
941. *Mr. Parkes.*] Are you aware for what purpose this Committee is appointed? Nothing more than from what I see in the papers.
942. It is appointed "to inquire into and report upon the existence of a Conspiracy for the purposes of Treason and Assassination"? Yes.
943. Could you form any opinion as to whether any treasonable organizations have existed in the community? Upon that point I can say nothing beyond what depends upon O'Farrell's admissions to me. Of my own knowledge I know nothing.
944. What opinion have you formed upon the subject? The opinion I have formed, from conversations I have had with him, is, that no organization existed in this Colony, but in Melbourne, and that thence he got an authority to act.
945. Are you aware, of your own knowledge, that persons have expressed sympathy with the prisoner, after the commission of this crime? Not of my own knowledge, for people know me too well to express such a feeling to me.
946. Have you formed an opinion upon the subject? I have heard reports from reliable parties innumerable, that a great deal of sympathy was expressed with his crime.
947. Have you formed any opinion yourself, as a member of the community, and also as having official opportunities of observing, as to whether O'Farrell was alone and unaided in his crime? My opinion is, that he was not alone; and in corroboration of that, I may as well mention the last conversation I had with him. I had already had sufficient to satisfy myself as to his state of mind, and had determined to have nothing further to say to him, but merely to see him, ask him how he was, and go away. On this occasion he commenced the conversation himself, by asking how the Duke was going on. I said—"He is going on very well, in fact so well that he is to be on board ship to-morrow." He said he was very glad. "What!" I said, "you try to kill him, and yet you are glad to hear of his recovery—how is that?" He said—"I endeavoured to do my duty, and failed; now let somebody else take it up."
948. *Chairman.*] You think that is a proof that some one else was engaged in it? It was, to my mind.
949. *Mr. Forster.*] You say you derived this opinion from admissions made by O'Farrell? Yes.
950. In what capacity did you get these admissions? I have already admitted that in my first visits I went a little beyond my proper province. I was excited, in common with the public generally, and having the opportunity of asking him, I said—"I suppose this is a Fenian affair?"
951. You would call that a leading question? Decidedly so.
952. You admit it was not your proper medical duty? Yes.
953. Is not that an admission that these warders, in reporting against you, reported correctly? So far; not after.
954. Is that the only conversation in which you departed from the strict line of your medical duty? On two occasions I admit, but it came to nothing; no use was made of it except to report me.

THURSDAY, 7 JANUARY, 1869.

Present:—

MR. EAGAR,		MR. PARKES,
MR. FORSTER,		MR. ROBERTSON,
MR. JOHN STEWART.		

WILLIAM MACLEAY, Esq., IN THE CHAIR.

Henry Parkes, Esq., M.P., a Member of the Committee, examined in his place:—

955. *Chairman.*] Did you state at any time to your constituents, that the Government were aware of a plot to assassinate the Duke of Edinburgh, before his arrival in this country? Will you be good enough to put your question again?

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956. Did you, in addressing your constituents at any time, tell them that the Government were aware of a plot to assassinate the Duke of Edinburgh, before his arrival here? I take exception to the competency of this Committee to ask me anything about what I stated to my constituents.

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957. Do you refuse to answer the question I put? I have given my answer.

958. It is not an answer to say that you take exception to the competency of the Committee to put the question. Were you Colonial Secretary in the month of August of last year? Yes.

959. Did you, on any occasion, state that, while you were Colonial Secretary, the Government were aware of a plot to assassinate the Duke of Edinburgh, before his arrival in the Colony? I have stated, on various occasions, that the Government had information that violence would be intended. I do not recollect in what particular language I made these statements.

960. Towards the Prince? Towards the Duke of Edinburgh.

961. Before his arrival in the Colony? That there was intelligence of this intended violence before his arrival in the country.

962. Did you ever state that, in consequence, extraordinary measures of precaution were taken by the Government? I have stated that measures of precaution were taken, in consequence of information that some disturbance or breach of the peace, involving violence to the Duke of Edinburgh, might be apprehended.

963. Did you ever state that 500 special constables had been sworn in to protect the life of the Prince? I did.

964. What was the nature of the evidence in possession of the Government, to the effect that the Prince's life would be in danger on his arrival in this country? Various rumours reached the Government, through different channels, that some apprehension of the kind might be reasonably entertained, and which appeared to call upon the Government to take every precaution.

965. You say rumours. Can you state any of them—can you particularize them in any way? In what way do you mean?

966. Can you mention any one of the rumours, or authority for the rumours? Yes.

967. What are they, or were they? I received letters from different persons, and persons occupying respectable positions in society, to the effect that danger of this kind might be apprehended; other persons waited upon the Colonial Secretary of the time, and gave information to the same effect.

968. Have you any of these communications with you? I think I have.

969. Will you produce them? I may, in the course of the examination.

970. Can you produce any that will contain information of a definite character? Yes.

971. What is that information? Of the character I have already endeavoured to describe. I thought I spoke in language sufficiently clear.

972. Can you produce it? Produce what?

973. The letters you speak of? Yes, I can produce letters, but I decline to do so at this stage; I may produce them in the course of the morning.

974. You refuse to produce the evidence you say you have in your possession? I have already given my answer, sir.

975. *Chairman.*] Mr. Parkes refuses to produce the papers.

*Mr. Parkes:* I do not refuse to produce the papers.

976. *Chairman.*] Then why do you not produce them?

*Mr. Parkes:* Because I think it right to exercise my own discretion.

*Mr. J. Stewart* submitted that this was not the proper way to conduct the examination.

Committee deliberated.

*Mr. Parkes:* I have a paper here which perhaps would answer the Chairman's purpose, if he would put his question again.

977. *Chairman.*] I ask you generally for the evidence that was in the possession of the Government, making them acquainted that there was some probability of violence being used towards His Royal Highness the Duke of Edinburgh? In answer to this question, I wish to say that, as Colonial Secretary at the time when this crime was committed, I received various statements, some by letter, some by word of mouth, from persons of reputable position in society, alleging in various ways that it was currently reported, before the crime was committed, that some crime of the kind would be committed. In some of these instances, where the names of persons are concerned, I should, under any circumstances, decline to give up those names; the making the names public might lead to great inconvenience, without producing any good; it might even lead to personal violence, perhaps to bloodshed, without doing any good; and I should consider myself utterly unworthy of the position I held at the time, if I gave up these names to the Committee

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mittee or any one else. I received these various communications, but I hold in my hand a letter received at the time, to which none of these objections appear, in my judgment, to apply. This letter is dated "Kiama, 12th March," the day on which the Duke of Edinburgh was shot—

978. I may at once point out that this is no answer to my question—My question referred to information in the possession of the Government before the arrival of the Duke of Edinburgh? I will proceed in my own way. Am I to understand that you desire to prevent me giving my answer in my own way?

979. I think the statement you are making is not an answer to the question I put? If I am stopped in proceeding, I shall decline to give any further information.

980. The matter on which I want information is, as to what information was in possession of the Government, before the arrival of the Duke of Edinburgh? (*After some conversation amongst the Members of the Committee, Mr. Parkes proceeded.*) This letter is from a gentleman who is not a resident of Kiama, but who was visiting there at the time. It is in these words. (*Mr. Parkes read the letter. Vide Appendix, D 1.*) The letter which I have just read shows that, according to that writer, he heard, four or five days before the attempted assassination, statements that the assassination would be attempted. I received, as I have just stated, several communications of various kinds, which, in fact, led to the consideration of the whole subject by the Executive Council, before the Prince arrived; but as to these statements, I am not sure I can produce any of them. I shall see, in the course of the morning, whether there is any amongst these papers that I shall feel at liberty to produce; but I restate that these communications were made to the Government.

981. Does that communication you have now read give any evidence of the Government having been aware of any plot against the Prince before his arrival? The letter just read will speak for itself.

982. Do you know the writer of the letter? No, not personally.

983. What were the extraordinary measures of precaution taken, in consequence of the belief of the Government that the Prince's life would be in danger? Direction was given to swear in 500 special constables, and a detachment of the military was placed within a public building, within the city, by the authority of His Excellency the Governor.

984. Was the authority to swear in the 500 special constables given for the purpose of keeping the peace? For the purpose of keeping the peace on the apprehended violence in consequence of the Duke's arriving in the Colony. I would wish to understand—I cannot understand—the distinction that has been drawn between preserving the peace from apprehended collisions between certain bodies in hostility to each other, and the other alleged ground of the safety of the Duke of Edinburgh. It does not appear to me that any distinction can properly be drawn. If a breach of the peace was apprehended from collisions between certain public bodies, in consequence of the arrival of the Duke of Edinburgh, it does not appear to me in any way to diminish the cause alleged, that it was on account of the Duke of Edinburgh that the disturbances were apprehended.

985. Then, when you stated that these precautions were taken to preserve the Prince from danger, you meant simply from any danger arising out of a street fight? I meant nothing of the kind; simply, to use your word, what I meant to convey was, that the impression on my mind, as the Member of the Government who, from my position, had most to do with inquiries of this kind, that I apprehended some disturbance, in consequence of the arrival of the Prince, and some danger to the Prince's person; and for this, precautions were taken in order to protect the Prince's person, and in order to preserve the peace.

986. Were there 500 special constables sworn in? I am satisfied they were not; but I was under the impression, until within the last month, that they were sworn in. The circumstances in connection with their not being sworn in have been explained by papers laid before Parliament; and it appears, from a report made by the Inspector General of Police to the Colonial Secretary, that they were not sworn in. That communication is made in a report that bears the word "Approved," with my initials; but the report itself was not written for several days—I think, more than a week—after the authority had been given, and after the day on which the Prince arrived; and the report itself reports a number of things to the Government which required the approval of the Minister; whereas, the mere communication of the fact that these police had not been sworn in could not require his approval; and, though I speak from the impression formed now, and not from any recollection of the circumstance—as I do not recollect the circumstance of approving of that paper—it is obvious the approval must have been given to these various matters, stated in the report, which required the Minister's approval, and could in no way be given to the matters which did not require his approval; because, if the Minister gave a direction to the Inspector General of Police to swear in 500 special constables, and the Inspector General of Police on his own responsibility declined to act on the authority, and then simply communicated the fact seven or eight days afterwards, it was perfectly useless for the Minister to approve it. There would be no reason or common sense in approving of a thing of that kind; but the other things communicated in that report required my approval; and I have no doubt that the manner in which that approval was given was, that the Under Secretary presented the report, pointing out that there were a number of little payments that were pressing, and asking me to approve, and I approved on his recommendation simply. But for any one to attempt to show that my approval applied to the representation that these special constables had not been sworn in, is not in accordance with common sense, because that did not require my approval. It was a thing done in violation of my directions, and only reported to me some seven or eight days after the occasion had passed by. 987.

987. Do you recollect receiving a communication, on the morning of O'Farrell's execution, from a man named Benedict? I do not think I did.

988. Do you remember stating in the Assembly, on that day, that you had received, that morning, information of the highest importance, and entitled to great consideration? Have you got the report of what I said? H. Parkes,  
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989. "It was true that a statement made by the prisoner O'Farrell had been sent to the Colonial Secretary; but, that a demand should be made to make that statement public before the Executive authority had considered it, was a thing perfectly new. This statement was opened at the very same time that another statement was opened of the very highest importance, and it would be in the greatest degree detrimental to the public interest for one of these statements to be considered apart from the other."

990. Now the statement that was opened at the same time as O'Farrell's last declaration is what I wish to get at? A statement was opened by me,—I have no doubt from that report it must have been on the same day, but I have no recollection of it beyond the recollection to which I am assisted by your reading that report,—a statement was opened by me, stating that there were accomplices of O'Farrell in the Colony, and that the writer had no doubt but what he could produce satisfactory evidence to show that. That statement—without attaching any undue importance to it—being directly in conflict with the statement alleged to be the dying declaration of the prisoner O'Farrell, appeared to me to justify the Government in taking some time to consider it.

991. From whom was this communication received? I decline to state from whom it came.

992. Have you ever received any communication from a person named Benedict? Yes.

993. What was the first occasion on which you heard from this man? In the first instance, a person named Benedict called upon me, I think. I cannot be quite sure whether he called upon me personally, or whether I received a letter from him in the first instance, but my impression is that he called upon me personally. He represented himself as having been employed in the police of Victoria, and, previously to his employment in Victoria, that he had been employed in the police in Tasmania, and that recently he had executed a police mission for the Government of Queensland, I think; and he said he thought he could give information to the Government, of great importance and value, concerning the recent attempt at assassination. As this person was only one of scores who came to the Government, making similar representations, I received the statement with a good deal of doubt and caution, which led him to say that, if I doubted his respectability, he could produce documents that would satisfy me of his trustworthiness and his good character. He left the office, and, either that day or some days subsequently, returned with a number of original testimonials from different persons in authority, where he had represented himself to have been employed. These testimonials are, I believe, now at the Colonial Secretary's Office. I then declined to entertain any proposal which he had to make, or to receive any evidence; indeed, he had no evidence to give; all he had to state was, that he could produce evidence. I declined to take any step with this person without his first seeing the Attorney General, who questioned him as to the nature of the evidence which he alleged he could produce, and expressed doubts, which I entertained myself, as to whether he could produce this evidence. He, however, stated, in very positive terms, that he was quite sure he could produce evidence to convict persons of being concerned in the attempt to assassinate the Duke of Edinburgh; all, he said, he wished to stipulate for was, that he should have the assistance of the police to effect the arrests when he required this assistance, and that the police should have no portion of the rewards which had been offered, through giving that assistance; in other words, that if he produced evidence to convict accomplices of O'Farrell, he should have the rewards offered, without their being shared by the police, notwithstanding that he should require the assistance of the police to effect the arrests; and, as he wished to go to Victoria, where he alleged some of these persons lived, that he should have such a letter to the Government of Victoria as would enable him to obtain the assistance of the police in that Colony also, in the same manner, to effect the arrests when he was ready to effect them. These conditions were given to him—that is, if he could point out criminals of the character he described; and that he should have a letter to the Government of Victoria, asking for the same assistance there. He professed that he did not want money, and for some considerable time he never said anything about money; but on his being prepared to go to Victoria, he made some representation that he had been disappointed in receiving money, and that he had been put to much expense which he did not expect, and therefore, required an advance of £30, which he would repay. I consulted some of my colleagues—whether I named it to the Treasurer he perhaps will recollect—(Mr. Eagar: No)—but I consulted the Attorney General; and the £30, with the concurrence of the Attorney General, was paid to this person, and he went away to Victoria. Most of the letters I received from him, I received after he had left this Colony, and these letters were to the effect that he had succeeded to some extent—I think he said succeeded to the full extent of his expectations—in obtaining evidence, but that he wanted more money. I thought this a suspicious circumstance, and began to think that, in all probability, this man, notwithstanding his testimonials of character, was really wishing to impose upon the Government; and, after consulting with Mr. Martin, I declined to pay any attention to his letters. He wrote several letters, still complaining that the money he asked for was not forwarded; and at length I caused a letter to be addressed to him, of which I believe there is a copy in the Colonial Secretary's Office, to the effect, as far as I can recollect, that what he required the Government to do was done, and what he undertook to do had not been done, and that we declined to hold any further communication with him.

That

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That is, I think, a correct outline of all my transactions with this person. I may add, that the notion that we ever received evidence from this man is entirely unfounded; we never received any evidence from him; all his intercourse with the Government was simply an offer to produce evidence, which he never did produce, and which I have every reason to believe he was unable to produce.

994. How many Fenians did he tell you he would undertake to find in Sydney? That will be found in his letters; I do not recollect.

995. You guaranteed him the full amount if he convicted these Fenians—he was to receive the whole amount of the reward? If he adduced evidence that led to the conviction of accomplices in the crime of the prisoner O'Farrell, he was to have the rewards which had been offered, without their being in any way diminished by portions being awarded to the police that might be called in to assist him.

996. On his receiving this £30 from the Government, was it not on condition that he paid it back in a month? I do not recollect. There was a receipt taken for it, which is in the hands of the Government.

997. What was the meaning of that—Was he to pay it back out of the reward? I do not know how he was to pay it back. It was advanced to him.

998. The arrangement was made through you? The money was advanced to him to be repaid.

999. Then this document, this paper that you received on the morning of O'Farrell's execution, stating that there were Fenians in Sydney whom the writer could point out if he had an opportunity, you decline to say whether that was written by Benedict or not? I have said all I have to say about it.

1000. Are you aware that Captain McLerie, in his evidence, states that that letter was from Benedict? I am aware that Captain McLerie could not know whether it was or not.

1001. Are you aware that among the papers which were laid upon the Table of the Assembly yesterday, and referred to this Committee, there is one from Benedict to you, dated 20th April? I am not aware of what they consist; I am not on such terms with the Government as you are, to know what they are.

1002. The list was read yesterday in the House? I did not pay much attention to it.

1003. Did you not receive a letter from Benedict, dated 20th April, and marked as received on the 21st? I received several letters from him, but I do not remember on what days I received them.

1004. Do you remember having received a letter on that day from a person whose name you will not mention? No doubt I received a letter on that day, but I could not recollect what I said about it, unless assisted by the report.

1005. Have you got the letter which you received on the 21st? No.

1006. Was it a public document? I do not know.

1007. Was it not addressed to the Colonial Secretary? I cannot say. A great many letters were addressed to me at that time which I did not consider public documents.

1008. Then you refuse to state from whom you got this letter on that morning? I have said all I have to say about it.

1009. Was it in this communication you received intelligence of a new kind of crime? What new kind of crime?

1010. I use your own language, used in the Assembly? There is a great variety of new kinds of crime.

1011. Did you not state in the Assembly —? I will not be catechized as to what I stated in the Assembly.

1012. Did you not use words to this effect:—"He never heard that it was proper that the thing could be imagined, to ask for statements of this kind, when the Government had to grapple, as it believed, with a new kind of crime, of which there was evidence sufficient to carry moral conviction to the mind of any man that it was deeply seated in the Colony, and which it was in the highest degree difficult to deal with"? I have no objection to state what I intended to convey. First of all, I do not remember whether that is a correct report or not; but I have no hesitation in repeating what my impression was then,—that it was a thing not in accordance with the practice of English gentlemen engaged in public life, to endeavour to embarrass the Government while all its energies were called into operation to deal with a new kind of crime. What I meant by a new kind of crime was, the crime that had been committed in endeavouring to murder the son of the reigning Sovereign. That is a new kind of crime in this country. It is a new crime within my experience and knowledge. Whether it is a new crime within the experience and knowledge of the Chairman, I do not know. What I meant was, that we had an attack made on the son of the reigning Sovereign, and that there was reason to suppose it arose from disaffection against the Throne and Government of England; and this most unquestionably was a new kind of crime in this Colony. It was a most un-English and unparliamentary thing, to endeavour to embarrass the Government when they had to deal with this new kind of crime. That was what I meant then, that is what I say now, and that is what I mean now.

1013. Do you think that was the impression you gave to those who heard you at the time? That is the impression to be fairly drawn from my words as reported in the newspapers. I did not say that a new crime had been communicated to the Government, but I said we had to deal with a new kind of crime, which is clearly a very different thing.

1014. Which was deeply seated in the Colony? Which was deeply seated in the Colony, of which there is no doubt whatever in my mind now.

1015. Were you not aware that the general impression made by your words was, that you had just become acquainted with some conspiracy? I am aware that was the impression endeavoured to be spread by persons opposed to the Government of the time.

1016.

1016. Are you not aware that it caused a good deal of anxiety throughout the country? I do not know.

1017. Had you not many opportunities, subsequently, of explaining what you meant? Of course I had.

1018. Did you take any of those opportunities? I do not think such a matter—so clearly expressed, as I think—required much explanation.

1019. You also mention that the Government were in possession of evidence, attested by affidavits, sufficient to convince them that the attack was the result of a conspiracy to take the Prince's life? I have stated that I could produce evidence—I think the words I employed were “attested by affidavits”—which left on my mind the conviction, that not only the attempt to take the life of the Duke of Edinburgh was planned, but that some person who had a knowledge of the secret, and whose fidelity was suspected, had been foully murdered. I use that language now, as conveying the conviction on my mind to-day, the 7th January, 1869. That, I suppose, is definite enough.

1020. Have you, in the papers which you laid upon the Table of the Assembly, given all the evidence which you alluded to then? I have given the main evidence to which I alluded. These papers do not comprise the scores of letters—many of them of a very confidential character—which were addressed to me at the time, and some of them from some of the highest persons in the country. Amongst the warning letters addressed to the Government, giving information of persons who might be suspected—persons who occupied positions as citizens of the community, who might be suspected of disloyalty and treasonable purposes—I have one here in the handwriting of Sir William Manning, the present Attorney General. I have another from a constituent of your own, a resident at Wagga Wagga, and a Magistrate.

1021. What is the purport of these communications? The purport of these communications is that which I have described.

1022. Giving an account of a Fenian organization? I have described their purport—that they were giving information or warning to the Government that there were persons, occupying positions as tradespeople and others, who might be suspected of treasonable designs against the Government.

1023. Treasonable designs against the Imperial Government or the Colonial Government? It was difficult to distinguish the two on that occasion.

1024. Or against the life of the Prince? I decline to put my answer in any other form than that of my own language.

1025. I think it very important to know what the nature of these communications was? There is a letter here, signed by a Magistrate of Wagga Wagga—you can see the name if you think proper—and addressed to the Attorney General of the time, Mr. Martin.

1026. Will you read it? I will read it, omitting the names. He says—“A respectable and credible person who visited Sydney, from this town, during the festivities which followed the arrival of Prince Alfred, has informed me to-day, that he became aware that nightly meetings of a seditious character were held at Sydney, at”—a certain place which he names, but which I decline to name—kept by one whose name I decline to state—and that, under his observation, it was the only house in that neighbourhood which did not illuminate. He says he went to be convinced, and was shown, and it was in perfect darkness. Another house”—which he also names, but which I decline to name—“he assures me was used frequently for meetings of a seditious kind within his own knowledge and observation. I have considered it my duty at once to give you this information, for whatever it may be worth.” This letter is dated from Wagga Wagga, 16th March, 1868, and signed by a gentleman in the Commission of the Peace, and placed in the Commission of the Peace on the recommendation of Mr. William Macleay, the Member for the Murrumbidgee.

1027. *Mr. Forster.*] The name is not to be furnished to the Committee? I decline to furnish the name.

1028. *Chairman.*] Was any action taken in consequence of this information? Yes; the letter was handed to the Inspector General of Police, or to Mr. Fosbery, who was acting for him.

1029. Do you know anything more about it? I do not recollect what was the result; but no doubt the result was, that there was nothing so definite as would justify an arrest, or certainly an arrest would have been made.

1030. What was the nature of the information which Sir William Manning gave? That letter which I have just read was not addressed to me, but to the Attorney General, and handed to me by him. The Attorney General handed to me all letters of the kind at the time, inasmuch as I was the Minister placed in charge of the police. The memorandum I have in the writing of Sir William Manning, and bearing his initials, which you can see, is to the effect that a person, who is well-known, displayed emblems of disloyalty, and which are considered in defiance of the English Government, when everyone else was displaying emblems of loyalty, on the occasion of the landing of the Prince.

1031. That is all? That is it; pointing out that it was desirable to make further inquiries as to this person.

1032. You offered a reward, I think, on the 9th April, of £250 for information regarding seditious meetings? I think there was a reward of that kind offered. It is a long time since, and I speak from recollection. I cannot recollect the amount, or when it was offered; but a reward of that kind was certainly offered. It don't much matter, I suppose.

1033. That proclamation sets out by stating that there was good reason to believe there were seditious meetings held—What reason had you for believing there were these meetings held? I have given some of my reasons already.

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1034. Were there any further reasons? A great many reasons of the same kind.

1035. That Wagga Wagga letter gives some? That is only one out of a great number of letters of a similar character. I hold in my hand here a letter from a person of unquestioned position in society—occupying a semi-public position, and well-known—dated from a town in a Southern District, 14th March, 1868; and, in the course of this letter, this gentleman says—“Yesterday I was assured by a Government officer that a fortnight ago”—the letter, it will be observed, is dated 14th March, two days after the Prince was shot—“it was stated on the street of this town that Prince Alfred would not leave New South Wales in life. Connecting this with a wide-spread report in another town”—which he mentions—“that the Prince had been shot, and now with the fact that the dastardly deed has actually been perpetrated, one cannot help supposing that Fenianism exists, and is under some central control, in this Colony. It has for some time been rumoured that Fenian meetings are regularly held at ——— Plains,”—he uses the name, I shall decline giving it—between such a town and such a town, giving the names. “I was yesterday told that similar meetings were being held at ———,” two other places which he names, some miles on such a side of another town. “It has also been asserted in this town that certain papers and documents of a Fenian character have been found, and that the finder was recommended to send them to you.” The writer of this letter makes a number of similar statements, extending over three sides of a sheet of foolscap. That is from a person very well known.

1036. May I ask, did you find, on investigation, that there was any foundation for these statements? On investigation, the matter was left in this state,—that it was positively asserted these meetings had been held, but that the police could never become eye-witnesses of them; that is, they were never found out. That is the state in which it was left—precisely the state in which reports and similar communications respecting secret societies are continually left, both in England and Ireland, with all the power of the police in those countries. I have another letter here, from the Northern District. This is written over I do not know how many sheets of post paper, and it is signed by a gentleman who is also well known, and who, the year previously, 1867, was Mayor of the town where he lives. He states various things of the same character.

1037. Rumours? Rumours, yes; expressions of a similar character. I received another letter from a respectable man, a landholder, residing in a town about thirty miles from Sydney, which was visited by Prince Alfred. In this letter he mentions a person, an old resident of the district, who is well known to me, and has been for years, and who is a man of property, and was present when the Duke of Edinburgh visited this town, and that this person said, in the hearing of the writer of the letter to me—“Yes, he is all very joyous now, with the English rag waving over him, but the black flag will wave over his corpse before it leaves the country.”

1038. That was said in the presence of your informant? Yes. He can be summoned here if you like. I have no hesitation in stating the name, and he can state the name of the person who said so, if he likes—it was Mr. Robert Stuart, of Penrith. It was said some time before the Prince was shot.

1039. Was any investigation made, or the man apprehended? You surely must know we could not apprehend the man on such a statement. The letter was submitted to the Attorney General and the Inspector General of Police; but I do not remember what decision was arrived at, at this moment.

1040. Do you know the name of the man who made the statement? Yes. I decline to give that. I give you the name of the writer of the letter; you can summon him here if you like. In connection with this subject, I should like to put in a telegram received from Mr. Dalton, Police Magistrate at Grenfell, addressed to the Colonial Secretary, Sydney, which I hardly know how I have in my possession. (*Telegram read. Vide Appendix, D 2.*) This telegram is dated 29th April, I think after the Duke of Edinburgh had left the Colony. I may say that similar letters to these from which I have read extracts, I have received from nearly every town in the Colony.

1041. Was any further inquiry made into this? Yes.

1042. What was the result? That it was the fact that the effigy had been hung on this gold-field, as described in the telegram. Instructions were given by telegram immediately to institute inquiries, and endeavour to bring the perpetrators to public justice.

1043. Did the Government receive a report on the subject? Yes.

1044. Where is that report? I have not got it; I suppose it is in the hands of the police. It is by inadvertence I have the telegram. I may mention also, that when addresses of condolence were got up to Prince Alfred and the Queen, certain parties, clergymen of the Roman Catholic Church and others, declined to sign those addresses, notwithstanding that everybody signed at the time. I have a telegram here, from a Magistrate at Bathurst, which says, “Two or three of Roman Priests and several of their body here have refused to sign the address to the Queen; their Bishop not at home.” I believe it is a fact, that Roman Catholic Clergy, and other persons at Bathurst, absolutely refused to sign the addresses of condolence to His Royal Highness and Her Majesty.

1045. Is that a private telegram? No. (*Telegram handed in. Vide Appendix, D 3.*) I have a statement here. I do not think the objections which I feel to make known names, in some cases, apply to this. As far as my recollection serves me, the person in question did not wish to conceal his name. This person declares that a person in the Government Service of this Colony, and the son of a gentleman holding a high position in the Government Service, said that the Prince would be shot, or that he had heard the Prince would be shot, before the Prince was shot. “I declare that the following language was spoken in my hearing, by Mr.” So-and-so, of such a department, “first, about a week before

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the landing of His Royal Highness." Here is a document such as you wished to have.

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1046. What is the date of the letter? There is no date to it, but the person's name is signed to it. "1st. About a week before the landing of His Royal Highness Prince Alfred, Mr. — said that the Prince would be shot, or that he had heard the Prince would be shot. 2nd. After the review by His Royal Highness, I said to Mr. — that the people of Sydney had given the Prince a great and loyal reception. He said he would never take his hat off for any Prince or Queen. I asked him his reason for using such language; his answer was that they were only human beings the same as himself. 3rd. The day after the picnic he came to my place, and I spoke to him about the assassination of the Prince. He said it was a strange thing that he should have had on one of O'Farrell's shirts at the time. I asked him if he knew much about O'Farrell; he said yes, that he had been with him very often. I said—'Did you ever hear him say he would shoot the Prince?' He said no, but he had heard him say the Prince would never leave Sydney alive. 4th. On Tuesday, 16th instant, I spoke again to Mr. — about the cowardly act of O'Farrell. He said that he did not consider it a cowardly act, for he had shot the Prince in open field before every one." This is the son of a gentleman holding a very high position in the Public Service; and if I withhold the name, it is in consideration for his father. I will show you the name in confidence, if you like.

1047. I do not wish to see it, but I think that in these cases everything should be published? I have no objection to producing this name, and I do not think the writer has any objection whatever; the only hesitation I have is on account of the gentleman whose son I am speaking of.

1048. Has there been any inquiry? This was shown to the police in the same way as all other papers. I will hand in these papers to be appended to my evidence. (*Vide Appendix, D 4.*)

1049. This letter did not come into the possession of the Government before the arrival of the Prince? No. If you want something to corroborate my simple statement that the Government had evidence, that corroborates it.

1050. This information was not in possession of the Government at that time? On that very account, it more strongly corroborates what I say.

1051. It does not show that the Government had the information before the arrival of the Prince? It simply asserts what I assert. I say the Government had information; that letter says other persons had the same kind of information.

1052. Are there any other papers? I am just waiting to answer any questions.

1053. I thought you were going through the papers? No, I am only just amusing myself.

1054. I understand you chiefly rely upon the papers which were laid on the Table of the House, for evidence of the conspiracy to murder? I attach more importance to them than I attach to the various other letters and communications, because they were more definite, and to my mind had a great consistency of truth about them.

1055. You state, in the minute which accompanies these papers, that "in the course of his conversations, O'Farrell made various incidental statements, where his truthfulness could be tested, and in all these cases it was ascertained that he spoke the truth." Could you mention any of these? Yes. He stated where he had lodged, and we found what he stated was quite true in all respects. He stated that he engaged a room at a particular public-house, in order to shoot the Duke on the occasion of his landing; we found, on inquiry, that what he stated was true. He stated that he had practised with his revolver, the day previous to shooting the Duke, at a place somewhere towards Randwick; we found what he stated was true. He stated he received a letter, on the morning of his attempt to murder the Duke, which was addressed to him, to the care of the Reverend John Forrest, and that he went up to St. John's College to obtain that letter; we found that this statement was literally true. These were some of the statements by which we had the means of testing his accuracy, and we found all his statements were circumstantially true. With regard to the conversations which took place between myself and the prisoner O'Farrell, and between the prisoner O'Farrell and the Chief Warder of Darlinghurst Gaol at that time, I have a communication here, which I may as well hand in to the Committee; it is dated from Darlinghurst Gaol, 14th March, 1868. (*Read, and handed in. Vide Appendix, D 5.*)

1056. You were able to verify these statements about his place of residence in Sydney? Yes.

1057. And you think, on that account, there is some reason to believe the rest of his conversation? I have said what I have to say on the subject.

1058. Have you attempted to verify any of the other statements he made—for instance, he states, on the 20th March, that all the money collected to be sent to the widows and orphans of Fenians was a humbug—it all went to the cause? How could I verify that statement?

1059. You are aware that the money for that purpose was collected openly—that there was a treasurer and secretary, and the amount was advertised in the papers? I do not suppose I know as much about that as you do. The present Premier was President of the Irish League; perhaps he can give you an answer.

1060. That is not an answer to my question? I think it is.

1061. Are the whole of the conversations taken down in shorthand by Mr. Cook published here? No; the whole of the matter relating to the crime is.

1062. Who struck out portions of the conversations? No one struck them out; only such portions were published as related to the attempt to assassinate the Duke of Edinburgh. For instance, a number of very frivolous things were said—observations about

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about the persons of ladies, for example—which it would be perfectly useless to reproduce, and which would be very annoying if they had been reproduced; but every single word relating to the assassination is, as Mr. Cook has solemnly declared, contained in these reports of the conversations.

1063. Who was it marked out the portions that were not to be published? Mr. Cook and myself went over the conversations, so as to be enabled to make his declaration, to see that they contained all that related to the crime of O'Farrell.

1064. Were the papers laid on the Table original documents? No.

1065. What became of the originals? I have them.

1066. Have you Mr. Cook's original declaration here? No; I have it in my possession.

1067. Were none of the documents put upon the Table the original documents? I think not; no, none of them. I think it says, "Copies"—"Copies of papers relating to the attempt to assassinate H.R.H. the Duke of Edinburgh." These were words I wrote on the papers when I laid them on the Table.

1068. Have you any objection to produce the original declaration of Mr. Cook? Not the slightest; but I have an objection to give it up; I will not give it up, if that is what is meant.

1069. You state that the report of the Inspector General of Police was not called for by the Government? No. I am satisfied I am right. It scarcely makes any difference as to the value of that report. I should think the report of as much value if it had been called for; but I am satisfied my recollection does not deceive me,—that I did not call for this report. On some occasion—I do not know whether I sent for the Inspector General or not—I requested the Inspector General to hand to me all the papers in his possession relating to O'Farrell's crime, and no doubt I told him I wanted them for a particular purpose; but I am quite satisfied I am correct, when I say I did not ask him to report on those letters, because when the report reached me I felt surprise that the return of the papers should be accompanied by so lengthy a report; and I say I am borne out by the form of the report, because I will appeal to anyone acquainted with official life, whether, if I, as the Minister under whom the Inspector General served, had requested him to report, he would not have said that he reported in compliance with my request, instead of which he uses a form of language which is quite consistent with my version, that he "takes the opportunity" to report. I am perfectly satisfied—and I am sure any gentleman acquainted with official life would state the same—that if the Inspector General had been requested to report, he would have commenced his report with the words, "In compliance with your request," or, "In obedience to your request"; but he uses the other version,—that he "takes the opportunity" of returning me the papers, as I requested him to do. I have a distinct recollection of taking the report to His Excellency, and explaining to him that it had come to me in the manner I describe.

1070. You are aware that Captain McLerie speaks very positively? I am, and I speak quite as positively; but it is not of much consequence, after all.

1071. In this minute you seem to think it of some importance, the fact of its not having been called for? Yes, I think it is of a little importance, but not much.

1072. You say, in this minute, that "If O'Farrell's account is true, it will be seen that it would be next to impossible to discover his accomplices, unless some one of them was prepared to sacrifice his life in the interest of justice"—What do you mean by that? I will tell you, as shortly as I can, what I mean. If a number of men take a solemn oath—such oaths as I believe are taken in these Fenian circles, which are no myth, which do exist, and where oaths are known to be taken—if a number of men take these oaths to commit a crime, and then take another oath to destroy the life of any one who might give information, I think all the rewards in the universe would not bring the crime to light, except in very particular instances. As proof of that, it is well known that secret societies exist in England,—not for purposes of treason, subverting a government, or upsetting a throne, but for protecting trade interests,—where oaths are taken; and notwithstanding the efforts of a trained detective police, they are hardly ever discovered. There was a book published last year, I think, by Mr. Ward, on trade societies, showing the frightful oaths taken by these trade societies, where they bind each other to take away each other's lives if they do anything to injure the trade; and notwithstanding the efforts of a police infinitely better trained than ours, they are never detected, and all the rewards the Government may offer will not lead to their detection, because the men will not give up a secret which they know will lead to the forfeiture of their own lives. What I mean is, that if the story told by O'Farrell,—and in telling which he would have no apparent object,—if his story be true, it would be next to impossible to discover the persons engaged in the crime, for the same reason.

1073. In page 13 of the papers you have laid upon the Table, there is a paper headed "Copy of the leaves of a private diary in the handwriting of Henry James O'Farrell." What reason have you for calling that "leaves of a private diary"? I will tell the Committee all I know of it; and what I am about to say will be, to a certain extent, new—perhaps of interest to the Committee. On the occasion of the rumour reaching the Legislative Assembly, on the 12th March, that the Duke of Edinburgh had been shot, the House was adjourned. Mr. Martin and myself took a cab, and drove to Government House, to ascertain what were the facts, I previously having sent for the officer in charge of the police, to ascertain what I could from him, which was very little. When we got to Government House, the ladies, who had been at this picnic, had just returned, and were just commencing to prepare a bed down-stairs for the reception of His Royal Highness. Mr. Martin proposed to wait there until His Royal Highness was brought in, it being understood that he was then on the water, being conveyed to the shore; but as I had ascertained from the officer in charge of the police that the person who had committed this crime had just been lodged in gaol, I thought that

that it was my duty to at once drive to the Gaol, to ascertain what particulars I could of the outrage which had been committed. I told Mr. Martin that, instead of waiting there, I would drive to Darlinghurst, and see whether I could obtain any information. I arrived at the Gaol very shortly after this man had been placed in confinement. There I ascertained from him what his name was, and where he had lodged the previous night—information which was not then in the possession of the police; for the police and most other persons were in such a state of confusion that they absolutely failed to obtain any information about this criminal whatever. In consequence of ascertaining that the prisoner had lodged the previous night at the Clarendon Hotel, I immediately left the Gaol, drove to the Inspector General's Office, and took Mr. Wager, the head of the detective force, and Sergeant Baikie—the only men I found there—with me, and went to the Clarendon Hotel. When we arrived there, it was not known at the hotel—so it was stated—that the person who had shot the Prince was the O'Farrell who lodged there. The police, who would not have visited the hotel had it not been for myself, most certainly, went to O'Farrell's apartment, and seized all his personal effects. Amongst these personal effects, some leaves of a small memorandum book were seized, in one of the pockets of a waistcoat which the landlady stated belonged to O'Farrell. The book itself was found on a table, and the place from which the leaves had been torn was visible; the leaves corresponded with the book, and the injury done to the book with the tear on the edge of the leaves, showing clearly that these leaves had been torn from this particular book. They must be, therefore, I imagine—I cannot think they can be anything else than—a diary or private journal, or the leaves of a book in which O'Farrell, like many other men, entered his thoughts in moments of loneliness, when particularly stirred by thought. The genuineness of the book cannot for a moment be doubted, because the handwriting was carefully compared with other writing known to be O'Farrell's. It was carefully compared with the so-called dying declaration sent in by O'Farrell, and which, undoubtedly, was written by O'Farrell's own hand. They were carefully compared by officers of police who had been in the habit of comparing handwriting as a professional matter, and who declare that, in their belief, it was the handwriting of O'Farrell. I wish to explain another circumstance in connection with this journal, which has never yet appeared. O'Farrell, on the morning of his attempt to murder the Duke of Edinburgh, undoubtedly went to St. John's College, for a letter which arrived by the Melbourne steamer that morning, addressed to the care of Dr. Forrest; and he explains that he went into the college and took the letter off the table without seeing anyone, in consequence of the hurry he was in to return and catch the steamer in time to get to Clontarf. He states, and there is every reason to believe it to be correct, that when he returned to the hotel, he hurriedly changed his clothes, in order to put on other clothes more suitable to the picnic. I have no doubt whatever that these leaves were torn from the journal in order to be destroyed, were put into the waistcoat pocket for that purpose, and, in the excitement and hurry of that fatal morning's business, were carried back and left hanging in the waistcoat, which, no doubt, he had on when he went to St. John's College; that they had been forgotten in the excitement of changing his clothes in time to get to Clontarf.

1074. Was there any writing in the book from which these leaves had been torn? I do not think there was; I think all the leaves on which there was any writing were torn out.

1075. How many leaves were there? About eight or ten, I think.

1076. Did they appear to be torn from the beginning of the book? I think they were. I am speaking from recollection; I cannot be quite sure.

1077. Were these leaves printed exactly as they were? They were printed as exactly as they appeared. They commence in the middle of a sentence, and we preserved even the small letters.

1078. There were no dates? No dates.

1079. Nothing which made it look like a diary? No. I believe it is a correct transcript. The officers who seized the diary have declared that, in their belief, it is a correct transcript.

1080. Did you ever, at any time, make, or cause any communication to be made to the Prince, cautioning him of the risk he ran? Everything that came to my knowledge respecting the attempt made on the life of His Royal Highness was communicated to other persons concerned,—that is, everything which appeared of any importance whatever was laid before His Excellency the Governor. Everything which appeared to be of any importance whatever respecting His Royal Highness was laid before his Equerry-in-waiting.

1081. Were you acquainted with the letter which Professor Mac wrote to the police? No, I knew nothing about that. I think I saw a letter of that kind; I must have seen it, because I saw all memorials of that kind.

1082. Had you any communication with that person? No, I do not think I ever saw him. If I did, it was in this way:—A number of begging letters were addressed to the Prince, and the whole of these begging letters were referred, by His Royal Highness's direction, to myself. These letters were from persons who had been in all sorts of conditions of life—persons who had been well off, and were in circumstances of adversity; and others were poor persons who had been sailors. I remember there was one old man, some ninety years of age, who had been a sailor, and served under Nelson, and appealed to His Royal Highness simply because His Royal Highness was a sailor. All these letters were referred to me; and when His Royal Highness was going away, I saw him on the subject of these letters. I pointed out that it was not the wish of the Government of the Colony that he should have his private means taxed by persons in destitute circumstances,

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circumstances, and that the generality of these letters had, in my judgment, no special feature which called for his interference; but I thought there were some four or five which were exceptional. One of them, I remember, was that of this old seaman who said he had served with Nelson, and who undoubtedly was a very aged, infirm, and helpless man; he had letters in his favour from Sir William Manning and other people. Others of these letters were from other persons, widows, I think. His Royal Highness asked me what I thought he should give these people. I said I thought if he gave them £5 each it would be quite sufficient, and he immediately gave me £25 to be distributed amongst five persons. The money was paid, as His Royal Highness's charity, to four of these five persons; but on inquiry, the fifth did not appear to be a case where the money should be paid. I had previously explained to His Royal Highness that, in case any portion of the money was not paid to the person whose name was submitted, I would give it to some other charitable object, or to the Sydney Infirmary. In this fifth case I did not feel at liberty to give the money, because the circumstances, on inquiry, turned out quite different to what I thought they were; but amongst the other applicants for money, I remember some poor woman applied, who was not among those that were to receive it, and I gave her one pound, leaving four pounds in my hands. One day the Under Secretary came in, and told me that a person named McCormack—who described himself as having founded the business in George-street carried on by Mr. McMahon, and who was now in circumstances of great destitution, and wished to visit some distant place—I think in Queensland—where he thought he could do better—wished to see me. I remember I stated that I could not then see him—that I had not time. He called again, I think, three or four times, and at last, whether I saw him or not I cannot remember; I do not think I ever saw him, but if I did, I saw him simply as Mr. McCormack, who had founded this business, without identifying him with Professor Mac. If I saw him, it was to make inquiry as to who he was, and what his present situation was. Whether I got this information from him—that he had founded this business—or got it from the Under Secretary, I cannot be sure; but I handed over to him the £4 in my hands, under the impression that he was a person in absolutely destitute circumstances, who wished to remove to some place where he could make a living. With regard to Professor Mac, as such, I state distinctly that I had no communication with him whatever, either on the subject of this memorial, or on any other subject relating to the proceedings of the Government of the Colony.

1083. I suppose Mr. Cook received some remuneration for his services in taking down these conversations? Yes.

1084. What was the amount? About £16.

1085. What fund was he paid from? I imagine from the vote for unforeseen expenses. I gave an order for its payment, and it was paid at the Treasury.

1086. *Mr. Stewart.*] Have you any recollection of the number of these begging letters the Prince received? I should think about a hundred.

1087. *Mr. Forster.*] With reference to the subject of this inquiry, do you consider that you are the person meant, in the resolution appointing this Committee, by the words "a former Colonial Secretary"? I do not see what is the use of answering such a question as that.

1088. Do you decline answering? It is not of much value. I cannot tell what is meant by the word "subsisted" in that resolution. It is impossible for me to know what is meant. I do not think I am here to state what is meant by Mr. Macleay.

1089. I should like to know whether you ever alleged that a conspiracy existed "for purposes of treason and assassination"? I never alleged that, in those words.

1090. Did you ever allege anything to that effect? Never in my life.

1091. Or did you allege that a murder had been "perpetrated by one or more of such conspirators, the victim of which murder is stated to be unknown to the police"? What I stated before I state now, and am prepared to defend it now.

1092. May I ask you exactly what you did allege, which may have been taken by Mr. Macleay—? I have stated, and I use the words now as my words on this day, this present time,—I have stated, and I now repeat, that I have evidence, the genuineness of which can be attested by affidavits, which leaves on my mind the conviction that, not only was the attempt on the life of the Duke of Edinburgh planned, but that some person who had a knowledge of the intended crime, and whose fidelity was suspected, had been foully murdered. That was what I said. Make the most you like of it.

1093. Did you intend by that—? I intended what I said.

1094. Do you mean that an organization existed in the Colony? I mean what my language conveys.

1095. Then you decline explaining any more—Do you decline to give any further explanation? I am not bound to do more. Sufficient for the day is the evil thereof. I have said what I have to say. I repeat that now.

1096. You decline explaining—? I decline nothing.

1097. Do you decline to answer my question? I do not understand your question.

1098. I will be very glad to explain it. I want to know whether, when you stated what you did just now, you meant that an organization existed in this Colony, at the time of the Prince's assassination, which had the object of assassinating him? I think my language was quite plain, quite clear, and why should I explain my own language? What common sense is there in my explaining a thing which I think is quite clear?

1099. I do not pretend to common sense? I do not accuse you of common sense. I decline entering into any explanation which I do not feel called upon to make. I do not suppose the object of the Committee is to entangle me in a web of words.

1100. The evidence to which you allude is that included in the papers already produced before

before this Committee? That is the evidence to which I have alluded in those precise words, when I said, "evidence which could be attested by affidavits"; and what I meant was, the genuineness of which could be attested by affidavits. If I had happened to have used these words at first, it might have been better.

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1101. Do you now possess these affidavits? Yes.

1102. Are the originals in your possession? Yes.

1103. And are the copies among the papers which you laid upon the Table? Yes.

1104. Of all of them? Yes.

1105. Have you placed before the House copies of all the papers of which you keep the originals? Of all I attach most importance to.

1106. Of all you consider public documents? I do not consider any of them public documents.

1107. In what way did you become possessed of these papers? It is pretty well known.

1108. May I ask how? It is pretty well known that conversations were held between myself and the late prisoner O'Farrell.

1109. I speak of the affidavits particularly? I had the affidavits declared.

1110. Were they taken before a Magistrate of the Colony? Yes; I had them declared for my own satisfaction.

1111. Were they taken under your instructions as Colonial Secretary? The affidavits happen to have been made since I ceased to be Colonial Secretary.

1112. Have you no affidavits taken when you were Colonial Secretary? No.

1113. Do you not regard these affidavits as public documents? No, except as they have become public.

1114. Why did you produce them to the House? Because, in the exercise of my discretion, I thought it desirable they should be produced at the time they were produced.

1115. Have you produced all the documents you consider important? No; I have a number of letters which I consider important, and which had a material influence in forming my impression of the state of things at the time; these I have not produced, and never shall produce. I have already stated that I consider I should be unworthy of the position I held, if I allowed papers, which were sent to me in confidence, to be published to gratify any particular person, or to save myself from obloquy even, when, without answering any good object, it might lead to annoyance to individuals—perhaps personal violence—perhaps the loss of their lives. If persons, at any time, place their confidence in me, in giving information of the kind I mention, I should not, under any circumstances whatever, betray their confidence.

1116. With regard to the documents you produce,—do you consider them sufficient to prove the genuineness of the allegations you made just now? I consider them quite sufficient to leave the conviction on my mind which I have stated. I believe the conversations of O'Farrell conveyed the truth. I believe that the diary he wrote was written from the impulses of the disturbed mind of a man who was compelled, under fearful obligations, to commit a crime against which all his better instincts revolted. I believe the journal was true, and all the conversations were true; and nothing has occurred which in any way shakes the conclusions which these led to in my mind.

1117. As regards the documents you decline to produce,—do you think it would give a stronger impression to the case if you were able to produce them? I cannot tell whether they would or not; but it appears to me utterly impossible to produce any impression on the minds of persons removed from the time, and the occasion, and the excitement which prevailed ten months ago, and who have a disposition not to believe anything on one side of the case. But whether that disposition exists or not, I think it impossible to produce the same impression on them as on persons who acted under the sense of responsibility and difficulty I was placed in at the time. I think precisely the same objections which have been raised with reference to me, might have been raised with reference to Lord Melbourne when dealing with the state of Ireland. There were a hundred instances of suspicion which led to nothing, for one that had any result. The kind of proof you want, as to the name of the man who was murdered, is just that kind of proof which it is most difficult to get. If I had had such proofs as that, I should have found out the persons who killed him, and hanged them.

1118. Are the documents you declined to produce, important as evidence? They are important as leading the Members of the Government to particular steps, under the circumstances under which they were received.

1119. Do you think they are more important than those you have produced? No, I think the ones I produced were the main documents, as being more definite than the others.

1120. Would the documents you decline producing be very strong evidence, if produced? I think they would.

1121. You decline, I think, to produce the letter from Sir William Manning? It is a memorandum. I have stated the substance of it. I decline producing any of these papers, as a rule.

1122. Or from the Magistrate at Wagga Wagga? I have read the letter from the Magistrate at Wagga Wagga.

1123. Have you paid any attention to the papers laid before the Committee—have you looked at them at all—are you able to give any opinion as to their character? I do not think there is any of the papers of any value whatever which have been laid before the Committee by order of the House. I look upon the papers referring to the men Meyers and Benedict as simply trash—as a lot of matter furbished up for the purpose of confusing

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confusing the public mind with reference to what I consider of more importance. For instance, it is alleged that the action of the Government of which I was a Member was to some extent influenced by this man Meyers and this man Benedict; whereas the fact is, they never gave any evidence at all. All they ever pretended to do was to afford evidence, which they failed in affording. They never did give this evidence; so that, so far from having any evidence from these persons, we have never pretended to have a tittle from them. The Government, after deliberation, as I have explained to the Committee—whether wisely or not is another question—I think, wisely—agreed to give these persons an opportunity of affording the evidence they said they could afford. But when it is said we acted on evidence adduced by them, it is simply a downright misrepresentation of the fact. We were simply imposed upon by two persons, who said they were able to give evidence, which they were unable to give. With regard to the other man, Mac, we never had anything to do with him. The Chairman might just as well be accused—perhaps more correctly than myself, for anything I know—of being acquainted with this man. I never had any communication with him—never relied on a word he said.

1124. I think you misunderstand the object I have in view. I want to know whether all the papers produced now before the Committee, so far as you are acquainted with them, excepting those which you decline producing, contain all the papers you have any knowledge of that can give any information on the case—Is all the evidence that is capable of being brought to bear upon the case included in the papers before the Committee? Some of the most important papers were letters addressed to me by persons, many of them equal in intelligence and position to most Members of the House, which I decline to produce.

1125. All the evidence which can be produced at all is now before the Committee, so far as you are aware? I do not clearly understand the question. Do you mean to say that the various papers which have been ordered to be laid before the Committee by the House, embrace all the papers of which I had a knowledge, in my official capacity?

1126. Of any importance? I think they embrace all the papers which were left in the Colonial Secretary's Office; but it was a rule of my official life, not to leave on record the more important papers which gave information, unless they came in official form. I believe it is the duty of a Minister not to give up papers of that kind. In the mother country, if the Secretary of War left on record communications made by spies and persons of that kind, it would put an end to the conduct of all such proceedings. Communications of a similar character continually come to the Minister in charge of the police. For instance, a gentleman might write to me, stating very serious allegations against another gentleman in the Commission of the Peace, showing that he was not fit to be in the Commission of the Peace. He might write merely to set me in motion to make inquiries. I should never think of giving up a letter of that kind. Thus a large mass of letters came to me, and were either destroyed, or are in my possession now, and which I shall not give up.

1127. You produced a paper purporting to be an examination or statement made by Warder Chapman, through Mr. Read, the Gaoler—Did you receive that as a public document? No.

1128. Was not Mr. Read acting officially when he received this statement? He is an officer of the Government.

1129. Then you looked upon that as a confidential communication from Mr. Read to you? Yes, for me to use as I thought proper. I do not look upon a Minister as an automaton.

1130. I did not call for your opinion on that point? I am anxious to state it, nevertheless.

1131. You said you had a number of statements from reputable members of society, which went to the same effect? Yes.

1132. Did you at the time take these down in writing? No; it is not much my habit to do so.

1133. Did you record the dates? No, I do not think I did. I have a few memoranda here, of those which I thought of more importance than others.

1134. You speak generally from memory? Yes.

1135. Did you communicate to your colleagues the impression you formed? I think the same impression was on the minds of most of my colleagues.

1136. Are you aware that Mr. Martin denied publicly that he had any knowledge of any intended violence? I do not remember what he said; but Mr. Martin's memory, like that of most other men, is perhaps not the most accurate in the world. I think he had the same impression as myself. He was consulted in most of these matters.

1137. Then, if he made such a statement, it was a mistake? Probably Mr. Martin meant what we all felt,—that notwithstanding these reports and warnings, there would be no one daring and infamous enough to commit such an outrage. If that is what he meant, I felt the same thing. I never apprehended that this diabolical crime would be committed, and was as much surprised as most people when it was committed.

1138. Did the Government take any steps, and what steps, to test the accuracy of the statements in these letters, and verbally made? Most of the letters sent to me, or Mr. Martin, and most of the communications made verbally, were talked over between Mr. Martin and myself—those of them that were of most importance; and the greater number were certainly submitted to Mr. Fosbery, who was then in charge of the police. In many instances, we thought inquiry should be made; in others, we thought inquiries were not justified; and we acted accordingly. But in scarcely any single instance, from first to last, did I act without consultation with others.

FRIDAY,

FRIDAY, 8 JANUARY, 1869.

Present :—

MR. EAGAR,	MR. PARKES,
MR. FORSTER,	MR. SAMUEL,
MR. J. STEWART.	

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Henry Parkes, Esq., M.P., a Member of this Committee, further examined in his place :—

1139. *Mr. Forster.*] With reference to the statement you have made, in regard to the evidence on which your impressions were founded, which, I understood you to have said, consisted of the statements of persons occupying a reputable position in society, which were not taken down at the time—most of them not attested in any way,—and also upon letters, many of the most important of which you withheld, and which you still withhold,—others, which you say are of great importance also, you have produced, and which I think you said proved that expressions had been used by certain persons, who were not named, that indicated disloyalty at certain different times,—May I ask you whether these sort of expressions have ever occurred to you in conversation—in the warmth of debate, or in conversation? Most assuredly I never at any time stated that some person would be shot at a particular time; most assuredly I never, at any time of my life, stated that some person would be deprived of his life.

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1140. Did the expressions you now specify, having reference to depriving people of their lives—did they occur before the shooting of the Prince? In every instance.

1141. Have you produced proofs of their having actually occurred before the shooting of the Prince? I have produced the statements of persons who said that, long before the Prince arrived, they heard rumours that he would be shot; in some other cases, that he would receive personal violence; and I have given the name of one gentleman at least who can be summoned before this Committee, who states distinctly that he heard persons use language with reference to the Prince that —

1142. Did he come forward with this evidence, or this statement about these rumours that he had heard, before the Prince was shot? This particular person?

1143. Did anybody? Yes; I have already stated so,—that persons intimated that there was serious reason to apprehend some violence to the Prince's person.

1144. What was the result of the inquiry made by Government—Did they ever make a case out in any way? As I have already stated, if they could have made use of it against any one—even if it had been against yourself—I should have made every effort to have prosecuted the parties.

1145. I do not know that there is any need for this personal reference to myself—however, was any one prosecuted? No one was prosecuted, because no case, as has been repeatedly admitted, could be made out.

1146. Did the police point distinctly to any fact, or to any person, that substantiated the statements made, or to the rumours? What statement?

1147. To which you have referred—the rumours? In what way substantiated—that they were made?

1148. Rumours came to the ears of the Government—I understood that to have been said—Did the police ever find out any fact, or point to any particular person, so as to substantiate the accuracy of these rumours? There cannot be a doubt but what the fact can be substantiated, that these prophecies of injury to the Prince were made.

1149. I do not ask whether it could be substantiated, but whether it was? It can be, before this Committee.

1150. Has it been? To my mind.

1151. Have the police named a single person that you can now point to as evidence of the correctness of these rumours? Persons have been pointed to repeatedly.

1152. Can you name any of them? I do not think I should name them if I were enabled to name fifty.

1153. I presume you would name them, if you could make out a case against them? Most assuredly.

1154. Then, in fact, all that you have stated amounts to a mere suspicion? I have distinctly stated what my opinion is, over and over again, in the course of this inquiry.

1155. Then the Government took no other steps than you have already indicated? No other than I have indicated. They took every step that could reasonably be taken to ascertain the truth of these rumours, with a determination to prosecute if a case could be made out.

1156. How many cases did the police arrest? I cannot remember.

1157. Did they arrest anybody? I am not sure at this time whether this man Reardon was arrested or not; there was a warrant issued.

1158. In the case of Reardon having been arrested, of which there appears a doubt, did the matter go further than a mere arrest? Certainly not.

1159. In any other case? I have already repeatedly admitted that there was no prosecution, because there was no sufficient evidence.

1160. You stated that certain priests refused to sign a particular memorial? Yes.

1161. Did you consider that as proof of disaffection? Yes.

1162. Was it ever substantiated on oath? Not before me, certainly. I was scarcely competent to receive such a substantiation.

1163. If you considered this a proof of disloyalty, why were not steps taken to substantiate the fact on oath? Because there could be no object in taking them.

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1164. Was not the real reason that it was no evidence of guilt at all, and that, if you proved it, you proved nothing? If I had proved it, nothing could have followed on the proof.
1165. Did you ever make any further inquiries into the circumstance, or the cause of these priests refusing to sign this memorial, so as to ascertain whether the motives of these priests might have been other than disloyal? No.
1166. You took it for granted that they were disloyal, upon the proof of this refusal? That certainly would be my inference.
1167. Were these priests called upon for explanation? No.
1168. Were they ever prosecuted? No, certainly not.
1169. Then Government listened to statements against the character of people, without giving them an opportunity of denying or of explaining them? The Government could not help receiving these statements; they took no action upon these statements which could in any way injure these people. The statements were never brought before the public.
1170. You thought it your duty to mention them before this Committee? Yes.
1171. As indicating disloyalty in priests? As indicating whatever you choose to infer.
1172. Was any one prosecuted for refusing to illuminate? Certainly not.
1173. Were they ever called upon for an explanation? No.
1174. Was the fact of their refusing to illuminate taken as an evidence of disloyalty? The fact remains to be taken for whatever it is worth, and to have the significance placed upon it which people choose to place.
1175. Some of the newspapers, you say, were disaffected? I do not know that I said so.
1176. Did you not say the *Freeman's Journal* was disaffected? I do not remember.
1177. I may call your attention to the statement that was made, to the effect that the *Freeman's Journal* was guilty of publishing disloyal articles at the time—Was that fact communicated to the Government? I would be scarcely likely to know what would be communicated to the Government on that point; but I have no hesitation in saying that I read, several times, in the *Freeman's Journal*, articles that I consider of the most treasonable character—and I can place these articles before the Committee.
1178. Why, then, was not the *Freeman's Journal* prosecuted? I am not in the habit of prosecuting the Press, or of advising that it should be prosecuted.
1179. Were not the police under your charge? I called the attention of the Attorney General to the circumstance.
1180. Did you not frequently engage in police investigations, without the knowledge of Captain McLerie, or of Mr. Fosbery? Yes.
1181. Then why did you refer this particular offence, or allegation of offence, to the Attorney General? I did so in my discretion.
1182. Are you aware what the Attorney General did in the matter? I have no correct knowledge.
1183. I presume if he had done anything, he would have communicated it to you? He might not.
1184. Was he in the habit of authorizing police prosecutions without your knowledge? Sometimes he might have done.
1185. Do you think it likely he prosecuted the *Freeman's Journal*? He might, or might not.
1186. Were these persons who are accused of having talked of refusing to take their hats off ever prosecuted? I really do not know what you allude to.
1187. I may call your attention to the fact, that it has been mentioned, as indicating a Fenian conspiracy in this Colony, that some people said they would not take their hats off in a procession, or some proceeding of that kind? I think a statement of that kind, in writing, was handed in by myself yesterday. I do not think it likely that any steps would be taken.
1188. Was this fact of persons refusing to take their hats off ever substantiated on oath? Of course it was not; it is scarcely likely.
1189. Can you name any of the priests who refused to sign this memorial? I think their names might readily be mentioned, but I should not think of mentioning them.
1190. You decline naming them? I decline nothing. I should not think it worth while to name them—no object would be gained.
1191. You do not name them? I do not name them.
1192. Can you name any of the persons who refused to illuminate? Yes, I could.
1193. Will you name them? I shall not.
1194. You have stated that you had evidence of the impressions you formed upon the statements of persons occupying reputable positions in society. With reference to that statement, was not a part of your evidence derived from persons not occupying reputable positions in society? Evidence is offered to Government from persons in all positions of society; and it would be impossible for Government to prevent people tendering evidence or information, or what they considered information.
1195. Did you consider the evidence of Miller or Myers as evidence of a reliable character? Of course I did not, but I never received evidence from Miller.
1196. Was none communicated to you? No, not that I considered evidence.
1197. Did he give any information? He stated that he should be able to give information if he were placed in a certain position; but he never did give any information, and no step was ever taken, or thought of being taken, in consequence of anything that he said.
1198. You did not, then, place any reliance on his statement? Of course I did not.
1199. Did you not have personal intercourse with Myers several times? Yes.
1200. Can you mention how many? I can mention exactly what took place.

1201. I should like to hear? I was informed by the officer in charge of the Darlinghurst Gaol—Mr. Read—that a prisoner stated that he had important information which he could give to the Government. In consequence of the information conveyed to me by the gentleman in charge of the Gaol, I went to the Gaol; and first I had an interview with Mr. Read as to who this person was, and what was the nature of the information which he said he could give to the Government. Mr. Read described to me very correctly the character of the man, and the offence for which he was imprisoned, and, in general terms, the nature of the information which this man said he could give to the Government. I then requested Mr. Read to have this prisoner brought into Mr. Read's office, and I requested Mr. Read to remain during the time I had this interview with him. On his entering the office, he stated that he had belonged to treasonable societies on the Continent of Europe, and that he had been frequently engaged in political combinations; and that while he resided in Sydney, he had become acquainted with a person—a Member of the Legislative Assembly—who intimated to him that he was a member of a treasonable body organized to obtain redress of the wrongs of Ireland; whereupon, this man Miller stated that he replied to this person that he had always sympathized with the wrongs of Ireland, and should be very glad to join this body; and the result of this conversation and other conversations was, that he did join this body; and that this secret body, which he described, I think, as a Fenian circle, was in the habit of receiving communications from America; and that he thought if he were allowed outside the walls of the prison, still under supervision of the police, to which he was quite willing to submit, he could again put himself in communication with the persons with whom he was formerly associated, and gain sufficiently upon their confidence to get possession of treasonable documents. That is the substance of the information which this person said he could give to the Government, if he were placed in a certain position. While I am upon this point, I may as well refer to what has been already referred to in conversation with this person—I mean the reply to the third query of the Colonial Secretary, in this paper, "ordered by the Legislative Assembly to be printed, 15 December, 1868," and headed "Administration of Justice." Certain queries are here put to the Inspector General of Police; and the Inspector General, in his reply to the third query—which, he says, has been furnished by Mr. Fosbery—is in these words:—"The prisoner repeated a statement he had previously laid before the Government, in writing, to the effect that a Fenian organization existed in this Colony, and that the assassination of His Royal Highness the Duke of Edinburgh had been planned, and that he (the prisoner) had been asked to do the deed." That, I say, is quite incorrect—it has no foundation whatever. I, of course, cannot account for this misrepresentation being formed in the mind of Mr. Fosbery; but there were so many rumours in the Colony at the time, and so many reports communicated to the Government, that I suppose he must have confounded one with another. But I say most distinctly, that the prisoner Miller, when asked whether he knew anything of O'Farrell, or of the attempt on the Duke of Edinburgh's life, immediately replied that he knew nothing of either the one or the other. This answer to the third query of the Colonial Secretary, which has been supplied by Mr. Fosbery, refers to a statement which had previously been laid before the Government, in writing; and the answer says that the prisoner repeated it. Here is the statement referred to, made by Miller.

1202. At the time of this interview? No; it was sent after my first interview, but previous to Mr. Fosbery's interview with Miller. I may state that the statement is dated April 20, 1868, and is not signed. (*The Honorable Member handed in the same. Vide Appendix, D 6.*) I consulted the Attorney General upon this case, explaining all that had taken place after my first interview, and stating both what I thought of the man myself and of the information which he said he should be enabled to supply. It was after some consultation with the Attorney General that it was determined to release this man from prison, and put him to the test, to see whether he was in a position to afford information of this character or not. The Attorney General entirely concurred in the propriety of releasing the man, under the circumstances explained; and in a minute, which is published in this paper, in which I recommend to His Excellency that the unexpired portion of the sentence of Myers should be remitted, I stated distinctly that "the Attorney General, who is acquainted with the nature of the information supplied by Myers, concurs in this recommendation." I must remark, that the whole case was fully considered, by those whose responsible duty it was to consider it, before he was released. I considered it to be my duty to consult the police as to the most expedient course to be taken in his release. In dealing with this man, in putting him to the test as to whether he could produce this evidence or not, Captain McLerie and Mr. Fosbery have explained what took place, as far as my recollection serves me, very accurately; that is, that they advised that if he were released at all, he should be unconditionally pardoned, and be employed as a police agent. He was unconditionally pardoned, and he was employed, as has already been admitted, for a short time as an agent under the police—in direct communication with the police. I may add, that the Attorney General said, if he had seen the depositions on which this man was committed, he should not have put him on his trial for the offence for which he was imprisoned; and I may also state my conviction, that the Government was quite justified in the course taken, and would have failed in its duty, if it had not given this man the opportunity of seeing whether there was evidence to be produced or not.

1203. May I ask, does that paper in substance contain all the information that Miller communicated to you? Yes, and more.

1204. May I ask how many interviews you had with this man? I think, two or three.

1205. Were they in daylight? No, one was in the evening—the Assembly was sitting at the time. I went up from the Assembly in the evening; I think I went away when the House adjourned for refreshment at 7 o'clock.

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1206. Was that the only one held at night? Yes.

1207. Were they all in the presence of the Gaoler? Yes.

1208. Some in the presence of Mr. Fosbery? One in the presence of Mr. Fosbery; as, before I took any final step in the matter, after it had been determined to release him, and before I allowed the authority to issue for his release, I wished the officer in charge of the police to hear his own statements; and it was with that view Mr. Fosbery went up to the Gaol, Captain McLerie either not being well, or being absent at the time—I do not remember which. It was simply at my instance, as I declined to use the authority already given for his release until the officer of the police had heard his story himself.

1209. I think you stated that your opinion was that the information was not to be relied upon? I placed no dependence upon it, but I thought it my duty to see whether there was anything in it—more especially as he was a man of more than ordinary intelligence, as the character of his writing will show, he being a foreigner.

1210. Was that paper actually written by himself? Yes.

1211. Is the composition his own? I have no doubt whatever of it. He wrote down a statement in my presence, which he wrote with great facility and tolerable accuracy.

1212. Did he show a knowledge of foreign languages at all? I do not know.

1213. Do you think now that there is no truth at all in his statement? I am inclined to think there could be none.

1214. Do you think he had any other object than to get out of Gaol? Very possibly.

1215. Why—if at the time you thought him not worthy of credence, and that his information was not to be relied upon—did you admit him to such a position of distinction and favour as that into which he seems to have been placed, by releasing him from imprisonment and employing him in the police? I do not know what you mean by a position of distinction and favour, but I can easily state why I took the course I did. I know well enough, as any person with any knowledge of the world might know, that I could never get any information of what I believed existed—that is, treasonable associations—from reputable men, for I knew that no reputable men would be connected with them, and therefore it would not weigh with me one moment that the person who offered to give me information was a disreputable character; because I knew if any information was to be obtained at all, it must be obtained from disreputable sources. But it by no means follows, because I chose to entertain the proposal, that I was at all unguarded, or disposed to place reliance upon it, or disposed to do anything more than to test the man's accuracy, to see whether he could produce any evidence that could be corroborated by reputable witnesses.

1216. I think you misunderstand the nature of my question—I was not alluding so much to your opinion of his character, but your opinion of the information he gave, which, I understood you to say, you placed no great confidence in? I did not mean to say that I considered it as worthless. I considered it in this light—that very likely it was merely a trumped-up story, but possibly it might be true; and I the more thought that possibly it might be true, because the story was told with tolerable conciseness—with more than ordinary intelligence. I saw at once that the man before me was a man of more intelligence than persons generally are who get into gaols, and that he was likely to be a man to occupy such positions as he said he had occupied; and that if he were such a man, he was just as likely as any person to have a knowledge of what I expected had an existence in the Colony, and in respect to which, I think, I very commendably desired to arrive at the truth.

1217. Have you any reason to believe that anything he said had the slightest foundation? I should be sorry to say, even now, that I think his story entirely without foundation. There may be numerous reasons why this man, having obtained his liberty, made himself scarce. It may be, after he obtained his liberty, his interest was best served by making himself scarce, or it may be that his story was entirely unfounded. I by no means incline to the opinion that his story was entirely unfounded, but of course I do not accept it as at all trustworthy.

1218. *Mr. Stewart.*] If there were any truth in it, he could not show it till he was liberated from prison? Obviously not.

1219. *Mr. Forster.*] Did any material statement he ever made derive any corroboration from other evidence? We were never in a position to secure such other corroboration. All that we did was, to comply with his suggestion, which was, that he should be placed outside the Gaol, in order that he might take a course by which he might obtain certain papers which would supply information. That he never did.

1220. Was any statement of his ever corroborated? He never made any statement of any value, excepting what he could do if he were placed in a certain position.

1221. No statement of his was ever corroborated? No evidence of any kind was ever derived from this man.

1222. Then I need scarcely ask, whether any of the statements he ever made led to the prosecution or conviction of any one? I deny that any statement he ever made led to the prosecution or conviction of any one. I deny that he ever made any statement in that sense, he having simply said, that he should be able to furnish information if he were placed in a certain position, and he failed in doing it. As far as the Government are concerned, the Government never had any information from this man, and, of course, never took any steps whatever in consequence of anything this man ever said.

1223. Did any statement he made, or promised to give, implicate the priests who declined to sign memorials, or persons who declined to illuminate? In no way whatever.

1224. Have you stated fully all the steps the Government took in consequence of information derived from this man? They took no steps.

1225. They liberated him? They liberated him, in order that he might do what he said he would do.

1226. The only result of all this information was, that this Miller got liberated, and got away from gaol? The answer is to be found in the statement of the case.

1227. I understood you to say that, after Miller's liberation, he was employed in some police capacity, and corresponded with the Government? I have stated very distinctly what took place in that respect, and it is quite useless to encumber the evidence with repetitions.

1228. What I want to arrive at is, how long he retained this position? You can learn from Captain McLeric.

1229. Is he still in the Government Service? I do not think he ever was.

1230. He was a correspondent of Government's? No.

1231. Did he not correspond with Government? No.

1232. With the police? He was delivered into the hands of the police, to be employed as the police thought fit, without any interference on my part whatever. After he was released, I had no communication with him, and gave no direction about him.

1233. You are very positive, are you not—I think you mentioned once or twice emphatically—that Mr. Fosbery was wrong in the statement he made, that this man said that "a Fenian organization existed in this Colony, and that the assassination of His Royal Highness had been planned"? I say distinctly, that this man never made any such statement as is here given, by some misapprehension of Mr. Fosbery, in the reply to the third query, and it is quite inconsistent with the terms of the answer, because Mr. Fosbery says—"The prisoner repeated a statement he had previously laid before the Government in writing." I have handed in that statement, and it is quite a different thing from what Mr. Fosbery says it is.

1234. Did not Captain McLeric and Mr. Fosbery both express a want of faith in his disclosures and credibility? Of course, any one, I think, would regard information of this kind with very great suspicion. I did myself, and Captain McLeric, in his evidence, states that I regarded it with great suspicion; but I thought it my duty, under all the circumstances, to see whether there was any truth in it or not.

1235. Did not his information purport to disclose proof of another species of conspiracy than that which led to the attack on the Duke? The chief thing he said he could do was, to put the Government in possession of treasonable documents proving a treasonable organization to exist in the country.

1236. I think, in the statement, part of the intention of the persons to whom he refers as forming the Fenian conspirators in this Colony is, the proposal to separate the Government of Ireland from that of Great Britain? Something of that kind; I can add nothing to what the written statement itself says.

1237. A portion of the plan was to establish an independent Government in this country? It is all in the document.

1238. You have no information as to who was intended to be the Governor or President? I do not remember.

1239. You have mentioned a Member of Parliament as having been referred to by this man? I do not think I have mentioned the Member of Parliament—I simply said a Member.

1240. I think the name of Mr. Cummings was mentioned? Not by me.

1241. Did you ever hear the name of Mr. Cummings mentioned? Certain names were given to me, but they were not mentioned; therefore, I did not hear them. The prisoner refused to mention names before Mr. Read, and, as I think Mr. Read explained, he adopted the expedient of writing the name, and he wrote down certain names in the presence of Mr. Read.

1242. Did he communicate the names of those persons that he accused of a treasonable intention? He did; he wrote them down, and I believe I have some of those names now.

1243. Have you any objection to produce them? I shall not mention them.

1244. Was this Member of Parliament to be a member of the new Government? I really think this is child's play.

1245. There may be a difference of opinion about that—I may think the whole Committee is child's play? Yes, there may be something in that.

1246. What has led to it I may think child's play—Do I understand you rightly that this man was liberated with a view to obtain further information which would further complicate the persons to whom he referred, the Member of Parliament, and others? I do not think so; I think he was liberated chiefly in order to get possession of documents which he said he believed he could get possession of.

1247. Do I not understand you to say, that part of his instructions were that he should make use of the confidence which he thought these men had in him, for the purpose of getting further evidence against them? I never said so. I do not know very definitely what his precise instructions were, because, as I have already explained often, it had been determined by the Government to remit the remaining portion of this man's sentence—in order that he might have the opportunity of obtaining the evidence which he said he could obtain, they remitted him altogether to the police. I left the Inspector General to give him such instructions as he thought fit. That was the object of my requiring Mr. Fosbery to go and hear the man's own statement,—that he might hear from his own lips what he said he could do, and that he might act accordingly without any communication from me.

1248. Was not the object of his liberation that he should prove against the people he had accused, the charges he had made? Not in any special manner, certainly.

1249. Was it not expected that he should prove those charges? I do not think there was any particular expectation entertained at all. What the Government thought of most importance was, the documentary evidence.

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Esq., M.P.

8 Jan., 1863.

H. Parkes,  
Esq., M.P.

8 Jan., 1869.

1250. Did the Government expect he would ever come back to gaol? It has been already explained that the man was liberated unconditionally, and of course the Government would not be so foolish as to expect a man so liberated to come back to gaol.

1251. Do you know anything of a man named Benedict? I know what has been already stated. Before we leave Myers—I recollect, when he was at Orange, or some other place, he addressed a letter to me, which I handed to the police. His letters were addressed directly to the police, with this exception.

1252. Is all the correspondence between Myers and the police before the Committee? I should think it is. As far as I can recollect, from hearing the schedule of letters read, it is.

1253. With regard to the man Benedict—Did any of the information given by Benedict turn out afterwards to be true? No.

1254. Did he ever name any person as guilty who afterwards proved to be guilty? He never named any one.

1255. Did any of his statements derive corroboration from other evidence? No. In this case also there was no evidence ever adduced. Benedict came with such credentials of character that I do not think the Government, under the circumstances, would have been justified in treating lightly what he said he could produce, because Benedict came to the Government certainly as a respectable man. He had the appearance of that, and he produced testimonials of unquestionable genuineness, to show that he had been respectably employed, and that he had served in his various employments with the approval of those under whom he had served. Thus he came to the Government with no single circumstance to create suspicion against him; and he said, in an intelligent manner, that he had certain knowledge of persons connected with the man who had attempted to assassinate the Duke of Edinburgh. He said this in an intelligent and positive manner. He made no conditions with the Government, except such as I have already explained in the first instance.

1256. As a matter of fact, he never identified any one? He refused to mention any name, or even to impart to the Government any knowledge that would lead to the Government being able to identify any person. It was suggested, I well remember, by Mr. Martin, that he should put himself into communication with the police, which he declined to do, on the ground that, if he gave this assistance to the Government—if he could produce evidence that would lead to the conviction of the person or persons of the crime for which Government offered a reward, he should have the reward; and he declined to put himself into a position by which this reward might be diminished.

1257. Nothing came of his information? He never gave any evidence. Both these men, with scores of others, stated that they could supply information. These men, under quite different circumstances, made statements which appeared to be so consistent, that the Government thought they were justified in seeing whether they could supply the information or not. They both failed; and, therefore, no evidence was produced by them, and the Government never took any steps in consequence of anything these men said.

1258. What was the cost of these two men to the Government? I think about £40.

1259. How much of this did Benedict get? £30.

1260. Did he show any disposition to make a bargain? No. I have already explained, as clearly as I can, what conditions he sought to impose—that is, that he should have the rewards Government offered for the apprehension of accomplices in the crime of O'Farrell, and that he should have these without their being diminished by the calling in of the assistance of the police. What took place afterwards explains itself in his various letters to Government, which I imagine are among those that have been laid upon the Table of the Assembly; I left them all in the possession of the Premier of the day, Mr. Martin.

1261. Under what circumstances was Dr. Carr authorized to visit O'Farrell, if he was authorized? Dr. Carr and other persons were allowed to see O'Farrell on this condition,—that the object of their visit was to be explained to the prisoner, and if he had no objection they could see him. I had ascertained that a former Colonial Secretary, Mr. William Forster, had given unconditional admissions to all sorts of persons to see prisoners; to a strumpet to see a man named Cust, and to Mrs. Brown to see the prisoner Gardiner.

1262. Are you quite positive of the correctness of what you now state, in every respect? I have read them.

1263. You say on all sorts of occasions—you speak as if this had occurred frequently? It occurred several times.

1264. What do you mean by several times? More than eight or ten orders I have seen myself.

1265. Have you seen more than eight or ten orders? Yes.

1266. Signed by William Forster? Yes, signed by William Forster.

1267. I do not see what these orders, signed by William Forster, have to do with the matter? None, except that I am asked upon what conditions I allowed persons to see O'Farrell; and I state that I have seen orders, signed by a previous Colonial Secretary, where a woman—notoriously a woman of the town—named Bain, was allowed to see a man named Cust, unconditionally; where Mrs. Brown was allowed to see Gardiner unconditionally.

1268. You say eight or ten? If you will allow me, I will state with sufficient clearness. I have seen these orders, the whole of them, being more than eight or ten, and I inferred that, subject to the condition of the prisoner's own consent, I could do no great harm in admitting a man who professed himself to be a man of a semi-professional character, to see the prisoner. I knew this was done by the authorities in England often, and I gave the order to Dr. Carr on the distinct condition that the prisoner should know who Dr. Carr was, what

and what was the precise object of his visit. I gave another order to another phrenologist, of the name of Kelly; but on every occasion, on the condition of the consent of the prisoner being given.

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1269. *Mr. Stewart.*] No person was admitted to see O'Farrell without his consent? No one was admitted without his consent. During the whole course of my official life, I never allowed a person to see a condemned prisoner except subject to his consent.

1270. *Mr. Forster.*] With regard to the orders given by a former Colonial Secretary, were you in the habit of taking the conduct of former Governments as the standard of your conduct? I should have been sorry to do so.

1271. Did you not set up a higher standard? I did, in this instance.

1272. You conducted matters in an infinitely higher style? Very much higher than Mr. Forster, in this particular case.

1273. Was any report made to the Government of the interviews between the doctor and the prisoner? There was that report I left in the Colonial Secretary's Office.

1274. Was the publication in the newspapers authorized by Government? No. I should like to ask what particular publication or newspaper you allude to.

1275. I do not feel bound to specify—I am satisfied with the answer? Perhaps I may add, that the Government never authorized any publication in a newspaper, with respect to what occurred in gaol while O'Farrell was a prisoner there.

1276. I have no objection to say now, that I saw the statements in the *Herald* and *Empire*, and that I saw them copied into country papers—Is there any truth in the statement that the head of O'Farrell was separated from his body after his burial? A rumour came, I think, to the police—I am not sure whether it came to the police or to the Colonial Secretary's Office—that O'Farrell's grave had been opened for the purpose of getting possession of his head; and the matter seemed to me of such moment, that I caused the grave to be opened to ascertain the truth, when it was found nothing of the kind had taken place.

1277. You have stated that your impression was, that some crime was deeply seated in the Colony—alluding, I presume, to Fenianism—Did you allude to the further information received from Miller? Would the Chairman allow me to see the paper where I think the speech was reported?

1278. I am alluding to evidence, not to any statement in a speech? The only time on which I ever used the words,—which I presume I did use, as I am reported to have used them,—was in my place in the Assembly, a considerable time ago—about nine months ago; they were, that the Government had to grapple with a new crime, which I had reason to suppose was deeply seated in the country. I never used words of that kind, to the best of my recollection, at any other time.

1279. However, what I want to know is, whether, in using that expression, you alluded to the attempt on the Prince's life, or to any conspiracy that might be implicated to be connected with that, or to further information of a Fenian organization, which was made to the Government by Miller or Myers—Which of these did you mean when you spoke of the new crime? I never spoke of the new crime; what I said in the Assembly was to this effect, and I think I can almost recollect the language in which I am reported to have spoken: I said, "It was an unusual thing, a thing not warranted by English practice, for Government to be obstructed at every turn, when it had to grapple with a new crime which there was reason to suppose was deeply seated in the country." What I meant by that was, when it had to use its best endeavours to find out whether there existed, or did not exist, accomplices of the person who had committed the crime of attempting to murder the son of the reigning Sovereign. What I meant by a new crime was, that this was entirely a new crime in this country; such a crime had never been committed; it was of such a character as had never been committed here before. That is what I meant, and that is what my language fairly conveys.

1280. I am not alluding to any statement made in the Assembly—I am merely confining myself to the evidence. In making your explanation, you stated your opinion that this crime, whatever it may be, was deeply seated in the Colony. I want to know whether you consider that it is still? I believe at this moment that O'Farrell, in his murderous attempt upon the life of His Royal Highness, was not alone, that he had many sympathizers; and I am still of opinion that there must have been some one, or more than a single person, who had a guilty knowledge of what he intended to do. That is my opinion to-day.

1281. Then you think this criminal feeling or intention is not eradicated yet? That is quite a new question. I do not think it is eradicated.

1282. Do you think it is still deeply seated? I still think what I have just said.

1283. Do you think it is eradicated? What eradicated?

1284. This new crime? What new crime?

1285. Which you have explained as being deeply seated? I cannot tell what is eradicated. I cannot tell what you mean.

1286. The word "eradicated," I believe, means, "taken out by the roots"? If it existed twelve months ago, I do not think it is taken out by the roots just yet.

1287. Did not the police, some time or other, interrupt meetings, on the supposition that they were disaffected or disloyal meetings, which, on examination, were found not be such? I have no knowledge of such meetings.

1288. No reports were made to you? I do not recollect any reports respecting such an occurrence as you have described.

1289. Was it under the instructions or with the approval of Government, that Dr. Aaron conducted these examinations into the insanity of O'Farrell which have been described in evidence? I think he stated himself that he had no instructions—I certainly gave no instructions.

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instructions. I very much disapproved of some observations in which he indulged on his interviews with O'Farrell, censured him severely, and said I hoped nothing of the kind would occur again.

1290. Have you any reason to consider Dr. Aaron as a judge of insanity? I have known Mr. Aaron a long time; I knew him in England, where he occupied a much superior position to that he occupies here, both socially and professionally. I have known him for the last three and thirty years, and have at all times regarded him as a skilful and experienced surgeon, having a large amount of intelligence, great experience, and whose failure, if I may term it so, arose from a most unpalatable manner. I consider him a very skilful surgeon, and I know he was so regarded in England, where he had a large and influential practice.

1291. Have you had any reason, in his official capacity, to distrust his opinion on questions of insanity in particular? I have had none that I can recollect.

1292. Did it ever come to your knowledge, in your official position at any time, that Dr. Aaron has ordered or recommended persons to be flogged, where they have afterwards been proved to be insane? I cannot recollect.

1293. Has no report been made to you of such a case? I cannot recollect.

1294. Perhaps if I mention names you may remember. Did Dr. Aaron recommend a man named Lindsay, who was said by him to be a malingerer, to be flogged? I do not remember the case; but it is not surprising even if it were so. I am in the habit of throwing past such cases, and of endeavouring to forget them when I have done with them.

1295. Has it come to your knowledge that Dr. Aaron pronounced opinions in cases of lunacy which afterwards proved to be erroneous? I do not remember.

1296. Do you remember the case of Johnson, who was shaved and blistered? I remember the name of Johnson as coming under my observation as Colonial Secretary repeatedly, but I do not remember anything in reference to him which I can identify with the case referred to.

1297. Do you know what has become of Johnson now? No.

1298. Do you know anything of the case of a man named Valentine? No, I do not. I do not think it likely I should remember any of these cases. I imagine there are records of them. There are one or two papers I should like to hand in. I have found among the papers in my possession two letters from Mr. Read, addressed to myself, with reference to Mr. Withington—I believe a highly respectable man—who applied for permission to visit the prison to see O'Farrell, and who did see him on my order, for the purpose of identifying him as one of two men who came to engage an empty house at the Glebe; I think they wanted to engage this empty house as bakers, of Mr. Withington. These letters show that O'Farrell was one of the men who went to engage this house, and who paid the deposit upon the agreement to take it. It is supposed that they wanted to engage this house with the view of attacking the Duke of Edinburgh when he was to go to perform some ceremony at the Glebe. (*Vide Appendix, D 7, D 8.*) I have also found a statement, made by a lady named Janet Muston, and received by the Honorable T. A. Murray, President of the Legislative Council, in his capacity of a Magistrate, with reference to O'Farrell being with others at Clontarf. (*Vide Appendix, D 9.*) I would also like to mention, that during the time of excitement, a number of leading tradesmen—men occupying the most undoubted position as reputable citizens—came and offered their services as special constables, in consequence of the great danger which, in their judgments, existed at the time. I have one such letter, which is signed by a gentleman well known, a man of property and of reputable standing. I have a number—probably twenty altogether—of letters threatening the lives of persons, but I have put them past somewhere, where I cannot lay my hand upon them, but there are two or three here I should like to hand in. This is one which was sent through the post to His Excellency the Governor. (*Vide Appendix, D 10.*) This letter, addressed to the Premier, was sent through the Post Office. (*Vide Appendix, D 11.*) Here is also a letter addressed to H. Parkes, and sent through the post. (*Vide Appendix, D 12.*) Here is another. (*Vide Appendix, D 13.*) There were a number of letters addressed to myself, some of which I gave to the police, which are possibly destroyed, and others upon which I cannot lay my hand, but I should say some twenty letters similar to those I have handed in. I desire to make some allusion to the letter that was published in the *Empire* newspaper, and signed D'Arcy W. L. Murray, 3 Blyth-terrace, Kent-street North, and dated 21st December, and headed "Informers and alleged Fenians." The statements and insinuations contained in this letter have been extensively made use of, and have been even reproduced by the *Empire* newspaper in its summary for England. This letter was also copied into several country newspapers which came under my notice. I do not hesitate to say that, as far as my knowledge extends, there is no single word of truth in this letter, in the sense in which the writer endeavours to make it appear. The police have denied all knowledge of any person being sent, as is here described, to the house of Mrs. Bergin; and the officers in charge of the police have placed before this Committee proof that, so far from Mr. Reardon being a respectable colonist, he was a man of disreputable character.

1299. *Chairman.*] I think that is scarcely a fair statement, for there is no proof of the kind. Your statement may go for what it is worth, but it is not proof, and I do not think this statement is fair as to Mr. Murray's letter. I intend to have him called before the Committee, and he will then have an opportunity of making his own statement? I have made my statement, and I imagine it is taken down by the shorthand writer. The chief reason for my alluding to this letter is, that the writer states that he was confidentially in communication with Mr. Parkes and the Duke of Edinburgh. His words are these:—"Having thus stated the whole proceedings in regard to the so-called

so-called Fenian, I may be allowed to explain that, at the very time these emissaries were seeking to obtain blood-money, by entrapping Mr. Reardon, Mr. Parkes himself addressed a letter to me, in the very house in which Mr. Reardon and myself were residing, requesting an interview with me respecting an appointment which, on account of long and important family services rendered to Her Majesty's father, the late Duke of Kent, by my father, the Duke of Edinburgh was desirous of procuring for me in this Colony." This is a very ingenious statement; but any stranger reading it would imagine that these "emissaries," to use the word employed here, who were industriously seeking to obtain blood-money, were some emissaries of Mr. Parkes, as my name is coupled with it. Well, now, I consider it due to myself to state the nature of the letter that was addressed to this person, and what I know of his correspondence with the Duke of Edinburgh. This Mr. Murray was amongst a number of people who had addressed applications to the Duke of Edinburgh, seeking the favour of His Royal Highness in some way or other. He sent with his letter one or two letters—I am not sure that there was more than one—bearing the signature of the late Duke of Kent, addressed to his father. These letters, with Murray's application, were referred to me by the Equerry-in-waiting, without any comment whatever. It is entirely untrue that the Duke of Edinburgh ever attempted to procure employment for this person. He simply referred the application, with the enclosures, to me, through his Equerry, without any comment whatever. I understood from other sources, that this Mr. D'Arcy Murray had been a Member of the Legislative Assembly in Tasmania; and, in consequence of his position, as an act of courtesy I addressed a letter to him, asking him to call upon me in respect to this application. On his calling, I explained to him that the Government had no employment open—that they were called upon to reduce the expenditure of the country in every way possible; and that, in consequence, whenever a vacancy occurred, the first inquiry was, whether it was necessary to fill it; and if we found it was necessary to fill it, our next inquiry was, whether there were any person among the inhabitants of the Colony who was fitted to fill it; and that, as a rule, it was very unlikely we should have any situation to give to a stranger. I pointed out to him also, that even if the Duke of Edinburgh should make any recommendation, I could not undertake to pay any attention to it, as I did not consider it was any part of the business of His Royal Highness to interfere with the patronage of this Government, and that I could not receive the recommendation of the Duke of Edinburgh as of any higher value than that of any other person. Mr. Murray addressed a letter to me, thanking me for my kindness, and stating that generally he concurred in the views I had expressed to him, but that he thought his was an exceptional case, as his father had been a confidential servant of the late Duke of Kent. I again told him, either in a subsequent interview, or possibly in another note, that it was impossible for me to recede from the position I had taken up, and could hold out no hope of employment to him, for the reasons I have explained. He then applied to me to give him a letter of introduction to the Colonial Treasurer, Mr. Eagar, a Member of this Committee. I said I did not think any note from me to Mr. Eagar would have any weight, as my colleagues did not like me to interfere with them in the dispensation of patronage in their own departments. I was very unwilling to write any such note to Mr. Eagar, and thought, if I did write it, it would have no weight whatever. He then stated that he had such an admiration of the existing Government here that he was exceedingly anxious to serve under it, and that if I would only give him a note to Mr. Eagar, he was sure the weight of my name would immediately procure him employment. I then told him that I had no objection to give him a note, stating that I believed him to have been a Member of the Assembly in Tasmania—and I believe he told me he had been a Magistrate. I gave him that note to Mr. Eagar. That is all I know of this gentleman—that is all the communication he had with me, and I believe the only communication he had with the Duke and myself. I may add, that I told His Royal Highness, in relation to the many applications made to him for employment, that I could not pretend to entertain any of these applications, and that they must be considered on their own merits. His Royal Highness said he did not wish them to be considered on his account. I wish to hand in these three notes of Mr. Murray, which will prove, in his own words, that my explanation is correct. (*Vide Appendix, D 14, D 15, and D 16.*) I would like to add, that this person, who thus ostensibly writes a letter to the Editor of the *Empire*, is, I believe, on the staff of the *Empire*, or at all events was till recently.

*Mr. Eagar*: I should like to supplement what has just been stated by Mr. Parkes by a word or two. Mr. Murray brought to me a note of the kind that Mr. Parkes indicates. I told him I had no appointment to give him. He left, and I never saw him again.

*Mr. Parkes*: Here is an anonymous letter, probably one of a hundred received from different parts of the country. (*Vide Appendix, D 17.*)

1300. *Mr. Forster*.] With reference to these threatening letters, did a communication ever reach the Government acquainting them that the life of the Mayor of Mudgee was in danger? Never.

1301. Or any communication coupling his name with that of Mr. Parkes, as both being in danger of Fenian enterprises? I have no recollection of such a letter.

H. Parkes,  
Esq., M.P.  
8 Jan., 1869.

COUNCIL

Mr. Francis Robert Kean examined:—

- Mr. F. R. Kean.  
8 Jan., 1869.
1302. *Mr. Parkes.*] You have been in communication with Mr. Lucas, a Member of the Legislative Assembly, recently? Yes.
1303. You made a statement to him? Yes.
1304. Did Mr. Lucas take it down in writing? Yes.
1305. Is that the writing, do you think (*handing a paper to witness*)? I can see if my own name is attached to it (*referring*). Yes.
1306. You resided some time back at Greenwell Point, Shoalhaven? Yes.
1307. At what time were you residing at Greenwell Point, Shoalhaven? I was residing at Greenwell Point from the latter end of February, 1867, till Christmas, 1867.
1308. You were not residing there in March of last year? I was residing at Broughton Creek. I was removed at Christmas to Broughton Creek.
1309. During the time you were at Greenwell Point, had you any acquaintance with persons who were congregated together to discuss Irish politics? Yes.
1310. Be good enough to state what you know? I am not certain as to dates, but I dare say the gentlemen here could tell the date—it was about a fortnight after the second £5,000 was granted by the Legislative Assembly for the reception of His Royal Highness the Duke of Edinburgh. There was a debating society held at Pyree, two miles from Greenwell Point; it was termed a parliamentary debating class.
1311. Did you belong to the class? I was invited there to discuss the politics. I was not a member, but still I took part in the discussions.
1312. What was the question? The question was—"Are the Government justified in expending £5,000 for the reception of the Duke of Edinburgh?"
1313. What took place? I was appointed to take part in the negative; and after the debate had closed, there was a great number of Irish settlers round, and some one shouted out that I was the only honest man among them.
1314. You agreed that the Government was not justified in the expenditure? Yes; and from that I was led more into their company, knowing that they met at the arrival of each mail, at Greenwell Point, at night, the first night after the arrival of the mail, to discuss the revolutionary matter contained in the *Nation* and *Irishman* newspapers that came by the mail. It was at this time that I was informed that the Royal Family were only a complete set of bastards, and the sooner they were exterminated from the Throne the better. I made answer, that I did not see any harm that Her Majesty or any of her family had done. I was told that they stood in the way of the Irish people in gaining the rights of Ireland, and I was asked what would I think if I should hear of His Royal Highness the Duke of Edinburgh being shot. This was about a fortnight or three weeks after the second £5,000.
1315. Before Christmas? Long before Christmas. I laughed at the idea, and said—"Do you think anybody would be so foolish or so mad-brained?" "Oh!" they said. Mr. and Mrs. Carey made the remark, that some one would be found that would do it.
1316. Mr. and Mrs. Carey—Who were they? They reside, or they did reside at that time, at Greenwell Point. I had represented myself, previous to this, as being a chartist; and the whole topic of their conversation was with regard to the Ministry that were carrying on the Government. There was some conversation took place with reference to one Mr. James Martin, one of the Ministers of the Government. They said that he was a renegade and would receive his deserts before long.
1317. Where were those meetings held? It was a family gathering—sometimes in the house of Mr. Carey, at other times in a barn or store belonging to Mr. Berry. The nights of the gathering, there was fiddling and dancing for the young people; and they seldom congregated till 9 or 10 at night.
1318. How long did they continue? Till 1 or 2 in the morning; and I have known them in several instances to keep up their merriment till near daylight.
1319. Did you ever hear any expression to the effect that it was no sin to put any one to death who stood in the way of the purposes of Fenianism? Yes, that was frequently said.
1320. Will you state it in your own words? It had been frequently said that they did not consider it any sin to exterminate any person whatever that stood in the way of those who were standing up for the rights of old Ireland. They said the Royal Family were in the way, and would soon be exterminated. I was told by Mr. Carey, and by his wife, too, that it was no sin—they did not consider it any sin—that they would be doing an act of justice to their country—to aid and assist in putting any one out of the way that was an obstructionist. At Christmas I was removed to Broughton Creek. I was informed there was a gathering there at night, but I was never let into their company. I was told by several there that I was a bad member. I was informed by one Mr. Maxwell, that the sooner I made myself scarce out of the neighbourhood it would be the better for me; my life would not be worth two-pence.
1321. Do you know anything about a woman who was delivered of a child on the day the Prince was shot? The wife of George Davis, that worked in April last on board the dredge "Pluto." His wife was confined about the time the Duke was shot, and she distinctly stated that her child was named Fenian, and she called it Fenian up to the time of my last seeing it,\* in commemoration of the shooting of the Duke of Edinburgh.
1322. In commemoration of her sorrow? Of her rejoicing, as she said she would train all her children up to be young Fenians.
1323. Do you remember an indignation meeting being held at Broughton Creek? Yes; I went expressly to that meeting, thinking to meet Mr. David, the brother of Mr. Alexander Berry, at that meeting, bearing he had not attended any indignation meeting; and it

NOTE (on revision):—Up to the time of my wife leaving, in June last.

it was my intention to have challenged him with countenancing Fenianism on his estate ; but he did not attend. I was told by several at the time that it would be well for me to keep a still tongue in my head. It was no secret in the neighbourhood of Greenwell Point with regard to Fenianism ; every one seemed to be afraid of his neighbour. I mentioned the circumstance to several parties—to one Mr. Maclean and his wife at Broughton Creek—after hearing by report that His Royal Highness had been shot—that I had been told such would be the case at Greenwell Point ; and, from the intimidation I got, I felt rather afraid to remain at Broughton Creek, and I left there on the 6th April, and walked up to Sydney.

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1324. What are you doing now ? Brick-making.

1325. Are you working on your own account ? No, at daily labour.

1326. Who do you work for ? Mr. Leman.

1327. Where do you reside ? At the residence belonging to the Public School, Camperdown.

1328. Do you take care of it ? My wife takes care of the school and place.

1329. Is that near Mr. Lucas's ? Yes.

1330. The substance of what you have stated now to the Committee you stated to Mr. Lucas ? Yes.

1331. In your intercourse with persons, have you ever heard expressions of sympathy with the prisoner O'Farrell ? I had not the privilege of hearing any sympathy expressed at Broughton Creek, because the Irishmen there looked upon me as a snake.

1332. Did you hear a feeling of the kind expressed at any time ? I heard at Broughton Creek one Mr. Maxwell, and several others from the Kangaroo Ground, expressing that, if O'Farrell should be hung, that the Irishmen ought to rise in one mass and exterminate man for man of the Royal Family, and such would be the case. I was informed that they met in a room near one Mr. Flynn's, at Broughton Creek, and I endeavoured to ascertain the truth of it, for I wanted to ascertain what Fenianism was.

1333. You were never admitted ? I was never admitted to the sole secret of it. When they met together, their whole conversation was in denunciation of the British Government and the Throne.

1334. Were the *Irishman* and the *Nation* newspapers received regularly ? They are received regularly by one Caffrey or Carey.

1335. Any letters ? Frequently a number of letters.

1336. *Mr. Forster.* ] You say, I think, you attended a debating class ? Yes.

1337. Before which the subject was discussed, whether the Government did right in expending £5,000 in the reception of the Duke of Edinburgh ? Yes ; there was only £5,000 granted at the time this subject was placed on the list for discussion.

1338. And you were appointed to take part in the discussion on the negative ? Yes.

1339. Was that your real opinion ? No.

1340. What was the meaning, then, of your taking part in the negative ? It was merely for the sake of debating the subject.

1341. What was your real opinion ? My real opinion was, I did not consider at the time that the Government there would be to be blamed in expending any sum of money they thought proper in receiving His Royal Highness.

1342. Do you think they would have been right in expending £50,000 ? I thought so at the time.

1343. But on this occasion you took part in the negative ? I took part in the negative, for the sake of argument.

1344. I think you said you were not a member of the class ? Not an enrolled member, still I took part in the debates frequently.

1345. Why were you appointed to take the side you did not believe in ? The overseer that used to visit Greenwell Point asked me if I would take that part in it.

1346. Why did he pick you out—Were there no other persons who could take the part as well as you ? Six took part on each side.

1347. You were one of those on the side of the negative—Did you do your best to prove what you did not believe ? I eulogized the Royal Family as far as lay in my power, and I then tried to show that the Government were not justified in expending a sum of money on the reception of the Duke of Edinburgh ; but I was confuted by the next speaker.

1348. Did you argue very strongly on the side you did not believe ? As far as I could.

1349. Do you consider you did it well ? I did not do it so well to my own mind as the other side.

1350. You found it difficult to argue against your belief ? Any man would do that.

1351. Do you think you could have argued better on the other side ? I do not know that I could ; there was very good argument on the other side, that would have eclipsed me altogether.

1352. Then your heart was against the side you took ? My mind was against the side I argued on.

1353. Which do you think got the best of the argument of the two sides ? The affirmative.

1354. Then your side was beaten ? Yes.

1355. Do you think they could fairly beat you in argument ? They did beat me in argument.

1356. Did you mention this as showing the reason you were a favourite with the Irish ? It was from this meeting that I first became intimate with them—they would never look upon me before, because I pleaded, to try and carry out the argument, the famine and distress in Ireland. They had got out the *Irishman* and another paper—I forgot the name

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name of it—where they were pleading so much distress and poverty, and complaining of the treatment the Irish received; and I brought this forward as an argument against expending money in the reception of the Prince.

1357. You became a favourite with the Irish, in consequence of your arguing in this way? Yes, on that occasion; but I took it up for argument, not for conscience sake.

1358. Was it not very simple of the Irishmen to be so easily deceived? A great number of them are simply deceived.

1359. You argued so cleverly that you got the better of the others? I do not know that I argued so cleverly.

1360. You argued cleverly enough to deceive all these Irishmen? They were not altogether deceived.

1361. However, you became a favourite with these Irishmen, in consequence of the part you took on this occasion? Yes.

1362. Then, in point of fact, the part you took deceived the Irishmen? Yes, of course, if they thought I was arguing from my conscience.

1363. Do not you think they were very simple to be taken in in this way? I think they are all simple who call themselves Fenians.

1364. Do you think it was right of you to argue on a side in which you did not believe? My sole argument was to try to get into their midst—to know what Fenianism was.

1365. Do you mean to say that you went among these people, pretending to be a friend, in order to betray them afterwards? I went intending to betray them if I found them to be guilty of anything disloyal.

1366. Then, in fact, your object was to betray them if you found them out? If I found them out in any treasonable act.

1367. Do you think that was a very loyal thing to do—to go and pretend to be a friend to these people in order to betray them? I do not think there was anything disloyal about it. I consider my loyalty to my Queen and country more material to my country at large than anything.

1368. Than your loyalty to any friend? That man is not a friend to me that is an enemy to my Queen and country.

1369. Did you not pretend to hold opinions which you did not really entertain? I pretended to coincide in the views of those who opposed the Government.

1370. How do you know that they were not pretending too? They said they did not think it a sin to put any one out of the way that obstructed the rights of old Ireland. If they did not mean it, they were deceiving me.

1371. How do you know they were not deceiving you? It is very evident, from the attempted assassination of His Royal Highness, that they were not making a fool of me—that it was preconcerted for more than a month before. As to my character for truth, Mr. Stewart can ascertain it in the town of Wollongong; and I never would have mentioned this had it not been for the newspaper reports, and the attack upon Mr. Parkes for his speech at Kiama. I never spoke to Mr. Parkes in my life, and I do not know him, but I did not like to hear him condemned when I knew the plot had been preconcerted.

1372. You went among these people, pretending to coincide with their opinions when you did not, with the purpose of finding out what Fenianism was, and giving information to Government if you found it out? Yes.

1373. Are you quite sure that nobody else went there with the same view? I cannot be sure of that.

1374. Might there not have been a great many there intending to inform also? There was no Protestant there besides myself.

1375. You do not think a Roman Catholic would pretend to be a friend to another man in order to betray him? No, he would not.

1376. But a Protestant might? A Protestant might stick up for his own country and his own Queen.

1377. What is your country? England.

1378. Is not this your country? Yes.

1379. Is not this as much the country of the Roman Catholics who live in it as it is the country of Protestants? Yes.

1380. Is it your conception of Protestantism, that it is a right thing to pretend to be friendly with a person, in order to get evidence against him, to betray him? My opinion is, that if a man is acting contrary to law, it is my duty to speak the truth of him, and not to allow that man to carry out his ends.

1381. Have you not said that you yourself went to a meeting, and argued upon a side merely for argument sake—on a side you did not believe in? That was at a public meeting; and it was well-known that we took different sides only for the sake of argument, to enable each one to speak before the congregation.

1382. How do you know that some of these people were not arguing against Fenianism for the sake of argument? No one was arguing at that meeting in favour of Fenianism, for there were a number of Scotchmen there, and it would not have been allowed to be introduced. It was a parliamentary debate.

1383. All on one side? No, there were two sides.

1384. Did you adopt the practice in the debate which is now adopted in Parliament? I cannot tell, for I have never been inside it.

1385. Why do you call it a parliamentary debate? It was designated by that name.

1386. You say you were informed the Royal Family were a complete set of bastards, and the sooner they were off the Throne the better? Yes, by those persons who congregated together.

1387. By these Irishmen? Yes.

1388.

1388. And Catholics too? Yes, they professed to be.
1389. You were professing something you did not believe at the time, were you not? I told them I was a chartist, had been brought up a chartist, and held chartist views.
1390. Were you a chartist? I had been to chartist meetings in the town of Birmingham, before I left home, many years ago.
1391. Do you know anything about chartism? Very little. I know they advocated universal suffrage, triennial parliaments, and vote by ballot.
1392. Do you believe in chartism? Not altogether.
1393. Are you a chartist? No.
1394. Were you a chartist when you told the people you were? No, I was not.
1395. Did you tell them an untruth? I told them I had been among chartists, and held their principles.
1396. Was that true? No.
1397. Had you ever told untruths of this sort before? I never had any occasion; my object was to ascertain what Fenianism was.
1398. In order to do this, you told the people an untruth? I told them I was a chartist, that I had been a chartist, and held chartist principles.
1399. Were you employed by the police in this matter? That is another thing altogether.
1400. Have you any objection to state whether you were employed by the police or not in this matter? I have.
1401. Have you ever been a detective? No, but I have aided the police.
1402. You object to say whether the police employed you at this time or not? Not just at that time.
1403. Are you sure that you never expected a reward from this investigation? I never expected more than my day's pay for my loss of time.
1404. Have you applied yet for it? No.
1405. Do you intend applying? I do.
1406. Why did you not apply to Mr. Parkes? I do not know Mr. Parkes.
1407. Before he left office? I never saw Mr. Parkes.
1408. I thought, when you spoke of applying for your day's pay for loss of time, you referred to your day's labour for attending the Fenian meeting? Nothing of the kind; I meant for attending to give my evidence here. I have never received no pecuniary advantage in no shape or form whatever; neither have I received no promise under no circumstances whatever for the information that I have given, nor yet for my time and trouble in trying to ascertain what Fenianism was. I went of my own free will, on my own accord, because I had my own doubts, and I felt convinced, within my own mind, that Fenianism was hellish in the extreme.
1409. You confess to having told untruths to these people? In order to gain admission.
1410. How do we know, then, that you are not telling untruths now? As the general rule of my life, I do not tell untruths. I lived in the town of Wollongong eight years; and the Revd. Mr. Charter, Mr. George Hewlett, Mr. Waring, and other influential men there, can bear testimony to my character and truthfulness. I can bring others in the vicinity of Newtown to do the same.
1411. This is the only time in your life that you made a slip? This was done in order to learn what was being done under the name of Fenianism.
1412. Would you do it again? If I heard of a new-fangled secret that was rising up to overthrow the Throne, I would do it again.
1413. You have said you are a Protestant—Does not Protestantism teach the duty of loyalty to one's neighbour as well as to the Throne? "Love thy neighbour as thyself."
1414. Do you think it is loving your neighbour as yourself, when you deceive him in order to obtain information for the Government which may injure him? My neighbour is he that would do as he would be done by. These men were not my neighbours, when they were trying to exterminate the Throne and the ruling power I was under.
1415. Did you give information to the public, or to the police, upon these subjects? No.
1416. Only to Mr. Lucas? I gave information to a Magistrate, but not so full as I did to Mr. Lucas. I should not have done so to Mr. Lucas, only for the reports in some of the papers.
1417. You did not inform the police at all about it? No; it would be no use to inform some of the police.
1418. Can you inform the Committee of the names of any persons, besides Mr. and Mrs. Carey, who said the Royal Family were a complete set of bastards, and that they would consider it no sin to exterminate any who stood in the way of the rights of Ireland? There was Mr. Caffrey, and there were a number of others that I do not recollect the names of, or did not know, for they came from miles round to discuss the revolutionary matters contained in the *Irishman* and *Nation*.
1419. You think these men were Fenians? If they were not Fenians, they sympathized with them.
1420. You have said you attended chartist meetings in England—For what purpose did you attend them? To hear what they talked about.
1421. You did not go with a disloyal intention? I was too young to hold any opinions about them. I did not pretend to form an opinion till I was eighteen or nineteen years old.
1422. You did not attend chartist meetings with the view of informing against the parties? I went for the purpose of hearing them speak—that was my reason.
1423. I understood you to say that you heard some of these people say that there was no harm in putting any one out of the way that was an obstructionist—They did not mean by

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by that, the people in Parliament who were called obstructionists by the late Government? No; they distinctly stated of all the Members of the late Ministry, that it would be a charity to put a bullet into each one of them; that Martin was a renegade, and would receive his deserts before long.

1424. Did you ever hear of these threats being put into execution? Only with His Royal Highness; and then I had it only by hearsay, for I was in a place where I had neither money nor means to get a newspaper.

1425. You say—"The Irish looked upon me as a snake"? Yes, at Broughton Creek.

1426. What did they mean by looking upon you as a snake? It is a term used by a number of working men, that a person is a snake—that it is dangerous to be in his company.

1427. Do you think it a term which is applicable to a person who worms himself into the confidence of others, in order that he may betray them and give information against them? It may be used, but it is not its proper application.

1428. You do not think your conduct deserved that the name should be applied to you at all? No.

1429. You say, that in consequence of information you got at Broughton Creek, you left it? In consequence of information I got from various parties, I felt convinced that my life was not safe.

1430. They threatened your life? They told me my life would not be worth twopenny to me.

1431. And you left in consequence? Not altogether in consequence of that, but I found the place was getting too hot.

1432. Did Mr. David Berry threaten your life? No, there was no occasion for him; he is a poor, feeble, old man.

1433. You thought his conduct was wrong in not attending the indignation meeting? Yes, I did; because he had the ways and means of conveying himself to an indignation meeting as he had to any other.

1434. Do you not think a person might possibly be better employed than attending an indignation meeting? I think a landlord could not do better than to show by his presence that he was in favour of the object of the meeting, if he did not speak at all.

1435. Do you not think it would be possible for a man to be better employed? Yes, it might be so; but it would have shown more loyalty, and set a better example to his tenants.

1436. Do you not think a man is best employed when he is attending to his own business? Yes, sometimes.

1437. You think a man can be better employed than attending to his own business? That is a man's business,—to attend on such an occasion to express sympathy with the Crown of Great Britain, as much as it is his business to attend to his trade or occupation.

1438. Did you think it was Mr. David Berry's business? As much as it was the business of his tenants, or of the people in the neighbourhood.

1439. How do you know he was not better employed at that time? I cannot say that he was better employed, and I cannot say that he was not; but from what I heard, I do not think he was better employed.

1440. Do you consider him a Fenian? No, I do not; but I consider that he countenanced them by not keeping a stricter look-out on his establishment.

1441. Do you regard everybody who did not attend indignation meetings as criminal? No; but a gentleman having a large estate, and having so many tenants and servants under him, when this meeting was called, termed an indignation meeting, to express their indignation for the dastardly attempt on the life of His Royal Highness, I think it was his duty to show, by his presence, that he coincided in it.

1442. You said something about the wife of a George Davis having had her child christened Fenian, to show her rejoicing at the attempt on the life of the Duke of Edinburgh—How did she express her rejoicing to you? By her expressions; she is a rank Fenian in her heart; she said the child should be named Fenian to the day of its death, in honor of the attempt on the life of His Royal Highness.

1443. Are you aware whether the child was christened Fenian? Only by her own statement.\*

1444. You could not point out the priest who christened this child? No, because I do not visit the priests.

1445. If you heard so much of these people's domestic arrangements, I thought you might also know the name of the priest? I† heard it from her own lips; and parties passing up and down continually heard her calling the child Fenian. She distinctly told my wife and me that she had it christened Fenian.

1446. You did not hear from the same authority what priest did this? I know nothing about priests, for I never visit any of them, and they do not visit me.

1447. You did not hear any one say who was the priest that christened the child? I never asked.

1448. But you did ask about the name of the child? It is quite natural to ask the name of a new-born infant.

1449. Is the child still called Fenian? I cannot say; I came away in April, and my wife and family in May last.

1450. *Mr. Samuel.*] When did you leave Greenwell Point? I left the day after Christmas-day in 1867—on Boxing-day.

1451. When did you leave Broughton Creek? On the 6th April, 1868.

1452.

\* NOTE (on revision):—Not personally, but only by her own statement to my wife.

† NOTE (on revision):—My wife.

1452. I understood you to say that, after you attended this debating society, the Irish people told you you were the only honest man there? They shouted outside, and told me so frequently.
1453. Was this after you had eulogized the Royal Family? I had eulogized the Royal Family, and I then took up a portion of a paragraph contained in the *Irishman*, and I forget what local newspaper in Ireland—a small two-leaved paper—where it complained of the poverty of the people, and denouncing the British Government for not forwarding supplies.
1454. You say you eulogized the Royal Family, and after that they said you were an honest man? Yes; but they did not seem to comprehend at the time that I was eulogizing the Royal Family. A note was made of it in the *Shoalhaven News*, and I tried to get a copy of it. I went to Mr. Greville, but he had not the paper, in order to ascertain the time that I was initiated among them.
1455. You read the newspaper? Yes.
1456. And knew pretty well what happened after the arrival of the Prince in the Colony? Not all along, because it is only within the last two or three months since I have taken to read the *Herald*, and my trade has kept me too busy. I have found it enough to do to get bread for my family.
1457. I understood you to say, that your object in seeking to gain the friendship of these people was, to ascertain whether their meetings were loyal or not? Yes.
1458. You heard, I presume, of the attack on the Prince? Yes.
1459. I suppose you also heard that the Government of the day—indeed every loyal subject of the Queen—was anxious to find out whether there was any conspiracy of which O'Farrell formed a part? Yes, I heard it from word of mouth, and I several times saw the placards in the streets.
1460. Then, as a loyal subject, did you communicate to the Government or to the police what you had heard? \*I did not; for, in fact, at one time I had not the means to raise pen, ink, and paper—I had not the means to buy bread for my children; and when I left Broughton Creek I tramped it on foot to Wollongong, where I found a friend to pay my passage to Sydney, to get employment, and I left my wife and family starving, or at least depending upon charity.
1461. You say you would never have mentioned this, though you knew it had been preconcerted, had it not been for the attack on Mr. Parkes? Yes, I did. I found that the newspapers I had read of late had been denouncing Mr. Parkes with making a false statement with regard to these charges.
1462. The question I am putting to you is this—You say that, though you knew this plot was preconcerted, you never should have mentioned it if it had not been for the attack on Mr. Parkes? I felt convinced, from what I was told, that it was preconcerted.
1463. You said you knew it was? I knew from their statement that it was.
1464. Did you not think it was your duty, as a loyal subject, to have informed Mr. Parkes, by letter or otherwise, that you knew this plot was preconcerted? It was a thing I hardly knew how to go about, to communicate with any one, for I felt timid about it.
1465. Were you in the employ of Mr. David Berry? Making bricks for him.
1466. Had you any dispute with him? Only in regard to being kept idle.
1467. Did you quarrel? No.\*
1468. Had you any dispute? I noticed him that I would charge him all the time I was kept idle.
1469. Did you part good friends? When I left Mr. Berry, I told him I would go to Sydney and get employment.
1470. Do you consider that an answer to my question? This will answer it—He said I might please myself; and after a few days I left.
1471. The question I put to you was, whether you parted with Mr. David Berry on friendly terms? I was not unfriendly with him, and I do not know that he was unfriendly with me.
1472. Did he give you a character when you left him? I never asked him for such a thing, nor any other gentleman.
1473. Would he give you one if you did ask him? I do not know.
1474. Do you think he would give you one as having served him faithfully? I served him faithfully for a short time.
1475. Do you think Mr. Berry would give you a character for having served him faithfully? I cannot say; but I can get a character from gentlemen who have known me for years.
1476. *Mr. Forster.*] Do you think he is a good master? He is not a bad master.
1477. Do you think he treated you well? No; and yet I would not say he is a bad master.
1478. You have spoken of an attack upon Mr. Parkes—Was that an attack upon Mr. Parkes' life at any time? No.
1479. What did you mean by it? An attack through the newspapers. I was alluding to the Press.
1480. *Chairman.*] Are you a member of the Protestant Political Association? No; I am member of no association whatever.
1481. You want to make a claim for loss of time? Yes, only for my day's pay.
1482. What does it amount to? My day's pay is 10s., and that does not pay me for all my loss, for my son is idle while I am away.

NOTE (on revision):—I had not any reliable evidence to corroborate my own statement.

TUESDAY,

TUESDAY, 12 JANUARY, 1869.

Present:—

MR. EAGAR,  
MR. FORSTER,MR. PARKES,  
MR. JOHN STEWART.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Mr. D'Arcy Wentworth Lathrop Murray called in and examined:—

Mr. D. W. L. Murray. 1483. *Chairman.*] Are you the writer of a letter which appeared in the *Empire* of the 21st December, headed "Informers and alleged Fenians"? I am.

1484. Will you state the circumstances of your acquaintance with Mr. Reardon? My acquaintance with him was from simply lodging in the house where he was lodging.

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1485. Will you mention the place? I arrived here, I think, in the month of February, and shortly afterwards took up private lodgings at a house in Palmer-street, No. 50, kept by a widow named Mrs. Bergin. While there, several persons—and amongst others, this Mr. Reardon, his wife, and daughter—came to reside in the house. I had very little intercourse with him, for I simply had a room in the house, and used to take my meals outside. I had not been introduced to Mr. Reardon at all—I had never spoken to him—when one day, being seriously ill, I was lying in my bed. The room I occupied was on the ground floor, and near the head of my bed was a window, which was open to admit air; I think I had been laying up for three days then. At the back of the room was a kitchen, almost adjoining the bed-room in which I slept. My attention was attracted by hearing a man\* commence talking to Mrs. Bergin, who was in the kitchen at the time, on the subject of O'Farrell; and I heard him say she must be aware that Reardon was an accomplice of his. She denied it indignantly, and said it was quite the reverse; that a gentleman who was in the Government employment was a cousin of his (Mr. Reardon's), a Mr. Carrick, who is in the Customs Department—and a Mr. Ray also, who was formerly in the police here, and had been wounded in taking some bushrangers, losing his leg; that they both recommended him (Mr. Reardon) to her before he was admitted to the house. She also said he (Mr. Reardon) was quite a gentleman, and a man of considerable means, and that she knew he had been living for a number of years at Adelaide. He said—"I suppose you know he is purchasing a lot of American money here." She said yes, she was quite sensible of that, and she knew he was purchasing it to great advantage—that he could buy it cheaper than other money, and could sell it where he was going, at a premium. He went out then, and brought in a jug of ale to her, I think. There was so much conversation at the time that I paid very little attention to it; but he asked her to have some ale, and she said—"I will not drink anything at all, thank you." He then said—"Mrs. Bergin, there is a large reward for the apprehension of any accomplices of O'Farrell, and if you will join with me in assisting to get that, you shall have half of it"—or words to that effect. Then the old woman set to and ordered him out of the place, and said she did not believe Reardon was a Fenian. This caused me to look to the man Reardon, and I took an opportunity of noticing him myself. I entered into conversation with him, and found he was a very respectable and intelligent man indeed; that he had been engaged in business in Adelaide for a number of years, as an importer of British and American goods; that he considered he had realized a fortune, and he was about to take a trip home with his family, and had come here to say good-bye before he left, to some friends he had here—though, in fact, his main reason for coming here was to join the ship "Rakaia," in which he was going to leave the Colony. I spoke to him on the subject of O'Farrell, and he said O'Farrell must either be an infernal scoundrel or a maniac; he believed him to be a maniac; he said no man but a scoundrel could do such a thing; he said he had not the slightest belief in there being any accomplices in the Colony at all, and that O'Farrell's act, if the act of any organization or Fenian rebellion at home, was the very act that would ruin it.

1486. Was this long after the attempt to assassinate the Duke of Edinburgh? I think it was the very week of O'Farrell's execution, but it was just about that time, at all events. I am not sure; but you can ascertain the date, because of the sailing of the mail steamer in which he left.

1487. You mentioned this conversation you overheard, at the time, to some other people? I did subsequently. I paid little attention at the time to this conversation of this man Baker with Mrs. Bergin; but the morning Reardon left, he went, as he was in the habit of doing, to an adjoining hotel, to read the papers. I was aroused by a great noise outside in front of the house, and on going to the door I saw this man Reardon had been maliciously assaulted. There was a man named Brady, a coloured man, in a suit of volunteer's clothes, and another man, outside the door, creating a great disturbance, calling out that the house was a nest of Fenians, and making use of most obscene language. They had collected a crowd round the house; and a gentleman on horseback, whom I have not seen since, but know where to find him, ordered a constable to take this black man in charge. I can get the constable's number too. I have never seen either of them since, but I know where I can get them. This gentleman came up on horseback, saw this man Reardon assaulted, and requested the constable to take the man in charge, which the constable refused to do. Then this man assaulted a milkman, who came to Reardon's assistance, with a stone, so that the blood was streaming out of his face. When Mr. Reardon came in, I was very much outraged at the sight, and recommended him strongly to go to the Police Office at once, and have this man arrested, and

NOTE (on revision):—I ascertained afterwards that the name of this man was Baker.

I would give evidence. He said—"No; I have paid £150 for my passage, and I have some very valuable articles on board—gold and jewellery—and if I remain here I am afraid I shall lose it." Subsequently I mentioned these matters to my friend Mr. Bennett, and to Dr. Brookes, who I believe was Mayor of Newcastle last year. Mr. Bennett said it seemed incredible; I said—"Do you come down with me this afternoon, and you shall see for yourself." He said he could not believe it possible such villany could exist. Instead of his coming down, we met at dinner, and Dr. Brookes was there. Mr. Bennett said he was very busy, but I asked Dr. Brookes to walk down with me and make inquiries for himself. He did so, and examined the woman narrowly. I suppose he spent a couple of hours down there—considering this outrage that had been carried on there; and he came away quite disgusted.

Mr. D. W. L.  
Murray.

12 Jan., 1869.

1488. Did Mrs. Bergin state to Dr. Brookes the proposals that had been made to her? She did, as I have told them now.

1489. What do you know of this man Baker? I know nothing of him, except that he came to Mrs. Bergin's about the same time as Reardon, and she immediately requested him to leave the house, after the conversation I have related. I heard him say to Mrs. Bergin that she might be sure she herself would be taken up, for he was in the constant habit of visiting Mr. Parkes and Captain McLerie, which I looked upon as a drunken threat, or a blackguard boast. I did not pay the slightest attention to his mentioning the names of these gentlemen at all.

1490. Do you know what became of this man Baker? I have not the slightest knowledge. I was told he had a Government appointment. This man Brady, the coloured man, was sent on board the "Verion," to a Government appointment, the following week. I drew the attention of the public to the circumstances of the assault, in a letter I wrote to the *Evening News* at the time, which attracted considerable attention; and the milkman summoned Brady for the assault upon him. The case was called upon for hearing at the Water Police Court, and on the second occasion it was withdrawn through the non-appearance of the milkman. I have heard since that some circumstance in relation to Mr. M'Gibbon prevailed upon him not to appear against Brady.

1491. *Mr. Stewart.*] Who told you that? Mrs. Bergin told me that Brady's sister had been living in Mr. M'Gibbon's family for a long time, and that that was the reason why the milkman had been prevailed upon to withdraw the prosecution. I think Mr. Leary was employed to prosecute; at all events, some professional gentleman was.

1492. *Chairman.*] Did you not endeavour to find out what this man Baker was? No; I treated it with a great deal of ridicule at the time; but the assault I looked upon as an outrage against the peace. That was what I was most annoyed about. I could not conceive that the other thing was at all feasible at the time.

1493. *Mr. Stewart.*] You have mentioned that you found this Reardon an intelligent and respectable man? Yes.

1494. By what means did you judge of his respectability? By his conversation and appearance—no other way.

1495. You took his own word for his respectability? Yes, entirely.

1496. You mention in your letter that some one was employed as a spy, and afterwards appointed to a Government situation? I think you are mistaken. I stated that this person asserted that he was so employed, for I did not believe it.

1497. What situation was he in? I do not know. It is very easy to ascertain what situation he is in; I believe he is in that situation now at this moment.

1498. On his own authority you state that he is employed by the Government? On his own authority.

1499. And he is the spy you refer to? He is the individual I refer to.

1500. Are you in business in Sydney? No.

1501. Have you no occupation? Yes.

1502. Pray how are you employed? I employ a portion of my time on the Press—the *Empire*.

1503. Are you a reporter for the *Empire*? Sometimes. I have been connected with the *Empire* since I have been in the Colony.

1504. *Mr. Forster.*] When Mr. Stewart asked you, just now, whether you took Reardon's respectability on his own word, I think you misunderstood the purport of the answer he put into your mouth. He asked you whether you took Reardon's respectability on his own statement—You do not mean by that, that he said he was a respectable man, but that from your intercourse with him you judged him to be so? Yes; I judged him to be a highly respectable, intelligent man, from my own observation.

1505. Do you stand by every word of that letter of yours in the *Evening News*? I stand by every word of it.

1506. What would you say if some one said it was utterly false from beginning to end? I could only say that whoever said so was false. Dr. Brookes inquired into it at the time. There is the woman living there, and the house; there are the men, Baker and Brady, the constable, and the circumstance of the police case that took place at the time; there is my letter in the *Evening News*; that was sent in in April.

1507. What sort of a man was this Baker? A dark man.

1508. Did he seem a respectable man? He seemed to be a drunken sort of man.

1509. If he was in a Government situation, did it occur to you how he had so much time to spare on this investigation? No.

1510. When he was making these remarks, did he strike you as being in earnest? No; I considered that when he was asking this woman to help in proving Reardon a Fenian, it was some drunken affair. I mentioned it to Mr. Bennett at his house, and subsequently he said—"It is correct—you may be sure it is correct; they are trying to catch this man

Mr. D. W. L. for the sake of the reward." It was he who first caused me to look upon it seriously ;  
 Murray. and it was for that reason I asked these gentlemen to go and sift the particulars. Dr.  
 12 Jan., 1869. Brookes is an old colonist, I believe, and I saw a letter from him in which he says I have  
 not written half severely enough.

1511. You said something about O'Farrell—You did not see anything of O'Farrell? I  
 saw him once.

*This witness was subsequently recalled at his own request, after the examination of  
 Mr. Cook, and gave further evidence as follows:—*

There were two questions put to me which I have reflected on, and I desire, as I  
 suppose they were put to me for a purpose, to make a remark or two. That gentleman  
 (Mr. Stewart) asked me who I was, and what my occupation was; and this gentleman  
 (Mr. Forster) asked, if an individual came forward and stated that my letter was a  
 tissue of falsehoods, what had I to say to that. I think it as well the Committee should  
 understand that, though I happen now to be in a very humble position, from misfortunes  
 that overcame me in another Colony, I have written testimonials that I have held very  
 high positions, both as a Member of the Legislature, and a Magistrate of the Territory, in  
 another Colony. I have letters in my possession, one from the Bishop of Tasmania, and  
 another from the Catholic Bishop of Hobart Town, of the very kindest character. I have  
 also letters in my possession from some of the oldest Magistrates and gentlemen in Tas-  
 mania, sympathizing with me on the misfortunes consequent on large newspaper specu-  
 lations. A dinner was given to me on the day I left Hobart Town, at which the Mayor  
 of Hobart Town, the Honorable James M. Willson, M.L.C., presided. My only object  
 in coming here was, that my father, who was a Captain in the 1st Regt. or Royals, of  
 which the Duke of Kent was Colonel, left me some two hundred and fifty letters, written  
 to him by His Royal Highness the Duke of Kent; and in his will he stated that, if I should  
 ever be overcome by misfortune, these letters would be sure to get for me kindness and  
 attention from the members of the Royal Family. When I heard that Prince Alfred was  
 coming here, it struck me that I might receive that kindness from him which my father  
 evidently expected I should get, if ever I needed it. I therefore sent some of my papers  
 to the Prince—my father's commissions, two signed by King George III, and one signed  
 by King George IV, and some letters written by the Duke of Kent, and asked him  
 to use his influence to procure for me a Government appointment. The only member of  
 the Ministry that I had any communication with was Mr. Parkes, with the exception of a  
 letter of introduction Mr. Parkes gave me to Mr. Eagar. My acquaintance with  
 Mr. Parkes arose from himself; he directed to me a letter, requesting I would call upon  
 him, which I did.

1512. Mr. Parkes.] Have you that letter? I have.

1513. Have you any objection to hand it in as an appendix to your evidence? I have not.

1514. Will you hand it in? I do not think I have the letter with me, but it is among  
 my papers somewhere. I have a letter from Mr. Haig, the Equerry to the Duke of  
 Edinburgh, which I can hand in. (*Vide Appendix E.*) Here is one letter of Mr. Parkes',  
 but it is not the one I refer to. I do not think Mr. Parkes will hesitate to admit that  
 he did write such a letter.

1515. Mr. Forster.] You state positively that you did receive such a letter? On my  
 honor: Simply I wished to produce these documents to show that I was no mere  
 adventurer. I wish to make one more remark. It has been stated that I was a disap-  
 pointed applicant for employment; and that, therefore, I have written this letter to the  
*Empire*. Now, if I wished Government employment, I might have sought and obtained  
 an introduction to some gentleman of the present Ministry; but I declare now that I  
 do not know any Member of the present Ministry, nor have I spoken to one of them on  
 the subject of any employment whatever, nor has any inducement been held out to me  
 by any Member of the present Ministry, or any one else, to do what I have done. I  
 also wish to state, that Dr. Brookes is quite willing to come from his house at Newcastle  
 to corroborate my statements. I am told Captain M'Lerie has been ungentlemanly  
 enough to direct detectives to report to him on my character. I never heard of a  
 gentleman being guilty of anything of the sort.

1516. Mr. Stewart.] Did I understand you to say that you had written to the Duke of  
 Edinburgh while he was here? I did. I wrote to state to him that my father had been  
 employed in his family; that my grandmother was a lady-in-waiting on Queen Charlotte;  
 that I had lost a considerable fortune here; and that, if His Royal Highness would use  
 his influence to get me an appointment, I should be very thankful. There is the letter  
 of his Equerry to say that he had done so.

1517. Did you ever get any appointment? Never.

1518. But you really expected to get an appointment under the Government of New  
 South Wales, through the influence of the Duke of Edinburgh? Yes.

1519. And you wrote to him for that purpose? Yes.

1520. Mr. Parkes.] Have you any objection to say what I stated to you on this subject  
 of the recommendation of the Duke of Edinburgh? You stated to me that you did  
 not view His Royal Highness' recommendation at all—that it had no weight with you  
 in any way—that you looked upon me rather in the light of an old colonist, and would  
 be more ready to serve me in that way than as being recommended by the Duke of  
 Edinburgh. You also stated that there were gentlemen here, reduced in circumstances,  
 like myself, that would be very glad to take very humble appointments. But you  
 certainly never allowed me to think that the recommendation of the Duke of Edinburgh  
 would weigh with you. Lord Behmore said he had no appointment he could give except  
 on his own staff, and that of course all the other appointments were made by the Ministers.

Mr. Samuel Cook called in and examined :—

1521. *Chairman.*] You are the person who took down in shorthand the conversations between Mr. Parkes and the prisoner O'Farrell, in Darlinghurst Gaol? I am. Mr. S. Cook.
1522. When were you first communicated with on the subject by the Government? I 12 Jan., 1863.
1523. What was the nature of the communication which was made to you? I saw Mr. Parkes in the lobby of the House —
1524. *Mr. Forster.*] Were you sent for? I think I was, but I have not a very distinct recollection of that. I saw Mr. Parkes, and he told me he had had a conversation with the prisoner O'Farrell, that O'Farrell had made to him some most extraordinary statements; and he asked me if I would have any objection to be present at the Gaol and take down the conversation he would hold with him on the following morning. I think that, in substance, was the nature of the communication.
1525. *Chairman.*] You agreed to it? I agreed to it.
1526. You were there on three occasions? Yes.
1527. Did you take down in shorthand all the conversations that occurred? Yes, all that I heard. You will see some asterisks there, which denote that omissions were made.
1528. These asterisks are put where you could not hear a word or two? Where I could not distinguish the nature of the words; I could hear the sounds, but they were not articulate.
1529. Some portions, I understand, of these conversations, which you took down, are not printed at all? No, there are some portions omitted; the rules partly across the pages denote these omissions.
1530. Is any large proportion of the conversations omitted? I do not remember what proportion the parts omitted bear to those already printed, but I do not think there can be much omitted.
1531. Do you think it amounts to one-half? No, I should think not.
1532. A quarter? I should think not that, but my memory does not serve me.
1533. Have you got your notes of the conversations? Yes.
1534. Have you them with you? No.
1535. You could fill up those blanks, if required? Yes.
1536. Did you assist in striking out these passages? No.
1537. Who struck them out? I am not aware.
1538. They were not struck out in your presence? They were not struck out in my presence.
1539. You sent a complete copy of the whole, I suppose, to Mr. Parkes? Yes.
1540. And you find, now that the conversations are published, that portions are left out? Yes; but I saw them, before they were published, in the state in which they now are, and before I made the declaration appended to that document.
1541. *Mr. Parkes.*] You read them with the originals in my presence? Yes.
1542. *Chairman.*] You were no party to the striking out of any portion? No.
1543. *Mr. Parkes.*] When you declared to the accuracy of the printed copy, you compared it with the original, to see that it did contain the whole of the matter relating to the crime of O'Farrell? Yes. I did not compare the parts omitted with my notes, but I believe that the matter printed does contain everything that was material in the conversations, so far as they related to the crime of O'Farrell.
1544. Does your recollection serve you sufficiently to say anything about the nature of the matter omitted, whether it was of a frivolous character—Do you recollect that O'Farrell mentioned a lady's name, for example—made some observations on her personal appearance? Yes, I remember he did, a lady high in society; he also made some lengthy observations about the Tierneys, in another conversation, about their personal appearance; and he spoke of a circumstance that took place at the picnic, about a Mr. Raphael having his mouth full of ice and spilling it over the table.
1545. Do you think anything is omitted that is material to this inquiry? No, I do not think anything is omitted that is material to this inquiry.
1546. *Mr. Forster.*] In saying that nothing material was omitted, did you make a close examination of the two statements—the one corrected and the other uncorrected? I made an examination of the statement printed with the statement in manuscript, but I made no strict examination of the parts omitted.
1547. You made no strict examination of them? No.
1548. You left that entirely to the option of the person who had corrected them? Before I made my declaration, I was convinced in my own mind that everything was there that ought to be there, in my opinion.
1549. How did you arrive at that conclusion—by examination? No; the thing then was fresh in my mind.
1550. Were you told who had made the corrections? No, I did not ask.
1551. Was any sort of explanation made to you? I think Mr. Parkes said that he desired me to go through the printed paper, to see that it was perfectly accurate, in order to be able to make the declaration in regard to the paper containing everything that was material to the case; and, having satisfied my mind at the time on that point, I made the declaration.
1552. Was there no other alteration than the mere omission of certain passages? No.
1553. Are you positive on that point? Yes, I think I am quite positive on that point.
1554. It has been stated here—you state yourself, I think—that when you took down the conversations, it was when O'Farrell was in gaol? Yes.
1555. Was this after his committal or before? It was on the 18th March I first attended.

- Mr. S. Cook. 1556. You do not recollect, from memory, whether it was before or after his committal? I think it was before his committal. Do you mean his conviction?
- 12 Jan., 1869. 1557. I mean his conviction—It was clearly before his trial? I am not quite sure about that, but the dates will shew. My impression is, that no interview was had with him after his conviction.
1558. Was it stated to you what use was to be made of the information thus collected by your means? No, I think not.
1559. *Mr. Parkes.*] That would scarcely be likely, would it? No, I should think not.
1560. *Mr. Forster.*] I do not think it matters much whether it was likely; but as a matter of fact, there was no communication made to you as to what was intended to be done with this—Did you apprehend, at the time, that this information, so taken, was likely to be used against O'Farrell on his trial? No; the impression on my mind at the time was, that by obtaining this information something might be done to ascertain who were O'Farrell's accomplices, if he had any, and so obtain information which might be valuable to the Government. Of course, that is only my opinion.
1561. You did not feel any scruples as to becoming the agent of the Government in that way? I do not know that I was an agent of the Government in any way, other than as a professional shorthand writer. I had no scruples about taking down the evidence, because the man had clearly put himself out of the pale of society, and was not entitled to claim to be dealt with as an honorable man.
1562. You condemned him, then, before he was tried? No; but I think if one man shoots another, he is beyond the pale of society.
1563. You mean that ordinary scruples of conscience would not apply in this case? I do not think he was entitled to the same delicacy of treatment which people who have not broken the law are entitled to receive.
1564. Have you ever heard of a rule that is very common among police officers and people who deal with justice,—that a prisoner before his trial is always cautioned in making statements—that any statements he makes will be used against him? That is very common.
1565. Was this rule observed in the communications that were drawn from O'Farrell in this way? No, no caution of that kind was given to O'Farrell; but the conversations, so far as I am able to judge, were not drawn from him in any sense implying pressure. He seemed very ready to give information.
1566. Was he not asked some questions by Mr. Parkes before you? Yes, a number of questions.
1567. Were you concealed from O'Farrell's sight and knowledge during the whole time, or generally? I was not concealed, in the common acceptance of the term; he certainly could not see me. I was concealed, taking the literal meaning of the word; but when people speak of concealment, they seem generally to imply some act of getting out of the way. Now there was none in this case. O'Farrell was in his cell; the walls of the cell were very thick, and the door was inside; I walked up the corridor nearly to the doorway of the cell, where a little table was placed; Mr. Parkes also stood outside the cell, and the conversations took place, I being beyond the line of vision of the prisoner.
1568. He could not see you? No.
1569. Did you take any means to let him know you were there? No.
1570. Then is it not quite improbable that he knew you were there? I do not think he did know I was there.
1571. You were concealed, then, from O'Farrell? Undoubtedly I was.
1572. But not from Mr. Parkes or the Gaoler? No.
1573. Whatever O'Farrell stated, he stated without the knowledge that you were listening to him? No doubt.
1574. And without the knowledge that you were taking down what he said? No doubt of that too.
1575. And no warning was given to O'Farrell, that what he said might be used against him? Not in my hearing.
1576. You said the statements of O'Farrell were so far spontaneous? I think the evidence itself shows the best proof of the nature of the conversations; he was very ready to give information, or to talk.
1577. Have you any knowledge of certain reports that appeared in some of the newspapers—some in the *Herald*, some in the *Empire*, and in other papers,—purporting to have been an account or report of the conversations with Mr. Parkes—some before you, and some not before you? I think I have read all that these papers have published on the subject.
1578. Were these reports substantially correct, or did they contain much that was false? The reports are very different. I should like to know precisely to what you refer.
1579. You say you read a great many of them—What was the impression produced on your mind—that they were substantially or tolerably correct versions of what they purported to be versions of? There were some of them of which I had no means of judging in regard to their accuracy.
1580. With regard to those conversations that you yourself were a party to, or were present at in the way described—concealed behind the door—did you see any of them afterwards reported in a substantially correct way in the papers? I saw some statements in the papers, shortly after the examination, which appeared to me to be exaggerated. I remember that impression being made on my mind; but I do not recall any particular instance.
1581. In what respect were they exaggerated—Did they, for instance, put in a stronger light the alleged sanity or insanity of O'Farrell than was consistent with the fact? I think

think all the statements about O'Farrell's insanity were exaggerated; in fact, I think they were not in accordance with fact. I think O'Farrell was sane. Mr. S. Cook.

1582. You understand what I mean—Did those conversations of which you have a knowledge appear to represent O'Farrell's sanity or insanity in an exaggerated form? I do not remember any reports which appeared at the time of the examination which raised the question of O'Farrell's sanity or insanity sufficiently to enable me to form a judgment; or which made any statement with regard to his insanity, except a general one. 12 Jan., 1869.

1583. There were some reports purporting to be versions of these conversations? Yes, I recollect something of one or two.

1584. In what respect were they exaggerated,—did they state facts or conversation that did not occur? Yes.

1585. Had you any part in the publication of any of these apparent versions? No, I had not. Within what limit of time do you mean?

1586. Before O'Farrell's trial? Certainly not.

1587. Then, as far as you were concerned, you kept secret any part you had taken? I considered the engagement of a confidential nature, and did not mention the conversations to any one.

1588. Have you ever been, in your capacity as reporter, employed in such a way before? Never.

1589. Did you not feel it to be rather a new occupation—sitting behind a door, and taking down a man's conversation who did not know you were there? There was certainly novelty in it, as I had not been so employed before.

1590. Did you feel comfortable? Tolerably comfortable.

1591. Did it not strike you to consider, if any friend of yours (say) had been in O'Farrell's case, whether you would have liked such a mode of proceeding? I had no time to think of things of that sort.

1592. Do you think it was possible for a man to have a fair trial, if evidence was taken against him in that way? That depends upon whether the evidence were used against him.

1593. Suppose a friend of yours had got into some scrape which involved his trial for a capital offence, would you think he was fairly tried if evidence was procured against him in this way? I should not think he was fairly tried if the evidence so taken were used against him; but you seem to be mixing up two things. I merely appeared there in a professional capacity, and had nothing to do with any of these matters.

1594. I think you have stated that it has never come within your experience in your profession to have been so employed before? True.

1595. How do you know the evidence was not used against him? I do not know that it was not—I do not know that it was; I did not take it for the purpose of its being used against him.

1596. For what other purpose do you think it could have been used? I have already stated that my impression was, that it was taken in order to obtain some clue to his confederates.

1597. Would not obtaining a clue to his confederates imply evidence against himself. You said, in your opinion, O'Farrell was not insane? Yes.

1598. How many times did these conversations occur? Three times.

1599. Were they all in daylight? Yes; one was at 9 o'clock, one at 10 o'clock, and one, I think, at 11 o'clock—all in the morning.

1600. What other opportunities had you of observing O'Farrell? I had no other opportunities except these when I attended at the Gaol. I had a conversation with him afterwards.

1601. From what do you deduce your opinion as to his perfect sanity? I do not think I said he was perfectly sane. It is said no man is perfectly sane; but he was as sane as most people I know. I judged from the nature of his conversation, and from his appearance and demeanour. When I saw him afterwards, his conversation appeared to be perfectly rational, his memory seemed to be good, and his appearance did not indicate any aberration of intellect.

1602. Did you form any opinion at all as to the statements he appears to have made of his having accomplices? Yes, but not a very decided opinion.

1603. Do you place full credence in all his statements? No, I do not place full credence in any man who tells a deliberate lie; and his statements given in conversation are so opposed to the statement he gave as his last declaration, that I think it puts him out of the category of full credence.

1604. Have you ever heard anything, or has anything come across you in the course of your observation, which has corroborated, in any distinct way, any of the statements he made about his accomplices? No; but previous to the arrival of the Prince, I knew, of my own personal knowledge, that there was a good deal of treasonable talk indulged in by people in Sydney.

1605. In your hearing? Some in my hearing; and I have heard from others that my experience accords with theirs. The step from treasonable thoughts and treasonable words, which would of course be likely to develop into conspiracy, is not a very long one.

1606. Did you give any information at the time about this? No.

1607. Did you ever mention it at all before the attempted assassination of the Duke of Edinburgh? No.

1608. It occurred to you afterwards? Yes; these things would come on the memory with greater force after such an offence.

1609. You have been a reporter for a long time? About fifteen years.

- Mr. S. Cook. 1610. And have been employed in reporting for Parliament? Occasionally I have reported for Parliament.\*
- 12 Jan., 1869. 1611. Have you never heard any talk in Parliament which you might call treasonable? Well, I should not like to answer that question.
1612. What do you mean by treasonable talk—Would you call opinions of the value of a republic as compared with a monarchy, or opinions in favour of separating the Colonies from Great Britain, or in favour of the independence of the United States—would you call that treason? No.
1613. What do you mean by treason? I have heard a good deal of talk such as some printed in the *Tomahawk*.
1614. You call the *Tomahawk* a treasonable paper? I have seen an article in that paper which I have no doubt is treasonable; not in its direct words, but in its tendency—from the influence it is likely to create in the minds of the people in regard to the Queen.
1615. Was this treasonable talk, to which you refer specially, the sort of talk, or kind of opinion or sentiments exhibited in the *Tomahawk*? It accorded with an article I saw in the *Tomahawk*, certainly antagonistic to the Queen and her Government.
1616. Did you never hear, in former days, or read any reports of opinions uttered by some of the leading men of this country, having a tendency of the same sort? I think I have, but not expressed in language so coarse.
1617. Was it the same kind of language? No, I do not think it was. It was not calculated to produce the same influence on the minds of the same class of people.
1618. I think you have said it was the same kind of language, only expressed in a more refined way—is not that what you say? I cannot call to mind any language precisely the same, used by any one who could be considered to be an eminent writer, or one having very numerous readers.
1619. Would you object to state the persons whose speeches or sentiments you allude to? Yes, I should object to state them now.

The Reverend Michael Joseph Dwyer called in and examined:—

- The Rev. M. J. Dwyer. 1620. *Chairman.*] You were Roman Catholic Chaplain of Darlinghurst Gaol at the time O'Farrell was imprisoned there? I was.
- 12 Jan., 1869. 1621. When did you first see O'Farrell? I saw O'Farrell the first time on the 13th March; that was the day after the attempted assassination.
1622. Had you a long conversation with him? I was with him, I think, about half an hour.
1623. When did you see him next? I did not see him again until the evening of the day after his condemnation; that was April 1st.
1624. Had you been prevented from seeing him during the period between the time you first saw him and the first of April? Yes, I was prohibited on the 14th by the Governor of the Gaol, who said he had received instructions from the Colonial Secretary.
1625. Did you make any statement in consequence, or any complaint? Yes; I called upon the Vicar General, who immediately waited upon Mr. Martin. Mr. Martin pointed out that O'Farrell was then in Darlinghurst merely for convenience sake; that he had not then been committed, and therefore he did not, properly speaking, come under my jurisdiction as Chaplain of the Gaol. The Vicar General advised me to accept of the explanation.
1626. *Mr. Parkes.*] Did Mr. Read show you the instructions he had received from the Colonial Secretary's Office? I think he did.
1627. Is that a correct copy of them, dated the 14th (*Appendix, B 15*)? I think so.
1628. That is the substance of what Mr. Read told you? It is the substance.
1629. *Chairman.*] After O'Farrell was committed to take his trial, were you still prohibited from seeing him? I was.
1630. Did you make any complaint on that? I did; I personally called upon Mr. Parkes, and remonstrated with him on what I felt to be an expression of want of confidence in me as one of the officers of the Gaol.
1631. Had you any communication with the Sheriff on the subject? I think, about two or three days after O'Farrell was committed, I had a conversation with the Sheriff. I told the Sheriff that I had asked my ecclesiastical superiors to withdraw me from the Gaol; that I did not see how I could continue as Chaplain, when I had been treated in the manner in which I had been. I moreover told the Sheriff, that my ecclesiastical superiors asked me to put up with what I conceived to be an insult at the time, and not to retire. The Sheriff attempted to explain the reasons that might induce the Colonial Secretary to act in the manner in which he was acting, without his wishing at the time to offer me any personal insult.
1632. How did he explain it, do you remember? I think his words were, as nearly as possible, these:—"You must remember, Mr. Dwyer, that the Government have some knowledge of human nature; that one portion of this knowledge consists in knowing, that when a human being has committed any grievous wrong, he must almost of necessity unburden his mind to some one. Acting upon this knowledge, the Colonial Secretary will not let you see him; for if you did, he would immediately tell you all, and then the (I may call it) natural necessity would no longer exist. He (the Colonial Secretary) wishes to get all the information possible from O'Farrell, and he is aware that whatever you might hear from him would remain hermetically sealed in your breast." These were the words, as near as I can recollect.

1633.

\* NOTE (on revision):—And have been always engaged reporting the proceedings of Parliament when the Parliament has been in session.

1633. *Mr. Parkes.*] When the Sheriff told you that, you did not consider it official? Certainly not; it was merely a conversation which took place between us. He was expressing his pleasure at my not having been allowed to resign. The Rev.  
M. J. Dwyer.

1634. That was the gratuitous view which Mr. Maclean took of the matter? Yes, it was not official. 12 Jan., 1869.

1635. Can you state what I said to yourself on the occasion of your seeing me—I think you saw me once at the Colonial Secretary's Office, and once at the Gaol? I did not see you at the Colonial Secretary's Office, relative to this matter; but once here, in one of the Committee Rooms, and once at the Gaol.

1636. Will you be good enough to state what I said to you? The first time I spoke to you on the subject was in one of the rooms of the Council Chamber. You pointed out to me that the order was not special in my regard—that the order was general; that Judges of the land, Ministers of State, or ex-Ministers of State, were excluded as well as myself, and that, therefore, I should not look upon my being refused to see him as anything personal. My reply was, that as to Judges of the land and Ministers of State, it was not their bounden duty, in virtue of their office, to see the prisoner; but that I was actually paid by the State for seeing the prisoner, and seeing all in a like position. That conversation, I think, took place in one of the rooms here.

1637. I do not recollect the conversation in one of these rooms, but I have no doubt whatever it took place, if you say so? I did not see you on that matter in the Colonial Secretary's Office; but on one occasion I saw you there, when I called to ask permission for O'Farrell's sister to see him. When I saw you here, you made an appointment with me for the next morning. You said you would communicate with the Governor of the Gaol before the time of my usual visit; and you held out hopes to me at the time that I should be allowed to see him. However, when I called the next day at the Gaol, as usual, I was again refused, but told by the Governor of the Gaol that you requested me to meet you the following day, at a certain hour. I met you accordingly, and I told you—I more than insinuated to you—that I would certainly do all in my power to retire from the position which I then occupied.

1638. *Chairman.*] Were you permitted to see O'Farrell immediately after his trial? No; I was again refused the morning after his sentence.

1639. The day he was sentenced, or the day after? The morning after. I did not attempt to see him the day he was sentenced to death.

1640. *Mr. Parkes.*] When was he sentenced? April the 1st was the morning after the condemnation, which must, therefore, have been 31st March.

1641. You had an order to see the prisoner on the 1st April? In the evening; I was refused in the morning of the 1st April.

1642. There is an order here, dated "Colonial Secretary's Office, 1 April, 1868," and signed by myself (*vide Appendix, B 20*)? Yes.

1643. *Chairman.*] When did you first see O'Farrell after his trial? On the evening of the 1st April. I was refused in the morning, and I called about 10 o'clock.

1644. *Mr. Parkes.*] It is within your knowledge that, in a matter of that kind, some one would have to be consulted—it would not be the mere decision of a department—that some other Members of the Government would have to be consulted—so that it could not have been done in much less time than it appears to have been done in? Supposing other Members of the Government had to be consulted, I do not see very well that permission could have been granted at an earlier date.

1645. *Chairman.*] Will you state what impression O'Farrell gave you, as to his state of mind, or in any other way, when you saw him after his being sentenced to death? On the occasion that I first saw him—the day after the attempted assassination—I looked upon him as a wild enthusiast; and from what I heard subsequently of him, I came to the conclusion that, when permission should be granted to me to see him, it would be with a monomaniac I should have to deal. I accordingly treated him as such the first day I saw him, and it left no doubt whatever on my mind. The second time I treated him in the same manner. My reason for treating him so was to gain his sympathies.

1646. Did you succeed in gaining the confidence of the prisoner? I rather think I did; but up till the Wednesday previous to his execution—that was April 15th—he treated me to all these stories that were afloat regarding his doings and regarding Fenian enterprises. It was only on the morning of the 15th that he became what I may call an altered man.

1647. Had you seen him frequently in the meantime? I think I saw him, on the average, once a day, for about an hour each day. Perhaps one day I would spend a couple of hours with him, and another day only half an hour.

1648. He used to tell you the same sort of stories as these that are published in the conversations with Mr. Parkes? Yes, the same.

1649. What was the nature of the change that took place on the Wednesday? He told me—his words were—that he had been long enough playing the fool; that he had now but very little time left to him to live, and he wished to make the best use of it. He thereupon pointed out to me the deception that he had been practising, and the object he had in view in making these statements that he had made; and, moreover, he pointed out to me that he had left some papers for the express purpose of their falling into the hands of the police; that he had firmly resolved to take his own life at the same time that he attempted the life of the Prince, and it was for that special reason that he left the document, that it might fall into the hands of the police.

1650. You say he said he had been practising deceptions—Did he explain what he meant? That all these stories he had previously been telling me, of his being one of a band, of ten, I think—that that was all without foundation; that there was not a particle

- The Rev. M. J. Dwyer.
- 12 Jan., 1869.
- particle of truth in it; that no man living had the slightest idea of what he wished, or what he intended to do.
1651. Did he allude to the conversations he had with Mr. Parkes? He did.
1652. Did he allude to Mr. Parkes by name? He did. He said, specially with regard to Mr. Parkes, that Mr. Parkes was, of course, very kind to him throughout; that Mr. Parkes had always treated him with a great deal of consideration; but that he knew, as well as Mr. Parkes, what Mr. Parkes' object was in treating him so; that he was aware Mr. Parkes was trying to get information from him.
1653. Did he say anything further about Mr. Parkes and the conversations he had had with him? Yes, he made use of the expression, if I remember rightly—"Now, Mr. Parkes thinks that he has been drawing me out; but I have been trying to do just the very same myself with him." In fact, he made use of the words, that he had been playing the fool.
1654. You say it was about five days, the Wednesday before his execution? Yes.
1655. Did he appear penitent for the remainder of his time? I never perceived in any one truer signs of penitence than he evinced.
1656. When did he write the declaration which was subsequently published? He wrote it on the Monday, the day previous to his execution. He gave me one of the copies at 8 o'clock that night—on the Monday night, when I paid him my last visit.
1657. Did he give any reason for giving you a copy of it? It was himself who first expressed his dread that the document he was leaving would not be properly dealt with; and I must candidly confess that I had my own misgivings—and my misgivings were principally caused, I think, by what I was led to believe was the treatment that the Bishop of Adelaide, Dr. Sheil's, letter had received at the hands of Mr. Parkes.
1658. You say that O'Farrell distinctly stated, upon this Wednesday morning, that he had played the fool too long? Yes.
1659. Did he immediately declare his intention of setting people right as to his previous statements? No, he did not immediately. He expressed himself in a general way, as extremely sorry for what he had done. Of course, he had learned from me the terrible state in which the city and the country were by reason of his crime; and he expressed himself also as ready, and only too glad, to make any restitution in his power for the terrible evil he had caused. I certainly then suggested to him, I think—yes, it was on the Thursday, April 16th—I suggested to him that he should write a document, and that he should place that document in the hands of some one who would be outside the sphere of politics. My reason for asking him to do that was, that if he got a reprieve, the world would know that the document he had written was really written in the face of death. He did not do so, but wrote it, I believe, on the Monday before his execution.
1660. *Mr. Stewart.*] Did O'Farrell write that document himself? He did.
1661. Without any assistance? Without any assistance, except, as I tell you, that I suggested it to him. We advised together as to the heads.
1662. There was nothing dictated to him? Nothing whatever.
1663. You have very good reason for knowing that? I have.
1664. Was it written in your presence? I had it from himself; I have his own assertion that it was written by himself.
1665. You did not see him write it? I did not see him write it; I saw him write a rough draft—write it himself.
1666. In your presence? I was reading a book at the time he wrote the rough draft; and all that I had to do with the rough draft was, to ask him to expunge from it a sentence which I felt would, under the circumstances, be really injurious to society. That sentence that I asked him to expunge was—I think I can almost remember the words—was a calling upon all those who might sympathize with him, calling upon them, by their love of God and their hope of salvation, not to think of taking revenge on his account. I thought that allowing that to appear, would simply put into the minds of weak-minded individuals an idea that would not otherwise come to them.
1667. Then the real fact is, that the document was written in your presence, and you asked him to correct it? In that one instance, and that one only.
1668. That is, you assisted in the composition of the document—How many copies were made? I cannot say.
1669. I think you referred, in your evidence, to having got one copy? I did.
1670. And he retained another? I got my copy at 8 o'clock at night, from O'Farrell.
1671. The composition of it took place in the earlier part of the day? The composition took place, in great measure, in the earlier part of the day.
1672. You do not know that there were no more than the two copies? I do not know.
1673. He did not tell you he had secured a third copy? He did not.
1674. And you had no reason to believe there was a third copy? I had not.
1675. *Mr. Parkes.*] Are you aware there was only one sheet of paper supplied to O'Farrell to write this statement upon? I am not; there may have been a dozen for what I know.
1676. Was it not made clear to you, that one of these statements at least was written on paper not belonging to the Gaol? Certainly.
1677. Do you know who supplied O'Farrell with that paper? I did, myself.
1678. How many sheets did you supply him with? I supplied him with one.
1679. Could you not readily have obtained paper from the Gaol for any proper purpose? I might have done so, but I thought it as well to give him the paper.
1680. You do not usually bring paper to the Gaol with you? No.
1681. Did you bring the paper there purposely to give to O'Farrell? I did.
1682. In preference to his applying in the ordinary way to the Governor of the Gaol? I did. My motive was, that had the document which he entrusted to you been given forth

forth at once, this other document would never have seen the light—no one would have been a bit the wiser of its having been in existence; for I felt that I could only be justified in making use of it in the event of your not at once bringing it forth.

The Rev.  
M. J. Dwyer.

12 Jan., 1869.

1683. Did you consider it part of your duty to judge of the propriety of the Government, in making that document public at a particular hour—You have attached much importance to your responsible duties as Chaplain of the Gaol—Is it within your responsible duties to pass judgment on the Government, as to what particular hour they should make public that document, or any other? I felt that O'Farrell had left upon me a moral obligation of restitution; that restitution was to be made as soon as possible; that he supposed you would have made that restitution as soon as possible; that he had his suspicions whether you would do so; and therefore, he placed it on me, as a moral obligation, in the event of your not doing it, that I should do it.

1684. Have you any objection to state to whom you handed that copy? I handed it to Mr. William Dalley. I make a mistake there,—Mr. William Dalley took a copy of it; that document has never been out of my own possession.

1685. Will you be good enough to state where he took this copy? In his own office.

1686. You waited upon him? I did.

1687. You showed him your secret copy, and Mr. Dalley took a copy of it? Yes; that was on the 22nd, the day after the execution.

1688. You did not wait long, then—O'Farrell was executed on the 21st, and on the 22nd you allowed Mr. Dalley to take a copy of your statement? I did.

1689. You did not wait very long to make the statement public? I saw you refused, the evening previous.

1690. Do you recollect whether there were reasons given why the Government refused—Does not your recollection serve you that it was explained that the Members of the Government had not yet seen it? Perhaps I did not think those reasons were sufficient.

1691. Do you think the course you took consistent on your part, as an officer of the Gaol, receiving a salary of £120 a year, and in whom great confidence has necessarily to be placed? I did, perfectly consistent.

1692. You considered it was your duty to judge of the course the Government took, and if they did not peremptorily, or in such a hurried manner as you considered proper, make known this document, it was for you to give copies of it, in order that it might be made known, to some other person? I felt that the human law had come into collision with the moral law, and, as a matter of course, the human law should give way; the human law had no existence. The moral law required me to do this; and, of course, the human law fell away.

1693. Will you explain what you mean by these two laws—human law and moral law—coming into collision? I was bound by the moral law to make this restitution, in the name of O'Farrell, as soon as possible. Excuse me for saying it, Mr. Parkes, but I looked upon you, in the first place, as bound by the moral law to make this known as soon as possible; you failing to do it, I was then bound by the moral law to do that which I supposed you ought to have done in the first place.

1694. And in passing this very free judgment upon my conduct, did it never enter into your head that I was a Member of a Government, and that that Government, as a whole, had to be consulted? I did not see that there was anything in the document to require a moment's consideration.

1695. Do you think your judgment so infallible, and that you had such a moral title to use this judgment in this case, as would justify you in the course you adopted? I think I had as good a right to my own opinion as any individual, or any Government.

1696. You said, just now, that there was a sentence in O'Farrell's original statement, to the effect that he implored persons who might sympathize with him not to wreak any vengeance on individuals in consequence of his death—if I understood you right, that was the purport of it? Yes.

1697. Does that appear to you consistent with the statement that he was alone and unaided—that he should appeal to persons sympathizing with him, and that he should suppose acts of vengeance would be perpetrated in consequence of his death? Perfectly consistent.

1698. You think that is quite consistent with his being alone in the world, and in committing this crime? I do.

1699. I think you stated, moreover, that O'Farrell, on one occasion, told you that he had no doubt Mr. Parkes thought he was drawing him (O'Farrell) out, but that he in reality was drawing Mr. Parkes out? Yes.

1700. Have you read the printed conversations that took place between Mr. Parkes and O'Farrell? I have.

1701. Is there anything on the face of these conversations to show that, in the course of them, O'Farrell made any inquiries? Perhaps the word I should have used—it is a vulgar word, but it is expressive—was, that he was “stringing” Mr. Parkes.

1702. Is that your word or O'Farrell's? That is the idea I had in my mind of what O'Farrell meant.

1703. Mr. Dwyer is of opinion that O'Farrell thought he was “stringing” Mr. Parkes—Will you have the kindness to explain what that word means? It was manifest that you believed that he was one with a great many others; he allowed you to believe that; and he allowed you to believe a great many more things which had no existence whatever in fact.

1704. Is that “stringing”? That is as near an explanation of it as I can give.

1705. *Mr. Stewart.*] That means, not un deceiving when an opportunity offered? It is that; but it is something more than that.

- The Rev. M. J. Dwyer. 12 Jan., 1869.
1706. *Mr. Parkes.*] I confess I do not very distinctly gather your meaning from what you have said; but I suppose I am right in deriving the impression that O'Farrell was imposing upon me in some way? Yes.
1707. Is there any appearance of that in these conversations? I think they bear evidence, from beginning to end, of that being the case.
1708. Is there any apparent object to be gained, in the course of these conversations, by O'Farrell? His object was, to convey a view that there were certain things in existence which had no existence whatever.
1709. Are you aware that, as far as I am concerned, this story was first repeated to other persons, and not to me? I am not aware.
1710. It is, nevertheless, a fact, that the story stated by O'Farrell, of his having accomplices, was first stated to the Chief Warder of the Gaol, and reported, in writing, to the Government, before any mention of the same circumstance was made to me. Suppose we admit your theory—that O'Farrell was imposing on me—how do you account for the diary which he wrote, containing very similar statements, at a time when he did not even know me? He had the same object in view; he intended to draw the police along, just as he was drawing you along.
1711. Then I should infer, that you consider that he was inclined to impose on everyone except yourself? He was imposing on myself until the Wednesday before his execution; that is, he was attempting to impose on me.
1712. Did you ever hear of the opinion he expressed of yourself? Never, until I saw it in the published papers.
1713. Are you aware that he was, on several occasions, asked whether he wished to see you? I am not.
1714. *Mr. Stewart.*] You referred to a moral law as being in conflict with the human law—Can you tell me whether this moral law binds all men? All men.
1715. To whatever Church or country they may belong? To whatever Church or country they may belong.
1716. Where is it to be found? In the human breast.
1717. Nowhere else? You may find expression given to it in books.
1718. Is it not found in the breasts of Ministers of State, as well as in the breasts of subjects? I suppose so.
1719. Then, in point of fact, every one is to be judge for himself? One must act according to conscience, no matter who is opposed to him.
1720. And, when human law is against him, he is to act by moral law? When the moral law tells him he must perform an act, he must perform that act, no matter what law is in existence.
1721. And that law is not to be found anywhere but in his own breast? It may be found in books, and is found in books.
1722. *Mr. Parkes.*] It appears Mr. Dalley had consultation with you, in respect to O'Farrell, on several occasions? I candidly acknowledge that I advised with Mr. Dalley throughout the affair.
1723. Had Mr. Dalley a great deal to do with it, then? Nothing further than to advise me.
1724. I believe Mr. Dalley was one of the Counsel retained to defend O'Farrell? He was.
1725. Are you aware that he at the same time wrote, or endeavoured to write, leading articles in support of his case? This is the first time I have heard of it.
1726. You are aware that Mr. Aspinall was another of the Counsel? I am. I met him on the Sunday before the trial.
1727. Are you aware that Mr. Aspinall, before the trial, attempted to get articles inserted in the papers? This is the first I have heard of the kind.
1728. If you were to see one of the manuscripts, you would believe it? I do not know Mr. Aspinall's handwriting.
1729. You advised with Mr. Dalley throughout in this matter? I did.
1730. *Chairman.*] What do you mean by "throughout"—throughout may mean throughout the whole period of the man's imprisonment? I advised with Mr. Dalley immediately after Mr. Parkes refused here to produce the document. He asked me to see him the following morning about 12 o'clock. I advised with him then, and he took a copy of the statement. Mr. Stewart said, a moment ago, there were three copies. There were only two copies, so far as I know, written by O'Farrell; I did not look upon the copy Mr. Dalley had in the same light at all.
1731. *Mr. Parkes.*] Seeing that Mr. Dalley had no standing in the matter, what could he require a copy for? He asked me if I had confidence in him. I said—"Yes." That he would not make any improper use of this? "Yes." "Then you allow me to make what use of it I please?" "Yes." That is all I was aware of.
1732. Do you know what he did with this copy? I learnt from report that evening.
1733. Will you be good enough to state? That he gave it to Mr. Macleay.
1734. Do you know what he did with it? Nothing further than I saw in the papers.
1735. What was that? Simply, that he asked the question again that was asked the previous evening, and the reply was to the effect that, for certain reasons, the Government did not deem it advisable yet to make public the document—that another had been opened at the same time with it, which revealed a new crime.
1736. Are you sure those words were used? I think so; I am not quite certain.
1737. I may be allowed to state they were not, nor any words like them; no words were ever used to that effect—that a document had been opened which revealed a new crime; never at any time? Which led the Government to believe a new crime existed, which would take all the power —

1738. There are no such words reported? That a new crime was revealed, that would take all the power of the Government to deal with. The Rev. M. J. Dwyer.  
 1739. *Mr. Parkes.*] No such words are reported; no such words were uttered.  
 1740. *Chairman.*] The whole country was under that impression for many months, but it seems not to be correct. 12 Jan., 1869.

*Witness :* I was under that impression myself.  
 1741. *Mr. Parkes.*] Would all the statements made by O'Farrell to you, in your capacity as a Roman Catholic Clergyman, be stated to this Committee—Should you feel at liberty to state all that O'Farrell told you, to this Committee? Of course, with regard to the confessional I know nothing.  
 1742. I merely wish to ascertain this as a fact—hence I put the following question, certainly not out of any disrespect, but merely to ascertain on what ground we really stand in receiving your evidence—Supposing O'Farrell had confessed to you that he had accomplices, should you consider it competent to you to reveal that confession? Certainly not, if he told it me in the confessional.  
 1743. Anything told in the confessional, even though of the most heinous character, is kept rigidly secret? Yes.  
 1744. Did he ever say anything to you which you are open to explain to the Committee, about letters which he had written to Irish newspapers? Yes.  
 1745. What did he say? He spoke of his having written with the very same object in view, namely, that of misleading the police and misleading the Government. I forget now the names of the papers he wrote to; there were two that he had written letters to, telling them that all was arranged. He said that at the time he wrote the diary, he wrote these letters to the two Irish newspapers. I may mention that, three minutes before he was led out to execution, I put to him this question:—"Now, O'Farrell, I may have some doubts as to whether certain things that I know regarding you, as to whether I have learnt them from you in confession or otherwise." His reply to me immediately was—"Whatever you know from me, directly or indirectly, or in any way whatsoever, you know outside the confessional; I give you full permission to use whatever you know from me as outside the confessional altogether."

WEDNESDAY, 13 JANUARY, 1869.

Present:—

MR. FORSTER,		MR. PARKES,
MR. HOSKINS,		MR. ROBERTSON,
MR. J. STEWART.		

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Mr. William Camphin examined:—

1746. *Chairman.*] You are a detective in the City Police? Yes. Mr. W. Camphin.  
 1747. Were you in the force at the time of the Duke of Edinburgh's arrival in this country? Yes. 13 Jan., 1869.  
 1748. Did you, before the arrival of the Duke of Edinburgh, at any time, hear of a plot to assassinate His Royal Highness? No.  
 1749. Have you ever been employed, at any period, in endeavouring to find out whether there were any Fenian organization in this country? After his arrival.  
 1750. Not before? Not before.  
 1751. Had you, up to the time of the attempt to assassinate His Royal Highness, ever heard anything of a plot to assassinate him? Not to assassinate him; but I heard of something that might occur, before his arrival.  
 1752. Before his arrival in the country? Yes.  
 1753. What was it you heard? There was a rumour that possibly there might be some disturbance, if the Orange Society walked in procession at the time of his arrival.  
 1754. And in the disturbance, his life might be placed in danger? Possibly.  
 1755. Were you in the Police Force at the time the attempted assassination took place? Yes.  
 1756. Did you receive any particular orders in consequence of that event? After the attempt to assassinate him?  
 1757. Yes? Yes.  
 1758. What were the instructions you received? I was told to endeavour to trace if O'Farrell had any accomplices, and if there was a Fenian organization, or to endeavour to trace out anything that might bear upon the matter.  
 1759. Did you do that? Yes.  
 1760. What success had you in making discoveries of anything of that kind? I did not make any discoveries.  
 1761. Did you ever, at any time, get information from any one that you thought of any value? Yes, I have received information.  
 1762. Have you ever found out anything in consequence? Yes; there was one inquiry I was instructed to make in reference to an anonymous letter sent to the Governor.  
 1763. What was the purport of that letter, do you remember? That the person was to shoot the Governor with an air-gun.  
 1764. Is that the letter you allude to (*handing the witness Appendix A 10*)? Yes. 1765.

- Mr. W. Camphin.  
13 Jan., 1869.
1765. What did you find out about that? There were three making this inquiry—Detective Chudleigh, myself, and Powell. We were instructed, the night previous to making the inquiry, to watch some public-houses, to see if we could see any signs of a meeting being held which it was alleged was expected to be held. We watched the public-houses about Lower George-street, but did not observe anything unusual about. The next morning Chudleigh was informed, by a person he was acquainted with, that there was a person who had an air-gun, and that he had been practising at shooting pigeons.
1766. Did you find out who this man was? I think his name was Walsh. He was in the employ of Mr. McCaffrey, a commission agent.
1767. Was anything done in the way of watching this man? Yes; I have watched him myself when I have seen him.
1768. You have never found out anything suspicious? No.
1769. What was the character of the man? I never knew anything wrong of him before.
1770. Were you engaged in any other investigation? Yes, I made several inquiries. There was a person reported to me that there were certain houses that were the resort of persons who held Fenian meetings, and I made a report of the matter.
1771. Did you find that there were meetings held there? No, I never saw anything.
1772. Had you anything to do with watching the place of meeting at the Haymarket? No.
1773. Do you know a person of the name of Baker? No.
1774. All your efforts to discover Fenian meetings were unsuccessful? Yes. Perhaps I misunderstood. At first you asked me if I had made any inquiry respecting a Fenian organization. I should have said that Mr. Fosbery spoke to me before the Prince's arrival, and informed me that he was informed Fenian meetings were being held, and that I must see and learn anything I could about them—that was before the Prince's arrival—and that he expected there would be some demonstration when the Prince arrived, and he asked me to keep a sharp look-out and to inform him.
1775. He did not tell you his authority for making that statement? No, he did not.

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Mr. Joseph Graham O'Connor examined:—

- Mr. J. G. O'Connor.  
13 Jan., 1869.
1776. *Chairman.*] You had something to do with raising a fund here for the wives and children of the Irish State prisoners? I had.
1777. You have heard, I suppose, that it has been asserted that the funds raised for that avowed purpose were in reality sent to aid the Fenian cause? I have heard that.
1778. Is that correct? It is not.
1779. Have you any means of showing the way in which those funds were expended? By the way in which the money was sent home, and by the letters published.
1780. Can you produce any documents to prove that? I can produce the second and third of exchange bills for the various amounts sent home. (*The witness produced the same.*)
1781. How much money was collected? The amount altogether was £380. That was in Sydney. There was a further sum subscribed, and sent direct from Bathurst.
1782. You had only to do with the £380 subscribed in Sydney? Yes. There was more than £380 subscribed. That is the amount sent home, less the expenses.
1783. Who was that sent to? To Mrs. Clarke Luby and Mrs. O'Donovan Rosier.
1784. Have you any acknowledgment of the receipt of this sum? Each one of the letters sent with the drafts, and also the letters acknowledging their receipt. Both letters were published in the daily papers here, and also in the *Freeman's Journal*.
1785. Acknowledging the receipt of the money, and stating the purpose for which it was sent? Yes.
1786. Was any account given of the expenditure of this amount? The account was given in the home papers. It was sent in three lots of £100, one of £50, and one of £30.
1787. An account was in the home papers of the way in which the money was expended—Have you a copy of those papers? There was no detailed account given, but each paper stated that committee meetings were held, and that the money was voted and given to different parties.
1788. You have not got any letters from these ladies, acknowledging the receipt of this money? Two of the letters were given to the *Herald*, and were published. The original was kept by the *Herald*. I never applied for it, as I did not think it would be required again. I have a copy of one or two of the letters cut out of the *Herald*. (*The witness produced the same.*)
1789. You are satisfied that the money was expended, as it was intended to be by those who raised it, for the relief of the wives and children of the Irish State prisoners? I am quite satisfied of it.
1790. *Mr. J. Stewart.*] Have you any personal knowledge of this lady—Mrs. Clark Luby? No personal knowledge.
1791. How came you to send this money to these ladies? They were appointed by a committee at Dublin, for the purpose of raising and expending money for this purpose. This appeal appeared in the home papers. On that appeal we took action.
1792. Do you know whether she is married? She is.
1793. What is her husband? A State prisoner.

1794. You are perfectly confident that the money was properly expended, according to the intention of the subscribers? Quite satisfied.
1795. *Mr. Parkes.*] What do you mean when you say Irish State prisoners? I mean those who were taken up on the suspension of the Habeas Corpus Act.
1796. When? Some were tried; some were not tried.
1797. When? In the latter end of 1865.

Mr. J. G.  
O'Connor.  
13 Jan., 1869.

## ADDENDUM.

W. Maclay, Esq., M.L.A.

105, York-street,  
Sydney, 13/1/69.

Sir,

With reference to the question by Mr. John Stewart, put to me this morning, as to whether I had any personal knowledge of the ladies connected with the Fund in Ireland, I would wish to supplement my evidence, by stating that His Grace the Right Rev. Dr. McHale, Archbishop of Tuam, was written to, and a draft for £100 sent, with the express understanding that, if the money was not to be devoted to the purpose for which it was raised, not to hand it over. His Grace made the fullest inquiry, and wrote, expressing, on the part of the people of Ireland, thanks for the amount; and stated that he was perfectly satisfied that every penny was expended for food, clothing, and covering, for the poor creatures left destitute by the imprisonment of their fathers, husbands, and brothers.

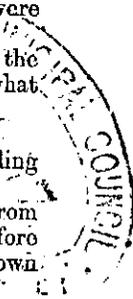
I am, Sir, your obedient servant,

J. G. O'CONNOR.

## Mr. Robert Irvine examined:—

1798. *Chairman.*] What are you? Senior-constable.
1799. Were you on duty at Clontarf on the day the Prince was shot? I was.
1800. Were you near him at the time? About forty yards from him.
1801. Will you describe what you saw? When I heard the first shot fired, I went in the direction of where it was, and as I came forward the second shot was fired, and O'Farrell was held by Mr. Vial and Mr. Clark. Two or three parties struck Mr. Vial at the time, and he went past me as I got hold of the prisoner.
1802. You seized the prisoner? I did. I was acquainted with him; in fact, I had known him for eight or nine months previous to that.
1803. Did you say anything to him when you seized him? Yes. A party that I am well acquainted with hit him, and I said—"Leave him; he is my prisoner now." O'Farrell said—"Oh, my God! what have I done?" I says—"You scoundrel, you know." He then said—"God love old Ireland! old Ireland for ever!"
1804. His first exclamation was—"My God! what have I done"? Yes.
1805. Are you sure that was the first thing he said? I am positive.
1806. You were the first constable to receive him? Yes, I was the first that laid hold of him.
1807. What other constables were there then? Constables Logan and Robinson were the next two that came up; Sergeant Cook, and I cannot say as to other constables.
1808. What did you do then? I called upon some of the handsmen belonging to the "Galatea," and the band of the 50th, and begged them, for God's sake, to give what assistance they could, or he would be taken from us.
1809. Was Mr. Orridge there? Yes, Mr. Orridge was there.
1810. When did he join you? I did not see Mr. Orridge till I got down to the landing at the jetty.
1811. This was all the prisoner said? Yes, these were the only words that passed from the time I took hold of him. Some got knocked down at the corner of the house before you get to the jetty. There was a lot of stones lying there, rubble or ballast, thrown out. A lot of us fell over that; I think three or four were down at one time.
1812. Were you examined at the trial? No, I was not.
1813. Were you not called as a witness? No.
1814. Was it not known that you were the first to receive the prisoner? Yes, I believe it was known. I made a sort of statement to that effect.
1815. To the Inspector General? Yes.
1816. In a letter? Yes.
1817. Have you a copy of that? No, I have not; I have at home.
1818. You will be required to produce it? (*Vide Appendix.*)
1819. Who were the people whose evidence was taken at the trial of O'Farrell as those who apprehended him? Mr. Orridge, Senior-sergeant Musgrove, and Senior-sergeant Robinson.
1820. Did Mr. Fosbery, in connection with the police, ask any questions upon the matter, before the evidence in the Police Office or in the Gaol, against O'Farrell? Yes, Mr. Fosbery asked me how long I had known O'Farrell, and I told him that I saw him on the 19th April previous to that. He asked me how I came to remember the day. I had been ill some time, and I had returned on duty that day; it was the first day I had been on duty for eight months, and I had occasion to go to this house. I met him there, and had some conversation with him. On the Tuesday evening I was off duty at 6 o'clock, I met him in George-street, and shook hands with him, and he promised to meet the next evening. I dare say if I had stopped I should have heard about it. I just merely bade the time of day to him, and passed on. "Where is this have I seen you before?" "Yes,"

Mr. R. Irvine.  
13 Jan., 1869.



Mr. R. Irvine. I says, making mention of the time and the business, "at the Criterion Hotel." He was then playing a game of billiards with a young man named Henderson, living out at Glebe Point.

13 Jan., 1863.

1821. When was this? The 19th April, 1867.

1822. Was that in Sydney? Yes.

1823. Are you sure as to the date? I could not be positive, but I could very soon find out.

1824. What I was asking about was this—Did Mr. Fosbery give you any reason why your evidence was not taken at the trial of O'Farrell? No, he did not.

1825. Did he ask what you could prove, or anything of that kind? No.

1826. He knew you were the first constable who received him? I think he did.

1827. You sent in a report to that effect? Yes, I had his coat, and also the cartridges; and the pistol which he had in his left hand at the time he was apprehended. I saw the pistol, and reached across to get hold of it, as he tried to hide it; and in struggling with him to get the pistol, as he held it under his coat, I got hold of the skirt of his coat and tore it off.

1828. When he was taken, then, he had a revolver in each hand? He dropped the one he had in his right hand, and had the other in his left hand.

1829. It was not taken out of his pocket? No, it was not; he had it in his left hand, under the skirt of his coat.

1830. You say you had known O'Farrell for a year before? Very near; I saw him, but never spoke to him in my life from the 19th April until the Tuesday before the occurrence, when I was passing by the corner of King and George streets. I bid him good evening, and he said—"Let me see, where have I seen you?" and I told him I had seen him repeatedly before, but never spoke to him.

1831. Was he a man that you suspected in any way? No; he was as nice a man in company as you could meet. I should never think he would be a party to do anything of the sort. Yet I believe, if I had entered into conversation at that time, he would, perhaps, have told me what his intentions were.

1832. *Mr. Forster.* You said that you called upon some of the band of the "Galatea" to help you, because you expressed a fear that he would be taken from you? Yes.

1833. Was there great effort made by different people to get him away? There was.

1834. Could you name any one who attempted to get him away? No, the excitement was so great—every one about was trying to get at him.

1835. Had you very great difficulty in keeping him from the people? Yes; only for the bandsmen we had not sufficient police to keep them off.

1836. The bandsmen helped you? Yes.

1837. Did you, after you seized him, remain close to him all along, till you got him on board the vessel? Yes, till I got him to the end of the jetty.

1838. Had you hold of him all the time? Yes.

1839. No one else took him from you altogether before you got him on board? Not till we came to the end of the jetty.

1840. To whom did you give him up? He was taken on board by some other men.

1841. Did you keep hold of him to the time that he was taken on board? Yes.

1842. You are confident you were the first man who seized him? Yes; and Constables Logan and Robinson came afterwards.

1843. I suppose other people took hold of him as well as you, while you were going along? Yes, there were two of the police constables—Logan and Robinson—they all assisted.

1844. Had all these police hold of him as well as you? Yes, they all assisted in carrying him.

1845. Was he carried, or dragged along? He was carried; he never touched the ground from the place where I laid hold of him till he went as far as the jetty.

1846. Did any other person have hands on him, and assist in carrying him, besides the policemen? No.

1847. Are you sure of that? I am,—that no parties except the police assisted in carrying him to the jetty.

1848. Did you get any assistance from Mr. Vial? No. Mr. Vial was assaulted. Some parties struck Mr. Vial. At the time I came up to him Mr. Vial was knocked past me, and he fell on his face on the ground, and I took hold of O'Farrell, seeing the pistol in his hand. Some parties said, that was not the man, this was him.

1849. Then was there a disposition among the crowd to seize upon Mr. Vial instead of O'Farrell, mistaking Mr. Vial? Yes.

1850. Were some of them going to take him up? Some one struck him, and he was knocked past me.

1851. Did Mr. Vial give you any assistance? He did not. I never saw Mr. Vial afterwards.

1852. You cannot, of course, speak of his intentions? No.

1853. You saw him give no help at all? No. Mr. Vial and Mr. Clarke had hold of him at the time, and Mr. Vial was struck by some person from behind and knocked past me.

1854. And I think you stated you had hold of the pistol all along? Yes.

1855. All the way to the jetty? Senior-sergeant Musgrove and I had hold of him. I had hold of him by the right side and the right arm, and Senior-sergeant Musgrove came on the far side, and I held his left hand all the time, inside his coat, with the pistol in it.

1856. Did you do that till the pistol was taken away from him by the policeman? I never left go the left hand till Senior-sergeant Musgrove took it.

1857. Have you stated all that O'Farrell said when he was in your custody? I have; he never spoke any more, whatever he may have said coming up by the boat.

1858.

1858. Did any persons ask him any questions, or speak to him? Not one; no one had time to do so as he was being taken to the jetty. Mr. R. Irvine.
1859. Did you, besides making this statement to the police, in writing, make any statement to anybody about it? No. 13 Jan., 1869.
1860. Did Captain McLerie, or Mr. Fosbery, or any member of the Government, question you about it? No.
1861. Were you ever examined at all on oath? No.
1862. Were any questions ever asked you by anybody, relative to it, after you had sent your statement in writing? No, I never received any reply to it.
1863. Were you ever examined on this statement without being on oath? Yes; Mr. Wager spoke to me, and asked me what I had to say in the matter; and Mr. Orridge said the same.
1864. What did you tell him? I told them, as near as I can recollect, what I had sent in in the statement—to that effect.
1865. Did you ever hear of any rewards for the apprehension of O'Farrell being given to the police, or did you ever get any? I did not get any.
1866. Did any other policeman, to your knowledge, receive any reward? I heard it rumoured, but I could not say, that the Prince sent for Senior-sergeant Musgrove, and made him a present.
1867. Did you ever make any application? No, I never did, more than I sent in a statement.
1868. You state that you never suspected that O'Farrell would have been guilty of such a crime, from your knowledge of him? No, the last man in the world.
1869. What was your impression about him—that he was queer, at all odd? He seemed a very fidgety sort of person—very excitable.
1870. Did you know whether he had been given to intoxication at any time? No, I never saw him—I repeatedly met him in the street—but I never saw him the worse for liquor till the Tuesday before the occurrence, to speak to him. I never saw the slightest appearance of drink on him. I have seen him playing billiards, or bagatelle, at Tierney's, the "Currency Lass."
1871. Did you ever see O'Farrell after he was taken up? I did.
1872. On what occasion? On the day of his examination in Gaol; also, during the trial. I had his coat, handkerchief, and gloves—a pair of kid gloves.
1873. Were you present at the examination in the Gaol? I was.
1874. Did Mr. Fosbery or Captain McLerie know that you were there? Yes; I was ordered to be there.
1875. Were you not called upon, by any one in the Gaol, to give evidence or make a statement? No.
1876. Were you present at the time? Yes.
1877. On duty also? Yes.

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Mr. Henry Wager examined:—

1878. *Chairman.*] You are a detective, are you not, in the Police Force? My designation is, the Officer in charge of the Detective Police, immediately under the Inspector General. Mr. Henry Wager.
1879. Then you keep the books and papers of the office? I do. 13 Jan., 1869.
1880. *Mr. Parkes.*] Do you mean that there is no officer between you and the Inspector General? Certainly Mr. Fosbery is between me and the Inspector General, of course.
1881. *Chairman.*] Did you bring a book containing the reports of the different detectives? The entries made by the detectives of their duty.
1882. Is that the only book you have? Yes.
1883. Is there not a book in which the detectives every day state what they have done? That is the book.
1884. Have you that book with you? Yes. (*The witness produced two books.*)
1885. I presume these books contain all the reports that were made in the attempt to investigate all matters connected with the shooting of Prince Alfred? No, these books do not. These are the diaries of the duties performed by the detectives, showing how they were employed.
1886. Not their reports upon the different matters they were called upon to investigate? Whatever reports of that nature were made, would be special reports made to Capt. McLerie or to Mr. Fosbery.
1887. You do not keep them? No; all reports connected with the shooting of the Prince have been forwarded to the Inspector General; I have none.
1888. I presume that, after this attempt at assassination, all the detectives were employed to find out what they could? I believe so. They were all specially instructed to learn what they could. Of course, during that time they were engaged in other duties also.
1889. Were you employed in endeavouring to find out—? Not out of doors; my duties were very heavy, and principally in doors.
1890. What detectives were employed in endeavouring to find out about this matter? I could not mention any specially; I think, more or less, they were all employed.
1891. What number of detectives are there? Upon that occasion, I think, we had thirteen.
1892. Can you give their names? Patrick Lyons, William Camphin, Edward Broomfield, Charles Powell, Daniel M'Glone, John Raven, Joseph Bowden, Lawrence Finggan, Patrick Howard, William Apjohn, John Chudleigh, and J. Camphin.
- 1893.

- Mr. Henry Wager. 1893. Were these men in the habit of making reports to you at all, in the absence of Mr. Fosbery? Occasionally they would report little circumstances to me.
- 13 Jan., 1869. 1894. Did any of them, at any time, state that they were acquainted with meetings for the purposes of sedition or treason? They reported that they had been informed that Fenian meetings were held in the city.
1895. Did they state their information? They did not state to me from whom they had received information; they appeared to think it was reliable.
1896. Can you state which of them told you they had received information of Fenian meetings? I think Broomfield, on one occasion, some time before the Prince came here, said he had heard of a certain house where meetings of the kind were held.
1897. Did he tell you where it was? Yes; he did not mention the house.
1898. When did he tell you this? I could not fix the date.
1899. Did he tell you before the Prince arrived? He did.
1900. Can you mention any other detective who said he had received information of this kind? I think Powell also said so.
1901. No others? I really cannot remember any particular name, but I know several reports were made about the time the Prince was here, and it was believed Fenian meetings were held.
1902. Did any of them ever say they had received information which led them to believe the attempt on the Prince's life was part of a Fenian conspiracy, or the result of a Fenian conspiracy? No, I think not.
1903. Did you ever receive any information about a place of meeting at the Haymarket? I think a report was made of a place of meeting at the Haymarket.
1904. What detective was sent to investigate that matter? As far as my memory serves me, Detective Raven was sent. He is present here.
1905. Do you remember any other cases of the kind? I remember, about the 19th December, Detective Powell reported to me that he had been informed four Fenian agents had arrived by the Panama mail from California, and that he had been informed they lived somewhere in the neighbourhood of Pitt-street. Powell was instructed to use every exertion to find these men, but they were not found.
1906. *Mr. Parkes.*] December, 1867? December, 1867.
1907. *Chairman.*] Do you know anything about a man of the name of Reardon, who went to America from Sydney? I accompanied Mr. Fosbery, Superintendent Orridge, Detectives Broomfield and Powell, on board the "Rakaia"; Mr. Fosbery, I believe, had a warrant for Reardon's arrest, and saw Reardon there.
1908. Were you present at the examination of his luggage? I was.
1909. What did you see? Well, he had rather a large number of American gold coins, some watches and jewellery, and he had some papers.
1910. Did you read the papers? I looked at one letter.
1911. What was it? I cannot remember names or dates; but I can just remember, as far as my memory serves me—it is a long time ago—the substance of the letter was, that if he would go to one of the mines and lecture as an agent, that money might be got, if it were asked for, for the widows and orphans of the Manchester people.
1912. And what do you imagine was the meaning of that—was it a letter to this man? It was a letter to this man.
1913. From his friends? From South Australia.
1914. Was that the paper alluded to by the Inspector General of Police, when he said, in his report, that his papers left no doubt that he was a Fenian? Well, I cannot say what other papers the Inspector General or Mr. Fosbery had; I know they were supplied with many items of information which never reached me.
1915. Is it not the fact that he was allowed to proceed, simply because his papers did not show that he was a Fenian? Because his papers were not sufficient to justify any further action; but certainly he told Mr. Fosbery when he went on board—"You will not find what you want; I keep myself inside the law."
1916. I suppose he appeared angry at being apprehended? He was not apprehended.
1917. At having his luggage examined? Yes, he appeared to be a little.
1918. And defiant in consequence? Yes.
1919. Was he sober at the time? I think so.
1920. Are you aware that he had been violently assaulted that morning? I am not; in fact, I did not know much about this before he went on board, except that a man had been watching his house.
1921. Do you know a person named Baker? Sergeant Bakie, probably?
1922. No, Baker, who lodged for a short time in the same house with Reardon? No, I think not. I do not remember such a person.
1923. Did any person come to your office to give information about Reardon? Not to me.
1924. Do you know of any person coming to give information about him, to Mr. Fosbery? I understood that Mr. Fosbery had received some information about him, but I cannot say from whom.
1925. You never heard of the man Baker? No.
1926. Do you know a person of that name in the Lands Office? I do not.
1927. *Mr. Stewart.*] When you were examining Reardon's luggage, you say you found several watches? There were some watches in his luggage.
1928. More than one or two? Yes, I think so.
1929. How many? Three or four.
1930. Gold? That I could not be positive about.
1931. Any jewellery or plate? I saw no plate. I think there were some articles of jewellery, and a number of American gold coins.
- 1932.

1932. Had he more jewellery than a person would be likely to use himself—a superfluity of jewellery was there? I thought there was; but my memory is not very clear upon the contents of the luggage. It is some months ago; but had I been aware that there would have been any inquiry about the matter, I might have made some notes or memoranda that would have aided me. Mr. Henry Wager.  
13 Jan., 1869.

1933. *Mr. Forster.*] You say that, in 1867, some information was given to the police, that four Fenian agents had arrived by the Panama mail? It was so reported to me, and I reported to the Inspector General.

1934. When was it you first heard of it? It was reported early in December. Powell reported that he had been informed that four Fenian agents had arrived by the Panama mail, not long previously; and he had heard that they were lodging, or had been lodging, somewhere in the neighbourhood of Pitt-street.

1935. Did he make this report in writing? No, verbally, I believe; I made a written report of the circumstance.

1936. Did you ask him any questions about it? No. He believed his information was reliable. I may state, that we never press detective officers for the name of their informants, for this reason—There are sometimes persons who will give one detective information that they will not give to another, and if we press them for their informant, it has a prejudicial influence upon the inquiries of other men. Their information is relied upon as correct.

1937. Did you receive any further particulars than the mere statement of this man? No, I do not remember anything further than that he stated afterwards he had not been able to trace these men.

1938. Then, I presume, there was no result from this inquiry? No result, as regards these four men.

1939. Had you ever any reason at all to come to any opinion upon the authenticity of that information? I think it was correct. If you ask me why, I cannot say why I think so; but the men are very careful what they do report. They hear many things which they do not report, because they do not at all times believe the reports they hear to be reliable.

1940. Was this Powell a man of good character, upon whom you could rely? Yes, first class.

1941. *Mr. Parkes.*] All detective officers are of good character, are they not? I hope so; I have no reason to believe to the contrary.

1942. *Chairman.*] Was Benedict a man of good character—he was a detective? I am unable to speak of my own knowledge. He was a very short time here.

1943. *Mr. Forster.*] He was a detective? I never viewed him in the character of a detective.

1944. In what character did you view him? He was temporarily employed, but never permanently.

1945. Did he not correspond with the police? I am not aware.

1946. You are not aware of his corresponding with the Government at all? No.

1947. Did you never get information from him of any sort? No.

1948. What was the reason of his not being connected with the police? He was first taken on on probation. I believe he had been employed in Melbourne. After a short time he was found not to be eligible, and his appointment was not confirmed.

1949. What do you mean by his not being eligible—that he would not make a good detective? Mr. Fosbery considered him not eligible for the service, and therefore the appointment was not confirmed. That is a matter which lies with Mr. Fosbery, and not with me.

1950. You speak of the searching of Reardon's luggage—What was the reason of its being searched? That was a matter entirely in Mr. Fosbery's hands. I presume his luggage was searched for treasonable papers.

1951. By what authority was he searched? He was searched under authority of a warrant, issued under the Treason Felony Act.

1952. *Chairman.*] Do you know who made application for the warrant? I am not sure whether Mr. Fosbery made the application himself, or instructed Powell to make it.

1953. Can a man swear by deputy in that way—I suppose it was necessary to swear that there was reason to believe there were some treasonable documents in the man's possession, before a search warrant could be issued? I presume so; I cannot speak at this moment from memory.

1954. *Mr. Forster.*] Do you know whether there is a copy of the warrant in existence, or whether the warrant itself is? I do not know at this moment what became of this warrant whether it was returned to —

1955. What do you do with warrants after they have been executed? After they have been executed, they are generally attached to the depositions or proceedings in the case.

1956. Was this warrant attached to the depositions or proceedings in the case? I am not able to say whether it was returned.

1957. Will you be able to make an inquiry, and append the warrant to your evidence, if it can be obtained? Yes. (*Vide Addendum to end of this Evidence.*)

1958. Were any of these treasonable papers on Reardon, or in his possession, that were expected? You see I do not know exactly what papers Mr. Fosbery was looking for—I presume treasonable papers; and I have also heard of a gold medal which Reardon was said to have had presented to him in recognition of his services, it was said, in the cause of Fenianism.

1959. Were you not present at the search? Yes.

1960. Did you see this gold medal? No.

1961. Did you find any papers that you would consider treasonable? I found none.

- Mr. Henry Wager. 1962. What was the result, then, of the search—was anything done with Reardon? No.
1963. Did you find anything which would have rendered it your duty, or the duty of Government, in your opinion, to prosecute Reardon? No.
- 13 Jan., 1869. 1964. Did Reardon make no complaint of having been assaulted? No.
1965. Was no complaint ever made to the police of his having been assaulted? No; the first I saw of it was what appeared in the paper, a few days ago—either in the *Empire* or the *Evening News*.
1966. Did you read a letter, signed by a Mr. Murray, in one or other of those papers, the other day? Yes.
1967. Do you know that Mr. Murray? No.
1968. You know nothing of him at all? No.
1969. Is he known to you, through the police, by name? No.
1970. Did you read that letter? I did.
1971. Have you any knowledge of the circumstances alluded to in that letter? No more than the house in which Reardon was lodging was watched by the police.
1972. Can you state the names of the police who watched? Detectives Broomfield and Powell.
1973. What was the nature of the reports made? I believe they were made direct to Mr. Fosbery.
1974. You have no present knowledge of them? No. I do not think any written reports were made; these inquiries were reported on verbally.
1975. Do you think the search of Reardon's papers was the result of their watching him? It may have been.
1976. How long had they been watching this house? They had been watching it several days—I could not say how many.
1977. Did you see, in writing, any information upon which they were ordered to watch his house? No, although they may have received it in writing.
1978. Was a man named Baker ever mentioned? Not to my knowledge.
1979. You mentioned a Sergeant Bakie? Yes; because he accompanied me to the Clarendon Hotel, on the night that possession was taken of O'Farrell's luggage.
1980. Was Sergeant Bakie at all engaged in watching Reardon's house? No.
1981. He had nothing to do with it? He had nothing to do with the inquiries in any way.
1982. You are not aware whether he was on the premises at all? No.
1983. Do you know Senior-constable Irvine? Yes.
1984. Is he a man of general good character? I think so, from the fact of his holding the rank of senior-constable; that, I think, is a sufficient guarantee for his character.
1985. Were you aware, in any way, of his having been among the police by whom O'Farrell was apprehended after the attempted assassination? Yes, I know he was; \* he gave evidence, if I remember correctly—he was at the examination. I do not know whether he gave evidence, but I know he was at the examination.
1986. Are you aware whether he was ever examined on oath at all in relation to that? I could not say, for the prosecution did not take place through the detectives department.
1987. Have you any knowledge of the special circumstances of his conduct upon that occasion? I have not.
1988. Has it ever come to your knowledge, officially, that he was the first policeman who seized O'Farrell? Never.
1989. Did you ever hear that before? I have once heard it, but it never came before me officially; I once heard it alleged that Senior-constable Irvine was the first man who arrested O'Farrell.
1990. Did you have any official knowledge of a written statement, or of any statement or report, that was sent into the office by Irvine? It would not come to me; such a report would go, through the Metropolitan Police Inspector, to the Inspector General. Nothing of that kind would come before me.
1991. Is it possible a statement of that kind might have been sent in without your knowing anything about it? Certainly.
1992. You were yourself present at the time, were you not? No.
1993. When was it you first took part in any proceedings relating to O'Farrell? On the evening after O'Farrell's arrest.
1994. Did you ever accompany the then Colonial Secretary on any visits or investigations? I did.
1995. On how many occasions? Once.
1996. Was that on the occasion of visiting O'Farrell's lodgings? It was.
1997. Did you go with the then Colonial Secretary? Yes, and the Honorable Mr. Byrnes. It was on that occasion Sergeant Bakie accompanied me.
1998. How many went, altogether? The Honorable the then Colonial Secretary, the Honorable Mr. Byrnes, Sergeant Bakie, and myself.
1999. These were the only persons? Yes.
2000. What was the object of this visit to O'Farrell's lodgings? To take possession of O'Farrell's effects.
2001. Did you take part in the examination? I did.
2002. I suppose that was reported officially? Yes.
2003. Do you know whether a report was made of the circumstances material to the matter? No written report.

2004.

\* NOTE (on revision) :—I do not.

2004. What kind of report? Merely a verbal report.
2005. Who made the report? I made a verbal report, to the effect that O'Farrell's lodging had been visited, and his property had been taken possession of. It is not usual, when a prisoner's property is taken possession of, to make any report.
2006. Was not this a peculiar case—did it not appear to be desirable in this case that it should be done? No.
2007. Under whose orders did you consider you acted when you made this investigation? Under the orders of the Colonial Secretary.
2008. Was there any written record taken at the time, of what was going on? No.
2009. Was there no list of the things taken in writing? Yes, a list of the property taken; that would be in the Property Book.
2010. Was there a registry, or list of the property taken, made at the time? I think a list of the property was made. I do not know whether it was made then or immediately after the trial. I think a list or inventory of the property was made. I am not very clear upon that point.
2011. Are you not aware whether any one was writing down any of the circumstances that occurred then, or making a list—did you not see any one writing at all? No, I do not remember seeing any one writing down at the time.
2012. Were there many papers found in O'Farrell's possession? Several law papers, and two or three private letters.
2013. Was that the time when the diary was taken? Yes.
2014. Did you see the diary? I found the leaves.
2015. Did you look at it at all attentively? Yes.
2016. Is that a printed copy of it (*handing witness Exhibit D*)? Yes.
2017. Does that correspond with what you saw then? I conscientiously and most religiously believe that it does.
2018. *Mr. Hoskins.*] When the detectives reported to you that they had heard of Fenian meetings being held in the city, was that report conveyed in writing—did they enter those reports? No; they reported it verbally, to the best of my belief, to the Inspector General.
2019. Did you make any record of their reports? No.
2020. I apprehend you are the medium through whom all instructions from the Inspector General, relative to the action of the detective police, are conveyed? As a general rule—not always. Sometimes the Inspector General will require the services of a detective officer, and give his instructions himself. In such a case I might possibly know nothing of the matter.
2021. After the detectives had made these reports of Fenian meetings being held, were they instructed to inquire into the truth of these statements? Yes.
2022. How long were they endeavouring to ascertain how many of these meetings were held, where they were held, and how many attended them? It occupied some time; but during the time they were making these inquiries, they were engaged in their other duties also.
2023. It occupied them (say) some weeks? I could not say.
2024. Did they actually discover the fact of any Fenian meeting being held anywhere? I do not think so.
2025. Have they left on record that they could not find that a Fenian meeting had been held anywhere in the city? It was reported that meetings had been held in several houses, but they never did obtain any direct evidence to show what the character of the meetings was, except in the case of the house, which I believe the Chairman alluded to, in the Haymarket; I think that was quite clear.
2026. He was the only detective who gave this information that there were Fenian meetings held? No; there were several others. Detective Broomfield reported, early in December, that he heard meetings were held in a certain house; and I think Powell also reported something.
2027. All the detectives have instructions to ascertain the truthfulness or untruthfulness of their reports? As regards all the information that comes in. Generally, they were instructed to look about and obtain all the information they possibly could.
2028. Did they tell you whether they heard that these meetings were held in public or private houses? Public.
2029. Are there public-houses where detectives could not obtain admission to meetings? They would have great difficulty in obtaining admission or getting information.
2030. In public-houses? They never did furnish any tangible information that could be seized upon in any way.
2031. And they have left no written record of meetings having been held, except in the case of Raven? I do not think there are any written reports.
2032. In reality, there are no reports in the detective office, of a detective officer having discovered any meeting having been held at any place, to further the Fenian cause or interest? I scarcely know what answer to give.
2033. You have no record of that kind, or to that effect? I do not know what reports the Inspector General has.
2034. As far as your knowledge goes? The Inspector General has received a large amount of information which has never come to me.
2035. At all events, if any reports had been made to you by the detective police, that Fenian meetings had been held at public-houses, would you not, as a leading member of the police force, have considered it your duty to have taken steps in the matter? If any tangible information had been received, it would have been acted upon at once by the Inspector General.
2036. *Chairman.*] You are the Henry Wager who made the declaration contained in this paper? Yes.

Mr. Henry  
Wager.

13 Jan., 1869.

2037.

- Mr. Henry Wager. 2037. Who asked you to make this declaration? I was directed by the Inspector General to attend at the Colonial Secretary's Office on a certain day,—the date of the declaration.
- 13 Jan., 1869. 2038. The 18th of September, was it not? (*The witness referred to the paper.*) Yes.
2039. Did you not think it curious that, six months after the occurrence, you should be asked to make this declaration? I did not question the matter in any way.
2040. You did not ask for an explanation? No.
2041. Nor did you get any? No, I neither asked for nor got any.
2042. You were the officer of police who took Miller out of Darlinghurst Gaol, were you not? Yes.
2043. What warrant had you with you on that occasion? I believe I had a special order for his discharge from gaol.
2044. What do you call a special order? I cannot explain it to you, for I am not sure that I read it.
2045. Was it an open paper? At this date I could not say whether it was open or in an envelope.
2046. Who instructed you to go to the Gaol to get the prisoner? I think Mr. Wickham, the Clerk of the Gaol, was the first person I saw.
2047. Who gave up the prisoner to you? I cannot say whether I received him in the office, or from one of the warders in one of the wings; but I received two or three small articles of clothing he had, and brought the prisoner away.
2048. And took him up to Parramatta? No, I did not; I took him up to the Inspector General's Office.
2049. *Mr. Parkes.*] How long have you been in the police service? I have entered upon my seventh year in Sydney.
2050. How long have you had charge of the detective branch of the police force? I think from June, 1863.
2051. What is the impression which the reports made by the officers under you has left on your mind, as to whether Fenian meetings were held in Sydney? The impression on my own mind is, that Fenian meetings were held.
2052. That is your impression now? It is.
2053. Are you at all acquainted with the conduct of police operations in the mother country, by report or otherwise? I have had nine or ten years' experience in the mother country.
2054. In what part? In Birmingham.
2055. Have you been enabled, at any time, to form an opinion as to the facility of detecting secret meetings of any kind—that is, whether it is an easy thing or not for the police to detect secret meetings held in any part of England? It is a very difficult matter.
2056. Are you able to say, from your own experience, whether or not it is the case, that there is not one case of detection in a hundred where it is believed to exist? I think it is next to impossible to obtain thoroughly reliable and tangible information that would enable you to proceed criminally.
2057. I think you have said you attended at the Colonial Secretary's to make a declaration as to the truthfulness of the transcript of O'Farrell's diary? Yes.
2058. Did you see the original diary at that time? I did.
2059. Did you carefully compare it? I did.
2060. At the time you made the declaration? Yes.
2061. *Mr. Forster.*] With reference to the statement you have made, that the impression on your mind is that Fenian meetings were held—as a matter of fact, did the police ever identify any person as connected with these Fenian meetings in such a way as to strengthen or corroborate your impression? Several names have been mentioned.
2062. The names of persons? Yes.
2063. Was the impression, to which you have already alluded, such as to make you believe that these persons were really connected with treasonable organizations or associations? I cannot say treasonable organizations or associations, but I think they were connected with Fenian meetings.
2064. With Fenian meetings? I think so.
2065. You would not like to name the names? No.
2066. Was the evidence against these people of such a character as to, in any way, authorize or enable the police to take proceedings? No.
2067. Was any place ever identified by the police as a place at which Fenian meetings were held? Places were named.
2068. Had you any evidence that meetings were actually held? No direct police evidence.
2069. What do you mean by direct police evidence? Such evidence as we could make use of, and initiate proceedings upon.
2070. Did the police not, at some time or other, so far as you are aware, interrupt a number of meetings, under the impression that they were Fenian meetings, by mistake? I do not think so.
2071. Did you never hear a report to that effect? I never heard a report to that effect.
2072. Did the police ever find their way into any meeting that had in any way the appearance of being treasonable? I cannot say they did. I cannot say that they ever found their way into any meetings.
2073. Then, as a matter of fact, the impression you have spoken of was never corroborated, so as to make it more than an impression? No, it is my own impression. I have been asked the question, and I say that it is my impression that Fenian meetings were held in the city.

2074. I suppose the evidence of the police in favour of this impression was very constantly repeated to you, was it not? I think there were many people who heard of these meetings and reported to them. It was their impression that such meetings were really held, although they failed to obtain evidence of the fact.

Mr. Henry  
Wager.

13 Jan., 1869.

2075. Were any details communicated to you, so as to strengthen your impression? No more than I have stated.

2076. Have you any objection to state the places that were mentioned as those at which these meetings were held? I would beg not to be asked.

2077. *Mr. Hoskins.*] Did the police ever give you any indication of their reason for forming the opinion that Fenian meetings were held? No more than that they believed the information they had received.

2078. Did they ever say that the information they had received had been confirmed by their own observation? I cannot say that they put it in that way. I believe it to be the impression of some of the men that Fenian meetings really were held in the city.

2079. Do you believe that Fenian meetings are still held in the city? No, I do not.

2080. Do you believe that Fenianism has been broken up in consequence of the action of the police? I really cannot say whether from that; of course, prior to the passing of the Treason Felony Act we had no power.

2081. Do you believe there has ever been a Fenian meeting held in Sydney since the passing of the Treason Felony Act? That I cannot say.

2082. *Mr. Parkes.*] Did I ever give you any instructions at any time? I do not remember any, except to go to the Clarendon Hotel.

#### ADDENDUM.

[Draft proposed form of Warrant.]

New South Wales, }  
Sydney to wit. }

To the Inspector and a Constable of the Metropolitan Police Force, Sydney, and to all other Constables in the said Force.

WHEREAS I am satisfied, upon a statement made to me by Charles Powell, a constable of the detective police force, Sydney, on oath, that there are grounds for suspecting that papers which would tend to prove that one James Riordan has been guilty of felony, under the Treason and Felony Act of 1868, are concealed in a certain dwelling-house and premises, situate at No. 50, Palmer-street, Woolloomooloo, in the city of Sydney, and in certain luggage, the property of the said James Riordan, on board the steamship "Rakaia," in Sydney aforesaid:

These are therefore to command you, in Her Majesty's name, when and so soon as this warrant shall have been countersigned by at least three Members of the Executive Council of the said Colony, forthwith, with proper assistance, to enter the said dwelling-house and premises and place aforesaid, and there diligently search for the said papers; and if any such papers shall be found upon such search, that you forthwith bring and deliver the same to me, to be dealt with according to law.

In witness whereof, I have hereto set my hand and seal, at Sydney, in the Colony of New South Wales, this first day of April, in the year of our Lord one thousand eight hundred and sixty-eight.

HOULTON H. VOSS, W.P.M.

We, the undersigned, being Members of the Executive Council of the said Colony, hereby countersign the above warrant, to the intent that the same may be duly enforced. As witness our hands, the day and year above written.

HENRY PARKES.  
G. EAGAR.  
JAMES BYRNES.

Search-warrant executed by me, on the first day of April, A.D. 1868; but papers found considered not sufficient to establish a charge under the Treason Felony Act of 1868.—EDMUND FOSBERY, Superintendent of Police.

Mr. John Raven examined:—

2083. *Chairman.*] You are a detective in the Sydney police? Yes.

2084. Were you in the detective police of the country at the time of the arrival of Prince Alfred? Yes.

2085. For some time before? For some years before.

2086. Have you any reason to believe, or had you received any information before the arrival of the Prince, that his life would be in danger in this country? No.

2087. Had you ever, before the arrival of the Prince, been employed in endeavouring to ascertain if a seditious or treasonable meeting was being held in any part of this city? Not before the arrival of the Prince.

2088. Was there, before the arrival of the Prince, any attempt to ascertain whether there was any Fenian organization in this country? I cannot say as to Fenian organization; the men were instructed to watch those places where meetings were held for the purpose of raising money to be sent home for the Fenians who were imprisoned in Ireland.

2089. For their wives and children? Yes.

2090. Were the people who attended these meetings suspected? No; but we were instructed to hear what went on, and what was the general conversation between the people who met.

Mr. J. Raven.

13 Jan., 1869.

2091.

- Mr. J. Raven. 2091. Is it not the fact that these meetings were held in the openest possible way? Yes, the doors and windows were open.
- 13 Jan., 1869. 2092. And the proceedings were made public? Quite so.
2093. After the Prince was shot, did you receive orders to endeavour to ascertain whether O'Farrell had any accomplices? Yes.
2094. Did you ever get any information which led you to believe that he had accomplices? No.
2095. Were you not at one time sent to ascertain the purpose of some meeting or meetings that were held at the Haymarket? Yes.
2096. Who ordered you to go there? Mr. Fosbery.
2097. Had he received any information previously from you on the subject? No.
2098. Did he tell you who he received the information from? He did not. He said a gentleman had given him information that a meeting was held there for treasonable purposes. I was instructed to go in and see what went on.
2099. Did you go there? Yes. I could not say what date, but it was on a Friday evening, when O'Farrell was in gaol, awaiting execution.\*
2100. Was it in March or April? Soon after the prisoner was convicted—some two or three days after O'Farrell was convicted.
2101. Was it before or after the proclamation of the reward of £250 for the discovery of people? It was after the proclamation.
2102. After the proclamation you went to this place? Yes.
2103. What did you see or hear there? I first of all went to see what sort of people were going in, and I dressed myself accordingly. I found they were working men. When I got into the room, I found it was a benefit society; and men were coming in from about half-past 7 till a quarter to 9. They would walk up to a table, where a man was seated, with a book; some of them would pay in small sums—perhaps half-a-crown or so; and others—if they were unable to work, or hurt, or anything of that kind—would receive sums of money, just like any other benefit society.
2104. Was it the benefit society of any particular trade? They were bricklayers' labourers.
2105. You found, then, that it was for this purpose only they met—Did you remain any length of time? Till the meeting was closed, and all the men had left. Some did not remain five minutes—some paid trifling sums, or received them.
2106. Did you consider it was a treasonable or suspicious proceeding? Not the slightest.
2107. Did you report accordingly to the Inspector General? I did, immediately.
2108. Did you report in writing? I did.
2109. Have you that report with you? No; I handed the report in.
2110. What was the nature of the report? Stating, in substance, that I went down, in obedience to instructions, to the meeting; that I mixed among the people, and ascertained that it was merely a benefit society. I listened to their conversation, and not a word was spoken about O'Farrell, but merely respecting the business they came for.
2111. Did you hear of any other seditious meeting anywhere? No. I was told by certain persons that a meeting was at this place, and at another place, and that their conversation was seditious. I went there, and it was ridiculous to treat the matter seriously. Men were half-drunk—some of them—and they, in a manner, sympathized with O'Farrell—not with his crime. They said he was a very clever fellow, it was a great pity he should make such a fool of himself.
2112. It was simply an ordinary meeting, where people met together to drink, in a public-house? Yes.
2113. Did you ever succeed in finding any meeting of Fenians? No.
2114. Did you know a man of the name of Benedict, when in the detective force? Yes.
2115. He was a short time in the detective force? A short time.
2116. Did you know much of him? No, only the time he was here.
2117. Did you meet him when he was here, about the time the Prince was shot? Yes, I saw him then.
2118. What did you know of him then? He seemed to be a man, as we generally term it, living on his wits. He told me that he was going to try to assist Mr. Pavey to get up evidence for the defence; and if he could not do that, he would do it for the prosecution.
2119. Did he say anything about being in possession of information about Fenianism in Sydney? Not a word.
2120. Did he say he was going to make money out of this transaction? He said—"It is a hard thing if something cannot be made out of it."
2121. Did he not tell you what he proposed? No; if he had, I should have mentioned it to the Superintendent.
2122. Do you know a man of the name of Baker? I cannot say I do.
2123. Were you ever sent to watch Reardon's house? No.
2124. Do you know anything about that case at all? Nothing at all.
2125. Were you asked to investigate or inquire into any matter connected with anonymous letters that had been received by the Governor and others? No, I had not anything to do with this.
2126. You never had any investigation of that kind? No.
2127. And the only occasion in which you ever succeeded in getting into one of these meetings, it turned out to be a meeting of a benefit society? Yes.

2128.

\* NOTE (on revision):—I find, upon examining the Journal of Duty, that my answer should have been—"On Friday the 24th April, after the execution of O'Farrell."

2128. Do you believe there were Fenian meetings held in the city? No, I do not. Mr. J. Raven.
2129. Did you ever hear any one express their approbation of the attempt to assassinate the Prince? Never. I have heard a drunken man say—as any other drunken man might say—“What is the use of making such a fuss about that? If he was a poor man there would not be half so much said about it.” Only such remarks as that; of course, with a great deal of swearing and oaths about it. 13 Jan., 1869.
2130. *Mr. Förster.*] What is the impression on your mind, from all you have heard and learned as a detective during the whole of this excitement, both before and after this attempt on the life of the Prince—is it your impression that there was any treasonable association in this Colony? My impression is, there was not.
2131. Is it your impression that O'Farrell had any associates at all? No; so far as I was able to find out, he was always alone. I traced him to Waverley, where he went to shoot at a handkerchief, and there he was alone. At the “Rose and Crown,” in George-street, and other places, he was alone. He made use of certain expressions, certainly, in the presence of a publican in Pitt-street, who said to him—“If you make use of such expressions, I shall kick you into the street;” but he was then alone.
2132. What did you think of his committing the crime—did you think it was the act of a madman, or of a man who wanted notoriety? That was my impression—that he was a man desirous of an infamous notoriety. Such a man as Oxford, who shot at Her Majesty.
2133. You have seen a statement, purporting to be a statement of O'Farrell's, subsequently? Yes, I have seen the statements in the papers.
2134. Do you place any reliance upon this statement? I do not see anything worth a moment's consideration in it.
2135. I suppose you have talked to other detectives upon the subject—What has been their opinion? They are very cautious in giving any kind of opinion, even among themselves. The men have different opinions, but they are all pretty well agreed that the man was not, as we understand it, a madman, but was desirous of some notoriety—as I have said, an infamous notoriety.
2136. Like Oxford—I think you named him? Yes.
2137. Do you state that to have been the general impression of all the detectives that you had an opportunity of talking with who were engaged in this case? I would not say it was the impression of the whole.
2138. Was it, do you think, the general impression of the greater number? I think it was. From what I could understand from them, the belief was, that he was not a party connected with any association, only that he had a great number of sympathizers; but I think most of the detectives believe, that even those who sympathized with him had not any idea that he intended to assassinate the Prince.
2139. Have you ever heard persons named, either as associates with him or as sympathizers to such an extent as almost to become accomplices? No.
2140. Did you ever hear of any places at which meetings were held for treasonable purposes—on good evidence? No; I never heard of anything that would bear a moment's investigation.
2141. *Mr. Hoskins.*] I understood you to say, that it was reported that this meeting was about to be held for treasonable purposes? Yes; that it was held every Friday evening, for treasonable purposes.
2142. Did the landlord know you as a detective? No.
2143. Nobody questioned your right to be present? No; I walked in, sat down, and drank a glass of ale.
2144. You never attended any other meeting of that character about that time? No.

THURSDAY, 14 JANUARY, 1869.

Present:—

MR. FORSTER,  
MR. HOSKINS,  
MR. PARKES,

MR. ROBERTSON,  
MR. SAMUEL,  
MR. JOHN STEWART.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Mr. Patrick Lyons called in and examined:—

2145. *Chairman.*] You were in the detective police of this country at the time of the Prince's arrival here? I was. Mr. P. Lyons.
2146. And for some time after? Two days after the Prince was shot. 14 Jan., 1869.
2147. You ceased to be a member of the force? I did, until the 1st July following, when I was reappointed.
2148. Did you ever, before the arrival of the Prince, hear anything of an intention to take his life? No.
2149. Did you ever hear anything of any Fenian organization in this country? I did.
2150. What have you heard? Various rumours.

2151.

- Mr. P. Lyons. 2151. Were you employed, as an officer of the detective force, to find out the truth of these rumours? Only for two days after the Prince was shot, was I specially detailed for that purpose; and I ascertained, from a place in town that I went to—a wholesale drapery establishment—that an order had been received from the interior for a certain amount of green ribbons, sashes, and crape. I think the object was stated to me,—that it was for the purpose of holding a mock funeral, in commemoration of the Fenians who were executed at Manchester.
- 14 Jan., 1869. 2152. What part of the country was this order from? From Singleton. I think also it was stated that there was one from Goulburn; but whether it was Goulburn or Bathurst I am not very clear, and I did not refer to ascertain which it was since I received the summons.
2153. Was the order a very large one? Yes, it was a pretty large order—an unusually large order, and I think the object was stated. That, and other reports that I had constantly heard prior to that, caused me to believe that there was something in the shape of disaffection in that particular line. I was in Melbourne, on special duty, on the occasion of the Prince's visit there.
2154. Do you think the wearing of green ribbons is a proof of Fenian conspiracy? I imagine it was for some improper purpose—that it was not for a usually reasonable purpose.
2155. Can you give any other reason for believing there was a Fenian organization in the country? No; except reports generally current.
2156. What you heard every person say? I heard that several disaffected persons came up from Kiama, prior to O'Farrell's execution, with the intention of turning Sydney—upside down.
2157. You heard of this? I did.
2158. Was it true? From the source from which I obtained it, I have every reason to believe it.
2159. Did you try to find out whether the report was true or not? Nothing transpired. Though I was not in the force at the time, I made it my business to ascertain whether there were any grounds for this; but nothing very special transpired in Sydney to carry out the allegation made.
2160. Did you find anything to give you reason to believe there was a word of truth in it? I have every reason to believe they did come up, because my own brother-in-law came up at the same time in this vessel. He was not aware of the information I had received, but he told me there were persons who made collateral allusions to this affair. I communicated to him what I had been informed, and he said, no doubt their intention was very improper, from the manner in which they expressed themselves on board the steamer.
2161. What did they say—did they say they were going to invade Sydney? No, I do not know that they made any special allusion to it.
2162. You heard nothing special? Nothing very special—nothing more than the rumours that were current.
2163. Did you hear what was the nature of their talk? They expressed themselves that it would be a day of rejoicing, rather than otherwise, if O'Farrell was executed; but that the rope was not yet made that he was to be hung by. It was language of that description, but I have nothing to support that.
2164. What induced them to say that—Did they think the Government would relieve or pardon him—was that what they meant? I cannot say what they really meant.
2165. Were you employed watching any houses during that period? I was not.
2166. Were you at Clontarf on the day of the attempt? I was not; I was engaged in the Detective Office.
2167. And you were dismissed two days after the Prince was shot? I was.
2168. *Mr. Stewart.*] You say you received information that an order for a large quantity of green ribbon, crape, and what not, had been received in Sydney? Yes.
2169. By whom was this order sent—who sent for the goods? I do not remember the name.
2170. Do you know the occupation of the person? He is a draper.
2171. A storekeeper, I suppose, at Singleton? I think so.
2172. Did the same house receive the order from Bathurst or Goulburn? \* Not the same house; possibly it might be a branch of some Sydney house. †
2173. The same Sydney house received an order from more than one place? Yes.
2174. *Mr. Forster.*] Can you state any reason why Singleton was selected as the place where disaffection was to be exhibited? No, I cannot state any reason why that place was selected; but I know the order was received in Sydney.
2175. You know? The order was exhibited to me, by the person who received it in Sydney, and I am clear on the point that it was from Singleton.
2176. Did you see the order yourself? Yes; it was for green ribbon, green sashes, and crape.
2177. Are these considered Fenian emblems? They were.
2178. Are they still so? If used openly and expressly for the purpose, I should consider they would be. It was generally and universally acknowledged at the time to be the case.
2179. Are you aware that there is a great deal of green ribbon used in Government Offices? Yes.

2180.

\* NOTE (on revision) :—To this I say yes—and I think I did say so.

† NOTE (on revision) :—With regard to this answer, I stated that the house from Goulburn or Bathurst was possibly a branch of the house at Singleton that sent the order for ribbons, &c., to Sydney. All the orders referred to were received by the one house in Sydney, which is hereafter named.

2180. You do not consider that implies disaffection? No; but if it is openly acknowledged to be for the purpose of exhibiting disaffection, it is a different thing. Mr. P. Lyons.
2181. You would not regard these ribbons as emblems of disaffection, unless they were openly acknowledged to be so? I would not, unless there were some grounds. 14 Jan., 1869.
2182. It would be rather a strange course for a secret society to take—to openly acknowledge themselves disaffected? The people who would do this might not be members of a secret society.
2183. Have you reason to think that the people of Singleton are peculiarly disaffected? I know nothing further than what I have stated.
2184. Did you ever hear these disaffected sentiments you allude to, yourself? Only what I gathered from the newspapers, and occasionally, from time to time, heard from a variety of persons.
2185. Were you not supposed, as a detective, to get more reliable information than what you see in the newspapers, or hear people talking about? Decidedly.
2186. Did you ever get any? I could get no decided information.
2187. Then you got no information except what you saw in the newspapers? No; except with regard to this order. I was only two days in that employment.
2188. Do you think this order implied a desire to exhibit disaffection, or to speculate? I think it was a desire to speculate, on the part of the person who gave the order.
2189. You never heard whether he made a loss? No, nor whether the supply was forwarded or not.
2190. Did you ever come across any of the people or places indicated in the various rumours as disaffected? No.
2191. Are you aware of the police having at the time made out a case at all? I am not.
2192. You would have heard of it, if there had been such a case? I suppose so.
2193. Do you think the disaffection indicated by the rumours you heard, still exists in the same strength, or has it passed away? I certainly do not.
2194. You think it has passed away? I think it has, in a great measure, so far as I can learn, and so far as I can collect from persons having similar opportunities with myself.
2195. I suppose the police all did their very best in trying to discover any disaffection that might exist? Yes. As I have said, I was only two days employed in that way.
2196. How was it you left then? I was sent on special duty, and I misconducted myself. A brother officer and I quarrelled, and he struck me, and I retaliated, and was dismissed by the Inspector General.
2197. *Chairman.*] What was the name of the house in Sydney that received this order for green ribbon? It is a house in George-street; Gardiner is the name.
2198. Do you know the number? I do not.
2199. A linendraper's? It is a general warehouse.
2200. A shop? Yes.

Mr. Edward Toomer Broomfield called in and examined:—

2201. *Chairman.*] You are a detective police officer? I am. Mr. E. T. Broomfield.
2202. Were you in the force at the time of the Duke of Edinburgh's arrival in the country? I was. 14 Jan., 1869.
2203. Did you at that time, or any time previous, hear of any plot to assassinate the Prince? I heard of no plot to assassinate the Prince.
2204. Did you hear of any Fenian organization at that time in Sydney? From information, I heard of such a thing a long time before the Prince arrived here.
2205. Will you state what you heard? The first meeting I heard of being held, was, I think, on the 30th of April, 1866, in the city.
2206. Was that held publicly? No, I think not.
2207. You were aware of its being held? I was aware of it after it had been held.
2208. Did you hear anything of the nature of the meeting? No; I only heard that such a meeting had been held.
2209. You were informed a meeting had been held? Yes.
2210. For what purpose? For the purpose of raising funds to assist the Fenians.
2211. Did you not know that all these meetings were public—advertised in the papers? No; that was the first information I had of it.
2212. Did you consider it your duty to take steps to find out whether it was true or not? I reported the matter the next morning to Mr. Wager, verbally.
2213. Was this a meeting to raise money for the wives and children of the prisoners in Ireland? I was informed it was a meeting to raise money to assist the Fenians; the words "widows and orphans" were not used.
2214. Where was this held? At a public-house.
2215. What public-house? I hope, gentlemen, you will not press me to name any houses or any names; it may prejudice the minds of certain classes of people against me and my brother officers.
2216. I ask you at what public-house this meeting was held? I feel very reluctant to answer that question.
2217. *Mr. Parkes.*] You are undoubtedly at liberty to answer or not, as you think proper, and the Chairman ought to tell you so? I would not like to answer that question. I hope you will excuse my answer.
2218. *Chairman.*] You refuse to answer? If you will allow me to do so.
2219. You say you reported this to the chief detective? I believe I reported it to the Inspector General or Mr. Wager, but I think to Mr. Wager first.
2220. Did you report in writing? No, verbally.

Mr. E. T.  
Broomfield.  
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2221. You say some one told you a meeting had been held to collect money for the Fenians, at a public-house in Sydney, as early as the middle of 1866? In April, 1866. It was in the evening, after dark. I was in a street in the city, and I saw an individual whose manner and conduct appeared to be very strange. I had not gone very far before I met a person I knew very well. He gave me this information, leading me to believe this meeting had been held. After having some conversation with him, I walked on, and met another individual, who gave me the very same information. The next morning I reported to Mr. Wager or the Inspector General.

2222. There was no report of this meeting in the newspapers, the following morning? No; it was not known to any one but myself and the persons who gave me the information, so far as I am aware.

2223. Was the meeting largely attended? The information given to me was, that about eighteen or twenty were present.

2224. Did they collect much money? That I cannot say.

2225. You were told this by one individual? By two; each not knowing, I believe, that the other had given me information.

2226. Did you make any further inquiries into the matter? I had instructions then to take notice of anything I might see—any similar meetings, or anything I might see, that I considered to be illegal meetings, or anything of that kind.

2227. Did you ever find out anything more about this? Not about that.

2228. Did you watch the house? I did, for some time afterwards. I did not see or hear of any other meeting being held there.

2229. Is that the only reason you have for believing there is, or was, a Fenian organization in this country? No, that is not the only reason I have.

2230. Will you state any other reason? My other reasons are, from receiving information of similar meetings being held in the city.

2231. Did you discover, at any time, that the information was correct? I discovered that meetings had been held; but for what purpose I could not ascertain myself, only from information I received.

2232. Did you hear of any meeting having been held at a place in the Haymarket? I heard of a meeting being held somewhere near the Haymarket.

2233. Did you ever hear what that meeting was held for? No.

2234. Do you think that is one of the arguments in favour of a Fenian organization existing in the country? There were several meetings held near the Haymarket which had nothing to do with Fenianism.

2235. Did you ever receive information of the arrival of four Fenians from Panama? I heard that four Fenians had arrived from some part of America.

2236. Were you employed to watch these men? I received instructions to see if I could ascertain where they were, and who they were.

2237. Did you succeed in getting any information about them? No.

2238. Do you believe there were ever such men in the country? I am not in a position to say whether either of these four men were here or not.

2239. Could you trace them in any way—could you find the smallest trace of them? Not either of these four, I could not.

2240. What other detectives were employed in search of these four men? I cannot say.

2241. You do not know? No.

2242. When two men are sent on the same service, then, they do not communicate with one another? Yes, when they are sent on the same service they do communicate with one another.

2243. Was no other detective employed with you on this service? Detective Powell and myself were told off on several occasions; but I am not sure whether he had anything to do with these four men or not.

2244. Were you at Clontarf the day the Prince was shot? No.

2245. Were you employed, after the Prince was shot, in endeavouring to find out whether O'Farrell had any accomplices? I was.

2246. Did you receive any information? I received so much verbal information on the matter that, putting it all together, I am inclined to believe he had accomplices.

2247. Was there any one portion of the information of any value or of any use? When I receive information, I think very little of it until I test it.

2248. Give us an example of a case in which you tested the truth of the information you received? I believe there was one man here named Reardon, who, I have every reason to believe, was a Fenian.

2249. Did you receive any information about him? Yes; I received verbal information from some gentleman who saw him in Melbourne, and from his actions and manners there, he believed him to be a Fenian. That was the first information I received of the man Reardon.

2250. From his actions and manners? From his actions and manners, which this gentleman had seen in Melbourne, he believed he was a Fenian.

2251. Did he state what these actions and manners were? He stated that he had seen him distribute pamphlets which had reference to Fenian movements, and that he distributed them very secretly among his friends, or certain classes in Melbourne.

2252. Was that one of the cases in which you tested the truth of the information you received? Yes.

2253. How did you find out that that was correct? By watching the man's movements, and by his own confession, and from information I have heard since from officers of the steamer "Rakaia."

2254. You call that testing the truth of information you received about his actions and manners

- manners in Melbourne? That gave me reason to believe the information I had received from this gentleman from Melbourne—it gave me reason to believe the information he gave me was true. Mr. E. T. Broomfield.
2255. Were you one of those who were sent to watch the house where this man Reardon was living? I was. 14 Jan., 1869.
2256. Did you ever discover anything very dreadful? I did not go very near the house; I did not go within 300 yards of it the whole time he was there.
2257. Was it dangerous to go near it? No, I believe not.
2258. You say his actions here led you to believe he was a Fenian? Yes, from what he said, and papers I saw in his possession. There was something said in reference to a medal, by himself.
2259. Had you any conversation with him? I had not, until we searched his baggage on board the "Rakaia."
2260. Did you see the papers that were amongst his luggage? There were a great many papers.
2261. Did you see any of them? I only remember seeing one—a portion of a letter.
2262. What was the purport of that? The letter appeared to be written by some person, from some place in this Colony, giving Reardon an invitation to go to that place. It stated that the minds of the inhabitants of this place were in a state of excitement, and requested him to go there.
2263. For what purpose? I do not remember for what purpose. He also said—"I am a Fenian, and am not ashamed to own it"——
2264. When did he say this? On board the "Rakaia"——"And I know what you gentlemen want—you are come to find a medal"——
2265. Was he in an excited state? No; he appeared to be a man that it took a good deal to excite.
2266. *Mr. Parkes.*] Will you go on to state what he said? "I know what you gentlemen want—you are searching my baggage for a medal; but I have left it in Sydney, to be forwarded to me by a gentleman to New York." Then he explained that this medal was given to him in Manchester by some sympathizing Irish friends of his, and had some inscription on it, but he did not say what the inscription was.
2267. *Chairman.*] Were you really searching for a medal? We were.
2268. What was the inscription you supposed to be on it? It was supposed to have some reference to Fenianism.
2269. Are you aware that this man had been violently assaulted that morning? No; if he had been I think I must have seen it, if it was the morning he went on board.
2270. Did you see a milkman assaulted? No.
2271. Are you not aware that a milkman was assaulted? No.
2272. Was Reardon under the influence of drink at this time? No, perfectly sober; it was early in the morning.
2273. And not at all excited? He did not appear to be—he might have been; I was very busy, and did not pay a great deal of attention to him.
2274. After that, did you make any further discoveries? I did not make any discoveries, any more than information I received that several meetings were held.
2275. Did you ever go to any of these meetings? No.
2276. Were you ever ordered to investigate cases of the kind? I was instructed to get what information I could.
2277. Had you any instructions relative to a statement made in anonymous letters, that there was to be a meeting on a certain night somewhere in Argyle-street? I do not remember.
2278. *Mr. Parkes.*] Do you recollect the date on which the Duke of Edinburgh was shot? On the 12th March. I was violently assaulted the same morning on the Race-course.
2279. Previous to that day, did you ever hear rumours of intended violence to the Duke—violence of some kind? No, I think not; I do not remember that I ever heard any person hold out threats against His Royal Highness.
2280. Did you ever hear any rumours of intended disturbance? No, I think I never heard any rumours of intended disturbance. I believe the reason why we were told to watch all such proceedings, and all such meetings was, in case there should be any disturbance while His Royal Highness was here.
2281. When you searched the luggage of Mr. Reardon, on board the "Rakaia," did you discover any printed slips of paper? Yes, several slips of paper, and several books; some were taken possession of.
2282. Were there any songs, or slips of paper? Yes, or songs or verses.
2283. Do you remember what they were? No.
2284. *Mr. Hoskins.*] Did you attend that meeting in 1866? I did not.
2285. Did you receive instructions to attend it? We knew nothing of it till after it was over.
2286. Then, in point of fact, you do not know, except from report, whether it was a Fenian meeting or not? No.
2287. Did you ever attend a Fenian meeting? No.
2288. Were there a large number of meetings held in public-houses during the time of this commotion in consequence of the attempt to assassinate the Duke of Edinburgh? Yes, more than usual.
2289. Are not the detective police generally in the habit of stepping in to these meetings? It would be no use our stepping in; if we were to go in, we should not see anything going on.

- Mr. E. T. Broomfield.  
14 Jan., 1869.
2290. Do you mean to say the detective police are so generally known? We are pretty well known.
2291. You do not know, as a matter of fact, that any Fenian meetings were held at all? I know from information I received; I believe they were.
2292. Did you ever speak to any responsible person, on whose word you could rely, who had attended any of these meetings? Yes.
2293. Who? I must decline to give names, if you will allow me.
2294. Were they in the police force? No; it was a person who attended one meeting.
2295. Did the persons who informed you of these meetings attend themselves? One person did.
2296. Did he describe the character of the meeting? He told me it was a meeting in reference to raising money for the support of Fenianism; I think he told me he gave half-a-crown.
2297. Did he say it was to raise money to relieve the necessities of the widows and orphans of State prisoners? That meeting was to assist some organization here.
2298. In the Colony? Yes; but I believe other meetings were held to assist the widows and orphans of the men who were executed.
2299. Did you report this information to your superior officer? I generally reported everything verbally to Mr. Wager, or Mr. Fosbery, or the Inspector General.
2300. None of these reports are on record? I do not remember making any report in writing, except one a very long time ago; I am not sure whether it was before 1866 or not.
2301. You do not happen to know whether any of the detective police attended a Fenian meeting? I never heard of it.
2302. *Mr. Forster.*] When you state that this informant, who was present at this Fenian meeting, told you that it was a meeting for the purpose of raising money to assist the Fenians, do you draw a distinction between a meeting of that kind, and a meeting to assist the widows and orphans of Fenians? Yes, most decidedly.
2303. Did you, in getting this information, put to him this distinction—did he clearly understand what he was saying to you, that it was a meeting to assist Fenianism, not the widows and orphans of Fenians? I believe he knew perfectly well what he was saying. Both of these men came to me.
2304. Did you not ask them any questions at all? I did ask them some questions. They knew who the parties were.
2305. Did you understand from them that it was not to assist the widows and orphans of Fenians? I quite understood that it was a meeting to collect money to assist the Fenians.
2306. Did you put to them that point—whether it might not have been to collect money for the widows and orphans? I do not think I did.
2307. Had you any idea what sort of assistance the Fenians were to receive? In money matters, I believe; they did that to collect money.
2308. Did it never occur to you, that the people collecting the money might have wanted it for some purpose of their own, and not for the Fenians? It never occurred to me. My informant informed me that each man, as he paid his money, appeared to take some oath; what the oath was he did not understand.
2309. I think you said your informant paid some money himself? Not at the meeting in 1866, about April.
2310. With regard to the meeting you said you heard of not long ago—Was that a meeting to assist the Fenians? I was informed so; my informant told me he gave half-a-crown.
2311. Did he take the oath at that time? I did not hear anything about an oath on that occasion.
2312. Did he get a receipt for it? I did not ask.
2313. Did he tell you how he was assured this money went to this purpose? I understood him it was for some speeches that were made.
2314. Were these speeches all that he knew about it? It appeared to me so, from what he said.
2315. Did he tell why he paid the money? He told me some time before that he would go to some of these meetings, and that night he got in.
2316. You think he merely went to get information? Yes.
2317. Not to sympathize? No, I think not.
2318. In that case, he paid the money, I suppose, as a matter of precaution? I cannot say what was his object.
2319. You decline naming either him or your other informant? If you will excuse me.
2320. Did you ever name them to the Government? No.
2321. You are not pressed on that point? No.
2322. Did you ever name the place you now decline to specify? I think not.
2323. Did you ever notice that place since? I pass it nearly every day.
2324. Have you any reason to believe the owner of the house is a Fenian, or mixed up with Fenianism? I think he is a sympathizer.
2325. Did you ever know any other evidence of his sympathy, except this information about the meeting? Yes, other meetings of a similar character held in his house.
2326. Did you hear that other meetings were held afterwards? And before.
2327. Was this information given to you long after, or soon after? The next day, I think.
2328. Was it given to you with a view to assist you in your duties as a detective? I believe so.

2329. Not in the hope of reward? No.
2330. Did the meeting occur before or after the attempt on the Duke's life? Before.
2331. Information was given to you before? Yes.
2332. Did you make no report to the police authorities? As I say, I most likely named it verbally to Mr. Wager or Mr. Fosbery, as I generally did anything I saw that struck me; I generally named it the next morning.
2333. Did you hear anything about O'Farrell's name mentioned? No.
2334. Did you hear anything about any attempt on the Duke's life at the time? No, I did not.
2335. With regard to the other informant, whose name you decline to mention—what sort of information did he give—was it hearsay—had it gone through several mouths—You said you had another informant, who was not present at the meeting he told you of? I received so much information from different people that I do not know to which you refer.
2336. I think, in regard to the first meeting you mentioned, you said two people had given you notice of it, and that one was present and the other not? No, I do not think either was present.
2337. What was the nature of the information they gave? They informed me that the window was open, but the Venetian blinds were shut, and they stood at the window and heard some persons, as they thought, walk up to the table and throw down money, and they believed some oath was administered. That was the first meeting my attention was drawn to; and since that time, up to the time the Duke was shot, I believe they were held frequently.
2338. Was this man Reardon in the Colony at the time? He was not, I believe.
2339. Did you hear any names mentioned as persons who attended these meetings? Yes.
2340. Do you decline to mention these names? Yes, if you please.
2341. Did you ever give information to the Government about these people? Most likely I did.
2342. Were you never able to establish any case at all against these people? No.
2343. Then all your information amounts to what you have stated? Yes.
2344. You have no other to give? No.
2345. Was your own opinion of these people, who were named as having been present at these meetings, corroborated by anything you heard from other detectives? Not from other detectives, but from private individuals.
2346. In conversation? In conversation. In one instance I was informed that a number of men were being drilled a short way out of Sydney.
2347. Was the place mentioned where they were drilled? Yes.
2348. Did you ever try to establish the fact? I proceeded there on several occasions, but saw nothing, because I believe they received information.
2349. Have you any objection to name the place where they were drilled? It was in the suburbs—in the bush.
2350. Is it a place open to observation at all? No.
2351. Do you think it a good place for concealment? Yes, I think I never saw a better.
2352. How do you imagine they got information of your going there? I am so well known to so many people, that if they saw me or a brother officer going in that direction even, they would suspect our motive.
2353. Must they not have had a very clever organization to know all this? No doubt they had a very clever organization.
2354. Do you think they watched you? I have no doubt of it.
2355. Did you ever notice the demeanour or conduct of persons in the street, whether they were watching or following you? I have strong reasons to believe I have been watched.
2356. Did you ever consider your life in danger? No; but I got severely assaulted by three men, on the Racecourse, on the same day the Duke of Edinburgh was shot.
2357. Had that anything to do with Fenianism? I cannot say.
2358. Do you know the men who assaulted you? No, I do not know them at all.
2359. Did you bring it before the police at all? No, I did not know who they were.
2360. When you spoke of Reardon's confession, what did you mean? He said—"I am a Fenian, and I am not ashamed to own it; I know what you want—you want a medal; but I have left it behind me for a gentleman in Sydney to send it on after me."
2361. You say he was not excited? He might have been, but I did not take much notice of the man; I was very busy unpacking the boxes. I noticed his wife was crying; she appeared to be crying because the things were being turned over and tossed about.
2362. Did Reardon appear angry? Yes, he appeared to be vexed.
2363. Are you aware whether he was an English subject? He said he was an American.
2364. How long did he remain in the country? I believe he was in Sydney not longer than a fortnight—scarcely so long.
2365. You spoke of pamphlets he was issuing in Melbourne? I was informed so.
2366. Did you ever know he was issuing them in Sydney? No.
2367. Did you find any pamphlets on him when you searched? No.
2368. Did you ever hear these pamphlets particularly described? They were described to me by the party who gave me the information, who saw them in Melbourne, as calculated to excite the minds of a certain class of people on Fenianism.

Mr. E. T.  
Broomfield.

14 Jan., 1869.\*

- Mr. E. T. Broomfield. 2369. Did you make any effort to get one of them? I made no effort.  
 2370. Would not the obtaining one of these pamphlets have established a certain link in the information? I dare say it would.  
 14 Jan., 1869. 2371. Why did you not try to get one of these pamphlets as evidence against Reardon? It was not my duty to write to Melbourne.  
 2372. Did you report this matter? It was known in the office.  
 2373. Did they get any of the pamphlets in the office? I think not.  
 2374. You never saw one of them? I never saw one of them.  
 2375. *Mr. Hoskins.*] Do you know whether any of the detective police, or any police, disguised, attended any of these alleged Fenian meetings? I do not know of any one that attended any of the meetings. They might have been attended frequently, and I should not know it.  
 2376. *Mr. Parkes.*] Will you describe more fully how the assault on yourself arose, on the 12th March? I came down the South Head Road, and was crossing the Racecourse, when three men attacked me; one of them had a paling in his hand; I was knocked about very much.  
 2377. What time was that? About 2 o'clock in the morning.  
 2378. Did they say anything to you? No, there was not a word said.  
 2379. *Chairman.*] Did they attempt to rob you? No, I do not think they would rob me; I had nothing to be robbed of.  
 2380. *Mr. Parkes.*] You were laid up for some time? Yes, I was laid up for seven or eight days.

Mr. Charles Powell called in and examined:—

- Mr. C. Powell. 2381. *Chairman.*] You are in the detective police force? Yes.  
 2382. Were you in the force at the time of the Duke of Edinburgh's arrival? Yes.  
 14 Jan., 1869. 2383. Were you aware of any plot to take his life, before his arrival? No.  
 2384. Had you any knowledge of any Fenian organization in Sydney about that time? Yes, I had received some information with reference to some parties arriving in the city.  
 2385. From Panama, was it? Yes.  
 2386. Were you ordered to endeavour to trace these men? Yes.  
 2387. Could you find any trace of them? No.  
 2388. You do not know, I suppose, what was the nature of the information first given to the police on the subject of the arrival of these men? The first information was given to me personally.  
 2389. What was the nature of it? That four men had arrived in the city; that they were from America; that they were head-centres; and that they were living in the neighbourhood of Hunter-street.  
 2390. Did you get the statement from a reliable person? I thought it reliable.  
 2391. And you never could find any trace of them? No. I reported the matter.  
 2392. Did you report in writing? No, I reported verbally at that time.  
 2393. What was the nature of your report? As I have stated now—that was about the exact words.  
 2394. That you could not find any trace of them? No. I reported their arrival.  
 2395. What report did you make as to your subsequent efforts to find these men? That I could not find anything of them.  
 2396. Do you believe the information you originally received was correct? Yes, I believed at the time that it was correct.  
 2397. You think the four men did arrive? Yes, I believe the information, as it was given me, was correct, from the source from which it came.  
 2398. And it is simply from your believing your informant, that you have come to the conclusion that the men did arrive, and that they were head-centres? Yes.  
 2399. But you found no trace of them? No trace of them.  
 2400. Do you think that four strangers could have arrived in the country in that way, and, notwithstanding all inquiry by the police, no trace of them could be found? I account for it in this way:—Shortly after, from the same person, I received information that they had left.  
 2401. Surely the fact of their having left would leave some trace that the police might discover something from? I never could get to know who they were, nor what they were, no more than what I have stated.  
 2402. Did he tell you where they went to? They went into Hunter-street.  
 2403. When he told you they had left the country? He did not know where they had gone, but he believed some of them went into the interior of the country.  
 2404. Did he tell you where they had come from? No.  
 2405. Not from America? He said from America, but not from what part.  
 2406. Were you ordered, at any time, to investigate accounts given of Fenian meetings at various places? Yes.  
 2407. Did you receive information of a place in Argyle-street at any time? I did not.  
 2408. What meetings did you hear of? We received information that meetings were held in different public-houses in the city.  
 2409. Did you get anything definite? No; the public-houses were pointed out.  
 2410. Were these houses watched? These houses were watched; but we never could get into them.  
 2411. Did you ever find anything that led you to believe meetings were held there? I received information that meetings were held there, but I never was able to get into any of these houses.

2412. Did you ever see anything that would lead you to believe people did meet there? *Mr. C. Powell.*  
Yes, people met there, but what for I am unable to say.
2413. What sort of people? Some strangers, and some residents in the city. 14 Jan., 1869.
2414. Did you ever watch them coming out again? I have seen them coming out at different times.
2415. Do you think they were sober when they came out—Do you think many of them were not simply ordinary meetings for drinking purposes? No, they appeared to be people not under the influence of drink at all.
2416. Do you think they were card parties? No, I do not think they were card parties.
2417. What makes you think they were Fenian meetings? From the information I got at several times of the houses where meetings were held of that description, I have reason to believe they were Fenian meetings.
2418. You did believe it from these reports? Yes.
2419. And your only reason for believing it was, that you believed your informants were reliable people? Yes.
2420. Had they been attending these meetings themselves—these people who informed you? One man was at one of the meetings.
2421. What did he tell you? He told me he had been there; that they were in the habit of meeting at this house, and that he was there one night, and he was told that he would not be allowed to go in. He was in the act of going up-stairs, when he was pulled back by the coat and told to leave, and he left.
2422. Then he was not at the meeting? He had been previous to that, but this was the last time he went.
2423. And then he came and told you? Yes.
2424. Do you think it is likely, if he had been present at treasonable meetings of a secret society, they would turn him out into the street in that way? I believe once he had been to this house; the meeting was held, and he went a second time—he had told me he would go—and they turned him out.
2425. He was a very respectable man this, was he? Yes; he is a man whose statements I have every reason to believe were truthful at the time he told this to me.
2426. Can you tell us of any other meetings besides that one? There is one more house that I have seen people come out of, that was also suspected at that time; and there were other houses that I have received information of meetings being held in, but I have not seen anything that would lead me to believe meetings were held there.
2427. Is it usual for meetings of secret societies to take place in that open manner, in public-houses? I do not know of any other secret meetings that ever were held.
2428. You say there were a number of Fenian meetings—Is not the Fenian organization a secret organization? Yes, it is secret.
2429. Do you think they would be likely to hold their meetings in that open way, in public-houses, at which a stranger could come in one night? If my memory serves me, this party told me he was introduced there.
2430. Did he tell you what they did the night he was present? No, he did not; he was there a very short time.
2431. He could not give you any description of it? I asked him what took place. He said there was a great deal of talking and noise. He told me who was there. I asked him then to go again, and the second time he went he was expelled.
2432. This man was endeavouring to get information for you? For me. It was impossible for me to go to the house myself.
2433. When you get information of that kind from people, do you pay them? At times.
2434. Had you promised this man anything? I think not—I would not be sure; it would be entirely out of my own pocket if I did. It is possible I might have promised him something.
2435. Were you on board the "Rakaia" when Reardon's luggage was searched? Yes.
2436. Did you see any of the letters? I saw some of them.
2437. You did not hear any of them read? No.
2438. The papers were given up again? I handed them to Mr. Fosbery as I took them out of the boxes, and I believe they were returned.
2439. *Mr. Stewart.*] About the time the Prince arrived here, before or soon afterwards, had you any reason to believe secret meetings took place in any part of Sydney—meetings from which the public were excluded? No, I did not know of any.
2440. You have no reason to believe such meetings take place now? No, I do not believe there are.
2441. *Mr. Hoskins.*] I understood you to say you believed Fenian meetings were held? I believe meetings were held.
2442. For Fenian purposes? I believe there were Fenians here, and I believe there were meetings held here.
2443. Do you know what the object of these Fenians was—have you any idea? No; it would be impossible for me to know what their object would be.
2444. Why do you term them Fenian meetings? Anything disloyal —
2445. Do you believe they were meetings of disloyal persons? Yes, from information I received.
2446. *Mr. Forster.*] Why did you not try to get into these meetings? I did; I am too well known.
2447. You did make an attempt to get in? Houses that I thought where meetings would be held I tried to get in, where I thought I would not be known.
2448. You decline to name these places? I would much rather not.
2449. You will not give the name of your informant? No.

- Mr. C. Powell. 2450. How long were these four Fenian centres in Sydney? From the time I got information of their arrival until I got information that they had left, would be a very short time; I think it might be a week, or a little more.
- 14 Jan., 1869. 2451. After all this information given you, you never could make a case out? No. The description was given of the four men. I watched the house where it was supposed they were gone to, but I never could find them.
2452. Nor did you ever make out a case against these places where the meetings were held? No.
2453. Were the people named to you? Yes, some of them.
2454. What sort of information did you give to the Government? I reported to the Detective Office, or the Inspector General, what I did—verbally, generally.
2455. Do you consider Reardon a Fenian? I do.
2456. In consequence of what? From information I received of that man the first time he landed here from Victoria.
2457. About his conversation? That was prior to his conversation. I was watching him for some time.
2458. Did you ever hear of Reardon doing anything? Yes.
2459. Did you ever hear of his breaking the law? The law, no doubt, was broken in Victoria, from the information I got from the person who was stopping in the same hotel where he was in Melbourne, and where he had exhibited a treasonable medal, which he got as a memorial from somebody in England.
2460. A treasonable medal? Yes, I should hold it to be a treasonable medal. It was described to me as a large silver medal, with an inscription on it, that he had received in Manchester for some part he took in collecting money for the widows and orphans of the Fenians executed. He openly acknowledged, in this hotel in Melbourne, that he was a Fenian, and that was the reason why I was instructed to watch him.
2461. Did you find he conducted himself in Sydney as he did in Melbourne? No. He used to go out of his lodging, walk about the town, go to different shops, and return home; he might walk out two or three times in the day.
2462. What information had you about him in Sydney? It was the information I received in Sydney, as to his movements in Melbourne, that caused the watch to be put upon him.
2463. He seems to have conducted himself better in Sydney than in Melbourne? That was his general conduct.
2464. What led to his conducting himself better here? Perhaps he had not the opportunity —
2465. Did you look upon Reardon as a foreigner? He was an Irish Yankee.
2466. Was he long in the Colonies? I believe, from what I heard, that he formerly lived in Adelaide.
2467. Did you hear of his proceedings in Adelaide being very bad? No, I did not hear anything of his character there; but when I came in close contact with him on board the ship, I had every reason to believe he was what I had previously heard he was, from his conduct and conversation.
2468. What did he say? He said—"I know what you are looking for, but I have not got it."
2469. Was he joking? No.
2470. Was he very much annoyed? We were searching his box with a warrant; in fact, he was in custody during that time.
2471. Was he not making fun of you for not getting the medal? He told us he had left it behind, and it was coming after him.
2472. Was he not laughing at you for not being able to find it? No, he was not laughing; he did not know he was not going to be taken in charge.
2473. You would have taken him if there had been any case against him? We would.
2474. Does it not strike you as an odd thing, that neither you nor any of your brother policemen were able to make out anything about these meetings? We are so well known where these meetings are held, that it is not likely they will allow us to go near.
2475. Must not that always happen? On such a duty as that we can find out very little if we are known; for any ordinary duty, the better a man is known the better chance he has of detecting crime.
2476. Then I suppose it would almost require another sort of detective force to search out Fenians? It would require a man that was not known at all—a perfect stranger.
2477. *Mr. Hoskins.*] Did you ever apply to the landlords of the public-houses where these alleged Fenian meetings were held, for permission to attend these meetings? I never did.
2478. Is it not the fact, that landlords of public-houses give every facility for the police attending in these cases? Not in all cases—I am sorry to say, in very few; in fact, they are more an obstacle than anything else.
2479. *Mr. Forster.*] What was the date of Reardon's leaving the Colony? The first of April.
2480. *Mr. Hoskins.*] Are you aware that in nearly all cases where treasonable conspiracies and designs have been frustrated by the Government in England, all information was obtained by the detective police who attended the meetings? Yes; but they have had means at their command which we have not.

Captain Samuel Harry Wright called in and examined:—

2481. *Mr. Parkes.*] You reside in Sydney? I do.
2482. How long have you resided in Sydney? Since we commenced the Panama Service; since August, 1866.
2483. You are established here in business? I have attempted to commence a business.
2484. In April last, were you in charge of the mail steamer "Rakaia"? I was.
2485. Did you bring that mail steamer out? I did.
2486. And you remained in charge of her up to that time? Up to this last trip.
2487. When did you leave her? About two months ago.
2488. You were in charge—? From the time she left England till November last.
2489. You were in charge, then, when she left on her voyage in April last? Yes.
2490. Was it the 1st or 2nd of April? I think it was the 1st, but I will not be certain.
2491. Do you remember anything that occurred particularly, after the ship left the port, with reference to one of the passengers? I went on board the vessel at the last moment—I may say I always remain on shore until the very last moment, and all preparations are made to go away the moment I go on board. When I went on board, it was reported to me that there was a passenger who had been searched, the police having had a suspicion that he was in some way connected with the attempted assassination of the Duke of Edinburgh. I was not present, nor did I see anything of the kind take place.
2492. Who reported this to you? I think it was my purser and the chief officer—in fact, two or three of them; it was a topic of conversation.
2493. What was the passenger's name? Reardon.
2494. Did he proceed with you on that voyage? Yes, to Panama.
2495. Will you inform the Committee what was his conduct on board, and what opinion you formed of him? He was a very careful and cautious man; but I have reason to suppose—and my opinion is borne out by that of all the officers and a great number of the passengers—that he agitated on board. They formed themselves into groups. I had a great deal of trouble, on one occasion, with a passenger I had, who was evidently in communication with him, and who was professedly a priest of the Roman Catholic Church—I say professedly, because I do not believe he was one. His name was Aherne. This man gave a great deal of trouble, and Reardon seemed to edge him on to give the trouble, himself keeping in the background. I say I do not believe this man was a Roman Catholic priest, because some of my passengers, who were Roman Catholics—amongst others, a man of position from Wellington—said he had come to Wellington, and had been allowed to do duty there, as they were rather short of clergymen; but all of a sudden the Bishop had some idea that he was not what he professed to be, although having evidently been brought up at a college. This passenger told me—Captain Inglis was his name—that he had heard from the Bishop, that the Bishop believed this man Aherne not to be a priest, and therefore he took away his power to perform duty.
2496. What do you mean by "took away his power to perform duty"? Simply that he was not allowed to perform duty any more.
2497. Did he do duty on board the steam-ship? No.
2498. What was the purser's name? Farnfield. I mention this, because I really do not believe the man was what he professed to be, for his language was something vile in the extreme.
2499. Will you be good enough to look at the communications marked here A 3 and A 4 (*in the Appendix*)? That is perfectly correct; only the purser has taken a slight liberty in sending it in his own name.
2500. Is that a correct extract from the log of the mail steamer "Rakaia"? I believe it to be correct—in sense, it certainly is.
2501. To the best of your knowledge? To the best of my knowledge. It is my own dictation, entered in, and signed by me.
2502. Have you any reason to suppose that Reardon was a person of seditious character, disaffected towards the British Crown? I should not have thought so, had not suspicion been awakened by the fact of his having been searched before we left; but, subsequently to that, he made a boast—not before me (I am only saying what others can verify, the moment the ship comes back)—that there was a certain medal they have amongst them—whether it was a medal only connected with the Fenian movement, or a medal connected with the assassination business, I cannot say—but there was a certain brotherhood medal they have; and, as I understood, the police wanted to find this medal, and he made a brag of having hidden it underneath the soil of a canary-bird's cage. I am not speaking from what I heard myself, but from the general report that went on. You have a gentleman here, who was a passenger at the time, that can corroborate all I say—Mr. G. A. Lloyd.
2503. Did Mr. Reardon give you any trouble, as commander of the ship? Not personally, he did not. I must explain the matter mentioned in this extract from the log. On that night I had occasion to put two firemen in irons, who were very abusive and behaved very badly. I put them into a spare cabin. This supposed priest went down at night-time, and, mistaking the cabin, began to talk to them. I believe the language he used was this,—for he happened to address himself to the cabin occupied by the second steward, and this steward answered him. He said—"Do you want to come out? I am a priest." This having been reported to me, coupled together with the fact of Mr. Reardon, Aherne, and another, whose name I cannot recollect at the moment, being in little groups forward, and stopping up till 3 in the morning, made me suspect they were trying to agitate amongst the crew. My feeling was not that they could do any harm, these few people; but in the excitement that was going on generally about Fenianism, and having a large

Capt. S. H.  
Wright.

14 Jan., 1869.

- Capt. S. H. Wright.  
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- quantity of gold on board, which would have been a great haul for them to have made a rush for at the last moment, going into Panama, my intention was, if a man-of-war had been there, to have rounded-to under her stern. As it was, there was not one there, but I immediately went on shore and told the British Consul, and he said he would write on the particulars to New York.
2504. What did you tell the Consul? I told him I suspected these people of being Fenians of the very worst class.
2505. *Chairman.*] Do you think you would have had the slightest suspicion of their being Fenians, if it had not been for their being searched? I do not think I should, except their own brag.
2506. This Reverend Mr. Aherne—did he not drink very hard? Yes, and used the most insulting language to me. He was locked up at Colon, and taken on board the New York mail steam-ship by the police.
2507. On one occasion he remained up till 3 o'clock in the morning? That was the occasion I refer to in the log.
2508. It was on account of his being drunk, I suppose, that he was troublesome? Yes.
2509. He seems to have been in bed for a day or two after that? For a whole day. I had him up to my cabin, and spoke to him. He denied it, and was very indignant; but when he got to Panama, he was in the same state again.
2510. Mr. Reardon did not get drunk? No, he was a more sly, cautious man. Personally, he gave me no trouble; in fact, his conduct I cannot say was at all bad, excepting that we fancied he was edging the other one on. Had it not been for the fact of the searching, I should not have thought badly of that man.
2511. If Aherne had endeavoured to excite the people, do you not think he would have gone about it in a state of sobriety? I think the very fact of his being drunk made him show his intentions more than if he had been sober. If he had kept sober, possibly he might not have let out so much as he did.
2512. Do you know of any one on board the "Rakaia" who saw this medal? I think the purser saw it; but there was a man named Burt, who was second cabin steward, whom I discharged one voyage ago—if that man is in Sydney, he could give every information with respect to that. These men were second cabin passengers, and I did not myself see much of them.
2513. Did you hear any description of the medal? Simply that it was a silver one.
2514. You did not hear what was on it? No. I had that entry put in the log-book, as a matter of precaution.
2515. *Mr. Forster.*] I presume you are a British subject? I am.
2516. Do you know whether Reardon was an American? He professed to be an Irishman. The most strange part of the thing is, that he was travelling with his wife and daughter, and this was the second time he travelled in our ships; he came down in the "Ruahine," from Panama, and he went back with me.
2517. Did he seem pretty well off? He certainly did not seem hard up; I do not think he showed any extreme amount of flashness of money.
2518. You describe him as a quiet man, rather? A quiet man.
2519. What made you suppose he was setting the other on? Simply by their knotting together, and this brag and show of the medal, which was reported to me; personally, I did not see it.
2520. Did you hear any expressions from Reardon himself? I heard they used most violent language down in the fore-saloon.
2521. Both of them? Both these men—Reardon and the other. I told the purser to watch, and have them watched, as much as possible. After this affair that is logged here, I had these men up to my cabin, and I said to them—"Whatever your antecedents are has nothing to do with me, but once on board the ship you must conform to my rules, and I will not have you, or any of you, creating disturbance." I told Reardon that this fellow Aherne was a friend of his, and he must look after him.
2522. What is the connection between Fenianism and the disturbances on board your ship—In this extract from the log, you speak of "abusive and seditious language," and you say—"The above facts, coupled with the strongly expressed Fenian sympathy of Messrs. Reardon and Aherne, lead us to believe them to be dangerous characters"—How is it you come to couple Fenian sympathies with this man getting drunk? It was their language, used down in the fore-saloon.
2523. Did you hear it yourself? No, I did not hear it; it was reported to me.
2524. On good authority? On good authority. I do not personally go down to settle any of these squabbles; I am the last resource. If my officers are not able to put an end to them, then I go down.
2525. You say—"Inciting to riotous conduct"—What sort of conduct do you mean by that? I believe this man Reardon edged Aherne on.
2526. What do you mean by riotous conduct—conduct that would endanger the safety of the vessel? Yes, most decidedly. He came down, smoking a pipe, and said he would not put it out for any — captain, and he would like to see the man that would make him put it out.
2527. What had that to do with Fenianism? It was not that, but the language he used at other times.
2528. What do you understand by Fenianism? A number of men leagued together to try and upset all authority.
2529. What made you think these Fenians had a plot to seize the vessel? It struck me that at that time they were all leaguing together, and I thought it might be just possible that such a thing might enter into their minds. So far was it the feeling of everybody, that I had all the arms removed from the stacks, and put into the officers' cabins.

2530. How could a thing of that sort affect Fenianism? It would have helped Fenianism very much if they had got hold of some hundreds of thousands of pounds. Capt. S. H. Wright.
2531. Do you think these were the sort of characters, if they had robbed you of a thousand pounds or so, that would have handed it over to other people, or stuck to it themselves? That question is difficult to answer, because men, when they take up a thing in a violent manner, might be equal to great sacrifices—if I might put it in the light of a sacrifice. 14 Jan., 1869.
2532. How was Aherne getting drunk to help on the designs of Fenianism? Certainly it would not do that.
2533. Do you think these drunken fellows are the sort of agents that so well-organized and dangerous a conspiracy as Fenianism appears to be, would send to foreign countries? Possibly not.
2534. Do you not think the fact of the matter is, these fellows were bragging about what was not the case? Possibly so; but there was no brag about having the medal.
2535. Did you see the medal? No; but I have it on such authority that I cannot doubt it.
2536. You mention "abusive and seditious language" —? This man Aherne was only abusive when he was drunk. The other man pretended to be very much surprised, and showed a great deal of indignation, at the idea of my speaking to him on the subject; but there can be no doubt he was connected with the Fenian movement. That he was connected with the assassination I do not say for a moment; but that he was one of the principal leaders there can be no doubt. There was not a doubt on the mind of anybody on board the vessel.
2537. Would you think it your duty to repress argumentative conversation that might have a tendency to disturb the public quiet? If carried to a great extent. I told Mr. Whitley to report to me any seditious language that might be used. If that man Aherne had not called himself a priest, I should have locked him up; but I did not like to do it to any one who might possibly be a priest.
2538. You say here, in this extract from the ship's log—"The captain, therefore, told all trustworthy people to be on their guard against any insidious conversation having a tendency to conspiracy." Did you mean that they might get up a Fenian conspiracy on board the ship? I consider that the word conspiracy means conspiring for anything. It might be conspiracy against the State, or against the ship. It is the joining together of any few people for the sake of bringing about a wrong.
2539. Is not that somewhat inconsistent with the character you give of these people—their having been violent, abusive, and seditious, particularly Aherne—Would you say his conversation was insidious? I would look upon the conversation reported to me as being very insidious.
2540. *Mr. Parkes.*] Will you explain what that was, as reported to you? It was reported to me that they were continually speaking in a slurring and slighting manner of the Queen and State; and, as reported to me, the woman was worse than the man in her language.
2541. *Mr. Forster.*] How far would you think it your duty to interfere, if an American talked in that way on board your ship? I would treat him just the same on board ship. Unless I saw any act, or probability of any act, that should cause violence or damage, I should not consider it my duty to do anything more than set a watch over him—which I did in this instance.
2542. Nothing else transpired to make a case against them? Nothing else.
2543. *Mr. Stewart.*] I think you said you did not believe the Reverend Mr. Aherne was a clergyman in the Roman Catholic Church? I did not, on the report of one of the passengers; and his behaviour was so different to that of the gentlemen of the same profession, generally speaking, that I have had with me.
2544. Will you be so good as to tell me why you did not believe him to be a priest? I had a passenger on board, Captain Inglis, whose wife and daughter were both Roman Catholics, and he told me the Bishop of New Zealand had some doubts about this man—that they had been short of clergymen at Wellington, and they had allowed him to do duty as a Roman Catholic priest. As far as I can recollect the words, he told me that the priesthood, when they came out, always came out recommended to their Bishop, and never had any means of their own; but this man, when he came there, had brought no recommendation, and had ample means at his command; and that, and a few other circumstances put together, made the Bishop suspicious of the man; and that the belief was, that he was not a regular ordained clergyman, but that he had been brought up in one of the colleges for a priest. I have had many Catholic priests on board the vessel with me, and their conduct has always been of the very best. I have a very great degree of esteem for them as passengers; and anything I may say of this man I should not like to have it supposed I say out of any feeling of religion; I have a very great esteem for them.
2545. Then, it was from the conduct of the man himself, and the information given you by one of your passengers—a Roman Catholic—that you believed that this man was not connected with the Roman Catholic Church? Yes. I do not state he was not; but, on the report of the passenger, I base my impression that he was not.
2546. He may have been a clergyman, after all? He may have been.
2547. And he did duty as a clergyman at Wellington? Yes.

Mr. Joseph Bowden called in and examined:—

- Mr. J. Bowden. 2548. *Chairman.*] You are a detective in the police? Yes.  
 2549. And have been for some time? Yes.  
 14 Jan., 1869. 2550. Did you ever hear of any report, to the effect that the Prince's life might be in danger, before his arrival in the Colony? No.  
 2551. Did you ever, at that time, hear it reported that there was a Fenian organization in Sydney? Previous to the Prince's arrival, I heard there were men being drilled in Sydney. I may state that, for some time previous, and subsequently, I was specially employed in one of the departments of the Government, and had very little opportunity of making inquiries. I made one or two inquiries.  
 2552. Did they lead to the belief that the report was true? The inquiries I made were in reference to seditious language.  
 2553. What department of the Government were you employed in? The Post Office.  
 2554. You were one of three detectives stated by Mr. Fosbery to have been employed to watch a house in Woolloomooloo, where a man named Reardon resided? No, I was not one of them.  
 2555. Mr. Fosbery gives the names as Broomfield, Powell, and Bowden? Chudleigh was the third man.  
 2556. Did you know a man named Benedict? I did.  
 2557. Did you know him well? Well.  
 2558. Was he a man of good character? I knew him for a number of years. As regards his character, I never knew anything against him. I knew him when he was clerk in the Detective Office in Melbourne; and when I resigned to join this force, he was clerk there still.  
 2559. Did he ever tell you of any Fenian conspiracy? He threw out hints to that effect.  
 2560. Did he tell you he was in communication with Mr. Parkes? He did not, at the time; I heard of it afterwards.  
 2561. Do you think he knew of anything of the kind? I have a poor opinion of him, because, during the time the case was being got up against O'Farrell, I believe he was working with O'Farrell's solicitor for the defence.  
 2562. You have heard a good deal of seditious meetings being held at various public-houses? I have.  
 2563. Did you ever try to trace any of them? I had not the opportunity, being specially employed in another department.  
 2564. Did you ever hear of any being found out? I cannot say I did.  
 2565. Did you feel disposed to believe all these statements that were made? I believe at that time there was great sympathy with the cause in the town; and in fact, previous to the passing of the Treason Felony Act, I repeatedly heard treasonable language. Passing the Racecourse, in one instance, I heard a party say—"Who is the b——y Prince? he is only a d——d German bastard."  
 2566. Was this said by a drunken man? No; it was merely in conversation. I frequently heard remarks similar to that.  
 2567. Do you mean to say there were people who expressed gratification at the Prince being shot? Not a doubt of it.  
 2568. Have you heard any people say so? I have heard conversation about it.  
 2569. Are these the people you call Fenian sympathizers? Yes.  
 2570. Then you believe that a Fenian is a man who approves of assassination? I look upon a Fenian as a man who would upset the Government or the Crown—in fact, a rebel.  
 2571. *Mr. Forster.*] You never made any case out at all, with all your inquiries? No. I only made two or three inquiries.  
 2572. Did any information you had, ever receive corroboration by the detection or conviction of any one? No.

FRIDAY, 15 JANUARY, 1869.

Present:—

MR. EAGAR,	MR. PARKES,
MR. FORSTER,	MR. SAMUEL,
MR. HOSKINS,	MR. J. STEWART.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Mr. George Layton examined:—

- Mr. G. Layton. 2573. *Chairman.*] What are you? Accountant to the Treasury.  
 15 Jan., 1869. 2574. Do you produce the papers which were asked for? I do.  
 2575. Will you state what they are? A receipt from Mr. Benedict for £30, and one from Mr. Samuel Cook for £16 10s. (*Vide Appendix, F 1 and F 2.*)  
 2576. Are these the whole of the documents? These are the documents that were asked for—the vouchers of Mr. Samuel Cook and of Mr. Benedict.  
 2577. What were you told to bring? These documents. That is the notice that was sent to the Under Secretary (*handing to the Chairman the Summons sent to the Under Secretary for Finance and Trade.*)  
 2578. The vouchers do not show what fund these moneys were paid from? No, they do not. That one (*referring to Mr. Cook's voucher*) has an authority on the back.

2579.

2579. What is the authority? The question is asked—"Will Mr. Halloran have the goodness to say to what fund this should be charged?" And there is a note here, initialled by Mr. Parkes—"Vote on account of H.R.H. the Duke of Edinburgh."  
 2580. Do you know whether it was paid out of that fund or not? It was paid from that fund, but afterwards transferred to the vote for unforeseen expenses.

Mr.  
G. Layton.  
15 Jan., 1869.

John McLerie, Esq., further examined:—

2581. *Chairman.* Do you produce any papers? I produce one of the papers which I have been directed by this Committee to produce; the other is not forthcoming. I have had all the records in the Crown Law Office, in connection with O'Farrell's case, searched this morning, but it was not to be found there.

J. McLerie,  
Esq.  
15 Jan., 1869.

2582. What is the report to which you refer? The report made by Senior-constable Irvine.

2583. Do you think it was ever sent to the Crown Law Office? The impression in my office is, that it was sent there; but I cannot say that it was. I spoke to the officer (Inspector Read), this morning, to whom it was handed by Irvine, and he gave me the purport of it.

2584. Do you produce Detective Raven's report? I do. (*Vide Appendix G.*) In producing that report of Detective Raven, I may be permitted to add, that there were two houses reported to me near Brickfield Hill as being the resort of Fenians, and that the house referred to by Detective Raven is only one of them.

2585. Were there any meetings discovered to be held in the other? The detectives were never allowed to enter. Assemblies of people were there, but for what purpose the police could not discover.

2586. You gave an answer to a question put to you the other day which I should like you to explain a little further. You are asked, in question 14,—“Were you ever in possession of affidavits sufficient to convince you that the attack on the Prince was the result of a conspiracy to take away his life?” And your answer is—“Yes.” Affidavits?

2587. Yes—Did you mean that? No, that is an oversight of mine—I never meant yes.

2588. Have there been any further inquiries as to this alleged conspiracy, of late, made by the police? Of late?—No.

2589. What do you mean by the answer you gave to the previous question? I never was in possession of affidavits in reference to the matter. There were certain declarations made which had reference to it.

2590. Supposing that question to have been put to you as stated there, I suppose your answer should have been no, instead of yes? I never was in possession of any affidavits in reference to the matter. That is my answer to the question.

2591. There have been no further inquiries going on about this matter, to your knowledge? No. After the proclamation of the Treason Felony Act, things settled down to their usual quietude, and the police were not called upon to make any further inquiries.

2592. Have not the police been making inquiries lately about a boy who was supposed to be the person who drew lots for this man? A boy?

2593. O'Farrell states that a boy drew lots to decide who should be the assassin? No.

2594. Did you not see that in O'Farrell's published statement? That lots were drawn?

2595. Drawn by a boy? Yes; but I heard nothing further about the boy.

2596. You have not heard of any efforts having been made lately, upon the part of the police, to discover this boy? No.

2597. Did you see an account of some papers lately laid upon the Table of the Assembly—some account given in the *Empire* of this morning? I have not had time to read the *Empire* this morning.

2598. Did you know of eight gentlemen having been sworn in as special constables on the 23rd and 24th March last? Eight gentlemen?

2599. Yes? No, I know nothing of it.

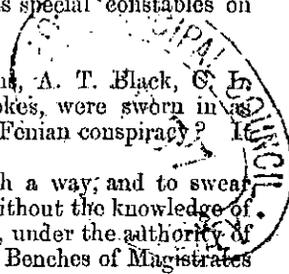
2600. Did you ever know that Messrs. J. H. Parnell, A. E. Evans, A. T. Black, G. Blair, R. C. Hewitt, A. K. McKenzie, R. H. Banks, and T. Stokes, were sworn in as special constables, for the purpose of finding out if there was a Fenian conspiracy? It is the first I have heard of it.

2601. Is it not an extraordinary thing to employ persons in such a way; and to swear them in as special constables at the Colonial Secretary's Office, without the knowledge of the Inspector General of Police? It is not an uncommon thing, under the authority of the Colonial Secretary, for special constables to be sworn in by Benches of Magistrates in the country.

2602. It was in Sydney they seem to have made the attempt to discover this plot, and you say you never heard of it? Not till this moment.

2603. Have you brought any other reports? In looking over my papers, I found one which I think it my duty to lay before the Committee, in order to support the opinion I advanced before, of O'Farrell's not having been unaided in this attempt. The Duke of Edinburgh had made arrangements to lay the foundation stone of a new church at the Glebe, and the day originally fixed for that ceremony was the day on which the Sailors' Home Picnic was held. From information that came to the police, and inquiries that were made by them, it appeared that, some days before this intended ceremony of laying the foundation-stone was to have taken place, two men went and hired a house, on the line of route that the Prince would have to take, for six months, at the rate of £1 a week, at the same time giving the landlord, or the person letting the premises, 10s. as deposit. On this information reaching me, I directed that the person who had let the premises should go to the Court—it being while the trial of O'Farrell was going on—and see whether or not he

was



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was one of the two men. He did so; and he stated that he was satisfied he was the same man who had taken the bakehouse. He was required by me, also, while the trial was going on, to look at the people surrounding and in the Court House, to see if he could discover the second man, which he failed to do. The second man has never been seen since.

2604. Was he supposed to be the missing man? No doubt he is missing; but I have my own opinion of how he is missing. About the same time, a man took a room in Parramatta-street, which is also on the route the Duke would have taken that day, calling himself a doctor, but the name is forgotten. He said the room was for himself and another. On the morning that the attempt to assassinate the Duke took place, he left the room, and was never seen afterwards. Though every inquiry was made by the landlord of this place in Parramatta-street, who took great pains to assist the police in finding this man, he never was seen afterwards. It is merely an inference of my own, but it is an inference I make from all these facts, that this man who went with O'Farrell to take the bakehouse at the Glebe is identical with the man who took the room in Parramatta-street; and that he left the Colony immediately upon the attempt on the life of the Duke, and has never been seen since that day. Of course, that is a mere police inference.

2605. And you think O'Farrell found it necessary, in order to get an opportunity of killing the Prince, to take a house at the Glebe? He did take another house, we know.

2606. Do you not know that he could, at any time, in the day or night, have taken the life of the Prince with the most perfect ease, in Sydney? He made preparations for shooting the Prince on the day of his landing.

2607. Do you not know that the Duke was in the habit of going about the streets of Sydney, by day and night, quite unattended? Yes; but we know that O'Farrell took a room in Macquarie Place previous to His Royal Highness' landing, and that if O'Farrell had attempted at that time to carry out his object, nothing could have saved either the Duke or the Governor.

2608. You state this as your reason for the belief that O'Farrell had accomplices? Yes.

2609. Did you not previously state, in your evidence, that you believed O'Farrell had no accomplices? Not belonging to this Colony; that if he had accomplices, they were either from America or Ireland.

2610. Was it publicly known, on this occasion of the laying the foundation-stone of the church at the Glebe, before he went, in what direction he would go? There is only one way of going—along Parramatta-street and Glebe Road. There is only one road by which he could reach the building.

Mrs. Mary Bergin examined:—

- Mrs. M. Bergin.  
15 Jan., 1869.
2611. *Chairman.*] Where do you reside? At Palmer-street.
2612. Do you remember a Mr. Murray lodging in your house about last March? Yes.
2613. Do you remember Mr. Reardon being in the house about the same time? Yes.
2614. Do you remember a person of the name of Baker being in your house at that time? Yes, I do.
2615. Did you see a letter, written by Mr. Murray, which appeared in the *Empire*? Yes, I did see that letter. Mr. Murray came to me that morning—he came to the house to consult me what would be done. I said, no, I would not summon him, because there was no justice to be given.
2616. You are speaking of the case that occurred when the milkman was assaulted? Yes.
2617. I do not wish you to speak about that at present—I will ask you some questions about that by and by. You saw what Mr. Murray stated in this letter about a conversation which Mr. Baker had with you? Yes, I did.
2618. Was that conversation correctly stated by Mr. Murray? It was correct.
2619. This man, Baker, told you, that if you would join him in declaring that Reardon was a Fenian, he would give you half the reward? Yes.
2620. Did you insist upon the man leaving your house? Yes, I put him out of the house as soon as I could get him, because he was keeping my house very much annoyed. He was very fond of drink and late hours at night, and I had no man in the house; and he was insisting upon having the doors open at night. Where the drink came from I could not tell.
2621. What did you know of this man Baker? He is in the Lands Department—that is what he told me he was. He used to bring deeds to my house, from the Lands Department, for him to fill them up.
2622. Reardon was assaulted, was he not, the morning on which he left? Yes.
2623. Did you see the assault? It was at my door he did; because Mr. Reardon, when he was released from his assault—he came to my door and he knocked; and when I heard a knock at the door, I went to the door to let Mr. Reardon in; and I let him, and I said, "Really do you know who lives here?" He said, "Yes, I do"; and what he called me and my daughters is not fit for any one to express.
2624. Who said this? Mr. Brady said this, and Mr. Murray was listening to the whole of it. Mr. Murray's window is as near to the kitchen as the next gentleman on the other side the table is to me; and he insisted upon my drinking with him and taking the money.

The witness here became so agitated and confused, that the Committee determined to proceed no further with her examination.

Mr.

Mr. John Henry Chudleigh examined :—

2625. *Chairman.*] You are in the detective police? I am.
2626. Were you in the force at the time of the visit of the Duke of Edinburgh to this Colony? I was.
2627. Did you know of any plot to assassinate the Prince, before his arrival in the country? No, I was not aware of any.
2628. You, I presume, as well as the other detectives, were employed, after the attempt on the Prince's life, to endeavour to find out what you could? I was principally engaged in Reardon's case till he left the Colony.
2629. Was there any other case which you were directed to inquire about during the time? There were numerous inquiries on hand at the time.
2630. Your chief duty, in connection with this matter, was to watch the house of the woman who has just left the room? Yes.
2631. Did you not go into the house? No; I was never nearer the house than the Domain.
2632. Had you any conversation with any of the inmates of the house? No, never.
2633. Did you know a person of the name of Baker? No.
2634. Were you one of those who were present at the searching of Reardon's luggage? I was.
2635. Did you see any treasonable papers? No. Before we searched his luggage, he made the remark—"I know what you are looking for," or "what you want."
2636. Did he say what it was? No; at least, some treasonable letters or papers.
2637. Did you hear anything about a treasonable medal? I did.
2638. Which had been manufactured in South Australia? I do not know where it was manufactured. He said he had left it behind in Sydney, to get it repaired; but I was told by one of the stewards that he saw him wear it on board. I believe he said it was presented to him by some of the inhabitants of South Australia, as a testimonial for collecting money for the widows and orphans of those who suffered at Manchester.
2639. He had got it for that? Yes.
2640. Would you consider that a treasonable medal? I could not say.
2641. Were you ever endeavouring to find out whether there were seditious meetings held in any part of the city? Yes.
2642. Did you ever succeed in finding any? I did not.
2643. I suppose you got lots of information? Yes, any amount.
2644. Do you believe that this information, on any one occasion, was correct—had you reason to believe so? I could not say.
2645. Cannot you say whether you had reason to believe it to be correct? I found out nothing.
2646. Did you know anything of Benedict? I have seen the man, that is all.
2647. He was in the force for a short time? A very short time.
2648. Were you in the force then? I was.

Mr. J. H.  
Chudleigh.

15 Jan., 1869.

Mr. Laurence Finigan examined :—

2649. *Chairman.*] Are you a member of the detective police? I am not.
2650. Have you been? Yes.
2651. Were you in the police at the time the Duke of Edinburgh visited this country? I was.
2652. Did you, at any time before the arrival of His Royal Highness, hear of a plot to take his life? I never did; and I believe there never was such a plot, or I would hear it.
2653. You think you had excellent opportunities of knowing if anything of the kind had been in contemplation? I believe I had. Belonging to the Roman Catholics, I could go where Protestants perhaps would not be allowed to go; and I always heard my coreligionists speaking highly of him. I saw him on the night before he was shot, in Elizabeth-street, without any one near him.
2654. How long were you in the police after the attempt on the Prince's life? I was till the 7th April in the detective police, and I was then transferred and reduced two steps, and I do not know what it was for, any more than my being a Roman Catholic.
2655. I understood you to say you were not in the force at all now? No; I was transferred to the general police, and a guinea a week was taken from me. The Inspector General held a paper in his hand, and said—"Finigan, something has come under my notice with reference to you; I cannot prove it, but I will transfer you to the general police," and reduced me two steps.
2656. Are you in the general police now? No; I left the general police.
2657. What is your employment at present? I have been in charge of the Randwick disputed fence, at Waverley. The Mayor put me there till the last few days, when it was discontinued. Before I joined the police I was twelve years in the army, and I was about thirteen years in the police. I lost all, after losing my youth in the service of the country, for no offence.
2658. Were you ordered upon any particular duty at any time after this attempt to assassinate the Prince? I was not. The day of the indignation meeting in Hyde Park, we were told there was to be another meeting in the evening, by Mr. Wager, near Market-street. I called in the evening, and met Wager, and he told me to go to Paddy Riley's, and I would find priests holding a meeting there this last month. I went; and from inquiries I then made, I found this man Riley had been very sick. I knew him to

Mr.  
L. Finigan.

15 Jan., 1869.

be

- Mr. L. Finigan. be a very religious man, and that the clergy of the Church visited him. He is dead since; he died shortly after. The priest visited him on religious matters.
2659. Did you report this to the Inspector General? I did not. I said there was no meeting in Market-street; neither was there. That was what I was sent for.
- 15 Jan., 1869. 2660. You simply said there was no meeting there? Yes.
2661. *Mr. Hoskins.*] Did you ever apply to the head of the police department, to know why you were disgraced? I sent several letters to the Inspector General, and I have copies of them all; but I never received an answer. I stated my long service—from a boy I have been in the Government service—since I was 14 years of age. I came out here in charge of convicts to Van Diemen's Land, and after being discharged from the 11th Regiment, by good conduct and purchase, I then went to Captain O'Connell, who was then at Port Curtis, in Queensland, and he took me on as an ordinary constable. I was then promoted to senior-constable. I was then appointed sergeant in the New South Wales Mounted Police, when Queensland was part of this Colony. I shortly after came up here, and, on the recommendation of Captain O'Connell, I joined in the police here, and from something that was seen in my conduct I was promoted to the detective force.
2662. Were you never told that there was any charge against you? I was told, as I have stated, that Captain McLerie held up a paper in his hand, I could see through the paper that it was not an anonymous letter, for it was drawn up in a report form, and he said—"Finigan, something has come to my knowledge with reference to you. I cannot prove the least offence against you, but I will transfer you to the general police"; by these words taking off a guinea a week from my pay. The only way I can account for it is, that about a week before that, Detectives Lyons and Apjohn had some words on the South Head Road, and the next day there was something in the paper about Fenianism in the police, and they were dismissed. Some days after that, Mr. Wager says to me—"Finigan, some of you have gone; more of you will soon have to go and look for a fresh billet; here are men receiving nine or ten shillings a day, and you then turn round upon the Government that gives you bread!" This was about a week previous to the day when Captain McLerie says,—“Something has come to my knowledge.”
2663. How long were you in the police? About eleven years in Sydney, and two years in the country, under Captain O'Connell.
2664. Did you voluntarily leave the regular police? No, I was dismissed out of it.
2665. Were you not told why you were dismissed? Yes, for being drunk, out of the regular police—because I brought interest to bear upon Captain McLerie—Mr. Moore, the Mayor of Sydney,\* and other gentlemen.
2666. *Mr. Forster.*] You say you were first reduced and transferred—that I think you have said was done without any charge being brought against you? Yes.
2667. You state the opinion that it was done because you were a Roman Catholic? I believe it was.
2668. What puts that into your head? From the expressions of Mr. Wager.
2669. What did he say? He said, after Lyons and Apjohn had been dismissed—he said on more than one occasion—he would have all the priests in the Colony boiled down and thrown into Woolloomooloo Bay.
2670. Did Mr. Wager tell you positively that you were to be punished for being a Roman Catholic? No, he did not.
2671. I suppose you are a Roman Catholic? Yes.
2672. How did the police authorities become acquainted with your being one? That is easily known.
2673. *Mr. Parkes.*] Your religion is entered when you enter the service, is it not? Yes.
2674. *Mr. Forster.*] Did you notice that this punishment for being a Roman Catholic was applied to any others besides yourself? Yes, it was, to another.
2675. Who was that? A man of the name of Howard.
2676. Was there any charge? Mr. Wager threatened him, but he † took the first report against me.
2677. Was there any charge? Not that I know of.
2678. Was he reduced? He was not.
2679. Was he dismissed? He was not.
2680. What was done to him? Nothing; only he was brought up before the Inspector General. When I was brought up before Captain McLerie, he said he had no charge against me, but he had lost confidence in me, and he would transfer me to the general police.
2681. Is Detective Lyons a Roman Catholic? Lyons is a Roman Catholic.
2682. How was it he was retained? He was dismissed from the detective force.
2683. Was he dismissed for the same cause? For something he said on the South Head Road, about Fenianism, and for being drunk.
2684. Was this charge of being drunk brought against you before or afterwards? It was afterwards.
2685. Was that the only time the charge had been brought against you? It was not—it was some time ago.
2686. Did you hear opinions given among your brother detectives of the existence of a Fenian organization in Sydney? No.
2687. Did you not ever hear them say there was? Never; never that there was any sworn organization of Fenianism.
2688. Did they never talk on the subject? They often talked of their opinion that there was no organization.
- 2689.

\* NOTE (on revision):—And I believe Captain McLerie did not like to be annoyed on my behalf.

† NOTE (on revision):—“He (Howard) took the first report against him.”

2689. Was that the opinion of all the detectives you talked to? It was; because there were some who would not talk much.
2690. Some detectives having given information of what they supposed to be the meetings of Fenian Societies, do you think they told the truth when they said so? I do not believe they did.
2691. I mean, do you believe they thought there were these meetings, or that they thought they were telling untruths? I believe they thought they were telling untruths in giving this information.
2692. Did you ever hear a place named where meetings were held in Sydney? I heard meetings were held in Shalvey's.
2693. Where is Shalvey's? The corner of Bathurst-street and Elizabeth-street.
2694. Was it a public-house? Yes. It was a meeting held for keeping Saint Patrick's Day.
2695. Did you ever hear a detective say that a Fenian meeting was held there? I never did.
2696. Or in any other place? Or in any other place.
2697. And that, you believe, was the general impression among the detectives? I believe it was.
2698. How came it, then, that they gave information that there was something of the kind? I cannot tell. I never gave that information, for I could not.
2699. Did you ever hear their name any persons in the Colony that were Fenians? The expression was used in a general term. I never heard it said that any particular person was a Fenian. I have heard people call others Fenians in the street.
2700. Did you ever hear of a man named Reardon? Never, till I saw his name in the papers.
2701. Did you ever know any party that was believed to be an associate of O'Farrell in his crime? I did not. I know a man of the name of Myers or Miller.
2702. How did you know him? Well, I followed him, night after night, to see if he committed a felony.
2703. Do you think he was a man occupying a reputable position in society? No. I brought a man that shaved him in Pentridge Stockade; and I know that he swore to a falsehood in the Police Office, in giving evidence for a prostitute.
2704. Did he not give some information about Fenianism? I did not know anything about it till I saw it in the public press.
2705. Perhaps you would not take his word yourself? No, I would not.
2706. Did he ever talk to you about information he had given to the Government? No.
2707. Did he ever talk to you about Fenianism? No.
2708. Do you think O'Farrell had any associates in the Colony at all? I do not.
2709. *Mr. Hoskins.*] Then, detective Lyons is still continued in the force, although a Roman Catholic? He is taken on again. He is a Roman Catholic, and, I believe, a Freemason.

Mr.  
L. Finigan.

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Mr. Patrick Howard examined:—

2710. *Chairman.*] Are you in the detective police? Yes.
2711. Now? At present.
2712. Have you been in it for some time? Two years and a half, and better.
2713. Did you ever hear, before the arrival of the Duke of Edinburgh in this country, of an intention to take his life? I did not.
2714. Were you employed in endeavouring to find out whether there were any seditious meetings held in any part of the city? I was.
2715. What instructions did you receive? To use every exertion to ascertain if such meetings had been held in Sydney or any part of the country.
2716. Did you succeed in obtaining satisfactory evidence upon the subject? I found nothing of the kind to exist.
2717. I suppose you heard many reports? A good many flying rumours; but they turned out to be nothing. I pursued the inquiry on my own account, because I had some experience in such things, having been in Ireland,\* and I was surprised to hear that they could exist without my knowledge.
2718. You were satisfied they had no foundation? I persevered, to satisfy myself that there was nothing of the kind in existence. There was a good deal of sympathy, but no actual conspiracy.
2719. Did you report to that effect, to your superior officer? Verbally.
2720. Do you recollect any special case? I was not employed on any special case.
2721. Do you know a man named Benedict? Yes. I remember when he came to our office.
2722. You remember him in the force? Yes.
2723. Did you see anything of him when he was in Sydney, about the time of the attempt on the Prince's life? I saw him afterwards.
2724. Did he tell you then that he was giving valuable information to the Government? I had no conversation with him at all after he left the force. I believe he returned from Queensland—so I heard.
2725. *Mr. Forster.*] Were you not at one time reduced in the force, or dismissed from it? No.
2726. You have always remained in it? I have left it several times.

Mr.  
P. Howard.

15 Jan., 1869.

2727.

\* NOTE (on revision):—Eleven years' service in the Irish police force, antecedent to 1853; and in the most disturbed counties—namely, Waterford, Cork, Limerick, and Tipperary.

- Mr. P. Howard. 2727. Did you leave it lately at all? No.
2728. Did you ever, in talking with your brother detectives, gather what their general opinion was upon this question of conspiracy? I believe we were of different opinions.
- 15 Jan., 1869. 2729. What was the general opinion among them? That there was a conspiracy in existence.
2730. They thought so? They thought so.
2731. Did they ever place any facts before you? No; but they had a better opportunity of knowing than I had, because they were engaged on special cases, and I was not engaged on any special case.
2732. Did you hear them name any place where a conspiracy existed, or where meetings were held, or did you hear any persons named? No.
2733. I suppose they would be cautious in speaking to one another? No; if any member of our force has any information, he is bound to report it to his superior officer.
2734. Were there not other detectives who agreed with your views? We do not compare our opinions in that manner.
2735. You do not know what their opinions were? Only one or two.
2736. Did you ever hear anything which, in your opinion, amounted to reliable information? Nothing whatever. I was among those parties, and I had the best opportunity of ascertaining if there was a conspiracy in existence.

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Mr. Daniel M'Glone examined:—

- Mr. D. M'Glone. 2737. *Chairman.*] You, I believe, were in the detective force at the time of the Prince's arrival in this country? Yes.
- 15 Jan., 1869. 2738. Did you, at any time before his arrival, know of any, or hear of any plot to take his life? No.
2739. Were you ever at that time employed in any effort to find out whether there was any Fenian organization in Sydney? No.
2740. Was there ever any inquiry made at that time, of that kind? No.
2741. When did you leave the force? I left it on the 16th March last; I sent in my resignation.
2742. Then you had very few opportunities, after the attack upon the Prince, of endeavouring to find out whether O'Farrell had any accomplices? No.
2743. During the four days were you employed to find out anything in the matter—the Prince was shot on the 12th, and you left on the 16th? No, I was not asked to make any inquiry respecting Fenianism.
2744. Did you know a man named Benedict? I did.
2745. Had you any intercourse with him while he was here—about that time? Yes.
2746. Will you state what you know of him, or what conversations you had with him? On the 14th March I was sent for by Mr. Fosbery, the Secretary of the Police in Sydney, and when I went into the room he said—"I thought you had got an order"—
2747. I want to ask you about Benedict? I wish to show you how I came in contact with the man Benedict. "I thought you had got an order to leave Shalvey's." I said—"No." He said—"If you did not get one direct, you got one impliedly." He then said he was informed by a Minister of the Crown, that a man named Powell, a store-keeper from Berrima, who was staying at Shalvey's, informed the Minister that I was staying there; and he was informed by Powell that seditious expressions, were made use of in Shalvey's, to the effect that it was right to shoot the Prince; and that I was listening to the expressions, and did not notice or check them. I said—"It is false." He then said—"I know it is true, because there is nothing but a nest of Fenians, and Fenianism talked there." I said—"It is false." He then said that—"We and the Government are in possession of all information, and we require none now." He said there were a body of Fenians, armed with revolvers, drilled in the Domain. I said it was false, as far as I knew of the matter. He said—"If I had my will, I would bring the guns from the 'Galatea,' and blow some of the wretches' houses down."
2748. *Mr. Hoskins.*] This is nothing about Benedict? I am coming to that.
2749. *Chairman.*] I want you to state what you know about Benedict? I have now got to that. He then said—"I give you direct orders to leave Shalvey's." I left Shalvey's, and went to a detective's house, named Bowden, where the man named Benedict was. I met Benedict there, and got introduced to him by some of the people in the house, but I do not know who it was. I had some conversation with him, and he told me he had given information to Fosbery, and offered his services. He got a letter, which he showed me, in Mr. Wager's handwriting. He was very indignant at this coming from Wager, as he said he knew the secret of his communicating with Fosbery. "Well," I said, "Fosbery says he wanted no information from him"—that he had all he wanted. The letter, as far as I remember, was, to get the conspirators and evidence in connection with O'Farrell; so he asked me two or three times about it.
2750. Benedict did? Yes. He wanted me to go into the Domain with him, and to show me some papers. I made several excuses—that I had something else to do. However, I went one day into the Domain Gardens, and he showed me a lot of papers that he had—characters and one thing or another. I asked him then, was he sure he could give evidence, or produce the conspirators. He said—"Yes." I said—"Then you ought to give that information at once." He said—"I think I will; who is the best to see?" I said—"Mr. Parkes." He said—"Oh, yes, but I am very badly clothed—I have no clothes; if I had any other—could you give me £5?" I said—"No, I have no money to spare." I said—"It does not matter what apparel you appear in. If you have any information,

information, you should give it at once." He said—"Yes, I have." I came home with him, and it was getting on to dinner-time. I do not know what he did after; but in a day or two after he seemed to lose all heart about it. He said—"They appear all to be a set"—or "lot"—"of humbugs."

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2751. Who was he alluding to? I said—"Who do you mean?" He said—"The whole lot connected with the Government." I said—"Why?" He said—"I was with them, and they did not seem to take any notice of me." He returned in the evening, and then said—"I shall now see Mr. Pavey, from Melbourne, the solicitor." I said—"What do you know about Pavey?" He said—"He knew me well in Melbourne." I said—"What do you want with him?" He said—"I want to see him." He told me he did see him, and he said that he was getting up the defence for O'Farrell. I said—"What! have you got any defence for him?" He said—"I will be right—he will be right." I said—"Will he?" I did not talk much with him; I did not understand what he was meaning, talking with me in that style, at all.

2752. State any information he gave you, but you need not enter into the detail of everything that occurred? I then was at Bowden's, and soon after the 7th April I left Bowden's and went back to Shalvey's, when I got an answer to my application for my resignation. Soon after I went to Shalvey's, Benedict came there and saw me. I was sitting in the back room, talking with a gentleman, and he came to the door, and, I suppose, inquired for me. He said he wanted to see me. I said—"I will be with you in a few minutes; just go into the next room." Before I left the gentleman he came again, and said he had not time to wait—he must be off. I then asked to be excused from this gentleman, and went to talk to this man who wanted to see me. I saw him, and went into the room. He said—"I have an appointment to-day at 2 o'clock, with the Colonial Secretary, Mr. Parkes, and I have come to see you first." I said—"What can I do for you?" He said—"Everything is right now; I have got all right. I have seen Mr. Parkes, and I am to see him to-day at 2 o'clock. I have everything right." I said—"What do you mean about right?" He said—"I am all right—I am ready to put my hand on ten Fenians in Sydney, and two in Ballarat; I have made arrangements with Parkes to let him know about the second man, that is one with myself, to join in the matter." I said—"Well, did you mention my name to Mr. Parkes?" He said—"No, I did not mention any name at all." I said—"I am frightened you have placed yourself in a queer position, considering how I have been connected lately." He said—"That is all right, he knew better." I said—"What do you want me to do?" He said—"I want you to come with me." I said—"No."

2753. What for? To catch these ten Fenians. I said—"No; I have too much to do with my own business now"—as I had my own case before the House; but I said—"I shall be very happy to give you any assistance to catch these Fenians, and I trust you will." He then changed his tone. However, he left, and went away.

2754. Had you any further conversation with him? Not then.

2755. What did you understand him to mean, by his asking you to assist in getting these Fenians? To go with him—to join with him in getting them.

2756. Do you think he meant you should assist in denouncing ten men, and in making a case against them? Yes. When you call it to my recollection, I do remember another conversation at that time.

2757. What was the purport of it? I said—"Where are these men?" He said—"They are in Sydney." I said—"Who are they?" He said—"It will be all right; you will know all about them by and by." He said—"We will get £1,000 for each, that will be £12,000." I said—"You will be a rich man then; how are you to get the money?" He said—"I am to get a written guarantee that I will be paid the whole of the money." I said—"The police will be employed as well in the matter." He said—"I will get that all right; everything will be right." I said—"All right." So he left.

2758. And you knew nothing more about it? Not at that time. I met him, I think, the same evening. It was the same evening when you were bringing my case before the House, that I was standing outside at the door of the Speaker's Gallery, talking to one or two, and I saw Benedict coming up the steps, and he spoke to me, and he said—"How are you?" I said—"Very well. How are you?" He said—"I am come, and want to see Mr. Parkes—I have made an appointment with him to-night; he has asked me to come and see Mr. Martin." I said—"Very well." Then he said—"Look, here is a letter I have got," and he showed me a letter directed to his place in Hunter-street. The body of the letter stated, that the Colonial Secretary wishes to see Mr. Benedict at the office, at 2 p.m. That was the 21st, that day. He then said, he did not know how he would get in to see Mr. Parkes, but I directed him to Pigott the messenger, and he showed him. He was in about half an hour, and I was standing in front of the place leading into the other gallery, and he came out, and I saw him again. I said—"How did you get on?" He said—"All right, everything is right." He said he went in, and saw Mr. Martin and Mr. Parkes, but, he said, Martin was a cute fellow, and cross-examined him a great deal; "but," he said, "I was able for him." I said—"That is right." Mr. Martin, he said, asked him to give him the names of these ten Fenians in Sydney. I said, "Did you?" He said—"No; I was too wide-awake for that." He then said—"Well, if you do not get them caught, they will be off." Then said Benedict—"No, they will not, for I have been accustomed to the London police; and when thieves are in a town they have no suspicion, but the moment they leave and go into the country, then they are caught." I said—"What did Mr. Martin say?" He said—"I believe you are right." There was some other conversation—I forget what it was; however, I left him. A day or two after, in the morning, about 9 o'clock, he was passing Shalvey's door, and I went out to see him, and we walked to the Racecourse, opposite Shalvey's, and he told me a great deal of what he

was

- Mr. D. M'Glone. was doing, and what he was intending to do. He said, that he told Mr. Parkes that he would have to get a letter to the Colonial Secretary at Melbourne, and to communicate with no other person there.
- 15 Jan., 1869. 2759. *Mr. Forster.*] Have you any reason to believe that your removal from the police was connected with your inability to discover this Fenian plot that was spoken of? There was none; there was no Fenian plot.
2760. Then, in that case, you were unable to discover any? I believe it was because I was too truthful. There is none in the Colony, and never was. It was a concoction of the greatest falsehoods ever known.
2761. What was the general opinion of the other detectives you spoke to upon the subject—do you think they thought there was one? Some of them thought there were sympathizers, others denouncing Fenianism on the spot. One of the detectives, a Protestant, named Raven, at the time the Prince was shot by O'Farrell, said, that he was quite alone, that he was solely alone in the act.
2762. Who was that? Detective Raven. That there was no conspiracy in the Colony, or no organization for Fenianism. I should say, at the time he was rebuked for it; I was informed he was rebuked for it, for giving expression to such an opinion.
2763. For expressing his disbelief in the existence of Fenianism in the Colony? Yes.
2764. Was he ever punished in any way? I do not know that he was.
2765. Is he still in the force? He is; he is an honest man.
2766. Did you hear from those who believed in the plot, or who said they did, any reliable information at all? Not the slightest.
2767. Did it ever amount to more than mere surmises and rumours? No.
2768. Were these ever corroborated? No.
2769. Did you ever hear any particular place named as the place at which any of these treasonable meetings were held? No, I never did.
2770. Did you ever hear particular persons named as actual Fenians, or as members of a Fenian organization? No, I did not, as Fenians.
2771. You think if you had pretended to believe in the existence of a plot, you would have been treated with more favour? I would.
2772. What reason have you for thinking that? Because I said, on the Friday evening, the 13th, after the Prince was shot, I said—"Well, this man must be mad!"
2773. To whom did you say it? To Mr. Baikie.
2774. Sergeant Baikie? Yes. I said—"He must be mad to shoot the Prince!"
2775. Do you think Sergeant Baikie reported this? I do not know. Some one said—"You ought to be careful what you say."
2776. Who said this? It was said at the time—I cannot say whether it was Baikie or not.
2777. It was a member of the police who said this? Yes.
2778. He cautioned you not to express disbelief in O'Farrell's sanity? He did.
2779. Were you ever rebuked for disbelief in a Fenian plot, by any one else, or by the police authorities? I was not, except by Fosbery.
2780. What did he say to you? On the 14th March, when he had me in his room abusing me, he said to me—"We want no more information; we have all we require."
2781. He said he had all the information he required? Yes.
2782. Did he tell you what amount of information he required? No.
2783. Did you understand that he had found out all about the plot? Yes; he said he wanted no more. He said—"We and the Government are in possession of all information—we want no more from any one." He then said, on the 16th March, when he brought me into the room to tell me that my explanations received were satisfactory—he said—"Oh! M'Glone, we thought you could have helped us in this Fenian conspiracy, as you were an Irishman."
2784. Mr. Fosbery told you so? He did.
2785. What did you say to that? "There are no Fenian conspiracies; I am positive there are none."
2786. Is it your opinion that O'Farrell was mad? It is.
2787. And that he had no associates? It is.
2788. Did you ever get any information from any of the other detectives which went to prove that O'Farrell had associates? No.
2789. Did you ever get any information that went to prove that he had no associates? All the information went to prove that he had no associates.
2790. There is an allusion, in the evidence of Captain McLerie, to information that was in the possession of the late Colonial Secretary, which, if true, proved that a crime of a new description had sprung up in the country? I do not know what was the new crime.
2791. Did you ever hear what it was? No. No other man in the force could have got the information that I could.
2792. Do you know whether any detective was ordered to look out for this new crime? I do not know of any new crime.
2793. *Mr. Parkes.*] Were there many Princes shot in this country before Prince Alfred was shot? I do not know.
2794. Is it a common thing for sons of the reigning Sovereign to be shot in this country? I do not think there have been any here before.
2795. Do you think shooting the son of the Sovereign a new crime in this country? I think shooting is no new crime.
2796. Was shooting at the son of the reigning Sovereign a new thing here, or not? I dare say he was the first of Her Majesty's sons that was shot.
2797. *Mr. Forster.*] Would you call it a crime of a new description? No; shooting is a very common crime.
- 2798.

2798. You mean it was new as far as the individual was concerned, but not that it was a crime of a new description? No.

2799. *Mr. Parkes.*] Was it new in this country? As far as I know, I believe Prince Alfred was the first Prince who was shot here.

2800. Was shooting at a Prince a new thing in this country? It was a new thing, for he was the first here, but it is no new crime; it is a common crime—shooting.

2801. Shooting a Prince? No. I saw O'Farrell two days after he was arrested—I saw him in the cell. I have, for the last fifteen years, been acquainted with lunatics; I have had charge of them often; and when I looked at O'Farrell in his cell—"I am confident," I said, "that that man is mad." I spoke to him, and asked him could he see; he said—"Yes." He turned up his head, and threw it about one way and another. From the appearance of other lunatics, it is, generally speaking, that I took them from the appearance of their eyes. I believe that O'Farrell was not sane.

The witness here commenced a statement which, being deemed irrelevant to the inquiry, was not taken down by the shorthand writer. In the course of his remarks, he spoke of the Secretary of the Police Department as "Fosbery."

*Mr. Eagar* objected to the witness speaking of his superior officer in a manner so disrespectful.

The witness then said—"Mr. Eagar, I will not allow you to abuse me as you abused me before, when I saw you in your office."

The witness was directed to withdraw.

The Committee deliberated.

The witness was again called in.

2802. *Chairman.*] Will you state to the Committee whether the manner in which you spoke of Mr. Fosbery as "Fosbery" was intentional or accidental? If I said the word "Fosbery," I would not at all address any gentleman, whether my friend or my enemy, in such a manner—I should say Mr.; I would not say even that to yourself (*turning to Mr. Eagar*), although you are a very particular friend of mine,\* as I can understand.

2803. You stated, just now, that you had an interview with Mr. Eagar before—Will you state on what occasion you had an interview with Mr. Eagar? Yes; about the time I went to Mr. Parkes to make my complaint respecting my dismissal from the police force. He received me very well. Mr. Parkes stated to me that I was entitled to reappointment in the Government service, and he asked me to point out some situation under him which I could fill. I said I could not possibly find out anything, as I was not in the habit of going round the Government offices looking out for such things. I said—"Perhaps you can get me a billet in the Lands Department, as I know a little about all the departments." (I am stating the truth, Mr. Eagar, and I hope you will not be scoffing at me.) Mr. Parkes stated to me that, if I could find out a vacancy in any other department, he would give me a letter to the Minister over that department, and no doubt it would have due weight or consideration—I do not remember the words. I thanked him, and left. I heard of a vacancy or vacancies in the Customs Department; I went and informed Mr. Parkes; he told me he would see Mr. Eagar about it, that he tried to see Mr. Eagar once or twice, but could not; he said he would give me a letter to him. Mr. Parkes wrote a letter to Mr. Eagar and gave it to me; he read it to me before he gave it to me—it was a first-class recommendation. I went and took it to Mr. Eagar. I saw Mr. Eagar in his office, and told Mr. Eagar that I was M'Glone, the man who was before the House some time ago. "Oh! you are M'Glone, are you?" in a most insulting manner. He opens the letter, and, I think, looked at Mr. Parkes' signature, and he said—"I will not employ you, sir, I will not employ you, sir." I am giving you Mr. Eagar's words as near as I can. He walked up and down the room, threw the letter on the table—"I will not employ you, sir; I will not employ you, sir; I have no vacancy, and if I had I would not give it you. I will employ no policeman, sir." I was standing near the door. I felt it very much—I never received such abuse from any gentleman in my existence. I have been connected with the greatest criminals of the day, but never have received such treatment as from Mr. Eagar. I never heard words uttered from any person towards me—I am speaking of myself, sir (*addressing Mr. Eagar*),—worse than those you used.

2804. *Mr. Eagar.*] Are those all the words I used? The substance; most of all the words.

2805. The words were—"That I would not employ a policeman in the Custom House"? Yes.

2806. Had you spoken to me up to that day—was I not a perfect stranger to you? Yes.

2807. So much so, that I would not have known you to-day, had I not heard your name? You seemed to know me very well when I mentioned my name.

2808. I knew you, as it was a matter of public notoriety that your case was before the House. I said—"I decline to employ a policeman in the Custom House"? No, you said that last.

2809. What else did I say? "I will not employ you, sir, I will not employ you, sir—" "sir" in the most insulting way. I said nothing; I felt a great deal inwardly from the insult. If you had said—"There is no vacancy just at present," I would not have felt it so much; but he† was in such a passion, and my mind was so annoyed, that I would not go and see Mr. Parkes that evening.

2810. That is all the complaint you have against me? I do not make it as a complaint.

2811. That is your statement of what took place? I am stating the manner. I went the following morning to Mr. Parkes, and told him the result. Mr. Parkes smiled, and said—"He was very candid." He then proffered to give a letter to the Minister of Works. I said—"I thank you Mr. Parkes, I decline taking a letter to any other Minister,

\* NOTE (*on revision*):—Although you are my particular enemy.

† NOTE—(*on revision*):—I.

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Mr. D. M'Glone. Minister, in case I would be served in a similar manner as I was treated by Mr. Eagar." He took my address, and said he would let me know. I told gentleman—Mr. Parkes' supporters—I could mention their names; they were all sorry at the manner I was treated. (To Mr. Parkes)—I dare say you are aware of it yourself. I was at a gentleman's house of high standing, and he said—"Do not take any letter to any other Minister, for Mr. Parkes can appoint you if he wishes." I said—"I have told him so." Mr. Fosbery, before the arrival of the Prince in Sydney, asked me up to his private room—that is, the room he sits in—and said—"M'Glone, I know you are a good Catholic, and an Irishman." I said—"I don't know what you mean by a good Catholic." That was the second or third time he had called me. I said—"I am a Roman Catholic." I said—"I don't know what you mean." He said—"You know what the low Irish are. There is a report in Sydney about a hurling match getting up by the Irish, on account of something." I said—"Yes, I have heard a report of that in Sydney, and I have been making inquiries." He said—"What can you hear?" I said—"I can hear nothing, except that it is reported that the Orangemen are to walk on the day the Prince lands, and that the hurling match is getting up to meet them, by the Irishmen, in case they walk." He said—"You are aware that there is an Act in this Colony to prevent all party processions." I said—"Yes, I am perfectly aware of it;" and I said—"I trust that every precaution will be used to keep down party fights here, and that we will not be placed in the same position that they have been in Melbourne, by the sectarian fights." I said—"Let us pull down, and take and watch every flag; and let the police be at every place they can, and try and suppress it." He said—"You may depend we will do that; make all the inquiries you can, and let me know." He said, could I tell him where these hurling sticks were being made? I said—"I do not know." I said—"I think they will bring them with them"—as I had often seen them used in Ireland—"if such is the case." I then said I would make all the inquiries I could. I said—"Where I am staying—at Shalvey's—is a good place, because I meet all the denominations there." I made inquiries, and could find nothing. I saw Protestant gentlemen, and heard them making inquiries, on every side, of what was going on; and Catholics, on the other side, inquiring for me. I was walking up the street, near Wynyard-square, and I met Father Sheridan. I went over to him, and asked him about the hurling match, and whether he knew anything about any fights being likely. He said—"No; it is the first I have heard of it." I said—"We have heard so, and we wish to do everything we can to keep these fights down." He said, "Yes; and take my compliments to the Inspector General of Police, and tell him that I am at his service any time of the day or night." I told Mr. Fosbery what Father Sheridan had said. That was before the Prince arrived.

TUESDAY, 19 JANUARY, 1869.

Present:—

MR. PARKES,	MR. S. BROWN,
MR. HOSKINS,	MR. J. STEWART,
MR. FORSTER.	

WILLIAM MACLEAY, Esq., IN THE CHAIR.

Senior-constable Robert Irvine called in and examined:—

Sen-const. 2812. *Chairman.*] Have you brought with you a copy of the report referred to in your  
Irvine. previous evidence? Yes. (*The witness handed in the same. Vide Appendix H.*)  
19 Jan., 1869. 2813. This is an exact copy of the report you sent in to Inspector Read? I believe it  
is. I have had no opportunity of comparing it, but I believe it is a correct copy.

John Hughes, Esq., J.P., called in and examined:—

J. Hughes, 2814. *Mr. Parkes.*] You are a Magistrate of the Colony? I am.  
Esq., J.P. 2815. In the beginning of last year were you a member of the committee which was  
19 Jan., 1869. formed in Sydney, for celebrating St. Patrick's Day by getting up a regatta? I was.  
2816. Did you attend a meeting of that committee on the 11th of March, or about that  
time? I think about that time I did; I cannot say the date, but I think it was the 9th  
or 10th.  
2817. Will you be good enough to state to this Committee what took place at that  
meeting, as to the proposal of the programme of toasts to be drunk on board the flag-  
ship? I was nominated as one of the sub-committee to draw up the list of toasts;  
there were two or three others on the committee, and I noticed that one of these men  
had just come there for the first time. I did not like his coming at that late hour of the  
day; for I thought that when he did not come in the heat of the day, he should not come  
in the cool. I thought he did not come, perhaps, for any good purpose, and I objected  
to sit with him; not in that outspoken manner, but I requested they would find another  
instead of me.  
2818. Did you state any reason for not sitting with him? When I was pressed I did.  
2819. What was the reason? They compelled me to say that, on the occasion of the  
former dinner on St. Patrick's Day, this individual did not drink the health of the Queen.  
2820.

2820. What did he say when you objected—I presume he was present? They talked rather warmly, and said I ought not to make any objection.
2821. He is reported in the newspapers to say, that he did not drink the Queen's health on that occasion? Yes, he subsequently said something to that effect; he did, I believe, say so—that he had not drunk the Queen's health last year, and he would not do so this.
2822. Who was this gentleman? Mr. O'Sullivan. He was publicly reported next morning.
2823. Was there any other gentleman who said he should do the same? No, I do not think so; there was not another person that openly agreed with him.
2824. The report in the *Sydney Herald* of 11th March says, that another person said he might be put off, too, as he refused to drink the Queen's health also? He did, then and there, request his name to be withdrawn from the committee, when he saw that I objected to Mr. O'Sullivan, but I do not think he said that. When I noticed the report the next morning, I thought it was inaccurate.
2825. Do you recollect who was President of the Regatta Committee? I do not, at this moment.
2826. Do you recollect whether Mr. T. A. Murray was announced as President? Yes, he was.
2827. Did he retire in consequence of what passed at this meeting? I think I saw a letter of his, a few days after, stating that he must decline to act, in consequence, I believe, of the expressions that were used there.
2828. *Mr. Hoskins.*] Can you say, of your own knowledge, or from information you have received, that any Fenian organization ever existed in this city, or that meetings of Fenians or disloyal persons have been held here? No, I cannot.
2829. *Mr. Parkes.*] I suppose you never had much to do with Fenians? No.
2830. *Mr. Hoskins.*] I ask whether, as a citizen, you have heard of such things occurring? No, I have not; and I mix a good deal with the people too.
2831. *Mr. Forster.*] You have stated that you objected to some one being on the committee because he came late—do you look on that as a sign of Fenianism? Certainly not.
2832. What is the harm in a man coming late—Had you any right to insist on his coming early? No; but we had held about half a dozen meetings previous to this, and this man had not shown his face at any of them.
2833. Because he had not attended these meetings, do you consider him a Fenian? No.
2834. Do you consider that the information you have now given against Mr. O'Sullivan, implicates him in any conspiracy for assassinating the Prince, or any other disloyal object? No, I do not; but I consider he did a very disrespectful act in refusing to drink the Queen's health.
2835. Do you think everybody is bound to drink the Queen's health when any other person insists upon it—Is that your notion of loyalty? No.
2836. Do you not think it possible a man might be loyal, and yet not like to be bored by these eternal drinkings of the Queen's health? I have seen men before now spill their glass over their shoulder.
2837. You did not see Mr. O'Sullivan spill his glass over his shoulder? No, I did not.
2838. Did he refuse to drink when the Queen's health was proposed, at any time—did you see him? No; but I objected to his being on the committee for drawing up the list of toasts, at that stage, because we had plenty of members capable of doing the business as well as he was.
2839. Was it your place to determine who should do the business? I was one who had a voice in the matter, both as a member of the committee and as an executive officer—I was treasurer.
2840. Was it your business, as a member of the committee, or as treasurer, to determine who should be the other members of this sub-committee? No; but I did not wish the honor forced on me.
2841. Was not Mr. O'Sullivan elected in the way you were yourself? Yes.
2842. Was it your business, properly speaking, to be interfering with him because he happened to come late, or because he thought proper to say he would not do something you thought right? No, it was not.
2843. Do you not think it very likely Mr. O'Sullivan was inclined to resent, as impertinence, these remarks you made upon him? It might be so.
2844. In that case, do you consider yourself a fair judge of Mr. O'Sullivan's motives in telling you beforehand he would not drink the Queen's health on such an occasion—Is it not possible that might be the result of the peculiar mode you took of interfering with him? Quite possible.
2845. You can state that Mr. Speerin was falsely reported by the newspapers to have said anything of the kind imputed to him? Yes; but there was a good deal of noise and excitement, and I may be wrong. I did not hear Mr. Speerin use the words,—that he would not do so either, but I heard him distinctly say that his name must be taken off the committee.
2846. Might it not have been that he also resented your interference, and that that was his reason—Was it not very probable that that was his motive for wishing to be taken off? It might have been.
2847. *Mr. Hoskins.*] Is it your opinion, as a citizen, that at any time, or at the present time, a Fenian organization has existed in this Colony? Of course, you only ask me my opinion; it is not much perhaps, but I do not think so.

Mr. William Coulter called in and examined:—

- Mr. W. Coulter.  
19 Jan., 1869.
2848. *Mr. Parkes.*] I think you are a commission agent in Sydney? Yes.  
2849. And you hold some office in connection with an Orange Lodge, or some association of that kind? Yes.  
2850. Will you be good enough to state what the office is? I am a Master of a Lodge.  
2851. Will you be good enough to give the proper designation of it, and of the Lodge? That is the only title—Worshipful Master of an Orange Lodge, and I am Grand Master.  
2852. Are you aware whether it was ever contemplated in the Orange Lodges to walk in procession on the arrival of the Duke of Edinburgh? I am aware it was not.  
2853. The Orange Lodges never had any intention of walking in procession? Never had any such intention.  
2854. You are quite certain of that? Very certain. I hold office also in the Grand Orange Lodge. There was a meeting held at the time the Prince came here, to see what kind of reception we would give him, and it was moved and carried unanimously, that we would take no part at all. Some of the men expressed a wish to show some demonstration, but it was carried that we would do nothing; consequently, there was nothing done. I saw a statement in the paper, that Mr. Hart made, that was entirely untrue. Captain McLerie never called on any of the leaders of the Orange Institution, in order to induce them not to march in procession; and such a thing was never contemplated, for we have held a meeting since, and inquired into it.  
2855. You never intended to take any steps whatever, in your capacity as Orange Lodges? None whatever. We have no regalia, flags, drums, or anything, such as are used in the old country; consequently, we could not take any part.  
2856. And when the matter was broached, it was carried unanimously that you would take no part? That we would take no part, but would just present an address, which we did.  
2857. How long have you resided in this community? About fourteen years.  
2858. Do you mix pretty freely with the population? Yes, I am obliged to do so in my business.  
2859. Can you form any opinion as to whether or not the attempt to murder His Royal Highness was the attempt of a single person, unconnected with any other person? No, I could not say anything about that.  
2860. Can you form any opinion as to whether there was any degree of treasonable sympathy with the person who attempted the assassination? I may have heard some people saying it served the Prince right, or words to that effect—that he had no business coming out here, parading himself; but very few persons talked in that way; most of the population took a different view of the matter. There might have been a few exceptions.  
2861. *Mr. Forster.*] Are you from the North of Ireland? I came from Scotland here; I was born in the North of Ireland.

Warder John Carroll called in and examined:—

- Warder J. Carroll.  
19 Jan., 1869.
2862. *Mr. Forster.*] You are a warder in Darlinghurst Gaol? Yes.  
2863. How long have you been there? About six years and ten months.  
2864. I suppose you recollect all the circumstances connected with the incarceration and trial of O'Farrell, who made an attempt on the Duke of Edinburgh's life? I did not keep any memoranda, not generally; I did take some notes.  
2865. Were you present at any of the conversations or interviews between Mr. Parkes and O'Farrell? I was there, but I went away; I did not remain present.  
2866. Were you ordered to go away? No.  
2867. Why did you go away? Because it was not my place to stop there; Mr. Read was sent for.  
2868. How many of these interviews took place with your knowledge? Mr. Parkes was there twice when the shorthand writer was there.  
2869. Altogether? Several times.  
2870. Two, you say, in the presence of a shorthand writer? Yes.  
2871. Were you present at any distance at all—did you see what was going on? Yes, I knew what was going on, but I was not within hearing.  
2872. Will you state in what way the shorthand writer was placed? I was told the shorthand writer was coming in, and to prepare something so that he could sit and take down the conversation without the prisoner being aware of it.  
2873. Who told you that? I had instructions from Mr. Read.  
2874. That was part of the instruction,—that the prisoner was not to be aware of the presence of the shorthand writer? Yes.  
2875. What was done? I had a small table brought over from the hospital, and had it taken down the passage, and placed at the side of the door of the cell the prisoner occupied. The door would throw back two feet five or six inches, and I placed the table at the end of it, and a small stool, and the shorthand writer sat down there and took down what was said. Ink and paper were supplied for him. The prisoner stood inside the cell, holding the bars of the gate, and speaking to whoever would be putting questions to him.  
2876. The shorthand writer was not in the cell? No. The prisoner would be at the gate, on the inner side of the door of the cell, and Mr. Parkes, or whoever would be putting questions to him, would be standing a couple of feet outside the door, which would throw back about two feet and a half. The shorthand writer would be sitting there, so that the prisoner could not see him.  
2877.

2877. Is it your belief that O'Farrell was not aware that the shorthand writer was there? I believe he knew nothing about it.

2878. Who examined him on these occasions? Mr. Parkes.

2879. You say you did not hear anything that occurred? No.

2880. Was any one else present besides Mr. Parkes, O'Farrell, and the shorthand writer? Mr. Read was there.

2881. Did any of these conversations occur at night? The two I refer to, when the shorthand writer was there, were in the day-time.

2882. Did you witness any interviews between Mr. Parkes and O'Farrell at other times? Yes, he was there several times.

2883. Were any of them at night? No.

2884. In the course of your experience as a warder, do you ever recollect such a mode of obtaining opinions or evidence from a prisoner being before adopted? Before you put that question, I may say that the Principal Warder was with the shorthand writer on another occasion, the same as I describe about Mr. Parkes.

2885. Who is the Principal Warder? He is not in the Colony now; he is Gaoler at Brisbane.

2886. What is his name? Bernard.

2887. Did Mr. Bernard, the Chief Warder, have conversation with O'Farrell under the same circumstances—just in the same way? The very same.

2888. The shorthand writer being also concealed? Yes.

2889. This occurred once? Yes.

2890. Do you know by whose authority this was done? I do not know. Mr. Parkes, I believe, was in the Gaol that day.

2891. Was Mr. Read present at that time? No.

2892. And you were at a distance? Yes.

2893. You did not hear what occurred? No.

2894. Do you know whether a report was made of that circumstance? Yes, I am sure there was.

2895. Are these the only occasions on which you ever witnessed such a proceeding—the time the Chief Warder did this—obtaining evidence in this manner? I never saw or know it before.

2896. Did you ever hear O'Farrell speak of it afterwards at all? No; he might say he had had a visit from Mr. Parkes, but he would not know any one was present.

2897. Did any one ever tell O'Farrell afterwards that this contrivance was adopted? Not that I am aware of.

2898. Did you ever have any conversation with O'Farrell yourself? No, nothing more than doing my duty.

2899. Did you talk to him much? Very little.

2900. Did he impress you with any opinion as to his sanity or insanity? I thought, when he first came in, that he was not a man of sound mind; I did not think a man possessed of his rational senses would commit such an act.

2901. What opinion did you form from his demeanour and language? He always spoke, up to the time of his conviction, in a flighty sort of manner; he said he was a Fenian, that there were so many of them, that they had cast lots, and so on.

2902. Do you think he told the truth in all his statements? No, I never believed him all along.

2903. Did you find him contradict himself, or talk inconsistently? No; in fact, I never had much to say to him; I was never on duty over him particularly.

2904. Do you know of any conversation between Dr. Carr and O'Farrell? Yes.

2905. Were you present? Yes.

2906. How many of these conversations took place? Only one—on the 18th April.

2907. Did O'Farrell talk willingly, do you think, with Dr. Carr? He appeared to be willing to talk to him until he spoke on matters connected with the next world; then he appeared very unwilling.

2908. Did Dr. Carr press him on subjects on which he was unwilling to speak? He would have pressed him, but I interrupted him.

2909. Will you state what occurred when you interrupted him? He spoke of what he thought of death, and the immortality of the soul, and spoke of some of the old philosophers.

2910. Who did? Dr. Carr spoke of Socrates, and what he thought of the immortality of the soul. Then I told him O'Farrell was soon to meet his God, and that that was not a fit subject to be conversing on, and that the clergyman would be highly offended when he heard of it.

2911. Did O'Farrell appear not to like that sort of conversation? He did not like it, for he said he did not want to converse on it. Then Dr. Carr changed it to some other matter, connected with ordinary matters, and afterwards referred to it again. He wanted to make me believe that it was nothing—that there was no harm in it; but I knew very well it was very objectionable, and I told him again it should not go on. Dr. Carr said—"Very well," and dropped it. I reported it verbally, that evening, to Mr. Read.

2912. Did O'Farrell appear pleased with you for interrupting the conversation? He did not show any approbation nor disapprobation; but I understood that he reported it to the Reverend Father Dwyer afterwards. I said nothing about it to Father Dwyer till he spoke to me on the subject.

2913. Did you notice in the newspapers any reports of these conversations? I noticed a letter of Dr. Carr's in the *Empire*.

2914. Did you notice no other reports? I noticed matters criticising it.

2915. Did the statements in the paper appear to you true? It is so long ago, and I did not pay particular attention to them; it seemed to me they were severely criticising it.

Warder J.  
Carroll.

19 Jan., 1869.

- Warder J. Carroll.  
19 Jan., 1869.
2916. Were you present at any conversations between Dr. Aaron and O'Farrell? I was.
2917. How many? Several. I gave in reports of them to Mr. Read.
2918. What was your reason for reporting them? I considered it my duty to report anything the Doctor would say out of the ordinary course of his duty—that it was my duty to make my superior officers acquainted with it.
2919. Did Dr. Aaron, in your opinion, go beyond the ordinary course of his duty, in these conversations? I consider he did.
2920. Did he go a great deal beyond it? Yes.
2921. Will you state what he said? The first report I made was on the 13th March.
2922. I want you just to state, generally, what was the style of conversation adopted by Dr. Aaron that you thought so wrong? After asking him about his health, he turned the subject to something else—why did he do this, or why did he do that, and he began putting questions for him to bring out his evidence.
2923. Did O'Farrell appear disinclined to answer? He did not; he answered very free on the first occasion.
2924. Was Dr. Aaron taking any notes at all? No.
2925. But you considered the style of conversation so improper that you reported it? I did.
2926. What was the result—was anything done? Not that I know of.
2927. Were you called upon to support your statement? No.
2928. Was Dr. Aaron examined before you? No.
2929. You are not aware what was done? No.
2930. Did Dr. Aaron adopt this sort of conversation at any time after you had reported? Yes.
2931. He continued, then, after you had made the report? Yes.
2932. Then that sort of thing was not stopped by your reporting? No. I made reports on the 13th and 14th, and there were reports after that.
2933. Did you hear Dr. Aaron give any opinion about O'Farrell's sanity or insanity, at that time or afterwards? He said to O'Farrell—what would he give him if he would prove him insane, and get him out of that scrape.
2934. What was O'Farrell's answer to that? O'Farrell said he could get any two doctors in England to prove a man insane for £500.
2935. What was your opinion of the mode in which this question was put by Dr. Aaron—do you think it was done in fun or in earnest? My opinion is, that Dr. Aaron thought he was sane. He said to him—"You are as sane as I am"; and O'Farrell said—"Yes."
2936. Do you think Dr. Aaron's object was to establish evidence of his sanity? Dr. Aaron's object was, in my opinion, after inquiring about his health, that he could not leave him without having something to say to him.
2937. Has Dr. Aaron, within your knowledge, been connected with one or two extraordinary cases of insane persons in the Gaol? I have heard his name mentioned with respect to insane persons, but my duties do not lead me to look after the lunatics.
2938. Have you any knowledge of Dr. Aaron having ordered, or recommended, or permitted persons to be flogged, who were insane, or afterwards proved insane? I recollect Dr. Aaron telling me that a prisoner named Giltinnan should be taken before the Magistrates to have him flogged.
2939. Was he flogged? No; he was taken before the Magistrates, and remanded to the insane department.
2940. Has he remained there since? He has been in the insane department, under observation, since.
2941. How soon after Dr. Aaron ordered his flogging was he sent to the insane department? Two days afterwards.
2942. Do you know anything of the case of a man named Lindsay, in Darlinghurst Gaol? I do.
2943. Do you remember Dr. Aaron giving any opinion on his case? Yes; I remember Dr. Aaron saying he was to be taken before the Magistrates for punishment.
2944. What did he consider he ought to be punished for? I suppose he considered he was feigning, or else that he was showing violent temper.
2945. Was the man flogged? No; he is now in the Lunatic Asylum.
2946. How soon after Dr. Aaron gave that opinion was he sent to the Lunatic Asylum? I suppose it was a month or six weeks after.
2947. Was he a very violent lunatic when he was sent? He had occasion to be placed under restraint, I know.
2948. Was there a Board of Inquiry on this case? Yes.
2949. Did they make any report? I have not heard the result at all.
2950. Does the man still remain a lunatic? Yes, in Parramatta Asylum.
2951. Do you know anything of the case of a man named Johnson, who was in Darlinghurst Gaol about a year ago? Yes.
2952. Was he punished at all, as what is called a malingerer? No, he was not punished.
2953. What was done with him? He was sent to Parramatta Lunatic Asylum.
2954. Did you hear Dr. Aaron give an opinion on his case? He said that he was not insane; that he was to be treated the same as any other prisoner for punishment.
2955. Did he give that opinion in your hearing? Yes.
2956. Was anything done to that prisoner—was he shaved or blistered? I have seen a dressing on his head, as if he had been blistered.
2957. What was that done for? If he was very violent over-night, making a great row, and causing disturbance, they would blister him.
2958. Was this after he was pronounced insane? It must have been before.

2959. Was he shaved and blistered when Dr. Aaron was of opinion that he was not insane? He was in the insane ward at the time.
2960. Was he transferred to the insane ward by Dr. Aaron's advice, or under whose advice? I believe he was transferred by order of the Inspector of Prisons.
2961. Was he very violent? Very violent; he was a very dangerous man.
2962. Was there any occasion on which he was made to drink croton oil? I am not aware of that; another man has charge of that ward.
2963. Is he now in the Parramatta Lunatic Asylum? To the best of my knowledge he is.
2964. Was he sent there from Darlinghurst? He was.
2965. Do you know anything of the case of a man named Valentine? Yes, Valentine Smedo, a black man.
2966. Was he in Darlinghurst Gaol? He was, for six months.
2967. Was he treated as a sane man? He was several times brought under the notice of the Doctor. His actions and demeanour were not those of a sane man.
2968. What was the Doctor's opinion of him? He said it was nothing but violent ebullition of temper.
2969. Was this man sent to the Lunatic Asylum? Yes, afterwards, he was.
2970. What was the opinion of the warders about this man's sanity? My opinion was, that he was a very dangerous man. He was a Portuguese black, and he would so far forget himself that he would think no more of taking a person's life than eating his dinner.
2971. You mean under the influence of insanity? Yes.
2972. Was that the opinion of the other warders besides yourself? Yes.
2973. Was he sent afterwards to Parramatta? Yes.
2974. *Mr. Parkes.*] Are you in the habit of communicating what takes place in Darlinghurst Gaol to persons outside the walls? No, not at all.
2975. Did you ever communicate the particulars of Dr. Carr's visit to any Member of the Assembly? I never did.
2976. *Mr. Hoskins.*] If you are the warder present during an interview between a criminal and another person, do you communicate the purport of the conversation between the criminal and that person to the Governor of the Gaol, or to your principal officer? Not without they went beyond the rules; but if the warder finds them go beyond the rules, he checks them, and they immediately stop.
2977. Then all the information that the public have, with reference to the conversation between Dr. Carr and the prisoner O'Farrell, is information you gave to your superior officer? Yes; I mentioned it to Mr. Read that night, in case there should be anything said about it. Next day there was some talk about it in the Assembly.
2978. *Mr. Parkes.*] Are you in the habit of reading the newspapers? I generally borrow them at night, if I can.
2979. Do you recollect that, a day or two after Dr. Carr's visit, a statement was made in reference to it in the Assembly? Yes; then Mr. Read told me to send him, in writing, the facts.
2980. Then the statement was made in the Assembly before any report was made to the Government? Yes.
2981. *Mr. Hoskins.*] Have you instructions not to reveal to the public outside the Gaol the purport of conversations between prisoners and their professional advisers? Our duty as warders is not to communicate anything that occurs in the prison to people outside.
2982. Therefore, if you valued your position as a warder, you would consider you would be acting very injuriously to your interests if you did so? Yes.
2983. Has Dr. Aaron been in the habit of interrogating prisoners in the same way as he did O'Farrell, during your experience of the Gaol? I do not have much communication with Dr. Aaron, unless he goes down the cells where the solitary prisoners are confined, or to see prisoners under sentence of death.
2984. Have you charge of that wing? Yes.
2985. Has he been in the habit of interrogating other prisoners in the same way? No.
2986. Has there, during your time, been any prisoner awaiting trial, or under sentence of death, whose friends have endeavoured to set up the plea of insanity for his defence? None of the prisoners under sentence of death, since I have been there, have had insanity set up in their defence, except O'Farrell.
2987. You never knew Dr. Aaron ask any of them questions of the same character as he did O'Farrell? No.
2988. Can you say, of your own knowledge, whether Dr. Aaron was examined at O'Farrell's trial? He was not.

Warder J.  
Carroll.

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Mr. George Lea Wilson called in and examined:—

2989. *Mr. Parkes.*] You are an office-bearer of some Orange Lodge? Yes; I am Secretary of the Grand Orange Lodge, and Master of No. 4 Orange Lodge.
2990. Can you state to the Committee whether the Orange Lodges of Sydney ever intended to walk in procession on the occasion of the arrival of the Duke of Edinburgh? I am sure they never did.
2991. Such a project was never entertained? Such a project was never entertained.
2992. You have no doubt whatever about that? No doubt whatever.

Mr. G. L.  
Wilson.

19 Jan., 1869.

- Mr. G. L. Wilson.  
19 Jan., 1869.
2993. *Chairman.*] Are you aware that Captain McLerie states that he communicated with some of the people connected with the Orange Lodges, to ascertain whether they intended to march in procession? I read in the paper that Mr. Hart said that Captain McLerie said so, but it was not the case.
2994. Are we to understand that he never asked any person connected with the Orange Lodges whether they intended to do so? I am quite sure no such communication came to any official of any Orange Lodge, nor to any member, that I could trace.
2995. Does it not seem extraordinary that he should have made no inquiry, if he received information from M'Cormack and others that the Orange Lodges did intend to walk in procession? I think not.
2996. You are aware that he states that he did make inquiry, and he found that they did not intend to do so? It is not at all extraordinary; for Captain McLerie has known me for so many years, that he must be aware that anything that I have to do with must be orderly.
2997. Under these circumstances, you would be one of the first he would be likely to apply to? I should think so.
2998. And he did not apply to you? He did not; and I believe he made no such communication to any one connected with an Orange Lodge.

Warder William Boon called in and examined:—

- Warder W. Boon.  
19 Jan., 1869.
2999. *Mr. Parkes.*] You are a warder in Darlinghurst Gaol? Yes.
3000. How long have you held that situation? Five years and nine months—six years come 13th May again.
3001. Were you on duty during the time the prisoner O'Farrell was confined in Darlinghurst Gaol? Yes.
3002. Did you ever have charge of the cell in which he was confined? I did; I was the first man that did duty over him there, when he was brought in.
3003. Did you have charge of him during the day or night? At different times—both night and day duty.
3004. Did you ever enter into conversation with him? He used to enter into conversation with me.
3005. Often? Yes, very often; he was very familiar, and talked a good deal.
3006. Will you be good enough to state to the Committee what was the general tenor of his conversation, in relation to his crime? At different times he told me he was connected with a Fenian society in this town. He said there were ten of them, and that it fell to his lot to shoot the Prince, and he was sorry he had not done the job properly.
3007. Anything else? Yes. He told me, that if the Prince should go to New Zealand, he would be sure to be shot there, for one of the parties had gone there with the intention to shoot him when he came there.
3008. Is there anything else you wish to state? He further told me they intended to burn the Pavilion the night of the ball, but that he persuaded the man that was going to do it not to do so, as it would take the lives of Irish as well as English. He said this man went there intending to do it, and that he had some Greek fire with him.
3009. In these various admissions of the prisoner to you, did there appear anything unusual? No, not at all.
3010. Did you think them true or untrue? I think they were true. I took them as truth then, and I believe them to be true now, at the present day. Furthermore, he told me that he went to the public ball at the theatre, with his pistols with him, and he was not allowed in, or he would have taken the life of the Prince that night. He said, they went with the intention to do it there—not him, but he said—"We went with the intention to do it there, but we were not allowed in, as we had no tickets."
3011. Have you seen a paper, published in the newspapers, said to be a diary written by O'Farrell before he committed this crime? I have not.
3012. Did you ever hear O'Farrell, during the whole time you had charge of him at the Gaol, say anything about a diary which he had written before he committed the crime? I do not remember. I heard him say they had had it in hand a long time—that they had been premeditating it a long time.
3013. You mean the crime? Yes.
3014. Did you ever hear him say he had kept a journal? No, I do not remember it; he might have said so, but I do not remember it.
3015. Have you seen a paper, published in the newspapers, purporting to be the last confession of O'Farrell? Yes.
3016. Do you know anything about the way in which that was prepared? Yes; I gave evidence of that. The priest was with him; I was with O'Farrell at the time, and brought him from the sacristy, and he told me he wanted the pen and ink down-stairs again, and he said—"I shall want another sheet of paper down-stairs." There were no letters, nor anything on the table of the sacristy when I went to take him from there, after the priest left.
3017. Did you take O'Farrell to this particular place? I did not; a man called Denison was there; I relieved him for dinner.
3018. Who was with him when you fetched him back? Warder Brown.
3019. No one else? The clergyman was in with him in the sacristy.
3020. Pen and ink were supplied there? Yes; and paper had been there, because he said he should want another sheet of paper down-stairs.

3021. Do you know whether he got that other sheet of paper? I think Warder Carroll supplied him with it. Warder Carroll supplied him with the second, I know.

Warder  
W. Boon.

3022. Were you in charge of the cell when that paper was written? No. The door is always shut when the priest is with a prisoner in the sacristy. It is not the same as with a Protestant; when a Protestant is under sentence of death, the clergyman allows the warder to stand by and hear what is going on.

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3023. Were you in charge of the cell when O'Farrell wrote the second statement, on the second sheet of paper? No; when Warder Denison came from his dinner, I left it. I went in the afternoon to relieve one of the men, and I saw the sheet of paper on the table, that he had been writing. O'Farrell said—"This is my statement I am going to give to the Government."

3024. Is there anything else that you wish to state to the Committee with respect to O'Farrell? He was going to tell me something one night; he said he had a secret to tell me. He said—"I will put you on a lay; I would not trust you as an Irishman, but I think I can trust you as an Englishman;" but just as he was going to begin, the wing-door was opened by the Chief Warder, and the Chief Warder came down to the cell. After the Chief Warder went away, I said—"Now for this secret;" but he said—"Another time will do." This was before the priest was allowed to see him. After the priest came, he would not tell me the secret.

3025. *Mr. Hoskins.*] Have you ever been examined before, in reference to this matter of O'Farrell? No, this is the first time.

3026. Are you a Roman Catholic? No. I am an Englishman, from Devonshire.

3027. Did O'Farrell tell you where this Fenian Society held their meetings? Yes; he told me at Tierney's, and the Hyde Park Hotel, in Elizabeth-street and Bathurst-street. He said there was a meeting held there every Monday night regularly. When I used to be going to my lodge, I saw a lot of people there; I thought there was a lodge held there.

3028. Did he tell you how many members composed this Fenian Society? He said ten. He said he was one of the ten that drew lots, and it fell to his lot to do the deed.

3029. Did he tell you how many meetings had been held before he did the deed? He did not.

3030. Did he tell you what became of the ten? He said one was gone to New Zealand, to shoot the Prince if he came there. I asked him what became of the others, and he said he could not tell.

3031. Did you ever communicate the information you have now given, to the authorities? I gave it to Mr. Read.

3032. You do not know whether Mr. Read reported it? I do not.

3033. Do you know whether the police authorities took any steps to ascertain whether this Fenian Society did meet at the Hyde Park Hotel? I do not.

3034. Do you know whether any of the ten persons, said to be O'Farrell's associates, were apprehended? I do not.

3035. I think you told Mr. Parkes, that O'Farrell said it had been arranged to fire the pavilion? Yes, he said it had been arranged; but it would take the lives of so many Irish as well as English, that he persuaded his mate not to do it.

3036. He felt very little compunction about the lives of the English? No; but he had a down on the Irish too, sometimes.

3037. *Mr. Horster.*] Were the names of these ten men stated to you by O'Farrell? No.

3038. Did you ask him the names? I asked him, and where they lived, but he said, No, he could not oblige me with that.

3039. Do you know whether the report you made to the Gaoler was put in writing? I could not tell.

3040. Did you put anything in writing? No, my report was merely verbal.

3041. Did he give you any particulars about these ten men being bound by an oath? He said they were bound—he did not say by oath; he said they were bound to shoot the Prince, and it fell to his lot.

3042. Did he tell you where this drawing of the lot took place? I think he said at some hotel; I forget the name.

3043. After making these reports to the Gaoler, were you ever questioned about the matter by anybody? Never.

3044. Did you ever tell anybody? No.

3045. Except the Gaoler? Except the Gaoler.

3046. Is this the first time you have mentioned it since? Yes.

3047. You never saw any one brought to the Gaol on this information you gave? No.

3048. No one was apprehended? No. There was a man brought in under the Treason Felony Act.

3049. But not under the information you gave? No.

3050. None of these ten men were ever caught? No, I never heard so.

3051. Nor was the particular accomplice of O'Farrell, that you have named his mate, caught either, was he? No, I never heard of it.

3052. *Mr. Brown.*] Were these conversations before or after the trial? Before the trial; I was not with him after he was tried.

3053. Is it usual for the warders of the Gaol to talk in this manner with prisoners up for trial? If a prisoner likes to give any statement, we are at liberty to take it; but we are not supposed to ask any questions.

3054. Do I understand you to say that all these statements were made voluntarily? Yes, they were.

Warder  
W. Boon.  
19 Jan., 1869.

3055. You simply heard what he had to say, and made no reply? Yes; I talked with him, but I did not put questions to him, except about anything he began to tell me. I asked him if he would give me that secret that he was going to tell me when the Chief

Warder came in.

3056. Did you ever have any such conversation with a prisoner under commitment for trial before? They were never so talkative as this man was; he was talking and laughing sometimes half the night long.

3057. Did you ever before have any such conversation with any other prisoner under commitment for trial, about his crime? Yes, I have, many times.

3058. Had you received any instructions, from any officer of the Government, or officer of the Gaol, to talk to O'Farrell about this crime? No, nothing more than that Mr. Read said, that if he made any statement to me, I was to give it to him in the morning.

3059. Did he talk to you more than once? Yes.

3060. When you reported the first conversation, did you receive any instructions to continue, or get out of him as much as you could, or anything to that effect? No, nothing more than what I have said.

3061. *Mr. Hoskins.*] Has any person asked you, before you came here to-day, the nature of the evidence you could give? No. I could not tell them if they asked me; I did not know what I was coming here for.

3062. When did you receive information that you were required to give evidence? Last Saturday.

3063. From whom? By post.

Mr. Francis Fitzpatrick called in and examined:—

Mr. F.  
Fitzpatrick.  
19 Jan., 1869.

3064. *Chairman.*] You are in the Survey Department? Yes.

3065. Will you look at the paper marked D 4, in the Appendix to the evidence given before this Committee, and state if you are the person alluded to in that? I suppose I am. Some of the things are partially true, but the first is utterly untrue—I never said such a thing in my life.

3066. Who is this Mr. Reynolds, who signs this? I think he is a man who keeps a hairdresser's shop in Pitt-street, near the Victoria Theatre.

3067. You wish to have an opportunity of contradicting some of these statements? Yes, I should like to.

3068. Will you say what you wish to contradict? (*The witness read the first paragraph of Mr. Reynolds' letter, D 4.*) There is not the slightest truth in that.

3069. You never heard that the Prince would be shot? Certainly not.

3070. Go on to the second? (*Witness read the second paragraph.*) I certainly said I should not take off my hat every time I met the Prince, but not that I would not take it off to Prince or Queen.

3071. Had you any conversation with Mr. Reynolds on the subject—Did you give the reason he mentions here,—that they were only human beings like yourself? Not that I remember; I may have said that; I should not like to say I did not. (*Witness read the third paragraph.*) It is true I had one of O'Farrell's shirts in my possession at the time, but I never had it on. As to knowing him well, I only knew the man slightly; I have had a glass of ale with him occasionally. I certainly never said that the Prince would never leave Sydney alive.

3072. How did you come to have one of O'Farrell's shirts? There was a man named Charles Brock, who was taken up afterwards for embezzlement. He was living with O'Farrell; he got very hard up, and sold me a pawn ticket; I went and got the things out, and there was a shirt that had belonged to O'Farrell among them; I think there were two shirts,\* but I am not sure.

3073. Have you any remarks to make about the fourth paragraph? (*Witness read the fourth paragraph.*) That is utterly untrue. I never said that.

WEDNESDAY, 20 JANUARY, 1869.

Present:—

MR. S. C. BROWN,  
MR. EAGAR,  
MR. FORSTER,

MR. HOSKINS,  
MR. PARKES,  
MR. J. STEWART.

WILLIAM MACLEAY, Esq., IN THE CHAIR.

Mr. Robert Henry Reynolds examined:—

Mr. R. H.  
Reynolds.  
20 Jan., 1869.

3074. *Chairman.*] Are you the person who signed that paper (*handing to witness Appendix D 4*)? Yes, that is right.

3075. Who did you send this to? Captain McLerie.

3076.

\* NOTE (*on revision*):—Which I returned to Brock.

Mr. R. H.  
Reynolds.

20 Jan., 1869.

3076. Is this statement true? It is.
3077. What are you? A hairdresser.
3078. Where did you see Mr. Fitzpatrick? In my place of business.
3079. Did you frequently see him? Very frequently.
3080. He told you, before the landing of the Prince, that the Prince would be shot? He said he had heard it—either that the Prince would be shot, or that he had heard it, I am not positive which. He did not seem to say of his own knowledge that it would take place.
3081. Did you ask anything more about it? There were several in the room, and he did not speak to me more than to the others. I did not notice it particularly at the time. It was through Mr. Row, the chemist. He spoke to me, and said—"Did you notice how Mr. Fitzpatrick spoke of the Prince?"
3082. *Mr. Parkes.*] Mr. Row, the chemist, was present? He was.
3083. *Chairman.*] You have stated that this statement is true? I think they are correct.
3084. Have you read it through? (*The witness read the same.*) Yes, it is perfectly correct.
3085. What was your object in giving this information? I had no object at all, any more than its being brought prominently under my notice by Mr. Row. I at the time did not take any notice of it, for frequently people are speaking in a peculiar way in my place.
3086. Is this the only instance in which you gave information? The only one in which I gave any information in connection with anything.
3087. I suppose there were frequent conversations on this subject in your place of business? Yes, frequently.
3088. Were many people assembled there? Sometimes there might be twenty.
3089. Was Mr. Fitzpatrick the only one who had spoken in this way? I have not heard any one who spoke anything approaching that. There was certainly, one morning—but I did not know that I could do anything with it—three men, who had come from Hokitika, just after the riot there, came to my place; they were very outrageous—in fact, they were going to punch my head, because I took up the subject very warmly.
3090. *Mr. Parkes.*] What do you mean when you say "very outrageous"? In their language, in connection with the Prince.
3091. *Chairman.*] State to the Committee what they said? They said, if the Prince went to Hokitika, there was no mistake about his being shot. They spoke about Father Larkin. I said it was a disgraceful thing—the way in which Father Larkin acted. They said they did not see the disgrace. I said it was a disgrace for any man, let him belong to any religion, or to no religion, to act in the way he had. One of them jumped up, and said he would punch my head if I said anything more.
3092. *Mr. Parkes.*] I suppose you gave this information to the Inspector General of Police, from a sense of duty—you thought he ought to know? I thought, considering that I had been under Her Majesty, it was my duty to give information to the Inspector General.
3093. What do you mean by being under Her Majesty? I was Musketry Instructor to all the regiments in the Colony, and I also served in the Crimea.
3094. Are you quite sure Mr. Fitzpatrick said what is written in that statement? As near as I could possibly say. There was another man present—a hairdresser, of the same name as myself—who was in my employ, and I read it over to him, and asked was it correct. He said—"Yes." I did this before I sent it to Captain McLerie.
3095. Mr. Row, the chemist, was present, and called your attention to it? Yes, it was through Mr. Row. In fact, I did not take particular notice of it. He asked me if I heard what Mr. Fitzpatrick said. I said—"Yes, I did."
3096. It is well you should know that Mr. Fitzpatrick denies he said it? There are other witnesses besides myself. Mr. Row can be summoned, and also a man lately in my employ, of the name of Reynolds.
3097. He can be found? He can be found at Mr. Shultz's, in Hunter-street.
3098. *Mr. Forster.*] When you say that this occurred the week before the landing of the Prince—that is, that Mr. Fitzpatrick said the Prince would be shot—that was, of course, before the attempt on the Duke's life? Yes.
3099. Did you give information about this statement of Mr. Fitzpatrick to any one? No, not till afterwards. The day after the attempted assassination, Mr. Row came to my place, and said—"Did you hear the words Mr. Fitzpatrick made use of at your place?" I said—"Yes." He said—"I shall make a report of it; you had better do the same."
3100. That was after—? That was after, either a day or two after, the attempted assassination of the Prince.
3101. These conversations took place at different times? At different times—not at one time.
3102. How was it you did not give information to the police when you heard Mr. Fitzpatrick say this? Because I could hardly think such a thing.
3103. Did you think Mr. Fitzpatrick was joking? I could hardly believe it. In fact, he continually jests about anything. In fact, when he has been talking about Roman Catholics, he calls them everything that is bad.
3104. He is given to jesting? He jests, certainly.
3105. Are you sure that he was not making fun of you? He was not speaking to me more than to any one else.
3106. Do you think he was jesting when he made any of these remarks? Whenever he was talking upon any subject, he was always laughing.
3107. It is quite possible that he was not in earnest when he said any of these things? It is quite possible he did not mean it.

- Mr. R. H. Reynolds. 3108. You say you took this down at the time? Not at the time—afterwards.  
 3109. What is the name of the hairdresser you showed this statement to? Reynolds.  
 3110. He said it was true? He said it was correct.  
 20 Jan., 1869. Mr. Row was present also? He was present.  
 3112. Was any one else present besides Mr. Row and Mr. Reynolds? A good many; I could not tell you who they were.  
 3113. Was there a general feeling of indignation expressed at any of these remarks, by the people present? I do not think there was any particular notice taken of it.  
 3114. You say there were twenty present? On one occasion there were. I know that was before the attempted assassination.  
 3115. Did no one attempt to contradict Mr. Fitzpatrick, or to reprove him for what he said? I think I spoke to him on one occasion, and told him it was absurd the way he was talking.  
 3116. You called it absurd? Yes.  
 3117. Was that the occasion on which he said the Prince would be shot? After. I think it was when he said O'Farrell shot him on the open ground.  
 3118. You did not decline receiving Mr. Fitzpatrick as a customer, after this manifestation? No.  
 3119. Did you look upon him as a Fenian, in consequence of all this? Certainly not.  
 3120. When you did give information to the police, what notice was taken of it? None that I am aware of.  
 3121. Was Mr. Fitzpatrick arrested? Not that I am aware.  
 3122. Has he come to your place since? Yes; he was there, I think, three days ago.  
 3123. You do not think any worse of him for it? No, I do not.  
 3124. No policeman came to you to make inquiries? No.  
 3125. You were not sent for by any Member of the Government, to give further information? No. I do not think there is a spark of Fenianism in him. He speaks just as much of his own people, and, in fact, worse.  
 3126. You look upon it, then, as mere talk? In reference to his having a shirt on of O'Farrell's—that, he told me, was a positive fact, and he told me the other day about it.  
 3127. You did not think that in itself an act of disloyalty? No.  
 3128. *Chairman.*] Are you positive he said he had a shirt of O'Farrell's on? Yes.  
 3129. He declares that he never had a shirt of O'Farrell's on? I am positive he said so, only the other day.  
 3130. Do you know whether he said "on"—he admits having one in his possession? I believe he said it was strange that he had O'Farrell's shirt on when the Prince was shot.  
 3131. Are you sure he said he had it on? I am nearly positive of it. Mr. Row heard it.

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John Williams, Esq., examined:—

- J. Williams, Esq. 3132. *Chairman.*] You are Crown Solicitor? I am.  
 3133. Was it you who collected the evidence for the trial of O'Farrell? I was instructed to get him committed, and called such witnesses as I thought necessary.  
 20 Jan., 1869. 3134. You arranged it? I arranged it.  
 3135. The preliminary examination? The preliminary examination.  
 3136. Were you informed by the police that Senior-constable Irvine was the constable who first apprehended him? I cannot speak from recollection.  
 3137. Was he examined? I believe not. Not being aware that I should be called here to-day, I have not looked over the papers. I speak only from recollection of what took place at the trial.  
 3138. Can you not remember whether you received any information as to who was the apprehending constable? No, I cannot. Whilst the examination was proceeding at Darlington, before the Magistrate, I was informed that Senior-constable Irvine was waiting to be examined, and I requested the head of the detectives to go outside, and to take down in pencil a statement of what he would prove if he were called.  
 3139. Do you recollect what was the nature of his evidence? No. His evidence was not taken; but the statement I have referred to was taken down in pencil, and I can produce that statement.  
 3140. Do you not remember why it was not taken? I do not.  
 3141. Is it not usual, in such cases, to take the evidence of the apprehending constable? As a matter of form it is; there is no legal obligation to do so.  
 3142. You do not know why the form was not complied with on this occasion? I do not.  
 3143. Is it not usual to place considerable reliance upon the statement made by the prisoner when he is first apprehended? Yes.  
 3144. Were the words used by O'Farrell, when he was apprehended, brought forward in evidence? That would appear by the depositions. My recollection is, that they were; and I think that the two constables who apprehended him, or who took charge of him after he was seized by Mr. Vial, were called and examined. My recollection is, that Constable Irvine was not the apprehending constable at all. I think that the two constables into whose charge O'Farrell was given, after he had been seized by Mr. Vial, were called and examined.  
 3145. I understand you, then, to say that if Senior-constable Irvine were the apprehending constable, and was not called and examined, it was because he had not been so represented to you? I cannot say that; it may have been because I thought his evidence

evidence not necessary; or it may have been, rather, that I did not know him as the apprehending constable.

3146. Did the statement of these men differ very much from that given by the other? I cannot tell; I have no recollection.

3147. Was it not given in evidence, that O'Farrell, almost immediately after firing at the Prince, declared he was a Venian? That I cannot tell, absolutely; it will appear on the depositions. I can only give my belief as to it. The depositions were very carefully taken, and whatever he said is in the depositions.

3148. If Senior-constable Irvine, who represents himself as being the first to apprehend the man, states that the first thing he said was—"My God! what have I done?" should not that evidence have been brought forward? Not necessarily.

3149. You say considerable reliance is placed upon the first statement made by a prisoner under these circumstances? If it makes against him, it is.

3150. If it makes for him, is it the duty of the Crown Prosecutor, who has to prepare the case on behalf of the Crown, to keep back evidence that may do the prisoner any good? It is not keeping back evidence; it is simply not calling it.

3151. In such a case as that of O'Farrell, where the defence was insanity, is it not usual for the Crown to give every facility to the defence, and to the discovery of whether the prisoner is insane or not? At the time of his examination before the Bench, no such defence was set up.

3152. I ask, is not that the case—would it not be the duty of the Crown, in that case, to give every opportunity to enable the question of the prisoner's sanity to be fairly tested? Yes, it is so.

3153. Would not evidence of the kind that Irvine could give, be of great consequence? That would be a question for the prisoner's attorney and counsel to determine, on his trial.

3154. This evidence, which it seems was in the possession of the police, and of the police only, was never made public, and the defence could not get hold of it? I cannot see myself that the defence could not get hold of it. If it were known that Irvine was the apprehending constable, and that O'Farrell had said something when he was apprehended, his attorney and counsel would naturally ask what he did say; they had the same power to bring him forward, on behalf of the prisoner, as we had.

3155. *Mr. Brown.*] How could it be known that the prisoner had said anything? From the people standing by.

3156. *Chairman.*] Did you, at the time of the preliminary inquiry, see the papers that are known as leaves from O'Farrell's diary? I think I saw them afterwards; I do not believe I saw them before. I must have seen them about the time; I may have seen them before.

3157. Do not you think a document of that kind should have been shown to the prisoner's counsel? I had nothing to do with that.

3158. What do you think? I doubt very much whether it should have been shown to the prisoner's attorney or counsel. It is not the duty of the Crown to suggest defences, which may, or may not, be well founded.

3159. Is it the duty of the Crown to keep back evidence? There is a difference between keeping back evidence and volunteering information as to evidence.

3160. Surely it was keeping back evidence, to keep secret papers which were found in the possession of the prisoner? It was generally known that such a document had been found; and if it had been called for, it would have been produced.

3161. Then was it generally known? I had heard it talked about in Sydney.

3162. Do you recollect anything being said about a diary having been found? I recollect something being said about a diary having been found.

3163. You are aware that such a statement was made in one of the Sydney newspapers, and that this statement was contradicted? I have no recollection as to that. At the time I simply confined myself to getting a committal; and in calling, for that purpose, such evidence as I thought necessary, I made no difference between this and any other case. The case was endeavoured to be treated as any ordinary case.

3164. You had nothing to do with anything but the preliminary examination? Yes, I had to prepare the case for trial.

3165. At that time you had not seen this diary? I think I must have seen it, but I cannot say when I did see it—whether before the examination at Darlinghurst, I cannot say—I think it must have been.

3166. It did not occur to you, that injustice had been done to the prisoner, in consequence of these documents not having been placed in the hands of the prisoner's counsel? Certainly not; it had nothing to do with the examination before the Bench of Magistrates at Darlinghurst.

3167. Had it nothing to do with the defence set up by counsel at the trial? I believe the attorney and counsel had full knowledge of it, and it was their duty to ask for it, if they thought it necessary for their case.

3168. Have you reason to believe so? I have heard it reported about town, that such documents had been found. I do not know that his counsel had full knowledge of it—of course, I cannot know that his counsel had full knowledge of it; but my impression is, that it was pretty generally understood about town that some papers—a diary, and other things—had been taken from him; in which case, if the counsel for the defence had called for them, they would have been produced.

3169. Were these conversations that were published between Mr. Parkes and the prisoner pretty well known about town? Not that I am aware of.

3170. *Mr. Brown.*] Did you know of these conversations? At the time of trial?

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- J. Williams, Esq.  
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3171. Before the trial? No.
3172. Or any conversation with Dr. Aaron, about his sanity? I think there had been but the particulars were not given.
3173. *Mr. Forster.*] Is it not the principle, in conducting prosecutions by the Crown, not to withhold any evidence that may be favourable to the prisoner? Certainly.
3174. Would you not have said—on the supposition that it is true that this Constable, Irvine was the apprehending constable, and that he heard O'Farrell utter this exclamation, the moment he was apprehended—"My God! what have I done?"—that that would be rather favourable to the prisoner than otherwise, if it had been produced in evidence? I really do not know. It might be taken as indicating some sudden return of consciousness to O'Farrell, of what he was doing, supposing him to have been insane.
3175. I think you say you were not aware that O'Farrell uttered such an exclamation? I was not aware.
3176. Were you aware of it before to-day? My present impression is, that I never heard it suggested by any one that he made use of those words.
3177. Was a report, made by Irvine, ever laid before you, among the papers? I think not. The Inspector General sent for it the other day, and said he thought he had sent it to me; but on looking at the papers, I found no report in writing of what Constable Irvine had stated, but I had a report in pencil, taken down by the chief of the detectives; and I think it very unlikely that, if I had had a formal report sent to me, that I should have requested Mr. Wager to take down in pencil what Mr. Irvine could prove.
3178. Supposing you had been made acquainted with this circumstance—that such an exclamation had been uttered in the first instance, that Constable Irvine was the apprehending constable, and that O'Farrell had uttered an exclamation of that kind—would you not have considered it your duty to put Irvine under examination before the Magistrate? No.
3179. Or at the trial? I had nothing to do with the matter at the trial.
3180. If he were not examined, would not that be withholding evidence that might be of use to the prisoner? That was the business of the counsel for the defence; it was not my duty to collect evidence for the prisoner.
3181. Did you not admit that the Crown always acted liberally? Certainly; but that does not extend to the suggesting a defence. The Crown would not keep back anything material to it.
3182. *Mr. Brown.*] The defence having been suggested, would not this have been material to it? At the time of the examination before the Magistrate, the defence was not suggested.
3183. *Mr. Forster.*] In that case, would you have thought it material to allow the evidence to be brought forward, or not? I could not have prevented it. At what stage do you mean?
3184. I mean at such a stage as that it would have been material to the defence? I had nothing to do with the defence. After the committal, the defence was in the hands of the prisoner's friends, who had employed an attorney and counsel to conduct it.
3185. If you had believed this evidence to be material, would you not have thought it your duty to produce the evidence—to allow Constable Irvine to be examined? When examined, and in what way to allow it?
3186. If they were not aware of evidence that you were aware of, how could they produce it? Of course, in such a case, they could not produce it; but that can hardly be the present case. My impression is, that Constable Irvine was not examined because he was not the apprehending constable.
3187. I am putting it on the supposition that it is true that he was the apprehending constable, and that an exclamation of this kind came from O'Farrell's lips at the time of his apprehension. Do not you think it extraordinary that you were not made acquainted with the fact? I may have been made acquainted with the fact, but I have no recollection of it.
3188. If you had been made acquainted with it, and had considered it material to the defence—? I should not, at that time.
3189. Not at any stage of the proceedings? Not at that time; no defence of insanity had been set up. It was only material for the defence on the trial.
3190. Do not you think such a circumstance as Constable Irvine having been the first to apprehend O'Farrell, and having heard an exclamation of that kind, was one to be considered, in preparing for the prosecution? All that is said at the time of a man's apprehension is material to be considered in preparing a prosecution.
3191. In that case, would you not have thought it your duty, if you had been fully aware of it, to have produced the evidence? No; I do not see how that affected his guilt. It may have been very material for his defence, supposing his defence to have been insanity; but that was not then set up; at the trial it was set up for the first time, and he then had counsel defending him.
3192. Is it usual, in preparing a case for the prosecution, to omit the evidence of the apprehending constable? The usual mode, in preparing a case for prosecution, is, to get such evidence as will lead to committal, and to conviction after—not excluding anything that may come out for the defence, but not calling evidence for the defence.
3193. I think you said that the Crown made it a rule not to omit anything that was in favour of the prisoner? Not to exclude anything; but we do not produce it, unless we are asked for it.
3194. I think you said this evidence was material, or might have been material. Could you tell, at the first time, whether this evidence might not be material, either one way or other?

- other? No. It is very probable that, if Constable Irvine had made this statement before the examination, I might not have called him.
3195. Not if it included this exclamation? Not if it included this exclamation.
3196. Might not the counsel for the defence have thought it material? Then they should have called him.
3197. How were they to know it—If this circumstance about Irvine being the apprehending constable were industriously concealed, how were they to know it? I cannot admit for a moment that it was industriously concealed by anybody.
3198. If it were concealed, whether industriously or not? Counsel ought to have been aware of it, if it were material.
3199. Are you sure they knew anything about it? They ought to have known, if it were material.
3200. How could they know, if it was concealed? Because they must have been aware, by reading the depositions, of all that took place at the time of the arrest; and if they found, upon inquiry, that any persons were present who were not called by us, it was their duty to examine such persons, to ascertain whether they could give any evidence on their behalf.
3201. As Senior-constable Irvine states that he made a report of his being there to the police, and as this report had not been made known to the counsel for the defence—how were they to know of the circumstance, in any way? If they had the depositions, they could tell whether Constable Irvine's name appeared as being present at that time, and, if it did, they ought to have asked why he was not called. It is no part of the duty of the Crown Officer prosecuting, to supply materials for the defence.
3202. Are you sure that the other constables stated that Constable Irvine was present? I cannot tell, without reference to the depositions.
3203. *Mr. Parkes.*] When you sent Mr. Wager to ascertain what Senior-constable Irvine could say, could you form an opinion, upon the report of Mr. Wager, that his evidence was not material? I must have done so, or I should have called him.
3204. Is it not often the case, that witnesses are ordered to attend, and you find their evidence is not necessary? We find we have sufficient evidence without them, and do not call them.
3205. It is not usual, in conducting cases, to accumulate evidence more than necessary for the ends of justice? It is not. I think, in this case, I called more evidence than I should in a common case.
3206. Are you aware of any action taken by the police, or by any one, that would justify the term "concealment," in O'Farrell's case? No.
3207. Do you think there was any attempt at concealment on the part of the police, or of any one? No.
3208. Supposing that, when the prisoner was taken in charge by Senior-constable Irvine, he made the exclamation reported—"Good God! what have I done?"—should you consider that such an expression indicated insanity? I can scarcely answer that.
3209. Would it strike you as being the expression of a madman? I can scarcely hold an opinion about it.
3210. Supposing that had appeared in the evidence submitted to you—you surely could have said whether it would have attracted your notice? From what I read of the other evidence, I should not believe it was said.
3211. *Mr. Brown.*] The trial was postponed one day? It was.
3212. Was it not postponed on the ground of witnesses, who could prove his insanity, being absent? Yes.
3213. Therefore the Crown, before his trial commenced, knew his defence was insanity? Yes.
3214. Although Constable Irvine's evidence was not necessary for a committal, or for a conviction for the Crown, do you not think it would have been only fair, on the part of the Crown, to have called his evidence, in order to have given prisoner's counsel an opportunity of cross-examining him as to what took place at the time of apprehension? I do not. It is unusual to call any witnesses in that way who have not been called before committal.
3215. You say the evidence of the apprehending constable is only necessary to show how the prisoner is before the Court; but if the defence is insanity, is it not important, to enable the jury to decide, that they should have a knowledge of all the circumstances surrounding the occurrence? Very important.
3216. Was the fact communicated to the prisoner's counsel, that Senior-constable Irvine could give this evidence? I do not know, but I should imagine not.
3217. Can you tell us whether you had read this diary before the case came on? Yes.
3218. Knowing that the plea was insanity, was any copy of that diary shown to the defendant's counsel? No; it is a thing that is never done.
3219. As a matter of fact, was it? As a matter of fact, it was not.
3220. Was that diary ever shown to any one unconnected with the police or Government, till after the prisoner was convicted? To my knowledge, the diary was never in my possession until after the prisoner had been committed; but I saw it in the possession of the Inspector General of Police.
3221. Do not you think that, in a case of prosecution of this kind, where the prisoner's defence was insanity, that this diary, and the exclamation of the prisoner at the time of his apprehension, were most important evidence for the jury to consider—I ask you as a matter of fact, as a lawyer? Yes.
3222. Can you tell us how it was that the Crown, knowing the day before that that defence was to be set up, that this defence was not placed before the jury? Because we were not conducting the prisoner's defence.

J. Williams, Esq. 3223. Do you, as Crown Solicitor, think it is the duty of the Crown to conduct prosecutions in such a case as that of O'Farrell, or in any case, in the same manner as you would an ordinary action at law, and withhold evidence simply because you were not acting for the prisoner? I should not think it fair to withhold evidence, and it was not done in this case.

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3224. Can you tell how it was possible for the Jury to judge of the state of mind of the prisoner at the time of the commission of the offence, when the Crown did not place before the Jury the exclamation made by him just after the commission of the offence, and the diary, written by him just before the commission of the offence? Whether it should have been placed before the Jury was a question for the prisoner's attorney and counsel to consider; the Crown cannot suggest what evidence they shall call.

3225. Is it not the case, when a defence of insanity is set up for a prisoner, that the Crown affords every facility for ascertaining the state of the prisoner's mind, by the examination of medical men, and in other ways? Where a prisoner is undefended, we always do it. We did not in this case depart from the ordinary rule. Where a prisoner is undefended, every facility is given; but where a prisoner is defended, where he has his friends about him, has an attorney and counsel employed, we never interfere with the way in which they should shape their case.

3226. Would you mind answering this question:—Would that evidence have been placed before the Jury—the evidence of Constable Irvine, and of this diary—if O'Farrell had not had counsel? I think, probably, it would.

3227. How can you tell whether the fact of that diary being in existence, or the fact of that evidence of Constable Irvine being obtainable, was in any way conveyed to the prisoner's counsel? I am not aware of any means. My impression is, that it was a matter talked about—discussed by everybody—that some papers had been taken.

3228. Do not you know that no counsel defending a prisoner would ever ask for the production of any papers, unless he had first had an opportunity of seeing them? That is not the production I refer to; but I think, if counsel thought the papers contained matter material to the defence, they should have asked us for a copy, which would have been given. I say it would have been given, because I was expecting such an application would have been made.

3229. The broad fact remains, that these papers were not laid before the Jury, and Constable Irvine's evidence was not called, because the counsel for the defendant had not them before them? The conduct of the case of the defendant rested with his counsel.

3230. Therefore, the Jury had not those facts before them which would enable them thoroughly to judge of the state of O'Farrell's mind, simply on account of the omission of the counsel who defended him? As far as I know, the Crown did not volunteer this testimony, because the defence of insanity was conducted by counsel retained by the prisoner's friends. I need not say that, in such cases, I cannot interfere.

3231. You called for the evidence for the prosecution, in the first instance, could you not? No; because, as I have explained before, the defence as to insanity was first set up long after the committal.

3232. The day before the trial? It was talked of even some days before the trial; but there was no intimation of that sort of thing at the time of the hearing before the Magistrate.

3233. *Mr. Forster.*] You say you have got a report of Constable Irvine's evidence from Mr. Wager? Yes.

3234. You did not ask Constable Irvine himself for a report? No, I do not think I did see Irvine, personally. My recollection of the matter is this:—That, while the case was proceeding, I was told that Irvine was waiting below to give his evidence; and as I did not wish to call any one till I knew what he had to say, I said to Mr. Wager—"Go below, and take down his statement," and he did so. I have that statement.

3235. Would it not have been a better way, to have taken his testimony personally? Much; but I had seen sufficient witnesses to ensure a committal. I think I must have had thirty or forty witnesses volunteer evidence before the committal took place.

3236. Did you hear, or notice in the papers the publication of certain conversations that had taken place with O'Farrell in the Gaol? Yes, I have seen them.

3237. Do you think that publication was calculated to prejudice his defence? I cannot say that I saw them before the trial. I have seen them recently.

3238. What is your opinion as to the effect of such a publication on such a defence as that set up? I cannot call to mind what appeared before the trial.

3239. Do you think the publication of conversations, so elicited from a prisoner in gaol, was a fair proceeding, considering the defence set up—supposing it was done designedly—I do not say it was? I do not understand the question.

3240. Would not his case be prejudiced? Not if he talked like a lunatic.

3241. On the supposition that these reports, or professed reports, of his conversation, showed that he was not? If the conversations were coherent, the presumption would be that he was sane.

3242. If the contrary, would it not prejudice him? No, it would be in his favour.

3243. If, on the other hand, they showed intelligence, would they not prejudice him? They would.

3244. Are you aware that, when O'Farrell was in gaol, certain conversations were held with him by a Member of the Government, a reporter being concealed at the time, and taking down the statements and conversation—did you ever hear that that took place? Yes.

3245. Do you think that was a usual proceeding in regard to a prisoner—did you ever hear of its having been done before? I never heard of its having been done before.

3246. Do you think it was a proceeding calculated to act unfairly towards O'Farrell, or not? As the conversations were not used against him, I do not think they acted unfairly. J. Williams,  
Esq.
3247. Are you sure they were not used against him? There was no allusion, on the trial, to these conversations. 20 Jan., 1869.
3248. *Mr. Stewart.*] You seem to think that O'Farrell had a perfectly fair trial? I do.
3249. Notwithstanding all the questions put to you by the gentleman on your right hand (*Mr. Forster*)? I do. I have not the slightest doubt, from my knowledge of criminal proceedings, that he had a perfectly fair trial, as fair as I ever witnessed. I think it was the endeavour of the counsel prosecuting to conduct it in as much in the ordinary manner as possible.
3250. *Chairman.*] It was quite an ordinary case? It was treated as quite an ordinary case.
3251. You would not call it a new crime, or a crime of a new description? Wounding with intent to murder is not a new crime at all.

Charles Moore, Esq., examined:—

3252. *Mr. Parkes.*] You are Mayor of Sydney? Yes. C. Moore,  
Esq.
3253. Were you Mayor last year? Yes. 20 Jan., 1869.
3254. You remember the arrival of the Duke of Edinburgh in Sydney? Yes.
3255. There was a sum of money voted by the Municipal Council to entertain him during the time he was in Sydney; and, among other things, to give a civic ball on a very large scale? Yes.
3256. A large temporary building called the Pavilion was erected in Hyde Park for that purpose? For that purpose.
3257. Can you state to the Committee whether any reports reached you or the civic authorities, that it was likely to be destroyed by fire by disaffected persons, which led you to take extra precautions against the danger? Reports prevailed to such an extent, that we took more than ordinary precautions for the purpose of protecting the building against fire. I think we had eight hydrants placed inside the building, one fire-engine on the eastern, and one on the western side; we kept a watchman day and night inside the building, and the same out; that is, one relieved the other.
3258. You took more precautions than you would have done if it had not been for the excitement? In consequence of these reports, I thought it necessary to do all I could for the protection of the large number of people who would be there; for it was expected there would be, and there was, a large number there.
3259. Extra measures of precaution were taken, in consequence of the reports of a probable attempt to set the building on fire? Yes.
3260. *Mr. Brown.*] What were the reports? That it would be fired.
3261. *Chairman.*] How did you hear these reports—in what way were they brought to you? Various ways.
3262. Did people tell you they intended to do it, or others? Reports reached us that it would be fired; all the aldermen will tell you the same.
3263. Did the people who gave you these reports state that they knew it would be set on fire? Almost tantamount.
3264. Who were the people that were to set it on fire? I never could find out who was to set it on fire.
3265. There must have been some reason assigned for all these threats? It must have been from some disaffected people, no doubt.
3266. Disaffected to the Corporation? No.
3267. Disaffected to the Prince? To the Prince.
3268. Why should people, out of dislike to the Prince, set the Pavilion of the citizens on fire? That is a question I cannot answer.
3269. Does it not seem a very curious way of shewing dislike to the Prince? I do not think it does. Reports reached us, and I, in my position, thought it my duty to take all the precautions I could, and I did so with the consent of all the aldermen.
3270. Would you not have taken precautions of a similar nature to secure the safety of a building of that kind, even without having heard these reports? I do not think we should have done so much; we even burned off all the grass around the building.
3271. Would you not have taken such precautions in any case, in a building of that kind, containing so many people, and lighted up as it must have been on the night of the ball? I do not think we should have placed eight hydrants inside the building, have had two engines, one on the east and the other on the west side, and have had a watchman inside and out—day and night—unless there had been something more than ordinary.
3272. In what way did the reports reach you—did people say they had heard people say they would set it on fire? Yes.
3273. Did you not ask who said they would set it on fire? It would have been almost impossible for me to do that.
3274. It seems to me, that if a man came to you and told you that another man told him he would set it on fire, you could very easily find out? I should say not. Reports came in every morning, from various parties. I can assure you I felt very uncomfortable about it—it was anything but comfortable.

- C. Moore, Esq.  
20 Jan., 1869.
3275. Was it only upon the night of the ball it was expected to be burned down? We kept watchmen constantly on, night and day.
3276. Why should disaffected people attempt to fire a Pavilion that had nothing to do with the Queen or the Royal Family—Supposing it was to be burned, what object could be gained? You must not ask me to answer according to your supposition.
3277. You say you were under the impression that this Pavilion would be fired the night of the ball? That was the general report.
3278. You said also, that you were afraid it would be fired at some other time, when it was not so used? Yes; we kept the hydrant man there every night.
3279. What should lead you to suppose that people disaffected to the English Crown would be induced to set fire to this Pavilion? No other persons would do it.
3280. Would that be the way to shew their disaffection? That is not for me to form an idea of. I only speak for myself.
3281. What do you say? I say, from the reports that prevailed relative to the firing of the Pavilion, I took more than ordinary precautions to prevent it.
3282. What sort of people did you get these reports from? That is a matter I cannot speak to; it is some time since.
3283. You do not remember what sort of people gave you these reports? No, I cannot.
3284. *Mr. Parkes.*] The Pavilion was erected in honor of the Duke of Edinburgh? In honor of the Duke of Edinburgh—for the purpose of entertaining him.
3285. It would not have been erected if he had not come here? No.
3286. It was wholly connected with His Royal Highness' visit—it had no other object? No other object. We have the wines on hand yet that we had for the farewell ball to His Royal Highness; but I hope they will be put to the purpose of opening the Belmore Market, to which ceremony he will be invited when he comes.

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Mr. Patrick Nailan examined:—

- Mr. P. Nailan.  
20 Jan., 1869.
3287. *Chairman.*] You reside in Woolloomooloo-street? Yes.
3288. Do you remember being assaulted on the morning of the 1st April last? Yes, I do.
3289. Will you state what occurred at that time? I was on my own business that morning early; I was going to deliver milk, and I met this party, Brady, in his volunteer dress uniform, and he was assaulting another man.
3290. Do you know who this man was? I did not know him at the time, but I understood since that he was such a man as went away from the country.
3291. What did you see him do? I saw him hit Mr. Reardon—I suppose that to be his name; and I told him to desist, or he would get into trouble, for I saw Reardon making away, with his hands to his face, protecting himself from Brady's blows.
3292. Mr. Reardon was? Yes, he was going away from him towards his lodging-house.
3293. What did you say? I said to Mr. Brady that he would get into trouble, and to desist hitting Mr. Reardon; and then at the words he turns round and calls me a bloody Paddy Fenian, and strikes me; with his rings he cut me and marks my face all over.
3294. What then? Then he called all that was assembled round—he called us all Fenians—the whole lot; he said we were all Fenians.
3295. And did you see what happened then? The other man went into his boarding-house. A man that had seen part of the affair ran for a constable; and when the constable came and seen me bleeding, he wanted the constable to arrest Brady, and he would not do it.
3296. Did he refuse to arrest Brady? He did.
3297. Did he say anything? He said it was not a part of his duty, as he did not see him hit me.
3298. Did you see any other people with Brady? There was another man, but I do not know him.
3299. Did he take part in the assault? Not to my knowledge.
3300. You do not know the other man? No, I do not.
3301. Have you ever seen him since? I took no notice of him at that time, but I could not positively declare.
3302. Do you think you would know him if you saw him? No, just by guess-work; I have an opinion it was such a man.
3303. I suppose the people about were speaking of the matter afterwards? Not much.
3304. Did you not hear from any of them the name of the man who was with Brady? Well, I did.
3305. What name did they say? I heard it was a man of the name of Baker.
3306. Did you prosecute this man Brady? I did; I summoned him.
3307. Was the case heard at the Police Office? No, it was the third or fourth time that there was an adjournment; then I got so tired of the affair, and his wife coming crying at all hours of the day and night to my wife, for mercy, for he got an appointment the very day after this affair, on the "Vernon," and my wife took pity on her and her infant. I went four times, I think, to the Court, and my lawyers was paid their expenses, and I got the price of the summonses and dropped it.
3308. This man Brady held an office in the Volunteers? Yes, he was a bugler.
3309. Do you know whether he was dismissed on account of this business? I do not know—I heard he was.
3310. And he immediately got appointed to the "Vernon"? There was not much time, there was only a day or two between the assault and the appointment. It was reported he was dismissed.

3311. *Mr. Forster.*] Have you ever talked to this Brady since? No, not a word.  
 3312. How do you know he is on board the "Vernon"? I know well.  
 3313. You did not hear why he was appointed there? I do not know why he was.

Mr.  
P. Nailan.  
20 Jan., 1869.

Mr. Oliver Rea examined:—

3314. *Chairman.*] You were in the mounted police? Yes.  
 3315. And had to leave through an accident? Yes.  
 3316. You lost your leg? I lost my leg.  
 3317. Did you know Mr. Reardon, who left here on the 1st April last? I did—he was a cousin of mine.  
 3318. How long had you known him? About a fortnight—during the time he was in Sydney.  
 3319. You never knew him before? I never knew him before, nor held any correspondence with him.  
 3320. When he came to Sydney, he introduced himself to you as your cousin? Yes.  
 3321. Did you see much of him during the fortnight he was here? I have been with him\* nearly every day—part of every day, I may say.  
 3322. You lived near him? I lived convenient to him.  
 3323. You recommended him to Mrs. Bergin? Yes, as I had been there previously myself.  
 3324. I suppose this Mr. Reardon spoke to you very freely on all matters? Yes, he did.  
 3325. Did he say he was a Fenian? No.  
 3326. Did he speak much upon Fenianism? I never heard him, except about what was in the papers—we would talk about it, being the topic of the day.  
 3327. Did he ever collect money for the wives and children of the State prisoners in Ireland? It seems he did.  
 3328. *Mr. Stewart.*] Not in Sydney? Not in Sydney, that I am aware of.  
 3329. *Chairman.*] Did you ever see a medal which he had received in Adelaide? Yes, I did.  
 3330. Can you describe it? Yes; it was a silver medal, and inscribed—"Presented to him by the Inhabitants of Kapundah, South Adelaide, for raising money for the wives and families of State prisoners in Ireland," to the best of my belief.  
 3331. It had been given to him? By the inhabitants of South Australia.  
 3332. Made there, I suppose? Made there, to the best of my belief.  
 3333. Had he, before he left this country on the 1st April, received an intimation from any one that the police were watching him? Not that I am aware of.  
 3334. Had he ever been told that the police were very anxious to get hold of his medal? No, not that I am aware of.  
 3335. You have a pension I presume, have you not, under the Police Superannuation Act? I have.  
 3336. What amount? 2s. a day.  
 3337. Had the matter of your pension been settled at this time? No, it was not settled at this time.  
 3338. Have you any reason to believe that your being seen with your cousin, Mr. Reardon, injured your prospects very much? I have every reason to believe it.  
 3339. Who are the people who fixed the pension in your case? I believe the Board is composed of the Inspector General of Police, Captain Scott, and Mr. Fosbery.  
 3340. The pension you receive, is it not very small in a case of your kind? It is inadequate to keep me. It is very small. I was expecting a good deal more.†  
 3341. Have you any reason to believe that your having been seen with your cousin, Mr. Reardon, injured you? I have.  
 3342. Were you ever spoken to on the subject? I was spoken to by Mr. Fosbery, and called on for an explanation of what I knew of this Reardon, and I gave the explanation as well as I could of what I knew about him. Mr. Fosbery turned round and said I had no right to be with him, and had no right to give him a photograph of mine as he was going away. He said he had expressed himself as a Fenian. I said I knew nothing about him—that I had never heard him. He said I was not fit to be in the force.  
 3343. *Mr. Forster.*] Did you notice in the paper, or were you aware of the fact of Mr. Reardon's effects being searched before leaving the Colony? Yes, I saw it in the papers.  
 3344. Did that surprise you at all? No.‡  
 3345. Were you expecting something of the kind? No, I did not know that he would be searched at all.  
 3346. Have you noticed, in the account of that searching of the police, that it is stated a great number of gold watches were found upon Reardon? Yes.  
 3347. Were you aware that he possessed a great number of gold watches? No, I was not, till I saw it in the papers afterwards.  
 3348. Were you much in his company? Yes, part of nearly every day when he was here. I know he had a share—not so much as is stated here—of jewellery, and a few watches.

3349.

\* NOTE (on revision):—I remember him making a remark, I think about a day or two before he left, that he noticed a few men like detectives watching him.

† NOTE (on revision):—I think it is small, as being in the force over five years, and losing my leg, not through any fault of mine, and being the instrument of bringing to justice several bushrangers.

‡ NOTE (on revision):—Because I knew the Treason Felony Act was in existence.

- Mr. Oliver Rea. 3349. You were aware he was possessed of watches and jewellery? Yes.\*  
 3350. Did you ever understand from him how he became possessed of them? No.  
 3351. Was there anything in his conduct or character that led you to suspect he had become dishonestly possessed of them? No.  
 3352. Do you believe he got them honestly? Yes.  
 3353. Was he a man given to riotous behaviour? Not at all, during the time I saw him.  
 3354. Would you call him a dangerous character? I would not.

Mr. Philip Baker examined:—

- Mr. P. Baker. 3355. *Chairman.*] You are employed in the Lands Department? Yes.  
 3356. What as? As a contractor, in engrossing deeds.  
 20 Jan., 1869. 3357. Did you see, some few weeks ago, in the *Empire*, a letter signed D'Arcy Murray? I did.  
 3358. Are you the person alluded to there? I am not aware.  
 3359. Did you at any time lodge in the house of a Mrs. Bergin? I did.  
 3360. Were you lodging there in the month of March last? Yes.  
 3361. Up to what time—do you recollect when you left? I think it must have been about April.  
 3362. Do you recollect Mr. Reardon living there? I do.  
 3363. Do you recollect when he left? Yes.  
 3364. What day was that? It was by the mail steamer—the “Mataura.”  
 3365. Was it the 1st of April? I really cannot recollect the date; it was about that time.  
 3366. What you mean is, that he left by the Panama mail steamer, on the 1st of April? About that time.  
 3367. Was a Mr. Murray also stopping in the house at the time? I believe he was.  
 3368. Did you see the statement of Mr. Murray in the *Empire*? I did. I saw a letter signed by Mr. Murray.  
 3369. He there states that a person lodging in the house went to Mrs. Bergin, and asked her to assist him in charging Mr. Reardon with Fenianism, or some such statement—Do you remember that? Yes.  
 3370. Do you think you were the person meant by that statement? I am not aware I ever said such a thing to Mrs. Bergin.  
 3371. Do you remember having any conversation with Mrs. Bergin on the subject? I believe I did, on the morning of Mr. Reardon's departure. I believe I told her the police were after him.  
 3372. What else—is that all you said? I believe that is all I said.  
 3373. You said nothing about getting the reward? No.  
 3374. You never mentioned anything of the kind? Nothing.  
 3375. Did not Mrs. Bergin desire you to leave her house? No.  
 3376. Did you not leave her house? At my own request.  
 3377. When? In the month of April, about a fortnight after Mr. Reardon left.  
 3378. Did Mr. Murray ever say anything to you on this subject? I do not think I ever exchanged a word with him.  
 3379. How long were you in the house with him? I suppose I must have been about a month. I merely had apartments in the house with my wife, and he had a room.  
 3380. Did you see Mr. Reardon assaulted on the morning of the 1st April? No.  
 3381. Do you know a man named Brady? I do.  
 3382. Did you not see him that morning? No.  
 3383. Did you hear that he had assaulted any one? I did; my wife saw the whole of it. I was in bed at the time.  
 3384. Had you never any communication about this man Reardon with any of the police? No.  
 3385. Or with the Inspector General of Police? No.  
 3386. You never spoke to any of the police about this man? The only person I spoke to was Captain McLerie.  
 3387. You did speak to Captain McLerie—When did you speak to him? The day of Reardon's departure. I informed Mr. Halloran first, that he had expressed himself, at a public-house where he was in the habit of visiting, that he would as soon shoot the Prince as he would a blackfellow.  
 3388. *Mr. Parkes.*] Who expressed himself so? Reardon.  
 3389. *Chairman.*] You told Capt. McLerie that you had heard him say so? I did not hear him; the landlady of the public-house told me he had expressed himself so to her.  
 3390. After his departure, you went and told Capt. McLerie this? No, before his departure.  
 3391. That morning early? Yes. I told Mr. Parkes first, and he sent me afterwards to Capt. McLerie.  
 3392. *Mr. Parkes.*] Told whom? I told you. Mr. Halloran sent me in to you that morning, and you sent me to Capt. McLerie.  
 3393. *Chairman.*] What did you tell Mr. Parkes? Just the same as I have just stated.  
 3394. And Mr. Parkes told you to tell Capt. McLerie? Yes.  
 3395. Are you quite positive of this? Yes.

3396.

\* NOTE (on revision):—He told me he had some; I never saw them. I did not think he had so much as was represented in the papers.

3396. Are you aware that Mr. Parkes and Capt. McLerie deny all knowledge of you? Mr. P. Baker.  
All I can say is, that Mr. Halloran sent me into Mr. Parkes' room—in fact, he introduced me to Mr. Parkes. 20 Jan., 1869.

*Mr. Parkes:* I may say that I have no recollection of the circumstance; but I may add, that such a large number of persons came to me at that time, that it is very possible I should not recollect it; and, it is almost certain that, if he came to me with any such story as the witness says he did, I should send him to Capt. McLerie. I have no recollection of it.

3397. *Chairman.*] You never, till the day of Reardon's leaving Sydney, had any conversation with any policeman or detective, or with the head of the police, upon the subject of this man? No.

3398. Do you think you were the first to give information about him? I could not answer that question.

3399. Did they seem to know anything about him? Capt. McLerie said the police had been watching him some time.

3400. How long have you been employed in the Lands Office? The last twelve months.

3401. You were employed at the time this occurred? Yes.

3402. *Mr. Parkes.*] You said you read the letter which was published in the *Empire*, signed by Mr. Murray? Yes.

3403. Do you remember that letter was headed "Spies and Informers"? Yes.

3404. And that, in the body of the letter, it speaks of "emissaries seeking blood money"? I believe there was something to that effect.

3405. In the passage which evidently refers to you, from what you have said—Were you sent by any Member of the Government, or by any Member of the police force, or by any one in authority, to Mrs. Bergin? None whatever.

3406. You were the emissary of nobody then? No. The way the thing came round was this:—I mentioned the thing in the office to Mr. Croft,—of this occurrence that had taken place on this morning in the public-house, where the man had expressed himself in that way; Mr. Croft then spoke to Mr. Halloran about it, and Mr. Halloran sent for me.

3407. Does Mr. Halloran know you personally? Yes, he does.

3408. Did he know you at that time? Yes.

3409. Has he known you for any length of time? Yes, for many years.

3410. He will be able to recollect the whole of the circumstances? Yes.

3411. You say you were not sent to Mrs. Bergin by anybody, but that you lodged there as any other boarder? Yes.

3412. You deny having any conversation with Mrs. Bergin such as is reported in that letter? Yes, I do deny it.

3413. *Mr. Stewart.*] Was your wife lodging with you in this house of Mrs. Bergin? Yes.

Henry Parkes, Esq., M.P., a Member of the Committee, further examined in his place:—

3414. I wish to hand in, to be appended to my evidence—and I do this on behalf of the late Government, as well as on my own behalf—certain articles in the *Freeman's Journal*, which my late colleagues consider of importance. I wish to hand in copy of an article in the *Freeman's Journal*, of January 25th, 1868, headed "The Manchester Executions." In this article there is this passage, which I wish to be taken down as part of my evidence now:—  
"Notwithstanding the statement that the execution of these men was generally approved of in England, we do not believe that it will ultimately have a good effect. At all events, it is folly to suppose that it will act as a deterrent, or hinder the recurrence of a similar endeavour, should like occasion arise. It is much more likely to prompt the brethren of the strangled men to make reprisals whenever an opportunity presents itself. The Fenians can argue in this way:—Allen was hung, not for shooting Brett, but for being a Fenian. If the British Government shoot us for being republicans, and to deter us from rebelling, we are justified in shooting their adherents for being royalists, and to impress them with the uselessness of resistance." The article concludes in these words:—"We, however, waive the consideration of these things, because we believe that law or justice had very little to do with the Manchester trials. According to our judgment, the Fenians were put to death because it was politically expedient to make an example, and because it was hoped that the sight of three men hanging for the murder of a policeman whom none of them so much as laid a finger on, would prevent the republican conspirators from carrying out their programme. Whether the execution will fully answer the expectation of those who advocated it, is a matter open to debate. We are rather inclined to take the negative side. Perhaps a month or two will tell whether we are right or wrong." I wish to point particular attention to this, as being published on the 25th January; and, within a month or two after its publication, the Duke of Edinburgh was shot, as if in accomplishment of this prophecy.

3415. *Mr. Stewart.*] Is that a leading article? It is a leading article, and I wish it to be appended to my evidence. (*Vide Appendix J 1.*) The second article that I put in to be appended—and I do this also on behalf of the late Government, as well as on my own behalf—is copied into the same paper, from the *Weekly News*, October 16th, and is headed "The Convictions at Manchester." (*Vide Appendix J 2.*) Also, another from the same paper, headed "The Manchester Executions," and given as copied from the *Cork Examiner*. (*Vide Appendix J 3.*) I also put in, to be appended to my evidence—and I do this on

H. Parkes,  
Esq., M.P.

20 Jan., 1869.

H. Parkes,  
Esq., M.P.  
20 Jan., 1869.

behalf of my late colleagues, as well as of myself—from the *Freeman's Journal* of February 8th, 1868, a copy of a letter from the special correspondent of that journal, dated from Manchester, 23rd November, 1867, headed "English Intelligence." (*Vide Appendix J 4.*) I wish also to put in, to be appended to my evidence, the leading article of the *Freeman's Journal* of February 15th, 1868, entitled "The News by the Mail." In this article the following passage occurs:—"The hanging of Allen, and his companions Gould and Larkin, has already produced some of the bad fruits which reflecting people knew would be its results. The Fenians declared that they would regard the treatment of these men otherwise than as prisoners of war—as an outrage, calling for reprisal, and they have kept their word. They blew up Clerkenwell Prison with nitro-glycerine, and thereby caused the loss of six lives, and serious injury to forty others. This act can have no other object than to take vengeance for the death of the men executed at Manchester. The British Government chose to initiate this game of murder, by hanging three men for the accidental shooting of one, and now no human being can tell how the end of it will be. It is ridiculous to suppose that the hanging of three men, or of three hundred, will turn the Fenians from attempting the work they have taken in hand; men who do the desperate deeds they have committed generally care little about their own lives, and much less about the lives of other people." (*Vide Appendix J 5.*) With reference to the answer said to be given by Mr. Fosbery to the third query of the Colonial Secretary, respecting the man Myers, to the effect that Myers knew of the plot to assassinate the Duke of Edinburgh, and that he had been asked to do the deed—and which I stated distinctly was never said by Myers—I wish to call attention to the written letter by Myers himself to the Inspector General of Police, which will be found at page 24 of the papers laid upon the Table of the Assembly, dated from Young, 9 May, 1868. In this letter the man Myers says—"I considered it incumbent upon me to make you acquainted with circumstances in association with my connection with the F.B., which I have hitherto not communicated, either to you or Mr. Parkes." And then, in the next paragraph, he goes on to disclose the story that the proposed murder of the Duke of Edinburgh had been discussed, and that he had undertaken to commit the crime. I had forgotten this letter at the time I was last under examination; but when I saw it in the printed papers, I recollected that Capt. McLerie, when it reached him, had brought it to me; and it now seems clear to me that Mr. Fosbery got his idea from this letter, which was written a considerable time after this man was out of gaol, and in which the man himself states that he had never told this story before, either to the Inspector General or to Mr. Parkes. I make that explanation as showing very clearly, I think, how the misapprehension got upon Mr. Fosbery's mind. That letter seems to show, I think, very distinctly, not only that my version of the matter is correct, but the source from which Mr. Fosbery has got his impression. I wish also to hand in, in connection with my evidence respecting the order that was given for Dr. Carr to see the prisoner O'Farrell, copies of eleven orders of a former Colonial Secretary, Mr. William Forster, as showing what was done in respect to these matters—

The Chairman objected to the production of the papers referred to.  
Committee deliberated.

*Mr. Parkes* continued:—During his tenure of office, one of these orders was to enable a gentleman to see the prisoner Gardiner, in order to see if it were possible to elicit information from the prisoner that might be to the public advantage. (*Vide Appendix, J 6 to J 16.*)

3416. *Mr. Forster.*] How did you become possessed of these orders? Some time during the last Session of Parliament, an attack was made upon me in the Assembly, by Mr. Forster, with reference to improperly admitting persons to see prisoners.

3417. By me? By Mr. Forster. I do not remember whether it was in reference to Dr. Carr's case, or some other case. In consequence of that attack, I made inquiries as to certain rumours I had heard of Mr. Forster admitting persons to see prisoners, as I thought, improperly. I was assured that what had been communicated to me was correct. I then applied to the Principal Gaoler at Darlinghurst to produce the orders. I had these orders sent to the Colonial Secretary's Office, and these are copies which I hold in my hand, correct in every particular.

3418. With regard to the order about Gardiner—Was that order given before Gardiner's trial or after? The date will tell—I cannot tell.

3419. Are you aware of the circumstances stated in Constable Irvine's evidence, with respect to his being the apprehending constable? I never knew anything of Constable Irvine, to the best of my knowledge and belief, till I heard his name brought before this Committee, in any way whatever.

3420. Can you state, from your own knowledge, why Irvine was not examined? I do not remember hearing anything of the circumstance till I heard it discussed in this Committee. I may add, that I took no personal interest in the trial. I did not visit the Court, either at the preliminary examination or at the trial; and I did not, in any way, interest myself in the trial.

3421. You cannot state why O'Farrell's diary was never made use of? I thought it had been made use of by the Attorney General. I do not know why it was not.

3422. *Mr. Hoskins.*] Do you happen to know whether the Crown authorities were aware that the persons entrusted with O'Farrell's defence, or who were about to be entrusted with his defence at his trial, intended to set up a plea of insanity? All I know on that subject is from O'Farrell himself. I have just stated to the Committee that I did not interest myself in the trial in any way whatever—it was not my business. I never visit Courts of Law, or Police Courts. I have hardly ever done so in my life—I have no curiosity that way. I did not attend at either the preliminary examination or

at

at the trial. I have made no inquiry about it from motives of curiosity, and practically I know nothing about the conduct of the case. All I know of the proposed defence of insanity I learned from O'Farrell himself, who told me—I think it must have been the day before the trial—that he understood his sister desired the plea of insanity set up, which he was very much opposed to, and he thought that he should absolutely refuse to have any such plea set up. That is all.

H. Parkes,  
Esq., M.P.

20 Jan., 1869.

3423. Did you ever ask Dr. Aaron, the Surgeon of the Gaol, what his opinion was as to the sanity or insanity of O'Farrell? I am quite certain I never requested Dr. Aaron to take any steps with a view to ascertain whether he was sane or not. I may have asked what he thought about him, in the course of conversation—not to make use of it in any way.

3424. Not officially? I think not; I think I may say certainly I did not.

3425. You could not, I suppose, explain why Dr. Aaron was not called upon at the trial to give evidence, as to his opinion of the sanity or insanity of O'Farrell? I could not.

3426. *Mr. Forster.*] After looking over these documents (*the orders handed in*), I would ask a question. Mr. Parkes stated that the permissions given to visit Gardiner were given with a view of eliciting information—On what ground did you form that opinion—it is not in any of the documents? As an answer, I will read this document:—"Dear sir,—Mr. Fitzsimmons, the bearer of this note, has been for a long time past a neighbour of, and has had business transactions with the prisoner Gardiner, whom, therefore, you may admit Mr. Fitzsimmons to see, as it is possible some information may be elicited for the public advantage."

3427. You cannot state whether this was before or after his trial? No.



**ALLEGED CONSPIRACY FOR PURPOSES OF TREASON AND  
ASSASSINATION.**

**APPENDIX.**

*(To Evidence given by John M'Levie, Esq., Inspector General of Police, 22 December, 1868.)*

A 1.

The Chief Commissioner of Police, Melbourne, to The Inspector General of Police, Sydney.

Police Department,  
Chief Commissioner's Office,  
Melbourne, 17 April, 1868.

Sir,

I have the honor to acknowledge the receipt of your letter of the 3rd instant, No. 121 M, relative to the supposed Fenian agent, James Reardon.

I have caused inquiry to be instituted regarding the man in question, and now beg to enclose a copy of the report furnished by the detectives engaged in the case.

It will be seen that Reardon is well known in Victoria and South Australia as an ordinary trader of indifferent character; but he is not known to have taken any active part in the Fenian movement, in this Colony.

I have, &c.,

FREDK. STANDISH,  
Chief Commissioner of Police.

Seen.—J. M'L., I.G.P.

Report of  
Detectives  
Manwaring and  
Jennings,  
endorsed by  
Sup. Nicolson.

A 2.

Detectives Manwaring and Jennings to The Superintendent of Detective Police, Melbourne.

REPORT *re* James Reardon.

Detective Office,  
14 April, 1868.

Detectives Manwaring and Jennings have the honor to report to the Superintendent that the above-named has been in the Colony for many years, the greater portion of which period he has passed in South Australia. Some two years ago he visited America, and from thence proceeded to Ireland; but, according to his own statement, was glad to get away again, on account of the disturbed state of the country. Arriving in Victoria with a quantity of merchandise, he then went to South Australia, with the intention of disposing of it and returning to America. Reardon is a low schemer, and a most unprincipled man. The idea of becoming a Fenian agent, for the purpose of collecting money for that cause, is just such a plan as Reardon would hit upon, and could well carry out; but, from an intimate acquaintance which Detective Jennings has had with him in business transactions and otherwise for many years, there is a great doubt that the sums collected will ever leave his (Reardon's) possession.

Of the addresses given, one is fictitious, while the firm of Long and Co. is highly respectable.

Kennedy, the landlord of the "London Hotel," is no doubt a Fenian in heart.

Reardon received a sentence of six or twelve months' imprisonment in South Australia.

WM. MANWARING,  
Detective, 1st class, 947.

EDWARD JENNINGS,  
Detective, 2nd class, 637.

The attached report from Detective Jennings, and dated 14th instant, is submitted for the Chief Commissioner's information.

Reardon is a low, unscrupulous fellow, with a very consequential manner. I believe his character was too notorious to be trusted much, even by his friends.

He arrived here from Adelaide, per 'Aldinga,' about the 6th of February last. He was followed to Sydney by a man named Caryl, or Carroll,—five feet nine in height, slender built, dark hair, fair slight moustache, age about 23,—who had served in Reardon's shop in Adelaide.

L 68/413. 15/4/68.

C. H. NICOLSON,  
Superintendent.

A 3.

The Purser, R.M.S. "Rakaia," to Detective Powell.

Panama, New Zealand, and Australian Royal Mail Co. (Limited),  
31 July, 1868.

Mr. Powell,  
Dear Sir,

I beg to enclose you the promised extracts from the official Log Book of last voyage, with reference to Messrs. Reardon and A'Herne; and, at the same time, Captain Wright desires me to state, on his behalf, that he had great trouble with these people, as they tried to agitate on board the ship. They were evidently connected with the Fenian movement, but not so as to enable him to take active measures at sea. On arrival at Panama he communicated with the British Consul, who felt that he likewise had no power to interfere, but sent word to the English Consul at New York private information on the subject.

Should your authorities require further information on this matter, Captain Wright will be most happy to give it.

Yours very faithfully,  
C. P. FARNFIELD,  
Purser.

## A 4.

EXTRACT from official Log Book.

R.M.S. "Rakaia."

31 March, 1868. Mr. Powell, Sydney detective, came on board and requested that Mr. Reardon's luggage might not be put into the hold until next day.

Tuesday, 4 p.m. Sydney. Several detectives came on board with search warrants against the person and baggage of Mr. Reardon. They took notes of papers found, but said they could not detain him as a Fenian, in consequence of not finding certain documents they expected.

1 April, 1868. Wednesday, 1 p.m. Sydney. Rev. Mr. A'Herne found very drunk, and Mr. Reardon and others evidently inciting him to riotous conduct. Said A'Herne found endeavouring to communicate with two firemen, then in confinement and irons. When spoken to, he used very violent and abusive language, saying to chief officer that he would knock any "b——r" down that interfered with him. At 2:30 a.m. the priest and others retired to bed.

Thursday, 16 April, 1868. At sea, 10:30 p.m. Rev. Mr. A'Herne having remained in bed the whole day, the captain sent for two of the fore-cabin passengers (Messrs. Reardon and Whitely), and expressed his great annoyance at the conduct of A'Herne, requesting them not to be the medium through which he had liquor; at the same time, stating that abusive and seditious language and behaviour would not be tolerated.

Tuesday, 17 April, 1868. At sea, 5 p.m. Rev. Mr. A'Herne having risen for the first time since being drunk, the captain called him into his cabin, and expostulated with him on his recent conduct. In the course of the interview he admitted having given a bottle of brandy to the firemen.

Saturday, 13 April, 1868. At sea, noon. The above facts, coupled with the strongly-expressed Fenian sympathy of Messrs. Reardon and A'Herne, lead us to believe them to be dangerous characters. The captain, therefore, told all trustworthy people to be on their guard against any insidious conversation having a tendency to conspiracy.

C. A. FARNFIELD,  
Purser, R.M.S. "Rakaia."

## A 5.

PROFESSOR MAC.

Detective Howard to The Inspector General of Police, Sydney.

Detective Office, Sydney,  
20 November, 1867.

MEMO.—John McCormick, *alias* "Professor Mac," mentioned in the attached advertisement, received a sentence in Victoria, for manslaughter; and also a sentence of four years in Dunedin, for arson. Prior to this last sentence, he kept a low grog shanty on the diggings in New Zealand. He is now dressed in black clothes and black dress hat. He is a good deal in company with a man dressed similarly.

P. HOWARD,  
Detective.

Seen.—J.M'L.

## A 6.

Inspector Read to The Inspector General of Police, Sydney.

Inspector's Office,  
Sydney, 1 October, 1868.

Sir,

I have the honor to report, for your information, that, in the month of January last, shortly before the arrival of H.R.H. Prince Alfred at Sydney, I received a note from a person named McCormack, to the effect that he was prepared to give information to the police respecting an attempt about to be made to take the life of His Royal Highness.

I immediately submitted the note to you, and, in accordance with your instructions, directed Senior Sergeant Waters to see Mr. McCormack, and receive from him any information he was able to give.

Senior Sergeant Waters shortly afterwards informed me that he could obtain no information from Mr. McCormack, further than Mr. McCormack stated that a man had informed him that he had heard a person say, in a public-house, that if the Orangemen marched in procession at the landing of His Royal Highness, there would be a row, and during the row he would shoot the Prince.

The Senior Sergeant also informed me that Mr. McCormack refused to give the name of his informant, or to state in what public-house the threat in question had been used.

I have, &c.,  
G. READ,  
Inspector.

## A 7.

Liverpool, 25 December, 1867.

Sir,

I write to you a secret letter. Allow me to inform you that I overheard a plot against your country men: The Catholics, on the arrival of the Prince, intend to have a grand march on the Domain, and, if they meet with any opposition, will fire upon the same, for it is arranged that they are each to carry a revolver. I believe they wish to meet with the above, so that they can revenge the wrongs of these country men in the affair at they Protestant Hall that commenced at Melbourne the other day. I have written this to put you on your guard, as I know that some of your country men don't like to see things carried on of this kind, and are likely to say something that will get there blood up—I mean the Catholics' blood—and also because I don't think they are allowed to carry revolvers in an affair of this kind. Don't make light of this, as what I have written is perfectly correct.

Yours,  
EAVESDROPPER.

P.S.—Read Romans for Catholics.

## A 8.

A 8.

Beechworth, Victoria,  
23 April, 1868.

To His Excellency the Governor of New South Wales.

Sir,

Having read in this day's paper issued here, that the man 'O'Farrell had been executed for the shooting at the Queen's son "Alfred," I am truly sorry that you sanctioned his execution, particularly so, as *he*, Farrell, stated that he could have shot him before, if it was not fearing your Excellency's life.

Your Excellency may rely on it that the sanction of the hanging of O'Farrell will be visited on the head of either you or Parkes. Why should you deprive a man of his life, if there could be any doubt of his sanity? For instance, the Emperor of Russia's pretended assassin was not hanged, nor was the boy that shot the Queen executed; and why execute Farrell, after the *young Duke* requesting his case to be sent home to the Imperial authorities? Believe me, sir, you made a mess of it, and it will take all the Police of Sydney to save you from the death as said by you was intended for H.R.H. the Duke of Edinburgh.

Don't be under the impression that this letter is sent you for the purpose of intimidation—nothing is so far from the writer of it; but some person must sacrifice their life for that of O'Farrell.

I am,  
Your Excellency's servant,  
A man for revenge,  
J. S. K.

To the Col. Secy.—B.—27/4/68.

[Enclosure No. 1.]

THE Inspector General will send the enclosed letter to Inspector Singleton, at Albury, with instructions to make every inquiry within his power to ascertain its authorship, and the person or persons who may have been concerned in concocting and posting it. It will be observed that the letter was posted at Beechworth, and came through the Albury office.

Mr. Singleton will, of course, visit Beechworth, and, I presume, communicate with the Victorian police at that place.—H. P.—11/5/68.

[Enclosure No. 2.]

The Inspector General of Police, Sydney, to Inspector Singleton, Albury.

[Private and confidential.]

Police Department,  
Inspector General's Office,  
Sydney, 11 May, 1868.

THE enclosed papers are forwarded for Mr. Singleton's attention. In following the Colonial Secretary's instructions, I do not think I can do better than leave the matter to Mr. Singleton's own judgment.

If Mr. Singleton considers it desirable, I can telegraph to the Chief Commissioner of Police in Melbourne to telegraph to the Superintendent at Beechworth to assist in a private inquiry, upon which an officer of this force is visiting Beechworth.

JNO. McLERIE,  
I. G. P.

[Enclosure No. 3.]

Inspector Singleton, Albury, to The Inspector General of Police, Sydney.

Police Department,  
Superintendent's Office,  
Murray District,  
Albury, 22/6/1868.

THREATENING letter, the Honorable Mr. Parkes' instructions, the Inspector General's Minute, tracing of threatening letter, tracing of suspected person's handwriting, and Mr. Sub-Inspector Downing's letter, forwarded for the Inspector General's consideration.

J. SINGLETON,  
Officer in charge, D. P.

A 9.

Hy. Downing to Inspector Singleton, Albury.

[Private.]

Hd. Qrs., Beechworth,  
19 June, 1868.

My dear Sir,

I beg to acknowledge receipt of your memo. of 4th instant, and now furnish you with the result of my inquiries. I enclose tracing of specimen of handwriting, and I think you will agree with me that this is the person who wrote the letter.

I was mistaken about the other, but the enclosed *signature* misled me when I saw it in the Yaekandandah Watchhouse Book. I enclosed original to our Chief Commissioner; he has had it examined by an expert, and agrees with me; also instructs me to render you any assistance that may be in my power. I have directed Sergeant Bambrick and Senior Constable Steele to watch closely this man's movements, for I consider him dangerous. Since I saw you, he has been fined £5, or fourteen days, for an indecent assault. He lives at Rowdy Flat, some two or three miles from Yaekandandah.

I am, &c.,  
HY. DOWNING.

A 10.

## A 10.

His Excellency the Governor  
Earl Belmore,  
Government House,  
Sydney.

Tuesday, 24 March.

dear Sir,

i beg to inform you that lots as bean drawn for your life, and you cant be to cairfull, as you ar to be watched for a chance. the person that the lot as fallen to as a hare gun to do the cold-blooded dead, and to the best of my knollige is on the victoriar Warf, Barskin-st. i think if you enquire, that you will find that he as bean shooting Pigeons with the same gun. you cant be to cairfull on the trial of o'farell, as thair is Partes intends going to the court wen he is tride, and blow it lup.

I would tell you more, but i cannot, as i hav a near frend in the Plot, and if i was to tell it would bring me to shum; if i should hear of auey of thear Plans to taik life i will find a way to tell.

You need not be afraid of hour dear Prince auey more in Syd., as thay do not intend to harm im hear, but i would not advise him to go to new zealand without a strong gard. You must Excuse this, the way it is rote, but i thaut it better to gard you against your enemys, as i am a moother, and can feal for your good Lady.

May god gard you against your enemys.

A ASTRAILIAN LOYAL SUBJECT.

thair to hav a meatting at a Publick House near argile-st., Wendsny night.

## A 11.

THIS letter, addressed to the Earl of Belmore, must be either from a person really anxious for His Excellency's safety, and who has, or fancies she has, a knowledge of what is going on; or from some person who, for the mere sake of mischief, wishes to create alarm. The statements contained in it, though written in vague general terms, have a circumstantiality about them which, together with the apparent tone of sincerity, seems to entitle them to investigation.

I think immediate steps should be adopted to see whether any circumstance can be discovered which will tend to verify the allusions to the "Victoria Wharf, Market-st.," and "pigeon-shooting," and to a man with an air gun.

I think, further, that all public-houses in the vicinity of Argylo-street should be watched to-night, and perhaps afterwards; and if there is any appearance of meetings, the Police should enter and search.

H. P.  
25/3/68.

## A 12.

Tuesday evening,  
22 April, 1868.

James Martin, Esq.

I enclose you a copy of a note which I sent to your friend H. Parks, lest it should escape your notice, you perjured villain. You well knew that O'Farrell was not a Finnian, but you and Parks were the means of hanging him with all your Treason Felony Act. You have got no Finnyans; I am not one, but perhaps worse—so ye look out, as sharp as ye like.

AN ENGLISHMAN AND NOT A FINNIAN.

(Pistol.)		(Pistol.)	
	(Coffin.)		(Coffin.)
PARKS.		MARTIN.	

(To Evidence given by Mr. John Cecil Read, Principal Gaoler of Darlinghurst Gaol,  
6 January, 1869.)

## B 1.

THE report of the Chief Warder has been read to us, and we find it perfectly correct. We heard the foregoing conversation between the Visiting Surgeon and the prisoner H. J. O'Farrell. We mean that the substance of the report is correct.

JOHN CARROLL.  
M. R. FINUCANE.  
W. CHAPMAN.

I beg leave to forward the report of the Chief Warder to the Inspector of Prisons. Any comment from me, on such conduct as is here reported, would be ridiculous.

J. C. READ,  
Pl. Gaoler.

## B 2.

The Chief Warder to The Principal Gaoler.

Darlinghurst Gaol,  
17 March, 1868.

Sir,

I have the honor to report that I visited the prisoner O'Farrell this morning, and found that he was not quite so communicative as on my first interview. This I can account for in no other way but from the interference of Dr. Aaron, which I regret, as I have not the slightest hesitation in saying that I could have got important information from him otherwise.

It seems that a Dr. Caldwell, who is retired from the R.N., was an inmate of the same hotel as O'Farrell, and from the tenor of O'Farrell's conversation must have been cognizant that O'Farrell was connected with a Fenian organization.

I have not been able to obtain any clue to O'Farrell's associates, further than lots were drawn by ten, and it was a boy who had the arrangements of the tickets, which boy, O'Farrell asserts, was taken on board with the first part of the band that left for England. Their meetings were held some distance from Sydney; but Dr. Caldwell will remember his suspicions being aroused by O'Farrell's absence for three days and nights on one occasion.

I have been rather wary in questioning O'Farrell further, but hope to be able to get some further information in a few days.

I have, &c.,

F. R. BERNARD,  
Chief Warder.

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B 3.

Warder J. Carroll to The Principal Gaoler.

Darlinghurst Gaol,  
25 March, 1868.

Sir,

I beg to state that I was examined before the Inspector of Prisons, on Sunday, the 15th March, on the following subjects: namely, conversations which took place between Doctor Aaron, Visiting Surgeon, and the prisoner Henry J. O'Farrell.

On 13th March, the Doctor asked O'Farrell why did he shoot the Prince.

O'Farrell: I had to do it; if he did not do it, others would.

Doctor: Then there was a conspiracy—you had accomplices?

O'Farrell: Yes, there were a number of us; and we cast lots who should do it, and the lot fell on me. All the others have returned home and left me.

Doctor: Then you acknowledge that you are a Fenian?

O'Farrell: Yes. The Doctor then calls on me and Warder Crotty to witness the prisoner's admissions.

O'Farrell: I don't care who witnesses it—I shall declare it in the Court.

On the following morning, 14th March, the Doctor visited O'Farrell, when the following conversation took place:—

Doctor: You know what you have been saying to me last night?

O'Farrell: Perfectly.

Doctor: You know that you will never go out of this place alive?

O'Farrell: I know that; I wish it was next week.

Doctor: Do you know that we don't publicly execute our criminals here, so that you won't be made a martyr of?

O'Farrell: I know that doctor; if you want to be made a martyr of, I don't.

JOHN CARROLL,  
Warder.

Present—Mr. Bernard and Warder Clarke.

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B 4.

Warder J. Carroll to The Principal Gaoler.

Darlinghurst Gaol,  
25 March, 1868.

Sir,

I beg to report, for your information, the following dialogue which took place yesterday evening, between Dr. Aaron, Visiting Surgeon, and the prisoner, Henry J. O'Farrell.

After the doctor made inquiries about his health, O'Farrell asked the doctor how the Prince was.

Doctor: He is all right; he will drive out to-morrow.

O'Farrell: He won't.

Doctor: He will.

O'Farrell: I'll bet you ten to one he won't.

Doctor: Bet with you—what have you got?

O'Farrell: I'll have money when Mr. Aspinall comes; I could give you a cheque on Melbourne.

Doctor: Where there?

O'Farrell: That's my secret.

Doctor: What amount?

O'Farrell: That's my secret too.

Doctor: How much will you give me now to prove you insane, and get you out of this scrape?

O'Farrell: How much will you ask?

Doctor: What will you give?

O'Farrell: It's you that's to name the price; I know that you can get any two doctors in England to swear you insane for £500. I know all doctors are latitudinarians—they can expand or contract when they please.

Doctor: You can't buy me or nobody else?

O'Farrell: That ends the joke, doctor.

This is verbatim, as near as I can think.

JOHN CARROLL,  
Warder.

Present—Warders Finucane, Chapman (2), and Carroll.

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B 5.

The Chief Warder to The Principal Gaoler.

Darlinghurst Gaol,  
27 March, 1868.

Sir,

Warders Carroll and Clarke reported to me that the following conversation took place between O'Farrell and the Visiting Surgeon, yesterday afternoon:—

Doctor: So you have got a reprieve?

O'Farrell: No, only an adjournment; the Court was greatly crowded to-day.

Doctor: That is nothing to me; I will be called as a witness to prove your sanity; you are as sane as I am.

O'Farrell: Of course I am.

Doctor: Why did you let them set up that plea of insanity?

O'Farrell: To please my friends; my sister has arrived in Sydney.

Doctor: The more atrocious the crime, insanity is always the plea.

O'Farrell: Yes; hanging is better than to go to the Yarra Bend.

Doctor: We have no Yarra Bend here, but we have a place for criminal lunatics.

It

It seems after Dr. Aaron left O'Farrell, he said to Warders Carroll and Clarke—"The doctor is going to be a witness to prove my sanity, but let him; Aspinall will keep him to what he said,—asking me what I would give him to prove me insane, and get me out of this, and betting ten to one about the Prince. Aspinall will have some fun with him."

F. R. BERNARD,  
Chief Warder.

We certify the above to be correct,—

JOHN CARROLL,  
WILLIAM CLARKE.

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B 6.

The Chief Warder to The Principal Gaoler.

Darlinghurst Gaol,  
24 March, 1868.

Sir,

I beg to bring the following under your notice:—I visited O'Farrell this evening, when he informed me the following dialogue took place between himself and the Visiting Surgeon:—

*Dr. Aaron*: The Prince is better, and is to drive out alone to-morrow.

*O'Farrell*: I'll bet you ten to one he does not.

*Dr. Aaron*: Where would you get money to bet with—and do you think that I would bet with you?

*O'Farrell*: I have plenty, and could give a cheque that would be honored.

*Dr. Aaron*: Now, what would you give me if I brought you in insane and get you out of this?

*O'Farrell*: I know two doctors could be got at home to do it for £500.

*Dr. Aaron*: Do you think, for a moment, I would do such a thing?

The above was reported to me by Warders Carroll and Chapman (2), who were present when the conversation took place. I regret having again to bring the Visiting Surgeon under your notice, but my position in the establishment is such that I feel it my duty to do so. Further knowing the style of man Mr. Aspinall is, who is engaged to defend the prisoner O'Farrell, I have not the slightest doubt, if he hears about what Dr. Aaron said to O'Farrell, relative to insanity, he will bring it strongly forward in his behalf at the trial.

F. R. BERNARD,  
Chief Warder.

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B 7.

The Chief Warder to The Principal Gaoler.

Darlinghurst Gaol,  
30 March, 1868.

Memo.—I was present at the interview between the prisoner O'Farrell and Messrs. Aspinall and Pavey, yesterday when O'Farrell related to them the conversation the Visiting Surgeon had with him relative to insanity, which I have reported to you on the 24th instant.

F. R. BERNARD,  
Chief Warder.

To the Inspector of Prisons.

I would respectfully request that the Crown Law Officers should be made acquainted with all these circumstances about the prisoner's reports, as they may be taken at a disadvantage through not knowing what has occurred.

F. R. BERNARD,  
Chief Warder.

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B 8.

The Principal Gaoler to The Acting Inspector of Prisons.

Darlinghurst Gaol,  
15 April, 1868.

Sir,

*Dr. Aaron*. With reference to the enclosed reports of the Visiting Surgeon, received yesterday, I have the honor to state, in the one dated the 7th instant he alleges that "the reports referred to are a tissue of garbled truth and actual falsehood." If such is the case, I would beg to remark that the whole of the officers deserve dismissal, and I do not feel that the establishment is safe for one hour with so many warders who would state and write "actual falsehoods."

And, again, if they have simply done their duty, and merely represented facts, they decidedly ought to be protected from insult and accusation; and to whom are they to seek such support but from the head of the establishment or department? otherwise I need not say what will be the result to the moral tone and respect of the subordinates towards their superior officers.

*Dr. Aaron*. On the other portion of the Surgeon's report,—with reference to his talk with a man in the position of the prisoner,—it certainly seemed to me at the time to be monstrous; and, as you are aware, I was most anxious to have Dr. Aaron kept out of the witness box, to prevent a regular exhibition, knowing the course of cross-examination that was in store for him.

I say this from my experience of important trials, both in England and here, in which medical evidence has been given, for the last thirty years.

The other portion—with reference to the extract from the *Lancet*—you are best judge of, as to how far it answers your views of the case.

I have, &c.,  
J. C. READ,  
Principal Gaoler.

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B 9.

B 9.

The Acting Inspector of Prisons to The Principal Gaoler.

Sheriff's Office, Prison Branch,  
Sydney, 30 May, 1868.

Sir,

Referring to the correspondence respecting conversations between the Visiting Surgeon of the Gaol and the late prisoner O'Farrell, I do myself the honor to enclose a copy of the letter from the Principal Under Secretary, conveying the remarks upon the subject, of the Honorable the Chief Secretary. For your better understanding of the views of the Chief Secretary, I transmit also a copy of my letter referred to by the Under Secretary.

I am, &c.,  
HAROLD MACLEAN,  
Acting Inspector of Prisons.

B 10.

The Acting Inspector of Prisons to The Principal Under Secretary.

Sheriff's Office, Prison Branch,  
Sydney, 23 May, 1868.

Sir,

I do myself the honor to submit, for the consideration of the Honorable the Chief Secretary, the report of the Visiting Surgeon of Darlinghurst Gaol, with the correspondence respecting his conversations with the late prisoner O'Farrell.

In so far as that it was within the scope of the Surgeon's duty, with reference to the probability of being called as a witness as to the sanity of the prisoner, to converse with him upon subjects not strictly medical, and possibly even to speak of his offence and its motives, guarding himself against inducing prejudicial admissions, I think that the position taken by the Surgeon is good. I think further, that Dr. Aaron must be acquitted of any wrong intention; but, upon his own showing, it appears to me that the part of the Surgeon in the conversations was, to say the least, highly indiscreet, and betrayed a serious lack of judgment.

Substantially there is but little difference between the conversations as rendered by Dr. Aaron now, and reported by the warders at the time; and I conceive that Dr. Aaron was not justified in characterizing the reports as he has done. The Principal Gaoler is right in claiming for the warders protection against such terms being applied by the Surgeon to what appears to me to have been a simple and proper act of duty on their part; neither do I consider that the Principal Gaoler exceeds his province in commenting, in view of its effect in the prison, upon the conduct of any visiting officer.

I have, &c.,  
HAROLD MACLEAN,  
Acting Inspector of Prisons.

B 11.

The Principal Under Secretary to The Sheriff.

Colonial Secretary's Office,  
Sydney, 27 May, 1868.

Sir,

In acknowledging the receipt of your letter of the 23rd instant, submitting, with your remarks, a correspondence relating to conversations between the Visiting Surgeon of Darlinghurst Gaol and the late prisoner H. J. O'Farrell, I am directed to inform you that the Colonial Secretary, who entirely concurs in your report, notices with much regret the angry differences that appear to have grown up between the Visiting Surgeon and other officers of the Gaol. These gentlemen should bear in mind that personal disagreements of the kind must be injurious to the Public Service, and it is their duty to consider this result as well as their own feelings; nor have other persons time to be always investigating petty personal complaints.

I have, &c.,  
HENRY HALLORAN.

B 12.

The Principal Gaoler to The Acting Inspector of Prisons.

Darlinghurst Gaol,  
22 April, 1868.

Sir,

With reference to questions reported in this morning's *Herald* as having been asked last night in the Assembly respecting the late prisoner O'Farrell, I do myself the honor to report that Dr. Carr did see O'Farrell on the 18th instant, in presence of three warders, and by permission of the Honorable the Colonial Secretary (the prisoner having readily consented to the visit), for the purpose of making a phrenological examination. During the interview Dr. Carr did commence a conversation, such as alleged, but was immediately stopped by the warder in charge, whose report on the subject is annexed. Dr. Carr desisted at once, and was not allowed to see the prisoner when he called again. The warder reported the matter to me verbally, but as nothing further could be done I did not see the necessity of bringing it under the notice of the Chief Secretary.

In the last letter from O'Farrell to his sister, handed to me the night before his execution, he speaks of the pleasure the visits of the Colonial Secretary gave him.

No communication has been received here from the Chief Secretary, addressed to the late O'Farrell.

I have, &c.,  
J. C. READ,  
Principal Gaoler.

B 13.

## B 13.

I, ISAAC AARON, being the Medical Officer of the Gaol of Darlinghurst, do hereby declare and certify that I have this day witnessed the execution of Henry James O'Farrell, lately convicted and duly sentenced to death at the Supreme Criminal Court, Sydney: And I further certify that the said Henry James O'Farrell was, in pursuance of such sentence, hanged by the neck until his body was dead.

Given under my hand, this twenty-first day of April, in the year 1868.

ISAAC AARON,  
Surgeon.

We, the undersigned, do hereby declare and testify that we have this day been present when the extreme penalty of the law was executed on the body of Henry James O'Farrell, lately convicted at the Supreme Criminal Court, Sydney, held on the twenty-eighth day of March last, and duly sentenced to death, and that the said Henry James O'Farrell was, in pursuance of said sentence, hanged by the neck until his body was dead.

Harold Maclean, Sheriff.	T. W. Nicholl.
J. C. Read, Principal Gaoler.	R. H. Hill, J.P.
James J. Taylor, Clerk.	Robert Guy.
F. R. Bernard, Chief Warder.	T. D. Mackenzie.
James Oatley, M.P.	E. H. Hargraves.
J. W. Orridge, J.P., Supt. of Police.	Arthur T. Holroyd.
Henry Shiell, Coroner.	S. H. Pearce, J.P.
T. A. McWhite.	John Phelan, Under Sheriff.
William Day, J.P.	Chas. W. Lane.
W. H. Eldred, J.P.	Walter Montgomery.
W. Chatfield, V.M.	

Darlinghurst Gaol,  
21 April, 1868.

## B 14.

The Sheriff to The Principal Gaoler.

Sheriff's Office, Prison Branch,  
Sydney, 23 April, 1868.

Sir,

The Colonial Secretary having directed an inquiry into the circumstances attending the possession, by persons outside the Gaol, of a statement precisely similar to that furnished by the late prisoner O'Farrell to the Government, I have to inform you that the inquiry will be commenced at the Gaol on to-morrow, the 24th instant, at 11 o'clock a.m., and to request that you will have in attendance all the officers who have been employed in the charge of the prisoner for a period back, likely to come within the scope of the inquiry.

I enclose communication requesting the attendance of the visiting officers, which you will be good enough to forward at once to the gentlemen to whom they are addressed.

I have, &c.,  
HAROLD MACLEAN.

## B 15.

The Colonial Secretary to The Principal Gaoler, Darlinghurst.

Colonial Secretary's Office,  
14 March, 1868.

It is necessary, in the case of the prisoner O'Farrell, charged with shooting at His Royal Highness, to adopt the strictest precautions against any communication being made to him from outside. Under the necessity thus imposed on the authorities, Mr. Read will not allow any person to see the prisoner except on an order from this office; and no person even with an order is to see him except in the presence of two officers of the Gaol. The prisoner is not to be left alone for a single minute, day or night.

HENRY PARKES.

## B 16.

The Colonial Secretary to The Principal Gaoler, Darlinghurst.

MR. W. Wirthington can be permitted to see the prisoner H. J. O'Farrell, in presence of Principal Gaoler, for purpose of identification only.

HENRY PARKES.  
24/3/68.

## B 17.

The Colonial Secretary to The Principal Gaoler.

MR. Montagu Scott, photographic artist, wishes to photograph the prisoner H. J. O'Farrell. If the prisoner himself has no objection, Mr. Scott can be permitted to take his photograph, under proper precautions. H.R.H. the Duke of Edinburgh is desirous of having O'Farrell's photograph, but this is not to be mentioned to prisoner.

HENRY PARKES.  
25/3/68.

## B 18.

E. Fosbery, Esq., Superintendent of Police, to The Principal Under Secretary.

Police Department,  
Inspector General's Office,  
Sydney, 26 March, 1868.

Dear Halloran,

You know the bearer, Mr. Wanganheim. He has given some information already about O'Farrell, and says he might give more if satisfied of identity. I think he should be furnished with an order to see the prisoner in the Gaol.

Yours, &c.,  
EDM. FOSBERY.

Mr. Wanganheim can see prisoner, for the purpose stated.—H.P.—26/3/68.

B 19.

B 19.

The Colonial Secretary to The Principal Gaoler.

26/3/68.

Dear Sir,  
Mr. Aspinall and Mr. Pavey, if they apply as the professional advisers of the prisoner H. J. O'Farrell, must be permitted to see him.

Yours truly,  
HENRY PARKES.

B 20.

The Colonial Secretary to The Sheriff.

Colonial Secretary's Office,  
1 April, 1868.

The Sheriff,  
With reference to my order to the Principal Gaoler at Darlinghurst, prohibiting visits to the prisoner Henry James O'Farrell, such order is now modified as under.  
The Gaol Chaplain can see the prisoner, in accordance with the prisoner's wishes, and in conformity to the ordinary rules of the Gaol.  
The prisoner's relatives can see him, in the presence of two warders.  
In all other respects the former order is to remain in force.

HENRY PARKES.

The Principal Gaoler will act hereupon, and send an immediate notification to the Chaplain.  
H. M'L.—1 April, /68.  
Rev. Mr. Dwyer, 1 April, /68.

B 21.

The Colonial Secretary to The Principal Gaoler.

Colonial Secretary's Office,  
3/4/68.

Dear Sir,  
Mr. Dwyer has applied personally to me to ask permission for Mrs. Allan to see the prisoner H. J. O'Farrell, without the presence of warders.  
He says that the interview will be very trying to this lady, and pleads that it would be very hard for the first outburst of her affliction to be witnessed by strangers. I do not desire to subject Mrs. Allan to any unnecessary trial, by exposing her grief under such circumstances to others, but still every precaution must be taken to prevent the possibility of the means of suicide.  
Mr. Dwyer says that he will act as warder in this respect, and that after the first meeting of brother and sister, he has no objection to warders being present.  
I consent to a departure from your instructions to this extent.

Yours, &c.,  
HENRY PARKES.

The Venerable Archdeacon M'Encroe can see the prisoner.

B 22.

The Colonial Secretary to The Principal Gaoler.

Mr. Kelly, phrenologist, can see the prisoner H. J. O'Farrell, if the prisoner himself, on being informed of Mr. Kelly's wish, has no objection.

HENRY PARKES.  
3/4/68.

B 23.

The Colonial Secretary to The Sheriff.

Colonial Secretary's Office,  
3/4/68.

The Sheriff,  
The Sisters of Charity, as desired by the Rev. Mr. Dwyer, can see the prisoner H. J. O'Farrell, if the prisoner himself has no objection.

HENRY PARKES.

B 24.

Are the Sisters of Charity to visit the prisoner unattended by warders?—J.C.R., P.G.  
Yes, it is so intended.—H.McL. 16 April.

B 25.

The Colonial Secretary to The Principal Gaoler.

Colonial Secretary's Office,  
18/4/68.

Dr. Carr, phrenologist, wishes to see the prisoner O'Farrell. On the usual condition, that the prisoner himself has no objection, Dr. Carr can see him.

HENRY PARKES.

B 26.

Minute by the Colonial Secretary.

Mr. Walter McGill wishes to take a cast of the head of O'Farrell after execution. Mr. McGill is a sculptor of undoubted merit, and I see no objection to a cast being taken by him.

HENRY PARKES.  
20/4/68.

(To Evidence given by Henry Halloran, Esq., 6 January, 1869.)

## C 1.

## SCHEDULE.

1. Colonial Secretary, Sydney, to Chief Secretaries of Victoria and South Australia, and Colonial Secretaries, Queensland and Tasmania, relative to Treason Felony Act. 19 March, 1868.
2. Colonial Secretary, Sydney, to Colonial Secretary, New Zealand, relative to Treason Felony Act and alleged existence of a "Fenian" organization. 21 March, 1868.
3. Copies of Oaths, &c., in case of eight special constables. 23 and 24 March, 1868.
4. Colonial Secretary, Queensland, to Colonial Secretary, New South Wales. 24 March, 1868.
5. Telegram from Chief Secretary, Melbourne, to Colonial Secretary, Sydney. 25 March, 1868.
6. Report from Inspector General of Police to Principal Under Secretary, as to conduct of civilians and police at Clontarf, on occasion of O'Farrell's capture. Two enclosures. 25 March, 1868.
7. Colonial Secretary to Lord Newry. 27 March, 1868.
8. Principal Under Secretary to Henry Clarke, Esq., J.P. 27 March, 1868.
9. Inspector General of Police to Principal Under Secretary, reporting result of execution of search warrant upon suspected Fenian, and forwarding enclosures. 2 April, 1868.
10. Colonial Secretary to Sheriff, respecting execution of O'Farrell. 7 April, 1868.
11. Colonial Secretary to Principal Gaoler, Darlinghurst, respecting interview of O'Farrell with his sister. 9 April, 1868.
12. Mr. J. H. Parnell and other special constables, resigning. 9 April, 1868.
13. H. R. Benedict to Colonial Secretary, Sydney, respecting alleged existence of accomplices of O'Farrell, &c. 20 April, 1868.
14. Principal Under Secretary to Mr. J. H. Parnell. — April, 1868.
15. Principal Under Secretary to Mr. L. T. Mellin. 23 April, 1868.
16. Copies of oaths taken by Messrs. A. Allan and D. Beatson, as special constables. 23 & 24 April, 1868.
17. Colonial Secretary, New South Wales, to Chief Secretary, Victoria, introducing Mr. Benedict. One annex. 24 April, 1868.
18. H. R. Benedict to Colonial Secretary, Sydney. 29 April, 1868.
19. Principal Under Secretary to Mr. W. G. Campbell. 4 May, 1868.
20. Telegram from H. R. Benedict, Ballarat, to Colonial Secretary, Sydney. 4 May, 1868.
21. H. R. Benedict, Ballarat, to Colonial Secretary, Sydney. 4 May, 1868.
22. Ditto ditto. 6 May, 1868.
23. Telegram from H. R. Benedict, Ballarat, to Colonial Secretary, Sydney, and Minute thereon. 16 May, 1868.
24. H. R. Benedict, Ballarat, to Colonial Secretary, Sydney. Draft telegram of Mr. Parkes appended. 16 May, 1868.
25. H. R. Benedict, Ballarat, to Colonial Secretary, Sydney. 22 May, 1868.
26. Ditto ditto. 27 May, 1868.
27. Ditto ditto. Telegram. 27 May, 1868.
28. Ditto ditto. 13 June, 1868.
29. Ditto ditto. 2 July, 1868.
30. Principal Under Secretary to H. R. Benedict. 6 July, 1868.
31. H. R. Benedict, Ballarat, to Principal Under Secretary, Sydney. 11 July, 1868.
32. J. W. McCormack to Colonial Secretary, with Minute of Under Secretary thereon. 13 July, 1868.
33. Ditto ditto. 15 July, 1868.
34. Ditto ditto. 17 July, 1868.
35. J. W. McCormack to His Excellency the Governor. 1st September, 1868.
36. Mr. Parkes (Colonial Secretary) to Mr. Martin (Attorney General), handing over Benedict papers. Minute of Mr. Martin thereon. 16 September, 1868.
37. Report from Inspector General of Police, referring to Mr. McCormack's warnings before attempted assassination of H.R.H. Prince Alfred. 30 September, 1868.
38. Inspector General of Police to Principal Under Secretary, forwarding copy of letter addressed by him to Colonial Secretary, on 10th August, 1868, with enclosures, with reference to suspected Fenian organization, &c. 5 December, 1868.

## C 2.

## SCHEDULE.

1. C. Myers (or Meyers), Yass, to Inspector General of Police, Sydney. 7 May, 1868.
2. C. Myers (or Meyers), Young, to Inspector General of Police, Sydney. 9 May, 1868.
3. Telegram from John Clarkson, Sydney, to C. Meyers, Young. 9 May, 1868.
4. Telegram from C. Meyers, at Grenfell, to John Clarkson, Sydney. 12 May, 1868.
5. Ditto from ditto to ditto. 13 May, 1868.
6. C. Meyers, at Grenfell, to Colonial Secretary, Sydney. 13 May, 1868.
7. Sub-inspector Sanderson, Grenfell, to Inspector General of Police, Sydney. Telegram. 14 May, 1868.
8. Inspector General of Police to Sub-inspector Sanderson, Grenfell. Telegram. 14 May, 1868.
9. C. Meyers, at Forbes, to Inspector General of Police, Sydney. Telegram. 14 May, 1868.
10. Sub-Inspector Sanderson, Grenfell, to Inspector General of Police, Sydney. Telegram. 15 May, 1868.
11. Telegram from Jno. Clarkson, Sydney, to C. Meyers, at Grenfell. 18 May, 1868.
12. Telegram from C. Meyers at Orange, to Jno. Clarkson, Sydney. 19 May, 1868.
13. Ditto from ditto to ditto. 20 May, 1868.
14. Telegram from C. Meyers, Orange, to Mr. Fosbery, Superintendent of Police, Sydney. 20 May, 1868.
15. Telegram from Jno. Clarkson, Sydney, to C. Meyers, at Orange. 21 May, 1868.
16. Inspector General of Police to Principal Under Secretary, with enclosures. 23 December, 1868.

## C 3.

## SCHEDULE.

1. Letter from Right Reverend Dr. Sheil, Roman Catholic Bishop, to H. J. O'Farrell. 31 July, 1867.
2. P. W. Welch, Ballarat, to H. J. O'Farrell, Emerald Hill. 30 August, 1867.
3. W. Boyd, Ballarat, to H. J. O'Farrell. 6 September, 1867.
4. Bank of Australasia, Ballarat, to H. J. O'Farrell, Ballarat. 16 September, 1867.
5. Messrs. G. Walker & Co., Ballarat, to H. J. O'Farrell. 16 September, 1867.
6. Bank of Australasia, Ballarat, to Messrs. Norrie & Sim, Ballarat. 16 September, 1867.
7. Annex by Messrs. Norrie & Sim, to H. J. O'Farrell. 17 September, 1867.

- 8. Messrs McDowall & Gray, Ballarat, to H. J. O'Farrell. 17 September, 1867.
- 9. Wm. Harrison to H. J. O'Farrell. 18 September, 1867.
- 10. Leaves of Private Diary in handwriting of H. J. O'Farrell. No date.
- 11. Inspector General of Police to Principal Under Secretary, forwarding enclosures from Mr. Parkes, M.P. 19 December, 1868.
- 12. Four French newspapers, addressed to H. J. O'Farrell.

C 4.

SCHEDULE.

- 1. John Whiteford to H. W. Hull, Esq., P.M., recommending H. R. Benedict for higher employ. Minute of Mr. Hull thereon. 1 August, 1857.
- 2. Certificate of Mr. George A. Kemp, J.P., Green Ponds, in favour of Benedict. 5 August, 1857.
- 3. Certificates from the Police Magistrate at Fingal, and other Justices of the Peace there, in favour of Benedict. 3 March, 1858.
- 4. W. Gunn, Esq., Launceston, to H. R. Benedict. 19 January, 1859.
- 5. Mayor of Launceston to H. R. Benedict. 24 September, 1860.
- 6. Newspaper cutting containing Memorial of Benedict to Mayor and Aldermen of Launceston for increase of salary. No date.
- 7. Certificate from Aldermen and other gentlemen at Launceston, in favour of Benedict. 13 November, 1860.
- 8. Hon. Thomas J. Knight, Attorney General, Launceston, to H. R. Benedict. 13 November, 1860.
- 9. Certificate of Under Sheriff, Launceston, in favour of Benedict. 29 November, 1860.
- 10. Certificate from Chief Commissioner of Police, Victoria, in favour of Benedict. 19 April, 1865.
- 11. Mr. Fosbery, Superintendent of Police, Sydney, to H. R. Benedict. Dated May 27, —.

C 5.

(1.)

Mr. J. Whiteford to H. M. Hull, Esq., P.M.

Green Ponds,  
1 August, 1857.

Dear Mr. Hull,

At this my last visit to Green Ponds, I am requested to give a line to be presented to you on your officially visiting this place, by Benedict the Watchhouse-keeper, whom I wish to commend to you as a useful and very intelligent member of the establishment. He is a good and rapid penman; has more knowledge than any one I am acquainted with in the same position of the criminal branch of magisterial duty—the taking depositions, preparing informations, summonses, warrants, and other processes; and, in my judgment, should be raised to the position of office-writer, at a higher salary than he enjoys as constable.

His manners and demeanor qualify him for a superior grade in the establishment; and, while under my command, he has never given me a moment's trouble, except by misunderstandings with the District Constable, Mr. Pross; and I think them both such good men in their respective positions, that I have been loath to believe either of them in the wrong.

Believe me, &c.,  
JOHN WHITEFORD.

Please to let him know what I have said.

Read, and given to Mr. Benedict, to whom it may be useful.

HUGH M. HULL, P.M.  
3 August, 1857.

C 6.

(2.)

MR. BENEICT has been acting as Clerk at the Police Office, Green Ponds, for eleven months, and is most efficient in that capacity. I consider it most desirable that he should be advanced to a higher position than that of Watchhouse-keeper. He is steady, industrious, and extremely correct in taking evidence; in short, highly trustworthy in every branch of his duty. I therefore hope that he may be retained at Green Ponds, as Police Clerk, at a higher salary than he at present receives as Watchhouse-keeper.

GEORGE A. KEMP, J.P.

Green Ponds, 5th August, 1857.

C 7.

(3.)

I HEREBY certify that Constable Harry Rowland Benedict has been, for about six months attached to the Police of this District, and filled the responsible office, during the whole of that time, of Keeper of the Gaol and House of Correction, Aixo (?), as well as Watchhouse-keeper; in the discharge of which several duties he has at all times exhibited, in a very marked manner, promptitude, zeal, and discretion. I regret very much to lose the service of one in whose intelligence and probity every confidence may be placed, and whose personal conduct has been at all times characterized by the strictest propriety.

J. WHITTRING LE STUART, P.M.  
Fingal, 3 March, 1858.

ROBERT CLEIK, J.P.

I quite concur with what is herein represented in favour of Constable Harry Rowland Benedict.

JAMES GRANT,  
Tullochgorum, 6 March, 1858.

I quite agree with the foregoing certificate.

JAMES GRANT, Junior, J.P.

C 8.

(4.)

W. Gunn, Esq., to Mr. H. R. Benedict.

Launceston,  
19 January, 1859.

Sir,

Being about to leave the Colony for Europe, and life being uncertain, I take this occasion of stating that I have been extremely well satisfied with the manner in which you have performed the duties of Bench Clerk, and the cheerfulness with which at all times you have given your services in the performance of the various duties of the office, during the absence of the Chief Clerk.

I am, &c.,  
W. GUNN.

C 9.

(5.)

H. Dowling, Esq., to Mr. H. R. Benedict.

Mayor's Office, Launceston,  
24 September, 1860.

Sir,

Pressing public engagements have prevented a further notice of your application respecting an advance of salary.

Fully appreciating, as I do, your attention to the duties of your office, and your very proper fulfilment of them, I still cannot present a memorial for an increase of salary so soon after the period when the Council made advances in reply to your former memorial. I can, of course, have no objection to the memorial being presented by a private member of Council, if you desire to do so.

Yours faithfully,

H. DOWLING,  
Mayor.

C 10.

(6.)

The following Memorial was presented by Mr. Alderman Evans:—

To the Right Worshipful the Mayor and Aldermen of the Town of Launceston.

The Humble Memorial of Harry Rowland Benedict,—

Respectfully sheweth:—

That the Chief Clerk who occupied the position of Clerk to the Bench of Magistrates at the Police Office in this town, having, on the 6th July, 1858, seceded therefrom, your memorialist was, on that date, temporarily appointed his successor as such Bench Clerk, at a salary of £120 per annum, and since that period has so continued; and that at the time of such appointment, the Clerk of Informations who had been, and was still, engaged in the "Information Department" of the Police Office, at a salary of £160 per annum, was advanced to the position of Chief Clerk, at a salary of £180 per annum.

That in the month following, your memorialist was permanently appointed in his situation, at £140 per annum.

That in or about the ensuing month of November, upon your memorialist's application, his salary was advanced to £150 per annum.

That in the said month of November, the said Clerk of Informations, with the rank aforesaid, after repeatedly absenting himself, through illness, from his occupation (upon which occasions your memorialist, in addition to the duties of his office, gratuitously fulfilled the requirements of the office of the Clerk of Informations, which necessarily, in his absence, devolved upon your memorialist) resigned, whereupon a successor, who, up to that time had been unemployed in the Police Office here, or a Police Office elsewhere, entirely unacquainted with the duties of a Clerk of Informations, with the rank of Chief Clerk, was appointed, at a salary of £180 per annum, which appointment he continues to hold at the salary aforesaid, added to which, from his rank as Chief Clerk, he was immediately upon taking office in the room of the Clerk whom he succeeded, appointed Collector of the Rural Police Rate for the District of Launceston, the percentage for which for the current year is £29 9s.

That your memorialist was officially requested to co-operate, and in obedience to such request has co-operated with the said Clerk of Informations, whom he has wholly instructed in his duties as such Clerk of Informations.

That in July, 1859, in answer to your memorialist's further application for an increase in his salary, he received a gratuity of £5 as an advance in his salary for the then last six months, at the increased rate of £10 per annum; and from, and inclusive of, the said month of July, 1859, his salary was fixed at £180 per annum, and so continues.

That the Clerk of the Bench at Hobart Town receives £260 per annum, as such Bench Clerk, and, by virtue of his office, is appointed Collector of the Rural Police Rate for the District of Hobart, the percentage for which for the current year produced £75 10s., and that the Clerk of Informations there receives £190 per annum.

Your memorialist, therefore, humbly prays that you will be pleased to grant him an increase of salary. And your memorialist will ever pray, &c.

H. R. BENEDICT.

Before I left for England, Mr. Benedict gave me every satisfaction as Bench Clerk, and I find him very efficient since my return.

1st October, 1860.

W. GUNN.

I have performed the duties of Presiding Magistrate at the Police Office, Launceston, for nearly eighteen months, with few intermissions, during which time I had many occasions to observe the assiduity and correctness with which Mr. Benedict discharged the duties of Bench Clerk. I have much satisfaction in recommending the prayer of his memorial to the favourable consideration of the Mayor and Aldermen.

1st October, 1860.

C. J. WEEDON.

From the experience I have had of Mr. Benedict's qualifications and performance of the duties of Bench Clerk, I have much pleasure in recommending the memorial to the favourable consideration of the Worshipful the Mayor and Aldermen.

Referred to Police Committee.

WM. CLEVELAND, J.P.

## C 11.

(7.)

Launceston,  
13 November, 1860.

Mr. H. R. Benedict has filled the office of Bench Clerk at the Police Office, Launceston, for a considerable time, in a very efficient manner, and I believe him to be well qualified to discharge the duties of Clerk of the Peace vacant by the death of Mr. Cartwright.

W. D. CLAYTON, J.P.,  
Alderman.

I consider Mr. Benedict well capable of filling the office applied for by him.

ADYE DOUGLAS, Alderman.  
W. HECKMAN, J.P. (?)  
WILLIAM HART, J.P., Alderman.

## C 12.

(8.)

Sir,

It is no part of my duty to recommend for any situation under Government, unless desired to do so.

If called upon, I shall gladly give the best testimonial that I may, in your favour, to the extent of my own observation; and I may tell you that it would be, that you appear to me to have exhibited considerable attention and skill in assisting the Justices to investigate and prepare cases against accused persons before they have been sent to the Grand Jury.

I am, &c.,  
THOMAS J. KNIGHT,  
Attorney General.

13th November, 1860.

## C 13.

(9.)

I HAVE seen much of Mr. Benedict in his official capacity as Bench Clerk, during the two years and upwards that he has been here.

I have rarely met with a gentleman of quicker parts or of more general intelligence, his private character is irreproachable, and I shall be happy to hear of his advancement.

W. J. SAMS,  
Under Sheriff.

Launceston,  
29th November, 1860.

## C 14.

(10.)

VICTORIA.

Police Department,  
Chief Commissioner's Office, Melbourne,  
19 April, 1865.

Register No., 717.

This is to certify that Henry Rowland Benedict, aged 37 years,—height, 5 feet 7 inches,—eyes, brown,—hair, dark brown,—complexion, fresh,—a native of England,—served in the Detective Police Force, from the 14th February, 1862, to the 11th April, 1865, during which time his conduct was good; discharged on account of his own request.

FRED. C. STANDISH,  
Chief Commissioner.

Dates of appointment to the different ranks held in the Police Force :—  
Constable, 3rd class.—14/2/62.

## C 15.

(11.)

Mr. Fosbery regrets that it is entirely out of his power to give ex-Det. Benedict any further employment at present.

May 27th.

(To

(To Evidence given by Henry Parkes, Esq., M.P., 7 January, 1869.)

D 1.

Mr. Collins to The Colonial Secretary.

Kiama, 12 March, 1868.

Sir,

I do myself the honor to call your attention to a report at present in circulation in this district, viz., that the Fenians have sworn "that H.R.H. the Duke of Edinburgh shall not leave these shores alive."

This report reached me some four or five days ago, but I did not attach much importance to it, as it appeared to me, as well as to those with whom I conferred, that such a diabolical attempt could scarcely enter into the mind of even the most arch traitor. As, however, it is impossible to place any limit to the prospective crimes of the Fenians, it is at least within the bounds of probability that a combination may have been secretly formed for carrying out the treasonable and murderous purpose above referred to.

I have, &c.,

A. KEITH COLLINS.

D 2.

Telegram from The Police Magistrate, Grenfell, to The Colonial Secretary.

29 April, 1868.

INFORMATION received that an effigy of Prince Alfred was hung yesterday at the township on the Tyagong Gold Field, seven miles from Grenfell; a paper fastened on the breast of the figure, inscribed "The last of Prince Alfred, Duke of Edinburgh"; that part of the gold field chiefly inhabited by Irish storekeepers and miners.

D 3.

Telegram from E. Webb, Bathurst, to The Minister for Works, Sydney.

18 March, 1868.

Do not be deceived; two or three of Roman priests and several of their body here have refused to sign the Address to the Queen. Their Bishop not at home.

Mr. Webb is an old resident, and a Magistrate.—H.P.

D 4.

I DECLARE that the following language was spoken in my hearing, by Mr. Fitzpatrick, of the Survey Department:—

- 1st. About a week before the landing of His Royal Highness Prince Alfred, Mr. Fitzpatrick said that the Prince would be shot (or that he had heard he, the Prince, would be shot).
- 2nd. After the review by His Royal Highness, I said to Mr. Fitzpatrick that the people of Sydney had given the Prince a great and loyal reception. He said he would never take his hat off for any Prince or Queen. I asked him his reason for using such language; his answer was, that they were only human beings the same as himself.
- 3rd. The day after the picnic, he came to my place; I spoke to him about the assassination of the Prince; he said it was a strange thing that he should have had one of O'Farrell's shirts on at the time. I asked him if he knew much about O'Farrell; he said, O yes, that he had been with him very often. I said—"Did you ever hear him say that he would shoot the Prince?" he said no, but he had heard him say that the Prince would never leave Sydney alive.
- 4th. On Tuesday 16th instant, I spoke again to Mr. Fitzpatrick about the cowardly act of O'Farrell; he said that he did not consider it a cowardly act, for he had shot the Prince in open field before every one.

ROBERT HENRY REYNOLDS.

D 5.

Darlinghurst Gaol,

14 March, 1868.

Memo. to the Honorable Henry Parkes.

THE following is a copy of a memo. I received this morning, from Warder William Chapman, who has been in special charge of the prisoner O'Farrell those last two nights, viz. :—

"Thursday night.

"He twice asked me how the Prince was getting on; he said he had no animosity to him, but that his mother and the rest of the family were no good; he said the Queen had very little feeling or compassion for the Manchester Fenians that were wrongfully executed for shooting Sergeant Bratt; the man that did it had not been caught; that there were ten Fenians in these Colonies (I suppose leaders), that nine went home, and that they would surprise them when they would reach home; and that he was the tenth, and had made a mess of what he had done; he asked me if Lord Belmore was an Orangeman; I said I did not know; he asked me would he be allowed to wear his own clothes; he said he had some money in his pockets; I said he might, and that his money would be all right; he said—"Do they look at papers or documents?" he said he did not care, as long as they could get nothing that would bring anyone else into it; he asked me was there anyone else arrested for this affair; he told the several places he staid since he arrived from Melbourne, three or four months ago—Clark's Hotel, Tierney's, and Powell's; he said that Volunteer Sergeant Martin was a friend of his, and that they were to come to visit the Gaol previous to this affair happening; he said he was born at Aaron Quay, Dublin, and left it when he was only six months old; he said he was back there about ten years ago; that he has been in France; that his parents came to Melbourne in 1841; they died since; that he has two sisters now residing in Melbourne; he said there are Fenians all over the Colonies, as well as in Ireland or elsewhere."

"Friday night.

"He said the reason why he fired at the Prince was, that he got word from London from the proper quarter to do away with the Prince, as the Prince of Wales was drinking himself to death, and that Prince Alfred would be the next King."

I merely copy the pencil memo. of the warder, and send it for your consideration, as some portions of it may be a clue to trace more important matter.

I have, &c.,

JNO. C. READ,  
Principal Gaoler.

(To

(To Evidence given by Henry Parkes, Esq., M.P., 8 January, 1869.)

D 6.

Sydney, April 20, 1868.

Sir,

In continuance of previous conversations I think it advisable succinctly and plainly to state, in what respect I believe the information I possess available for the purpose of obtaining legal evidence to convict the leading and other members of F.B., in New South Wales of conspiring for the object of assisting and abetting in the intention of levying war against the English Crown in Great Britain, Ireland, and Canada, for the purpose of severing all connection between the Government of England and Ireland, and establishing a republican or some other independent form of Government in Ireland, and other illegal purposes.

I am in a position to assert that I know of meetings to have been held in various parts of N.S.W., at which meetings persons—generally of the middle classes—have been present and topics been discussed, such as:—

- (1.) The policy of the Fenians in attacking Canada.
- (2.) The late trials in Ireland of Fenian leaders.
- (3.) Plans to be adopted in this Colony by the Fenians in case England should be entangled in a general continental war; or if war should break out with America respecting the Alabama claims, or upon other grounds.
- (4.) The general policy of the Fenians towards England.
- (5.) The policy of the British Government in executing the murderers of sergeant Brett in Manchester.
- (6.) The retaliating measures adopted by the Fenians.
- (7.) The attempted rescue of Fenian prisoners in Clerkenwell gaol.
- (8.) Plans and measures to be adopted in these Colonies to obtain the liberty of Fenians convicted in Ireland and transported to Western Australia.

During all such and similar discussions language have been used and documents produced which, without a doubt, if legally produced in a court of law would convict any persons present and taking a part in such transactions of treasonable designs against the British Government.

I know documents to be in existence as late as December, 1867, and February, 1868, conferring authority for N.S.W. on members of the brotherhood in the Colony.

I have heard oaths administered to persons when admitted as members of the Fenian brotherhood.

I am perfectly aware that my evidence—which evidence I should be compelled (if employed) sooner or later to give—by itself and uncorroborated, would not be sufficient to convict in a court of justice; and I am therefore quite willing, as suggested, to act in concert with some persons—or at a future time persons—who might be in possession of the entire confidence of the Government, and who might be able to report upon my proceedings from time to time.

My plans to obtain sufficient evidence would be as follows, subject to any modifications which circumstances should render necessary:—

- (1.) To seek an interview with the head centre for N.S.W. or a centre in Sydney, and place my services at their disposal, in order to obtain information in regard to what communications have taken place between the authorities in America and the leaders in Victoria and N.S.W. previous to the attempted assassination of H.R.H. Duke of Edinburgh, and, without rising any suspicion, strive to ascertain what written documents in this matter are in existence and in whose custody such documents are placed.
- (2.) What reports would be sent to America in O'Farrell's case.
- (3.) To obtain, if possible, copies of such reports.
- (4.) The names of all persons present at meetings summoned to discuss the above subjects.
- (5.) The name of the person or persons empowered to carry the report to America, as such a document would scarcely be entrusted to the post.
- (6.) To ascertain what if any retaliating measures will be taken in case of O'Farrell being executed.
- (7.) To obtain information in regard to communications between leaders in Victoria and New South Wales on this subject—

and in fact seek information on all such subjects in regard to the Fenian organization as could be produced as legal evidence to procure conviction.

All such information as in this way I should obtain I would be willing to communicate from day to day to such person as the Government would authorize to receive my report, and then leave it to the Executive to act when evidence collected by me and such other persons as should be appointed to act in concert with me, should be deemed sufficient to carry convictions in a court of justice.

And am, Sir, your obedient  
and humble servant,

D 7.

Memo. to the Hon. the Colonial Secretary.

Darlinghurst Gaol,  
24 March, 1868.

Mr. W. WITHINGTON of Francis-street, Glebe, (householder) called by your order and identified the prisoner H. J. O'Farrell, as a person who had been to him with another man two or three times previous to the attempt to assassinate H.R.H. the Prince; they agreed to take a house at the corner of Gross and Francis Streets, Glebe, at a rental of £1 per week, for the purpose of carrying on the business of a bakery. The unknown person seemed to be the spokesman, and said he had a wife and two or three children; they left a deposit of 10s., but Mr. Withington saw no more of them until he saw O'Farrell to-day. The stranger is described as a man about 45 years of age, 5 feet 10 or 11 inches high, dark complexion and hair; spoke well and had no particular accent, was very respectably dressed in dark clothes, but no further description can be given.

I am thus particular, and write in haste, as this may possibly be the means of tracing out an accomplice.

JOHN C. READ,  
Principal Gaoler.

D 8.

Memo. to the Hon. Colonial Secretary.

Darlinghurst Gaol,  
26 March, 1868.

SINCE my memo. of the 24th instant, respecting Mr. Withington having identified O'Farrell, I did not then know the object of the interview, and therefore did not permit them to speak.

Next morning I said to O'Farrell "the old gentleman who called yesterday says you owe him 10s. and he wants you to discharge the amt., or say where your friend is to be found who took the premises, &c., &c." For the first time, I perceived that O'Farrell was uneasy and agitated, and denied in toto all about it, and said in confirmation, that it was known he always staid at an hotel.

Mr.

Mr. Withington called again to-day, and he has further recognized O'Farrell's accent and also spoke of the prisoner having written a note in a very off-handed style in his possession. Mr. Withington seems very positive that there is no mistake about the identity. O'Farrell was agitated and denied it again.

Mr. Withington recollects that the unknown individual had dark whiskers mixed with grey. I think this important, and therefore communicate it.

JOHN C. READ,  
Principal Gaoler.

This letter had better be read in connexion with former letter from Mr. Read.—H.P.

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D 9.

Miss Janet Muston states as follows:—I was at Clontarf, at the Sailor's Home picnic, on Thursday the 12th instant; about an hour before the arrival of the Duke of Edinburgh, being then on the beach, on the east side of Clontarf, I saw two men sitting side by side on the rocks; one of these two men was O'Farrell, the man who shot the Prince; the other man was a commoner looking man, fair rather in complexion, not quite so tall, but broad shouldered and stouter; I did not pay much attention to them then, but observed, as I walked towards the landing-place afterwards looking for my brother, that they were taking the same direction; subsequently, when listening to the band, I saw these two men again; I am quite certain one of those men was the man who shot His Royal Highness; at the band they were joined by a third man, not so tall as either, dark looking, and having the appearance, as I thought, of an American, or of a man just come from the diggings; when it was announced that the Prince was coming these three went down towards the landing-place, and were close to him as he landed; the man who shot him remarked, in my hearing, "He seems very much pleased"; subsequently, I saw the second man in the luncheon saloon or tent close to the Prince, at one side, about the third person from him; after lunch I was close to His Royal Highness when he was shot; the third man I have mentioned was standing with O'Farrell close to some trees, where I was sitting; the Prince and Sir William Manning had walked some short distance down from the tent, and were returning to it when O'Farrell left his companion, and walking quickly after them, and when within three or four feet of them, fired at the Prince behind his back; the Prince immediately fell, and Sir William Manning turned round with the view, as I thought, with the view of seizing the fellow, who, stepping back, aimed apparently at his head, but the pistol seemed not to go off; O'Farrell was in the act of firing at the Prince as he lay on the ground, I saw him point the pistol at him, when he O'Farrell was seized from behind by Mr. Vial, who threw his arms round him, and the shot went off and hit Mr. Thorne in the foot; he, O'Farrell, was then seized by the people; I heard third man say to some persons about him, "The Prince is shot," and he walked away towards the place where I had first seen O'Farrell and the other man sitting on the rocks; he seemed to be in a hurry, and I had observed that there was a dark coloured boat, that seemed to me to be a ship's boat, fastened between two of those rocks; I saw those men so often during the day that I think I would know them again, especially the fair complexioned man; I think I saw the dark man yesterday in Phillip-street.

JENET MUSTON.

Before me, 15 March, 1868,—  
T. A. MURRAY.

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D 10.

Sydney.

Orange Belmore.

By the Blessed † of Christ, and his immaculate mother, the Blessed Virgin, your days are numbered, together with your Ministry—the dogs. We are everywhere. We are in every department in the Colony. You little know our strength, it is legion. So prepare your coffins for you are doomed.

†

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D 11.

Mr. James Martin,  
Premier,  
Pott's point.

You will be my first aim you tretor.

March, 21, 1868.

MARTIN and Parks, your days are Numbered the first available opportunity. A fenian and 3,000 more when required at one moment's notice.

Remember those words, if not now you will hereafter, for I intend turning you both up as well as the bill you have passed.

I tell you that the number of fenians here and friends can put you and your forces down at any time. No more at present, but in a short time you will be on the look out for mee, and I shall dare you to tutch mee.

You tretor satisfaction I shall have and that beefore long.

---

D 12.

H. Parks, Esqre.,  
Colonial Secretary  
of Sydney.

Sydney, March 19th.

Sir,

Be on your guard, danger is close at hand. H. J. O'Farrell as got lots of freinds here. I remain a freind to you, but cannot say any more.

Still waters run deep, be on the watch.

---

D 13.

D 13.

<p>H. Parkes, Esqre., The Honorable the Colonial Secretary, Colonial Secretary Office, Sydney.</p>
<p>Immediate.</p>

Honorable Sir,

I dare not say any more than this on account of my Oath, but it was known in our Society. That a great attempt was to be made on some grand day. I did not hear what, as a few only were to know it. I need I say all is not yet over beware.

one who detest the crime, and abhors it,

A MEMBER OF THE ST. JOSEPH AND ST. MARY SOCIETY.

I dare not say more, the Priests knows it all.

D 14.

D. W. L. Murray, Esq., to The Colonial Secretary.

No. 3, Blyth Terrace,  
Kent-street North.  
Thursday.

Sir,

I thank you for your kindness in replying to my note; I take it as such, for I know the taxes upon your time are heavy, and that many important engagements leave you little time to attend to the multitude of eager applicants for employment that must always be wearying you with their importunities.

Permit me, however, to say, in reply to the explicit explanation you have given me of the difficulty of assisting me, that I did think mine was an exceptional case to the many you quote that you have to deal with—1st., as being the son of a gentleman who was born in the King's household, and whose life time, as well as his mother's before him (she was a lady in waiting on Queen Charlotte) has been spent in his country's service; 2ndly., as being the son of a highly appreciated protegee of Her Majesty's step-father; 3rdly., as being recommended to you by the Duke of Edinburgh, and having His Royal Highness' communication encouraging me to hope that I should be provided for, through the influence he had endeavoured to exercise in my behalf with you; and 4thly (to sum up your own requirements), being well qualified for any appointment I have sought; and last, because I am myself a very old colonist, a Member of a Colonial Legislature and Magistrate, and have expended a comfortable fortune in pushing my way in the Australian Colonies.

When I cast about for a place in which I should try to live after having lost my little all, I selected Sydney, in the full belief, at such an auspicious time, the influence of a Royal Prince would serve me in good stead, and because I had marked the character of your administration and fancied I should like to serve it. I feel bitterly now my disappointment, for I might have done better if such a thought had not entered my head. There are now, I am assured, three vacancies in the Customs Department, any one of which would suit me, at all events, until I hear from England, His Royal Highness having promised to communicate with me on his arrival home. And I feel certain, although you will not have it so, that if you were to kindly write on my behalf to Mr. Eagar, I should have one of them.

I remain, Sir,

Yours respectfully,

D'ARCY MURRAY.

D 15.

D. W. L. Murray, Esq., to The Colonial Secretary.

Dear Sir,

After I left you yesterday, I was struck with the force of some of the remarks you made, in the course of the conversation which you did me the honor to hold with me on the subject of my application for employment in the Civil Service of this Colony; and I venture to offer you a few observations in further explanation, which I trust you will not deem me too obtrusive in doing.

Of course I am aware that His Royal Highness has no manner of concern in the appointments of employes here, which is the special privilege of yourself and colleagues, and, indeed, perhaps I committed an error in not having made my application in the first instance to yourself. But I thought that if I did, you would naturally ask me by whom was I recommended; and as I considered the recommendation of the Prince, if I could be so fortunate as to secure it, on account of the services of my late father, would transcend that of any other, it was for this reason that I first of all appealed to His Royal Highness.

But you, and I must say most properly, suggested, that I was building upon the merits of my father, and not upon my own; and as I do not think I quite said enough to you in explanation of my reasons for hoping that upon my own merits I might be so fortunate as to secure your good opinion, I trust you will pardon me for saying now, that I have with me, which I shall be most happy to submit to you, letters written to myself by the Bishops and several of the Clergy of Tasmania, the late Premier, and Colonial Secretary, and Colonial Treasurer, as well as by several of the most influential of Tasmanian colonists, expressive of their esteem for me, and confidence in my integrity and honor—in in some instances thanking me for benefits, in my capacity as legislator, I had conferred upon the Colony and themselves—in all full of gratifying and encouraging assurances. Of course, I need not tell you that I likewise had my enemies, for I was a party man, and stuck to my party with a fidelity they ever acknowledged. I supported the last Ministry when in the zenith of their power, and when fortune changed with them, and they had to succumb to a pressure from without they could not withstand, I nailed my colours to the mast and went down with the ship. Therefore, I am certain, if I would not be trespassing too much upon your valuable time, I could shew you by documentary evidence I possess, that I was thought much of by many estimable Tasmanians, and I assure you that there was considerable regret when I took my departure from that Colony.

Hoping that I may succeed in procuring your kind consideration,—

I remain your respectful servant,

D'ARCY W. L. MURRAY.

50, Palmer-street.

D 16.

Dear Sir,

Permit me to thank you kindly for your consideration in sending me the letter of introduction to Mr. Eagar, which I shall present in the early part of the ensuing week.

If you know me, you would not grudge the trouble I have given you. I assure you, my friends in Tasmania—Mr. Whyte, late Premier, Mr. Meredith, late Treasurer, and others of their party—were very sorry when they found I had left the island, and knew that my departure was final; as were also the Bishop, some of the ablest Magistrates and Heads of Departments, and Clergymen, from whom I have the most cordial, nay almost affectionate, letters of condolence upon my misfortunes, and who yet hope to see me prosperous. These letters are in my possession, and I would gladly shew them to you. I fought side by side with my political party, fixed my fortunes to theirs, and succumbed when they (temporarily only) had to give way to a popular outcry got up against them. Probably if I had never been so thorough an enthusiast and believer in my party, I might have been better off. I have reaped the reward of political honesty.

I should like you to know what my present idea is, and then you will see my reason for depending so much upon the friendship to the Royal Family. My father was the confidential *attaché*—from childhood until after the war—of the Duke of Kent. He was in all the struggles of that illustrious Prince, his adviser and friend. Extending over a period of seventeen years—the most momentous in His Royal Highness' history—my father was engaged in his service, upon matters of domestic detail of the most extraordinary character. During that time, he received from the Duke a mass of correspondence; and he carefully preserved every letter he received. When he died, he bequeathed those letters to me, with injunctions never to part with them, except to the Queen, or a member of Her family; and at any time, should my occasions require it, to bring them forward if I required a favour. These letters—numbering upwards of three hundred—I have in my possession; you may see them with pleasure, and I can assure you the publication of them will startle England.

It was thus that, believing implicitly in the influence of his Royal Highness, I came here; and it is thus that I expect again to become prosperous. Before His Royal Highness left, I wrote to him, and saw him personally on the subject of those letters, which I told him I thought Her Majesty would like to have possession of, together with a number of other interesting documents I have for publication,—the particulars of the Duke of Kent's life never having yet been properly known. His Royal Highness promised to lay my letter before the Queen, and also promised me that I should hear direct from Her Majesty, through Lord Belmore, on his arrival in England. He also requested me to write to the Queen's editor, Mr. Helps, with reference to the Duke of Kent's letters. I did so, and expect to hear from that gentleman no later than September.

I trust you will not consider I have bored you in giving you this exposition of my future plans. It is because that I desire to mature them here that I would be glad to get employment; and I think you will admit that they are deserving of attention and perseverance on my part. The Duke's letters only fell into my possession a year or two since, through my mother, who brought them with her from England, or they would have been made use of long ago.

Again trusting you will pardon me for troubling you,—

I remain yours respectfully,

D'ARCY W. L. MURRAY.

No. 3, Blyth-terrace,  
Kent-street North.

D 17.

To the Colonial Secretary, Sydney.

Bathurst, 15 March, 1868.

Sir,

In addition to my communication of yesterday I point out a man who has been selling a book, "Old England," in the Western District; he left here by mail, the day after the Prince was shot; his name is M'Guire—an Irish Man—before the attempted assassination he said suspicious things, and was speculated upon as being a Fenian agent. After the occurrence he gave expressions (or rather let slip) of gratification. You can easily trace him, he came from Melbourne, has been corresponding with Adelaide by Telegraph from Bathurst. Keep your attention on Dr. M'Donough, Dan. Robinson, publican, James Butler, Alderman. I may tell you, in justice to you, them, and to my own conscience, I am in possession of no information regarding their movements in this matter; but I know them intimately. I warn you without dishonouring myself, my first duty is the happiness and good of my country. These men, like many others whom you must know, are suspicious men under existing circumstances. It is quite a puzzle how loyal Magistrates take their seats on the Bench with a known Fenian; the only solution to the matter is that, for instance, a man like Mr. Sutor, does not know it—this has been the case in the mother country, one of the most violent of the class sits daily on our Bench; if Dr. Palmer were asked the question he *possibly* would not know of the man's true feeling, and might think otherwise, but everybody else knows it. With all our extreme loyalty here, we feel indignant at the—trimming—absence of our resident members when the question came before the Assembly. The Fenians here labor under the idea, and this cannot be mistaken of them, that there is no power with us to interfere with seditious exhibitions or treasonable language. This is imbibed from the *Freeman's Journal*; I am truly of belief that the Catholic Bishop Quinn is sorry for the occurrence, but I am sure there is much disappointment felt that the shot was ineffectual. Threats, many, have been made in my hearing of *blood for blood*, for the Manchester hanging. Sorrow is at this moment shown for the fine news—the news that charms the heart of loyalty at the favorable report of the good and noble young Prince's health.

In conclusion, a Catholic woman burst into tears, in a conversation I had with her on the subject, and bitterly replied "Ah! sir, this is heart-breaking, it was all well planned beforehand, God knows where it will end," she knows more than I am at present inclined to drag from her. The matter, the whole affair, was no doubt known to many, in this very town it was known; look after the man M'Guire. I trust I and many others may be in error as to his *true mission* amongst us. As I stated in my last, I don't want to be a marked man, otherwise I would sign my name; it is not from any other kind of fear; I don't want—God forbid—to stab in the dark; it is to prevent such cowardice I thus address you. But it does seem sheer nonsense to talk of finding out treason, when you allow the free circulation of gross sedition within the walls of the Assembly, and also allow rebels to hold Her Majesty's Commission of the Peace. In the latter case you may encounter a difficulty, in the former there can be no excuse pleaded. I have now done my duty, and will trouble you no further.

I have the honor to be,

Sir,

Your obedient servant,

FOR MY COUNTRY.

(To

(To Evidence given by Mr. D. W. L. Murray, 12 January, 1869.)

E.

D. L. Murray, Esq.,  
 Empire Office,  
 Pitt-street,  
 Sydney.

The Equerry-in-Waiting to H.R.H. the Duke of Edinburgh, to D. W. L. Murray, Esq.

Government House, Sydney, N.S.W.,  
 9 March.

Sir,

I return you herewith the documents you left with me. I have shown them to the Duke of Edinburgh; and His Royal Highness desires me to tell you that he has recommended you to the favourable consideration of His Excellency, in case any appointment should become vacant, and for which you might be considered a competent person.

~~ELIZABETH~~

I have, &c.,

ARTHUR B. HAIG,  
 Equerry-in-Waiting.

(To Evidence given by Mr. George Layton, Accountant to the Treasury, 15 January, 1869.)

F 1.

(Duty Stamp.)  
 24/4/68.

(No. 1.)

Sydney, 24 April, 1868.

RECEIVED, from the Honorable the Colonial Secretary, the sum of thirty pounds, which I agree to refund within a month.

£30 0 0

H. R. BENEDICT.

F 2.

Treasury Voucher No. 4653.  
 C. A.—2.

NEW SOUTH WALES.—CONSOLIDATED REVENUE FUND.

Chargeable to the Vote of £

[Ex. Br., Treasury.—2 Ap., 1868.]

For reception of H.R.H. the Duke of Edinburgh.

Voucher No.

The Department of the Hon. Colonial Secretary, Dr. to Samuel Cook, Shorthand Writer.

Date.		Amount.
1868.	For the undermentioned services, performed for the Department, viz. :—	
18 March .....	Attendance at Darlinghurst Gaol.....	£ s. d. 2 2 0
	Transcript of evidence, 71 folios .....	3 11 0
20 " .....	Attendance at Darlinghurst Gaol.....	2 2 0
	Transcript of evidence, 45 folios .....	2 5 0
24 " .....	Attendance at Darlinghurst Gaol.....	2 2 0
	Transcript of evidence, 88 folios .....	4 8 0
Signature of claimant, <span style="float: right;">Appd. H.P.—28/3/68.</span>		
Total.....		£ 16 10 0

I certify that the services charged in the above account were satisfactorily performed, according to agreement, by the above-named individual. I further certify that they were necessarily required for the Public Service, and that the rates charged were the most reasonable for which the same could be procured, at the time they were stipulated for.

Signature of Officer incurring the expense

Will Mr. Halloran have the goodness to say to what fund this should be charged. B.C., 31 March, 1868.—H.L.

Vote on a/c of H.R.H. the Duke of Edinburgh.—H.P.

The Under Secretary for Finance and Trade. B.C., 31 March, '68.—H.H.

Submitted. 17.—J.D.C.

Pay—H.L.

RECEIVED, on the 17th day of April, 1868, from the Colonial Treasurer, the sum of £16 10s. sterling, in full payment of the above account.

SAMUEL COOK.

Witness—JNO. J. EATON.

I hereby authorize the amount of the above account to be paid on my behalf, to\*

(Signature)

\* Name of party or Bank must be inserted in this blank.

(To Evidence given by John McLerie, Esq., Inspector General of Police, 15 January, 1869.)

G.

Detective Raven to The Inspector General of Police.

Fenian meetings said to be regularly held every Friday evening, at the "Burrangong Hotel," Haymarket.

Subject:—Fenian meetings, "Burrangong Hotel."

Detective Police Station, 25 April, 1868.

Detective Raven reports, for the information of the Inspector General of Police, that he has made inquiries as to the Fenian meetings said to be held every Friday evening, at the "Burrangong Hotel," Haymarket, and find that no *seditions* meetings are held there. The detective was present during the meeting of yesterday evening, and found that it was a benefit society (Odd-fellows), who meet regularly, and have done for years.

Four different societies meet at this hotel, on different evenings of the week, on business connected with their lodges; but certainly no *Fenian* meetings, or any other meeting for improper purposes.

JOHN RAVEN.

Seen. J. McL., I.G.P.

(To Evidence given by Senior-constable Irvine, 19 January, 1869.)

H.

Senior-constable Irvine to Inspector Read.

A Division,  
No. 1 Station, 28th March, 1868.

SENIOR-CONSTABLE Robert Irvine begs most respectfully to state, for the information of Mr. Inspector Read, that about 3½ p.m. on Thursday, the 12th instant, he was on duty at Clontarf, Middle Harbour; he was then standing about ten yards from the refreshment tent, when he heard the report of fire-arms in the direction of the beach. The senior-constable ran in the direction from whence the sound proceeded, when a second shot was fired. On coming up with the prisoner O'Farrell, he heard some one exclaim—"My God! the Prince is shot." He then took hold of the prisoner, who was then being held by Mr. Vial and Mr. Clark, when some one struck the prisoner. Senior-constable Irvine said—"He is now my prisoner; leave him to me." The prisoner then said—"My God! What have I done?" Senior-constable Irvine said—"You scoundrel, you know." The prisoner O'Farrell said—"God love old Ireland! Old Ireland for ever!" Senior-constable Irvine produces the coat the prisoner was then wearing, in the pockets of which he found eleven detonating cartridges, and they fit into the chambers of the pistol produced; he found also in his pockets a pair of gloves, a white pocket-handkerchief. The prisoner was taken to the steamer, where he was taken charge of by Mr. Superintendent Orridge.

ROBERT IRVINE,  
Senior-constable.

(To Evidence given by Henry Parkes, Esq., M.P., 20 January, 1869.)

J 1.

#### THE MANCHESTER EXECUTIONS.

In the English and Irish papers many articles have been written, discussing the propriety or the justice of hanging the men convicted at Manchester for the shooting of Constable Brett. Most of the English papers have written in a rather congratulatory way, as if the execution were a good thing well done, with which every one ought to be satisfied. There have been several honorable exceptions to this flippant way of treating the public strangling of three fellow-creatures; but their voices were altogether lost in the general shout of applause which greeted the hangman's performances. Irish papers have been equally divided on the merits of the case, and it is worth remarking, that the Catholic journals invariably put forward the claims of mercy, while the Protestant organs were unanimous in favour of exacting the law's greatest penalty from the unfortunate men. This complete and strongly marked division between the religious bodies is by no means a pleasant thing to contemplate, because it shows, in a most singular manner, the great want of harmony between the two great sections of the people. Much more creditable it would have been if some of the Catholic papers gave in adhesion to the Government, and some Protestant stood for once upon the side of clemency. The actual circumstances are a reproach to Irishmen, as an illustration of the utter impossibility of making Catholics and Protestants think alike on any one subject. It is superfluous to add the comment, that a people divided into such strongly antagonistic sections can never become either great or free. In England several Catholic journals declared vehemently that it was not only right but absolutely necessary for the peace of the kingdom, to hang Allen, Gould, and Larkin—a fact which illustrates the truth that religion has very little effect upon national sympathies or prejudices; and on the other hand, several Protestant organs declared that the execution of the men was merely vengeance for the accidental shooting of a policeman. We cannot very much blame or praise either party, but we think that the deed should be placed on its proper footing.

In the first place, it is altogether monstrous to class these men among murderers—they are not to be classed with Rush or Muller. There is a difference between their criminality and that of the British youth Adams, who tore to pieces the body of a little girl, not very long ago, for the purpose of gratifying his brutal propensities. Most men of fair mind will be of opinion that the estimable Mr. Broadhead, who is in a good way of making a fortune from the patronage of his admiring countrymen, was by far more guilt-stained than any of those who sacrificed their lives to rescue Kelly and Deasy; because, the crime of shooting Brett, such as it was, was altogether a political matter, and no personal feeling of any kind could have been entertained towards the ill-fated constable, by those at whose hands he met his death. These men were members of a republican society, organized for the purpose of destroying the British power in Ireland, by making war against Her Majesty's Army. Different estimates may be formed of the chances of such an enterprise; it may be termed imprudent, foolish, insane; but the design was formed by these Fenians, and they meant to make an effort, at any cost, either to themselves or their foes. When Kelly and Deasy—officers of high position in the organization—were captured, it became, of course, desirable to rescue them from custody, and preserve their services for the intended rebellion. Accordingly, a certain number of men were commissioned to attack the van, which was carrying them to prison, and release them, if it could be done. This was making war upon the British Government, and every man who took part in the business must have known very well that he risked his life, either from the revolvers and

and sabres of the police, or the cord of the hangman. The Fenian detachment went armed—that is to say, prepared to take away life if it were necessary for the accomplishment of their purpose; though evidently they had no precise wish to injure any one. The policemen who had charge of the van made but a poor show of resistance; in fact, they behaved with arrant cowardice, being frightened by the mere discharge of revolvers in the air over their heads. From the evidence given, it is conclusive that the Fenians fired in the air, and probably with blank cartridges, too; for one of the most intelligent witnesses declared that it was impossible any of the constables could have escaped, if deliberate aim had been taken at them. The place was narrow and confined, the crowd great, and if the revolvers were levelled to take away life, they could not possibly have missed. The chief object, however, was to open the van. Attempts were made to break in the roof with heavy stones, and some sort of an opening was made, but not sufficient for the purpose. Brett, who was inside the van, and had the keys in his possession, was asked to deliver them up; but he refused, under the impression, no doubt, that the van was stout enough to resist any attack, and that he could defy the Fenians with impunity. Then a shot was fired at the lock, in order to smash it, but unluckily the bullet missed, and penetrating the panelling of the door, struck the constable, who was standing up inside, and laid him dead on the spot. There was no evidence whatever to prove that any shot was aimed at the body of the constable; his life was not sought for. To open the van was the first and last thought of Allen and his companions. The fatal accident was, therefore, a simple misadventure, and nothing else.

No one can doubt that the Fenians would not have hesitated a moment in slaying every man of the guard, had such a course been necessary in order to rescue their leaders; but then they should have been punished for what they did, and not for what they might have done under certain circumstances. They were guilty of violent rescue, a specific crime well known to the law, and assigned its due punishment. It would have answered all the purposes of the British Government to have tried them for that offence, and it would have prevented them from incurring a grave reproach. Had Allen and his confederates been arraigned under such a charge, their guilt would have been manifest to the world, and could hardly have been denied by themselves. But fastening a dark, and, correctly speaking, an entirely false charge upon them, has elevated the Fenians into the position of martyrs, and stamped the Government with the imputation of harshness and vindictiveness. Notwithstanding the statement that the execution of these men was generally approved of in England, we do not believe that it will ultimately have a good effect. At all events, it is folly to suppose that it will act as a deterrent, or hinder the recurrence of a similar endeavour, should like occasion arise. It is much more likely to prompt the brethren of the strangled men to make reprisals whenever an opportunity presents itself. The Fenians can argue in this way—Allen was hung, not for shooting Brett, but for being a Fenian. If the British Government shoot us for being Republicans, and to deter us from rebelling, we are justified in shooting their adherents for being Royalists, and to impress them with the uselessness of resistance. The aspect of the whole case proves that it is highly dangerous for any Government to forget the calmness and dignity of law, and act with vindictiveness towards its discontented subjects. Such conduct must inevitably lead to civil war, where the popular force is strong enough to challenge the Government, or to dreadful reprisals, even upon innocent persons, where the popular strength is not sufficient to venture upon open hostilities. In any case it is destructive to order and confidence. We do not attach much importance to the legal technicalities of the case. It is true that the evidence was bad, and the witnesses untrustworthy. We are fully confident that those who gave testimony for the prosecution were quite prepared to swear to anybody whom it was desirable to convict. It is on record that identically the same evidence which sent Allen, Gould, and Larkin to the scaffold, was given against Maguire, who was subsequently pardoned unconditionally, because no doubt whatever was entertained of his innocence, and not a word of what had been sworn against him was believed. People who take a legal view of the trials will say, that if the evidence was not believed against Maguire, it should not have been believed against the others, and that all the accused should have been set at liberty in the same way.

However, it was merely over-zeal which made the witnesses swear against an innocent man. They knew their instructions were to swear against every man in the dock; and if they identified persons who did not take part in the affray, as well as those who really did, the greater blame was attached to those who put the wrong men in the dock. It was not to be expected that Crown witnesses, with handsome rewards in prospect, would be very discriminating, or over anxious to save a man from the gallows, on no better grounds than that he happened to be innocent of the deed charged against him. We, however, waive the consideration of these things, because we believe that law or justice had very little to do with the Manchester trials. According to our judgment, the Fenians were put to death because it was politically expedient to make an example, and because it was hoped that the sight of three men hanging for the murder of a policeman, whom none of them ever as much as laid a finger on, would prevent the republican conspirators from carrying out their programme. Whether the execution will fully answer the expectations of those who advocated it is a matter open to debate. We are rather inclined to take the negative side. Perhaps a month or two will tell whether we are right or wrong. (*"The Freeman's Journal,"* January 25, 1868.)

## J 2.

### THE CONVICTIONS AT MANCHESTER.

(*Republished in "The Freeman's Journal,"* January 25, 1868.)

"God save old Ireland!" "God be with ye, Irishmen and Irishwomen!" These were the words that rose in earnest chorus from the dock of the condemned in Manchester. "God save old Ireland!" cried the doomed men; and with this parting benediction on their lips, they passed from the crowded court to await, in the convicts' cell, the day when they are to be "hanged by the neck until dead." They had been declared murderers by the forms of British law; the acts of which they stood accused had been stigmatized by the representatives of the Crown as all that was atrocious and abominable; for weeks they had been targets for the scorn, the insult, and the vituperation of all England; they had been denounced as guilty long before they were tried, and, without waiting for the services of Judge or Jury. The journalists of Ireland not only declared that they were to be hung, but that their execution would take place without delay. A Jury drawn from a population ravening for their blood had not hesitated to convict them, and the Judge, in passing the dread sentence of the law, had warned them that no mercy was to be expected. But the men whom he addressed stood undismayed by their awful situation. Cover them with obloquy, convict them as murderers, and doom them to the death of the gallows—these things the British people could do; but to break their spirit, or rob them of their conscious innocence, was a task beyond human power. With the exception of Maguire, about whom there remains much to be said, not one of the prisoners against whom the whole terrors of the law had been brought to bear, betrayed the faintest symptom of wavering or fear. We print to-day the bold and uncompromising speeches in which they replied to the question which challenges them to question the justice of the verdict. Throughout Ireland there will be but the one opinion of the manliness and cogency of their arguments. The allusion made by O'Brien to the effect which the release of Garibaldi, of Jefferson Davis, or of the captives in Abyssinia, would have on the English mind, was conceived in the happiest vein, and must have rankled sorely in the hearts of his accusers; and their repudiation of anything like a murderous intent will carry conviction to every impartial mind. The English Press may do its worst; it may vilify as it will the unfortunate men whom it has hounded to death; the law may claim its victims; the brutal instincts of the mob may be glutted by their blood; but in the land they loved, and amongst the people whom, in mistaken zeal, they thought to

serve, the names of these men will be handed down—not as murderers, not as assassins, not as ruffians or malefactors—but as earnest, brave, wrong-headed men, who staked their life in what they believed to be a patriotic enterprise, and went to their doom with the unshaken fortitude of true Irishmen.

It would be useless now to examine the grounds on which the Manchester jury based their decision, or to analyse minutely the evidence which they either believed or rejected. We feel how true it is that these men have been condemned to die, on testimony which, as has been declared, would not be sufficient to convict an old woman of petty larceny; and we have our own opinion as to the extent to which the jurymen obeyed the injunction of giving the prisoners the benefit of the doubt. In this country few will hesitate to connect the verdicts with the blaze of popular prejudice in the midst of which they were arrived at; but it is more important to notice that even in England doubts are beginning to be suggested as to the fairness of the result. It is almost certain that one of the men convicted was not present at the liberation of Kelly at all; and the alacrity displayed by the Jury in convicting a man on whose behalf such *alibis* were proven, has even gone ahead of the popular expectations on the subject. In fact, the Jury appear to have overdone their work. The English public were confident that Allen, Larkin, O'Brien, and Condon, would be convicted; but the conduct of the Jury, in including Maguire in the same category, has complicated the affair not a little. They can't well hang the latter, whom they regard as an innocent man, and they can't let him escape, without admitting that the Jury found an improper verdict, thus morally invalidating the conviction of other prisoners. The dilemma is a troublesome one, and some of our English contemporaries are sorely perplexed by it. "The case of Maguire," says the *Manchester Guardian*, "has attracted an amount of public attention which seems to be hourly increasing. The verdict appeared to take him altogether by surprise, and numbers of the audience share in the feeling. His case is admitted to be one that requires further investigation; and it will be very satisfactory if, on a rigid examination, it should appear that he has no connection with the murder. Petitions are being got up in his favour." Here we have it admitted that the case of one of the men whom the same Jury that convicted Allen declared "guilty," "requires further investigation"; and a "rigid examination" is suggested, with a view of settling the question as to whether he had any "connection with the murder." Now, either the Jury did or did not record a proper verdict. If they did, why is another investigation deemed necessary?—if they did not, why should the public voice decide in which case they were right and in which they were wrong? Surely the proper course in such a case is to cancel the verdict altogether; for if Allen be hung on the finding of a Jury who convicted a perfectly innocent man on the same charge, there is an end to all respect or reverence for the legal tribunals of England. Nevertheless, in spite of these obvious facts, we find it insisted on in the English papers, that Allen should be hung, and Maguire respited. We leave the Government of England to find their way out of this humiliating difficulty, in which the bungling zeal of the Manchester jury has placed them.

It is possible, indeed, that the threatened executions will be foregone altogether, and that English statesmen will shrink from affording to the world the spectacle of five men gibbeted in a row for what was unquestionably a political offence. It may be that the savage thirst for blood developed during these late weeks will not be satisfied after all. The question, we know, is beginning to cause discussion, and some doubts must be felt on the subject when journals like the *Times* and the *Pall Mall Gazette* are obliged to write elaborate arguments in the shape of leading articles, reassuring the public mind as to the justice and expediency of the proposed executions. It is necessary, we are told, to strike terror; and for this end a saturnalia of bloodshed is recommended in Manchester. We would remind the advocates of the hanging policy, however, of the ill success which has hitherto attended their attempt to tranquilize Ireland by the halter. If hasty trials and wholesale executions could reconcile Irishmen to the yoke of England, there would be no Fenianism to combat to-day. The sight of those five men dangling from the gallows will not attach their countrymen to English rule, nor prevent others from following in their footsteps. By the fresides of Ireland they will be spoken of as political martyrs; and another rankling sore will be added to the irritants that inflame the Irish mind against England. It may be too soon to say what course our rulers will pursue in reference to these convicts; but we are at no loss to conceive the course they would adopt were they wise in their generation. Were the English Government sincerely desirous of removing the Irish scandal, and giving peace and prosperity to this country, they would begin by releasing these men, and the rest of their political prisoners, and then set earnestly about redressing the evils which converted them into rebels. We are afraid the time is not come when a course so prudent and statesmanlike will be adopted; but, until it does, so long must we be prepared to read of disaffection and insecurity, of State trials and punishments, and of such occurrences as that which lately filled England with panic, and has brought five brave-hearted Irishmen to the brink of the felon's grave.—*Weekly News*, October 16.

### J 3.

#### THE MANCHESTER EXECUTIONS.

(Republished in "The Freeman's Journal," January 25, 1868.)

By the time these few lines reach the majority of our readers, in all probability the three Fenian prisoners, selected as victims for the Manchester outrage, will have been hurled into eternity. They will have gone before a tribunal where the law of constructive murder is unknown, and whose Judge is more infallible than even the humane and impartial Judge Blackburn. Before that awful judgment-seat the majesty of British law will not be greater than the rights of the humblest Irish peasant, and the patriotic feelings which have led men into violence may, to a great extent, compensate for the offence for which they have offered up their lives. When tried in the terrible balance of that tribunal, it may be found that their simple enthusiasm—that the devotion, earnest even if mistaken, which has led them to encounter every peril, even to that of the supreme agony—may enable them to outweigh even their earthly Judges. They have met a dreadful doom in the flesh, and their reputation has been loaded with opprobrium. The name of assassin has been freely flung at them, and they are held up to the hatred and execration of the British public, as criminals whose lives are inconsistent with the safety of society; but out of the region of British egotism and Irish Orangeism their fate will evoke no feeling but that of the deepest pity and lamentation; and even those who most strenuously condemn the rashness of their demeanour, will see in it but the impulsive and erroneous manifestation of a patriotism that, under more favourable circumstances, might have led them to honor. Tried by the Great Authority before which all men sooner or later must appear, or estimated by the impartial justice of the world outside the narrow limits of the British Islands, there will, we venture to say, be little difficulty in reversing the judgment of a Manchester Assize Court and a Tory Home Secretary. Blame, undoubtedly, has been theirs; but the penalty exacted has been so utterly out of proportion to the crime, the punishment has so completely assumed the character of a brutal vengeance, that the proportions of their misdeed seem utterly swallowed up in the truculent retaliation by which it has been followed.

In this affair the course of what is called justice appears to have been abandoned to the worst guide that any public opinion has ever had. The Tory papers and the Liberal journals are often right and wrong, but their judgments are comparatively innocuous, because their party complexion stands confessed. The *Times* has the merit or demerit of not being a party journal. The talent by which it is characterized has therefore been availed of to ascertain the current of opinion, and to reflect it with the accuracy necessary for popularity. Finding Englishmen in a passion, it has fostered their fury until they have become incapable of knowing what they do. It has acted on the Government, and at the same time furnished it with a sort of excuse for following the ferocious traditions of Toryism. Having helped the catastrophe,

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it is now fierce and threatening in view of the possible consequences. Every sane man knows how the hanging of Allen, Larkin, and Gould will be held in Ireland. It is not only that they will be regarded as men done to death by a verdict which has been distinctly proved to be worthy of no respect whatever, but, even on the supposition that all alleged against them is true, as martyrs in the cause of Ireland. With a dim consciousness of this result, and seeing the nature of the feeling aroused in England by the uncivilized brutality of which it has been the advocate, the *Times* resorts to threats, and intimates that if it is not confessed that the Manchester outrage was a murder pure and simple—a moral crime as well as a crime against law—England will set itself to the extermination of such Irishmen as are now living within its confines. The leading journal, in fact, hints that unless Irish people in this country, and those in England who sympathize with Ireland, confess to an untruth in regard to the Fenian affray at Manchester, a war of races will be proclaimed.

It occurs to us, however, that the *Times*, in conjunction with some worthy congeners of the Press, has already tried this dodge. Several of the leading English papers did repeatedly seek to egg on the population of the great English cities to a war against the Irish. Up to the present they had no success, at least to the extent of procuring an actual outbreak. It is true one band of workmen was stimulated to lynching a supposed Fenian, but their hearts failed them when the homicide had been half accomplished. Except working up the middle classes, and perhaps, through much of the lower, a very potent anxiety to have some of the Manchester prisoners hanged, the efforts of the papers have been unsuccessful. Those efforts, on the contrary, have not prevented a great demonstration of English workmen in favour of clemency to the prisoners, and the laying down of the doctrine that they were being hanged for a mere political offence. So far, the efforts have achieved their object only in a very moderate degree. It would be rash, however, to conclude that they have done the worst of which they are capable. They may, by sufficient diligence and infusion of venom, lash the British people into the anti-Irish fury they aim at, and they may persuade England that she has a right to crown her misgovernment of Ireland by a repetition of Cromwell's policy; but we venture to say that such a course would be a bitter mistake. In a war between the two nations—if the British Press will insist on having it—doubtless Ireland would get the worst. But Ireland possesses the advantage of the beggar, in having little to lose. For England, on the contrary, it would be an affair of life and death. We have no idea that such a struggle will come; but if English journals begin to bully, they will do well to count the cost. They may surely be content with judicial slaughters, without threatening mob butcheries in addition. If they believe that by such bluster they can frighten Ireland, they have read but badly the history of a land which has been most tenacious in defeat. When Irishmen are swinging on the gallows, because they have loved their countrymen better than their lives, it is a dangerous period for the *Times* to sound a note of challenge to a war of races.—*Cork Examiner*.

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#### J 4.

##### ENGLISH INTELLIGENCE.

(From our Special Correspondent.)

To the Editor of *The Freeman's Journal*.

Manchester, 23 November, 1867.

Sir,

Even as I write, my blood is boiling with indignation, just and virtuous, at the barbarous murder which has this day been perpetrated—a murder without parallel in the annals of English history—revolting, revengeful, and without the slightest shades of justice or mercy connected with it. I allude to the execution, this morning, in front of the New Bailey, of the three Fenians—Allen, Larkin, and Gould—an act which has made the whole of England shudder, and which has paralyzed the whole of Europe. An act so unnecessary, so unjustifiable, and so monstrous, that it is with difficulty that people are able to look at the matter dispassionately. Amidst a dense fog, amidst the dead silence of thousands of awe-struck spectators, and surrounded by five thousand British soldiers, and an organized body of nearly two thousand civilians, Allen, Larkin, and Gould, at three minutes past eight o'clock this morning, died on the scaffold, erected at the command of a "lenient English Government, who desired to do justice to Ireland." They died. And for what? For being Irishmen. For that alone. Had their crime been murder only, had it been murder of the most horrible kind, they would never have suffered. Nay, had the same crime (?) been committed by Englishmen, in an attempt to rescue Englishmen, manslaughter would have been the verdict, and two years penal servitude would have been the maximum of their punishment; but three poor unfortunates were guilty of that most terrible offence against British rule—they were Irishmen. They were Irishmen, and had dared to raise their hand against the power that was crushing their very life out, and for such "unheard of ruffianism, and unparalleled barbarity," they were condemned to die. And die they did, whilst the world looked on amazed! Looking on this tragedy in any sense, it is one of the most extraordinary that ever was performed in this or any other country. On the 18th September last, two men—Kelly and Deasy, Fenian organizers—presumed to be such by the authorities—were examined at the Police Court, and remanded until the next day, when that omniscient and omnipresent devil, Corydon, would arrive from Ireland, to identify them; it being his bounden duty to identify any Fenian that the Government lays hands on, whether he knows him or not. This much is expected of him by the Government. Such being the case, unless they were released, their doom was fixed. Their lives and their services were precious to their country, and a rescue was planned. Thirteen men were selected to take part in the attack on the van, which, when it went into Hyde Road, was guarded by fifteen policemen. See the result. Some shots are fired, the policemen run away, the horses are shot, the door is fired into, the roof is broken in, and some unlucky shot enters the eye of police Sergeant Brett, who is locked up inside, and who was endeavouring to get a sight of what was going on outside. A shot opens the door, the keys are handed, by a prisoner in the van, to Allen; Kelly and Deasy, handcuffed together, make good their escape across the fields, and the men concerned in the attack make the best of their way from the scene of action, dispersing in different directions. One, however, with more heroism than the rest, remains behind, keeping the crowd back with a revolver, until he has seen that his friends have got beyond the reach of pursuit, and then—only then—he turns and flees for his life. A crowd of yelling, half-frantic men run after him. For two miles and a half the chase is kept up, until exhausted he turns upon his pursuers, and threatens them with his "empty revolver," and is knocked down, and beaten about the head and face until he is nearly dead. That one is Allen. Others are pursued and overtaken; others (the majority) made their escape; and that is all that transpired on Hyde Road on the 18th September last—a day that will long live in the memories of men, as the day on which Irish freedom and independence began. Now, let us see what a just and lenient English Government have made of it. That evening the town rang with the news of "A daring and murderous Fenian outrage." A mob of 500 Fenians had broken open the van, and having set free the prisoners, had killed several policemen. Such was the first report. That night *twenty-six* men were arrested and lodged in gaol. The next day reduced the "mob" from 500 to 70. Before that night was over, forty-two were in custody; and before the end of the third day, sixty-three had been arrested in all. Three or four Irishmen were arrested simply for having mud on their boots. Now mind, Hyde Road is the least frequented and most thinly populated road out of the city, and there are few passers-by; yet, upon the offer

offer of a reward of £200 "for any information which would lead to the conviction of any of the parties," there immediately springs up a whole crowd of forty or fifty witnesses against the prisoners, who were able to identify, with certainty, most of the prisoners—although, as I said before, there were but *thirteen concerned, and the most of them have escaped!* Now mark the way in which they were identified. The usual manner is to place the prisoner in the midst of a large number of men, and ask the witness to single him out. But these prisoners were Irishmen, therefore it was done in this wise. The prisoners were placed in a row, in a lobby of the Police Court, and the witnesses passed before them, saying, "This one and that one was there," and so on. Now the fact of their being in custody was proof presumptive to the witnesses that they were there. So that it was simple enough for them, if they saw any one there at all resembling any of those seen in Hyde Road, to say at once—"This man was there." "*Gould was chained by the leg to Larkin,*" so that they must have been there, or else why put irons on them? Allen was brought out for identification, *with his wounded head all bandaged,* so that (having read the reports of the affair in the paper) all the witnesses were "confident" about him. Some of the witnesses could not identify any of them the *first time*, but, their eyesight being *improved by the bill offering £200 reward,* they succeeded in doing so the *second and third times.* These proceedings have been eulogized by the English Press, as "indisputably fair and impartial, and tending to do the prisoners the amplest justice." It is needless to say that, at the examination before the Magistrates, the number of prisoners was reduced to twenty-six, the evidence against the remainder being so trashy, and so full of inconsistencies and discrepancies, that it went for nothing. A number of the witnesses fixed upon Allen as the man who fired the shot which killed Brett. It appeared so conclusive, according to the Magistrates and the Press, that no one ever dreamed it otherwise. Accordingly, Allen and twenty-five others were committed to take their trial for the wilful murder of Charles Brett. Of course, as is usual in such cases, Brett was suddenly discovered to have been possessed of all the qualifications necessary for a perfect man; and the Press teemed with maudlin sympathy for his bereaved family, and subscriptions poured in from all sides to a fund for their relief. Meanwhile, the same journals, that would have lauded the act of the Fenians to the skies, as the purest and most heroic act of patriotism of the present age, had it taken place in Florence, for the rescue of Garibaldi from custody, continued, day after day, to din into their readers' ears, "anarchy," "armed rebellion," "organized assassination," "ruffianism," "lawless desperadoes," "murderous and inhuman outrage," "priestcraft," "low Irish," and so forth. Following this, were long examinations of the whole affair, which were nothing more nor less than so many sentences of death passed upon the men. The Press, from end to end of the kingdom, fostered and encouraged the hate to Irishmen, and the determination to have bloody revenge for "poor Brett." So that long before the special Commission was opened, the men were tried and condemned by every English paper in the country, and by nearly every Englishman. Fine justice! The men might as well never have had a trial. Well might poor Gould say, in reply to some remark about justice, "full and impartial," being done him—"I have had enough of English justice," referring to his having been chained at the Police Court. Again, to give the spectators—(amongst whom there might be possible jurymen) a prejudice against the prisoners, *they appeared handcuffed in the Police Court—a flagrant breach of justice,* which, as their counsel said, "ought not to be borne in a civilized and Christian country."

Whilst the examinations were being carried on, the utmost precautions were taken by the authorities to prevent an attempt at rescue being made. The police were armed with revolvers, and a strong guard of soldiers kept constantly on duty, at the place where the prisoners were confined, sometimes at the police station, sometimes at the city gaol. A most unusual sight was presented each morning and evening, during the removal of the prisoners to and from the Police Court. A strong mounted guard (cavalry) headed the procession; then came several 'bus loads of infantry, then the police vans, bristling with, and surrounded by, armed policemen, then more infantry, more policemen in cabs, the rear being brought up by a strong body of cavalry. Such a cavalcade was to be seen every day for a fortnight, in this great commercial city. A most unwonted sight, and unwarranted, too, as the Government declined to consider them as political offenders. During the interval which elapsed before the opening of the special Commission, more troops were concentrated in Manchester and Liverpool, in the event of a disturbance. A regiment of Highlanders were sent here, and lodged in a dismal cotton mill, a strong detachment of artillery followed, and by the time the Judges arrived, there were no fewer than five thousand soldiers here, to keep twenty-six civil offenders in safe keeping. Meanwhile, that inhuman cry for blood went up from end to end of the island. "Blood!" was the cry of almost every journal in the country. "Hang them!" the cry of the people. "Hang them! every one, without trial." "Hanging is too good for them!" No talk of mercy, nor of palliating circumstances. "Most brutal, horrible murder." Men are stuffed into furnaces and burned alive, their brains battered out, their throats cut; children are cut to pieces, and women are stabbed, and shot, and kicked to death, on every end and side; yet, with the perpetrators of such revolting and premeditated and methodical murder, sympathy is aroused, and reasons alleged why they should not suffer death; but here a man is shot accidentally, or at any rate with no malice or motive aforesaid, in an affray, and immediately a cry for the blood, not of one, but of twenty, rises throughout the land. "No mercy!" no excuse, nothing but their death. Where lies the distinction? These are Fenians. The prisoners, at the trial, were divided into batches of four or six, and the Grand Jury found true bills *against them all, of wilful murder; failing that, of "riot and misdemeanour."* The first five were, Allen, Larkin, Gould, Shore, and Maguire. Shore was placed in this batch because the evidence against the other four was so bulky that it was sure to bear him (against whom there was a mere shadow of evidence) down along with them, and *he was a man whom the Government had wanted for some time.* In laying down the law at the opening of the case, Chief Justice Blackburn said, that "all those who could be proved to have participated in the attack on the van, or to have been there with that intention, were equally guilty of murder with him who fired the fatal shot." Bear that in mind,—*"all equally guilty of murder."* The first five were tried, found guilty, and sentenced to death. So far, so good. The next batch of six were arraigned in the same manner, for murder, and although *it was proved that they were in Hyde Road, and took part in the affair, they were acquitted of murder.* Against the remainder, the charge of murder was *withdrawn altogether.* And this after Justice Blackburn's laying down of the law as above. It cannot but be pretty evident after this, that the Government were determined to hang somebody, and they chose indiscriminately. As a paper in this city said, after the trials,—*"Conviction and acquittal went much by chance, sometimes by the mere caprice of the Jury."* So that the result of the trial has been to condemn several innocent men, and let those who actually were the leaders in the affair escape scot free. In the evidence against Allen (given, as he himself said, by "prostitutes of the streets of Manchester, convicted felons, and men out of work") there was gross contradiction. He was simply proved to have been there, which he did not deny. Half of the witnesses who swore to him had also sworn to others, who were proved to have been miles away. The evidence against Larkin went to prove that he shot a horse, which he has admitted. Against Gould, Shore, and Maguire, the evidence was very slight. For them it was very strong, a complete "*alibi*" being proved, in all the three cases, by respectable persons. This was ignored, and that of persons of the class named preferred. It was no enviable task, to go and give evidence for the prisoners, the result being that you were considered a "Fenian sympathizer," and consequently, a dangerous person; and in most cases, the houses of such were closely watched by the police. The evidence in Maguire's favour was so strong, that a memorial to the Government was got up, which ended in a free pardon; yet are the other four left to suffer their doom, upon the evidence of the same witnesses who so nearly swore Maguire's life away. Now such a fact shakes the whole prosecution to its bottom. Efforts were then made (chiefly by the advocates for the abolition of capital punishment) for a commutation of the sentence in the case of the other four. Great excitement pervaded throughout the country, as to whether the Government would give way or not. Two days before the execution a reprieve was granted to Shore, again shaking the truth of the

the whole case. Upon the other three the law was carried into effect this morning, amidst a growing conviction that they were morally guiltless of Brett's death. It has been well known here all along, amongst the friends of the cause, that the man who shot Brett had escaped with seven others to America; and reference was made by some of the witnesses to a person not in custody, answering to his description. This evening's paper contains news from America of the landing there of the whole party, the man in question evidently priding himself upon the signal part he took in the affair. Several more who were acquitted have since followed them—amongst others, the ringleader of the attack. It seems monstrous that some of the prisoners, against whom there were eleven or twelve witnesses, and who were shown to have taken an active and violent part in the affray, should be sentenced to five years' penal servitude only, whilst poor Shore, against whom there were but five witnesses, and who was only shown to have thrown a stone, should be condemned to imprisonment for life.

Since writing the above a day has passed, and I have just returned from a visit to the confessor of the men who died yesterday, and who accompanied them to the scaffold. The account he gives of their last days is exceedingly affecting, and most consoling. Guiltless of that with which they were charged, since their condemnation they devoted their lives to peace and preparation. Every other day they have been recipients of holy communion, fasting every day up to their death. There was no fear, no remorse, no sorrow, nothing but a calm, dignified submission to their sentence. The duty of their priests had been to restrain their fervour, and keep their minds from dwelling on the prospect of their promised happiness too much. They have had all the ardour of martyrs, all the enthusiasm of patriots, and the peace of soul known only to Catholics. "They died," says their confessor, "not only as Catholics alone *can* die, but as the saints of old." The morning of their death they heard three masses, and received communion. They were patient, calm, and absorbed, during the dreadful preliminaries; and, when the time came, flinched not at the sight of the hideous instrument of death. In their procession to the scaffold, the hand of each was clasped in that of his confessor, and at the foot of the fatal steps they took a last, uninterested look at the scene around. With a firm, light step, Allen mounted the steps without assistance, and took his stand on the drop. Gould followed next, and went calmly to his place. Larkin went last. In a clear, steady voice they repeated the responses to the Litany, which the chaplain was reciting. When the caps were placed over their eyes, Gould leaned over to Allen, shook him by the hand, and kissed him, receiving a most affectionate reply. Their hands were clasped over the crucifixes, on their breasts, when the drop fell, and all was over. Thus was shed the first blood that has been shed in the cause of Ireland. To-night, in most of the churches, sermons have been preached, eulogistic of the men and the cause for which they shed their blood. Their dying declarations prove them to have been innocent of the crime charged against them. Allen and Larkin were there, but nothing more. *Gould was never near the spot.* Thus have died three martyrs to British rule and injustice, guiltless alike of murder or treason; and let us hope that an Almighty and just God will look with pity on the unhappy country for which they gave their lives—and may a just, full, and bitter retribution follow this act of oppression and tyranny. These are the first beginnings of Irish regeneration; for from the blood shed yesterday, thousands of her sons will be strengthened in their resolve to rescue their unhappy country from the power that has ground her down for the past 700 years, that has nearly depopulated her, that forces an alien Church upon her, that gorges up her resources and her revenue, and refuses to her children the value of their labour. Would to Heaven every Irishman were as Allen, Larkin, and Gould—so self-sacrificing, so nobly heroic, and so brave in death, and Ireland's freedom would not be far distant! (*"The Freeman's Journal," February 8, 1868.*)

## J 5.

## THE NEWS BY THE MAIL.

THE latest intelligence which the mail steamer "Geelong" brings us is dated the 10th January; and, at that time, the aspect of European affairs was anything but cheerful. Indeed, there appears to be every chance that the present year will rival the famous year of revolutions, '48, in the importance and number of political changes it will witness. There is plenty of inflammable stuff scattered throughout the continent of Europe, with which the revolutionary disturbers of society may kindle a blaze that oceans of blood and years of misery may not suffice to extinguish. Still, the future is not all black, for the friends of peace and liberty can assure themselves that the downfall of some of the tyrant kings who oppress the suffering millions will inevitably be brought about in the general commotion. Another consolation, too, is to be found—it may well come to pass that many a brave people who now bear the yoke of foreign servitude will regain their independence, and float their national standard in the free breeze of Heaven before another New Year's Day comes round. And if the country which we love best be numbered among those fortunate nations, surely we need not regret the storms that are fated to slutter the bulwarks of tyranny. It is only the despots who blanch with fear, as they hear the thunderous voice of long-trampled races proclaiming the advent to the day of reckoning.

This time England will not escape. She has had the rare good fortune, in times past, of witnessing fearful convulsions in other nations, while she herself enjoyed the profoundest tranquillity; but in the approaching crisis she will have to take her share in the common danger. It is even highly probable that she will be the first attacked, and who can say that she will not come off the worst. The English papers are now a most interesting study. In every page and in every column the heading "FENIANISM" makes a startling appearance. The descriptions given of the state of the metropolis and the populous manufacturing towns resemble accounts of cities beleaguered by a mighty foe. In fact, all England is in a state of siege—and wherefore? Because an organization exists, having for its aim the severance of Ireland from the British Crown, and its erection into an independent Republic. All the dockyards, arsenals, and armouries are guarded by armed troops; in London, thirty thousand special constables have been sworn in, and six thousand soldiers of the line are kept in readiness to engage an enemy at a moment's notice; the Queen does not consider herself safe unless she is in the midst of troops and police; terror and panic are visible everywhere and in every countenance. The great British people, who were so fond of challenging the world, look amazingly, like a flock of sheep in whose midst a ravenous tiger has leaped. Calmness and confidence have altogether disappeared, leaving in their stead frenzy and universal distrust. Cowards in their panic are always brutal to those whom they have in their power, and whom they suspect to be leagued with their enemies; and, accordingly, a bloodthirsty appetite has seized upon the great Anglo-Saxons; they cry out for the hangman, and, while their lips quiver in abject fear, threaten terrible things against the disturbers of their peace. Truly, this is a pretty spectacle for mighty England to present to the nations of the earth. But she gets no sympathy, for she has no friends. There is not a civilized country on the face of the globe that has not suffered something from her, and that does not owe her a grudge; there is not a nation but would rejoice to see her fields made a Golgotha, and her cities destroyed, even as Sodom and Gomorrah. This is the condition to which her detestable foreign policy has reduced her. When the red blood flowed in the streets of Paris, Vienna, Berlin, Rome, and Madrid, England applauded the miscreants whose vile passions caused it to be shed. There never yet was a rebellion against a European sovereign that her intrigues did not foment, and her money subsidize. Year after year her Press has been preaching principles of anarchy and revolution to the discontented in other countries. Did the propagandists never heed that those immediately around them were listening to the doctrines, and storing them up in their minds? Perhaps those worthy public instructors thought they could have two sets of principles—one for foreign application, and the other for domestic use; but, if they did, they miscalculated the force of duplicity, and badly estimated the logical power of the multitude.

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The hanging of Allen, and his companions, Gould and Larkin, has already produced some of the bad fruits which reflecting people knew would be its result. The Fenians declared that they would regard the treatment of these men otherwise than as prisoners of war—as an outrage calling for reprisal, and they have kept their word. They blew up Clerkenwell prison with nitro-glycerine, and thereby caused a loss of six lives, and serious injuries to forty others. This act can have had no other object than to take vengeance for the death of the men executed at Manchester. The British Government deliberately chose to initiate this game of murder, by hanging three men for the accidental shooting of one, and now no human being can tell how the end of it will be. It is ridiculous to suppose that the hanging of three men, or of three hundred, will turn the Fenians from attempting the work they have taken in hand; men who do the desperate deeds they have committed, generally care little about their own lives, and much less about the lives of other people. At whatever cost, then, either to themselves or to the British Government, an endeavour will be made to wrest Ireland from the British Crown, and give it rank among the nations, a free and independent Republic. Such an enterprise must, of course, appear perfectly utopian to us who have been daily treated to lessons on the invincibility of the British Empire; but it does not at all wear that hopeless aspect to the hardy soldiers who fought through the terrible campaigns in America, and who are the parties that have taken the great work in hand. Those who wish to form a correct idea of the hopes and projects of the Fenian Brotherhood will find them faithfully described in the very interesting and remarkable article, taken from *Tinsley's Magazine*, which we publish elsewhere, and which we believe has been written by one capable of giving authoritative views upon the subject. A perusal of it may perhaps induce the conviction that Fenians are not the mad visionaries which all British writers represent them to be, or it may at least demonstrate that there is a certain sort of method in their madness. At the worst, it will clear them from the imputations so frequently cast upon them—of being aimless and vicious disturbers of the peace. And here we may make a brief comment on the splenetic rage with which English people abuse the Fenians and heap foul names on them. Everybody knows what they are; it is notorious that they are a body of Irishmen anxious to free their country from the yoke of England, and who, since it does not answer their purpose to actually take the field against the British Army, are determined to deal blow for blow, and exact a life for a life, as long as they have it within their power. They hold, that there is a state of war between them and England; and they are resolved that the latter power shall not do all the killing and maiming, but that they also shall do their quota, to keep the balance even. It is, we suppose, possible for other people than "rascals," "ruffians," or "scoundrels," to act in this manner; but all the English Press and English speakers join in a chorus of vituperation and invective against these unscrupulous Republicans, who will not permit their adherents to be hanged without exacting vengeance for it. We here, being mere spectators, not intending to quarrel about the triumph of either party, should be able to examine the situation without prejudice, apart altogether from the passions of one side or the other. Our direct interests are in no way concerned in the dispute; and, although our sympathies may be divided, there is no advantage to be gained by creating social dissension out of a quarrel happening 16,000 miles off.

From Ireland the news is also Fenian; though, strange to say, the greatest excitement prevails at the other side of the Channel. Drilling is going on with as much activity as if the failure of 5th March, '67, was not a matter of history. Nor are "overt acts" wanting to add to the sensation. In Queenstown, a Martello tower has been sacked, and in open day a gunmaker's shop has been broken into, and all the arms it contained carried off. These are very plain signs that these Republicans have not lost heart, and are determined to make another endeavour to succeed in their object. The iron tyranny with which England now rules the country, if it weigh heavily on certain classes, is not without its advantages for the Fenians, because it is compelling men who previously called themselves "loyal" to join their ranks, in sheer self-defence. The national spirit is rising fast, and men who were devoted adherents of the British Crown only six months ago, now think it better that the quarrel should be fought out once for all; and they avow their resolve to take part with their own country, as nature itself prompts them to do. In short, those whom James Stephens failed to make Fenians, are fast being converted into members of the organization, by the action of the authorities. There can be no doubt, then, that a rising is at hand, though the precise day fixed for its outbreak is, of course, known only to those high in rank in the Brotherhood. It is not difficult to imagine what an effect such a prospect has upon the condition of the country. Trade has disappeared, commerce is at a standstill, agriculture is neglected; gloom and ominous fears overshadow the land. All this is very bad to be sure, and is certain to entail great misery on the poor and helpless; but when a people make up their minds to shake off a foreign yoke and regain independence, they must be prepared to make great sacrifices, and to endure even years of sufferings. Probably there are no people in the world who, once they have determined to enter upon a certain course, care less for the consequence, or think so little of suffering, as the Irish. They see before them the radiant figure of liberty, and in making their way to the sweet shadow of her wings, they never think of numbering the slain over whose bodies the march must be made. There can be no doubt whatever entertained of the certainty of the Irish people shaking themselves free of England, sooner or later. It is not in the nature of things, that a resistance so earnest, so persistent, as they have been making for seven hundred years, can always be fruitless. At some time or another England will have to give way, and she would best consult her own safety, and, in reality, her own interest, by giving way at once. She has only to withdraw her troops from Ireland, acknowledge the indefeasible right of the people to independence, and the two races, at enmity so long, become on the instant firm friends and, probably, allies. Of course, there is no possibility of England's adopting such a wise and such a just course; indeed, the idea is so absurd as to make one smile to think of it. But precisely the cause of all the present commotion, and all the future bloodshed, is the absurd impossibility of England's being induced to perform a just and praiseworthy act. The Irish must be held blameless, and freed from all responsibility, as to the future course of events.

In continental matters there has not occurred any noteworthy changes since the last mail. The fears of coming war still agitate society, though there is hardly any assignable cause for their existence. Napoleon has received the Prussian ambassador—whose country, according to general belief, he is preparing to cast down from its present lofty position—with marked politeness, and, moreover, gave him repeated assurances of a desire on the part of France to maintain friendly relations with the great German power. Some people will have it that Napoleon always means the very reverse of what he says, and accordingly they are strong in their anticipations of war; but when one reflects what a serious and hazardous game a war with such a military state as Prussia would be for a monarch in Louis Napoleon's situation, and how very little could be gained by it in any event, the improbability of his running the risk of defeat or dethronement becomes at once apparent. Italy is hopelessly bankrupt, and in all likelihood we shall soon hear of her repudiating all her debts. To keep the Neapolitans, the Romagnese, the Tuscans, and the other conquered peoples in subjection, an enormous army is necessary; taxation has been heaped on the wretched people until they can bear no more; the revenue is scanty, and is made less by the peculations of dishonest officials; the plundered property of the Church, by the sale of which it was hoped some of the national indebtedness would be liquidated, cannot find purchasers—in a word, ruin stares Italy in the face, and cannot be averted. To make matters worse, England's pet, Mazzini, is plotting revolution, and the days of Victor Emanuel's monarchy seem to be numbered. This is a pitiable position for a highly gifted, brave, and generous race like the Italians to be in; but the fault is all their own. They listened to the teachings of false prophets, they violated the rights of independent peoples, overthrew friendly and kindred thrones, and they must bear the penalty of their misdeeds. Yet, after all, we are firm believers in the resurgence of Italy. Her glorious past has its examples to the hero and the patriot; her brilliant literature has its teachings; the courage and the honor of the people will yet manifest themselves—all will have their good effect ultimately, and the evil-doers will be swept from the land. Austria is evidently entering

entering upon evil days. The reverse of Sadowa, far from teaching her wisdom, has been an incentive to a fatal policy. The old Catholic traditions which guided the conduct of the empire have been cast away, and the delusive principles of liberalism have now been adopted by the Government. We much fear her ruin is only commencing, and before long she may be on a level with Greece or Turkey. From Rome, nothing particular is reported; the country is quiet, the French have retired, and the Garibaldians disappeared like a winter's fog. Such are the principal features worth notice in the mail news just to hand. (*"The Freeman's Journal," February 15, 1868.*)

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J 6.

To the Gaoler, Darlinghurst.

Dear Sir,

Mr. J. T. Smith, Mayor of Melbourne, is desirous of seeing the prisoner Gardiner, with the view of ascertaining his possible identity with a person of his description some time ago confined in Pentridge Stockade, Victoria. You will, therefore, be good enough to afford Mr. Smith such facilities as may be consistent with your convenience and duty.

I am, &c.,

WILLIAM FORSTER.

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J 7.

The Gaoler, Darlinghurst.

Dear Sir,

Mr. Fitzsimmons, bearer of this note, has been, for long time past, a neighbour of, and has had business transactions with, the prisoner Gardiner, whom, therefore, you may admit Mr. Fitzsimmons to see, as it is possible some information may be elicited for the public advantage. You will, of course, understand, that any such privilege of admission must be quite subject to your convenience; and that Gardiner is not to be compelled to see or converse with any one whatsoever against his own wishes, unless for obvious purposes of justice or police.

I am, &c.,

WILLIAM FORSTER.

Colonial Secretary's Office,  
22 March, 1864.

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J 8.

The Gaoler, Darlinghurst.

Please to admit the Rev. Dr. Lang to see the prisoner Gardiner.

23 March, 1864.

WILLIAM FORSTER.

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J 9.

The Gaoler, Darlinghurst.

Admit Dr. Moffatt to see the prisoner Gardiner.

Colonial Secretary's Office,  
27 April, 1864.

WILLIAM FORSTER.

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J 10.

The Gaoler, Darlinghurst.

Admit Mr. David Bell, M.P., and friends, to visit the prisoner Gardiner.

30 March, 1864.

WILLIAM FORSTER.

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J 11.

The Gaoler, Darlinghurst.

Admit Mr. Cunneen, M.P., with friends, to Darlinghurst Gaol, to see the prisoner Gardiner.

4 April, 1864.

WILLIAM FORSTER.

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J 12.

The Gaoler, Darlinghurst.

Admit Mr. Bell, M.P., with friends, to see the prisoner Gardiner.

Assembly, 12 April, 1864.

WILLIAM FORSTER.

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J 13.

The Gaoler, Darlinghurst.

Admit Mr. Cummings, M.P., and friends with him, to see the prisoner Gardiner.

Sydney, 11 April, 1864.

WILLIAM FORSTER.

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J 14.

## J 14.

The Gaoler, Darlinghurst.

Admit, to see and converse with the prisoner Gardiner, Mrs. Brown, formerly of Apis Creek, Queensland.

WILLIAM FORSTER.

7 May, 1864.

## J 15.

The Gaoler, Darlinghurst.

Permit Miss Louisa Bain to see the prisoner Henry Cust, so far as may be consistent with discipline and the convenience of the officers, on Sunday next.

WILLIAM FORSTER.

24 October, 1864.

## J 16.

The Gaoler, Darlinghurst.

Dear Sir,

You will be good enough to allow the bearer, Mr. Edward White, and any friend, to have an interview with the prisoner Wilson, of Bathurst.

Yours sincerely,

WILLIAM FORSTER.

9 June, 1864.

(Submitted by Chairman, and ordered to be appended, 2 February, 1869.)

## K.

The Crown Solicitor to The Chairman of Alleged Conspiracy Committee.

Crown Solicitor's Office, Sydney,  
29 January, 1869.

Sir,

Upon my examination before the Alleged Conspiracy Committee, the questions put to me were framed upon the supposition that Constable Irvine was the constable who apprehended O'Farrell immediately after the Duke of Edinburgh was wounded, and that a report made by Irvine in which he claimed to have been the apprehending constable, and set out certain expressions he states were made use of by O'Farrell, had been suppressed. I, therefore, beg to state that, upon referring to the depositions and papers in my possession, I find that Irvine does not appear to have been the apprehending officer—that the apprehending constable was examined at that state of the proceedings in which such evidence is usually taken; and that Irvine did not, so far as I can discover, make the report usually made by apprehending constables.

With respect to the arrest of the prisoner, Superintendent Orridge informed me that he was the person who apprehended O'Farrell. In his deposition, he states he saw the prisoner advance towards, and shoot the Prince—that he (Orridge) immediately ran towards the Prince, and that he was about seventy yards off, and before he reached the prisoner he had been seized by several gentlemen, and that he seized the prisoner, and other police came to his assistance.

Mr. Clarke deposed that he saw the prisoner shoot the Duke—that some one seized prisoner from behind—that witness then seized him, and “about that moment, Mr. Orridge and some of the police came up.”

Mr. S. N. Pearce, who was in company with Mr. Clarke, gives evidence as to the shooting, and states—“Mr. Orridge and a number of police came up.”

Sergeant Rawlinson states that he assisted to arrest the prisoner, and was about twenty-five yards from him when the shot was fired.

Sergeant Musgrove's evidence is, that he heard the shot, and ran and seized the prisoner by the hair and shoulder.

Constable Robinson's evidence is, that he assisted to apprehend and bring the prisoner to Sydney—that he heard shots fired, and shortly afterwards seized prisoner.

None of these witnesses mention Irvine as the arresting, or as one of the arresting constables.

With respect to the report said to have been made by Irvine:—

Superintendent Orridge stated to me, verbally, the nature of the evidence he could give; and Sergeant Musgrove, Sergeant Rawlinson, and Constable Robinson, made reports, in writing, in the usual form, which were handed to me before they were examined as witnesses. I had no report from Constable Irvine, which, if he had then claimed to be the apprehending constable, I should have had; and therefore, it was upon my being informed that he wished to be called as a witness, I requested Mr. Wager to take down what he could say; and, as it did not appear to materially differ from the evidence already given, I did not call him.

I enclose herewith the reports made by Sergeant Musgrove, Sergeant Rawlinson, and Constable Robinson, and the statement of Irvine—evidence taken by Mr. Wager.

I have no recollection of having seen, at any time, any report in writing from Constable I., and I am certain that no such report was sent to me before the prisoner's committal. If it had been, I should not have required Mr. Wager to take a note of the evidence he could give; and I never, until called before the Committee, heard it suggested that he was the apprehending constable. And, I think, upon consideration, it will be seen that his evidence would have been of as little value for the defence as for the prosecution; but this it is, perhaps, unnecessary to enter upon.

Considering that my evidence had been taken avowedly upon the supposition that Irvine was the apprehending constable, and had so reported himself, I thought it desirable (finding this was not the case), that I should again be called before the Committee, and therefore, requested you to allow me to be called, as you were pleased to inform me, yesterday afternoon, that you would lay my application before the Committee. but that you should oppose any further evidence being taken; and I, therefore, took the liberty of addressing you again on the subject, and requesting that you will be so good as to submit this letter to the Committee, for the purpose of more fully informing them than I have done in the letter previously sent, of the evidence I am desirous of giving.

I have, &c.,

JOHN WILLIAMS.

[Enclosure

## [Enclosure No. 1.]

Senior-sergeant Musgrove to Mr. Superintendent Orridge.

Darlinghurst Gaol,  
13 March, 1868.

Senior-sergeant Musgrove (No. 319) reports, for the information of Mr. Superintendent Orridge that he was on duty at Clontarf Gardens, Middle Harbour, on the afternoon of the 12th instant, when H.R.H. Prince Alfred was shot by O'Farrell.

When the first shot was fired, the Sergeant ran and seized the prisoner by the shoulder, when he remarked—*"I'm a bloody Fenian, and will die for my country."*

S.S. Musgrove perceived a revolver in O'Farrell's coat pocket, which he at once seized. It is a five-chambered, small-sized Colts revolver, and is loaded and capped in all chambers.

S.S. Musgrove did not actually see the shots fired, as he was from twenty to thirty yards in rear of the Prince when they were fired.

R. MUSGROVE, S.S.

## [Enclosure No. 2.]

To Superintendent Orridge.

A Division, No. 3 Station,  
13 March, 1868.

Senior-sergeant Rawlinson begs to report, for the information of Mr. Superintendent Orridge, that he was present yesterday afternoon at Clontarf, and assisted to arrest O'Farrell. He saw a revolver taken from his left breast outside coat pocket, by Senior-sergeant Musgrove. The Superintendent afterwards searched the prisoner on board the steamer, but found nothing further upon him. The Sergeant was one of the parties who brought the prisoner to Sydney; and, as he was walking from the steamer to the cab, he looked at the Sgt., and said—*"I am very much obliged to you for getting my face washed. I don't care for death. I am sorry I missed my aim; I made a bloody mess of it, but it can't be helped now."* This was all said voluntarily by the prisoner. He also said he was a Fenian, and, *"May God save Ireland!"* The Sergeant was about twenty yards from the Prince when the shots were fired, but cannot say positively who fired them.

## [Enclosure No. 3.]

To Mr. Superintendent Orridge.

A Division, No. 3 Station,  
13 March, 1868.

In accordance with instructions received, Constable John Robinson begs leave to report, for the information of Mr. Superintendent Orridge, that between 2 and 3 o'clock, p.m., the 12th instant, whilst standing in front of the Duke of Edinburgh's tent at Clontarf, he heard the report of fire-arms, at a distance of about fifty yards; immediately ran to where the report proceeded from, and found the prisoner now in custody in the hands of some civilians; immediately took charge of him, and requested a civilian, who had hold of a pistol in the prisoner's coat pocket, to give it up, which he refused to do, saying—*"I arrested the prisoner, and I will stick to the pistol while I am able."* He (the civilian), however, lost his hold, when Constable Robinson possessed himself of both coat and pistol, which, a short time afterwards, Senior-sergeant Musgrove forcibly took from him; assisted in placing the prisoner on board, where he was handcuffed. Constable Robinson did not lose sight of the prisoner from he took him in custody from the civilians, until he undressed him in Darlinghurst Gaol. Whilst the prisoner was being conveyed on board at Clontarf, and a few minutes after the shots were fired, he said—*"I can die for my country: I have done my duty."* He also repeated several times—*"I have made a mess of it."*

## [Enclosure No. 4.]

Senior-constable Irvine states that, about a quarter to 4, p.m., on Thursday the 12th instant, I was on duty at Clontarf; I heard a shot fired in the direction of the beach; I was then standing in front of the refreshment tent; I ran in the direction of the place from whence the sound proceeded, and I then heard a second shot fired, and saw the smoke. I heard a person exclaim—*"My God, the Prince is shot!"* I then saw the prisoner in the hands of Mr. Vial and Mr. Clarke; they were holding him by the arms. I then took hold of the prisoner by the coat, collar, and vest; some persons then commenced kicking prisoner. I said—*"He is my prisoner, and you must leave him to me."* Shortly afterwards, Constables Robinson and Logan came up; they assisted me with prisoner in the direction of the wharf. Prisoner had a pistol in his left hand, which was in his coat pocket. Senior-sergeant Musgrove, Constable Robinson, and myself, took the pistol from him. Soon after that, I was knocked down and trampled upon. The coat was afterwards brought by a private individual to the wharf, and handed up to me by Senior-constable Grace. I searched the pockets of the coat, which I now produce, and found in the pockets eleven detonating pistol cartridges, which fit the pistol produced; I also found a pair of gloves and a handkerchief. On arresting prisoner, he said—*"What have I done?"* I said—*"You scoundrel, you know what you have done."* Prisoner then exclaimed—*"God bless old Ireland! Old Ireland for ever!"*



1868-9.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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PROGRESS REPORT FROM THE SELECT COMMITTEE

ON

DUTIES OF MASTER IN EQUITY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

24 February, 1869.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1869.

[Price, 1s. 10d.]

226—a

1868-9.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 20. TUESDAY, 12 JANUARY, 1869.

14. Duties of Master in Equity:—Mr. J. Stewart moved, pursuant to *amended* Notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into, and report upon, the duties performed by the Master in Equity, and the expediency of altering existing arrangements connected with the Master's Office.
- (2.) Such Committee to consist of Mr. Burns, Mr. Burdekin, Mr. De Salis, Mr. Driver, Mr. Josephson, Mr. Lucas, Mr. Parkes, Mr. Piddington, Mr. Tunks, and the Mover.
- Question put and passed.

VOTES, No. 34. FRIDAY, 5 FEBRUARY, 1869.

2. Member of Legislative Council, as Witness:—Mr. J. Stewart moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee to inquire into, and report on, Duties of Master in Equity, and that Committee being desirous to examine the Honorable Alexander Campbell, 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, 5th February, 1869.*

Speaker.

Question put and passed.

3. Clerk of the Parliaments, as Witness:—Mr. J. Stewart moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee on "Duties of Master in Equity," and that Committee being desirous of having before them certain Evidence taken before a Select Committee of the Legislative Council in 1865, on "Office of Master in Equity Abolition Bill," requests that the Legislative Council will give leave to the Clerk of the Parliaments, or any Officer he may appoint, to attend and produce the above-mentioned Evidence, on such day as may be arranged between him and the said Committee.

*Legislative Assembly Chamber,  
Sydney, 5th February, 1869.*

Speaker.

Question put and passed.

VOTES, No. 44. WEDNESDAY, 24 FEBRUARY, 1869.

2. Duties of Master in Equity:—Mr. J. Stewart, as Chairman, brought up a Progress 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 matter was referred on the 12th January, 1869, together with Appendix.
- Ordered to be printed.

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DUTIES OF MASTER IN EQUITY.

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PROGRESS REPORT.

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THE SELECT COMMITTEE of the Legislative Assembly appointed on the 12th January last,—“*with power to send for persons and papers,*”—“*to inquire into and report upon the duties performed by the Master in Equity, and the expediency of altering existing arrangements connected with the Master's Office,*”—have agreed to the following Progress Report:—

Your Committee have the honor to report that the inquiry remitted to them cannot be fully completed during the present Session of Parliament.

They have examined several witnesses, whose evidence is regarded by your Committee as very valuable.

The evidence is herewith submitted.

The subject demands further investigation; and your Committee would therefore respectfully recommend that the inquiry be resumed early in next Session.

JOHN STEWART,

Chairman.

No. 1 Committee Room,

Sydney, 23 February, 1869.

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PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 22 JANUARY, 1869.

MEMBERS PRESENT:—

Mr. Burdekin,		Mr. J. Stewart,
Mr. Piddington,		Mr. Parkes,
		Mr. De Salis.

Mr. J. Stewart called to the Chair.

Committee deliberated as to their course of proceedings.

*Ordered*,—That A. T. Holroyd, Esq., Master in Equity, be summoned to give evidence at next meeting.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 28 JANUARY, 1869.

MEMBERS PRESENT:—

Mr. J. Stewart in the Chair.

Mr. Burns,		Mr. De Salis,
		Mr. Parkes.

Arthur Todd Holroyd, Esq. (*Master in Equity*), called in and examined.

Witness withdrew.

Committee deliberated, and directed that His Honor Mr. District Court Judge Macfarland be summoned to give evidence at next meeting.

[Adjourned to to-morrow, at *Eleven* o'clock.]

FRIDAY, 29 JANUARY, 1869.

MEMBERS PRESENT:—

Mr. De Salis,		Mr. Burns,
		Mr. Lucas.

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

His Honor Mr. District Court Judge Macfarland called in and examined.

During the examination of the witness, the Chairman (Mr. J. Stewart) entered the Committee Room, but declined to take the Chair at this sitting.

Witness *produced* a number of books and documents, from which he quoted during his examination.

Witness withdrew.

Committee deliberated, and—

*Ordered*,—That His Honor Mr. Justice Hargrave, and G. H. Deffell, Esq., Chief Commissioner of Insolvent Estates, be requested to give evidence at next meeting.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 3 FEBRUARY, 1869.

MEMBERS PRESENT:—

Mr. J. Stewart in the Chair.

Mr. De Salis,		Mr. Parkes,
Mr. Piddington,		Mr. Burns.

His Honor Mr. Justice Hargrave called in and examined.

Witness withdrew.

George Hibbert Deffell, Esq. (*Chief Commissioner of Insolvent Estates*), called in and examined.

In the course of his examination, witness referred to the evidence he gave before the Select Committee of the Legislative Council, on "Office of Master in Equity Abolition Bill" on 18th May, 1865, as being applicable to the subject of this inquiry.

The

The Clerk was directed to take the necessary steps to have the above evidence before the Committee prior to the next examination of Mr. Deffell.

Witness withdrew.

Committee deliberated, and decided to summon James Norton, Esq., and Mr. W. G. A. Fitzhardinge, Solicitors, to give evidence at next meeting.

[Adjourned to Friday next, at *Eleven* o'clock.]

**FRIDAY, 5 FEBRUARY, 1869.**

**MEMBERS PRESENT:—**

Mr. J. Stewart in the Chair.

Mr. De Salis,		Mr. Parkes,
Mr. Josephson,		Mr. Burns.

Mr. W. G. A. Fitzhardinge (*Solicitor*), called in and examined.

Witness handed in—Copy Order to revive suit in Equity Court, Higham and others *v.* Hellyer and another.

Witness also handed in Judgment of His Honor the Primary Judge, in the Equity suit "*Riordon v. Hellyer and others*," extracted from the *Empire* of 4th May, 1863; both of which documents were ordered to be appended. (*Vide Appendix, A 1 and A 2.*)

Witness withdrew.

James Norton, Esq. (*Solicitor*), called in and examined.

Witness withdrew.

Committee deliberated.

Motion made (*Mr. Burns*), and *Question*,—"That the Chairman take the necessary steps to obtain the assent of the Legislative Council for the examination of the Honorable Alexander Campbell by this Committee,"—*agreed to.*

Motion made (*Mr. De Salis*), and *Question*,—"That the Chairman be requested to move the House, that a Message be sent to the Legislative Council, asking leave for the Clerk of the Parliaments, or one of his officers, to appear before the Select Committee now sitting on 'Duties of Master in Equity'; and to produce the Evidence given, on 18th May, 1865, by George Hibbert Deffell, Esq., before the Select Committee of the Legislative Council on 'Office of Master in Equity Abolition Bill,'"—*agreed to.*

Committee deliberated, and decided to examine the Honorable Alexander Campbell, M.L.C., and Henry Prince, Esq., at next meeting.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

**WEDNESDAY, 10 FEBRUARY, 1869.**

**MEMBERS PRESENT:—**

Mr. J. Stewart in the Chair.

Mr. De Salis,		Mr. Piddington,
		Mr. Burns.

Clerk submitted letter from George Hibbert Deffell, Esq., explanatory of a portion of his evidence, and enclosing copy of a letter he addressed to Mr. Attorney General Plunkett (23 October, 1865), on the subject of a Draft Bill further amending Equity practice and proceedings,—which was read by the Chairman.

Ordered to be appended. (*Vide Appendix B 1.*)

Clerk also submitted communication from Mr. W. G. A. Fitzhardinge, respecting his evidence, which, on motion of Mr. Piddington, was ordered to be appended. (*Vide Appendix A 3.*)

Honorable Alexander Campbell, M.L.C., called in and examined.

Witness withdrew.

Committee deliberated.

Clerk instructed to have printed copies of the Evidence distributed to Members of the Committee.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 16 FEBRUARY, 1869.

MEMBERS PRESENT :—

Mr. J. Stewart in the Chair.

Mr. Piddington, | Mr. Burns,  
Mr. Lucas.

Clerk submitted Telegram from His Honor Mr. District Court Judge Macfarland, respecting the delay in the return of his evidence, after being sent to him for revision—which was read by the Chairman.

Clerk also submitted the above-mentioned evidence, as containing more corrections than were allowed to witnesses on revision—which corrections the Committee decided could pass.

Mr. Stewart M. Mowle, Second Clerk, Legislative Council (who attended on behalf of R. O'Connor, Esq., Clerk of the Parliaments), called in and examined.

Witness *produced* evidence given, on 18th May, 1865, by George Hibbert Deffell, Esq., before the Select Committee of the Legislative Council on "Office of Master in Equity Abolition Bill," appointed 26 April, 1865. Ordered to be appended. (*Vide Appendix C.*)

Witness also *produced* six quarterly accounts, from 5 January, 1864, to 5 April, 1865, and letter accompanying the same; Return of Decrees, Orders, and Fees in Equity, from 1st January, 1855, to 31st December, 1864; Return of Bills of Complaint, &c., &c., from 1st January, 1855, to 31st December, 1864; and, Return of Reports and Certificates in Equity, from 1st April, 1857, to 31st December, 1864.

Witness withdrew.

Henry Prince, Esq., called in and examined.

Witness withdrew.

John Lucas, Esq., a Member of the Committee, *handed in* copy of "Office of Master in Equity Abolition Bill," introduced by Mr. Hargrave, in the Legislative Council, 19 April, 1865. Ordered to be appended. (*Vide Appendix D.*)

*Ordered*,—That the Clerk write to A. T. Holroyd, Esq., requesting him to produce the Returns he promised to prepare for the Committee on his examination; also, a Return of all Moneys standing to the credit of Causes or matters in Equity, on the 31st day of December last, inclusive; and that G. P. Slade, Esq., Solicitor, be summoned for next meeting.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 18 FEBRUARY, 1869.

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

TUESDAY, 23 FEBRUARY, 1869.

MEMBERS PRESENT :—

Mr. J. Stewart in the Chair.

Mr. Burns, | Mr. De Salis.

Clerk submitted letter from A. T. Holroyd, Esq., enclosing reasons why certain Returns asked for by the Committee could not yet be supplied; also, Return showing Moneys standing to the credit of Causes in Equity and Lunacy, up to 31 December, 1868. Ordered to be appended. (*Vide Appendix, E 1, E 2, E 3.*)

Chairman submitted Draft Progress Report.

Same read, amended, and agreed to.

Chairman to report to the House.

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1868-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

DUTIES OF MASTER IN EQUITY.

THURSDAY, 28 JANUARY, 1869.

Present:—

Mr. JOHN STEWART,		Mr. BURNS,
Mr. DE SALIS,		Mr. PARKES.

JOHN STEWART, ESQ., IN THE CHAIR.

Arthur Todd Holroyd, Esq., Master in Equity, called in and examined:—

1. *Chairman.*] How long have you held the office of Master in Equity? Since May, 1866. A. T. Holroyd,  
Esq.  
28 Jan., 1869.
2. When was the Master's office first established? I cannot say exactly. It was in existence when I came to the Colony, twenty-three years ago. The late Mr. Justice Milford was then Master, having come out with the appointment from England, and he must have been here some years at the time I arrived.
3. Do you know on what authority the office was established? I think it was a case of necessity.
4. Is there any law on the subject? There were rules and practice in England, which were adopted here, for establishing the office of Master in Equity upon the same footing that it was in England. But I may add also, that in addition to conferring upon the Master in Equity the only duties of the Masters in Equity in England, there are the duties of four or five other offices combined here, which are all separate offices in the Equity Courts in England; and, with your permission, I will give them. I may state, first, that the office of Master in Equity in England is now abolished; and, under recent enactments, the duties which were performed by the Masters in Equity in England are performed now by the Master of the Rolls and the Vice-Chancellors in Chambers. That work they must now take under the old principle which used to guide the Masters in Equity in the performance of their duties; but in lieu of the Masters in Equity in England, there are two Chief Clerks, and two Junior Clerks to each Chief Clerk, doing certain duties which the Masters in Equity formerly performed; the other part of the duties being divided between the Master of the Rolls and the Vice-Chancellors in Chambers. That is, in fact, one branch of the practice of the Equity Courts in England. The next branch, which is distinct from the duties of the old Masters in Equity, is that of the Taxing Masters, another office whose duties I perform here. In England, there are seven Taxing Masters. Then, in England, there is a most important officer called the Accountant General, quite distinct from the Taxing Masters and the old Masters in Equity, or the present Chief Clerks. The Accountant General has to receive all moneys paid into Court, keep all the accounts in the different estates, collect all dividends, make all investments, and apportion, according to the decrees of the Court, the dividends due half-yearly, or yearly, to each separate estate. That duty also I have to perform here. Then another office which is combined with that of Master in Equity here, is that of the

A. T. Holroyd,  
Esq.  
28 Jan., 1869.

Registrars in Equity. In England there are eleven Registrars, fourteen Clerks, eleven Assistant Clerks, and two Clerks of Entries. That again is a distinct office. I may just shortly give you some of their duties. They attend the several Courts of the Lord Chancellor, the Lords Justices of Appeal, the Master of the Rolls, and the three Vice-Chancellors, in the same way as it is part of my duty to attend the Judge when he is sitting in Court. But as I have so many other duties to perform, if I am engaged in my own office, I generally send down the First Clerk to sit below the Judge, unless it is an appeal from one of my decisions, or an appeal before the full Court. Then the Registrars draw up drafts of decrees and orders, which are here drawn by the solicitors, and which I settle. The Registrars also make copies of the same, mark exhibits, sign certificates, enter for hearing, pleas, demurrers, causes, appeals, appeal petitions, rehearings, further directions, further considerations, &c., &c., all of which I have to do. Then, again, in England there is another distinct office, viz., two Examiners in Equity, to take the examinations, which are laid before the Judge at the time of the hearing. That is a distinct branch from the Master's duties. Here I have to do them. There is also another establishment in England, which is embodied in the duties of the Master here. It is called the Record and Writs Clerk's Office. There are sometimes four, but I believe at this moment there are only three. Their duties are to file all bills, informations, interrogatories, special cases, demurrers, pleas, and answers. They have the custody of all records and documents deposited with them for inspection and copying; and they make amendments in the bills filed, enter appearances, consents, and the usual matters of practice that require attention in particular documents that come before the Court. All these separate offices are held at salaries varying from £1,000 to £2,000 a year. These offices are all combined in the office of Master in Equity here. I may also state that, in addition to these offices, which are offices that I, as Master in Equity, am compelled to fulfil, I act as a kind of *qua* Commissioner of Lunacy, at the request of the Judges. There is no Commissioner of Lunacy in this Colony, and in those cases in which the management of the estates of the lunatic devolves upon me, I have visited the lunatics to see that they are properly treated.

5. Are there any duties specially pertaining to the Master's office, independent of what you have mentioned? Yes, there is another. By an Act of the Legislature passed some years ago, the Master in Equity was appointed, under the Act, Examiner of candidates to practise as conveyancers. Application is made to the Court by the gentleman who wants to be admitted as a conveyancer, and the Court refers the petition to me, to examine the candidate to see whether he is qualified to be a conveyancer. It generally takes two or three days, and I think it is a very hard case that this should have been thrust on the Master in Equity without any fee, whereas gentlemen examined for the Bar pay ten guineas for the classical and mathematical examination, and ten guineas for admission to the Bar.

6. *Mr. Burns.*] Is there not a regular Board appointed every year for examinations? There is a Board to examine candidates for the Bar, and another to examine persons applying to be admitted as attorneys and solicitors, but they do not examine conveyancers. The solicitors, I believe, do not get paid for their duties, but the examining barristers are paid.

7. Does the examination for the conveyancing branch depend upon one party? Yes, the Master in Equity. The papers are all kept, in case of any appeal.

8. *Chairman.*] Can you state, in a few words, why the office of Master was abolished in England? It was abolished, as far as I can find out, because they thought it would be better that certain duties which the Masters performed should be performed by the Master of the Rolls and the Vice-Chancellors. They increased the number of Vice-Chancellors, and transferred the duties of Masters in Equity to the Master of the Rolls and the Vice-Chancellors in Chambers.

9. Then it seems to be only a change of name? It is an abolition of office; and now they call them Chief Clerks, with some of the duties still remaining which they used to perform when Masters in Equity. For instance, there are matters of this kind which might be very much simplified. I have had it under consideration, but it is very dangerous, tinkering with a branch of the profession, unless you are sure you are right. A petition is presented to the Court for the appointment of a guardian, this petition is referred by the Court to the Master in Equity, I make my report, it goes back to the Court to be confirmed; but in England it would go to the Vice-Chancellor in Chambers.

10. For what purpose is it referred to you? To see whether the guardian is a proper person; and very often I have to take evidence. But I think for that, and several other minor matters, it would be as well if the petition were sent to the Master in the first instance, and then that the Master should make his report, and objections should be taken on the confirmation of the report—it would save a good deal of expense and delay.

11. Could the Judge not take evidence as to the character of the proposed guardian, as well as the Master? He might if the full facts are brought before the Court. I think he has quite enough to do; he is not only Primary Judge, but has to take his turn on Circuit, is generally Judge in Chambers, and sits in Banco.

12. There is no other reason except that he has not sufficient time? I do not think he has sufficient time.

13. Is the Master's office open every day? Yes, every day. The hours are from a quarter to 10 in the morning till half-past 3; I have no warrants returnable till half-past 10, as a matter of convenience to the solicitors. They have to get their letters in the morning, and often matters come down by post which are likely to be brought before me in the course of the morning. I take, before half-past 10, matters that have come direct to the office by post in the morning.

14. Is the Master's office open to the public? Yes.
15. Do the public ever attend, or any persons but those interested? Anybody may come into my room when I am taking evidence.
16. Do any but the parties concerned usually attend? No; but I never exclude anybody. I may mention, if I may be allowed, in reference to these different offices, that one of them is growing into great magnitude; and that is, the office the duties of which I have to perform, but which are done by the Accountant General in England. When I came into that office, two years and a half ago, the amount of debentures that were handed over to me by Mr. Deffell amounted to £23,100 investments in different estates; but from several causes this sum has increased to £51,370, and I have to keep separate accounts for the different estates.
17. When an inquiry is conducted in the Master's office, is it done in writing? Yes, if evidence is taken, or if it is an inquiry into accounts.
18. Does this inquiry last until the case terminates, or how is it disposed of? After issue is joined in a cause, there is a certain time allowed for taking evidence.
19. How long? I think the period is eight weeks. The plaintiff takes out his warrant, and has his witnesses examined before me. I believe that formerly, when the evidence for the plaintiff was concluded, the warrant lapsed; but I found that I had power to keep the warrant afloat, and was able to proceed with the defendant's evidence without a fresh warrant. If, at the end of the time allowed, the evidence is not concluded, further time is obtained.
20. Is the evidence taken, during these six or eight weeks, from day to day, or at intervals? I have a book called the Warrant Book; and as soon as they say they want to take evidence, I look and see where I have three or four days together without any (what I will call) pressing business, and I put down the case accordingly, and take the evidence on succeeding days. Where it can be managed, all the evidence is taken together; but if the time first allowed is not sufficient, I give them three or four days afterwards, at an early date.
21. Can you explain, in a few words, why the examination or inquiry is not continuous till it is concluded? Because I have perhaps several cases where issue has been joined going on at the same time, and other pressing business in which warrants have been taken out. I cannot give all the days I have for a whole month together to one suit, to the prejudice of the others.
22. Then you parcel it out among the lot? I ascertain, as nearly as I possibly can, how long it will take for each suit, and then try to arrange so as not to keep witnesses in Sydney. But very often solicitors apply to me for postponements.
23. Such a thing is never done in the Supreme Court—interrupting the taking of evidence? Yes, it can be done, and has been done for a week or two in exceptional cases. The reason why I do not sit so much under the Judge is to give more time to the office to expedite matters. I may mention that during the two years and a half that I have been in the office, I have taken with my own hand, at a calculation, some thousands of pages of evidence. I have never but one day required the assistance of a clerk to take evidence.
24. After the evidence is heard so far, what is the next step? The next step is to set down the cause for hearing. The evidence taken is read in Court, and the Judge has the original copy before him. The parties to the suit—or the counsel on either side—have copies; in fact, the solicitors generally apply for copies of the evidence directly it is taken—there is no delay about it. The Judge has my copy in Court, and he follows and hears the evidence as it is read.
25. Then the whole case has virtually to be reproduced in the Court of Equity? Yes, but the time is saved in taking evidence.
26. *Mr. De Salis.*] Have the witnesses to attend again to give evidence before the Court? No.
27. *Mr. Burns.*] It is the evidence taken in the Master's office upon which the case is argued? Yes. I have to decide—which involves a good deal of responsibility—what is evidence, and what is not. If I decide wrongly, in counsel's opinion, the suitor can appeal to the Judge to have the evidence struck out, or admitted, as the case may be; and if he is not satisfied with the decision of the Primary Judge, he can appeal to the full Court in Banco.
28. *Chairman.*] When that is done, what then? That, of course, delays the thing a little.
29. Is it referred back to the Master's office? Yes, in the event of my decision being reversed.
30. To take the evidence again? Yes, on that particular point; but perhaps it does not occupy half an hour.
31. Are such inquiries often referred back? I think I have had two or three in the last two years and a half; and even in one of those, after it was referred back for me to take evidence which I had excluded, the parties never proceeded on it.
32. I think you were requested to produce some returns in reference to the business of your office? I may mention that our vacation commenced on the 1st of this month, and by a Rule of the Supreme Court it continues to the 15th of February. I was out of town, and only got the notice to attend the Committee the night before last; and I regret to say that, although we can furnish the return, it will take a long time. The clerks will not all be at work again until the 15th February.
33. How long will it take? I dare say six weeks or two months at least.
34. Be so good as to specify particulars? For instance, cases pending in Court. We shall have to look back to the time when the Master's office was first established, because there are a great many cases, where bills have been filed, that are still *lis pendens*, and have

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have never been disposed of. We shall have to see, by tracing them through the different books and every bundle of papers, how far they have gone. Perhaps they may never have proceeded further than bill filed. If I can get anything more explicit as to what the Committee want, I will furnish it as quickly as I possibly can. So with respect to number two; we shall have to search through all the different Master's Books, to see when cases were last before the Master. I may state that I keep what is called the Master's Book, in which everything that is done in my office is entered daily. Then, as to number four—the costs incurred as legal expenses. I certainly do not know what that means—what costs are actually meant by this. If it means all the costs, I shall have to look to every bill of costs that has been put away with the papers and the several account books.

35. *Mr. Burns.*] Do you tax attorneys' bills of costs? I do.

36. Do all the costs incurred on either side in the Court come under your cognizance? Yes, occasionally; for instance, in a trust estate where the estate has to pay all costs, they are taxed in our office. Besides that, we have to tax in the office certain costs under the Statute 11 Vic., No. 33, to enable solicitors to get conveyancing costs. Then costs are often referred to us from the Prothonotary. I have one or two cases now before me, where common law costs and equity costs are blended together. The Prothonotary taxes the common law costs, and sends the bill to me to tax the equity or conveyancing costs, or both.

37. Do you mean that every account an attorney may have against his client must come under your cognizance? I do not say it must, but in certain cases it does.

38. Do you see no bills of costs unless they are taxed? No.

39. Then you could not tell what the expense of a suit in the Court is, unless the costs happened to be taxed on both sides? No. I do not understand what is meant by "costs incurred as legal expenses." I should not know how to make that return. I could give in each suit the costs that have been actually taxed, by reference to the papers; but that would involve a long search in each bundle of papers. Then, number five—costs incurred in the Master's office. I do not know particularly what that inquiry means, unless it is the fees that are paid.

40. *Chairman.*] You have no book showing the number of cases pending in Court? I do not think we have; I am almost sure we have not; because the papers themselves show them, and they are well arranged; but we should have to search through each one to see when it stopped.

41. You have no book to show when cases were first entered in the Court? Yes, I think there is.

42. But no book to show when they were last before the Master's office? Yes, the Master's Book will show that. That book is indexed, and it would be very easy to find it out. But after the last entry in the Master's Book, if the case ever came before the Master, I must search and find whether it has ever been settled. And there is another question arises on that; that many cases are settled before they ever come before the Master at all.

43. Then it seems you have no alphabetical or chronological record of cases that come before the Court, or how they are disposed of? I think there is; if there is, you shall have it; but really my time is so much taken up in trying to expedite matters, that I have not had time to attend to these little matters of detail. I may mention that in two cases I have had there within the last fifteen months, I have had to give twenty-two or twenty-three days to each, and have sometimes taken twenty-five pages of evidence in a day.

44. You have a case now, *Riordan v. Hellyer*, which has been pending a very long time? The case you allude to is, I think, *Higham and others v. Hellyer* and another; the one you mentioned has been settled some time.

45. Do you know how long that case has been in Court? I should think seven or eight years.

46. Is there any case pending in Court that has been twenty years in it? I do not know of any; I have had some very old cases brought under my notice, that I have wound up; but I never had one brought before me of such an old date as that.

47. Or fifteen years? No, I do not know of any so old as that.

48. Ten years? Yes.

49. *Mr. Burns.*] Is it common to have cases seven or eight years old? I do not think there is any now pending, except perhaps *Higham v. Hellyer*, and suits where infants are concerned. There was an instance some time ago, where a merchant had a case for many years in Court, and was a great loser by the delay, and had to pay some very heavy costs. He called on me to know whether he could get the money out of Court, and if the case could be wound up. I told him that if he set the solicitors in motion the case should be wound up in a month; and I think it was wound up, and he got a cheque for the money in Court within that time, or nearly so.

50. I suppose it is quite common to have cases four or five years old? It is, where there are long accounts, or infants. In the case of *Sempill v. Campbell*, the representatives of *Garland and Bingham's* estate, the accounts must have occupied forty or fifty sheets, and included 669 items, and every item of these accounts was contested, and in some instances appeals were made.

51. *Chairman.*] What is the working staff of your office? The working staff consists of three clerks. There was formerly a supernumerary; but two of my clerks are so inadequately paid that, instead of employing a supernumerary clerk, I have given them the copying after office hours, as a little assistance to their income. One of them, *Mr. Curtis*, has been eleven years in the office, and has £215 a year, and the other, *Mr. Hargreaves*, £200; and two better clerks or more energetic men never worked. *Mr. Anderson*, the First Clerk, has £500 a year.

52. If the Master's office were abolished, would it be possible to enter a suit in equity and conduct it? I do not know where the machinery would be, or what would be done with the £51,370 worth of debentures now in Court. A. T. Holroyd, Esq.
53. My question is, whether or not a suit in equity would be possible without the Master's office? Certainly not, without the Master's office. 28 Jan., 1869.
54. Can an estate now be carried into the Equity Court on any pretence? A bill may be filed, but when it comes on to be heard, it would be dismissed with costs if there were no grounds for it.
55. It can be carried into the Court of Equity on any pretence—right or wrong? Yes, in the first instance, with the semblance of right.
56. Are there any means of preventing a claim being entered in equity? No; but the Court of Equity can restrain an action at common law, on application being made for an injunction.
57. May an estate be carried into the Equity Court to prevent anything being done in it—to lock it up? It cannot be locked up.
58. May it not be carried into the Equity Court for that purpose? It may be carried into Court for that purpose, but if it is not a proper bill it may be got rid of by plea, demurrer, or answer; and, if dismissed, the party filing the bill will be saddled with costs.
59. Still it is possible to carry an estate into the Court of Equity for the mere purpose of locking it up? Just in the same way as an action at common law.
60. Where a property is of small value, is a suit in equity the best means of deciding the rights of it? It is best not to touch the Court of Equity at all, I should say, in cases where the property is only of small value.
61. Suppose £500 is in dispute, is it worth while going to the Court of Equity for such an amount? Most certainly.
62. Do you think solicitors often recommend their clients to have recourse to a suit in equity? I should say many solicitors in this city never recommend a suit in equity, unless they see they have a fair chance of success.
63. The Court is not a favourite with solicitors then? Yes, it is, I think; but there are a number of solicitors who will not go into equity, unless they see that they are almost certain to succeed.
64. Was your office ever suspended or abolished for a short time in this Colony? I never heard of either the one or the other. Other duties were imposed upon the Master—both on Mr. Milford and Mr. Deffell; they were made to do the duty of Chief Commissioner of Insolvency, but it was found they could not work the two together—it was impossible. There is another thing I may mention that I have to do, that I omitted before. In England they have also attached to the Court of Chancery not less than six conveyancing counsel, to assist, if required, the Vice-Chancellors or Judges with their opinions. When the Court here directs that a conveyance of property is to take place, or when a lease of property in Court is granted, or when a minor is about to be married who is a ward of Court, or when a minor runs away and gets married, the Court interferes, and makes an order for a settlement or conveyance, which I have to settle.
65. *Mr. De Salis.* You were mentioning that any case can be brought into equity by any person who thinks he is suffering wrong? Yes, if he gets hold of a solicitor who is willing to undertake it.
66. Suppose the case to be frivolous, how soon will it be found out that that is the case? In a very few weeks.
67. By you, as Master in Equity, or in the higher Court? It may be found out in both ways. They may take very little evidence before me, and then go at once for a decree; but if the decree is against the plaintiff, the case would be dismissed with costs.
68. I understood that you take all the evidence, and that it is for you to send the case to the higher Court? Exactly; but sometimes that evidence does not take more than a morning—it may perhaps be all documentary.
69. You do not say the case is frivolous? I have no power to say that.
70. You have no power to throw it out, as a Magistrate would in a Court of Petty Sessions—you must send it on? I must send it on.
71. When you take evidence which is sent on afterwards, do you pass any opinion? Not at all.
72. You probably do form an opinion in your own mind? Very often.
73. Is there any reason that that opinion of yours should not be binding on both parties? I have no power to give it.
74. Supposing that power were granted to you by law? Then I should be sitting there as Judge. The Judge in that case had better take the evidence.
75. Is there any reason why the Judge should not take the evidence, whether he be Mr. Holroyd or Mr. Hargrave? Certainly not, if he had nothing else to do, but he certainly has not time to do it now.
76. It would be more satisfactory that the Judge should take the evidence? I think so, and always have thought so.
77. Justice would be expedited? I do not know that it would be expedited, but it would, I think, be more satisfactory.
78. Have you ever heard of a case, however large the property, or however important as a criminal case, that extended over seven or eight weeks before a Judge in the other branches of the Supreme Court? No, but I have heard of cases extending over ten or twelve days.
79. Your cases extend over seven or eight weeks? Very few cases where evidence is taken

A. T. Holroyd, Esq. taken prior to the decree ; but cases referred to the Master to take an account between the parties often occupy much time ; every item perhaps will be contested, and when contested I have frequently to take evidence before I can arrive at the truth.

28 Jan., 1869. 80. Are matters of account never contested before a jury ? Yes, but they are not accounts like what we have to take.

81. Is it solely cases so complicated by accounts that extend over seven or eight weeks ? I say there are seven or eight weeks allowed for taking evidence ; these are exceptions to the rule ; it is generally done in from four to six days of actual work ; sometimes, if there is anything else that is very pressing, I cannot give to it more than two or three hours a day ; at other times, four or five hours.

82. If the Judge had to take the evidence, he could stick to the case until it was completed ? If he had nothing else to do.

83. Would it not be advisable that evidence should be taken in that manner ? Very desirable, if it could be done. I am very much surprised that it has never been done in England.

84. Do I understand you to say it is not done in England ? The evidence there is, I believe, taken before two Examiners, except in particular cases.

85. Then the business in England is carried on in exactly the same manner, *mutato nomine*, as it is here ? Yes.

86. These particular cases in which evidence is taken by the Judge in England, will you specify them ? I think, under some Act of Parliament there is power given to the Vice-Chancellors to take evidence, if they think fit.

87. Otherwise the business is done in England as it is here ; that is, the Examiners take the evidence instead of the Master, and it is sent to the Vice-Chancellor, instead of to the Primary Judge ? Yes ; in fact, the Primary Judge here is the Vice-Chancellor.

88. Then I understand that the Vice-Chancellor does not take the evidence himself, and then and there decide upon it ? No, except under particular circumstances—not as a rule.

89. Which form the exception ? Which form the exception.

90. For what reason did you mention that property, unless it amount to something considerable, say £500, should not be brought into equity ? On account of the expense frequently attending it. I was going to mention a case—*Miller v. the Attorney General*. The property about which there was a dispute was some landed property near Albury. When the case was wound up, the property realized was insufficient to pay all the costs, and the plaintiff got nothing.

91. That was a country case ? Yes ; near Albury.

92. In a case where the property was in town, it would be worth while bringing it into your Court, if it was worth £500 ? Yes, if the defendant was worth powder and shot ; if not, he might throw a good many objections in the way, and, after causing great delay and expense, go into the Insolvent Court. There are cases of that kind, the same as at common law. But there is no necessity whatever for delay if the solicitors will go on. There was a lunacy case a short time ago, where, from the time the commission issued until the estate was wound up and everything invested, the case only occupied about four months.

93. Supposing a case were brought into Court, what would be the lowest charges ? That entirely depends upon the objections that are taken, and the difficulties to be met with.

94. Supposing it the simplest case you can imagine, if it was contested ? I think, perhaps, the costs would amount to £150, including both sides.

95. How long would it take to investigate such a case ? There is a very important case just decided, which has not been in the office six months ; but the defendant has appealed. It is an application for a decree for specific performance, to compel the defendant to execute a marriage settlement. The decree is against him, and he is going to appeal to the full Court ; and, I dare say, if he does not succeed there, he will take the case home to the Privy Council.

96. Is there any reason why that could not be brought into a law Court ? No ; but very few of our common law Judges have had much experience in equity.

97. Supposing they had experience ? There is no reason why it might not be brought there. They are the Judges of appeal here ; an appeal lies from the Primary Judge to the full Court.

98. Were it brought before Judges who understood the business, it would be the same as it is now brought on appeal ? Yes.

99. A higher kind of justice, a fuller kind of justice, is dealt to them before appeal ? I think it very desirable the Judge should be, like a Vice-Chancellor, a gentleman who understands equity practice ; then the appeal should lie to a superior tribunal.

100. I understand the cases are settled before the Judges on appeal—Could they not be equally well settled without appeal ? The policy has always been to give every person an appeal, to see whether the decision is right or wrong. A suitor may go before the Primary Judge, and if he is dissatisfied with the decision, he may appeal to the full Court, and from it to the Privy Council.

101. I do not think you understand me. It appears that the case, after having been before the Court of Equity, is taken on appeal to the Judges ? If the defeated party thinks proper.

102. Could it not be taken before the Judges at once ? Then the Judges would have an enormous quantity of business to do ; they could not do the work ; they are now behindhand, or were lately, with the common law matters. I am happy to say that at the last sittings for appeals, we had not a single equity-appeal ; there was one appeal lodged, but it came too late, and will come on next term.

103. These suits could not be settled before the Common Law Courts? I do not think they can; and the accounts are so intricate that are referred to the Master, that it would take weeks for a jury to settle them. You must be cognizant of the fact, that when a very intricate case of account comes before a jury, it is not unfrequently referred to some member of the Bar to take the account, or to an accountant, or to merchants. The other day I was engaged for four or five days in a case, tracing accommodation paper and renewals for two or three years.

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104. In England do other Judges than the Equity Judges undertake equity business? Not the Common Law Judges. Formerly the Court of Exchequer had an equity jurisdiction as well as common law, but this has been abolished since more Vice-Chancellors were appointed.

105. Have you ever heard of the County Court Judges in England having cognizance of equity business? No, I do not think they have; but it may be so.

106. As I understand, your duties as Master in Equity are, as it were, double—some in respect to cases that require investigation, and others that are merely ministerial? Yes.

107. Possibly the County Court Judges in England execute some ministerial functions? I am not aware of it.

108. Neither ministerial nor judicial? I am not aware of it.

109. Do you think it possible that assistance could be given to the public in matters of justice, by some such power being confided to the District Court Judges? I should be very sorry to confide it to District Court Judges as a rule, on account of so few of them having given their attention to the equity branch of the profession.

110. Supposing they were competent, as far as skill is concerned, could not justice be extended in that way? I think it might be, if we got a proper class of District Court Judges, but hardly any of them have ever paid attention to equity.

111. *Mr. Burns.*] That is the case with the majority of the bar, is it not? Yes.

112. *Mr. De Salis.*] I think I understood you to say that a property in the country, at all events unless it was worth £500, was not worth bringing into equity? No, I do not say that. The case I alluded to was far short of £500. I do not think any solicitor would advise a client to go into equity for less than £500, unless he had a really good claim.

113. He would rather lose the property than try it on a speculation? I am not aware that any speculative suits have been brought into the office since I have been Master.

114. Would it not be better rather to get imperfect justice from a District Court Judge, than to lose the £500 altogether? I do not think it would, because there would be an appeal from the District Court Judge to the Supreme Court in Sydney. One thing I may mention which causes a great deal of delay, and that is about taking evidence. It happens that in some cases there are three, four, or five defendants, who sever in their defences, and put in separate answers, and they all want to put in evidence in support of their answers, and the principal defendant may want to shove the responsibility, or a part of it, off his own shoulders. That is what takes up the time. You have heard, no doubt, of the Devine case, the trial of which occupied nearly a fortnight at common law.

115. In the Devine case there were a great number of defendants? Yes.

116. Had every defendant separate counsel? No. I was one of the counsel in the case; there were six or seven of us, and each defended two or three defendants.

117. Could not something of the same kind take place in equity? It does take place; but if interests are antagonistic, they must be represented by different counsel.

118. Then you could not give us any suggestions by which justice could be obtained in the country in equity matters, unless the property be worth £500? I cannot say as to the value; the property might become of value by railways or other improvements. If a man had a good claim, I should say he should try to get his rights.

119. The probabilities are that it would cost £500? No; the cost would depend upon whether the witnesses were in or near Sydney, or whether the evidence was very long, or whether a commission should be sent to take it on the spot. But there is very great difficulty in getting good commissioners to take evidence in the country. They may be honorable and honest men, no doubt, but gentlemen who do not understand evidence; and they not unfrequently return the commissions wrongly executed.

120. Is there any reason why the District Court Judges should not take this evidence? No, except that they fix their circuits before they go; and if they are kept to take evidence under a commission, they will perhaps not be in time to open their Courts at the proper times and places.

121. I presume the ability of the most inefficient of the District Court Judges is equal to the most superior of the men you send commissions to take evidence? Yes, superior. We can only get country Magistrates at best, or a solicitor now and then; but the solicitors are generally engaged for the parties.

122. Have you ever heard suitors in equity remarking that they would like to have your decision at once, without going to the Court? No, except on points of evidence.

123. If you were a suitor in a case in equity, and another gentleman were Master in Equity, would you like your case to be decided by the Master in Equity, on such evidence as he would take? I think I would rather send it to the Court, because the Judge is supposed to have been selected for his peculiar knowledge. Most of the costs would have been incurred, and there would only be the additional costs of drawing the briefs, and counsel's fee.

124. Do you think it likely a decision given by the Master would be different from that given by the Judge? I have in several cases found the Judge has decided differently from the opinion I had formed of the case.

125. How often? Two or three times, perhaps, since I have been Master.

A. T. Holroyd, Esq. 126. How many cases have gone through your hands—as many as a hundred in each year? No, I should not say so.

127. In a very small percentage of cases the Judge has differed from your opinion? My private opinion—not expressed, of course. I have only to deal with evidence; and, I am happy to say, my decisions on the law of evidence are very rarely over-ruled.

128. If you were a suitor, owning property (say) at Albury, which was likely to be brought into the Equity Court, and you were likely to lose the greater proportion of this by litigation in Sydney, would you prefer taking the chances of such justice as the present District Court Judges would give you, or not? I would not take the chance of the District Court Judges, because they could not take the authorities with them, to see what would be the equitable rights of the parties. It would be impossible for them to decide the equitable rights, without having authorities at their elbow to consult.

129. Then you think it is necessary that equity should always be sought at the fountain-head here in Sydney? Yes.

130. *Mr. Burns.*] I wish to ask whether you could make some suggestions which would lead to the simplification of the forms of your office, and the references backwards and forwards to the Judge? I think that might be done; but I will tell you why, at present, it has not been done. Though I knew the general principles of equity practice, and what real property law was, long before I came to this country, having read with a real property lawyer after I was called to the Bar, I never laid myself out for equity practice here. I got a fair share of conveyancing when I first came to this Colony; but the remuneration was so inadequate to the work, that I preferred practising criminal and common law. Shortly after I became Master in Equity, Mr. Justice Hargrave sent me a memo., asking me to make some suggestions for the more ready and less expensive working of certain parts of the Equity Court. That memorandum I have before me now; but as the duties of Master were new to me, I did not like, as a common law lawyer, to interfere at once with what equity men had not interfered with before; and I thought it better to give the subject more mature consideration. I think that, by adopting some of the English rules, a great deal of time and expense might be saved; for instance, in paying money out of Court, the appointment of guardians and trustees, and many other matters of that kind. I think these things might be done more rapidly, and with comparatively small expense. For instance, presenting a petition to the Court for the appointment of a guardian now costs about £10; then it is referred to the Master, and there are expenses in the Master's office; then it has to go down to be confirmed by the Primary Judge, and he has never over-ruled one of my appointments. The same affidavits would do if the case were brought up to me in the first instance; and if I wanted to take evidence, I should have power to do so; my report would say that Mr. so and so was a proper person to be guardian of the infants, and if there were no objection the Primary Judge would confirm it.

131. Any person objecting to your decision could have the matter referred to the Judge? Yes.

132. According to the forms of the Court now, application has to be made to the Judge in the first instance, by counsel? Yes.

133. All that might be saved? Yes. And so with paying money out of Court. Supposing they were to present a petition to the Judge in Chambers to pay money out of Court, or give up debentures, where the parties are all of age, he would look through the affidavits to see what were the ages of the children; and if they were of age, and if he was satisfied with the affidavits, he would make the order without reference to the Master.

134. As to taking evidence, could not that be simplified? I do not see how it can.

135. You do not find much delay occur with regard to the evidence, in dealing with it? No.

136. *Mr. De Salis.*] I was asking about the District Court Judges. The principle on which equity is conducted is entirely different from the common law principle? Yes.

137. I believe the principle is, that there is no wrong without a remedy? Yes.

138. And hence the great difficulty of dealing with equity cases,—that you are not so strictly bound by the law as in other cases? We are bound by decisions—not by the common law.

139. How long after a bill is filed for a suit in equity is it usually argued? If there is no unnecessary delay, it will be ripe for hearing and setting down in about three months after replication filed—not much longer than at common law. I have several very heavy cases now, which have not been in the office more than three or four months.

140. Could you tell me the total expense of your department, including your own salary? About £2,000 a year.

141. Are any fees received? The fees amount to from £900 to £1,000 a year, and they go into the Consolidated Revenue; but that is only a part of what the department brings in to the Government, for there is a balance of uninvested money in the Treasury, amounting, at present, to upwards of £12,000 and something more, which the Government has the use of, and which represents debentures to the same amount, for which they would have to pay 5 per cent. interest.

142. That is about £600 a year? Yes. So that we may say the office nearly pays its expenses. I make it a practice, once or twice a year, to look through the books and see what I can invest in the estates in Court; and I have increased the investments since I have been in office, from £23,100 to £51,370. I paid into the Treasury, last month, about £12,380 3s. 2d. for the quarter.

143. *Mr. Burns.*] Is it not the fact that very few barristers make the equity branch their special study? Very few; there are about five or six who do so.

144. It is said, is it not, that there is only one of the Judges that has a peculiar knowledge of equity? Mr. Hargrave was an equity barrister in London, and the Chief Justice has given a good deal of attention to equity. 145.



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Judges, assistant to the Lord Chancellor, and styled Vice-Chancellors, were appointed. Those appointments were necessary in England, in which the business of the Court of Chancery was about a hundred times as much as the business of our Supreme Court on its Equity side. An additional Master in Chancery was then also appointed—for the same reason (the Master in Equity here corresponded to the then office of Master in Chancery in England.)

But it was soon found that the additional Master, thus appointed, under that 5 Vic., cap. 5, was unnecessary. By 10 and 11 Vic., cap. 60, passed in 1847, the number of Masters in Chancery was therefore reduced to that which existed before the passing of 5 Vic., cap. 5; I think there were eight of them—that is my recollection; and in a few years afterwards, it was discovered that *all* the Masters in Chancery ought to be, and could safely be, dispensed with; the delays, costs, and abuses incident to the office of Master having been found to be intolerable. It was found at the same time, that most of the duties—the real Judicial duties—then discharged by the Masters, should, and could well, be discharged by certain of the *Judges* of the Court of Chancery, while the other, or ministerial duties, should, and could be best discharged by Chief Clerks in Chancery—an office which it was decided should therefore be created in England—but which office already exists, and has existed in this Colony for many years past, under the name of Chief Clerk in Equity. We have had for years that very officer, who was then created for the first time in England.

Accordingly, the Act 15 and 16 Vic., cap. 80, was passed in the year 1852. That is entitled “An Act to abolish the office of Master in Ordinary” [the technical term] “of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court.” It recites that, “whereas proceedings before the Masters are attended with great delay and expense, and it is expedient that the business now disposed of in their offices, should be transacted by, and under the more immediate direction and control of the Judges of the said Court”—(That recital is precisely in point to your present inquiry, as it appears to me, and we will see by and by, that a Bill almost to the same effect was actually introduced, by a late Government, into the Upper House of this Colony.) The Act accordingly provides that the office of Master shall be, and the same is thereby abolished—but reserving, and subject to, the execution by the then present Masters of certain pending duties. It is also enacted that no vacancy which had already occurred, or might thereafter occur in the office of Master shall be filled up. Two of the then Masters were released from their duties on the first day of Michaelmas Term, 1852, by another express provision in the Act, and the Lord Chancellor was empowered to release all the remaining Masters at such time as he should think proper, having regard to the current business; and the Masters who did remain for the mean time were empowered to summon parties before them, and to settle and wind up, in a summary manner, the proceedings then pending before them. They were also empowered to make such orders as they might think proper, to oblige suitors to proceed to the final disposal of all then existing suits; and it was provided that there should be no fresh orders of reference made by the Judges to the Masters. Section 11 is the important one, for it shows by whom the Masters were to be, and have been, superseded in England; I shall therefore read it:—“From and after the first day of Michaelmas Term, 1852, it shall be lawful for the Master of the Rolls” (one of the highest Judges), “and the Vice-Chancellors for the time being, *and they are hereby required to sit in Chambers for the dispatch of such part of the business of the said Court, as can without detriment to the public advantage, arising from the discussion of questions in open Court, be heard in Chambers*”; so that these eminent Judges were actually directed and obliged by the Legislature thenceforward to sit in Chambers for the purpose of their disposing of such business as could properly be disposed of in Chambers. And, under the thirteenth section, the Master of the Rolls, and every Vice-Chancellor, when sitting in Chambers, shall have the same power and jurisdiction in respect to the business to be brought before them, as if they were, respectively, sitting in open Court. Under another section, the three Judges were empowered to appoint Chief Clerks to be attached to them, for the purpose of assisting in the general business of the Court; but which office of Chief Clerk, as I have already said, we have had in this Colony for years past. These Chief Clerks were directed to perform such duties as those Judges should, from time to time, direct; and section 26 provides that the business to be disposed of by the Judges themselves, while sitting in Chambers, shall consist of such of the following matters as the Judges should, from time to time, think might be more conveniently disposed of in Chambers than in open Court. The section proceeds to enumerate what these matters are, namely,—applications for time to plead, answer, or demur, for leave to amend bills or claims, for enlarging publication, and also applications for the production of documents, applications relating to the conduct of suits or matters, *applications as to the guardianship and maintenance of infants, matters connected with the management of property*, and such other matters as these Judges might, from time to time see fit. All these important matters and duties were thus cast upon these Judges themselves—Judges, as I have said, of distinguished rank and position.

163. But here with us, nearly all, if not all, of such matters and duties, are still attended to, and transacted, in the office of the Master, with most ruinous expense and delay.

Section 29 empowers these English Judges to direct what matters shall be heard by themselves, and what by their Chief Clerks, either with or without the direction of such Judges; so that, even when a Chief Clerk acts, the Act contemplates that, if the Judge thinks fit, he shall act subject to the direction of the Judge, which is much the same thing as the Judge acting directly. And the Judge shall give such aid and directions in every or any account or inquiry as he may think proper, *subject, nevertheless, to the right of the suitor to bring any particular point before the Judge himself*. In other words,

words, even when the Judge had thought that any matters, having regard to their nature, in his opinion might be dealt with by the Master, still the party interested might say, I will not have that—I prefer the opinion of the Judge. The suitor was to determine that for himself. The next section to which I shall refer is the thirty-second:—"The directions to be given by the Master of the Rolls or any Vice-Chancellor for or touching any proceeding before his Chief Clerk shall require no particular form"—it might be a direction by word of mouth. Here, if there is a reference from the Judge to the Master, it is spread over sheets—possibly parchments—engrossed, containing recital after recital, and God knows what not else. But in England such directions "shall require no particular form and the result of such proceedings shall be stated in the shape of a short certificate to the Judge." Here, the Master would make a long report, setting out the order of reference, and the substance at least of the evidence, and giving his "findings" in all due form; but in England he would simply say—I certify so and so. But in the mother country, under this enactment, the results of the proceedings "shall not be embodied in a formal report, unless the Judge shall in any case see fit so to direct." We are at least twenty years behind that mother country in this very matter I speak of,—and the entire of my evidence must be understood as referring to—the *system* that prevails amongst us. I do not presume to reflect in any way upon those whose duty it is to administer that system as they have found it, and as it has existed here for years. Again—"No exceptions shall lie to the certificate or report of the Chief Clerk," under this Act; "but any party shall be at liberty to take the opinion of the Judge upon any particular point or matter arising in the course of the proceedings, or upon the result of the whole proceedings." Here, there is, in the first place, a formal Objection taken, and argued by solicitor or counsel before the Master, to what the Master is about to report; then, if the Master adhere to his ruling, a still more formal Exception is taken, and it goes before the Judge, to be argued *de novo*. The English Act also provides that, "after the first day of Michaelmas Term, 1852, all or any of the powers given to the Masters by any Acts then in force shall be exercised by the Master of the Rolls, and the Vice-Chancellors." So that, really, for the purpose of carrying out their own proceedings and decrees, the Judges were placed in the same position as the Masters previously held.

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The only other section to which I shall refer is the forty-second section. It is not, perhaps, exactly in point, in all respects, to the present inquiry, but it shows an important step which has been taken, and a most useful reasonable reform that has been accomplished in England, in the administration of Equity; and it would be a blessing if we had a similar improvement effected, and acted upon here. "It shall be lawful for the said Court of Chancery, or any Judge thereof, in such way as they may think fit, to obtain the assistance of accountants, merchants, engineers, actuaries, or other scientific persons, the better to enable such Court or Judge to determine any matter at issue in any cause or proceeding."

164. Is there any such power here? No—none that I know of, at least; or, if there be, it is allowed to remain a dead letter. Thus, you see what has been done in England, so far back as the year 1852, in relation to the office of Master.

165. *Mr. Burns.*] Has there been any fresh legislation since then in England? No, not upon that immediate subject—but there has been an Act giving jurisdiction in certain prescribed causes to the County Court Judges.—of which I shall speak by and by. So much, then, as to the principal matter, as regards England—in which, as we have seen, the office of Master has been abolished for the last seventeen years.

In Ireland, there were only four Masters, attached to the Court of Chancery there; and, as inseparably incident to the office of Master, similar abuses prevailed, with respect to costs and delays, as had existed in England, though in a somewhat less degree. There was almost the same system of interminable references, objections, and exceptions; and it has been found necessary by the Legislature to abolish the office of Master in the one country as well as in the other. By an Act of the last Session, that reform was therefore effected for Ireland; and one Vice-Chancellor was appointed in the stead of the four Masters. (Here there would be no necessity for any new appointment to be made, if the office of Master in Equity were abolished. The business of the Court of Chancery in Ireland is twenty times as great as that of our Supreme Court on its Equity side.) So much as to the course of legislation in the parent countries. I now request the attention of the Committee to "A Bill to abolish the office of Master in Equity, and to provide for the more speedy and efficient dispatch of business in the Equitable Jurisdiction of the Supreme Court of New South Wales,"—a Bill which was submitted to the Legislative Council of this Colony on the 19th April, 1865, by the then Attorney-General, the present Primary Judge in Equity, Mr. Justice Hargrave. The first section of that Bill provides that "the office of Master in Equity of the Supreme Court is hereby abolished, subject only to the execution by the present Master of the duties hereinafter specified, for performing which he shall retain all the powers now vested in him." Under section 2, the Primary Judge was empowered to order special matters then pending to be wound up by the Master. By section 3, the Judge was further empowered to release the Master from his office when the state and nature of the business would permit, but not later than a day to have been inserted in the Act (there is a blank left for it), and thereupon the Master should cease to hold the said office. The Master was empowered in the meantime to conclude pending references; and the Judge himself was directed, from the commencement of the Act, to sit in Chambers for the dispatch of such business in Equity as can, without detriment to the public advantage, be heard in Chambers; it was also declared that the Judge, when so sitting, should have the same powers and jurisdiction as if sitting in open Court. (Almost the whole of this is taken word for word from the English Act of 1852, from which I have already quoted.)

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166. *Chairman.*] Does the Bill make any provision for the duties of the Clerk? It does. The decrees and orders of the Primary Judge, whether sitting in open Court or in Chambers, were directed to be drawn up by the Chief Clerk, "but such Judge shall personally revise and settle every such order, and certify his approval under his hand"—I will tell you by and by what the present system is. It takes about £5 at the least—from that upwards—to "settle" a decree, after the Judge has made it—"And every such order made in Chambers shall have equal force and validity with any order made in open court." The business to be disposed of by the Primary Judge in Chambers, was to consist of the same matters as I have already stated were to be attended to and discharged by the Master of the Rolls and the Vice-Chancellors in England, under the English Enactment. They are set out in the very words of the English Enactment. After the commencement of the Act, the Primary Judge was empowered to order what matters and things should be investigated before the Chief Clerk, with or without his special direction, and what matters and things should be heard and investigated by himself, and the Judge should give such aid and directions in every such act and inquiry as he should think fit. The Chief Clerk, it is provided, shall for the purposes of any proceedings before him, have full power to issue advertisements, to summon parties and witnesses, to administer oaths or affirmations, and to take affidavits and certain acknowledgments; and the fifteenth and sixteenth sections provided for simplicity of procedure in like manner as certain portions of the English Enactment did, to which I have already referred.

Thus, the abolition of the office of Master in Equity in this Colony, and the casting of its duties upon the Primary Judge, have been the subject of a Bill submitted to Parliament, under the highest sanction, nearly four years ago.

I must now go back to Mr. Burns' question, as to whether there has been any further legislation in England for the purpose of simplifying procedure, and diminishing expenses in Equity.

It has been found desirable there to confer equitable jurisdiction upon the County Court Judges; for even after the abolition of the office of Master in Chancery in England, it was felt that the costs of numerous proceedings in Chancery were too great to be borne by the estates of parties affected by them; that the costs absorbed the greater part of the estates; and that the successful parties had often very little to boast of, when their own expenses were paid, as between solicitor and client, especially where they resided, or where the property was situate, at a distance from London. In particular, this was the case in those classes of suits that are enumerated in the Act to which I shall next refer, and in which the sum at stake or property involved was in itself of no very great value, however important to the persons immediately interested. Accordingly, the Act 28 and 29 Vic., cap. 99, (passed in the year 1865), after reciting that it is desirable to confer on the County Courts, jurisdiction in Equity, enacted that the County Courts should "have and exercise all the power and authority of the High Court of Chancery in the suits or matters hereinafter mentioned, that is to say:—

"1. In all suits by Creditors, Legatees (whether specific, pecuniary, or residuary), Devises (whether in trust, or otherwise), Heirs-at-Law or Next of Kin, in which the Personal or Real, or Personal and Real Estate, against or for an Account or Administration, of which the Demand may be made, shall not exceed in amount or value the sum of Five hundred pounds:

"2. In all suits for the execution of Trusts, in which the Trust Estate or Fund shall not exceed in amount or value the sum of Five hundred pounds:

"3. In all suits for foreclosure or redemption, or for enforcing any charge or lien, where the Mortgage, Charge, or Lien, shall not exceed in amount the sum of Five hundred pounds:

"4. In all suits for specific performance, or for the delivering up, or cancelling any agreement for the sale or purchase of any property, where the purchase money shall not exceed the sum of Five hundred pounds:

"5. In all proceedings under the Trustees Relief Acts, or under the Trustee Act, or under any of such Acts, in which the Trust Estate or Fund to which the proceeding relates, shall not exceed in amount or value the sum of Five hundred pounds:

"6. In all proceedings relating to the maintenance or advancement of Infants, in which the property of the Infant shall not exceed in amount or value the sum of Five hundred pounds:

"7. In all suits for the dissolution or winding-up of any partnership, in which the whole property, stock, and credits of such partnership, shall not exceed in amount or value the sum of Five hundred pounds:

"8. In all proceedings for Orders in the nature of Injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given by this Act to the County Court, or for stay of proceedings at Law, to recover any debt provable under a decree for the administration of an estate made by the Court to which the application for the order to stay proceedings is made." In other words, about three-fourths, if not nine-tenths, of the entire matters in which the Court of Chancery had jurisdiction were vested, in cases coming within £500, in the County Courts. And a simple inexpensive course of procedure has been adopted by those Courts for carrying out the Act.

167. Do you notice any peculiar exceptions from the powers of the Chancery Court? I cannot, at present, think of any matter that is excluded besides matters beyond £500, though I dare say there are some.

168. *Mr. Lucas.*] In fact, the Act takes the range of all the Equity business up to £500? Yes, virtually, that is the substance of it. Section 2 says—"In all such suits or matters the

the Judge of a County Court shall, in addition to the powers and authorities now possessed by him, have all the powers and authorities, for the purposes of this Act, of a Judge of the High Court of Chancery." And section 18 enacts that "if any party in a suit or matter under this Act shall be dissatisfied with the determination or direction of a Judge of a County Court on any matter of Law or Equity, or on the admission or rejection of any evidence, such party may appeal from the same to the Vice-Chancellor." So that there is an appeal to the Vice-Chancellor against any mistake into which a Judge of a County Court might fall (just as here there would be an appeal to the Primary Judge in Equity). I may mention further, that the Assistant Barristers, as they are called, in Ireland, who correspond in office to the County Court Judges of England, have, for a great number of years past, possessed and exercised a limited jurisdiction in Equity; that is to say, in the administration of assets with a view to the recovery and payment of legacies.

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It will thus be seen, that, both in England and Ireland, the office of Master has been actually abolished by the Legislature—abolished in England for the last seventeen years, and in Ireland more recently; that Judges of high rank in the Courts of Chancery in those kingdoms—of far higher rank than any Judge in this Colony—have been obliged, by the same authority, to become and be "their own Masters"; that most descriptions of suits in England, affecting money or other property under £500 in amount or value, have for some years past been heard and decided in a cheap and expeditious form by the County Court Judges of England; that the Assistant Barristers of Ireland have for a far longer period exercised equitable jurisdiction in at least one important class of cases; and that a Bill was submitted to the Legislature here, a few years ago, by the then Government, for the purpose of abolishing the office of Master in this Colony, and of making suitors deal, directly, with the Primary Judge. I have reason to know, also, that it was contemplated by the Government which introduced that Bill (of 1865), to confer jurisdiction in Equity upon the District Court Judges of this Colony,—whose jurisdiction at Law is four times as extensive, in point of amount, as that of the County Court Judges, and to introduce a plain and reasonable inexpensive and expeditious system of carrying that reform into effect.

169. *Chairman.*] You are of opinion that a similar alteration should take place in this country? Yes. It would impose fresh duties upon the District Court Judges; but would be an immense saving of time, anxiety, and money, to suitors throughout the Colony whose causes, claims, or matters, however important to them, were for sums of no great amount in themselves, and who may reside in parts far removed from Sydney, at which place alone the Supreme Court exercises jurisdiction in Equity.

170. And you were of that opinion before you became a District Court Judge yourself? Yes, for years, as it is well known. I should add, that at least two of the present District Court Judges—Judge Cary and Judge Francis—are distinguished Equity lawyers.

171. Have you any suggestions to make for the improvement of the Equity Jurisdiction in this country? It will be seen from the whole tenor of the evidence I have already given, that I am of opinion it will be conducive to the interests of justice, and to the rights of suitors in this Colony, if the office of Master in Equity were now abolished, under an Act to be passed for that purpose, similar to the Bill of 1865; and which would make proper provision for the present holder of the office—who ought not to be prejudiced by its abolition. I am also of opinion that it would be for the public interests and the benefit of suitors if a limited jurisdiction in Equity, such as has been conferred upon the County Court Judges in England, were conferred upon the District Court Judges in this Colony—though the labours of the latter would thus be considerably increased.

172. Are you prepared to make any statement to assist the objects of the Committee? Yes, I think I can do so, by showing the evils and abuses existing under the present mode of administering Equity in this Colony—though, I repeat, these are the result of a *system*, and the growth of long years—for neither of which, its present administrators are responsible. Under the existing system, after a Bill, amendments, personal interrogatories to defendant, and answers duly filed—or plea, or demurrer, objections for impertinence, or exceptions for prolixity, or scandal, have been taken and disposed of,—the evidence of the witnesses—which is to be used before the Primary Judge, and to determine the cause, to a large extent, when the hearing can be had—is then gone into; but it is neither taken by the Judge himself *viva voce* in open Court, as it might be, and (I venture to think) ought to be, nor is it taken by affidavit, with right to cross-examine the deponent in open Court, as is the practice both in the English and Irish Courts of Equity. Either practice would be simple and sensible, expeditious and cheap. But what is done here is this. The evidence, whether given on the direct or cross-examination, or re-examination, is taken in some private place apart from the Court—the Master's office, or in a Commissioner's office, in the country. Questions are put by the counsel or attorneys engaged, and the answers are taken down in writing by the Master, or his Clerk, or by the Commissioner—after a good deal of wrangling, perhaps, as to whether the questions are proper or not. Then, after months, or years, as may be, thus spent, "publication," as it is called, "is passed," and the depositions—which by this time have expanded to a formidable size—are, together with the pleadings, "briefed," as it is anously termed, and brought before the Judge, either at the original hearing, on pleadings and proofs, or previously and separately, as may be preferred; and all controversies as to reception or rejection of evidence before the Master or Commissioner which have been already urged in his office, are reopened and again agitated before the Judge, who declares what is or what is not evidence, in his opinion; but that opinion

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opinion is no more final than was the ruling of the officer, for an appeal lies to the full court from every order of the Primary Judge as to the admissibility of evidence. All such questions being at last disposed of, the cause is heard in the most tedious form that can be imagined; and when every one is thoroughly exhausted by the process, the decree which he intends to make is pronounced by the Judge in general terms—by the Judge who has not seen one of the witnesses upon whose testimony, nor heard a word of the evidence upon which, he is deciding.

173. What do you mean by general terms, may I ask? I am referring to the opposite of a practice which Lord St. Leonards introduced both in Ireland and England years ago, that the Judge shall dictate from the Bench the exact terms of his decree; here the Judge leaves it to be framed by the Master from general declarations made by the Judge. The Master issues his summons thereupon, and calls the parties before him; they attend by themselves, their solicitors and counsel, and the decree is "settled" after it has partly been reheard by the Master, and also, perhaps, after it has been "spoken to" before the Judge, as a fitting close to the first course. From that time forth, for a further interval of months or years—generally years—the Judge loses sight, and hears no more of the cause, since the inquiries and accounts directed by the decree are now taken, not before himself in Chambers, as (I humbly conceive) they ought to be, but before his officer the Master, who is attended once more by the parties, their solicitor and counsel. At length the Master reports to the Judge the upshot of his inquiries and account taking, and the cause comes on for a final hearing before the Judge, either upon report and merits, or, more frequently, upon reports, merits, and *exceptions* to all or most of what the Master has been doing—which exceptions have been previously argued before the Master himself, under the milder name of *objections*,—it is a double, trebly, involved system from beginning to end,—and after a similarly protracted hearing to the first, a *final* decree is pronounced by His Honor, to be "settled" by his officer, "spoken to" before himself once again, and, possibly, appealed against to the full Court. There never was such another system conceived by the wit of man, and it almost passes belief that it should have been preserved here for years after it had been swept away in the old country.

The above is a brief and general, but accurate, account of the progress of a suit on the Equity side of our Supreme Court—of a suit in its simplest form; but as the course of such a suit is neither very rapid nor very consolatory, and as the awful question of costs—of costs daily and hourly accruing—must be constantly presenting itself to the minds of the parties, it often happens that one or two of them either die, or are killed by it, during its progress—not to speak of the devolution of interests from other causes—and then the surviving or new parties have to endure the further agonies of bills of reviver and supplement, or of "suggestions" to the same effect. I will not dwell upon proceedings by petition, or upon interlocutory or incidental proceedings in the Master's office, such as passing receiver's accounts, the settling of deeds, or election of trustees, or references from the Judge for such purposes. In scarcely one of such matters is the finding or decision of the Master final. The same objection applies to each of them as applies to the conduct of a suit; the Judge delegates to his officer what he can and should (in my humble opinion) do by himself; and thus large bills of costs are incurred, and the time indefinitely extended over which the proceedings should properly run. It is believed that an ordinary "posting," or advertisement for creditors, cannot now be prepared—"settled," as the phrase is—and inserted in the newspapers, at an expense of less than three or four pounds. The Master issues a summons in all these cases for the purpose of "settling" the advertisement; and the cost of passing a receiver's account some times amounts to nearly as much as the sum involved. I have been credibly informed that, on one occasion, it took an able barrister a good part of three days to clear away the rubbish or irrelevant evidence that had been allowed to accumulate in the progress of one matter, before he could get at and deal with the real question. In a word, our present system of taking and dealing with evidence in Equity, and almost the whole course of proceedings in the Master's office, are sad grievances, and, I had almost said, an outrage upon common sense; for they lead, necessarily, to lengthened delays, enormous costs, and absolute oppression. Consequently, they are literally ruinous to suitors, and most injurious to the best interests of both branches of the profession—for those interests are identical with the public interests. I cannot imagine a greater tax upon a solicitor than a "heavy" long protracted Equity suit; nor does a barrister gain much by his connection with such a cause. And so long as these abuses prevail, no man can be honestly advised to go, and no sane man will go, into Equity, unless the subject of his claim be of large amount or value. Similar abuses used to exist both in England and Ireland, but they have been got rid of in both countries, by taking evidence in Equity, either *vivâ voce*, in open Court, before the Judge who is to decide upon it, or by affidavit—with the right of cross-examining in open Court—and by abolishing the office of Master in Equity years ago in England, and more recently in Ireland, and by conferring equitable jurisdiction, to a limited amount, upon the local Courts. I was a member of the Chancery Bar of Ireland for three years after a certain Act was passed authorizing the Lord Chancellor to receive evidence by affidavit on the hearing of causes. During those three years it was not, to the best of my recollection, found necessary in more than three cases even to cross-examine, in open Court, the parties who had made affidavits. The Lord Chancellor was able to decide all other causes that came before him upon the affidavits of the parties, dispensing thus even with examinations before himself. The whole questions were disposed of upon the affidavits that had been previously made. And, unless my memory deceive me, there is legislation existing—already had—in this Colony under which evidence by affidavit—if not, also, by *vivâ voce* examination—can be received on the hearing of causes

causes in Equity—but that legislation has not, unfortunately, been acted upon—though orders upon petitions, and in interlocutory matters, &c., are frequently made as evidence by affidavit.

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174. While we are about it, perhaps you could mention what has been the working of the English Act, whether it has been similarly successful? I believe it has been perfectly so. And if we will not take evidence by affidavit on the hearing of causes in Equity, can any sensible reason be assigned for our refusing to take it *visá voce*? You are continuing to take evidence in Equity in a totally different manner from that in which evidence is taken on the other or Law side of the same Court, and at the same moment of time perhaps, or, if at different times, then perhaps before the same Judge. It is but a hall that separates the two branches of the Court, and yet the system pursued in the one is as different from that of the other as night from day. What possible justification can there be for this? And with respect to the statement—it cannot be called an argument—which is sometimes put forward against the abolition of the office of Master in Equity here, namely, that the office of Primary Judge in Equity would be lowered by his being obliged to discharge these duties (other than ministerial) which the Master now discharges, the plain answer is this,—that the true dignity of a Judge consists in his usefulness; and the duties in question are quite as important, necessary, and honorable, as those which are every day discharged by the other Judges of the Supreme Court when sitting in Chambers. There is one fact, which, if it stood alone, is, I conceive, sufficient to condemn our present method of administering Equity, in the estimation of any thinking man. It requires a Judge and a Master, three Clerks, and (I think) about five hundred general Rules or orders, and I know not how many Acts of Parliament, to work it. There is a volume filled with Rules and orders. I remember to have once counted them, and if I mistake not, there are about five hundred of them; nor are these all the Rules. If you look at one of the first in the book, you will see it says that those which it contains shall be without prejudice to certain other Rules.

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175. *Mr. J. Stewart.*] More have been made since that book was published? I believe so. Such a system ought not to have been allowed to spring up amongst us, or at least to be retained amongst us, after it has been abandoned and abolished in the mother country. A return showing the number of suits now pending on the Equity side of the Supreme Court, and the number of years that have elapsed since their institution, and of costs taxed and paid during that interval, would be a sad but very instructive document. It would show that if the present Master were permitted to retire upon a pension of four or five times the amount of his salary—if such a thing could be—there would still be a saving to the community, from the abolition of his office, of many, many thousands a year; not to speak of long years of needless and harassing litigation, anxiety, and distress.

176. *Mr. Burns.*] Are you aware whether any office, analogous to that of Master in Equity here, exists in the other Colonies—Victoria, South Australia, and others? In Victoria there is. I cannot say for South Australia. In New Zealand, I believe that each Judge of a Province discharges the duty of a Master as well. In Western Australia I was my own Master.

177. There was an amalgamation of officers there? Yes.

178. *Mr. J. Stewart.*] Are you aware under what authority the office of Master in Equity was established here? Under an Act of Parliament. There is one thing I omitted to state:—At the time that the present Chief Commissioner of the Court of Insolvency—who had been previously Master in Equity—was appointed to that office of Chief Commissioner, it was understood that the office of Master was to be merged in the other—that the same gentleman was to discharge the duties of both offices from that time forth, and he did so for a time.

179. By whom was it understood? It was so understood in the House of Assembly, and in the profession. It was at the same time that the Fourth Judge of the Supreme Court was appointed; and one of the inducements held out by the Government of the day for appointing a Fourth Judge was, that the office of Master in Equity would then be abolished, and the duties performed by the Chief Commissioner. On the Fourth Judge being appointed, Mr. Deffell was made Chief Commissioner, and for some time he discharged the duties both of that office and of the Mastership in Equity.

WEDNESDAY, 3 FEBRUARY, 1869.

Present:—

MR. PARKES,  
MR. DE SALIS,

MR. PIDDINGTON,  
MR. BURNS.

JOHN STEWART, ESQ., IN THE CHAIR.

His Honor John Fletcher Hargrave, Senior Puisne Judge of the Supreme Court, and Primary Judge in Equity, called in and examined:—

180. *Chairman.*] You are one of the Judges of the Supreme Court? Yes, since June, 1865.

His Honor  
J. F.  
Hargrave.

181. And you have some knowledge of the duties performed by the Master in Equity? Yes, having been Primary Judge since November, 1865, and an Equity Barrister for twelve years in England.

3 Feb., 1869.

His Honor  
J. F.  
Haughton.

3 Feb., 1869.

182. Will you be good enough to inform the Committee, briefly, what are the duties performed by the Master in Equity? I must first of all speak of the general duties of the Equity jurisdiction. They include all accounts and administration of estates, all questions involving disputes between executors or trustees and legatees, mortgagors and mortgagees, all questions with regard to contracts in which damages will not be sufficient compensation to persons thinking themselves aggrieved. Equity has also a large jurisdiction under various statutes adopted here since the 17th and 18th Victoria, and some since. The working out of all the decrees made by the Primary Judge, under these statutes, or under the regular Equity jurisdiction, is carried out by the Master in Equity. For instance, if an executor is summoned to account by a legatee, who says the executor ought to pay him more, he has the right to file a bill to compel the administrator or executor to produce vouchers, and prove his accounts, after almost any lapse of time. That constitutes at least one-half of the business in Equity, and all that accounting has to be done before the Master in Equity. The executor or administrator files his accounts, and then the parties go before the Master, and the legatee impugns the accounts the best way he can, and the executor or administrator defends himself. Then when the Master makes his report, which is a great many pages long perhaps, according to the length of the period the trust has existed, the parties come before the Primary Judge on those points on which they are not agreed. Say the executor charges commission or payments he cannot produce vouchers for. These are dealt with upon what are called exceptions to the Master's report, and they come before the Primary Judge, which is, in fact, an appeal to the Judge. The Judge decides what, in his opinion, is just and right between them, and if they are not satisfied with his decision they appeal to the full Court. The Master's business, therefore, is to deal with all these detailed accounts of executorships and trusteeships, under the decrees of the Primary Judge, involving minor matters of law and evidence. That is his first and principal duty, and, in fact, would be his whole duty as Master in Equity in England. But in this Colony our Master in Equity has half a dozen other duties to perform. He is "Examiner," whereas in England special Examiners are appointed, who take the evidence before the decree. There is in Equity necessarily so much of detail that it is not necessary to have a jury to find as to matters of fact, unless the parties require it; and then there are in England statutes which provide for it. Our Master does the duty of the Examiners in England, that is, he takes the evidence before the hearing. In England the Masters in Equity never did that; but there are Examiners at this present moment—gentlemen who have been brought up as barristers, and are well up in the law of evidence, who take all the evidence previous to decree; and if any of the parties wish to take the examinations in open Court before the Judge, there are rules authorizing the Judge to direct it. We have also a clause in an old Act here, 17 Vic., No. 7, sec. 30, authorizing our Judges to make the same order. But I never heard of an application being made for that, because, from the nature of Equity jurisdiction, the evidence is necessarily to a great extent documentary, being chiefly matter of account. There are perhaps fifty issues to be decided on every account, therefore it could not be taken before a jury; it would be utterly impossible for twelve men to give the time required to it. That has been the jurisdiction in Equity for hundreds of years, and from the nature of the thing it must be so. That is the second great duty of the Master,—to take the evidence before the decree. When both parties say their case is finished, and they are prepared to go into Court for a decree, the matter then comes before me, as Primary Judge, and on that written evidence I give the decision. The Master has, besides this, another duty. In England they have officers called Registrars and Clerks of Records and Writs, who prepare in form the decree which the Judge has pronounced in Court *viva voce*; merely putting the heads of his judgment in writing. Whatever decree is given, it is the duty of the Registrars and Clerks of Records and Writs to prepare in formal words; but in this country the Master does that duty also; and when he has sent me the decree signed by him as agreed to be correct by all parties, I countersign it, and then the parties go in and work it out in the Master's office. That is a very important duty, because it lies at the root of all subsequent proceedings. That is a third great duty. In this country the Master in Equity is also Commissioner in Lunacy, and Master in Lunacy, which in England is quite a separate jurisdiction. In this country Mr. Holroyd makes all reports in lunacy matters, takes evidence, and in fact acts as Commissioner in Lunacy, and does precisely the same duties as the Commissioners in Lunacy at home, with regard to inquiring into the details of maintenance, and so on. When I became Primary Judge, I found a list of eight or ten lunatics who are under the custody of the Court of Chancery here, some of them, like Mr. Mackenzie Bowman, gentlemen of very large estate; and I inquired into these cases, and in some of them the Committee who had been for years in the management of the estate was removed, and another appointed. In such cases, the Master has the duty of Master in Lunacy and Commissioner in Lunacy, and assists me in the details which of course a Judge cannot go into. That is the fourth duty of the Master. These are the four principal duties he has to perform.\* He has duties, therefore, quite different from those of the Master in Equity in England. He has the usual duties of the Masters in Equity in England, and at least three, and perhaps more, extra duties, which are not done by those functionaries in England.

183. Is the Master's office requisite for facilitating proceedings in Equity? It is unavoidable, from the nature of the business, being matters of account and documents—utterly unavoidable—unless you are to make a Judge at £2,000 a year sit listening to mere proving a will, which any attorney's clerk might do.

184.

\* NOTE (on revision) :—He has also all the powers and duties of the English Accountant General, except that I countersign all cheques. This is perhaps the most important of all the Master's duties.

His Honor  
J. F.  
Hargrave.

3 Feb., 1869.

184. That is to say, the Master's office could not be abolished? Not as it exists at the present moment. I do not say the duties of the Court could not be rearranged, but if you abolish the office of Master in Equity, who is to do all the duties which he does—some of them by statute, and some by practice?

185. Then you think the proceedings in the Master's office only facilitate the Equity business? Certainly they do.

186. It has been alleged that there is a great deal of delay and expense incurred in consequence of the proceedings in the Master's office? There is no more delay and expense than is necessary from the nature of the subject. For instance, in respect to the administration of estates,—if there is a single infant involved, every one of those suits must remain in Equity till he is twenty-one; but no person is aggrieved.

187. Then the proceedings in Equity are neither more expensive nor less expeditious in consequence of what takes place in the Master's office? I do not say that I think there might not be some improvement. It is quite possible that if you were to rearrange the whole business of the Supreme Court, something might be done in that way; but that can only be done after grave consideration, with the assistance and recommendation of the Judges and professional men. I do not say the law could not be amended, and I, as one of the Judges, should be far from saying that the Court is infallible, or incapable of reform. But I am not aware of any delay which leads to a grievance of any kind. There is not a single arrear, and has not been for the last two years.

188. Are you aware that an estate may be thrown into Equity, merely for the purpose of locking it up? That is the attorney's affair. It is the law, and there is no getting out of it. For instance, no executor can get a lawful discharge from his responsibility until all the infants come of age, or he puts the estate into Court. In such cases, if the parties were litigious, if called upon to advise as a barrister, I would say,—go to a respectable attorney, pay your money into Court, and get rid of your trust.

189. In the case of a trustee desiring to avoid the settlement of accounts—could he not evade his responsibility to the Law Courts by filing a bill or entering a suit in Equity? No, he would then put himself under the jurisdiction directly. In a certain number of days after presenting his petition he must file detailed accounts of every shilling he has received and every shilling he has spent. I never knew a dishonest trustee go into Chancery, or a person who wished to evade accounts. It would be the most absurd thing possible, if he wished to evade accounting.

190. It has been alleged that some persons compromise unjust claims, rather than allow themselves to be made parties to a suit in Equity? That is not peculiar to suits in Equity. I should think it a very wise course to take, in many suits in this country.

191. You do not think any one has ever compromised an unjust claim to avoid a suit in Equity? Persons may have compromised what they may have thought to be unjust claims; but parties' opinions of their own rights are never the same as those a disinterested Judge would hold.

192. What is the shortest term in which any Equity suit can be settled? That depends upon the length of the accounts. Suppose a testator died in 1851; it is now 1869—that is eighteen years; and suppose the youngest child is not twenty-one yet, but he has paid the other children their respective shares, and retained the last child's proportion. Not having passed through a suit in Equity, any attorney on behalf of such child is competent to file a bill, and have these eighteen years' accounts all taken in the Master's office, if the infant should be litigious; or if a girl, she may have married a litigious man; and the executor, having paid away eight-ninths of the estate, has only got one-ninth to meet the costs. The length of a suit entirely depends upon its nature, and the age and number of the parties interested.

193. I should like to know, so far as you could inform us, what is the shortest period in which you ever knew an Equity suit to be decided? A suit is sometimes decided at the hearing the first time it comes into Court, by a plain, straightforward decree. It may take a month or two. It depends upon the parties themselves. I cannot say how soon a suit may be decided. Of course I myself keep no record of those things. The nature of the business in Equity is so various, and in matters of account it is impossible to say how long or how short a time the suit will take. But there are some cases in which the action of the Court may be exceedingly prompt; say, for instance, a bill is filed for specific performance. One man agrees with another to sell an estate, and afterwards declines to complete his contract. The other files a bill in Equity; and the first issue is, whether the contract was made, and then whether the party selling had the estate in him to sell. The point comes before me, and I decide that the plaintiff is entitled to have his contract carried out. The only point then for the Master is, whether the party had the title to sell, and the case is referred to him to find that issue. When he has done so, the case is disposed of. Unless you are aware of the multiplicity of matters that come before the Equity Court, you cannot know how difficult it is to give an answer to such a question as yours. But possibly a case of the kind I have mentioned may be settled in a month.

194. Possibly a case may be settled in a month? A case of that nature.

195. *Mr. De Salis.*] In such a case, would it not be necessary for the Master to make inquiries first? No. After the contract is proved it goes to the Master to make out the title. The plaintiff files his bill alleging the contract; the defendant puts in his answer, perhaps admitting the contract; and then they bring it into Court upon bill and answer. It does not go before the Master at all in that case, because the defendant has by his answer admitted that he made the contract.

196. When a matter of that sort is brought into Equity, can the Judge there and then dismiss it? Certainly, if he is of opinion that it should be dismissed.

His Honor  
J. P.  
Hargrave.

3 Feb., 1869.

197. Does it take a month to do that? It may take a great deal longer—it is impossible to say. The plaintiff cannot go into the Master's office before the answers are filed—that is some weeks.

198. *Chairman.*] You have hardly known a case decided in one month? No. I have known a case in England decided in a week; but I do not take notice of the time cases occupy here; I know nothing at all of them except as they come before me.

199. You cannot inform us what is the shortest time an Equity suit has been decided in? No. You can, if you wish, have a return which will give that information—the date of the bill filed, the date of the answer, and the date of the decree.

200. Are books kept in the Master's office to record these particulars? Yes, of course. If you get a copy of the Record of Court book, analyzed in that way, there will be no difficulty at all about it.

201. You could not inform the Committee what is the lowest amount for which you have ever known a suit decided? No, the Judge has no knowledge of such things.

202. *Mr. Piddington.*] The Judge simply decides upon the principle? Yes, and upon the law.

203. *Chairman.*] You were a Member of the Upper House in 1865? Yes.

204. Did you introduce a Bill for abolishing the office of Master in Equity? Yes, for the purpose of adopting the English Act. It was discussed in the Upper House, and Sir William Manning pointed out that it would be necessary to adopt other English Acts, and, in fact, that the matter would require greater consideration than had then been given to it. He also pointed out that the duties of the Master in Equity here were not the same as in England. On that, seeing that his arguments were unanswerable, I dropped the Bill, feeling that I was meddling with matters of detail I did not then understand as well as I do now.

205. Do you think it would be judicious of the Legislature to pass such a Bill as that? No, not in its present shape. If the Legislature choose to bring in a Bill for any such purpose, I am quite sure the Judges will give it their best consideration. Speaking for myself, I will give the best assistance I can, in order to aid in perfecting any improvement that may be proposed.

206. Will you be good enough to tell the Committee what has occurred since 1865 to render this Bill unsuitable at this time? The introduction of a Bill is one thing—its passing another. A Minister or any other Member may introduce a Bill for consideration, but if he finds it is objectionable he is certainly not bound to go on with it. If I were a Member of the Upper House now, I certainly should not introduce the same Bill again.

207. I wish to know what has occurred since 1865 to render this Bill inadvisable now, if it was advisable then? It was only advisable to consider it. The Master in Equity was at that time also Chief Commissioner for Insolvent Estates—two duties involving very hard work, and very different in every respect; and, finding the arrangement to work unsatisfactorily—I being then in office as Solicitor General, introduced, with the consent of my colleagues, a Bill to deal with the matter, in order that it might be considered.

208. You approved of it at the time? I did not think it right to pass it. Sir William Manning's arguments appeared to me at the time to be unanswerable, and have since been proved so by my experience as a Judge. The Master in Equity was doing five or six duties, was and is still doing five or six duties which would be unprovided for, if that Bill were passed in its present shape. It is an adoption of the English Act, as if the Master here did no more than similar functionaries in England.

209. Then the Bill was a mistake? It was; that is, it would have been a mistake to carry it. I should not think of bringing it in as a substantive measure now. That reminds me of another duty which is done here by the Master, but which is separately provided for in England. Here, Mr. Holroyd settles every deed which the Court orders to be made, but in England that is done by conveyancing counsel specially appointed for the purpose. Suppose, for instance, that I direct a settlement of an infant's property, Mr. Holroyd settles the deed; and if there is any dispute among the parties interested as to what should be its terms, they come to me for a decision. That is the duty of what are called conveyancing counsel in England. All these things—if I had abolished the Master's office at that time—would have been left to a clerk.

210. Am I to understand that you think no alteration is required with a view to abridge the proceedings and expense of a suit in Equity? I do not say that. I think almost every Court in the world is capable of great alterations and improvement.

211. *Mr. De Salis.*] We have understood, from other witnesses, that the Master in Equity has ministerial duties and judicial duties. It appears to me that you are harping very much upon the ministerial duties of the Master in Equity. Supposing these ministerial duties were done by a clerk, would there be any reason why the judicial duties should not be handed over to the Primary Judge? The judicial duties are very large. He has, for instance, to decide on the admissibility of evidence. That is judicial, and subject to appeal. You cannot have the same sort of appeal from ministerial duties.

212. Was it not the object of your Bill that these judicial duties should be done by the Primary Judge at once, without going to the Master in Equity? The Bill speaks for itself. The object was simply to adopt the English Act, as far as I understood it.

213. You have some knowledge of the way in which Equity is worked in England? Yes.

214. Was your Bill not founded on that? It was an application, *verbatim*, of the English Act, so far as it went, giving the Primary Judge power to hand over these duties to a person to be appointed as Chief Clerk. But Sir William Manning pointed out that the person to be charged with the duties proposed to be given to the Chief Clerk must be a man of eminent ability in the profession, and have at least a thousand a year; so that there

there would be nothing gained in that way by dispensing with the Master in Equity—that, in fact, there must be somebody of equal standing to do all these important duties which are now performed by him. Another reason why I could not take upon me the judicial duties of the Master in Equity now is, that, as Senior Puisne Judge, my duty is to sit in term time in turn with the other Judges, and I should therefore not have time to take more judicial duty as Primary Judge than falls to me under the present arrangements.\*

His Honor  
J. F.  
Hargrave.

3 Feb., 1869.

215. Do I gather rightly from you that the manner in which equity is administered, at present, in this country, is virtually the same as that in which it is administered in England? Certainly—it follows all the decisions.

216. Is it the fact that the Master in Equity is very much the same as the Chief Clerks are in England? No, quite the reverse. He has all this lunacy jurisdiction, preparation of records, and examination of witnesses, which no Chief Clerk ever does.

217. Who does this at present in England? The evidence of witnesses is taken by Examiners, who are competent men, brought up as barristers, and who understand the law of evidence as well as any Judge. I have not the slightest doubt whatever that the business might be arranged so as materially to improve the efficiency of the Court; but it must be done with great caution, and in accordance with the established principles of equity and law. No general Act has been brought under my notice at all; but when I looked into the matter in 1865, the Bill I then introduced was not intended to be a final measure. "Basis of other measures" was my memorandum on my own copy of the Bill. That will show you what were my intentions even then.

218. *Mr. Piddington.*] Do I understand you that the Bill you introduced in 1865, was introduced under an imperfect notion of the duties discharged by the Master in Equity in this Colony? No doubt of it.

219. And if you had been aware of the duties discharged by the Master in Equity here, would you have introduced that Bill? No, certainly not.

220. *Mr. De Salis.*] Can you suggest any improvements on the present system? I have not considered any. When they are brought before me, I shall be most happy to consider any that may be proposed.

221. Are you aware that in England Equity jurisdiction is to a certain limited extent conferred upon the County Court Judges? Yes.

222. Could any such jurisdiction be conferred with advantage upon the District Court Judges in this Colony? I do not think it could; I think they have quite enough to do with their present criminal and civil business. The impression on my mind is, that it would not work well. Equity matters being principally matters of account, I believe, in England, except in very simple cases, it is found more convenient to the parties to have them sent up to London to be settled, rather than have them dealt with in the country. I believe it would be the same here. At the same time, I am not prepared to say that, in matters under £200, an Equity jurisdiction could not be conferred on the District Courts. You must recollect there is a clause in the present District Court Act to the effect that, if the amount of a legacy is a fixed amount, and not subject of account, so as to lead to delay, the legacy may be sued for in the District Court.

223. *Mr. Burns.*] Do you not think that many references that are now made to the Master in Equity could be simplified? It is entirely in the parties' own hands. If they employ a respectable attorney who does his duty fairly, there is no difficulty whatever; but if there are delays, and no money forthcoming for the purposes of the suit, you cannot expect an attorney to spend his own money, and lock it up for years in Court fees, fees to counsel, and other expenses.

224. Do you not think many matters which are now brought before the Judge might be communicated directly to the Master in the first instance? That would never do,—to set the ministerial officer in motion without a decree from his superior. But perhaps I do not quite understand what you mean.

225. Are there not a vast number of matters now referred to the Master from the Judge, which might, as a rule, in the first instance, come before the Master? If the facts are sufficient to justify the order asked for, I read the affidavits and never refer to the Master at all.

226. Suppose an application is made to the Court about a matter in which accounts are concerned,—that would be referred to the Master? Yes.

227. Then the suitors have to appear before the Master by counsel? Yes, if they choose, or by their attorney alone.

228. Could not all that expence be saved by a reference at once to the Master? It is, if it is not excepted to.

229. Are not applications made in the first instance to the Primary Judge, and then referred to the Master? Yes, if it is necessary to take accounts, or examine witnesses.

230. If a case were to go before the Master in the first instance, would not the Judge, on receiving the report of the Master, do what he does now, after the double reference—would you have the same power over the case after the Master's report was received, as now on the double reference? No; the parties litigant always come to the open Court for what they want; if it is just, they will get it; if it is unjust, it is refused, and then they never go near the Master. The administration of justice would be totally different if it commenced with the Master.

231. Have you ever heard complaints of delay in the Master's office? It is possible there are complaints. From the nature of the transactions in Equity, there must be delay to some extent.

232. Have you ever heard members of the profession complain? No. I do not live among them. I dare say they do complain, but I do not know it. 233.

\* NOTE (on revision):—There are also now seven circuit towns in the Colony: then there were only three.

- His Honor  
J. F.  
Hargrave.  
3 Feb., 1862.
233. Not as to the present officers, but as to the system? I myself have complained of some of the English statutes not being adopted.
234. Do you not think the practice of the office might be rendered much easier by the consolidation of the law? Yes, no doubt.
235. Are you aware that there is a general unwillingness, on the part of persons who are trustees of property, to go into the Equity Court? I dare say there is. I should think it very possible that most sensible persons have an aversion to go to law at all.
236. I mean that there is a stronger objection to that Court than to the other? I cannot say; I know nothing about such things, and never take any notice of them.

George Hibbert Deffell, Esq., called in and examined:—

- G. H.  
Deffell, Esq.  
3 Feb., 1862.
237. *Chairman.*] What is your designation? I am Chief Commissioner of Insolvent Estates for the Colony of New South Wales.
238. You have had some experience in the office of Master in Equity? I was Master in Equity from March, 1857, to the middle or early part of May, 1866—nine years and a month and ten days.
239. It has been alleged before this Committee that the proceedings in the Master's office are very dilatory and expensive? I was going to mention, with the leave of the Committee, that I was examined before a Select Committee of the Legislative Council, in May, 1865—I believe the 18th of that month—with reference to a Bill that had been brought into that House to abolish the office of Master in Equity. That Committee lapsed, in consequence of the prorogation of Parliament, which took place soon afterwards, in the June following. Upon that occasion, being then Master in Equity, I gave, as best I could, a synopsis of the duties and proceedings in the Equity department, and stated in what way I thought they could be ameliorated; and if this Committee would make application (if that is the proper form) to the Legislative Council, for that evidence, I think it would shorten your labours very much—as least, so far as my examination is concerned.
240. The evidence you then gave is on record? Yes. I thought that might be taken as the basis of my present examination. One or two suggestions I made then have been since carried out. I framed or suggested alterations in the Rules of Court, which the Judges might make, and I also drew a Bill, which was laid before Mr. Attorney General Plunkett, with a letter dated the 23rd October (*Vide Appendix B 2*) of the year 1865, and I think it might be a matter of convenience to the Committee if they saw that. It was more fresh in my memory then, being daily engaged in doing the duty of Master; but now perhaps I should require a little more questioning to elicit information from me. In my evidence before the Committee of the Council, I mentioned that a great number of the alterations which were made in England had been virtually adopted here, or had been primarily instituted here. A great deal of the proceedings, offences, and scandals of the old Master's Office in England, in reference to fees and such matters, as being obliged to take and pay for office copies of proceedings, never existed here, because everybody was paid from the first by direct salary; and a great number of the modes of proceeding adopted in 1845, 1848, and 1850, in this Colony, were only introduced in very nearly the same form or substance in 1852, by Acts of Parliament in England. The modes of proceeding were made as nearly as possible like those used at Common Law here, before they were ever thought of, or at least adopted, in England; and therefore, there is a great deal of distinction to be drawn as to the Master's duties, between those performed in the Court of Equity or Chancery in England, and those which were done here from very early days. But I think the Committee would find that my former evidence would be of assistance, and that questions might be asked specifically arising from that which I then stated, and which I believe was a correct epitome of the duties of the Master in Equity. The Master performs here about five functions which, in England, are performed by separate and responsible officers. He is more than Master—he is Accountant General, Clerk of Record and Writs, Examiner, which is a most important branch of the functions he has to perform—that is, taking examinations prior to hearing, in which he performs almost the same duties as a Judge *à nisi prius*.
241. Can you briefly tell us what are the duties performed by the Master in Equity, solely as Master? The duties as Master proper, that is, as Master in Chancery, in England, were, solely, prosecuting inquiries and taking accounts when the Judge had either made an order or a decree for those purposes which were mentioned in the order; and he also had a certain number of statutory duties, such as that of taxing officer, which in England was at one time part of the Master's duty, but which had been separated nearly twenty-seven years ago.
242. As to the taking of inquiries, how are they conducted—are they continued until they terminate, or are they interrupted? They are very frequently interrupted, but there is always the power to sit from day to day.
243. I want to get at the practice—what is really done—you say inquiries are almost always interrupted? They are interrupted very frequently by the Master having to go and sit in Court as Registrar, which in England is a distinct duty, the Master not attending the Court. Inquiries are usually adjourned for the convenience of the parties, or of those who represent the parties, rather than for the convenience of the Master.
244. Then virtually the inquiries are interrupted for the convenience of solicitors? Very often; and sometimes for the convenience of witnesses and parties who do not like to be absent from their business for two or three days together.

G. H. Deßell, Esq.  
3 Feb., 1869.

- 245. Suppose there are three meetings for inquiry where one would do,—is not the cost trebled? No doubt it is.
- 246. And parties can be called from the country —? To meet the convenience of country witnesses, I, in my time, almost invariably insisted upon the exercise of my discretion, and sat from day to day, to get rid of the country witnesses.
- 247. Then it seems that, in the case of country witnesses, their evidence was taken until it terminated? Very frequently.
- 248. But very frequently inquiries were interrupted, for some reason or other? Some reason which I, in my discretion, thought sufficient; sometimes on the representation of one side, sometimes on the representation of both sides.
- 249. What was the usual interval between the suspension and resumption of the inquiry? There was no rule; it might be a week, or three weeks.
- 250. Or a year? No; but a matter might lapse for a year or more, because very frequently the parties do not prosecute the inquiry, for that depends upon the person who has the conduct of the suit. Then, if the other side think they are being oppressed by unusual delay, they, under Rules of Court, can apply to the Master, or to the Court, under certain circumstances, to let them have the conduct of the proceedings or suit. Instead of the plaintiff having the conduct of the suit, the defendant can thus obtain it, if the plaintiff is negligent.
- 251. Can you tell the Committee what is the longest time any case has been in Equity unsettled? I suppose there are some cases which have been pending since 1840 and 1841; but very frequently, indeed almost invariably, it has been the effect of the conduct of the parties. I mean to say, the Master has no power prematurely to enter a matter for adjudication, when neither of the parties seek his decision.
- 252. But while a case is pending, nothing can be done without the intervention of the Court of Equity or of the Master? The parties may agree to a compromise, and they sometimes (indeed, frequently) do so, without telling the Court anything of it, and the Court may never hear any more of the suit.
- 253. Any suit, however, not finally determined upon, may be revived at any distance of time? Yes.
- 254. Have you known a case revived after standing still for a dozen years? I can hardly charge my memory for that, except in one particular case—Cooper v. Hellyer—which I can hardly recollect, arising out of a Mr. Macdonald's estate.
- 255. You know of only one case? I can only call that one to mind now, because, you see, names of cases fade very soon when one is continually engaged with other matters.
- 256. How long would it take to settle the simplest case that could be brought into Court unopposed? That entirely depends upon circumstances—there are such a number of diverse cases.
- 257. Did you ever know a case settled in one month? Yes, an application for the appointment of new trustees, under the Trustee Act; that can be done certainly in one month; sometimes it need not take a fortnight; it is really a very simple matter.
- 258. We are speaking of facts—we want to know whether you are aware of any case which has come into Court, and been released from Court within a given time? I cannot mention the name of any case.
- 259. You do not remember any case coming into Court, and being released from Court within any given time—finally settled? I cannot say I do.
- 260. Is an equity suit ever finally settled? Whenever there is any incident which may arise for any new right, the Court of Chancery maintains its jurisdiction to the very last moment.
- 261. Even if there be no funds? Quite irrespective of funds.
- 262. *Mr. Parkes.*] The Chairman has an impression that no Equity suit is settled until all the parties connected with it are settled? Possible that may be the case sometimes; but that is not the fault of the Court of Equity.
- 263. *Mr. Burns.*] Could you make any suggestions for the improvement of the Court of Equity? In the evidence I have before referred to, I mentioned several matters, when the matter was fresh in my mind; but I could not give my best opinion now, without being asked some questions.
- 264. *Mr. De Salis.*] In that evidence did you enter into the question whether any Equity jurisdiction could be given to the District Court Judges? No.
- 265. Have you thought on the subject? I think it was lately stated by Sir John Stuart, Vice-Chancellor, in reference to the Equity jurisdiction of the County Courts at Home, that the business was done cheaper in London than in the country.
- 266. You do not think it would be any improvement? In many instances it might be. The Chairman made some observations about the examination of country witnesses. That could be done by commission, instead of having the witnesses brought down to the Court; but the parties do not like it—they do not take advantage of the power of examining before a local commissioner.
- 267. *Mr. Burns.*] Do you mean that, by the law of England, there is now a discretionary power to have suitors examined by Commissioners in the country? Yes, and that is the law here also. It has been a Rule of the Supreme Court here for years, that they can be so examined when two hundred miles away from Sydney.
- 268. But it has been found by experience in England, that suitors prefer being examined before the Master, to being examined before Commissioners in the country? I can hardly say that; and I can only infer from facts stated in the Law Reports, what is the feeling in these matters in England. The power to examine in the interior is very little practised here by suitors themselves. Suitors are very much under the influence of their solicitors; and the solicitors may have cogent reasons for wishing to have the examinations in Sydney.

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269. Substantial reasons? Sometimes, and because the Master has more authority to extract the whole truth than a person who happens to be merely a Commissioner for Affidavits. There is greater chance of the witnesses fencing, and not being brought to book by a Commissioner. In my experience I sometimes found it very difficult to elicit exactly the facts, and I found that a formal examination in open Court, instead of in a sitting room in rather a conversational way, was very beneficial in getting at the real truth. I have observed the same thing in the Insolvency Jurisdiction,—that when a person in the witness box is standing apart, it is very much more likely to get the whole of the facts elicited from him, than if sitting in a room where he can actually hear the remarks made between the attorney and counsel, and which sometimes even may suggest his answer.

270. Do you not think that the Master in Equity should have an office on a larger scale, where there would be accommodation for the public—I know the public are admitted, but the room is a small one? It is, and I have found that examinations conducted in a Court were more beneficial than in a room. On several occasions Mr. Holroyd did sit in the Court to take examinations in a much litigated case, arising out of the ownership or sale of a station near Braidwood; and no doubt he found it very beneficial to the ends of justice.

271. You recognize the importance of affording accommodation to the public to go in and witness the proceedings? Yes; and more particularly of the witnesses being set apart from the Master, who is virtually Judge, and from the counsel, solicitors, and parties. There are, however, some inquiries under decrees and orders, into private and family matters, which the Court of Chancery never used to allow everybody to come in and hear—questions about family affairs, legitimacy, and other matters affecting titles and private interests, which the outer world would have no right to know anything about.

272. *Mr. De Salis.*] Are there not some small matters that would be better done in the country by giving equitable jurisdiction to the District Court Judges? I do not know that it would be any advantage to give the District Courts an equitable jurisdiction; but I am only arguing from analogy, and from what was mentioned quite lately, in a judgment of Sir John Stuart,—that in England, the expense of an equitable suit was greater in the County Court than in the Court of Chancery itself.

FRIDAY, 5 FEBRUARY, 1869.

Present:—

MR. DE SALIS,	MR. PARKES,
MR. BURNS,	MR. JOSEPHSON.

JOHN STEWART, Esq., IN THE CHAIR.

William George Augustus Fitzhardinge, Esq., called in and examined:—

W. G. A.  
Fitzhardinge,  
Esq.  
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273. *Chairman.*] You are a solicitor in Sydney? Yes.

274. And have had some experience in proceedings in Equity? Yes, a great deal in England many years ago, and some little here.

275. It has been alleged that there is great delay and great expense attending proceedings in the Master's office in this Colony—Will you be good enough to inform us whether the delay and expense are greater in this Colony than in England? No, nor so great as they were in my time; but that is thirty years ago, and there have been great reforms in England since.

276. The method of proceeding in the Master's office in England has been altered? The Master's office has been abolished in England.

277. Are you aware whether the proceedings in the Master's office here are unnecessarily dilatory and expensive? They are unnecessarily expensive, and they are unnecessarily dilatory, because the existence of the Master's office renders all proceedings more dilatory than is necessary.

278. That is to say, the Master's office does not facilitate proceedings in Equity? Certainly not. The Master's office does not facilitate proceedings in Equity—just the reverse.

279. Have you considered whether any remedy could be devised for facilitating proceedings in Equity? Yes, to assimilate the practice of the Court here to the practice in England; that is, abolish the Master's office, and let the Judge make the inquiries that he now directs the Master to do. That is the plan pursued in England.

280. The Master has numerous duties in this Colony? He has nominally a great many more duties than the Master in England used to have.

281. If the office were abolished, would those duties be neglected? Certainly not.

282. How could they be provided for? If the Master's office were abolished, and the Judge made his own inquiries, those duties would not be neglected. For instance, the Master stands in the position of the Accountant General at home, that is to say, all the funds in Court stand nominally in his name, and he is supposed to receive and pay them all; but he does not do so in reality; he never sees nor touches a farthing of the funds, and therefore any person can perform those duties. Then he is supposed to act as Registrar of the Court. That is quite a nominal duty, and is in reality performed by a copying clerk. All the Master does as Registrar is, to initial certain papers.

283.

283. What is the chief objection to the Master's office? The enormous and useless expense it throws upon the suitors. From one-half to two-thirds of the costs of Equity proceedings are incurred in the Master's office, and at least one-half of the costs there incurred would be rendered unnecessary if the Judge made his own inquiries.

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284. As to the dilatoriness of the proceedings,—how is that accounted for? They are not dilatory in the ordinary acceptation of the word—they proceed as quickly as is possible; but the Master, in making inquiries, must have everything reduced to writing, and of course that causes delay. If the Judge pursued his own inquiry, he would take *visi voce* statements; but the Master must take written statements, because there may be an appeal from his decision to the Judge—the Judge in fact having to do over again all the work that the Master has done previously.

285. *Mr. De Salis.*] Is there not an appeal from the Judge to the full Court? Yes.

286. If the evidence were not taken down in writing, would it not be necessary to have it all taken over again for the purpose of that appeal? Most of the evidence taken in the Master's office is not the evidence of witnesses, but the production of papers and statements made by the solicitors as averments—not as evidence on oath.

287. *Chairman.*] Are the inquiries made in the Master's office continuous from the commencement of the case until its termination? As far as the business of the Master's office will permit, they are.

288. It has been alleged here, that the evidence is taken in detachments lasting for an hour or half an hour at a time? It is sometimes, but the delays are nothing to what they were a few years ago.

289. And that the interval between the suspension and resumption of the inquiry sometimes extends over two or three weeks? That is the fact; and longer.

290. Is that unavoidable? In the Master's office it is; but it could be easily avoided if the Judge made his own inquiries.

291. Are you aware of any suit in Equity that has been a very long period in the Court? There is a very notorious case of which I have brought a copy of the title, which itself is enough to frighten any reasonable man. The suit is, I believe, now pending, or at all events, it was only settled a few weeks ago.

292. The title alone extends over two pages of brief paper? Yes.

293. Will you hand in this title? Yes. (*The witness handed in the same. Vide Appendix A. 1.*) If you will allow me, I will give you a short history of that suit. A man named Taylor, with professional assistance, made his will, which I consider to be plainly and well drawn. He bequeathed an annuity to a widow, of a pound a week, chargeable on his property, which consisted of several acres of land opposite the Criminal Court on the South Head Road. After he died, one of the trustees of his will raised some objection to paying this widow the annuity—not the testator's widow, but a widow. The other trustee was advised to put the estate into Court, for the purpose of securing payment of the annuity. The Court made the usual decree, referring it to the Master to see if the annuity was due, and how much was due, and out of the rents of which of the houses it was to be paid. The widow died not long after the reference to the Master, and the Master reported that, up to the time of her death, there were fifty-four weeks due to her, or £54. That was the sole object of the original suit. The costs of the inquiry, I believe, came to a thousand pounds, and more; but I do not know that as a fact; it can, however, be easily ascertained from the Master. To pay these costs, I believe, the whole of that valuable piece of land opposite the Darlinghurst Court has been sold. The great bulk of these costs was incurred in the Master's office, and a great portion of them would not have been incurred if the Judge had prosecuted his own inquiries, instead of referring it to the Master to do so. A client of mine, at one of the sales of part of that property, sold under the decree of the Court, made a purchase amounting to less than £200. The property was sold by order of the Master under a decree of the Court. The first thing a purchaser has to do, when he buys land under a decree of the Court, is, to pay into Court the whole of the purchase money, and then he is shewn the title. In this case I considered the title thoroughly bad. My client, who was a mechanic with very little means, begged of me to ask the Court to give him back his money and let him go; but the Court never allows that. I had to apply to the Judge for an order to refer it to the Master to inquire if there was a good title. The inquiry took several months, and was very expensive. The Master certified that the title was good. I excepted to that report, that is, appealed to the Judge. I have here Judge Milford's decision, which was only arrived at after two or three days' argument, in which six counsel were concerned; and he decides in favour of the purchaser, and states that the Master is wrong; but, instead of letting the purchaser then go with his money, he sends it back to the Master to see if the parties can make a better title. "I therefore allow the exceptions, and direct the Master to review his report, with liberty to take further evidence, and with liberty for the vendors to make out a title before him within one month. As the Master has found that there was a good title, I do not see that I can give costs of the exceptions on either side." That is to say, my client, who had succeeded, had to pay all his own expenses. We went back to the Master's office; several more months were spent; and the Master then reported that a good title had not been made in some particulars. The other side excepted, or appealed to the Judge, on the ground that there was a good title in the points indicated by the Master. I excepted on the ground that the Master should have said the title was bad altogether. The six counsel appeared again, had another two or three days' argument, and the Judge decided that he thought a good title had been made, and ordered my client to pay the costs of his exceptions, which were taxed at forty odd pounds. The total costs of all these proceedings must have been between

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between three and four hundred pounds. If we could have gone before the Judge himself in the first instance, instead of the Master, the whole business would have been completed in a fortnight, at an expense of less than fifty pounds.

294. *Mr. De Salis.*] What was the value of the property bought by your client? Not two hundred pounds; I forget whether it was one hundred and forty or one hundred and eighty pounds.

295. From the date of the purchase until the matter was settled, how long a time elapsed? A year.

296. In how short a time could it have been settled, if you could have gone to the Judge in the first instance? A month. I may add that there have been further sales under that suit. Another client of mine was unfortunate enough to buy some of the land, without previously coming to me. I told her what had happened in the former case. She instructed me to offer, and I did offer to give up the deposit, and abandon the purchase. That was not assented to, and I took any title I could get, without making any objection. Under these circumstances it took them nine months to give me a conveyance, which I believe is not worth anything now I have got it.

297. *Chairman.*] That is to say, it took the Court nine months to grant a title which was not objected to? Without objection.

298. *Mr. Burns.*] And you think the conveyance you received is of no value? I do not believe there is any title at all? If I had to maintain the title to that land in ejectment, I am sure I should be floored.

299. *Chairman.*] What remains to be done to settle that case—the case that was first entered in the Court? I think it is now settled. I think it was settled some time about Christmas—that is to say, they have sold all the property of the testator that they could find.

300. *Mr. Burns.*] You mean that it has been settled for want of funds to carry on any further? I never could find out what they were fighting about. This lady was clearly entitled to her £54.

301. *Chairman.*] The estate has got out of Court because there were no funds left to prosecute the suit? That is my impression; I do not state it as a fact.

302. Is it possible to revive that suit? To revive a suit means that, if any of the parties die, their representatives are made parties to it. If there is anything to be revived, it can be revived at any time.

303. *Mr. Burns.*] And all the expenses incurred may be again repeated, if the parties think fit to spend their money in the contest? If there is anything to contest at all.

304. *Chairman.*] The heirs to the land which has been sold with a bad title may revive the suit? For what purpose?—There is nothing to get.

305. To get the land? The land is gone; the Court has ordered the land to be sold. I can hand in the judgment in the case if you like. (*The witness handed in the same. Vide Appendix A. 2.*)

306. If I understand the matter rightly, the heir to that land may still claim it, if it has been sold with a title that does not convey it? Yes.

307. But to obtain it he would require to enter a suit in Equity? Yes, certainly.

308. And consequently the land might be sold yet again? It is possible. The case of *Wilson v. Terry* has decided that here. The late Mrs. Terry bought a house in Pitt-street, which was sold under a decree of the Court. Fifteen years or more afterwards, some person jumped up who said the land belonged to his father, and the then Court decided that the Court had no power to sell, and gave the property to the man.

309. Supposing funds had not been procurable, this property might have been sold by order of the Court, to procure funds? It was.

310. I mean the second time. Suppose the claimant had not been able to find funds, the Court of Equity might have ordered this property to be sold the second time, to find the funds? Yes, if they set aside the first sale, and decreed a want of title in the land.

311. *Mr. Burns.*] Could all that have been avoided if there had been direct reference to the Judge? The expense might have been; I will not say as to the law.

312. There would have been finality? No, the Judge may make a blunder as well as anybody else.

313. The question of title would have been finally determined by the Judge? Yes, and he did determine it as it was.

314. *Chairman.*] Have you any other case which you would like to lay before the Committee—do you know the particulars of any other case? I do not know the particulars, excepting slightly, of the case of the Attorney General *v. Elliott*, which has just come into my hands.

315. Will you be good enough to state what you think the Committee would desire to know in regard to that case? The papers have only lately come into my hands; but it appears to me to be a suit to take the accounts of executors who have been dead nearly twenty years. And what appears strange to me is, that the Court has decreed that the party who asks for the production of these accounts shall make them out himself. The consequence is, that the suit is at a standstill—nobody can move in it.

316. In that case I think some property is involved which was once escheated to the Crown—the Imperial Government—for want of heirs? Yes.

317. And the Imperial authorities instructed some one in this country to make it over, or hand it over, to the nearest of kin? I believe so.

318. Have you any notion how long it is since those instructions came from England? No; I was not in the suit, and it is only lately the papers have come before me.

319. At all events, the authority here instructed to wind up the estate has never done so? It has not been wound up, whether by any omission or not I am not certain; but it appears to me that the fault is in the decree itself.

W. G. A. Fitzhardinge, Esq.

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320. *Mr. De Salis.*] Would an alteration in the Master's office facilitate the winding up of the suit, or remedy this defect? No, the Master is not responsible for the form of a decree, or very rarely so. The solicitors to a suit, and their counsel, ought to see that a decree is properly drawn.

321. Had this been brought direct before the Judge, would he have rectified the fault of the attorneys, or discovered it at once? Not acting as Master. If the Registrar of the Court had insisted on that form of the decree, it strikes me that the parties to the suit ought to have gone before the Judge, which they could have done, to ask him if that was really the decree he made, or ask him to rectify it. That can always be done now.

322. But, by the present machinery, it would have taken a long time to do so? No; before a decree is actually passed, actually signed, any party can insist upon its being put on the Judge's paper, so that he may be asked in Court to amend or vary it, or whether that is really the form of decree he intended to make.

323. *Chairman.*] Have you ever considered whether Equity jurisdiction might be judiciously extended to the District Courts? Certainly it might, but not just yet, except in very populous places, because you must have some staff of clerks to carry it on, and you cannot get that in every little petty place where Courts are now held. It is easily done in England, because there are large centres of population; but here it would hardly be worth while to have at least two clerks, I suppose, in every petty district, on the chance of their having some Equity business to attend to.

324. Then the administration of Equity requires a more complicated staff than the administration of Common Law? Certainly. The administration of Equity embraces every object in life; and the more wealthy and more populous a country becomes, the more Equity is required.

325. *Mr. De Salis.*] You are aware that, in the country towns, there are already Police Magistrates, Clerks of the Bench, Registrars, bailiffs? You want something more than a Clerk of Petty Sessions to do the duty in Equity administration.

326. More than a Police Magistrate? Yes; you must have a man with some legal education.

327. Are you aware that Police Magistrates and Clerks of Petty Sessions are supposed to know the law? Every British subject is supposed to know the law.

328. Have you not heard that the Judges expect that they should have a certain degree of legal education? I think every Police Magistrate and every Clerk of Petty Sessions, being salaried officers, are bound to make themselves more acquainted with law than unpaid Magistrates would be likely to be.

329. *Mr. Parkes.*] Bearing in mind the condition of our community, are you prepared to offer any suggestions, the adoption of which would, in your opinion, afford greater facility and greater certainty in the transaction of Equity business? My opinion is, that the Master's office ought to be abolished; and I adhere to that opinion the more strongly because it has been done in England ever since 1854. We have, in many cases, led reforms, and England has followed the practises we have adopted, because they were good; but in the Court of Equity we are a long way behind. By abolishing the office we should save the Master's salary of a thousand a year, which is a small thing compared with the enormous amount of injustice that would be saved to suitors.

330. In the event of the abolition of the office, how would you have the business transacted? The Judge would do it. The Judge, of course, could not attend to every petty matter—he must have a clerk. The present Chief Clerk—who really does all the ordinary business of the Master's office—would be retained, and some of the copying clerks, and these would do the clerical and ministerial duties. The important business would be dealt with by the Judge himself, as at Common Law. We should take out a summons, and go before the Judge by solicitor or counsel; the Judge would hear us argue the case, take his own notes, and gives his decision, at an expense of from £5 to £20; whereas now, in Equity, we spend perhaps a couple of hundred to get the same thing done, and we are no end of time in doing it.

331. Do I understand you that you would have a merely clerical staff attached to the Equity branch of the Court, leaving the business to be transacted by the Judge? Yes; that is the way it is now done in England.

332. *Mr. De Salis.*] At present the Master in Equity is responsible for what is done by the Chief Clerk and copying clerks under him? Yes, but the responsibility is very shadowy.

333. Could not the Judge accept the responsibility of supervising the business done by them? Certainly.

334. *Mr. Burns.*] Do you speak of the Primary Judge in Equity? Yes.

335. Would not his duties be increased to a very great extent in this way? The Primary Judge in Equity, under the arrangements I suggest, should do nothing else than Equity business; and it was certainly understood by the profession, when Mr. Justice Milford was appointed, that such should be the case; but there was such a pressure of business, there being then only three Judges, that he was obliged to turn to the ordinary business of the Court.

336. What was the cause of the increased pressure of business? The increased business of the Court was caused by the increased business of the country, the gold fever, and the general activity that prevailed; now the Judges and the Bar have hardly enough to occupy their time.

337. The business has declined? Yes; but it will rise again.

338. Do you think the Primary Judge could take part in the other business of the Court, and at the same time give sufficient attention to the Equity business? He might; he might, for instance, do the Ecclesiastical business, which does not amount to much; but it requires such a different class of Judge to do Equity and Common Law business, that it comes very hard on an Equity Judge to require him to do Common Law business.

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339. Do you say now, speaking of the Judges as a whole, that they are not fully employed at the present time? They are not overworked.
340. Do you think that one Judge, the Primary Judge, could be entirely spared from the other duties of the Court, for Equity business? Certainly, looking to what two Judges had to do. It is true we killed two of them in doing it. Judge Milford and Judge Wise were both killed by over-exertion on their part.
341. And you think that one of the effects of the change you propose would be, that the expense to suitors in Equity would be reduced one-half to two-thirds? Quite that.
342. Do not much of the duties of the Master in Equity consist of mere matters of administration—matters of account? That is done by his Chief Clerk.
343. I need not ask you as to the system that now obtains in the Equity Court, of references, backwards and forwards, from the Judge to the Master—Could these be abolished? Certainly, if the work were done by the Judge himself.
344. The system could be swept away? Yes, certainly.
345. And matters of account might be referred to the Chief Clerk? Yes, as they are now, and over which there is very rarely any dispute.
346. *Mr. De Salis.*] You think it would be advantageous to abolish the office of Master in Equity, and to appoint in his room a new Judge? No, not to appoint any one in his room, but to let the present Judge in Equity conduct his own inquiries.
347. It would be advantageous for the Colony even to go to the expense of appointing a Fifth Judge, if necessary—abolishing the office of Master in Equity? Certainly.
348. *Mr. Parkes.*] I do not understand you to say it is necessary? No, certainly not now, and it will not be for a long time.
349. *Mr. De Salis.*] But if it were necessary, it would be advantageous to have a Fifth Judge in room of the Master? Yes.

James Norton, Esq., called in and examined:—

- J. Norton, Esq.  
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350. *Chairman.*] You are a solicitor in Sydney? Yes.
351. And have been engaged in practice for some years? Twenty years.
352. Have you any acquaintance with the proceedings in the Master in Equity's office? Yes, a good deal.
353. It has been alleged that proceedings in Equity are delayed and rendered very expensive in consequence of what takes place in the Master's office—Are you aware whether or not it is so? I do not know how to answer the question exactly. Do you mean in consequence of faults in the Master's office, or in consequence of the forms of proceeding, or in consequence of suits having to go into the Master's office at all?
354. In consequence of suits having to go into the Master's office at all? They are sometimes delayed, no doubt, but often unavoidably.
355. Would proceedings in Equity be less expensive and more expeditious, if there was no necessity for going through the Master's office? Certainly; there would be less delay and less expense, that is, independently of the question whether it is necessary to go to the Master's office at all. If you can abolish the Master's office, and the proceedings which now take place there, the delay and expense would, no doubt, be materially diminished.
356. *Mr. Parkes.*] From your experience, have you formed any opinion as to whether the present system of conducting business in Equity is satisfactory? I think in the main it is; that is, I cannot say it is unsatisfactory. There are some improvements that can be made; but, so long as Equity practice and Common Law practice are founded on different principles, I do not think you can make any very great improvements, except in detail.
357. Has your experience led you to form any opinion sufficiently definite to enable you to offer any suggestions for the improvement of Equity proceedings? In one case I can. The evidence preparatory to the hearing is now taken in the Master's office, written out at full length, and laid before the Judge when the case comes on. I think that practice leads to very serious delay and very serious expense to all parties concerned. Originally the evidence was taken before the Judge at the hearing, in the same way as it is now at *Nisi Prius*; but the objection to that mode of taking evidence was, that it was always taken down *in extenso*, and therefore the Judge sat in Court doing really nothing while the evidence was being completed. To save the Judge's time, it was proposed that, as in England, it should be taken before the Master, and laid before the Judge at the hearing of the case. The consequence has been, that briefs to barristers have been much lengthened; the proceedings have become more voluminous; the Judge can have no proper appreciation of the evidence, as he has not heard it given; and many other objectionable consequences have arisen.
358. It has been suggested before this Committee, that it would be a great improvement if the office of Master were abolished altogether, and the cases conducted by the Judge in Equity, simply with a clerical branch for doing the clerical business attached to the Court? I do not see any advantage in that. It might be done, but the Judge cannot do all the duties of the Master in addition to his own; they must therefore be done by some one else—either the Master or some clerk in his place.
359. *Mr. Burns.*] Could not the Judge take all the proceedings that you now speak of? I think he might take notes of the evidence on the hearing, instead of having the evidence taken by the Master.
360. *Chairman.*] Then, so far as the Master's office is connected with proceedings in Equity, you would propose to abolish it? No, I would not propose to abolish it. I think

think it desirable to make the change I have named, in the way of taking evidence prior to hearing ; and there might be other minor changes ; but I do not see the advantage of abolishing the Master's office entirely. The main part of the work must be done by some one.

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- 361. Have you been engaged in any suit in Equity? Yes, a great many.
- 362. Do you know anything about any suit that has been long pending? Latterly I have not had the practical management of them in detail ; but some years back I was engaged in some suits for a very long time, and one that I know has been greatly commented on—the Riley Estate partition suit.
- 363. Will you state some particulars as to the time it took to settle it, and the cost? It occupied about four years ; but I know the object of the suit almost entirely failed, because the suit was only necessary on account of some of the parties being minors, and they came of age before it was fully terminated. The expense to the parties was probably not less than £6,000.
- 364. The estate was very valuable? The estate was enormously valuable.
- 365. The suit cost £6,000 amongst all the parties? Yes, but that includes fees to Commissioners who divided the estate, which can hardly be considered law charges.
- 366. Will you be good enough to give the Committee an outline of the history of that suit, from its commencement to the final decision? It was a suit for the partition of the estates of Edward Riley deceased, instituted by the mortgagee of one of the shares, against all the other parties interested under the will. The estates were divided, under a commission issued by the Court, by regular Commissioners appointed by the Court. Deeds of partition were prepared for the purpose of carrying out the partition, and the costs were taxed by the Master. But since that case, proceedings in Equity have been very much simplified ; the case would not now cost anything near the amount it then cost.
- 367. You say the suit was instituted by the mortgagee of one of the shares? There were seven shares ; one of these shares was mortgaged, by the party entitled to it, to Mr. Burdekin ; Mr. Burdekin subsequently bought the share from the mortgagor, and wished to have it set out and divided from the rest. That could not be done, because there were infants interested, who could not give consent, and therefore the plaintiff had to go to the Court to get a partition which would bind the minors.
- 368. Do you know what was the amount involved? Somewhere about £20,000.
- 369. You do not remember what number of years it took to settle it? About four years.
- 370. But the object of the suit was, to partition the land on behalf of a mortgagee who claimed one share? Yes.
- 371. And to settle that, took several years, and cost about £6,000 in law expenses? In law and commission expenses.
- 372. *Mr. De Salis.*] Could this transaction have been facilitated if the suggestion you offered at first had been adopted? No, it would not have made any difference in that suit—no practical difference.
- 373. It would not have expedited it? No, because there were no facts in dispute ; but where there are disputed facts which rest upon evidence, the mode of taking that evidence does have a material effect upon the progress of the suit.
- 374. *Chairman.*] This Riley Estate suit—this suit of Burdekin in Equity—would have taken the same time, and cost the same money, had there been no Master's office? It could not have been carried on without the Master, or some one doing the same duties—either the Master or some other officer.
- 375. *Mr. De Salis.*] In what manner, may I ask, was this large sum of £6,000 spent—Will you be good enough to give some particulars? In costs paid to solicitors and barristers preparing the bill of complaint—the foundation of the whole suit, or statement of the case—the answers of all the defendants, for various reports, a great many of what are called supplementary bills, necessary on account of some change in the position of the parties by marriage or death, various incidental applications during the progress of the suit, and the surveyors' expenses of the commission for the division of the estate.
- 376. These proceedings could not have been facilitated by the Judge taking the evidence? No, there would have been no practical difference. But, as I said before, the proceedings have been very much modified and altered since then, and the costs would be very much diminished now.
- 377. *Chairman.*] In what respect have the modes of proceeding been altered? When a party to a suit died, formerly, it was necessary to file what was called a bill of revivor or a supplemental bill, that is, a new bill to bring the new parties before the Court. Now, that is superseded by the entry of a mere suggestion on the record, which is a very simple matter. Then, in proceedings in the Master's office, a warrant used to be taken out to bring the parties before the Master, when anything had to be done by him. That warrant used only to run for an hour, and at the end of the hour a second warrant must be taken out. If the case occupied all day, perhaps six or seven warrants would be taken out, or according to the time occupied. But, under a recent rule, one warrant only is taken out, and adjourned from time to time till the matter is finished ; so that now we get from one warrant the whole advantage that used to be obtained from forty, fifty, or sixty warrants.
- 378. Are the proceedings in Equity much the same here as in England at the present time? They are very similar ; but there have been a good many alterations made in England, in the offices, which have not been made here.
- 379. You are aware that the Master in Equity's office has been altogether abolished in England? Yes.

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380. Suppose it were abolished here, what would be the difficulty? I see no difficulty, except that you would have to throw the work upon some other of the officers. The Master in Equity here performs more duties than the Master in England performed.

381. You think it would be unwise to call upon the Primary Judge to perform the duties performed by the Master in Equity, in reference to Equity proceedings? I do not think he could do it—I think he has sufficient to do in his own present business to occupy his whole time.

382. *Mr. De Salis.*] Do you refer to his duties as an ordinary Judge, or as Judge in Equity? As Judge in Equity I mean. The Judge in Equity now has as much as he could be fairly expected to do.

383. Merely of Equity business? It is possible he might be able to undertake some of the duties, but not all of them.

384. *Chairman.*] Have you been recently engaged in any suit in Equity? I have not had the immediate conduct of matters in my own hands.

385. How long is it since you were engaged in conducting a suit in Equity? It is many years since I was engaged in the actual management of a suit.

386. Is it ten years ago? Less than ten years; but I cannot say exactly. Of course I am occasionally engaged in them, but not so particularly as to understand the working of all the details of the office.

387. Have you ever considered whether it would be advisable to extend Equity jurisdiction to the District Courts? Yes, I have thought of it a little.

388. Do you think it would be advisable to do so? I think it should be to a very limited extent, if at all.

389. To what value? It is difficult to go into the matter of value—there are so many things you cannot test by value. I see no great objection to allowing them to manage the Equity business to the same extent as they have the Common Law business.

390. Matters involving not more than £200? Yes. But there are certain things to which you can fix no value.

391. What would be the danger of allowing them jurisdiction to the extent of £1,000, where the values can be ascertained? The Judges of the District Courts must always be inferior to the Judges of the Supreme Court.

392. Inferior? Inferior in every way. They are paid less, and therefore you cannot get such good Judges for the District Courts as you can for the Supreme Court. And besides, if the jurisdiction is limited, the practitioners in those Courts must always be inferior men, as a rule.

393. Am I to understand that men are superior or inferior in proportion to the amount paid to them? As a rule, they are. I do not mean to say the salary will make them inferior, but you have a better chance of getting superior men by giving higher pay.

394. The question is, whether an Equity jurisdiction to the value of £1,000 could be safely allowed to the District Court Judges? I think not.

395. Will you be good enough to state why? Because, if the Judges of the District Courts are paid less than the Judges of the Supreme Court, they must necessarily be, as a rule, an inferior class of men.

396. Could we not elevate them by increasing the amount of their pay? Then little advantage would be gained.

397. You really have not thought much about the subject? Yes I have; not very much, but I have thought about it frequently.

398. It seems to me that a man entrusted with the administration of justice in matters to the value of £200, should be as good as a man entrusted with values of £1,000? The rule is well known,—that if you want a good servant, you must pay him proportionately to the value of his services.

399. *Mr. De Salis.*] Would the District Court Judges necessarily be so inferior that it would be dangerous to entrust them with cases up to £1,000? I think so, if they are paid as at present.

400. Are you acquainted with the present District Court Judges? Yes.

401. Do you know any of them to whom it would be dangerous to entrust an equitable jurisdiction to that amount? I do not like to say anything about the Judges personally.

402. *Mr. Josephson.*] Do you think it would be right to allow suits to go into these Courts, when the amount has to be ascertained afterwards by evidence—the regular administration of estates, for instance—do you think the District Courts, as at present constituted, could undertake such suits as these? Certainly not.

403. *Mr. De Salis.*] You say you have thought on the subject we are now discussing. What was your theory as to who should perform the ministerial duties, in the event of the District Courts Judges performing judicial duties in Equity? There must necessarily be further officers—there are no means of carrying on these duties now.

404. Could the Registrar perform any of these duties? Yes, there is no reason why he should not; but if the Registrar now has got as much as he can do, you cannot put extra work on him, or a higher class of work. The duties of the Registrar could be done now by a man very inferior to the kind of man that would be required if the District Courts administered Equity.

405. What do you think of the qualifications of Police Magistrates, or Clerks of the Bench—have they any legal education that would enable them to perform the ministerial duties in Equity in the District Courts? I think not. No Police Magistrate, I think, could perform these duties.

406. *Chairman.*] Do you know what the salaries of the County Court Judges are in England? No.

407. You are aware that Equity jurisdiction is entrusted to them? I believe so.

408. In a case involving values not exceeding £200, would you advise a client to carry it into a Court of Equity? I should have great hesitation in doing it. The expenses would be out of proportion to the result.

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409. Say the value were estimated at £500, would you still hesitate to advise carrying it into Equity? I should try to avoid it. It might be necessary, but I should have some hesitation in doing it.

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410. *Mr. Parkes.*] You would not advise a client to go into Court at all, if his business could be settled without doing so? No doubt. It would be a good thing for me perhaps, but very unprofitable for him.

411. *Chairman.*] Is it possible to lock an estate up by throwing it into Equity? It is for a time. By throwing it into Equity you stop all dealings with it.

412. And if no one proceeds, it may be locked up for many years? Yes; but some one always can proceed; some one is always interested in proceeding; and the person objecting can be compelled to go on. No one can put an estate into Equity, and force it to remain there unproductive.

413. Suppose the case of a trustee or guardian—he throws the estate into Equity, and there is no one to contest the matter with him but an infant—what would happen? It would remain there till the infant came of age.

414. Say the infant should die in the meantime? Then his representatives would have a voice in the matter.

415. Say the representatives are children? It would still remain in the Court.

416. Locked up? Yes.

417. And no accounts are settled—Do you know if that has ever been done? No doubt there are many cases where the estates of infants have been placed under the administration of the Equity Court, and have had to remain there for a very long period.

418. Probably they have been placed in the Equity Court for the express purpose of locking them up? Possibly—I do not say probably.

419. You do not know of any such case within your personal knowledge? No.

420. Do you know if persons ever put up with wrong, rather than seek redress in the Court of Equity? Yes, and in the Court of Law too. A great many persons will suffer wrong rather than go into any Court; but Equity proceedings being more expensive, there is more abhorrence of the Equity Court than of the other Court.

421. Is that abhorrence confined to professional gentlemen, or does it extend in any degree to men engaged in business? It extends principally to non-professional men. Professional men make their living out of these proceedings.

422. Laymen object to being dragged into a Court of Equity, more than lawyers object to the Court itself? Naturally they do. The lawyers make their living out of it, and their interest is to multiply these proceedings.

423. A respectable solicitor would advise his client to avoid it as much as possible? Yes.

424. As he would both Courts? Yes.

425. Comparing the one with the other, the Equity Court is more to be dreaded than the Common Law Court? Rather more.

426. *Mr. De Salis.*] You mentioned that the Primary Judge could not, in addition to his present duties, undertake those of the Master in Equity. Are the duties you refer to performed by the Master himself, or by his Chief Clerk? I refer to the duties performed by the Master—the duty of taking evidence for the purpose of drawing up reports or questions referred to the Master; I think the Judge could not undertake that in addition to his present duties.

427. You are aware that the Master in Equity has nominally other duties which are performed by his clerks? Many of them are performed by his clerks.

428. Do you think the Judge could supervise those duties without the Master in Equity? I do not think it would be of any advantage that he should do so, because it would multiply the duties of the Judge so enormously that he would be apt to overlook some of them. Certainly some of the duties of the Master in Equity might be performed by the Judge without any difficulty, but not all of them.

429. Does it cost a great deal of labour to supervise these duties to which I am alluding, performed by the Chief Clerk and other clerks? It would not involve much labour, if there were good clerks.

430. It would be according to the talent and ability of the clerks? Yes.

431. *Mr. Burns.*] Have you observed that the business of the Supreme Court, or rather the duties of the Judges, has been reduced of late years? Do you mean the duties, or the actual work?

432. The amount of work to be done? Yes.

433. Has been reduced considerably? Yes.

434. Do you think that one Judge might be set apart to devote the whole of his time to Equity business? Yes, I think it would be an advantage.

435. Do you not think all the duties now performed by the Master, except ministerial matters, such as the administration of accounts, might be performed by the Equity Judge so set apart? It depends much on the amount of work he has to do. It is true that the business is less now than formerly, but a very little change in the circumstances of the Colony may increase it amazingly; you cannot take the business for one year as a guide.

436. Supposing the staff of clerks now employed in the Master's office were retained—do you think the Primary Judge in Equity could perform all the duties now performed by the Master, with advantage? I do not think they would be so efficiently performed. The duties of the Judge are so much higher than the duties of the Master that I think the two things would clash—that these minor duties would be considered beneath the Judge, and that he would not properly and fairly attend to them. They would reduce the position of the Judge.

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437. I am speaking of taking the evidence, for instance? I think, as I have said before, that that might properly be done by the Judge.
438. If the duties generally were cast upon the Judge, would not the expense to suitors be very materially lessened—would it not save a great number of references backwards and forwards between the Master and the Judge? It would save them certainly.
439. And that would be a great saving of expense and delay to suitors? Yes.
440. *Mr. Josephson.*] What is the most essential part of the Master's duty? I think the most essential part is to take evidence, and draw up reports, on matters referred to him from the Court.
441. You are aware that for some time there was no Master in Equity? At one time there was no Master—before the appointment.
442. Do you remember in what year? It was before my time, I think.
443. I mean lately? Do you mean the time when Mr. Deffell did the duties of Master in Equity and Chief Commissioner in Insolvency?
444. When he was transferred to the Insolvent Court, about 1865. Have you noticed any period during the last five or six years, when the Equity business has been conducted irregularly or improperly? No.
445. Then we may presume that, during the absence of the Master in Equity, the business was conducted properly and in the usual manner? It might have been, temporarily.
446. Is it your opinion that an efficient Chief Clerk could do everything except take the evidence? I think he might; not quite so well perhaps, but I dare say he might do it.
447. Then, excluding the details respecting accounts and such matters, and supposing that the Judge in Equity should be confined solely to the duties of the Equity Court, do you think he would have sufficient time to take the evidence and draw up any reports that were necessary? I think certainly he would, at the present time, and possibly he might be able to do it always.
448. Then, supposing the Judge could take upon himself these duties, and that the Chief Clerk could perform the other duties—entering into accounts, and looking over vouchers, and performing all the other duties of the office—the office of Master in Equity might be dispensed with? I think it would be an experiment which might succeed, or might not.
449. Supposing the Chief Clerk understood his duty—are you of opinion that the Master in Equity might be dispensed with, and the Judge be confined solely to the duty of Judge in Equity? I must repeat my answer,—that it would be a great experiment, which might possibly succeed, but there would be great risk in it. Of course, taking away the Common Law proceedings from the Equity Judge would relieve him greatly, and would give him more time to perform these other duties.
450. Do you not think the proceedings in the Equity Court might be assimilated to the proceedings in Common Law, regarding the taking of evidence? Yes. You mean evidence before the hearing?
451. Yes? That is one suggestion I have made,—that I think there is no advantage in having a difference between the Common Law practice and the Equity practice, in that respect.
452. Are you aware whether the Master is fully occupied or not at the present time, or whether he has been so for the last two years? I cannot say, with certainty.
453. Do you know of your own knowledge, whether the business is much less within the last three years, than formerly? Yes, the business has been diminishing for some years past.
454. *Mr. Parkes.*] Could you give any kind of estimate of the amount of business in the Court, say during last year? It is very difficult; I do not know on what principle to consider the matter; the number of cases is really no test.
455. That is not exactly what I mean. What I should like to have stated to the Committee, approximately, is, the number of persons who seek redress in the Court of Equity, in proportion to the community? I could not possibly say. It is certainly a very small proportion, but I could not give any idea.
456. Are there twelve cases commenced in the year? I think there must be more than that.
457. Do you suppose there are double that quantity of suits begun in the year? I fancy there are about double; but that could be easily ascertained from the office.
458. *Mr. Josephson.*] You are of opinion that if the Judge took the evidence, not only would the expenses of a suit be very considerably reduced, but it would be carried on with much more expedition? Yes.
459. You have no doubt of that? No. I should add, perhaps, that I should prefer the evidence being taken down as at Common Law, by Judge's note. Formerly it was taken down *verbatim* in Court, which made the Judge sit in Court almost idle, while the evidence was being tediously taken down by the Master *verbatim*.

WEDNESDAY, 10 FEBRUARY, 1869.

Present:—

MR. DE SALIS, | MR. BURNS,  
MR. PIDDINGTON.

JOHN STEWART, ESQ., IN THE CHAIR.

The Hon. The Honorable Alexander Campbell, M.L.C., attending by leave of the Legislative  
A. Campbell, Council, examined:—  
M.L.C.

460. *Chairman.*] You have been for some time engaged in business in Sydney? Yes.
461. Have you ever had a suit in Equity? I have had a suit brought against me in Equity; I never prosecuted one. 462.
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462. Can you give us, in a few words, some particulars of the case, in relation to its duration, its costs, and the amount or value involved? The action was brought against me, as liquidator in the estate of Garland and Bingham, in the name of the Official Assignee.

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463. Garland and Bingham's assignee? Yes.

464. What was the purpose of the suit? I do not know exactly what the purpose of it was, and I do not know that they knew themselves, except to torment me into some kind of settlement with two or three creditors who were not paid in full. They filed a bill for all sorts of things, but for nothing definite, except that I was liable to them for the moneys that they had not received.

465. Was the amount alleged or stated in any way? I do not recollect, but I do not think there was any particular amount stated. The circumstances were these:—I was appointed liquidator to the estate, which was in a perfect state of solvency at the time, showing a large surplus. I went on liquidating, gathering in the assets, and paying the claims as I best could, for which purpose I had very large powers. I succeeded in paying the bulk of the debts—paying the whole of them, with the exception of a few creditors who either had security or were relations of the members of the firm, and who had agreed to allow their claims to stand over until the liquidation was brought to a close—for instance, Mr. Garland's brother and sister, and others. I was a year engaged in this matter; but towards the end of the year I met with an accident, fractured my leg, and was laid up for about six weeks or two months; and during that time, a gentleman, Mr. Alexander Hamilton, since dead, who was acting for his brothers in London, who had a running account which could not be settled until the transactions came to a close, took proceedings to force the estate into the Insolvent Court, under the impression that, rather than allow it to go there, I would pay his brothers what they demanded, which was more than was justly due to them. The estate was forced into the Insolvent Court during my illness, and that, of course, took all power out of my hands. When the estate came into Court, Mr. Hamilton, Mr. Sloper Cox, and Mr. Dight, joined together, and asked Mr. Sempill, as Official Assignee, to bring an action against me for maladministration of the estate. That was the *gravamen* of the claim—that I had mismanaged the estate—that I ought to have paid them, and did not. Mr. Sempill declined to take the responsibility of bringing any action, saying that he did not see any reason for it—so he told me himself; but they insisted upon it, and bargained with him that, on his bringing the action, they would give him a private guarantee for expenses, and hold him harmless. On this the bill was filed, and all the leading barristers were arrayed against me. That was in 1862.

466. Then it was the Official Assignee that carried the estate into Equity? It was done in his name—he was moved by these other parties. The evidence was taken, but with the exception of myself and the real plaintiffs themselves, and two or three others acting under their influence, nobody else was called. Very long evidence was given by themselves, and the matter came before the Primary Judge, Mr. Milford, who decided every point against them. They then appealed to the full Court, and the three Judges confirmed the decision of the Court below, in even stronger language, in my favour, than the Primary Judge had done. The Chief Justice gave a very elaborate and clear judgment upon the equities of the case, and decided that there was no claim whatever against me; and that if these parties had any grievance, they ought to bring their action for themselves. But they prayed for an account, and the rule is, I suppose, invariable, that if a person acts for another in money matters, he must give an account if it is wanted; and of course the Judges decided that they were entitled to an account, which I was always prepared to give, and in fact had given to the assignee, offering to afford him any further information or explanation he might require. This was in 1863 or 1864—1864 I think. It was then referred to the Master to take the account, and if the account was found correct there would be an end to the suit. Well, for the last five years I have been kept in that Master's office by the attorney for the plaintiffs. The attorney who took it up first gave it up, and so did all the barristers. I suppose they saw there was nothing in it. However, it got into the hands of another attorney (not Mr. Sempill's solicitor, but Mr. McEachnie, the attorney of Messrs. Dight and Cox, the real plaintiffs), and he has carried it on for the last five years, trying to get at this account—at least, I have been trying to force them to take the account; but I have never been able, until within the last two months, to bring the matter to a point. I was kept meeting and adjourning, going from the Master to the Judge, and from the Judge to the Master; and for five years I have been kept in this state of annoyance. At last we got to the account; and when we did so, they had not a single objection to it, except the objection that lawyers always offer—a general and undefined objection to everything. It was eventually passed in three hours by Mr. Holroyd, whom I consider to be an excellent Master, and most efficient in the dispatch of business—I can lay no blame to him for this delay. I look upon the machinery of the office as the cause of the delay—not the Master. I think I can conscientiously say that neither Mr. Holroyd, nor Mr. Deffell, the previous Master, delayed this business one hour during the seven years it has been in the Court. The delay has been entirely the fault of the prosecuting attorneys, who were making a comfortable little annuity out of it.

467. *Mr. Burns.*] How long were you engaged in examining the account when you got at it? The account went over I forget how many folios, and came to one hundred and sixty odd thousand pounds. Every item was explained, numbered, and sworn to, and the Master went over it in a few hours after we got at it. And I maintain that the same thing could have been done by the Master at the beginning, if he was allowed to go to work like an ordinary accountant going into an account—at any rate, in one day; although

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although it took me five years, and put me to an expense altogether of £1,500. I suppose the costs on the other side are not less than £1,500, so that altogether the expenses of the suit will amount to £3,000. The Master has reported that he has taken the account and found it correct, and now they have given notice to take exceptions to the report, and to try to get some other means of delaying the thing; and for aught I know, we may take seven years more before we finish the matter—it is very likely. But as my purse is as long as theirs, of course I am content to go on, feeling certain that my costs will some day be refunded. It is a mere matter of money. If I were a poor man, it would have ruined me.

468. *Mr. Piddington.*] Are these costs paid out of your own pocket? In the meantime they are. Of course I shall have a right to get them if the suit goes in my favour. I shall have a claim against Mr. Sempill.

469. Not against the estate? The estate has nothing to do with it—Mr. Sempill has divided the estate. The only grievance I complain of in this matter is, the want of machinery in the Master's office to enable the Master to push the thing to a definite conclusion, the same as can be done at Common Law. It appears to me that the Master has no power to compel the prosecuting attorney to go on with a suit, as the Judges have at Common Law.

470. Your complaint is against the practice of the department? Against the want of power in the Master to push the thing on.

471. Have you thought of any mode of removing such a discreditable system of delay? I have not, because, not being a lawyer, I probably am not competent to give an opinion as to the best mode of doing it. That can be got from the legal profession. But I fancy there is something wrong in a system which compels a man to be for seven, or ten, or twenty years, doing nothing but spending money. When we got to the real gist of the matter, we very soon despatched it.

472. Do you think, if the Master in Equity were empowered to expedite suits in Equity, these delays could be prevented? I fancy if the Master had more power to push cases on, these delays would not take place in mere matters of taking accounts. But after the Master has taken it carefully, and it has taken five years to go through it, it has now to go before the Judge.

473. And if the Judge differs in opinion from the Master, it will be referred back again? Yes. For the last two years, we have in fact been fighting for the costs. An offer came to me indirectly on two occasions, that if I would pay my own costs, they would drop the suit; but I was not disposed to do that, or to enter into any compromise with them on the subject.

474. Mr. Sempill is merely the nominal plaintiff? Yes. That I consider a very great grievance,—that a gentleman in Mr. Sempill's public position, should be put forward as plaintiff, when he has no beneficial interest in the suit.

475. When you say that you have a claim against the plaintiff for your expenses, what are we to understand,—that there is a fund belonging to the estate which is still available? No; there are no funds in the estate now, for they have been divided among the creditors.

476. Then your claim will be against Mr. Sempill personally? Against Mr. Sempill, personally, for which, he tells me, he is indemnified by the real parties to the suit.

477. If it had been a suit at Common Law, it would have been got over long ago? Yes; in six months, no doubt.

478. Can you explain the reason of this delay in getting up the account? Only that it is a snug little piece of business for the attorney who is getting it up.

479. What has stood in the way of the Master insisting upon the accounts being examined? Just the forms of the Court, which are so complicated that he could not get to the account. But if the Master had power to call in two, or three (or half a dozen if you like) accountants—men of business—and put me to the proof of showing my accounts to be correct, he would have done it all in two or three days; and the expenses, instead of being £2,500 for the last five years, would not amount, I am certain, to £50, in this instance.

480. This matter was first referred to the Master to take an account? Yes, they applied for an account in their bill.

481. And the Judge referred it to the Master? Yes.

482. When the matter was referred to the Master, did you express willingness at once to submit your accounts? Yes, I sent in the accounts at once; and in fact, Mr. Sempill had the accounts two years before, fully detailed in the books of the firm.

483. And then, all these delays were the result of the complicated system of the office? I presume so. But I must distinctly say, that I do not think either the present or the previous Master could have forced the thing on one whit quicker, nor could my attorney. It is the practice that is in fault, and the want of power, on the part of the Master, to force the plaintiff to bring on his case. The defendant can do nothing—all must be done by the plaintiff. For instance: the plaintiff might make a move to-day, and then be three, four, or six months, without making any other move, and the defendant cannot compel him to go on. At Common Law, the case is set down for trial, and must come on in due course.

484. *Mr. Burns.*] You have been trustee in a great many estates, I believe? Not a great many.

485. You have been trustee for estates frequently? Yes; some years ago, when engaged in commercial pursuits.

486. Have you ever been trustee in estates that have come before the Equity Court? Yes, I was once.

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487. Was your impression generally, as regards the system of the Court, that it was very slow and tedious? Yes, invariably so. Every lawyer in town will tell you that.

488. Much more so than the other Courts? Yes; you get into Equity, and no one can say when you will get out again.

489. *Mr. Piddington.*] That is not peculiar to this Colony, is it—Equity suits in England are as longwinded as they are here? Yes; but they have expedited matters there, I believe.

490. *Mr. Burns.*] Have you had any experience of the Equity Courts in England? No.

491. *Mr. Piddington.*] In your opinion, could Mr. Sempill have declined to have brought this action against you? Of course he could, and actually did decline to bring it. He would, on his own account, not bring it until he was indemnified by these three creditors.

492. Was there anything in his position to have compelled him to have brought this action at the instance of these three creditors, if he had thought proper to decline? Not that I know of. A large majority of the creditors were against spending any of the money of the estate, and Mr. Macfarland, who was then Chief Commissioner of Insolvent Estates, put it in their power to say whether they would take their dividends and give up all claims to the action. All did so but these three, who gave their private guarantee to Mr. Sempill, and so induced him to bring the suit. He might have refused to proceed in the matter, I imagine.

493. *Mr. Burns.*] Was he under any absolute necessity to allow his name to be used as plaintiff? No, he might have declined to do so at the instance of a minority of the creditors, I think.

494. Could these creditors themselves have brought the action, without using Mr. Sempill's name? I believe they could. The first idea was, to seize upon the funds of the estate, and use Mr. Sempill's name, to worry me into a compromise; and they did actually seize on £1,200, but a majority of the creditors and the Court decided against them, and they were obliged to distribute the amount.

495. Could they not have proceeded against you as individuals, as well as under cover of Mr. Sempill's name? No doubt they could, but they would have had to do it separately; and one action was more conveniently carried on, and less expensive to them, than three.

496. *Mr. De Salis.*] I understand that there is no estate of Garland and Bingham? No, there is no estate now—for the funds have been divided, I am told.

497. The suit is not finished, and there is no estate at present? No.

498. Then it is on proving your mismanagement, or misacting, that they solely depend? Entirely. They fancied they would find some flaw in my proceedings.

499. Have they shown any flaw that would satisfy any business man? No, they have not sought to find it in my accounts; they have not objected to anything special in my discharge. They told me before that they had no doubt the accounts were correct, but they wanted to find some flaw in something I had paid, and ought not to have paid, and on some such point as that, upset me.

500. But they have not shewn anything of the kind yet? No.

501. *Chairman.*] Then the suit was actually instituted for the purpose of compelling you to do a thing you thought not proper? Just so.

502. And whoever loses it will have to pay the costs out of his own pocket? Yes.

503. *Mr. Burns.*] Supposing the parties, at whose instance Mr. Sempill brought this action, should not be in a position to pay the costs, you will lose your costs? I suppose Mr. Sempill would have to pay me. I have no claim on the other parties. I can only come on Mr. Sempill.

504. And if he becomes unable to pay, you will lose your costs? Yes.

505. *Mr. Piddington.*] As far as the initiation of this suit has gone, the initiation of the suit does not affect the practice in the Master in Equity's department, or the conduct of the Master in Equity himself? No.

506. It appears, from what you have stated, that the initiation of the suit has no connection with the Court, but depends upon the voluntary action of Mr. Sempill, who has no interest in the suit personally, nor has he any interest as trustee of Garland and Bingham's estate? No, he has no interest in it, and he says he saw no occasion to bring the suit, having gone through the books and found everything right.

507. Are you aware whether such a course of proceeding as Mr. Sempill has taken in this particular case, is defensible through any clause of the Insolvent Debtors Act? I believe it is wholly indefensible. I think that at Common Law the Judges have decided, in the case of Broughton and Barker, that an assignee cannot be made a tool of to subscribe private interests and personal spite, as has been the case here.

508. What is your opinion of Mr. Sempill's conduct, in allowing his name to be used in a suit wherein he has no personal interest, nor any interest as assignee of the estate of Garland and Bingham? My opinion is, that he ought to have declined to bring the suit, and told these gentlemen they must bring it themselves, seeing that, on his own confession, he saw no advantage to the estate in bringing the suit. He stated that over and over again. He has never appeared to the suit; and it is not his solicitor, but the solicitor of Messrs. Cox and Dight, that is carrying it on. He told me, two or three years ago, that he was most anxious to put an end to the suit, but could not do it, as the attorney refused to recognize him in the matter. He made a mistake in the first instance, and now he is anxious to rectify it, but cannot.

509. *Mr. De Salis.*] Is Mr. Sempill's name necessary to carry on the suit? Not at all, I imagine, for Messrs. Cox and Dight could have filed the bill in their own names.

- The Hon. A. Campbell, M.L.C.  
10 Feb., 1869.
510. *Mr. Burns.*] You say that Mr. Sempill has acknowledged to an error on his part? I do not say he has acknowledged that in direct terms, but he has told me often that he has been most anxious to put an end to the suit, but cannot do so, in consequence of its having got into the hands of a solicitor over whom he has no control.
511. *Mr. De Salis.*] If the functions of Primary Judge and Master in Equity had been performed by the same person, do you think the suit could have been prolonged to this length of time? I believe not. If the evidence had been given before the Judge, he would have dismissed the suit long ago. The evidence not being given before the Judge, he does not see the effect of it. I believe the Judge would have disposed of it five years ago, if the Master's office had not had to be appealed to. I believe no Judge could have stood the absurd objections and discussions raised in the Master's office; and yet I do not see how the Master, under existing rules, and with his present powers, can mend matters.

TUESDAY, 16 FEBRUARY, 1869.

Present:—

MR. PIDDINGTON, | MR. BURNS,  
MR. LUCAS.

JOHN STEWART, ESQ., IN THE CHAIR.

Mr. Stewart Majoribanks Mowle called in and examined:—

- Mr. S. M. Mowle.  
16 Feb., 1869.
512. *Chairman.*] You are a Clerk in the Legislative Council Department? I am Second Clerk in the Office of the Legislative Council, and I attend here on behalf of the Clerk of the Parliaments.
513. Do you produce some papers that have been asked for by this Committee? I do; I produce the evidence given by George Hibbert Deffell, Esq., Master in Equity, on 18th May, 1865, before a Select Committee of the Legislative Council, on "Office of Master in Equity Abolition Bill." (*The witness produced the same. Vide Appendix C.*)
514. Have you any other papers? I produce also a Return of Decrees, Orders, and Fees in Equity, from 1 January, 1855, to 31st December, 1864; a Return of Reports and Certificates in Equity, from 1st April, 1857, to 31st December, 1864; and a letter from Mr. Deffell to the Clerk of the Parliaments, dated 9th June, 1865, transmitting certain Returns, which I also produce, viz.:—Return of Bills, &c., filed in Equity, from 1 January, 1855, to 31 December, 1864; and six Quarterly Accounts, from 5th January, 1864, to 5th April, 1865. (*The witness produced the same.*) It appears from Mr. Deffell's letter, that these Returns are explanatory of his evidence. I may be permitted to state, that they never came before the Select Committee, in consequence of its not having met again, but were sent in subsequently to the examination of Mr. Deffell.

Henry Prince, Esq., called in and examined:—

- Henry Prince, Esq.  
16 Feb., 1869.
515. *Chairman.*] You are a merchant in Sydney? Yes.
516. Have you been long in business in Sydney? Yes, a number of years.
517. You were engaged in an Equity suit lately? Not very lately; the suit began in 1862, and did not terminate until 1868.
518. What was the cause of the suit—the nature of it? It arose out of a claim our firm had against a storekeeper at Tumut, amounting to some £16,000. We had considerable security for our claim; and remittances not coming down as we were reasonably led to expect, we threatened to realize upon some of our securities, consisting of mortgages on real property, and bills of sale on personal property; whereupon, they filed a bill to prevent our realizing upon our securities, which necessitated our filing a bill also, so that we had cross bills.
519. When was that? In 1862. Our claim was then £16,164 5s. 1d., on the first July, 1862—immediately prior to which, there were properties belonging to the estate, over which we had mortgages and securities fully of a like value, consisting of real property and stock, and book debts belonging to the estate.
520. The moment the estate was thrown into Equity, you were precluded from dealing with it at all? We were utterly helpless.
521. On what pretence was it brought into Equity? The bill they filed declared that they were not indebted. The parties indebted to us filed a bill to prevent our realizing upon our securities, and stated in the bill that they were never indebted.
522. Then it would appear the estate was brought into Equity for the purpose of locking it up? Quite so.
523. So that no one could deal with it? They could deal with it, but we could not. There was no receiver appointed. Very long accounts had to be gone into, and we had to prove our claim.
524. How long did the suit last? For about six years.
525. How was it finally disposed of? I can tell you how it happened. The family retained possession of the real property, the stock, and the book debts. There was no attention paid to the keeping of the premises in repair, and we were utterly helpless to do so. They received all the rents, sold all the stock, and received all the debts; and we could not help ourselves. At the end of these six years, we had paid to recover this £16,164, law expenses to the amount of between £1,100 and £1,200; we had sundry expenses of witnesses

witnesses in one shape or other, amounting to upwards of £350; and we finally received from the Master in Equity £3,132 10s. 5d. I may state that, two years after this matter had come into Equity, the parties indebted to us acknowledged that they were so indebted, though they had filed their bill and sworn they were not—that was in May, 1864. They then made what the Court called a concession to us, and allowed us to have the verdict of the Master in Equity, provided we would allow them a commission on the amount realized by the Master in Equity. We were quite helpless, according to the present constitution of the Court. I had a long conference with our barrister, and also with Messrs. Spain and Roxburgh, our solicitors, upon this proposed concession, in May, 1864; and though I protested strongly, they simply told me that if I did not agree to it I should not get anything—that the thing would be interminable, and never be brought to a conclusion; and, in utter helplessness, I was obliged to yield. But though this was done, and our right to everything acknowledged, we got no settlement until November 14, 1866—two years and a half afterwards.

Henry Prince,  
Esq.

16 Feb., 1869.

526. Then you realized only about £3,000 out of the £16,000 due to you? Yes.

527. Was that clear of the costs of the proceedings? Clear of the charges in the Master in Equity's office, but not clear of the charges of our own solicitor, which we paid every six months—averaging about £200 a year.

528. *Mr. Burns.*] What was the total cost of the charges of your solicitor, other than the charges paid in the Master's office? Between £1,100 and £1,200, independent of the Master's charges.

529. I presume the Master in Equity deducted from the sales of the property realized upon, whatever his charges might have been, and the amount you received was the net amount? Yes. The Master's charges, I believe, amounted to 5 per cent.

530. *Chairman.*] What would the estate have realized, had it been left in your own management? If the matter had been left to the management of a number of mercantile men to realize upon, and everything done in proper legal form, nine months ought to have been the outside for realizing the whole estate, and I have no doubt at all it would have realized somewhere about £12,000. I consider that, by this suit in Equity, I lost £10,000 and more, taking interest into account.

531. Besides the delay? Besides the delay, trouble, and inconvenience. My own opinion is, if you will excuse me making the remark, that this delay arises not so much from the working of the Master's office, as from dilatoriness on the part of the professional gentlemen outside—you cannot get them to do their work. There are two solicitors and two barristers, and they prolong the thing from time to time, and you cannot get them to work. But there is an absence of some rule or regulation in the Master's office to make these gentlemen do so. During the administration of the present Master, I know several cases where he has called upon attorneys to do certain things. Had this plan been adopted in my case and many others, no doubt different results would have been arrived at.

532. Do you know why lawyers are less willing to proceed with cases in a Court of Equity than in a Court of Common Law? I suppose the prestige of the thing is that it is endless, and therefore if they have a good client they are not anxious to bring it to a close.

533. There must be some reason why they proceed less promptly in one Court than in the other—you do not know what it is? No.

534. Were you frequently in the Master's office during the progress of this suit in Equity? I was, and I believe the matter was finally brought to a close on my own urgency, insisting upon seeing the Master himself, and representing to him the great injustice I was suffering from the long period that had elapsed since the concession on the part of the other parties.

535. Have you seen Mr. Holroyd lately? I have not.

536. When you were called into the Master's office during the progress of the suit, was it for the purpose of being examined? I was examined two or three times. Whenever I went to the Master's office it was for the purpose of being examined, except the last time, when I got out of patience, and insisted upon seeing the Master; I was not examined then—I simply had a conversation as to the best means of bringing the matter to a close. I must say I found Mr. Duffell very courteous and willing to oblige.

537. When you were examined, did the examination continue till the inquiry was closed, or was it interrupted? We used to be at the Master's office perhaps for two or three hours, then there would be other appointments, and we had to adjourn perhaps for a week; then the examination as to the accounts would come on again.

538. That is to say, the inquiry once commenced was interrupted for days or weeks, to be resumed at some interval? Yes; it would have been impossible to have continued it to the end, the accounts being so voluminous. The inquiry must necessarily have been adjourned—it would have been beyond endurance to have gone through the accounts at one sitting. It was the intolerable delay in getting to work that was the mischief.

539. Which of the solicitors caused this delay—was it yours? No, it was not ours; it was the solicitor on the other side. We had at last to make application to the Court to insist upon his doing certain things. Mr. Readett was the solicitor's name, I think.

540. Then the party who threw the estate into Equity was the cause of the delay in the proceedings? Yes, that was their object.

541. Had he any beneficial interest in preventing the final settlement? His clients had; because until we could get a settlement we could not interfere with the property, and all this time the real property was going to wreck and ruin, and they were selling the stock and collecting the book debts. Since this case, I have had many cases that ought to have been adjusted in the Court of Equity; but I was afraid, and have rather suffered serious injustice than go into the Court again.

542. You have compromised just claims, rather than go into the Court of Equity? Yes.

543.

Henry Prince, Esq. 543. Is it possible that this suit may be revived at some future day? No, I think not. We have had all the assets that were left. We know very well what has become of the remainder of the property, but we have no evidence, and therefore cannot follow it.

16 Feb., 1869. 544. *Mr. Piddington.*] I think you have stated that the total amount of your claim was upwards of £16,000, that your law expenses amounted to £1,100 or £1,200, and your other expenses to between £300 and £400, making a total of about £1,500; so that, with these expenses added to your original claim, the debt became increased to about £17,500? Yes.

545. Then I understand you received £3,132 10s. 5d., leaving, in round numbers, a loss to you on this transaction of some £14,000? Yes—£14,300. In fact, it took half what we received from the Master in Equity, to pay our costs and the expenses of the witnesses, without interest or anything of the kind; so that our net amount was about £1,500—the residue going for expenses.

546. What was the nature of the concession you felt compelled to make in 1864, two years after the commencement of the suit? The concession was proposed on the other side. They saw our utter helplessness to do anything; and, as they had realized all the personal estate, leaving nothing but the real property—which of course they could not sell, because it was all mortgaged to us—finding they had got all they possibly could out of the personal property, I suppose they thought they had better get something out of the real estate; they therefore proposed what was called a concession to us, if we would pay their expenses, and allow them a commission on the amount realized, binding themselves to use all diligence in bringing the matter to a close, and not to offer further obstructions, which they could have done. The construction of the Master's office is such that they could have done so—they could, as our solicitor told us, have carried the thing on without end.

547. Then I understand you to state that, in your opinion, if you had not agreed to this concession, the whole of the estate would have been gradually swallowed up in costs? Yes, and very shortly too.

548. What was the description of security you held over the real property? Mortgage.

549. Did your mortgage contain a power of sale? Yes.

550. What was the reason you did not foreclose? We commenced the action; but when a bill is filed in Equity it supersedes any action at Common Law.

551. *Chairman.*] It locks up the estate, in fact? Yes; you cannot proceed any further in the Supreme Court.

552. *Mr. Piddington.*] Had your mortgage matured? Yes, for a long time.

553. And you could not sell? No.

554. What was the nature of your security over the personal property? A bill of sale.

555. Could you not put a person in possession and sell? No, not after the bill was filed in Equity.

556. You are aware that the object of this Committee is to inquire into the propriety of abolishing the office of Master in Equity. Now, in your case, could not the debtor have applied to the Supreme Court in the Equity Jurisdiction, even if the Master's office had been abolished? My own common sense dictates to me that he could, but I do not know the reason the Law Courts have for distributing the various suits.

557. Do you think that, if the office of Master in Equity were abolished, that of itself would secure the speedy termination of suits in Equity? I presume there must be a head to every office to conduct and see that the details are carried out. But there should be rules binding the attorneys practising in the office to attend to their duties within a certain time, as I believe there are in the Supreme Court, by which attorneys bringing suits must within a certain number of days do certain things, otherwise their clients suffer. I believe if some rules were in existence in the Equity Court, having the same tendency, they would prevent all this dreadful delay.

558. Then, I understand you to state it as your opinion, that the cause of these prolonged suits lies in the absence of certain rules, which might emanate from the Judges of the Supreme Court? I think so. They might make rules for the guidance of the Equity Court, obliging the practitioners to carry on suits with a reasonable degree of expedition. There is now nothing of the kind, and the attorneys just please themselves. I believe that is the root of the evil,—the absence of rules to regulate the time within which certain things are to be done in the Master's office.

559. I think you have stated that the plea in the suit in which you were concerned was, that the plaintiff was not indebted to you? Yes, they were obliged to swear to that; and it struck me as extraordinary that these people, knowing as they did that the claim was just, could make such a very solemn oath that they were not indebted. I could not understand it; and on application to my solicitors, I was simply told, in reply, that it was quite customary—that though they took a solemn oath of that kind, it was a matter of course, a thing that it was necessary to do, and that we could not reach them by any criminal proceedings for perjury. The bill all through was false from end to end, and yet they could not be punished for committing such an act of perjury. The very fact of their afterwards making the concession—admitting that the bill filed was not a true bill—showed that, from the first, they knew they were indebted.

560. If the plea of not indebted had been tried before a jury, would there have been any probability, so far as your knowledge of cases you have been connected with at Common Law extends, of a speedy decision of the suit? It could not have required to be tried by a second jury—the facts were so patent.

561. If the trial had taken place at Common Law, would there have been any chance of a long period elapsing between the trial and the decision of the matter? Not at all; it would have taken no more than the time required for an ordinary trial. They could, in fact, hardly have defended it.

562. So far as your experience of the Court of Equity has extended, you have found it to be a Court of injustice? Quite so—of cruel injustice, so far as I was concerned. Henry Prince,  
Esq.

563. So that it is quite a misnomer to call it a Court of Equity? It should be called a Court of iniquity rather. 16 Feb., 1869.

564. Have you formed any opinion as to the best course to be adopted for providing against delay in trials? I am not sufficiently acquainted with law to know the difference between what is called a suit in Equity and a suit in the Supreme Court. I always understood that law was the essence of common sense, and that when you went to the Supreme Court you got justice.

565. Was there anything of such a peculiar character in the accounts between you and your debtor, that a special jury in a Court of Common Law could not have decided the matter? Not at all; it would have been decided directly; it was a plain debtor and creditor account. The vouchers could all have been produced in the Supreme Court as they were in the Master in Equity's office, and any ordinary jurymen would have seen what they meant. The injustice I complain of, as between a Supreme Court trial and a suit in Equity, is this, that I could have got speedy justice in the Supreme Court, whereas there was endless delay in the Equity Court, and the bill filed rendered me absolutely helpless, while it enabled my debtor to deal as he pleased with a large portion of the assets, and was, in fact, filed for that very purpose.

566. In this case, the intervention of the Equity Court produced a failure of justice? Very much so.

567. *Mr. Burns.*] Supposing the Master in Equity or the Judge had had power to compel the parties first filing the bill to come to an issue, your case would have been shortened very much? Yes.

568. Did you not find, as you proceeded, that whenever you came to be in a position to bring your opponent to deal with the facts, then the solicitor did not do something that was necessary to enable you to do that? Exactly—the debtor's solicitor.

569. His object all along was delay? Yes.

570. And there was no power on the part of the Master to compel him to go on? No; though I understood that if a certain complaint had been lodged with the Master, he would have had authority to insist on certain things being done; then the attorney on the other side is called upon to show why such things should not be done, and on the smallest possible pretext on the part of the other attorney, delay is granted—not for a day or two days, but a month is given for frivolous things. In many instances our solicitors had to apply to the Master to insist on these parties doing certain things; and instead of a reasonable time, a month was granted.

571. Did you not find from experience that, so long as the opposing party did not care about bringing the suit to an end, it might have continued? Yes.

572. How much do you suppose this property would have realized, if it had been sold when the suit in Equity was first commenced? If the estate had been taken charge of by the Master, realized under a receiver, and the parties indebted not allowed to treat the estate as they pleased, our loss would not have been so great by £10,000.

573. *Mr. Lucas.*] Had you security on the book debts? Yes, a bill of sale. The book debts considered good, and the stock, amounted together to about £6,000, and the uncertain book debts to about £3,000.

574. *Mr. Burns.*] What was the value of the landed property? There was a mill valued at £3,500, flour in the mill worth £1,000, and the other landed properties were worth about £4,300, besides draught horses, working bullocks, and drays, to the amount of £1,000.

575. When you speak of having realized about £3,000—was that by a compromise, or was it the result of sales? The result of sales by auction, by order of the Master in Equity.

576. Did they account to you for the personal property? Not a sixpence, nor to the Master in Equity either.

577. Were the expenses of the sale of the landed estate greater than they should have been? No; but if the property had been sold within a reasonable time after the filing of the bill, it would have realized a couple of thousand pounds more.

578. It had become decayed? Yes.

579. Did you not find a great many needless delays in going backwards and forwards from the Master's office to the Judge? Yes.

580. *Mr. Lucas.*] Do you know if the office of Master in Equity is abolished in England? I do not.

581. I believe great delay is caused by the frequent references from the Judge to the Master, and from the Master to the Judge? Yes; but the main thing wanted is, promptness in the action of the Court—some rules to bind the attorneys to go on.

582. You seem to think it is the attorneys' fault? I think, in a very great measure it is. There are no rules strict enough to bind these gentlemen to do their duty.

583. Do you think rules can be made strict enough to make them do their duty? I should think so.

584. What amount do you think could have been realized if the estate had been realized at the time the bill was filed? As I stated before, I should be at least £10,000 better.

585. What would you have realized if you had sold under the securities you held—£13,000? Not £13,000 perhaps, but the expenses would not have been so much—if the matter had been wound up in twelve months, there would have been a saving of £1,200 or £1,300 in expenses alone. We might, perhaps, have realized about £12,000 if the estate had not gone into the Equity Court.

586. And after six years' delay and loss of time, you only got £3,132? Yes, that was the net amount received from the Master's office; out of which, we paid about £1,500 for expenses.



DUTIES OF MASTER IN EQUITY.

APPENDIX.

(To Evidence given by *W. G. A. Fitzhardinge, Esq.*, 5 February, 1869.)

A 1.

In the Supreme Court of New South Wales. }  
In Equity. }

BETWEEN Mary Higham, Betsy Higham, Robert Higham, Margaret Higham, and John Higham, infants, under the age of twenty-one years, by Samuel Ewart, stepfather of the said infants, and their next friend, plaintiffs; and William Hellyer and William Jones, out of the jurisdiction, defendants,—

By original suit : and

Between Eli Daw and Mary Daw, formerly Mary Higham, Betsy Higham, Robert Higham, Margaret Higham, and John Higham, infants, under the age of twenty-one years, by Samuel Ewart, stepfather of the said infants, and their next friend, plaintiffs; and William Hellyer and William Jones, out of the jurisdiction, defendants,—

By order of revivor : and

Between Eli Daw and Mary Daw, formerly Mary Higham, Betsy Higham, Robert Higham, William Jones, and Margaret Jones, formerly Margaret Higham, and John Higham, infants, under the age of twenty-one years, by Samuel Ewart, stepfather of the said infants, and their next friend, plaintiffs; and William Hellyer and William Jones, out of the jurisdiction, defendants,—

By further order of revivor : and

Between Eli Daw and Mary Daw, formerly Mary Higham, Betsy Higham, Robert Higham, William Jones, and Margaret Jones, formerly Margaret Higham, and John Higham, infants, under the age of twenty-one years, by Samuel Ewart, stepfather of the said infants, and their next friend, and William Lynch and John Roberts, plaintiffs; and William Hellyer and William Jones, out of the jurisdiction, defendants,—

By further order of revivor :

And in the matter of the Trustee Act of 1852 and 1853.

A 2.

(Published in *Herald and Empire*, Monday, 4 May, 1863.)

In the Supreme Court of New South Wales. }  
In Equity. }

His Honor the Primary Judge delivered the following judgment, on Friday :—

*Riordan v. Hellyer and others.*

In this suit, a decree, on further directions, was made, by which some part of the property—as to which the original decree was made—was directed to be sold for the payment of the arrears of an annuity and costs of suit. Mr. Hoppood became the purchaser of the first lot, but he refuses to complete the purchase, alleging that a good title cannot be made.

The first objection is, that the decree directing a sale was erroneous, the Court not having power to order the land to be sold; and that, even if it had the power, it ought not to have so decreed. As to the latter part, if not the whole, of the objection, the case of *Baker v. Souter*, 10 Bear. 343, is a complete answer. If the Court has jurisdiction, and there are proper parties, any irregularity in the decree will not vitiate a sale under it. In this case, however, it is clear that the decree made for the sale was proper. The bill originally was instituted praying for an account and payment of arrears of an annuity, charged on the rents of the defendants' land, who were infants. A question arose as to whether the plaintiff was not to be put to her election as to taking under or against a will which appeared to pass to the infants, the real estate charged with the annuity, part of it being claimed by her under a deed. She elected, and her claim to the arrears of the annuity was allowed only as to part, and she was held to be entitled to a part of the real estate. These arrears of the annuity, and the costs of the suit, were directed to be raised by sale of the infant's estate. I am at a loss to see the least ground of objection to this. In suits for the administration of estates, real property belonging to infants is sold for the payment of debts and costs; and I apprehend that the Court can always do this when the real estate is dealt with, or adjudicated upon in the suit. The Court cannot dispose of an infant's real estate, simply because it may be beneficial to the infant; but if there is any debt or charge on it which ought to be paid, the Court is bound to raise it, if there should be no other fund, by sale of the infant's real estate. In the present case there was no fund for payment of the costs except this real estate, and therefore the direction was right.

Another objection taken is, that there is no evidence of the widow of a Mr. Chisholm, a former owner of the estate, not being entitled to dower. I cannot find that there is any satisfactory evidence excluding her right; and it being shown that he was seized in fee, the vendor must shew that the widow is not entitled to dower.

Another objection is, that the pedigree of the infant defendants is not proved; and I agree in this. In questions of pedigree, declarations by members of the family are admitted in evidence, but they must be made *ante litem motam*. In the present case, none such have been produced. It is said that the affidavits made in the cause are evidence of title, but that is not so; they can only be evidence between parties to the suit and persons claiming under them—not as between such persons and strangers to the suit. A purchaser is entitled to have furnished to him muniments of title, so as to protect it against all the world; and these depositions or affidavits would not have that effect. As declarations, they are not evidence, as a dispute was pending when they were made, which renders them inadmissible.

The third condition of sale is, that the vendor is not to produce or give documents which he has not got; but that does not go to prevent his proving his title, which he is bound to do; and if he is under the necessity of procuring documents for that purpose, he must give them up to the purchaser. A condition of that kind, therefore, is of little use. I understand that the objections as to the questions of dower and pedigree were taken before the time limited for taking them, under the conditions, had elapsed. The objection taken that the infants cannot convey, is not one of title, but of conveyance, and an order can be obtained so as to obviate that difficulty.

Though there are several exceptions taken, the only material and comprehensive one is, that the Master has found that the vendors can make a good title. I, therefore, allow the exceptions, and direct the Master to review his report, with liberty to take further evidence, and with liberty for the vendors to make out a title before him, within one month. As the Master has found that there was a good title, I do not see that I can give costs of the exceptions on either side. Let the purchaser take back his deposit, and reserve the consideration of costs of, and incidental to, the former and present reference, and of the orders made in consequence of the sale, until after the Master shall have made his amended report.

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### A 3.

ONE reason for abolishing the office of Master in Equity is, that the saving of costs thereby occasioned will be beneficial to persons of small means, whose only remedy for wrongs done to them is "a suit in equity," of which remedy they are altogether deprived, by the expense entailed on a suit, by the proceedings in the Master's office.

I have, on an average, from four to six applications every year, from parties (mechanics, small farmers, and others, whose sole income is derived from their daily labour, or who are infants) whose parents have died, leaving property worth from £300 to £1,000, which has been taken possession of by executors, or administrators, or trustees, under a settlement or will, who have wasted, or can not or will not account for the property.

The parties to account have mostly wasted their own property, as well as that entrusted to them; and when I tell the applicants that they must put the matter into "equity," they are compelled—in fact, I advise them—to abandon their claims; because it will cost them more money—to say nothing of their loss of time, and vexation—to bring the defaulting parties to account, than they will probably recover.

The costs of one of these suits, if contested, would now be £200 and upwards. If the Master's office were abolished, and the Judge conducted the inquiry for himself, the costs might be reduced to £50. The client has to suffer wrong, and the solicitor loses what would be good business.

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(To Evidence given by George Hibbert Deffell, Esq., 3 February, 1869.)

### B 1.

George Hibbert Deffell, Esq., to O. F. Kelly, Esq.

Supreme Court,  
6 February, 1869.

Sir,

1. When yesterday returning the corrected evidence (which I gave, on the 3rd instant, before the Select Committee on "Duties of Master in Equity"), I omitted to append the letter which I mentioned to have sent to Mr. Attorney General Plunkett, dated the 23rd October, 1865, now subjoined.

2. The doubts referred to in the 3rd par. (if the Primary Judge could be able to devote continuous time for taking evidence prior to the hearing) apply with increased strength, from the recent extension of Circuit Courts for this year, and from the probability of additions being made, from time to time, to such Courts.

3. Under these circumstances, I do not consider that the alterations formerly proposed, by sections 10 to 15 inclusive, are now capable of being carried out, with advantage to equity suitors. All the other sections, I believe, would still be beneficial, if enacted, to the Equitable Jurisdiction of the Supreme Court.

4. I have the honor to request that you will submit this letter to the consideration of the Select Committee, to be either treated as an appendix to the evidence as already given, or to be added by me, on re-examination before the Committee.

I remain, &c.,

GEORGE HIBBERT DEFFELL.

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### B 2.

George Hibbert Deffell, Esq., to Mr. Attorney General Plunkett.

Supreme Court,  
23 October, 1865,  
Monday morning.

Dear Mr. Attorney,

I enclose the draft of a Bill for further amending Equity Practice and Procedure, which, at our interview on the 9th September, I undertook to do.

It was only on Wednesday last that I became aware that Parliament was to meet this week, otherwise I should have sent it before, as the draft was prepared in July.

I must candidly confess that the large extension given to Circuits, in 1866, will not so well accord with the scheme of that Bill, which I had conceived workable by a Primary Judge in Equity relieved of Circuit business.

I remain, &c.,

GEORGE HIBBERT DEFFELL.

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C.

## C.

(To Evidence given by Mr. Stewart M. Mowle, 16 February, 1869.)

EVIDENCE given by George Hibbert Deffell, Esq., on 18th May, 1865, before the Select Committee of the Legislative Council, on "Office of Master in Equity Abolition Bill."

## OFFICE OF MASTER IN EQUITY ABOLITION BILL.

Thursday, 18 May, 1865.

PRESENT:—

Mr. Plunkett, in the Chair.

The President,  
Mr. Docker,

Mr. Deas Thomson, C.B.,  
The Solicitor General.

George Hibbert Deffell, Esq., Master in Equity, examined:—

1. *Chairman.*] You hold the office of Master in Equity? I have held the office of Master in Equity of the Supreme Court for eight years and upwards.
2. Will you inform the Committee what the particular duties are that you discharge? I discharge the office that was formerly performed by the Master in Chancery. I also perform the duties of Registrar in Chancery—the duties of Examiner in Chancery—Record and Writ Clerk—and Accountant General, as far as relates to everything except signing the cheque, which is done by the Judge, and I countersign it, as the Registrars do at home.
3. Are these the duties that properly belong to the office of Master in Equity? The Mastership in Equity was revived by the 4th Victoria, No. 22, sec. 22, and the Master was to perform all other offices that were cast upon him. The results of the Rules of Court have been, that these various duties which I have enumerated are performed by me, in the name of Master in Equity, besides performing the duties of Lunacy Master and Registrar in Lunacy. Under the Rules of Court, all equitable proceedings are commenced in the Master's office, which would correctly, in England, be described as commenced in the Record and Writ Clerk's office. Proceedings in reference to the pleadings in suits by bill are conducted and filed in my office, instead of the Record and Writ Clerk's office; and when Repletion is filed, and the cause is at issue, the examination takes place before me as Examiner, as it formerly would, or rather, often does, in the Court of Chancery, take place before the Examiner, except as the alteration has been to take the evidence before the Judge, as to certain issues, in the last few years, in Chancery. Prior to 1845 the examination was before the Judge in Court —
4. You speak of this Colony? Yes—but by a Rule of Court of 1845, that examination is taken before the Master in Equity, and has since continued so. When the cause is ripe for hearing, it is set down before the Primary Judge, and the decree made, and then the proceedings before me as Registrar take place, by the drawing up of the decree, which in England would be done by the Registrar. The prosecution of accounts, inquiries, and references, then takes place before me, as formerly before a Master in Chancery, with the exception that many of the Colonial Rules of 1848 and 1850 have simplified proceedings in this Colony, assimilating them to Common Law proceedings, which have never existed in the Court of Chancery.
5. Can you refer to those rules? Those rules almost all appear in the consolidated rules, by the marginal references. They consist of rules 12, 16, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 38, 39, 40, 45, and 46, of chapter 28 of the Consolidated Equity Rules of the Supreme Court.
6. Before the office was revived, when evidence was taken, as you have already said, before the Court itself, who performed the duties of Registrar? The Master in Equity performed the duties of Registrar.
7. There was no Master then? Master Milford was appointed in January, 1843, I believe, and from 1843 to June 1845 he acted as Registrar, and took down the evidence that was given in Court, though it was in the presence of the Judge at the hearing. It was then found that, where there were a great number of witnesses, it caused a good deal of expense. There might be five or six causes on the paper of the Equity Court, and the Court not sitting *de die in diem*, but only one of three Judges occasionally sitting, the expense of keeping a number of witnesses for several days or weeks, and the causes standing over for a great time, caused expense to be more heaped up than was supposed likely to occur by taking them at a time certain, only one at a time. There were three Judges, and the Equity Judge only could sit on selected days, having other duties to perform. After the proceedings prescribed by the rules to which I have referred, a report upon the accounts or inquiries is made, and a decree is very often made, which is called "on further directions," giving the exact sums that either party has to pay. At that time, generally speaking, the costs of the suit are disposed of, and the Master in Equity here performs the duty of Taxing Master in the Court of Chancery, which is there a separate office distinct from the Master's, and I believe one which I omitted to mention as a specific separate duty which has to be performed by me; so that, in fact, there are here five separate offices conducted under one name.
8. If the office of Master in Equity were abolished, as proposed by this Bill, on whom would these several duties devolve? I have only had a cursory view of this Bill this morning—I have not seen it before; but I do not see that there is any provision as to many of these duties—there may be as to some. I see the Chief Clerk is directed, by the seventh clause, to draw up orders, which would to a certain degree constitute him as Registrar in Chancery.
9. The Chief Clerk adverted to there, is to be a new appointment—the eighth section contemplates a new appointment? The eighth section creates the office, though the seventh section defines some of the matters that he is to do. Then, by the twelfth clause, I also see that the Chief Clerk will take accounts, and tax costs, and make such other inquiries as have usually been prosecuted before the Chief Clerk to the Master. That must have been taken from the English Act, because the Chief or First Clerk to the Master in this Colony does not either take accounts or tax costs. I do not see that there is any provision for any examination of witnesses prior to the hearing, by this Bill.
10. Were you consulted in any way about this contemplated change? I did not know of this Bill until notice was given of its going to be brought in. The examination prior to the hearing has been the subject of one or two changes. Whatever may have been the reason for the change in 1845—deputing it to the Master to take the examination as at *Nisi Prius*, though not before the Judge himself—it has acted, in a great measure, as a cause of great delay to the prosecution of accounts and inquiries, and taxations of costs, in the Master's office proper; and it has always been a matter of opinion with those better entitled to weight, that examination before the Judge in open Court was the most desirable form of ascertaining the truth of the facts between the parties. I always have been of that opinion myself; but from the length of time occupied in examinations upon the complex matters arising in Equity, it became almost physically impossible, so long as there were but three Judges, for one only sitting occasionally in Equity, to bestow so many hours throughout the year upon the examination of witnesses. I have known heavy Equity suits in which the examinations have occupied fifty-two hours. Examinations take place extending over sometimes nine, sometimes twelve, or even fifteen days; and it is impossible for a Judge having to sit in Banco, or at *Nisi Prius*, or on Circuit, or at the Gaol Delivery at Darlinghurst, to devote sufficient time to such long examinations as these. There seems to be no provision for that matter about the evidence, in this Bill. In England, when the Masterships were abolished, the office of the Examiners in Chancery was entirely remodelled.

11. Do you recollect the statute by which the Masters in Chancery were abolished in England? It was by 15 and 16 Victoria, cap. 80. That Act was followed by the Chancery Practice Amendment Act, which we have, *mutatis mutandis*, in the 17 Victoria, No. 7. The English Act 15 and 16 Victoria, cap. 86, remodelled the Examiner's offices in the Court of Chancery. Prior to that, there had been examinations where everybody was excluded, and only certain questions put and recorded. The offices, as remodelled, adopted the system, which had been long prevalent here, of *visá voce* examination before anybody who chose to be present, and, as described by our rule, as at *Nisi Prius*.
12. Before whom? Before the remodelled Examiners, whose duties were defined by the Act. In England the examination did not give satisfaction in that mode, because it appeared that the remodelled powers of the Examiners were still rather too limited to be capable of extracting sometimes the very pith of the question. That led to two Royal Commissions, I believe, being issued to investigate the matter; and powers were afterwards given, by an Act, for the Court of Chancery to adopt as much as they pleased of the recommendations of that Commission. There they have adopted the plan of allowing the Judge to decide, immediately after issue has been joined, what facts shall be proved by *visá voce* evidence before him at the hearing. The examination being immediately at the hearing was the subject of grave objection on the part of one of the Royal Commissioners—so eminent an authority as Lord St. Leonards—who always objected to having the evidence and the hearing at the same time. In the Colony of Victoria they seem to have improved upon the English system, by their Fourth Judge being able to bestow sufficient time to hear the whole of the evidence taken *visá voce* before him, and then in a few weeks having the cause set down for hearing, when counsel had really been able to extract out of the evidence the very essence of the Equity to be relied upon.
13. Was not that the same course that was adopted here, between 1843 and 1845? No; then the argument and the decree, one way or the other, followed consecutively. I believe—but this is entirely *ex relatione*, and from documents I have seen before me—I believe it was heard and determined the same day, of course with a C. A. V. if necessary. The argument was addressed immediately on the close of the evidence, as at *Nisi Prius*. That was the matter which Lord St. Leonards very much objected to. While in England, they have resorted to proving certain facts *visá voce* before the Judge, they have, to a certain degree, receded from the mode of examining before the Examiner, because they have again remodelled his office, and excluded everybody, and allow the examination to be nothing more than an *ex parte* statement of the witness summoned before him, subject to the right of the other party, if they so elect, to cross-examine on another occasion.
14. Is there not also another right reserved to both parties, by the present practice in Chancery in England,—to cross-examine orally if they think proper? I think, under the recent Chancery Orders, no evidence is admissible, except either by affidavit, or by the evidence taken on particular facts and issues, by the direction of a Judge, to be taken at the hearing before him, or else this *ex parte* examination in private before the Chancery Examiner, with the addition of the cross-examination which may flow from such *ex parte* statement by the action of the other side, if wishing to cross-examine. The mode prescribed for the examination, under 15 and 16 Vict. cap. 86, is, I think, only preserved in the Court of Chancery now, in the cases of a bill to perpetuate testimony; but I am not quite sure whether, by a written consent of both parties, filed in the Record and Writ Clerk's office, they may not proceed as before. From what has come within my own experience, I should say the examination before the Judge at one distinct time, and subsequently a hearing upon that evidence, as adopted in Melbourne, would be that which would be very much more conducive to the ends of justice, and more satisfactory to the suitors.
15. What officer in Melbourne performs the other duties that you perform, besides the examination? There is a Master in Equity in Melbourne, who performs almost all the duties that I perform, save only that the examination prior to hearing is taken by the Judge, and, that he does not, I believe, tax costs—his First Clerk being designated First Clerk and Taxing Officer of the Court.
16. How are the examinations conducted in your office at present—according to the old system of the Court of Chancery in England, or otherwise? The examinations taken before me—whether they are prior to the hearing, under the rules of 1845, or upon any of the references for accounts or inquiries—are all taken after the Common Law principle, as if whatever was to be ascertained was at issue at *Nisi Prius*; and the evidence is given *visá voce*, subject nevertheless to isolated facts being proved by affidavit, which was a power specifically given under our Equity Practice Act, 17 Viet. No. 7. Under that Act, particular facts and circumstances can be given in evidence by affidavit, instead of bringing a witness, say from Deniliquin, to prove (for instance) that somebody was dead, when he might prove it by affidavit.
17. Is that allowed by order of the Court? That is under the general Standing Rules of Court, and a clause introduced into the Equity Practice Act, mentioning that all examinations after the decree should be as near as possible those which took place prior to the decree.
18. Do these examinations occupy much of your time? They occupy a great deal. I have known cases in which certainly the better part of a dozen days may be occupied, where there are much contested suits; and then of course they are, under the rules, entitled to priority, unless there is matter of emergency to prevent it; and they ought to be taken, and as nearly as possible are taken, *de die in diem*, between the usual hours of business. Of course, if there be a Court day, and both the counsel who are attending, and sometimes the solicitors also, have to be down-stairs before the Judge, I never force the parties on, on the immediate next day, but adjourn the matter to some day on which they may be able to attend and carry on the further examination.
19. How is the evidence taken down? Either by a clerk or by myself, in the manner prescribed by rule 6 of chapter 14 of the Consolidated Rules.
20. Is it read over to the parties? It is read over to the parties, and they sign it; but I have the power of signing if the witness refuses to do so, just in the same way as the Examiner in the Court of Chancery has. If a person refuses to sign, the Master puts his signature, and that disposes of it, under that rule.
21. Do counsel often attend? In examinations prior to the hearing, counsel, generally speaking, attend. As they will afterwards have to appear in Court, it is thought much more conducive to the advantage of their clients, that the counsel who will afterwards appear for them should conduct and elicit the evidence which they wish to get, or prevent being got.
22. How are the points of evidence disposed of? That is one of the reasons why I have been so strongly of opinion that, if there is a Fourth Judge available to sit continuously in Equity, and take the evidence, it would be so much more advantageous. Questions as to the admissibility of evidence very often consume a large portion of the time in a hostile suit, in the endeavour to exclude or to get admitted evidence, the legality of which is contested, and that matter, under rule 7, I have to decide, subject to a motion to the Court to vary my ruling—as to whether such and such a question or answer is admissible or inadmissible. The result takes the shape either of an order for me to receive such evidence, or an order to expunge such evidence, in the case of my deciding erroneously.
23. The Colonial rules give you the power of deciding as to the admissibility of evidence? Yes.
24. Is not that at variance with the English practice? That is at variance with the power given to Examiners, under the Chancery Act, 15 and 16 Viet., cap. 86. But there, there was rather a fine distinction in one of their sections, which gave rise to much debate. In the 32nd section it is said—"But he shall not have power to decide upon the materiality or relevancy of any question or questions." Upon that, the debate arose before the Examiners, whether that exclusion operated to prevent an Examiner deciding against the admissibility of evidence, on the ground of its being hearsay, without saying whether or not it was relevant to the issue. But in one application here, the Court have decided that, under our rules, materiality and relevancy form a portion of the grounds of admissibility mentioned in the rule 7 of chapter 14.
25. How does that work—does it increase the expense, or lead to the dispatch of business? It causes lengthened discussions sometimes, about things which would be almost immaterial when they were before the

the Judge, and it leads to my not being willing to exclude peremptorily, very often, that which might perhaps be cut very much shorter by the judicial decision of the Judge, when the examination should be taken before him in open Court.

26. Are the same arguments used when it comes before the Judge again? Sometimes they have been. In practice, there really have been but some half-dozen applications upon that subject. But where it causes expense is, that time is very much consumed in contesting very infinitesimal points; and it often becomes my duty, in cases not free from doubt, to admit evidence which may, when it comes before the Judge, be treated as perfectly useless. This also causes extra expense, in the way of copying out of such evidence.

27. Has the Primary Judge, under the present rules, the power to examine *vis à voce*, on the hearing, if he thinks proper? He has the power, under the Equity Practice Act, to examine any witnesses he chooses at the hearing; but that is an act of judicial discretion—whether he chooses to call them or not, and it is not upon the volition or the desire of either of the parties that that power can be resorted to. The Judge may, in his discretion, when certain facts are represented to him, think it very desirable to satisfy himself a little more, by calling anybody, or by having any document produced.

28. Have you looked into this Bill? I have cursorily looked over it, and I do not see that there is anything provided with regard to the evidence prior to the hearing, which really is a most material point before anybody can get his decree. I may mention, in describing my duties, that besides doing all except signing the cheques as Accountant General in Chancery, the 20th Vict., No. 11, casts specific duties upon the Master in Equity, as the person in whose name the fund in Court stands, though only operated upon by a Judge's cheque, countersigned by myself.

29. When was that passed? In 1857. The accounts have to be kept in a very much more complicated manner, on account of the lodgments at the Treasury, the payments into the Bank of Australasia, and the payments out, under Orders of the Court, to various suitors and persons entitled to funds; and in any Bill like this, some provision must be made for carrying on the specific duties which the Act 20 Vict., No. 11, casts upon the person filling the office of Master in Equity.

30. Is there no such provision in the Bill as it stands? I do not see that there is any provision whatever to replace the Master in Equity, in whose name many sums of money parties are entitled to pay into Court, some under private Acts and Railway Acts, and the Trustee Relief Act and Trustee Act.

31. Can you give the Committee any notion of the amount that passes to your credit in that way? I cannot at this moment give particulars; but generally speaking, there is a sum varying from ten to twenty thousand pounds at the Equity credit, either at the Treasury's bank (the Bank of New South Wales), or at the Bank of Australasia, which is the specific bank of the Equity Court.

32. How are these monies received and paid into the banks? They are paid in by parties attending, with a request, which is signed, to the Cashier of the Bank of Australasia, to receive the money; and then that is carried to the credit of the Master in Equity. Moneys deposited in this way remain accumulating in the Bank of Australasia during three months, and at the end of each three months the whole sum that has been accumulating is paid to the Treasury, under that Act, 20 Vict., No. 11, by a cheque of the Judge, countersigned by myself. Then those moneys which are to be paid out to any suitor, under orders of the Court, are paid out by cheques signed by the Judge, and countersigned by myself, drawn upon the Bank of New South Wales, which was the bank named by the Government, against which those depositors mentioned in the 20th Vict., No. 11, were to draw for the balances subject to the trusts of the holders.

33. I suppose all that practice is regulated by the rules? That is regulated by two sets of rules of the 26th June, 1857—one as to the bank of the Court, and the other a statutable rule, approved of by the Governor and Executive Council, of the same date. There are two sets of rules: one applicable to the Bank of Australasia and its drawings out; and the other, as to the mode of proceeding for the Master, Curator, Prothonotary, and various other persons.

34. How are these accounts received, from time to time? These accounts are filed, specifically drawn up, as required by the General Rules of Court of 1st March, 1856, in the Prothonotary's office, with a receipt from the Treasurer for the last payment, stating, under various heads, what has been received, the aggregate amount in each cause or matter, what paid out to any suitor, what received from any suitor, and the balance showing what is available on the whole of suitors' funds in Court. This is done on every 5th January, 5th April, 5th July, and 5th October.

35. Is that account received by the Primary Judge, or any other person? No, it remains in the general jurisdiction of the Court, and, as mentioned by the rules, is open to everybody to go and see what it is. No cheque can be drawn, except by specific order of the Court, either enumerating the sum to be paid, and the person to whom to be paid, or stating to whom it is to be paid—a certificate being filed of the exact amount which that particular person is to receive under that order.

36. Could the responsibility of the Master, in respect to these accounts, be taken away or changed by Rule of Court, without being specifically mentioned in the Act? I apprehend not; I apprehend the 20 Vict., No. 11, would necessitate legislation to be able to continue, or to substitute anybody else whatsoever.

37. You think the eighteenth section of this Bill—giving the Primary Judge, in conjunction with one other Judge, power to make general orders for carrying the provisions of the Bill into effect—is not sufficient? I should think not. I should think that, where there is a statute specifically providing for certain acts to be done, and rules are made specifically under that statute, there should be some special words in this Bill relating to the matters so dealt with.

38. Have you any other statutable duty not provided for in this Bill? I could hardly undertake to say that, without more careful perusal of it. No doubt, in some public, and in private Acts of Parliament relating to Companies, there is frequently power to pay in sums, where there are matters in dispute, into the bank of the Court, with the privity of the Master in Equity; and, no doubt, it will require some words of a statute to enable the parties to obtain a discharge in such cases otherwise than from him.

39. Can you say how many Equity suits are pending in the Supreme Court at the present moment? I cannot exactly say at present, but I have a return of the decrees, orders, and fees in Equity, from 1st January, 1855, to 31st December, 1864, which to a certain degree represent the amount of litigation that is going on. In 1855 there was less than half the number of decrees, and much fewer orders, than there were last year. In 1855 there were but 10 decrees and 98 orders, and the fees amounted to £532 12s. 3d. only.

40. What orders do you refer to? All orders that are not decretal orders—everything in which there is a specific order of the Court in a suit or matter.

41. You make no distinction between orders and references? Many of these orders would not be references; those would rather appear by the number of reports made in different years. In 1864 there were 24 decrees, 223 orders, and the fees amounted to £1,103 6s. 2d.—almost double in every case, compared with 1855. The reports I have not for the ten years—I have them only from the date of my appointment; and they show that, in 1858, for instance, there were 100 reports, which would be in answer to decrees and orders of that year, or the year anterior. 25 of these were general reports confirmed by orders; the others were certificates which became conclusive by the effluxion of time. Last year there were 134 reports and certificates, of which, 26 were general reports confirmed by specific order.

42. Will you hand in those returns? Certainly. (*Returns handed in. See Appendix.*) As respects the time I have been Master, I can say these returns are correct; but, in the year before, when there was a former First Clerk to the late Master, I cannot be perfectly certain as to the entries being perfectly correct.

43. Have you any return of the bills filed in Equity? I did not prepare that, but I can supply a return of the number of bills filed in the same years in which there were these decrees. (*See Appendix A.*) I shall be able to make any returns the Committee may require; for instance, with respect to the accounts, which are filed quarterly.
44. Will you supply such a return, beginning at January, 1864, and ending at the present time? I will. (*See Appendix B.*)
45. Do you think the taking of evidence as it was taken in 1843 and 1845, and as we suppose by this Bill it is intended to revert to now, would be a saving of expense to suitors, or otherwise? I should think it would be a saving to the suitor; but I think that, without a statute, the examination could hardly be assumed to be taken in that way; because, though it was originally established by rule of Court, the Equity Practice Act has that method of proceeding so interwoven with the sections of the Act 17 Victoria, No. 7, that it would be hardly possible for the Court, by rule of Court alone, without authority expressly to do so, to substitute a new method of procedure for that which was in fact ratified, confirmed, and extended, by the Equity Practice Act.
46. When was the Equity Practice Act passed? In 1853. It adopted a great deal of the rule of Court as the basis of its legislation, without expressly re-enacting what was then the law by rule of Court.
47. Then, as I understand you, although the Judges had power to legislate by themselves, by their rules, from 1845, when it was changed, up to 1853 ———? The Act then adopting so much of their former rule, and building a superstructure upon it, the rule of 1845 could hardly be repealed and another substituted, without some legislative enactment to harmonize with or repeal the sections of the Equity Practice Act.
48. Do you think any provision is made in this Bill for such a change? No; the only time at which any sort of examination can take place is subsequent to a decree or decretal order having been pronounced.
49. *Mr. Docker.*] Looking at this Bill, does it appear to you that it contemplates any change in the mode of procedure in the conduct of the Court in Equity? From the cursory view I have had of the Bill, I should say it was only substituting inquiries and accounts, and taxations to be prosecuted by the Primary Judge and his Chief Clerk, in lieu of the accounts taken, and costs taxed, by me as Master, except with regard to section 9, which prescribes that the Primary Judge should in Chambers dispose of certain applications.
50. None of the duties performed by you as Master in Equity would be omitted by the change contemplated in this Bill? I think, as far as the Examiner's and Accountant General's departments are concerned, there are no provisions for those duties.
51. In effect, this Bill would merely change the title of the officer performing certain duties? Not entirely; because, under these words, it is presumed the Judge would in the first instance take accounts and make inquiries, only that he has the power to delegate to his Chief Clerk duties which he *per saltum* delegated to the Master in Equity by an order. Here there is, no doubt, the presumption that the Judge might take an account himself; but it is doubtful whether it would be physically possible for the Judge to sit in Court and take evidence, as one may suppose he would have to do, under some powers either in this Act or in some other way, and hear motions and causes, and be able to take the complicated accounts that arise in the litigation in this Colony; he could not divide his time sufficiently to do so. For instance, in the case of a six or seven years' account of a cattle station between two partners who have quarrelled and become mortal enemies, the difficulty of investigating thousands of items causes the evidence of each party as to the proceedings over many of these years sometimes to occupy nearly a dozen days; and therefore, during that time, if the Judge had motions, and petitions, and causes, to hear in Court, it would be impossible for him to take such account himself.
52. The whole effect of this Bill would be, to enable the Judge to perform some of the duties you now perform, and to relegate the others to officers appointed under this Bill? Yes.
53. *President.*] Can the Judges do that now? No; they cannot prosecute inquiries under an order, but they can—and very often it is done when proper application is made—make, *per saltum*, an order, such as, for instance, the appointment of new trustees or guardian, if the application is made with all the materials which are perhaps subsequently supplied to me when a reference is made. The Judge, in the first instance, would say—“Mr. A.B. is sworn to be a very respectable person, I see by his handwriting he accepts the trust, and I will appoint him trustee at once”; and in that way an immense deal of expense might be done away with. With only three Judges, and the Judge in Equity, called upon for other duties, a party will often make application merely to get an order, and the whole of the deliberation is conducted after he has got that; but, by the adjudication of costs, of which the Judge has the complete power, he might compel any of the parties to come with everything ready before him, and say—“If you choose to go and ask for a reference, when by the same affidavit on which you apply, you could, by putting in a few more lines, also designate a proper person to be appointed a new trustee or guardian, I will only allow you the expense of the order.” If that was done, no doubt a great many of the applications not made for the direct appointment would be curtailed.
54. Would the passing of this Bill assimilate the practice of this Colony to that of the mother country? Very nearly, as far as relates to taking the accounts.\*
55. Would it be more economical than the present arrangement? That would be very difficult to say.
56. How many clerks have you at present? Three.
57. Do you know at all, whether the clerks contemplated under this Bill, are in addition to those already employed? I should imagine not. I may mention, that every one of the Chancery officers I have mentioned are all appointed during good behaviour.
58. *Chairman.*] What salaries do the clerks under you get at the present time? The First Clerk gets £375; the Second Clerk, £225; and the Third, £200.

## D.

(*Handed in by John Lucas, Esq., M.P., a Member of the Committee, 16 February, 1869.*)

## LEGISLATIVE COUNCIL.

28<sup>o</sup> Victoria, 1865.

## A BILL

To abolish the Office of Master in Equity and to provide for the more speedy and efficient dispatch of Business in the Equitable Jurisdiction.

[*Mr. Hargrave;—19 April, 1865.*]

Preamble.

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:—

Office of Master in Equity abolished.

1. The office of Master in Equity of the Supreme Court is hereby abolished subject only to the execution by the present Master of the duties hereinafter specified—for performing which he shall retain all the powers now vested in him.

2.

\* N.B.—After comparing the Bill, sec. 12, with the English Act, sec. 29, I should give a different answer.—G.H.D., Master in Equity. 23 May, 1865.

2. If from the nature of any cause or matter now pending before the said present Master the Primary Judge in Equity may deem it advisable that such cause or matter should be further proceeded with and finally disposed of before the said Master he shall make an order accordingly which shall be binding on the said Master so far as shall be practicable but no new cause or matter shall be referred to him. Judge may order special matters to be finished by present Master.

3. So soon as the said Primary Judge shall think fit having reference to the state and nature of the business but not later than after the commencement of this Act he may release the said present Master who shall thereupon cease to hold the said office. Judge may release present Master.

4. The present Master shall as expeditiously and so far as may be practicable wind up the several causes matters and things now depending before him and to that end may summon as he shall deem fit any party thereto or his solicitor and thereupon proceed therewith and give such directions and make such orders as he may think necessary for settling and winding up the same such orders being subject to be varied or discharged by the Primary Judge upon application. And the said Master may for any purpose aforesaid proceed in the absence of any party or solicitor neglecting or refusing to attend the summons. Present Master to finish pending references as far as possible.

5. If the said Master be unable from the conduct of any party or other cause to finally dispose of any cause matter or thing he may dispose of any part thereof within his power and may report or certify on the whole case or on any part thereof and the Primary Judge may thereupon make order on all or any of the parties thereto for the further prosecution or the final disposal thereof and the payment of the costs thereof including costs incurred by the conduct of any party. Partially if not wholly.

6. From and after the commencement of this Act the Primary Judge shall sit in Chambers for the dispatch of such business in Equity as can without detriment to the public advantage be heard in Chambers and such Judge shall fix the times for so sitting in Chambers and when so sitting shall have the same powers and jurisdiction as in open Court. Primary Judge to sit in Chambers occasionally.

7. The decrees and the orders of the Primary Judge whether sitting in open Court or in Chambers shall be drawn up by his Chief Clerk in Equity to be appointed as hereinafter enacted but such Judge shall personally revise and settle every such order and certify his approval thereof under his hand. And every such order made in Chambers shall have equal force and validity with any order made in open Court. How decrees and orders drawn up.

8. The Governor with the advice of the Executive Council may appoint any solicitor in actual Equity practice for five years next preceding such appointment to be Chief Clerk in Equity and may also appoint any fit persons not exceeding to be Junior Clerks in Equity. Chief Clerk to be appointed.

9. The business disposed of by the Primary Judge in Chambers shall consist of such of the following as such Judge shall think may be more conveniently so disposed of namely—Applications for time or for leave to amend or for enlarging publication and applications for production of documents applications relating to the conduct of suits or matters or as to the guardianship or maintenance of infants matters connected with the management of property and such other matters as such Judge may from time to time see fit or as may be assigned to him by the full Court sitting in Equity. What to be disposed of in Chambers.

10. The Primary Judge while sitting in open Court may adjourn for hearing in Chambers or while sitting in Chambers may adjourn for hearing in open Court any such case before him as he may think would better be heard in Chambers or in open Court as the case may be. Judge may transfer hearing from Court to Chambers or vice versa.

11. The course of proceeding in Chambers shall be by summons and as nearly as may be according to the forms observed by Judges of the Supreme Court sitting in Chambers. Practice in Chambers.

12. From and after the commencement of this Act the Primary Judge or the full Court sitting in Equity shall have the sole power to order what matters and things shall be investigated by and before the Chief Clerk with or without their special direction and what matters and things shall be heard and investigated by themselves respectively and particularly unless the Primary Judge or such Court shall otherwise direct the said Chief Clerk shall take accounts and tax costs and make such inquiries as have usually been prosecuted before the Chief Clerk to the Master. And the said Judge shall give such aid and directions in every such account and inquiry as he may think fit subject to the present right of appeal and to the right of any suitor to bring any particular point before the Primary Judge himself. What matters to be heard before the Chief Clerk.

13. The Chief Clerk in Equity shall for the purposes of any proceedings before him have full power to issue advertisements to summon parties and witnesses to administer oaths or affirmations to take affidavits and also acknowledgments except those of married women and when and as so directed by the said Judge or full Court to examine parties or witnesses upon interrogatories or  *viva voce*. Powers of the Chief Clerk.

14. Parties and witnesses summoned by the Chief Clerk shall be bound to attend such summons and shall for disobedience thereof be liable to process of contempt in like manner as for disobedience to any order of the Supreme Court or for default of attendance in pursuance of any order of the said Court or any writ of subpoena and all persons swearing or affirming falsely before such Chief Clerk shall incur all the penalties and liabilities of wilful and corrupt perjury. Penalties for disobedience or false swearing before Chief Clerk.

15. Directions by the Judge for or concerning any proceedings before the Chief Clerk in Equity shall not require any particular form and the result thereof shall not be embodied in a formal report but shall be stated in a short certificate to the Judge unless the Judge or the full Court sitting in Equity shall so direct. And the approval of the Judge of any such certificate or report shall be signified under his hand. Certificates of Assistant.

16. No exceptions shall lie to any certificate or report of the Chief Clerk in Equity adopted and signed by the Primary Judge but any party may during the proceeding before the said Chief Clerk or within such time after its conclusion as shall be fixed by any general order and before such adoption take the opinion of the Judge by a short petition on any point arising in the course of the proceeding or upon the result of the whole thereof when brought by the Third Clerk to a conclusion. No exceptions to certificate.

17. When so concluded adopted and signed every such certificate and report shall be filed as reports of the Master are now filed and shall thenceforth be binding on all parties unless discharged or varied in Chambers or in open Court according to the nature of the case upon application by summons or motion within such time as may be fixed by any general order and nothing herein shall prejudice the power of the full Court sitting in Equity at any time to open any such certificate or report upon like grounds as any report of the Master absolutely confirmed may now be opened. Certificates to be final.

18. The Primary Judge in conjunction with the Chief Justice and any one other Supreme Court Judge may make general orders for carrying the provisions of this Act into full effect as to all matters not expressly enacted and such orders shall be valid in law on publication thereof in the *Gazette*. And copies thereof shall be laid before both Houses of Parliament forthwith if sitting and otherwise within fourteen days of the opening of the next Session. General orders may be made.

19. This Act shall commence on the \_\_\_\_\_ day of \_\_\_\_\_ next and may be cited as the "Office of Master in Equity Abolition Act of 1865." Commencement and short title.

(To Evidence given by A. T. Holroyd, Esq., 28 January, 1869.)

E 1.

Master's Office,  
Supreme Court,  
19 February, 1869.

Sir,

In reply to your letter of the 17th instant, I enclose you (No. 2) the return of moneys asked for. In reference to the return No. 1, you will find, by the enclosed observations which I have obtained in the office, that it will be impossible to comply with the request of the Committee, under the time and with the assistance therein specified; I would, therefore, respectfully suggest, that the return be limited to (say) the last fifteen years, and that a clerk should be temporarily appointed for that purpose, as the time of the present staff of the office is fully occupied.

I have, &c.,  
ARTHUR T. HOLROYD,  
Master in Equity.

E 2.

OBSERVATIONS as to requisition of 22nd January, 1869, of the Select Committee on Duties of the Master in Equity.

- |   |   |
|---|---|
| 1. The cases pending in Court.                                    | This return could not be made without going through the office books, and the papers, orders and decrees in the several causes and matters from 1831 to the present time; and, to compile such return, as well as the other returns, 2, 3, 4, and 5, would probably occupy a clerk twelve months. |
| 2. When first entered.  | This return would depend on No. 1.  |
| 3. When last before the Master.                                   | Do.   |
| 4. The costs incurred as legal expenses.                          | Do.; and, in making this return, the bills of costs filed in the several cases would have to be gone through.   |
| 5. The costs incurred in the Master's office.                     | Do.; and, to ascertain this, the office fee books would have to be examined, and the fees extracted under the respective titles of the suits and matters, as no separate accounts are kept.   |
| 6. Any remarks in explanation the Master may think fit to supply. | The Master in Equity would suggest, as to return No. 4, that fees to counsel, expenses of witnesses from the country, surveyors' fees, and auctioneers' charges, should be extracted from each bill of costs, to make the information as to legal expenses satisfactory.                          |

A. T. H.,  
M. in E.

E 3.

RETURN of Moneys standing to the credit of the undermentioned Causes or Matters in Equity, and in Lunacy, on the 31st day of December, 1868, inclusive, in pursuance of Rule of Court of 1st March, 1856.

1868.		£	s.	d.
31 Dec. ...	Buttrey v. Vile and others .....	4	14	6
	Re Commissioner for Railways—land at Campbelltown, devisees of W. Pendergast .....	368	7	10
	Glasscock v. Foreman and another .....	68	16	7
	Sempill v. Lee and others .....	206	0	11
	Cooper v. Hellyer and another .....	216	6	9
	Re Loftus, ex parte M'Phillamy and Trust Fund Security Act .....	16	13	7
	Turner v. Turner (James Ranger) .....	0	0	2
	Davis v. Stamp and others .....	22	4	5
	Conley v. Crisp and others .....	146	4	8
	Ex parte Commissioners for Railways, and Presbyterian Ministers—land, Parramatta .....	285	0	0
	M'Donald and others v. Henderson and others .....	156	0	9
	Collins and another v. Moore and others—Collins v. Fitzgerald .....	12	11	11
	Woodman and others v. Hunt and others .....	5	1	3
	Segerson v. Loder and others (residuary real estate) .....	624	4	7
	Friend v. Jones—Friend v. Mackenzie .....	16	19	9
	Re Alexander Thomson, and 21 Vic., No. 7 .....	65	0	5
	Re Commissioner for Railways—land at Goulburn, M'Farland and others ..	52	2	2
	Jenkins and others v. Jenkins and others (C. E. Jenkins) .....	20	12	3
	Segerson v. Polding and others (B. Loder and children) .....	66	6	3½
	Re Richard Houston, a person, &c. ....	34	15	3
	Re Commissioner for Railways—lands, Towrang, claim of Eily and another	267	11	7
	Re Thomas Brown, a person, &c. ....	63	17	3
	Hellyer and another v. Drewett and others .....	10	0	0
	Moore and others v. Cheesborough and another .....	11	10	0
	Re Plaice, deed and Trustee Relief Act .....	56	5	8
	Cohen v. Monaghan .....	2	13	8
	Re Penny's infants .....	14	15	9
	Re Stewart's infants .....	65	8	8
	Armstrong and others v. Holledge and another .....	12	15	7
	Ashdown v. Fox—Caldwell v. Fox .....	78	1	3
	Ryan v. M'Guigan .....	530	19	8
	Re Hillas, an infant .....	97	3	10
	Lunn v. Brown (Wm. Lunn) .....	141	13	9½
	Re Inch, a lunatic .....	33	14	5
	Lunn and others v. Brown (Eliz. Lunn) .....	61	13	9

E 3—continued.

RETURN of Moneys—continued.

1868.		£	s.	d.
31 Dec.	<i>Re</i> Jordan's infants	0	2	9
	<i>Re</i> Eliz. M'Loughlin, a lunatic	26	8	6
	Pendergast and others v. Pendergast and others—real estate	29	15	11½
	Same v. same—personal estate	200	4	1½
	Smith v. Knowles	0	2	4
	Segerson v. Polding—Infants' trust fund	82	7	5
	Perry v. Simpson	30	0	0
	<i>Re</i> Commissioner for Railways—22 Vic., No. 19, and claim of A. A. Dangar	4	15	10
	Watkins v. L. E. Strange	327	2	10
	Scott v. Hughes	1,358	19	8
	Bean and others v. Mansfield and others	5	8	6
	Turner v. Turner	0	0	2
	M'Arthur v. Campbell	12	5	2
	Barnett v. Smith	52	2	7
	Thorpe v. Smith	77	0	5
	Harvey and another v. Smith and another	33	0	1
	Arndell v. Dargin and others	24	19	6½
	Dunsmure v. Fisher and another	111	12	0
	Terry v. Osborne and another	60	0	0
	Brown v. Huckle	140	4	2
	<i>Re</i> Loseby and Trustee Act, 1852	40	0	0
	<i>Re</i> Mackenzie Bowman, a person, &c.	51	9	2
	<i>Re</i> John Borthwick and 21 Vic., No. 7	73	10	4
	<i>Re</i> Beale's infants. Wm. Beale	69	0	10½
	" " Jane Beale	64	9	11½
	" " Ann Beale	6	13	10½
	<i>Re</i> Commissioner for Railways, land at Campbelltown, and Warby deceased	5	12	0
	<i>Re</i> Geo. Thomson, a lunatic	2	15	2
	Jenkins and others v. Jenkins and others	65	11	0
	Turner v. Turner. C. & T. Ellis	31	17	6
	The Attorney General v. Elliott and others	955	18	8
	<i>Re</i> Neel Campbell deed <i>ex parte</i> Wm. Bowman and 21 Vic., No. 7	68	0	2
	<i>Re</i> Trustee Relief Act, 21 Vic., No. 7, and Trickett, deed	34	16	3
	<i>Re</i> Commissioner for Railways, lands, Alexandria, &c., v. Bowman and another	18	15	8
	<i>Re</i> Smith's infants (John Smith and Sophia Smith)	46	10	4
	Carr v. Holden	5	16	5
	<i>Ex parte</i> Commissioner for Railways, <i>re</i> land at Bong Bong, claim of Gibbons and others, and application of M'Culloch and others	110	5	4
	The Commercial Banking Company v. Smith	605	7	8
	Kearney v. Davis	106	15	10
	Holdsworth v. Drynan	157	16	6
	Guise v. Darcy and others	2,655	17	8
	Frazer v. Loftus and another	94	1	3
	Curton v. Andrews	79	16	7
	O'Ferrall v. The Attorney General and others	87	12	3
	Warden v. Bailey and others	2	15	7½
	<i>Re</i> Cornish's infants. Curator's Agent	9	0	0
	" " John Cornish	29	15	7
	<i>Ex parte</i> Commissioner for Railways, Railway Act, 1858—lands at Newcastle, and claim of Croasdill and another	10	14	6
	<i>Re</i> Alfred Bowman, an infant	378	13	1
	Mort and another v. Wright and others	60	0	0
	Hogan v. Hogan	60	0	0
		£	12,402	10 14



1868-9.

—  
LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

—  
REPORT FROM THE SELECT COMMITTEE

ON THE

REMOVAL OF MR. SAMUEL CHARLES  
FROM THE COMMISSION OF THE PEACE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

23 *March*, 1869.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1869.

[*Price*, 1s. 4d.]

296—A

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

---

VOTES, No. 28. WEDNESDAY, 27 JANUARY, 1869.

6. Removal of Mr. Samuel Charles from the Commission of the Peace (*"Formal Motions"*):—
- (1.) Mr. Garrett moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed to inquire into, and report upon the subject of the removal of Mr. Samuel Charles from the Commission of the Peace,—with power to send for persons and papers.
- (2.) That such Committee consist of Mr. Parkes, Mr. Neale, Mr. J. Stewart, Mr. R. Stewart, Mr. Forster, Mr. S. Brown, Mr. Macleay, Mr. Josephson, Mr. Byrnes, and the Mover.
- Question put and passed.
- (2.) Mr. Garrett moved, pursuant to Notice, That the evidence taken before the Select Committee last Session, with reference to the removal of Mr. Samuel Charles from the Commission of the Peace, be referred to the Select Committee appointed to consider the same subject this Session, for their consideration and report.
- Question put and passed.
- 

VOTES, No. 60. TUESDAY, 23 MARCH, 1869.

2. Removal of Mr. Samuel Charles from the Commission of the Peace:—Mr. Garrett, 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 matter was referred on 27th January, 1869; together with Appendix.
- Ordered to be printed.
- 

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1868-9.

**REMOVAL OF MR. SAMUEL CHARLES FROM THE COMMISSION  
OF THE PEACE.**

**REPORT.**

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 27th January, 1869,—“to inquire into and report upon the subject “of the removal of Mr. Samuel Charles from the Commission of the Peace”—“with power to send for persons and papers”—to whom was referred, on the same date,—“the evidence taken before “the Select Committee, last Session, with reference to the removal “of Mr. Samuel Charles from the Commission of the Peace”—have agreed to the following Report:—

1. Your Committee have examined the witnesses named in the margin,\* and carefully considered the Evidence taken before the Select Committee on this question last Session, and the Correspondence relative to the case referred to them.

\*J. Black, Esq., J.P.  
S. Charles, Esq.  
J. M. Gray, Esq., J.P.  
H. Hurloran, Esq.  
H. Connell, Esq.  
A. C. Budge, Esq.  
J. Robb, Esq., J.P.  
J. Weston, Esq.  
Mr. James Poulton.

2. Your Committee find that, though other charges were made against Mr. Charles, by Mr. Black, Mayor of Kiama, at the instance of the Municipal Council of that district,—the specific charge on which he was superseded by the Government was the following, viz., “that he sat and adjudicated, on the 29th May, 1866, in causes the same in all respects as others in which he had the interest of a defendant”; and further in support of such charge, “that a summons had been actually taken out against him” in a cause of the same character as those he sat and adjudicated upon; that his “name appeared in the Cause-list for the 29th May,” 1866; and that “he took his seat as a judge to try causes in which all his feelings and interests were hostile to the plaintiff”—the Municipality of Kiama.

See No. 16 of Correspondence.

3. In support of these charges, it is also stated, in the Correspondence relative to this case referred to your Committee, that Mr. Charles had taken his seat upon the Kiama Bench, on the 29th May, 1866, though he was not on the roster for Bench duty on that day—such roster being regularly kept and observed by the said Bench.

No. 2 of Correspondence.  
Charge No. 4.

4. It is also further stated, that the rates for which it is alleged he was summoned for that day were “paid by a friend,” and “not before a summons had, in fact, been taken out against him for the

29th

No. 11 of Correspondence.  
Questions 116, 117.

29th May." It is also stated, in the evidence of Mr. Black, that Mr. Charles knew of such summons having been taken out; and suggested, by the same witness, that if Mr. Charles had paid the rates for which he had been, as alleged, summoned, such payment was made on the entreaty of a friend, and, subsequently, such entreaty having failed, paid, as before stated, by such friend.

5. Dealing with these charges in the order in which they are here stated, your Committee find—

Questions 6, 7, 8, 9, 10, 11,  
433, 439, 460, 471, 472,  
483.

(1.) That Mr. Charles was not actually summoned by the Municipality of Kiama, on the 29th May, 1866, and that this fact was known to the Mayor of Kiama, Mr. Black, when the charge was preferred by him against Mr. Charles; and, further, that the fact that Mr. Charles had not been so summoned was also known to the Government before his dismissal was finally agreed on. It clearly appears from the Correspondence, and is confirmed by the Evidence, that though the Mayor of Kiama had requested the C.P.S. of Kiama to prepare summonses against a number of defaulting ratepayers, including Mr. Charles, yet that no summons was issued or served on Mr. Charles for the amount of rates due by him to the Council, he having paid the said amount into the hands of the Treasurer of the Council before any of the summonses were issued, of which payment Mr. Black was immediately made aware; and, further, that he (Mr. Black) personally, and immediately on being so made aware, struck out, with his own hand, Mr. Charles's name from the list of persons to be so summoned, and such withdrawal was recorded by the Clerk of Petty Sessions on the Cause-list for the 29th May.

See telegrams (Nos. 12  
and 13 in Correspondence.)

See Mr. Black's and  
Mr. Connell's evidence,  
and Appendices.

Questions 433 and 440.

(2.) That, from the foregoing, it is evident that, though applied for and prepared, no summons was issued against Mr. Charles for rates on the 29th May, 1866; and, therefore, the charge that he sat and adjudicated in a cause of the same character as the one in which he had the interest of a defendant, to be tried the same day, is without foundation.

Questions 449 and 515.

(3.) It is proved, by the evidence of the Clerk of Petty Sessions, confirmed by that of Mr. Gray, that "there is not any regularity in the attendance on the Bench; they (the Magistrates) do not come according to any arrangement at all;" that when a Magistrate is wanted, they send for the nearest one; that though there was a roster made out for a time, it was not attended to; and that Magistrates "drop in just as it may suit their convenience." Mr. Charles, with reference to this point, also states, there is no regular roster kept, and he sat "just as he casually dropped in."

Questions 423, 424, 425.

(4.)

- (4.) The charge that Mr. Charles's rates were "paid by a friend" is distinctly disproved by the evidence of J. M. Gray, Esq., J.P., whose evidence clearly proves that Mr. Charles voluntarily gave Mr. Gray a cheque for the amount of the rates due. Mr. Gray's evidence, in addition to Mr. Charles's, also discredits the supposition put forward by Mr. Black, that Mr. Charles knew that he had been summoned as a defaulter for the 29th May—the only knowledge Mr. Charles possessed on this point being that obtained from a report of the intention of the Council to cause all defaulters to be summoned.

See No. 11 of Correspondence.

Question 120.

6. As before stated, though there were other charges preferred against Mr. Charles by Mr. Black, yet the Government having set them aside in considering the reasons to be assigned for the removal of Mr. Charles, your Committee have not taken these charges into their consideration, but have, in coming to this Report, simply confined themselves to the charge that Mr. Charles sat and adjudicated in cases similar to one (to be tried on the same day, and by the same Bench,) in which he had the interest of a defendant. And, with reference to this charge, your Committee are of opinion that it has not been sustained, but, on the contrary, clearly disproved.

No. 11 of Correspondence.

THOS. GARRETT,  
Chairman.

*No. 2 Committee Room,  
Sydney, 23 March, 1869.*

## PROCEEDINGS OF THE COMMITTEE.

---

TUESDAY, 23 FEBRUARY, 1869.

MEMBERS PRESENT :—

Mr. Garrett,		Mr. J. Stewart,
		Mr. R. Stewart.

Mr. Garrett called to the Chair.

Committee deliberated as to expediency of bringing up Report.

[Adjourned to Thursday next, at *Eleven* o'clock.]

---

THURSDAY, 25 FEBRUARY, 1869.

MEMBERS PRESENT :—

Mr. Garrett, in the Chair.

Mr. J. Stewart,		Mr. Parkes,
Mr. R. Stewart,		Mr. Macleay,
		Mr. Forster.

Printed copies of the Progress Report and Evidence of last Session, referred to the Committee, on the Table.

Committee deliberated as to necessity of postponing consideration of Draft Report, in order that additional witnesses might be examined.

*Ordered*,—That Joseph Weston, Esq., James Robb, Esq., J.P., and Mr. James Poulton, be summoned for examination next meeting.[Adjourned to Tuesday next, at *Eleven* o'clock.]

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TUESDAY, 2 MARCH, 1869.

MEMBERS PRESENT —

Mr. Garrett, in the Chair.

Mr. Neale,		Mr. Byrnes,
Mr. Parkes,		Mr. R. Stewart,
Mr. Macleay,		Mr. Forster,
		Mr. J. Stewart.

Clerk submitted letter from Joseph Weston, Esq., stating his inability to attend the summons of the Committee owing to pressure of business, but that he was willing to do so on another occasion,—which was read by the Chairman.

James Robb, Esq., J.P., called in and examined.

Mr. Byrnes drew attention to the fact that a stranger was in the room other than the witness under examination.

Room cleared.

Committee deliberated.

Witness recalled, and examination continued.

Witness withdrew.

Committee deliberated, and decided to examine Joseph Weston, Esq., and Mr. James Poulton next meeting.

[Adjourned to Friday next, at *Eleven* o'clock.]

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FRIDAY, 5 MARCH, 1869.

MEMBERS PRESENT :—

Mr. Garrett, in the Chair.

Mr. J. Stewart,		Mr. R. Stewart,
		Mr. Parkes.

Joseph Weston, Esq., called in and examined.

Witness read various extracts from newspapers, which he *handed in*.*Ordered* to be appended. (*Vide Appendix, A 1 to A 8.*)

Witness withdrew.

Mr. James Poulton called in and examined.

Witness withdrew.

[Adjourned to Thursday next, at *Eleven* o'clock.]

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THURSDAY,

THURSDAY, 11 MARCH, 1869.

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

TUESDAY, 16 MARCH, 1869.

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

THURSDAY, 18 MARCH, 1869.

MEMBERS PRESENT:—

Mr. Garrett, in the Chair.

Mr. Macleay,	Mr. J. Stewart,
Mr. R. Stewart,	Mr. S. Brown,
Mr. Forster,	Mr. Parkes,
Mr. Byrnes.	

Clerk submitted letter he received from Mr. James Poulton, Appin, asking to be allowed £1 10s. expenses, attending to give evidence before the Committee.

*Resolved*.—That the sum of £1 10s. be allowed Mr. James Poulton for expenses, attending upon this Committee as a witness.

Chairman read a letter from Joseph Weston, Esq., asking to be allowed £5 8s. 6d. expenses incurred in attending as witness before the Committee.

Committee deliberated, and—*Resolved*.—That the sum of £2 10s. be paid to Mr. Joseph Weston for expenses incurred in attending before this Committee as a witness.

Chairman also read a letter he had received from Samuel Charles, Esq., J.P., dated "Eureka, March 8th, 1869," complaining of the partiality of the evidence of Mr. Weston, and Mr. Poulton, which was, on motion of Mr. J. Stewart, ordered to be appended. (*Vide Appendix B.*)

Committee deliberated on the subject of the inquiry generally, also as to whether they should proceed to the consideration of the Draft Report.

Draft Report, proposed by the Chairman, read 1<sup>o</sup>, as follows:—

" DRAFT REPORT.

"THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 27th January, 1869,—to inquire into and report upon the subject of the removal of Mr. Samuel Charles from the Commission of the Peace—'with power to send for persons and papers'—to whom was referred, on the same date,—'the evidence taken before the Select Committee last Session, with reference to the removal of Mr. Samuel Charles from the Commission of the Peace'—have agreed to the following Report:—

" 1. Your Committee have examined the witnesses named in the margin\*, and carefully considered the Evidence taken before the Select Committee on this question last Session, and the Correspondence relative to the case referred to them.

" 2. Your Committee find that, though other charges were made against Mr. Charles, by Mr. Black, Mayor of Kiama, at the instance of the Municipal Council of that district,—the specific charge on which he was superseded by the Government was the following, viz., 'that he sat and adjudicated, on the 29th May, 1866, in causes the same in all respects as others in which he had the interest of a defendant'; and, further in support of such charge, 'that a summons had been actually taken out against him,' in a cause of the same character as those he sat and adjudicated upon; that his name appeared in the cause-list for the 29th May, 1866; and that 'he took his seat as a judge to try causes in which all his feelings and interests were hostile to the plaintiff,' the Municipality of Kiama.

" 3. In support of these charges, it is also stated, in the Correspondence relative to this case referred to your Committee, that Mr. Charles had taken his seat upon the Kiama Bench, on the 29th May, 1866, though he was not on the roster for Bench duty on that day—such roster being regularly kept and observed by the said Bench.

" 4. It is also further stated, that the rates for which it is alleged he was summoned for that day were 'paid by a friend,' and 'not before a summons had, in fact, been taken out against him for the 29th May.' It is also stated, in the evidence of Mr. Black, that Mr. Charles knew of such summons having been taken out; and suggested, by the same witness, that if Mr. Charles had paid the rates for which he had been, as alleged, summoned, such payment was made on the entreaty of a friend, and, subsequently, such entreaty having failed, paid, as before stated, by such friend.

" 5. Dealing with these charges in the order in which they are here stated, your Committee find—

" (1.) That Mr. Charles was not summoned by the Municipality of Kiama, on the 29th May, 1866, and that this fact was known to the Mayor of Kiama, Mr. Black, when the charge was preferred by him against Mr. Charles; and further, that the fact that Mr. Charles had not been so summoned was also known to the Government before his dismissal was finally agreed on. It clearly appears from the correspondence, and is confirmed by the evidence, that though the Mayor of Kiama had requested the C.P.S. of Kiama to prepare summonses against a number of defaulting ratepayers, including Mr. Charles, yet that no summons was issued or served on Mr.

Charles

\* J. Black, Esq., J.P.  
S. Charles, Esq.  
J. M. Gray, Esq., J.P.  
H. Halloran, Esq.  
H. Connell, Esq.  
A. C. Budge, Esq.  
J. Robb, Esq., J.P.  
J. Weston, Esq.  
Mr. James Poulton.  
See No. 16 of Correspondence.

No. 2 of Correspondence. Charge No. 4.

No. 11 of Correspondence.

No. 11 of Correspondence. Questions 116, 117.

Questions 6, 7, 8, 9, 10, 11, 433, 439, 469, 471, 472, 483.

See telegrams (Nos. 12 and 13 in Correspondence.)

See Mr. Black's and Mr. Connell's evidence, and Appendices.

Questions 433 and 440.

Charles for the amount of rates due by him to the Council, he having paid the said amount into the hands of the Treasurer of the Council before any of the summonses were issued, of which payment Mr. Black was immediately made aware; and further, that he (Mr. Black) personally and immediately, on being so made aware, struck out, with his own hand, Mr. Charles's name from the list of persons to be so summoned, and such withdrawal was recorded by the C.P.S. on the cause-list for the 29th May.

"(2.) That, from the foregoing, it is evident that no summons was taken out against Mr. Charles for rates on the 29th May, 1866; and, therefore, the charge that he sat and adjudicated in a cause of the same character as the one in which he had the interest of a defendant, to be tried the same day, is without foundation.

See cause-list in Correspondence.

"(3.) It has been proved that his name, as a defendant in a case to be tried on the 29th May, did not appear on the cause-list of that day—the word 'Withdrawn' being written on the said list after the record of the case of Mr. Charles on the said list; and, therefore, it is not in accordance with fact to state, as stated in the Minute to the Executive by the then Colonial Secretary, that Mr. Charles acted as a judge in cases in which his interests were hostile to the plaintiff.

Questions 449 and 516.

"(4.) It is proved, by the evidence of Mr. Gray and the Clerk of Petty Sessions, that 'there is not any regularity in the attendance on the Bench; they (the Magistrates) do not come according to any arrangement at all'; that when a Magistrate is wanted, they send for the nearest one; that though there was a roster made out for a time, it was not attended to; and that Magistrates 'drop in just as it may suit their convenience.' Mr. Charles, with reference to this point, also states there is no regular roster kept, and he sat 'just as he casually dropped in.'

Questions 423, 424, 425. See No. 11 of Correspondence.

"(5.) The charge that Mr. Charles's rates were 'paid by a friend' is distinctly disproved by the evidence of J. M. Gray, Esq., J.P., whose evidence clearly proves that Mr. Charles voluntarily gave Mr. Gray a cheque for the amount of the rates due. Mr. Gray's evidence, in addition to Mr. Charles's, also discredits the supposition, put forward by Mr. Black, that Mr. Charles knew that he had been summoned as a defaulter for the 29th May—the only knowledge Mr. Charles possessed on this point being that obtained from a report of the intention of the Council to cause all defaulters to be summoned.

Question 120.

No. 11 of Correspondence.

"6. As before stated, though there were other charges preferred against Mr. Charles by Mr. Black, yet the Government having set them aside in considering the reasons to be assigned for the removal of Mr. Charles, your Committee have not taken them into their consideration, but have, in coming to this Report, simply confined themselves to the charge that Mr. Charles sat and adjudicated in cases similar to one (to be tried on the same day, and by the same Bench,) in which he had the interest of a defendant. And, with reference to this charge, your Committee are of opinion that it has not been sustained, but, on the contrary, clearly disproved.

"7. With reference to the allegation that Mr. Charles's 'feelings' were hostile to the Municipality, your Committee find that Mr. Charles as a ratepayer objected to the action of the Council in the matter of public improvements, and to its composition and conduct in its early days; and subsequently, when (by a decision of the Supreme Court in the case of *Berry v. Graham*) the legal existence of the Municipality was rendered doubtful, and the action of the Council suspended, Mr. Charles agitated for the reconstitution of the Municipality on a legal basis. But, in making his objections, and in agitating for the reconstitution of the Council, he only took open, usual, constitutional, and legal steps, was supported therein by many other ratepayers, and displayed no more feeling than is commonly displayed by parties to such local matters involving difference of opinion. It is also proved that the whole of the Magistrates, with one exception, usually sitting on the Kiama Bench, are ratepayers, and therefore interested more or less in the affairs of the Municipality, and have taken interest in the disputes and discussions in the district as to the position and conduct of the Municipal Council; and, therefore, if these gentlemen were not to sit in Municipal cases, the result would be that no Bench could be formed in Kiama to try such cases. It is also testified to your Committee that Mr. Charles's character for honour, integrity, and intelligence, stands very high in the district of Kiama; and that, as a Magistrate, no complaint has ever been made against him before the one on which he was dismissed. Therefore, your Committee feel justified in coming to the conclusion that, in the cases under his consideration on the 29th May, 1866, Mr. Charles did not allow any 'feeling' improperly to sway him in adjudicating thereon.

Questions 267, 238, 289, 352-6, 447-8.

"8. With regard to Mr. Charles's qualifications and conduct as a Magistrate, the evidence taken is strongly in his favour; and, therefore, your Committee are of opinion, that the administration of justice is in no way endangered, but rather promoted, by his restoration to the Commission of the Peace."

Motion made (Mr. Parkes), and agreed to,—That this Committee adjourn to Tuesday next, for consideration of Draft Report.

[Adjourned to Tuesday next, at Eleven o'clock.]

TUESDAY,

TUESDAY, 23 MARCH, 1869.

MEMBERS PRESENT:—

Mr. Garrett, in the Chair.

Mr. Josephson,	Mr. J. Stewart,
Mr. Parkes,	Mr. Byrnes,
Mr. S. Brown,	Mr. Macleay,
Mr. Neale.	Mr. R. Stewart.

Committee deliberated.

Draft Report, proposed by Mr. Parkes, read 1<sup>o</sup>, as follows:—

“ DRAFT REPORT.

“ Since this Inquiry was first authorized by your Honorable House, your Committee have learned that Mr. Charles has been re-appointed a Magistrate of the Colony by the present Ministry.”

“ Your Committee are divided in opinion as to the conduct of Mr. Charles as a Magistrate which led to his removal, and the additional evidence taken this Session does not tend to greater unanimity. Under these circumstances, your Committee consider that they will best perform their duty, by merely reporting the evidence for the consideration of your Honorable House.”

Motion made, and Question proposed (*Mr. Macleay*),—That the Draft Report of the Chairman be read 2<sup>o</sup> paragraph by paragraph.

Amendment proposed (*Mr. Parkes*),—To leave out the words “ the Chairman,” and insert the words “ Mr. Parkes” instead thereof.

Question put,—That the words “ the Chairman” stand part of the Question.  
The Committee divided.

Ayes, 4.	Noes, 4.
Mr. S. Brown,	Mr. J. Stewart,
Mr. Macleay,	Mr. Parkes,
Mr. Neale,	Mr. Byrnes,
Mr. Josephson.	Mr. R. Stewart.

The numbers being equal, the Chairman gave his Casting Vote with the Ayes.

Original Question then put and agreed to, and the Chairman’s Draft Report read 2<sup>o</sup> paragraph by paragraph.

Paragraphs 1, 2, 3, and 4 read and agreed to.

Paragraph 5 read and considered.

Amendment proposed (*Mr. Parkes*),—To insert after the word “ not” in line 1 of sub-paragraph (1), the word “ actually.” Put and agreed to.

Amendment proposed (*Mr. S. Brown*),—To insert after the word “ that” in line 1 of sub-paragraph (2), the words “ though applied for and prepared.” Put and agreed to.

Amendment proposed (*Mr. Parkes*),—To omit the words “ taken out” in line 2 of sub-paragraph (2), and insert the word “ issued” in lieu thereof. Put and agreed to.

Amendment proposed (*Mr. Parkes*),—To omit all the words after “ 1866” in sub-paragraph (2).

Question put.

The Committee divided.

Ayes, 4.	Noes, 4.
Mr. J. Stewart,	Mr. Macleay,
Mr. Parkes,	Mr. Josephson,
Mr. Byrnes,	Mr. S. Brown,
Mr. R. Stewart.	Mr. Neale.

The numbers being equal, the Chairman gave his Casting Vote with the Noes.

Amendment proposed (*Mr. Macleay*),—To omit sub-paragraph (3). Put and agreed to.

Amendment proposed (*Mr. Brown*),—To omit the words “ Mr. Gray and” in line 1 of sub-paragraph (4), and insert after the word “ Sessions” in line 2 the words, “ confirmed by that of Mr. Gray.” Put and agreed to.

Paragraph, as amended, agreed to.

Paragraph 6 read and considered.

Amendment proposed (*Mr. Parkes*),—To omit paragraph 6.

Question put.

The Committee divided.

Ayes, 4.	Noes, 4.
Mr. J. Stewart,	Mr. Josephson,
Mr. Parkes,	Mr. S. Brown,
Mr. Byrnes,	Mr. Macleay,
Mr. R. Stewart.	Mr. Neale.

The numbers being equal, the Chairman gave his Casting Vote with the Noes.

Amendment proposed (*Mr. Garrett*),—To omit the word “ them” in line 4 and insert the words “ these charges.” Put and agreed to.

Paragraph, as amended, agreed to.

Amendment proposed (*Mr. Brown*),—To omit paragraph 7. Put and agreed to.

Amendment proposed (*Mr. Garrett*),—To omit paragraph 8. Put and agreed to.

Motion

Motion made (*Mr. Macleay*),—That the Draft Report, as amended, be the Report of this Committee.

Question put.

The Committee divided.

Ayes, 4.

Mr. Brown,  
Mr. Macleay,  
Mr. Neale,  
Mr. Josephson.

Noes, 4.

Mr. J. Stewart,  
Mr. Parkes,  
Mr. Byrnes,  
Mr. R. Stewart.

The numbers being equal, the Chairman gave his Casting Vote with the Ayes.

Motion made (*Mr. S. Brown*), and *Question*,—That the Chairman report to the House—put and *agreed to*.

#### EXPENSES OF WITNESSES.

Names of Witnesses.	Profession or Condition.	Whence summoned.	Number of days under Examination.	Expenses claimed for Attendance.	Total Expenses allowed to Witnesses.
Joseph Weston.....	Newspaper Editor	Kiama .....	One .....	£ s. d. 5 8 6	£ s. d. 2 10 0
James Poulton .....	Public School Teacher.	Appin .....	One .....	1 10 0	1 10 0

#### LIST OF WITNESSES.

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Weston, Joseph, Esq. ... .. .	6

1863-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

REMOVAL OF MR. SAMUEL CHARLES FROM THE COMMISSION OF THE PEACE.

TUESDAY, 2 MARCH, 1869.

Present:—

Mr. BYRNES,		Mr. NEALE,
Mr. GARRETT,		Mr. J. STEWART,
Mr. MACLEAY,		Mr. R. STEWART.

THOMAS GARRETT, ESQ., IN THE CHAIR.

James Robb, Esq., J.P., examined:—

1. *Chairman.*] You are a Magistrate of the territory? Yes.
2. And reside at Kiama? Outside of Kiama.
3. Do you generally sit on the Bench? Occasionally.
4. Do you remember sitting on the Bench on the 29th May, 1866? Yes, I think I do; I think I remember the date.
5. There were a number of Municipal Council cases on the cause list that day? Yes, there were some on the list that day.
6. With regard to this list of cases,—from your recollection and knowledge can you say whether Mr. Charles was summoned to appear on that day? I do not remember his name being on the list.
7. Do you remember anything peculiar that occurred with regard to the cases on that day—the municipal cases? I do not remember further than that a dispute arose about the day—that Mr. Owen raised an objection.
8. Mr. Owen the solicitor? Yes, about the dating of the summons. That was after some of the cases had been passed over.
9. Mr. Owen took some objection to the form of the summons? Yes, to the date. He wanted to make it appear that it was for the following year; but as the date of the service was some days previous, it altered the case altogether.
10. Was not the case like this,—that the summons was issued on the 19th May, and that it stated the party was to appear on the 29th of May next? I do not remember the date of the summons; I know it was about two days previous.
11. It was on account of the word "next" being used in the summons? The word "next" was made use of, and it always had been, as far as I remember.
12. What occurred in reference to that point? I was of opinion that the summons was correct, in accordance with the general practice. There were several cases which Mr. Owen had defended previous to that, and nothing had been said about the summons on those occasions; and I saw no difference between the summons in this and the other cases.
13. What else occurred about it? I do not remember. I left the Bench when I found they were not going to agree with my view. I considered myself insulted by Mr. Owen, and I left the Bench.
14. You left the Bench? Yes. I was on the Bench at the time.
15. Did you say anything when you left the Bench? I do not remember what I said. I said some few words—they were very few, and I left the Court.
16. You cannot remember the words? No, but it was with reference to Mr. Owen.
17. Whatever you said was with reference to Mr. Owen's conduct? Yes. The Magistrates took the same view as he did, as far as I could see.

J. Robb, Esq.,  
J.P.  
2 Mar., 1869.

- J. Robb, Esq.,  
J.P.
18. Who were the other Magistrates on the Bench with you? Mr. Charles and Mr. Emery.
19. Did any of the other gentlemen make any remark when you left the Bench? I did not hear them, about my leaving the Bench.
- 2 Mar., 1869.
20. Did you make any remark, when you left the Bench, reflecting upon their opinions or decision? No, I did not.
21. How long have you been a Magistrate? I do not remember exactly. I think twelve years. A portion of the time I was not a Magistrate. When the new Commission was issued I was left out, but I was afterwards restored.
22. Have you known Mr. Charles during the whole of that period? I have known him a great many years—I think the whole of that time.
23. You have had ample opportunity of observing his conduct as a Magistrate? Yes, I have been frequently on the Bench when he has been there.
24. Was his conduct as a Magistrate generally approved by yourself and by the people of the district? I never heard it reflected upon, excepting on this occasion by the Corporation.
25. You are a ratepayer at Kiama? Yes.
26. You do not think the fact of your being a ratepayer of the municipality of Kiama prevented your sitting as a Magistrate in a case where the municipality was concerned? No, I do not.
27. *Mr. Byrnes.*] Did you make any remark at all when you left the Bench? I might have made some remark, but I used very few words.
28. You cannot recollect what you said? It was more with regard to Mr. Owen than any one else.
29. Why should you have taken offence at Mr. Owen's conduct, because it was in the power of the Magistrates to deal with him? It was not within the power of one Magistrate to keep him quiet, because the others did not agree with me.
30. Did you consider that Mr. Owen ought not to have been allowed to interfere in the case at all? I did. I think he had not been retained in the case. If he had been retained in the case it would have been very different, but I think he was not, as far as my knowledge went.
31. You say you are a ratepayer? Yes.
32. Were your rates in arrear at that time? No.
33. Had you ever disputed paying your rates? No.
34. If you had had continual disputes with the Council as to their right to claim the rates from you, and if those rates had been in arrear, would you have considered yourself justified in taking your seat on the Bench to try other cases—supposing you had not paid? Of course I should not have been justified in sitting there—at least I think not.
35. Had you at any time opposed the operation of the Municipal Council? No, I cannot say I had.
36. If you had from time to time considered it your duty to oppose the operation of the Municipal Council, could you have taken your seat upon the Bench to try cases of individuals charged with non-payment of such rates? I do not think I would have done so. I was never placed in that position.
37. I suppose you are aware that Magistrates are expected at all times to refuse to adjudicate in matters that they are directly or indirectly interested in? Yes; I have never sat on such occasions, even if any of my own people have been before the Court.
38. You would not in such cases take your seat upon the Bench? No, I would not.
39. You cannot recollect what you said on leaving the Bench? No; very few words—it was more with reference to Mr. Owen. All the summonses had been the same, and he had not objected to them in previous cases where he had been retained, and I thought it strange that he should start up and object where he was not retained.
40. You considered the objection was not tenable? I thought it was not; for the service of the summons was some days previous to the hearing of the case, and therefore I thought it brought it within the meaning of the Act.
41. *Mr. J. Stewart.*] Did you ever happen to hear how Mr. Charles paid his rates? No. I heard it said that his father-in-law paid the rates on that occasion; but I think, from what I have seen, that he paid them.
42. Do you know how he paid them—by cheque or cash? Not from my own knowledge.
43. Did you ever hear of Mr. Charles having drawn a cheque in favour of "Imposition, otherwise Corporation"? I do not remember hearing anything of it till after it had passed away for some time.
44. If you owed the Council rates, would you consider it proper to pay them by cheque, describing the Council as an imposition? They could have refused it if they had pleased, but I do not think they would do so if they thought the cheque a good one.
45. *Mr. Parkes.*] What Magistrates composed the Bench on the 29th May, 1866—what number were present? In the first part, Mr. Moles, from Shellharbour, and myself, and, I think, Mr. Black was there the first part of the day; but I am not certain.
46. There is a copy of the cause list (*handing the same to the witness*). Do you recollect whether those are the names of the Magistrates present? I think Mr. Black was on the Bench that day.
47. *Chairman.*] Did you not adjudicate in King's case yourself? No.
48. You went away before the decision? Yes. It strikes me that Mr. Black was on the Bench that day.
49. *Mr. Parkes.*] Were Mr. Emery and Mr. Charles on the Bench on that day? Yes, they were on the Bench.
50. The case of Joseph King was dismissed because the form of summons specified that he was summoned there for the "29th of May next"? I think that case was nonsuited.
51. It was nonsuited on that ground? I did not remain till it was passed over.

52. Was that the view taken by the Magistrates on the Bench? Yes, about the wording of the summons. J. Robb, Esq.,  
J.P.
53. They took a view in favour of a nonsuit in consequence of the summons being so worded? I believe they arrived at the conclusion that the wording of the summons was illegal. Mar., 1869.
54. You considered that it meant the next 29th of May? I thought it meant the day on which we were sitting, from the date of the issue of the summons. The bailiff always enters the date on the back of the summons when he serves it.
55. Who were the Magistrates who took a view in favour of nonsuiting the plaintiff? I cannot say—I was not there; but Mr. Charles and Mr. Emery took an opposite view to me, in regard to the word "next."
56. *Chairman.*] They entertained the objection started by Mr. Owen? They seemed to do so. I did not wait to see the case closed, for I left the Bench.
57. *Mr. R. Stewart.*] You were on the Bench up to the time that the objection was raised by Mr. Owen—you were on the Bench with Mr. Charles and Mr. Emery? For a short time.
58. Your view was, that, for two reasons, Mr. Owen should not be heard: first, that he was not employed—? He was not employed, as far as my knowledge went.
59. And the second, that he had taken a technical objection, which was never admitted by the Bench? It had never been raised before. The summons had always been in the same form for years, and cases had been passed over on the same morning where the summonses were the same.
60. In this cause list the name Alexander Emery appears as one of the defendants—Was he the same as the Emery on the Bench? I think it was James Emery on the Bench.
61. Next there is James Emery, and then Samuel Charles. Was the latter the same gentleman as the Magistrate on the Bench? He was on the Bench when I left.
62. In point of fact, the only two gentlemen who were on the Bench when you left, were two ratepayers whose names appeared on the cause list as having been summoned to appear on the "29th of May next"? I was only a few minutes on the Bench after Mr. Owen raised the point about the word "next."
63. I presume that you looked down this cause list, and saw the names that were on it? I do not remember the names now.
64. You had looked down it at the time? Yes.
65. *Mr. Parkes.*] Are the James Emery and Samuel Charles, whose names are down on this cause list of the 29th May, the James Emery and Samuel Charles who were sitting on the Bench upon that day? I do not remember that Mr. Charles' name was on the cause list, and I am not very sure that Mr. Emery's was.
66. *Chairman.*] I suppose, if you had looked at the cause list, you would have seen that those names in the cause list were marked "withdrawn"? I cannot remember. I cannot say whether the original or a copy was before us.
67. *Mr. R. Stewart.*] Is it the fact, as has been stated, that the previous six months' rates had been contested by some of the ratepayers in Kiama—by Mr. Charles, for instance? I do not know.
68. You were not aware of the case having been decided? Yes, there was a case, but I do not remember the parties. I do not think Mr. Charles was one.
69. You are not aware that Mr. Charles had resisted the payment of the previous half-year's rates, and that the decision of the Bench had been against him? No.
70. You had not been made aware of the fact that he had appealed to the Supreme Court? Yes, I heard of that.
71. Would you have felt justified—having resisted the payment of six months' rates—as a Magistrate to have taken your seat on the Bench to adjudicate in cases where the payment of rates was resisted? I do not know how I should act in such a case. I was not placed in a position to be tried. I do not think Mr. Charles was on the list, but I am not sure of Mr. Emery.
72. In point of fact, you left the Bench on account of the objection taken by Mr. Owen being sustained by the Bench—that was a technical objection? Yes. I have repeated that a number of times over.
73. You are not aware that, when you left the Bench, you stated that if they were going to administer justice in that way you would not be a party to it? I do not believe I made use of such words. What I said, I think, had reference rather to the way in which I considered Mr. Owen had insulted me.
74. Then for the first time this objection was sustained by the Magistrates, or had it ever been objected to and sustained before? I do not understand your question.
75. The summons named the 29th of May next. If it had been any other month, it would have been named in the same way? Yes.
76. Up to that time, you had never known a case to be dismissed upon that ground? No; the point had never been raised.
77. The point was raised by an attorney who was not employed in the case? I am not aware that he was.
78. *Mr. Forster.*] Did you not say, in answer to a question by Mr. Byrnes, that a Magistrate ought not to sit in a case in which he had either a direct or an indirect interest? I do not think it would be desirable for a Magistrate to sit in such a case.
79. Did you not say that you yourself would not sit in such a case, where you had either a direct or an indirect interest? Suppose I had paid my rates, I do not see that I should be prevented from sitting, although I might be said to have an indirect interest.
80. I am not making allusion to any particular case. I want to know whether you adhere to what you have said,—that you would not, as a Magistrate, sit in a case in which you

J. Robb, Esq., you had either a direct or an indirect interest? I do not know exactly what you mean by an indirect interest—it is a very extensive word. If you define it, I may be able to answer it.  
J.P.

2 Mar., 1869.

81. Exactly, it did appear to me that you were erecting a very inconvenient standard; but I think you said, in reply to Mr. Byrnes, that you thought no Magistrate should sit in a case in which he had either a direct or an indirect interest? What I mean by indirect—

82. Will you be kind enough to state whether you gave that answer just now? I do not remember exactly.

The shorthand writer was directed to refer to his notes.

83. That is what you said? I did not mean that I would not sit in any municipal matter.

84. Do you then withdraw that? Of course all ratepayers would have an indirect interest; and if Magistrates were prevented from sitting because they were ratepayers, there would be none to sit in such cases, unless the cases were taken to the next municipality.

85. I want to know whether you adhere to the answer given by you to Mr. Byrnes? Not as you seem to construe it, I would not.

86. I want an answer to the question whether you do or do not adhere to the answer you gave to Mr. Byrnes' question, without reference to how I should construe it? I say, if I have given an answer in that way, I have given it incorrectly.

87. Then, in fact, you do not adhere to the answer you gave to Mr. Byrnes—you consider it incorrect? I mean in regard to the point you speak of.

88. You do not adhere to that rule? No. If that rule were to be adopted, there would be an end of adjudicating in all municipal cases.

89. *Mr. Byrnes.*] Do the Magistrates attend on the Bench by roster, from time to time? There has been a roster formed, but it has not been adhered to. Sometimes the Magistrate would attend, sometimes he would not. They have often to go into the street to pick up a Magistrate as he is passing.

90. You were not picked up from the street on that occasion? No.

91. *Chairman.*] Do you know who was on the roster for that day—if there were a roster? No—I paid so little attention to the roster of late.

92. *Mr. Byrnes.*] Before you left the Bench on that occasion, did you consult with your brother Magistrates as to the objection raised by Mr. Owen? I did not, because I could see that they viewed it in the same light as Mr. Owen. Very few words passed.

93. You said that they agreed on the point raised by Mr. Owen, and you withdrew from the Bench? Yes, before the case was closed.

94. Were there any other Magistrates on the Bench at this time besides the two you have named? No.

95. You left Mr. Emery and Mr. Charles sole occupants of the Bench? Yes.

96. Are you aware whether any notice had been given to the ratepaying defaulters, by public advertisement or by circular, that they would be sued? I believe there was an advertisement to the effect that, if the rates were not paid by a certain day, summonses would be issued.

97. Did you see the advertisement? Yes, I think I did.

98. Published in the local paper? Yes, I think, in the *Independent*.

99. You seem to have some doubt as to the explanation you gave as to the right of Magistrates to sit in cases where they were either directly or indirectly interested—Are you not aware that it is positively laid down that Magistrates shall not adjudicate in cases where they are either directly or indirectly interested, especially as ratepayers? I am not aware that they are indirectly.

100. Having any interest? No.

101. You are not aware of that? No.

102. You give as a reason why this should not be the case, that were it so, Magistrates could not be found in a district to adjudicate? No, if you understand it to be indirectly, because by the word "indirect" all ratepayers would be excluded from the Bench, and no Magistrate could be found within a municipality to decide in such cases.

103. Can you give us the names of any Magistrates who are not interested in the rates? I do not think there is one—I believe they are all directly or indirectly concerned.

104. You think it would not be possible to find a Magistrate in the district who is not indirectly interested? No.

105. Do you think that is a matter that should at all actuate a Bench on any occasion, if they are illegally in their position, in adjudicating in cases where they are directly interested? A man cannot be directly interested, if he is not interested in the party sued; as a ratepayer he may have an indirect interest.

106. Supposing the question to arise as to the legality or illegality of a Municipal Council and its power to levy for rates, do not you think every ratepayer, whether a Magistrate or otherwise, would be interested in the decision that would be arrived at with reference to that point? That is all supposition. I do not see that we have any right to enter into that question.

107. Do you not know that that point had arisen—the question as to the legality of the Corporation? No, I never heard it raised till the time that the case went against the municipality of Shoalhaven.

108. Was that subsequent to those decisions that we are now speaking of? Some two or three years previous to this.

109. That question had arisen? It arose in this way, by the Council becoming inoperative—it did not work.

110. You say the question had arisen; and that being the case, is it not the fact that every ratepayer was more or less interested in the decision? There was no question of default in that case.

111. If interested in that decision — ? They looked upon the Kiama case exactly the same as the Shoalhaven. J. Robb, Esq., J.P.
112. If interested in that decision, were they not interested in the payment of rates at Kiama? Not at that date I speak of, for the case had gone home to England and been revised, and the decision from the Privy Council had come out, and the Council had started afresh. 2 Mar., 1869.
113. *Mr. Parkes.*] This was a year after at least? Fully a year; I think over a year.
114. *Mr. Byrnes.*] You had never opposed the operation of the Municipal Council? No. I did not agree with some of their movements at the time. They nominated each other, and never paid the rates themselves.
115. Had Mr. Charles opposed the Council? I think he had, by writing in the paper.
116. Had he by public speaking? I do not know. I never attended meetings.
117. *Mr. Parkes.*] You do not often attend meetings? Not generally, if they are held at night.
118. *Mr. R. Stewart.*] You reside out of town? About three miles away. I do not attend meetings at night.
119. *Chairman.*] You stated, just now, that you were dissatisfied with the proceedings of the Municipal Council to some extent? I considered their acts illegal at the time, as far as my knowledge went. I think they nominated each other for re-election when their time expired, without paying rates themselves.
120. Then you think they were not legally constituted? I think not, according to the Act.
121. Did you know, when you took your seat upon the Bench upon that 29th May, with Mr. Charles and Mr. Emery, that Mr. Charles had paid his rates for the previous half-year? No, I knew nothing at all about it.
122. With regard to that cause list, what is the practice on the Bench—Do you enter in that column, under the head of “judgment,” how it is settled, as it is settled? Yes, the chairman generally enters that.
123. Do you know whether Mr. Charles ever sat on municipal cases whilst he was defaulter to the municipality? No.
124. From your knowledge of Mr. Charles’ character and his general conduct as a Magistrate, do you think it is likely he would ever have taken such a course? I would not think it very likely, from what I know of him.
125. You are aware that, some time before, Mr. Charles appealed against the decision of the Bench at Kiama compelling him to pay the rates to the Supreme Court? Yes, I heard that; in fact, I saw it in the papers.
126. Do you remember the grounds on which he resisted the judgment of the Court below? No; I was not there.
127. *Mr. Parkes.*] Do you recollect the result of the appeal? Yes; it was dismissed, I think.
128. *Chairman.*] It was an application for prohibition was dismissed? Yes.
129. Can you remember or not whether it was as to the illegal constitution of the Council, or for some other reason, that he appealed against the decision of the Bench? I do not remember. It strikes me it was after the Privy Council at home had given their decision.
130. Which restored the Municipal Council at Kiama? Yes.
131. It could not then be on the ground of the illegal constitution of the Council that he appealed? No.
132. *Mr. Forster.*] Do you consider that Mr. Charles was a defaulting ratepayer on the 29th May? Of my own knowledge I cannot say; all I go by is, what I have heard that he had paid his rates.
133. If he had paid his rates, would you consider him a defaulting ratepayer? Assuredly not.
134. In the minute paper for the Executive Council, it is stated that Mr. Charles did improperly sit and adjudicate in several causes in which the Municipal Council had summoned certain ratepayers, he being himself a defaulting ratepayer so summoned for that day. Would that be an incorrect statement? I think so. I think the Ministry of the day were led into error by Mr. Black’s letter.
135. *Mr. R. Stewart.*] Have you read the correspondence? I have seen it in print in Kiama. There are some things not altogether what they ought to be there.
136. *Mr. Forster.*] Do you think Mr. Charles had any direct interest in the case when he sat on the Bench? I do not think he had.
137. On the other hand, had not almost every Magistrate, as a ratepayer, an indirect interest? Yes, it could not be otherwise.
138. *Mr. J. Stewart.*] Mr. Charles was quite friendly to this Corporation, I suppose? I suppose he must have been.
139. At the time you have referred to, was he friendly to the Corporation? At the time of the hearing of these cases, I do not know whether he was or not. I know he was opposed to some of the members who were in it. I do not think he was against the Corporation, but members of the Corporation.
140. *Chairman.*] The composition of the Corporation? Yes.
141. Mr. Charles is now a member of the Kiama Municipal Council? Yes.
142. What share did you take in Mr. Charles’ election to the Council? I was one of his nominators.
143. Did you sign the requisition to him to stand? Yes.
144. And you nominated him at the election? Yes.
145. Therefore, we may presume that you believed Mr. Charles to be a friend to municipal action, or you would not have sought to return him? I thought he would make fully as good a member as any in it, or likely to go into it. 146.

- J. Robb, Esq., J.P. 146. *Mr. Byrnes.*] I suppose you are aware that there is now no question as to the legal position of the Council? No. I suppose they would all be satisfied now.
147. Mr. Charles, of course, is satisfied either to be in the Council or out of it? I suppose he is now.
148. You state that, if a Magistrate had an interest, directly or indirectly —? No, not indirectly.
149. Were prohibited from sitting in cases brought before the Bench against defaulters for any rates, that it would be necessary to find other Magistrates, in consequence of all the Magistrates in the district being ratepayers? If persons indirectly interested were to be prohibited from sitting.
150. Do you think that is a matter for the Bench to consider—is it not rather a matter for the consideration of the Government? It may be a matter for the consideration of the Legislature.
151. I am not speaking of the Legislature? I am not going to give an opinion upon that subject.
152. *Chairman.*] Do you remember the case between Mr. Berry and the Municipality of Shoalhaven? I remember reading about it.
153. Do you know, by public repute, that Mr. David Berry and Mr. Alexander Berry are Magistrates? I do not.

FRIDAY, 5 MARCH, 1869.

Present:—

MR. J. STEWART, | MR. PARKES,  
MR. R. STEWART.

THOMAS GARRETT, Esq., IN THE CHAIR.

Mr. Joseph Weston called in and examined:—

- Mr. Joseph Weston. 154. *Mr. Parkes.*] You are a resident at Kiama? Yes.
155. How long have you resided there? Nearly fourteen years.
156. What occupation do you follow there? At present I am a journalist.
- 5 Mar., 1869. 157. How long have you been a journalist? Since June, 1863.
158. Without any interruption? Without any interruption whatever.
159. Have you had a continuous knowledge of the occurrences in the district during that time, by reason of your capacity as a journalist? Yes, I may say I have had an intimate knowledge of common public occurrences.
160. Have you at any time reported cases for the journal with which you are connected? Since then I have been the chief reporter for my journal, the *Independent*.
161. Have you attended most of the public meetings that have been held in the district? Most of them.
162. Have you attended most of the sittings of the Kiama Bench? I think all of them; most of them, I may safely say.
163. Have you attended the meetings of the Municipal Council? A few. I generally employ a reporter for that.
164. Do you know a gentleman of the name of Samuel Charles, a resident at Kiama? Yes.
165. He is a Magistrate, I believe? He was a Magistrate; in fact, I suppose he is now, but he has not sat since his reappointment. I have seen his name in the *Gazette* as being appointed a Magistrate lately.
166. Was Mr. Charles ever a member of the Municipal Council of Kiama? He is now, this last year. He never was a member of it before, that I am aware of.
167. Do you recollect when the Municipal Council was first established? I believe it was established in 1859 or the beginning of 1860.
168. Soon after the Municipalities Act came into operation? Yes.
169. Was Mr. Charles among the candidates at that time? I would not be quite certain, but I believe he was. That was in 1859 or 1860, before I had much to do with public matters. I was then working in the bush, clearing a farm.
170. Was he a supporter of the Municipal Council then? I believe he was one that signed the petition for incorporation.
171. Has Mr. Charles ever at any time since then evinced hostility to the Municipal Council? Yes. The first exhibition of his hostility was shown before I had much to do with public matters.
172. Do you recollect anything about Mr. Charles' hostility to the Council? Yes, I have a few memoranda here of things that occurred, of which I will vouch for the accuracy.
173. Can you state to the Committee in what form this hostility, if it existed, was manifested? I believe the first hostility was shown to them in consequence of the Council refusing to accede to some proposition of his, in reference to the spending of certain moneys, collected in a certain district, upon certain roads within that district. As far as my recollection serves me, he made a suggestion that the moneys collected from the tenants along the Eureka Road should be expended on that road.
174. Whose tenants were they? Some of them were tenants of his own—himself and his neighbours—those who used the road.
175. Does the Eureka Road go through Mr. Charles' estate? Yes; it is the road from Kiama to Shoalhaven.
- 176.

176. Mr. Charles' property is called Eureka? Yes. The Council did not accede to this proposition of his, and his hostility commenced from that time. Mr. Joseph Weston.
177. What shape did his hostility assume? Opposing them all he could. There was a good deal of writing in a newspaper that was in existence at that time, called the *Examiner*. That was before I had anything to do with a newspaper. I believe the first active opposition he showed was after the decision in Berry's case, when he refused to pay any rates. Just about that time, I received a letter from him, under date 2nd February, 1864, which was published in the *Independent*; and perhaps it will give as good an idea of his opposition as anything you could have. 5 Mar., 1869.
178. Was this the first indication of Mr. Charles' hostility to the Council? I heard of it before, but that is the first tangible public opposition that I know of. (*Letter referred to read.*)
179. *Chairman.*] That was after the decision of the Supreme Court here in the case of *Berry v. Graham*? I do not know the date of that decision, but I presume it was, from his reference to it.
180. *Mr. Parkes.*] Do you hand that letter in to be appended to your evidence? Yes. (*Handed in. Vide Appendix A 1.*)
181. Did you ever hear Mr. Charles speak of himself, or hear him spoken of by others, as the "Council Killer," the "Corporation Killer," or the "Killer of the Council"? That was his general cognomen. I heard him say myself that he had killed the Council.
182. That was in the year 1864. Did Mr. Charles continue to manifest this violent opposition to the municipal body? On February 16th, 1864, he caused an advertisement to be inserted in the *Independent*, of which I have here a copy.
183. Will you read it? (*Advertisement read. Vide Appendix A 2.*)
184. What was the state of feeling amongst the ratepayers at the time—was it, as described by Mr. Charles, hostile to the Municipal Council? There were a few who were hostile, but the majority of the people were very anxious for it to go on, and were very much annoyed at this opposition.
185. Were you a ratepayer yourself? Yes.
186. What was your own feeling? That the opposition was uncalled for, and very obstructive.
187. Was that meeting held? It was, and I attended it myself as reporter.
188. Who took an active part at the meeting? The chair was taken by Thomas Chapman, Esq., J.P.
189. Who were the speakers? Mr. Charles was the mover of the first resolution, and Mr. Emery the seconder.
190. What was the resolution? "That this meeting considers that the operation of the Municipality of Kiama has, from the first, been unsatisfactory; that it is not entitled to the confidence of the ratepayers; and that this meeting pledges itself to use all lawful means to remove the present obstructive and illegally constituted Municipal Council."
191. Was that resolution carried? No, it was declared to be carried; but I believe, if I remember right, that it was lost.
192. *Chairman.*] What does your own report say? The report does not say it was carried. The meeting ended in a row; but those who proposed the resolutions declared they were passed, and acted upon them.
193. Did the Chairman declare that they were passed? No. There was a regular row in the Court House, where the meeting was held.
194. *Mr. Parkes.*] Did you report these proceedings? Yes.
195. What does the report say at its conclusion—surely it records what was done? The resolutions were not put formally to the meeting, nor were they carried; the meeting broke up in confusion.
196. *Chairman.*] Does the report say so? That is the effect of it.
197. *Mr. Parkes.*] Will you hand in that report of the meeting, as taken down by yourself? Yes, and guaranteed to be correct. (*Handed in. Vide Appendix A 3.*) That was on the 23rd February. On the 27th Mr. Charles sent me another advertisement on the same subject, which refers to the second resolution submitted to the meeting, the report of which I have handed in. That advertisement was as follows:—"The gentlemen constituting the Committee above mentioned are requested to meet at the 'Fermanagh Hotel,' on Thursday, the 27th instant, at half-past 1 o'clock, for the purpose of considering the steps to be taken in connection with the object sought to be obtained.—SAMUEL CHARLES, Chairman, *pro tem.*"
198. *Chairman.*] Will you read the resolution to which that refers? "That a subscription list be now opened to defray any expenses that may be incurred in carrying out the foregoing resolution; and that the following gentlemen (with power to add to their number) be requested to form a Committee for the purpose of speedily bringing the question to an issue in the Supreme Court of New South Wales:—Thomas Chapman, Michael Hindmarsh, David Berry, James M. Gray, Thomas Kendall, James Robb, Alexander King, James Emery, James Marks, junr., Robert Morrow, senr., G. K. Waldron, John Cullen, John Tate, David Smith, John Farragher, Thomas McIntyre, Hugh Mitchell, James Armstrong, senr., George Gray, Samuel Charles, Thomas Black, Thomas Fuller, treasurer."
199. *Mr. Parkes.*] Were all these gentlemen declared opponents of the Municipal Council? Not all of them.
200. Were their names used there without their authority? It says here,—"That they be requested."
201. Have you any knowledge whether any of them dissented from the proceedings? I know several of them did.

Mr. Joseph Weston. 202. *Chairman.*] Do you remember their names? Mr. Thomas Black was one, and I think Mr. Fuller was another. To the best of my belief, the following gentlemen disapproved of Mr. Charles' action, and would not have acted in the matter:—Mr. Thomas Kendall, Mr. James Robb, Mr. James Marks, junior, Mr. G. K. Waldron, Mr. Thomas McIntyre, Mr. Hugh Mitchell, Mr. Thomas Black, and Mr. Thomas Fuller. I do not believe that any one of these gentlemen would act in concert with the object of the Committee.

5 Mar., 1869.

203. *Mr. Parkes.*] In your belief, the names of these gentlemen were used without authority? Yes.

204. *Chairman.*] I suppose you have a pretty good knowledge of who paid their rates during that period? I scarcely had much knowledge of that—only by common rumour.

205. During 1864 and 1865, until the Council was reconstituted, very few paid their rates? I do not know that it was ever defunct.

206. Until the decision came out from England in the Shoalhaven case, its operation was suspended? Yes.

207. During that time very few paid their rates? Very few.

208. Did you pay your rates? I did, and I confess I felt rather sorry that I did so. I will not go the length of saying I was not in arrears at that time, but I did actually pay for two half-years after other people ceased to pay.

209. *Mr. Parkes.*] Were there any other occurrences which showed a systematic hostility to the Municipal Council, on the part of Mr. Charles? Yes; he showed it in reference to a case in which the Shellharbour Council was concerned, after the decision of the Supreme Court here in the case of *Backhouse v. the Municipality of Wollongong*, which decided that the Court of Requests was a competent Court for the recovery of rates. The Shellharbour Municipality availed themselves of that decision to sue for rates, and Mr. Charles sat on the Bench at Kiama to adjudicate in these cases, and said it was illegal to sue for rates in the Small Debts Court.

210. He acted in opposition to the decision of the Supreme Court here? He did. The sitting of the Bench to which I allude was on the 26th July, 1864.

211. Did you attend the Court that day as reporter? Yes.

212. Did you report the proceedings? Yes.

213. Have you a copy of the report before you? Yes.

214. Will you inform the Committee what Mr. Charles stated, sitting there as a Magistrate on that day, and also inform the Committee whether you took down the words as Mr. Charles uttered them? I took down the words as uttered by Mr. Charles; and, if I were put on my oath, I would swear this is a correct report of what he did say, and of the point at issue. The following is from the report:—

“Kiama Court of Requests, Tuesday, July 26, 1864.

(Before Messrs. Fry, Hindmarsh, Marks, Colley, Moles, Chapman, Kendall, Miller, and Charles, J.P's.)

E. Graham (Chairman of the Municipal Council of Shellharbour) *v.* J. Cronan, *senr.*

“Mr. Owen, for the Municipality, opened the case, by relating the proceedings of the Wollongong Corporation, and reading the decision of the Supreme Court in the case of *Backhouse v. Wollongong Municipality*; from which it was clear their Honors ruled arrears of rates a common debt, and their recovery within the jurisdiction of the District Court, and also of the Court of Requests. His clients were therefore satisfied they were adopting a proper course; and, with such a precedent, he had no doubt their Worship would without hesitation adjudicate in the matter.

“His Worship S. Charles, Esq., very pertinaciously and at great length argued that it was wrong in principle for the Municipality to shirk their own responsibility and place it on the shoulders of the Magistrates, as was clearly attempted in this case, and proved by the fact that the Municipal Act empowered them to recover by levy and distress. His Worship J. Marks, Esq., would ask, had not the Municipal Council the choice of two remedies? Mr. Charles: I don't deny that. Mr. Marks: Then, if they choose to bring their case here, would not the Bench be shirking its duty if it refused to act? Mr. Chapman was of opinion that all this inconvenience and annoyance came of a very imperfect Act of Parliament; and it would be better to do as the Kiama Council was doing, rest on their oars until the Bill promised by the Government came into operation. The Chairman of the Council remarked, that it was not to Mr. Charles they brought their case, but to the Bench. Mr. Charles: It is not of my own choice that I am here to-day. Mr. Chapman here left the Bench.” The case went on, and was adjudicated in favour of the Council, Mr. Charles dissenting.

215. *Chairman.*] Was any exception taken to the conduct of Mr. Charles in sitting on that case at that time? Yes, Mr. Graham said it was not right for him to sit on the Bench, and that he ought to come off it.

216. Is that in the report? No, I say that from memory. There is another observation of Mr. Charles' here, in another case of the Council of Shellharbour against Thomas Farragher:—“His Worship S. Charles, Esq., on the part of the defendant, asked had the defendant been served with notice of the arrears, as it was clearly laid down by the Act that such notice was necessary. This called forth some sharp replies from the Chairman and Clerk of the Council, and also from their attorney, not by any means complimentary to His Worship as a Magistrate; to which he replied that he should fail in his duty were he not to look well after the interests of the defendants, believing as he did in the illegality of the entire proceedings.”

217. *Mr. Parkes.*] Did anything else occur during that year? Yes. Here is a letter from a very respectable gentleman of —

218. What we more particularly want is, to ascertain the facts as to Mr. Charles' opposition to the Municipal Council of Kiama. Do you recollect whether there was an election of a Member to represent the district in the Legislative Assembly during the year 1864? Yes.

Mr. Joseph  
Weston.

5 Mar., 1869.

219. Who were the candidates? Dr. Hamilton and Mr. Parkes. Mr. Charles was proposed, made a speech, and retired.

220. Do you recollect whether the question of Mr. Charles' hostility to the Municipal Council was very violently agitated during that election? It was.

221. So as to produce feelings of extreme anger among the people? Yes, extreme anger.

222. Had you means of knowing that in performing your duties as reporter? Yes.

223. The contest was rather a strong one? Yes, there was a good deal of feeling. Still the feeling was most on one side; I did not see any feeling on our side at all.

224. There was strong feeling somewhere? Yes, no doubt.

225. Several meetings were held through the electorate? Yes.

226. Was any meeting held where this question of the Municipal Council was not raised? I do not know that there was ever a meeting at which it was not raised; that is, Mr. Charles' meetings.

227. Did you ever hear Mr. Charles proclaimed as the "corporation killer"? Yes, I heard him himself say that he had killed it, and it only wanted burying out of sight; that he had saved us £7,000 by his opposition; that he was not opposed to the municipality, but that it had oppressed him, and he had kicked against it.

228. Did he not designate himself as the "corporation killer"? No, I would not say that he did; at least, I do not know that he did.

229. *Chairman.*] You do not know that he did not? No; but I heard him boast that he had killed it.

230. *Mr. Parkes.*] Did he call a certain newspaper a "blow-fly"? Yes, he did. Mr. Black, at one meeting, accused Mr. Charles of having said he had saved the ratepayers £7,500 by his opposition.

231. *Chairman.*] Read the words of the report? "Mr. Charles had said that he had saved the ratepayers £7,500. He (Mr. Black) had been an alderman, and spoke advisedly when he said that Mr. Charles had taken advantage of a flaw in the Municipal Act, and had, by letter and otherwise, held out a threat to the Council, if they did not accede to his suggestion. The same virulent spirit of opposition that actuated him against the Council was displayed at the last and is manifest at this election. He would admit that his obstruction had saved the ratepayers £7,500, but he had lost them an equal amount of endowment, and the improvement of roads, bridges, &c., the whole amount would have secured; all because the Council would not consent, at his dictation, to lay out his rates (if he paid them) on his own road. Mr. Charles observed that, if the aldermen had made the same arrangement with all, it would have been a good bargain for the Council. He (Mr. Black) had no hesitation whatever in saying, that every one who heard Mr. Charles say he was a friend to municipalities, and knew the facts of his conduct to our own, would agree with him that such a man had a face for anything." Mr. Charles made the same observation at Shellharbour,—that he was a friend to municipalities.

232. *Mr. Parkes.*] Would you be good enough to state to the Committee if any other occasion arose when Mr. Charles manifested an active hostility to the Council? Yes; on 23rd November, 1865, he sent to me another advertisement on the same subject, which is as follows:—

"Municipal Rates.

"A meeting of all parties noticed to pay, and interested in the payment or non-payment of municipal rates in the district of Kiama, will be holden in the Court House, Kiama, on Tuesday, the 28th instant, at 1 o'clock, for the purpose of taking into consideration the legality or otherwise of the proposed claim, and all matters therewith connected.

"JAMES M. GRAY.  
"JAMES EMERY.  
"ALEX. KING.  
"JOHN GRAHAM.  
"GEORGE GREY.  
"WM. KING.  
"ALEX. EMERY.  
"SAMUEL CHARLES."

233. The gentlemen signing that advertisement were pretty generally known in the district as opponents of the Municipal Council? Yes, every one of them.

234. Some of them, I believe, were known as avowed opponents to all municipal government? I should like to make an exception in the case of Mr. Mackay Gray, for I believe he would sooner pay his rates twice over than have any bother about it.

235. Was a meeting held in pursuance of that advertisement? Yes.

236. Did you attend the meeting and report the proceedings? I did.

237. Have you a copy of your report? I have. (*Handed in. Appendix A 4.*)

238. Is this a correct copy of the report you wrote out of what took place at that meeting? It is; and I will take my oath, if necessary, that it is true.

239. Is there any other circumstance you wish to state to the Committee, as evincing the feeling of Mr. Charles towards the Municipal Council? Yes, the case on which he was superseded.

- Mr. Joseph Weston. 240. Were you conducting the *Independent* in the year 1866? I was.
- 6 Mar., 1869. 241. Do you remember a number of ratepayers being summoned for default in the payment of their rates, on the 29th May in that year? Yes; but there were several summoned on the 2nd January before that, including Mr. Charles himself.
242. *Chairman.*] Have you a report of that case? Yes. Mr. Charles was first summoned for rates—£4 10s.—on January 2nd.
243. Will you read it? (*Report read and handed in. Appendix A 5.*)
244. *Mr. Parkes.*] Was that the report made by yourself at the time? Yes.
245. And it fairly represents the transaction? It does.
246. *Chairman.*] Did the next case involve the same amount as was in question in that case? Yes, it was the same case renewed after the nonsuit being entered.
247. Will you read the report of the proceedings in the second case? (*Read and handed in. Appendix A 6.*)
248. What subsequent proceedings took place with regard to that case? The next thing is, that Mr. Charles appeals to the Supreme Court against the decision, and here is the *Herald's* report of the case. (*Read and handed in. Appendix A 7.*)
249. It appears, then, from that report, that Mr. Charles, in appealing against the decision of the Court of Petty Sessions, did not then take any exception to the legal constitution of the Council? No, I see nothing in this report involving that question. When the case was settled, the bailiff was ordered to seize, and he did seize from three persons,—Mr. Charles, Mr. Emery, and Mr. George Grey.
250. *Mr. Parkes.*] The effects of those ratepayers were actually sold? Yes. Those belonging to Mr. Charles and Mr. Emery brought more than was required, but the house belonging to Mr. Grey did not realize as much as his rates amounted to.
251. I think you have stated already that you remember some defaulting ratepayers being summoned before the Bench at Kiama on 29th May, 1866? Yes.
252. Did you attend in your capacity as reporter for the *Independent*, to report these cases? I did.
253. Did you see the cause-list? I did.
254. Will you be kind enough to look at this printed copy of the cause-list here, and, after examining it carefully, state to the Committee whether that is a correct copy, to the best of your belief, of the cause-list you saw in the Court House at Kiama? Yes, I believe it to be so.
255. Will you read the certificate at the bottom—(*Witness read the same.*)—Do you know Mr. Connell? Yes.
256. From your experience of him, is he a correct man of business? Yes.
257. Who were the Magistrates on that occasion who adjudicated on these cases? Mr. Charles, Mr. Emery, and Mr. Robb.
258. Do you recollect in what manner Mr. Robb left the Bench? I remember the circumstance very well. There was some dispute between Mr. Robb and Mr. Owen. Mr. Robb was spoken to rather sharply, as he thought, by Mr. Owen, and was in opposition in his decision to Mr. Charles and Mr. Emery; and when he got what he appeared to think was an insult from Mr. Owen, and saw the other two were opposed to him, he jumped up, took his hat, and walked out.
259. Did he say anything? He did, but I could not remember the exact words. It appeared to me as if he felt disgusted and insulted.
260. Will you be kind enough to look at this letter, signed by Mr. Black, as Mayor, and dated "Municipal Council Chambers, Kiama, 7th June, 1866," and read the passage which is marked? "The other Magistrates who were present having in the meantime left the Bench—one of them, Mr. Robb, in evident disgust at the conduct of these two gentlemen."
261. Did Mr. Robb's manner give you an impression which would justify the language used there? Yes; but if I had written that letter, I should have added Mr. Owen's name too.
262. Do you think this language is justified—the description of the manner in which Mr. Robb left the Bench—Did he appear to leave in evident disgust at the conduct of the other two Magistrates in supporting what he considered Mr. Owen's improper conduct? Yes. But it was not these two men exclusively; he was evidently disgusted with them, and also with Mr. Owen.
263. Were the gentlemen who continued on the Bench and adjudicated—Mr. Charles and Mr. Emery—the same gentlemen whose names appear in the list of causes for that day? They were the same.
264. That is to say, the two Magistrates who adjudicated the causes on that day were the same persons whose names appear in this cause-list as persons against whom summonses had been taken out? Yes.
265. What do you understand by the taking out of a summons? Going and ordering it—paying for it.
266. That is, if instructions were given to the proper authority to issue a summons against a person for default of payment, you would consider that taking out a summons? I would, to all intents and purposes.
267. You would distinguish between that act and the act of issuing the summons? Yes.
268. Did these two Magistrates—Messrs. Charles and Emery—proceed with the cases after Mr. Robb had left the Bench? Yes.
269. Do you recollect the case of Joseph King, who was nonsuited? Yes.
270. On what ground was the case nonsuited? It was nonsuited on the ground that the summons required the attendance of Mr. King on the "29th May next," and, the summons being dated in May, Mr. Owen contended that it meant the 29th May next year.

year. The summons was dated 19th May, requiring Mr. King's attendance at the Court of Requests on the "29th May next." The word "next" was in printed letters, and Mr. Owen contended that the day intended by the summons was the 29th May next year.

Mr. Joseph  
Weston.

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271. The Magistrates concurred in that view? They did; and nonsuited the case on that ground.
272. Have you noticed that in other cases similar phraseology is used? Yes, in every case; the printed summonses are all alike.
273. You are alluding, I think, now, to the cases brought forward on that day? And every other day to that Court.
274. It was the practice to use the word "next" after the day named for the attendance of the person summoned? Yes.
275. You are accustomed to the grammatical construction of language? A little.
276. Do you consider that that meant, grammatically speaking, the next 29th of May, or the 29th of next May? It meant the next 29th May ensuing after the receipt of the summons.
277. Did either of the Magistrates make any comment upon any cases after they were disposed of? It was upon this point that Mr. Owen differed with Mr. Robb.
278. My question is, whether you heard either of the Magistrates who adjudicated make any extra-judicial comment—express their feeling in any way whatever? Yes, Mr. Charles did. Mr. Charles was remonstrated with by Mr. Black, for having dismissed the Council's claim for rates as against one Moffitt, explaining that the legality of the constitution of the Council could not, by possibility, be a question that the Bench was able to decide, and dismissing their claim as against Moffitt was deciding it; whereupon, Mr. Charles said that was just as it should be, or just what he intended. I was under the impression at the time that it was "just as it should be," and I reported it so; but fifty people afterwards came to me, and said I was mistaken, and that the words were "just what I intended." Mr. Thomas Boyce was much closer to Mr. Charles than I was, and he said that; and that rather shook my opinion. At all events, it was one or the other.
279. Are you well acquainted with Mr. Charles personally—have you seen him very many times? Yes.
280. He is a person who cannot be mistaken when he is actuated by strong feeling—a person of a good deal of character and decision? Yes.
281. Did he appear to be pleased—to exult at the dismissal of this case? Yes, indeed he did; he seemed to be just as though he was glad of the opportunity. There was no mistaking his appearance that day.
282. Do you consider this expression correct: that Captain Charles sat and adjudicated, on the 29th May, 1866, in cases the same in all respects as others in which he had the interest of a defendant? Literally true, and I would express it just the very same myself to-day.
283. That is, whether he was, in fact, a defendant or not, in your opinion he had all the interests of the defendants at heart? Yes.
284. And that he had had the interests of the defendants at heart for years? Yes; and I think the evidence I have given to-day will prove it.
285. And he had manifested this feeling on numerous occasions? Yes.
286. Do you consider this expression correct: that a summons had been actually taken out against him? Yes, I do.
287. Although the summons was not served? Yes. If I go to Court and pay for a summons, so far as I am concerned it is issued.
288. You consider the application for a summons the taking out of a summons? Yes.
289. That is, if any one, by default of payment, renders it necessary for the person to whom the money is due to apply for a summons, that person, in your opinion, takes out the summons? Yes, exactly.
290. And supposing the money is afterwards paid, rendering the issue unnecessary, that in no way modifies the term that the summons had been taken out? Not in the slightest.
291. Do you consider this expression correct: strictly in accordance with the fact—that Mr. Charles' name appeared in the cause list for the 29th May? Yes.
292. Did you see it in the cause list on the morning of the 29th May? I did.
293. Do you consider this expression correct: he took his seat on the 29th May, as judge, to try causes in which all his feelings and interests were hostile to the plaintiff—Is that true or not? It is true.
294. Do you think Mr. Charles had had feelings and interests hostile to the plaintiff for some years past? Yes.
295. That he had actively manifested these feelings on all occasions? Yes.
296. Do you think he entertained the same hostile feelings when he took his seat, on the the 29th May, to adjudicate these causes? I do.
297. Would you be prepared to swear that, if called upon? Yes. I would make an addition. I am induced to say so, because, very shortly after Mr. Charles got into the Municipal Council, he said he should respect the chair Mr. Black occupied, but in every other respect he should treat him like a dog.
298. *Mr. R. Stewart.*] Did you hear that? My reporter heard it.
299. *Mr. Parkes.*] The expression you allude to fell from Mr. Charles after his election as an alderman? Yes.
300. *Chairman.*] Was it reported in your paper? It was.
301. This was after it became known to Mr. Charles that Mr. Black had been making these charges against him? Yes.

- Mr. Joseph Weston.
- 5 Mar., 1869.
302. What are your own feelings towards Mr. Charles? We do not speak; but I have not the slightest bit of personal feeling against him.
303. Is Mr. Charles a supporter of the opposition paper to yours? I do not know.
304. Is he a supporter of your paper? No.
305. Was he once? Yes.
306. He withdrew that support? Yes, at the time of the electioneering contest between Dr. Hamilton and Mr. Parkes.
307. You have always differed on politics since? Yes, on public grounds.
308. Does he bear himself towards you as a friend? No. We always used to speak until the last election; and when I met him and advised him to have nothing to do with it, he did not seem to be pleased; and when he met me the next time, he never looked at me at all.
309. Have you any objection to mention when you made that collection of extracts? Since I got the summons to attend here.
310. When you looked at the cause-list on the day it was submitted to the Bench, did you notice the column headed "Judgment"—was that written when you looked at it? I did not notice that, for when I looked at it, it was only to ascertain the parties' names and the amounts sued for.
311. Will you look at that column now—You see the word "Withdrawn" opposite Mr. Charles' name? Yes.
312. Was that on the cause-list when you looked at it that day? I could not say.
313. You did not look for it? No.
314. *Mr. Parkes.*] Suppose the word "Withdrawn" was added on that day, would that in any way modify the expression of your opinion? Not in the slightest.
315. *Chairman.*] With regard to taking out a summons. You said that, if you applied for it, it was tantamount to its being taken out—you spoke as if you had applied for a summons, as if you were the plaintiff? Yes.
316. Suppose you had been the defendant in a case, would you think it would be justified to say you had been summoned, and that you knew you were summoned, if you did not know a summons had been applied for—Do you not think a defendant would put a very different construction on the term "being summoned" to that which you have done—Do you think a defendant would have thought he was summoned, if he had never received a summons? No, I should not say he would.
317. Are you aware whether Mr. Charles ever received a summons? Only by hearsay.
318. Did you ever hear that he did receive a summons in this case? No; I have heard that the summons was taken out, but that it never left the office, and I believe that to be true.
319. That is the meaning you put upon the words "taken out"—that the summons had been asked for? That it had been paid for; that instructions had been given to issue it.
320. Do you think Mr. Charles was really a defendant that morning when he took his seat upon the Bench? No, I would not say that, because I understood his rates had been paid.
321. With regard to the interpretation you put upon the words "29th May next"—Are you quite clear that the word "next" following the word "May" has any reference whatever to the 29th? I should not call it a properly constructed passage, but I should contend that even grammatically it applies a great deal more to the next 29th of May, than to the 29th of May next year.
322. Did you ever see any legal document drawn up in such a way? I have had so little to do with legal documents that I could not say. But, in this matter, I referred to the Court of Requests Act, where there is a schedule which the Act says shall be used, and it is worded exactly the same.
323. If you did not like to use the word "instant" only, but wanted to particularize the month, would you not say "29th May instant"? Probably I would.
324. Or would you have put in the figures 1866? Yes, but if I had written it just as it stands, I should have expected any man I wrote to to understand it. Take the principles of grammar, and you will not make it apply to any other day.
325. *Mr. Parkes.*] You think the Magistrates strained the matter rather in their interpretation? I am sure they did, and so is every sensible man.
326. *Chairman.*] You have spoken a good deal with regard to Mr. Charles' feelings—you are a better witness with regard to your own feelings—What is your feeling towards Mr. Charles? As a father, as a husband, as a neighbour, as a landlord, I believe him to be all I could wish in any man; as a friend, a very good one; as an enemy, very inveterate. In politics I never agreed with him; in every other matter I have no fault to find with him; against him I have not the least possible shade of personal feeling.
327. Have you ever had any personal difference with him? Never.
328. *Mr. R. Stewart.*] Mr. Charles is a very good member of society, but holds strong views on public matters? Yes.
329. *Chairman.*] He has been a Magistrate for several years? Yes.
330. *Mr. Parkes.*] At whose instance was he appointed? I think Mr. Cowper appointed him; I do not know at whose instance.
331. *Chairman.*] During the time he had a seat on the Bench, did you ever hear any complaint of the mode in which he discharged his duties? Not much. I have heard little complaints, but nothing much.
332. Who made these complaints? Mr. Graham of Shellbarbour.
333. How were they made? He seemed to have such a down on municipalities.
334. I am talking generally. Did you ever know him to show partiality? No, I have no fault to find with his general conduct.

335. With the exception, from your point of view, of his feeling against municipalities, you think him a good Magistrate? No doubt of it. Mr. Joseph  
Weston.
336. You mentioned Mr. Colley's name as sitting on the case in January that Mr. Charles appealed against. Is Mr. Colley a member of the Municipal Council of Kiama? No. 5 Mur., 1869.
337. Has he ever been? Yes, he has been.
338. Was he a member during the time Mr. Charles was protesting against its legality—at the time these events took place in 1864? No, I think not.
339. Did he take any part in the agitation that went on about the Council? I do not remember that he did.
340. *Mr. Parkes.*] Will you take this document—the minute paper for the Executive Council—and read aloud the words marked? “Messrs. Charles and Emery being themselves, and the latter having also a relative, among the number of defaulters so summoned for that day.”
341. What I want to ask you is this—whether that is true as to Mr. Emery and Mr. Emery's relative? It is.
342. Supposing Mr. Charles' rates were actually paid, is it true in spirit as to him—whether he had not been a defaulting ratepayer—a ratepayer who refused to pay his rates? It is true.
343. In the same document will you read also the passage marked in the same manner? “In the case of Mr. Charles, the amount of his rate was, it appears, paid by a friend; but not before a summons had, in fact, been taken out against him for the 29th May, as alleged.”
344. Is that in accordance with the fact, as far as your knowledge goes? Yes, it is; that is perfectly true.
345. *Chairman.*] You say it is perfectly true the amount was paid by a friend? Yes, it appears so.
346. What knowledge have you of this? Because Mr. Connell told me so.
347. When? After the case was over.
348. What case? After the Court held on the 29th May was over.
349. What did Mr. Connell tell you? He told me Mr. Mackay Gray had paid it.
350. Did he say how he paid it? No.
351. Is it your opinion now that it was “paid by a friend”—Have you read this evidence? No.
352. As a matter of fact, has not all this correspondence appeared in your paper? Some of the correspondence has.
353. Is there not a portion of that correspondence which states distinctly how these rates were paid? No, I have not got any correspondence of that kind; all I have got was what was in the Council's possession, and I got it from them. I never published Mr. Charles' letters.
354. *Mr. Parkes.*] Was it not a general impression at Kiama that Mr. Mackay Gray had urged Mr. Charles to pay these rates? It was commonly reported that Mr. Gray had induced Captain Charles to do so; in fact, if I can tax my memory, that Mr. Gray had actually said so.
355. *Chairman.*] You do not know when you heard it, or who told you? No, I do not remember who told me.
356. I suppose you would believe Mr. Gray's word about anything? I would.
357. If Mr. Gray says he did not do that, you would believe him? Yes.
358. Would you take Mr. Charles' word about anything? I would.
359. *Mr. Parkes.*] Will you have the kindness to look at this letter, which is dated from “Eureka, near Kiama, 4th August, 1866,” signed “Samuel Charles,” and addressed to the Colonial Secretary—the office of Colonial Secretary being filled at the time by Mr. Parkes—and read the passage which is marked? “Had the Colonial Secretary come forward in a manly manner, and said, ‘Charles, you annoyed me at the last contested election by stating some unpalatable truths of me, and now that I am in power I will give you a kick for it,’ I would have accepted it with the best possible grace; for be assured, much as I felt honored by holding Her Majesty's Commission, I care very little about it while held at the caprice of such a man as Henry Parkes, who is guilty of the grossest partisanship, in dismissing from the Bench a Magistrate, on the most flimsy pretext (because an opponent), and at the bidding of his warmest electioneering supporter.”
360. Do you think that is true? As far as my own impression and observation goes, I never read anything more palpably untrue.
361. On the occasions of my different elections for Kiama, I believe you saw a good deal of my conduct? Pretty nearly all of it.
362. And were in a position to hear my observations? Yes.
363. Did you ever hear me, on any occasion, express any personal hostility or bad feeling towards Mr. Charles? No.
364. Have you ever seen anything in my conduct that would lead you to suppose that I should act in the manner which I am there charged with acting? No.
365. Do you think there is any ground for it? As far as I know, there is none.
366. Do you think there are not sufficient facts in the case submitted to the Government, which is covered by the Attorney General's opinion, to account for my proceedings, without its being attributed to gross partisanship or personal hostility? So much so, that I consider the Government would not have been doing their duty if they had not done just as they did.
367. *Chairman.*] You said, in reply to a question, just now, that you would believe any statement Mr. Charles would make? I should not like to say he was an untruthful man; that is what I mean.

- Mr. Joseph Weston.  
5 Mar., 1869.
368. Does he not bear the character of being a truthful man? Yes; but in his public conduct he has not acted, as other folks think, properly. I would not say he does not believe he has acted properly throughout all this.
369. *Mr. Parkes.*] When you stated that you would believe anything Mr. Charles might say, did you intend to convey to the Committee that you would be prepared to indorse any statement he made at a public meeting? No; I mean generally, socially, among the folks down there.
370. Do you believe that statement in the letter I have called your attention to? Not at all.
371. What I want to draw your attention to is this:—In this same letter you will find these words:—"First, I would ask, who can state what my feelings were to plaintiff? The fact of voluntarily paying my rates, on 21st May, would show a different feeling to that attributed to me." Mr. Charles here states that he voluntarily paid his rates on 21st May—Is that such a statement of his as you would believe? Coupled with this at the bottom of his letter, it is hard to say that I would; for this is such a big lie at the bottom that I am — if it does not throw a black shade over that too.
372. *Chairman.*] You would not believe him at all then? I would not say that.
373. Supposing Mr. Charles owed your office a pound — ? Then he would pay me —
374. And you met him here in Sydney, and he told you he had paid your clerk that pound before he left Kiama, would you believe that? I would.
375. Why not believe this? Because it is coupled with a big lie here. If I were to hear Mr. Charles in almost any other connection with municipalities and politics I would believe him; but he has such strong feelings in these matters.
376. In that passage at the end of this letter, to which Mr. Parkes drew your attention, and of which you have expressed such a very strong feeling, is there any statement of fact whatever—does it purport to state any fact? Well, I dare say it does. The fact it purports to state may be felt by him; but I can only suppose such a thing; it may be Mr. Charles held that opinion.
377. Does that portion of the letter state any fact at all—Is it not merely an expression of opinion or feeling? I would not say that. I should think this more probably a fact,—that he would not hold a Commission at the hands of Mr. Parkes.
378. Is not that a feeling? It may be true for all that.
379. Is it a statement of anything existing? It embodies a lie from the beginning to the end of it.
380. *Mr. Parkes.*] Consequent on what the Chairman has asked you, I would like to ask you whether any person being "guilty of the grossest partisanship" is not a fact—Is it not a fact, if a person is guilty of gross partisanship—if the thing is stated, is not the thing as much a fact as that chair? Yes, if the statement is made.
381. Is not a statement of a clearly defined species of conduct—is not that a fact? Yes, that is a fact, of course.
382. Then this must be a fact, here in a few words I have read? A fact in Mr. Charles' opinion.
383. *Chairman.*] You think his opinion is wrong? I do. I wish to append to my evidence a report of the proceedings on the 29th May. (*Witness handed in the same. Vide Appendix A 8.*)

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Mr. James Poulton called in and examined:—

- Mr. James Poulton.  
5 Mar., 1869.
384. *Mr. Parkes.*] What are you? A public school teacher.
385. Some time ago you resided in the district of Kiama? I did.
386. Did you hold any office there? I was Council Clerk there.
387. During what period? From the formation of the municipality until, I think, somewhere about the latter end of 1862.
388. How long altogether? It might have been for two years and a half, as near as I can recollect, or perhaps three years.
389. Had you any opportunity, during that time, of seeing any manifestation of feeling, on the part of Mr. Samuel Charles, towards the Municipal Council? Yes, frequently.
390. Mr. Charles was, I believe, a ratepayer of the municipality? He was.
391. Do you recollect whether he was amongst those who petitioned for the establishment of the municipality? I do not.
392. What was the course taken by Mr. Charles—was it friendly or unfriendly towards the municipality? I cannot remember any friendly act, on his part, towards the municipality, after its formation; but my impression is that, for some time, he was a supporter. Although I do not remember the movement which was in action for the formation of the municipality, my impression is that Mr. Charles was a petitioner, and that he was one of the active parties in the formation of the municipality; but as soon as, or very shortly after, the municipality came into operation, then his hostility commenced, and it was one persistent course of opposition so long as my connection with the municipality lasted, and, from all I saw in the public papers, for a long time after.
393. Could you explain to the Committee what form his hostility to the Council assumed—in what form it manifested itself—Could you give us any example of it? Yes; the fact of his refusing to pay the rates for which he was assessed, after, I think, the second or perhaps the third instalment of his rates was due. My memory does not serve me, and the only document I have of any kind is a small publication here in reference to the matter, which I happened to come across yesterday morning.

394. What is that? It is a letter of mine in reply to a speech which Mr. Charles made at Jamberoo, on an occasion when he was taking action to influence the ratepayers there in a professed course of separation from the municipality; but, in fact, the intention, I believe, was to thwart the operation of the Municipalities Act in the district. Mr. James Poulton.  
5 Mar., 1869.

395. *Chairman.*] On what date was the meeting held? In 1862.

396. After you ceased to be Clerk? I think I was Clerk at the time—I am not sure.

397. *Mr. R. Stewart.*] After you ceased to be Clerk, did you shortly leave the district? Yes.

398. *Mr. Parkes.*] You were Clerk at that time? I was.

399. At this meeting at Jamberoo, in 1862, Mr. Charles manifested determined hostility to the Council? Yes; in fact, he so far went out of his way as to attend the meeting, although he did not belong to the ward. The meeting was called by ratepayers in Jamberoo Ward; but Mr. Charles was not a resident in Jamberoo Ward, was not a ratepayer of Jamberoo Ward, and had no property or right to interfere for Jamberoo Ward. On this occasion, however, he appeared there, and made a speech.

400. Was the speech of a violent character? I did not hear it.

401. As reported? Yes, from the report it was. In his speech he made a number of false statements, which I show in this letter, from reference to *Government Gazettes* and also to the books of the Corporation, are wholly untrue.

402. Might I ask you whether this letter of yours, a copy of which you hold in your hand, refers with sufficient definiteness to the statements made by him, and the manner in which you answer them, to give the Committee any idea of the character of the speech—In that letter do you make any complete quotations from Mr. Charles' speech, and answer them? Certainly.

403. Do I understand that the letter is in this form,—that it categorically deals with the speech, first quoting either the exact words reported, or the substance of them, and then answering them? It begins with a quotation from his speech, and takes up those points in his speech which I found to be capable of refutation. (*Witness requested to withdraw. Committee deliberated. Witness recalled.*)

404. The Committee are of opinion that they could not, with propriety, allow this letter to be put in as evidence; but probably you can, by reference to the letter, state to the Committee, in your own way, some of those statements, the manner in which you answered them, and the references you made to different public records in answering them? First, he states that the expenditure for works in the municipality, during the six months last preceding the date of this meeting, had been only £99; now the books showed at the time that the expenditure for that period had been £152 15s. 2d. Another statement he makes is, that the expenses of working the Kiama Municipality were double those of any other. I have the quotation here exactly,—“That the expenses of the present Council are nearly double that of any other.” Now I show, by reference to the *Government Gazette* for July, 1862, that in one case there were spent only £61 11s. 3d. for works, and that the expenses for the same municipality, during the same period, including some law costs, amounted to £482; that in another case there were spent £6 2s. 6d. only on public works, by the published accounts, while the expenses for the same period amounted to £97. I quoted several cases; and then, as a result, I showed that, compared with the revenue of Kiama, the expenses were considerably less than those of a considerable number of the municipalities whose reports were published in the *Gazette* for that year.

405. *Chairman.*] Was there any other statement that you disproved? I think not. There was so much personal *animus* on the part of Mr. Charles that a good deal of it is taken up with a reply.

406. *Mr. R. Stewart.*] As an officer of the municipality, you felt warmly on the subject? Not merely as an officer of the municipality, but as a ratepayer. I will give you another instance of the *animus* of the man, which is, I think, sufficient to show his moral inability for discharging the duties of a Magistrate with impartiality. He charged me with being a hanger on to the district, because I took the office of Town Clerk, at a salary of £150 a year. My reply to that is simply this: I did not force myself upon the municipality. The Council called for tenders for filling the office of Town Clerk, the tenders to state the salary that would be accepted. I was one of five or six, and my tender was for £150 a year.

407. How was this charge made against you? In public speeches and in print. I was merely one of several competitors for the office, and did not at that time care about it; but I was solicited by four or five of the aldermen to apply. Up to that period I had not attended one meeting of the public for the formation of the municipality, and had taken no public step whatever in the matter. Then I may state, with reference to his conduct on the Bench—

408. *Chairman.*] When was he appointed? It was a very short time before I left Kiama—some twelve months perhaps.

409. When did you leave Kiama? It must have been in January, 1863. In reference to his conduct upon the Bench, I was going to remark that the Council had occasion to sue some ratepayers for arrears before I left. I think Mr. Black was Mayor at the time, and brought in the cases. Mr. Charles was, on that occasion, appealed to by the party conducting the case for the municipality, as a gentleman, upon the propriety of his withdrawing from the Bench, as he himself was a defaulter to a large amount, and as he had moreover expressed himself most warmly against the operation of the Municipalities Act of 1859—even to stating on the Bench that he would act in opposition to and defiance of the Act. He sat on these cases, and my impression at the present moment is—of course depending on my memory of seven years past—my impression is, that his influence with the Bench at that time was the means of the cases being dismissed.

Mr. James  
Poulton.

5 Mar., 1869.

410. *Mr. Parkes.*] You are quite sure he persisted in sitting as a Magistrate in the adjudication of cases of defaulting ratepayers, when he himself was in default in his rates? Yes.

411. And that, though appealed to on the ground of delicacy and propriety not to take his seat, he persisted in taking his seat and adjudicating? I am quite clear upon that, and not only in reference to our municipality, but in reference to the Shellharbour Municipality, although he was not a defaulter in that case.

412. *Chairman.*] You are speaking of your own knowledge? I was present in the Court when he was appealed to, as to the indelicacy of his sitting to adjudicate under an Act concerning which he had expressed himself so strongly as that he set the Act at defiance.

413. Did he repeatedly state that he should set the Act at defiance? He did.

414. If Mr. Charles had been successful in his procedure at this time, he would have quashed the Council altogether? It is difficult to say.

415. You believe that was his object? I believe his frequent obstruction to the operation of the Council was the cause of rendering the Act inoperative there.

416. You believe his object was, to set the Council aside altogether? Yes, and I believe he succeeded in suspending its operations. His object was to obstruct the operation of the Municipalities Act in Kiama.

417. *Mr. Parkes.*] Have you paid sufficient attention to the conduct of Magistrates, to know generally what is the proper conduct of a Magistrate? For a considerable portion of the time I was in Kiama, I attended the Police Courts very regularly, and reported for the papers.

418. If a Magistrate who was a defaulting ratepayer, and who was summoned by the municipal body, to whom he was a defaulting ratepayer, for the payment of his rates, appeared on the Bench to adjudicate in his own case, and in the cases of other persons similarly situated, do you think any other Magistrate, who had a proper sense of his duty and propriety of conduct, would sit with him, under those circumstances, to adjudicate in the same cases? I believe I have a case in point, but can only give it as an impression. I believe Mr. Robb did the very thing you question me upon. Mr. Robb was at one time a defaulter, I think, because, influenced by Mr. Charles and other parties, and my impression is, that in this particular case you have instanced, Mr. Robb vacated the Bench.

419. I will put the actual case:—A Magistrate of the Colony, Mr. James Emery, was a defaulting ratepayer. In May, 1866, he is summoned for the payment of his rates, to appear on the 29th of that month, together with a number of other ratepayers, altogether nineteen, including himself and his own son; on the 29th May, when he is himself under service of a summons for payment of his own rates, he takes his seat and adjudicates in the causes, including his own cause. What I want to know is, whether, according to correct feeling and the practice of the Courts, any other Magistrate would be a party to such a proceeding as that, by sitting with him, if he understood his duty? Very few would do so, unless there were a second Mr. Emery.

420. Should you consider a Magistrate, who would take his seat with a Magistrate who so violated his duty, fit for his office? I might not doubt the capacity of a Magistrate who would sit with a second Magistrate so circumstanced, because my experience upon the capacity of Magistrates throughout the Colony, in different parts, leads me to come to a conclusion that a great many of them are quite incompetent to arrive at a proper state of feeling on such a matter.

421. Returning to the undisputed facts,—that Mr. Emery, at that time a Magistrate, did actually sit and adjudicate in a number of cases, on the 29th May, 1866, when he himself was one of the summoned parties, having a like interest with all the rest—and that Mr. Charles, another Magistrate, had been in the same position, so as to have a summons prepared against him at the same time as the other summonses, and only having his position altered by the sum being paid between the time the summons was applied for and the time of sitting,—do you think Mr. Charles, sitting in such a case, under such circumstances, and in association with this defaulting ratepayer, Mr. Emery, (which has never been denied),—do you think he had all his feelings and interests hostile to the plaintiff at the time? I should say so, decidedly.

422. Would that be in accordance with what you know of his hostility to the Municipal Council—have you had an opportunity of personally observing his conduct? Yes.

423. If you were plaintiff in such a case, and the case were nonsuited, should you consider you had received justice? Certainly not.

424. Should you think that any gentleman, with a right sense of the duties of a Magistrate, would take his seat upon the Bench to adjudicate in such cases under such circumstances? No.

**REMOVAL OF MR. SAMUEL CHARLES FROM THE COMMISSION OF  
THE PEACE.**

APPENDIX.

(To Evidence given by Mr. Joseph Weston, 5 March, 1869.)

A 1.

Mr. Charles to the Editor of the *Kiama Independent*.

Sir,—I observe by an advertisement in your last, that a meeting is to be held to-day at Shoalhaven, for the purpose of petitioning His Excellency to dissolve the present wretched Assembly, which has rendered itself so obnoxious and so contemptible to the country. I hope that the example will be followed in this electorate; but first of all, we ought, in my opinion, to get rid of our present sham of a Municipal Council. It is strange to see how people will stick like leeches to any public office they may happen to get hold of, if they fancy it confers any sort of honor upon them; and the accident of their holding such office appears to deprive them of the power of distinguishing honor from contempt or ridicule. After I read your notice of the proceedings at the last meeting of the Council, I was in hopes of seeing something done in earnest to get rid of the municipal sham, and place the charge of the roads in the hands of the Government, which seems to be the only chance at present of getting the roads repaired. I am as desirous as the Council can be to see municipalities properly and legally established, but nobody in his sober senses can suppose that any good can be got by a pretence of keeping the present municipal dead body alive. I hoped the Council themselves would at length have seen this, and that we should at length have got our roads put into condition by the Government Department. But no; our municipal wisacres are determined, it seems, to keep up their sham, and have resolved to fill up, if they can, the vacancies which will be created by three retiring aldermen. It seems very doubtful whether they will even try to get the Government to take the debt off their hands; and their laziness and indifference to the welfare of the district would be rightly punished if some wealthy and litigious person should, in imitation of Mr. Berry at Shoalhaven, take such proceedings at law as would saddle these aldermen of an Australian country village with one or two hundred pounds of costs. I cannot but admire the coolness of some members of the Council, in proposing to keep the highways of the district in their present dangerous and disgraceful state till, forsooth, an amended Municipalities Act shall have been passed. The dry weather we have had for the last three years is, in one respect, a fortunate thing for the district; for if they had been as wet and rainy as we have known other, it would have been impossible to travel at all on some parts of the road. The Council talks, it seems, of suing some of the "defaulting" ratepayers at the next county Court. I hope they will, especially as it is so near at hand; as their doing so would have the effect, at any rate, of showing satisfactorily, I have no doubt, that the people still styling themselves so pompously the "Mayor and aldermen" of this village, are, in the present state of the law, unable and unqualified to do anything in their corporate capacity. Hoping that something may speedily occur to make these gentlemen act like persons in their senses,—

Feb. 2, 1864.

I am, sir, yours truly,  
S. C.

A 2.

*Calling Public Meeting of Ratepayers.*

A meeting of all the ratepayers of Kiama and the surrounding districts, who may be desirous of having the roads and culverts made passable before the approaching winter, will be held at the Fermanagh Hotel, Kiama, on Tuesday, 23rd February, at 1 o'clock p.m.; and, at the same time, to take into consideration means whereby the present *obstructive, inoperative, and illegal* Municipal Council may be dissolved.

**Obstructive:** Because of their refusal to give up the management of the leading roads to the Government, who have expressed their willingness to grant £8 per mile on behalf of repairs of such roads.

**Inoperative:** Because, having lost the confidence of the entire body of ratepayers, they are unable to collect rates, or to effect necessary repairs on the roads of the district.

**Illegal:** Because of the incorporation of the towns with the rural districts, as decided by the Judges of the Supreme Court, in the Shoalhaven and Goulburn cases.

A 3.

*Public Meeting respecting Abolition of the Corporation.*

The meeting, which had been called by advertisement in our columns, as well as by circulars distributed through the district, took place in the large room of the Fermanagh Hotel, on Tuesday last. The attendance was numerous, and many persons were gathered round the doors outside. The chair was taken, at about half-past 1, by Thomas Chapman, Esq., J.P. The proceedings excited much interest, but were stormy and irregular. Though the meeting was called as a public one, it is probable that some of those who were chiefly concerned in initiating the movement, neither expected or desired that it should be made the occasion of discussing the whole question of the Corporation—past, present, and to come—as it was actually made. It was rather intended, we believe, as a matter of fact, to be a meeting of those who were in favour of the plan of taking immediate steps to remedy, by some means, the evils caused by the undeniable collapse, and consequent uselessness of the Corporation. Several of the aldermen, however, attended, and the consequence was, that, as above intimated, the proceedings were animated, but very confused. The resolutions which had been prepared for submission to the meeting were but two. The first—"That the Corporation, in consequence of its illegal constitution, &c., had lost the confidence of the ratepayers, and that it was necessary to take measures for its abolition." The second—"That a subscription be entered into for the purpose of bringing the question to an issue in the Supreme Court."

The first of these resolutions was moved by Mr. S. Charles and Mr. James Emery, both of whom spoke at considerable length, in order to show the shortcomings and the mismanagement of the Municipal Council, and the necessity of taking steps to remove it as mischievous and obstructive. This, it was believed, might be done by the resignation of the Council in a body, and by returning the Seal of the Corporation to the Colonial Secretary. The state of the thoroughfares, which it had been the principal business of the Council to form and keep in repair, demanded immediate action, if it were only for the bare safety of travellers; and, if the Council were cleared away, the residents of the district might either reorganize themselves in *legal* municipalities, or place the care of the roads in the hands of the Government. It was asserted that the late Government had fairly offered, on this being done, to grant the regular allowance for mileage, which might suffice to improve our roads in some degree until an amended Municipalities Act were passed, if it were impossible to take the administration of our local affairs into our own hands under the existing Act.

Mr. Pike rose to move an amendment on the resolution. He said that he had lately, in company with Mr. John Hanrahan and Mr. W. D. Meares, waited on the Colonial Secretary, for the purpose of ascertaining whether the Executive could do anything for the purpose of relieving the Corporation and the district from their present awkward position. He had been informed that it was out of the power of the Ministry to accept the resignation of the Council, and that all the latter could do was, to "lie on their oars," and suspend operations till an amended Act should have been passed. (Mr. Charles here observed that, in that case, the only plan was to go into the Supreme Court at once.) Mr. Pike was proceeding to address some remarks directly to some of those who had taken a leading part in the present movement, when he was ruled out of order by the Chairman, and after some altercation, sat down.

Mr. Blow then spoke at some length on the general question, and entered into a discursive vindication of the proceedings of the Corporation.

Mr. Cook followed, but several of the opposite party impatiently interrupted him, declining to hear any further defence; and, amid considerable noise and tumult, the second resolution was moved by Mr. J. Cullen, and seconded by Mr. M. Hindmarsh.

Mr. Cook again addressed the meeting in defence of the Corporation, and was succeeded by

Mr. John Black, who in spite of much interruption, proceeded, with great pluck, self-possession, and fluency, to vindicate the body to which he belonged from the various charges of obstructiveness, &c., which had been brought against it. He retaliated the charge above specified upon those who had first incited the inhabitants to resist the collection of the rates, and argued that, had it not been for them, the Council might still have been in active operation, and effected immense improvements, notwithstanding its defective constitution. He said that Mr. Robertson's promises as to the allowance for the roads, were not, and could not be of any value; and that application had actually been made, but to no purpose, when the Corporation had been informed of the offer. Mr. Black concluded amid much confusion of the meeting; and a number of those who favoured the movement proceeded to subscribe their names on a list which had been prepared, and we believe a very spirited commencement was made as regarded the amounts so promised.

#### A 4.

##### *Public Meeting of Ratepayers.*

Pursuant to advertisement, a public meeting was held in the Court-house, Kiama, on Tuesday last, "for the purpose of taking into consideration the legality or otherwise of the demand made by the Municipal Council for payment of rates, and all matters connected therewith." A very respectable audience of parties interested assembled, filling the Court-house.

Captain Charles rose, and said he very much regretted the unavoidable absence of several gentlemen connected with the movement for which the meeting was called, among whom were Mr. J. M. Gray, Mr. M. Hindmarsh, and Mr. T. Chapman. He proposed that Mr. R. B. Fry take the chair, which was seconded and unanimously approved.

The chairman briefly opened the proceedings by reading the advertisement calling the meeting, and inviting any one desirous of making any remarks on the subject to do so.

Captain Charles, on rising, said he had a resolution to propose, but would first state his reasons for the steps he intended to take. He had been served with a ratepaper, or notice to pay rates, by Thomas Boyce. He at first felt strongly inclined to give him in charge for an attempt to obtain money under false pretences. By what authority he was asked for rates it did not appear, for the notice was not signed by either treasurer or Mayor, because they were ashamed to do so, he supposed, and preferred shirking their responsibility, and placing it on the shoulders of Thomas Boyce. He had thought it best to call a meeting of ratepayers, and take the sense of that meeting as to the legality of the claim. He believed it to be altogether illegal, and he would try to prove his position by the very Act under which it was sought to collect the rate. The Municipalities Act, which he held in his hand, required that the aldermen should be elected by ratepayers who owed no arrears of rates. He would read clauses 10 and 11, which clearly defined who were electors, and that no elector could vote if any portion of his rates were in arrear at the time. He thought none of the aldermen elected at the last sham election would have the impudence to come forward and say they had even paid their own rates at the time. Their election being a sham, they had no right to instruct Thomas Boyce to demand payment of rates. An elector, as he had already shown, was required by the Act to pay all arrears before he can exercise his right as such; and he contended the sham election was a violation of clause 35, which he read. Another extraordinary and illegal act had been committed at this sham election. The 16th clause enacts that no returning officer shall appoint a deputy except in writing, and yet the would-be Mayor acted as deputy returning officer without the written authority of his principal. [Mr. Black: It is false.] Mr. Charles said he had it from Mr. Owen's own lips, and he had no hesitation in saying that the so-called Mayor had crept into his present position like a sneaking dog. The election was a hole-and-corner affair, and the Council was not worthy of confidence, nor fit to be trusted with public money—they were bankrupt. He believed there was only one Municipal Council in the Colony that had a larger revenue than Kiama; and what had they done with it? Shellharbour, with a less revenue, had done more towards improving the roads than they. £210 had been granted by Government for our roads, and he believed our thanks were due to our Member, Mr. Parkes, for obtaining that grant; and he took it that the fact of this money being granted was an admission by the Government of the non-existence of the Municipal Council, for while it was in active operation this road grant was withheld. The 38th clause, which requires that a half-yearly account of revenue and expenditure shall be published in the *Government Gazette* and a local paper, not later than the 31st January and the 31st July in each year, had not been complied with; and he considered that, supposing all the other objections were worthless, this one was fatal to the legal existence of the Council. Clause 58, requiring officers entrusted with money to give security, had been violated; the Council had handled public money without giving the required security. He did not wish to be understood as saying there had been any mal-appropriation. Clause 79 has also been neglected. It requires that the Council shall annually, within three months after the election of chairman, estimate the probable expenditure for the current year, and shall raise the estimated amount by assessment of land, &c. He believed the Mayor was elected in February last, and on November 17 a claim for rates is made. Was not this damaging to the Council, and a proof of their unfitness for the position? If the constitution of the Council under these circumstances was legal, why then the Act was not what it pretended to be. A great deal more might be said

said on the subject. They had failed in every way: how then could they be trusted with our money? Instead of laying it out in the improvement of the roads, they would spend it in the Supreme Court. Clause 87 gives to Councils the power to borrow money to the amount of three years' revenue; but it was coupled with a wise proviso, viz., that no money shall be so borrowed, except with the sanction of the Governor, with the advice of the Executive, in writing, under his hand. This sanction had never been obtained.

Mr. Pike: It has.

Mr. Charles: It has not.

Mr. Pike: It has.

Mr. Charles: It has not, and in this matter he defied all contradiction. He had no confidence in the Council spending his money. Mr. Cowper had lately admitted in the Assembly that the average cost of municipalities was 30 per cent., or 17½ per cent. of the entire revenue, endowment included. He believed that road trusts were far cheaper, and believed it from his own experience. He had managed a little affair of his own, by which he had secured a good road to his own place. The amount—under £100—was subscribed by a few individuals interested in the road; and he believed the work had been done at a less cost to those parties than their rates would amount to. He had no objection to towns being incorporated, but his opinion was that, for the country—for whom only roads and bridges, not monuments, were required—Municipal Councils were entirely out of place. For such places road trusts were far cheaper and better, for the people would do as he had done—look after their own roads. Let Kiama be incorporated by itself, and he would willingly pay his 1s. 1½d. for the allotment he owned within the boundary. Without taking up any more of the meeting's time, he would move the resolution as follows:—

“That it is the opinion of this meeting that the claims for rates now made by Thomas Boyce are illegal, and this meeting therefore pledges itself to resist the claims.”

He would just say, in conclusion, that notwithstanding all he had said in proof of the illegality of the position and acts of the *quasi* Council, if they had had any modesty they would have waited until the Bill now before the House—making all their wrong acts right—had passed into law. They could then have paid their own rates, and had a nice little election in the Council Chamber to themselves, with no one to interfere with them. He now sat down, not without regret at having given the aldermen so useful a hint.

Mr. George Grey begged leave to second the motion.

Mr. John Black, Mayor, rose, saying that, before the resolution was put to the meeting, he wished to make a few observations, and also to move an amendment; but before proceeding further, he must be allowed to compliment the meeting on its choice of a chairman. It afforded him great pleasure to see Mr. Fry in that position. The proper conduct of a public meeting depended on the efficiency of the chairman; but when he saw a gentleman of Mr. Fry's high social standing, combined with the gentlemanly courtesy and unquestionable ability he was known to possess, he had no fear but that the meeting would be conducted with fairness and impartiality. He would further beg to admit the obligation under which he felt himself laid to those gentlemen who had convened the meeting, and his appreciation of the liberal spirit manifested in the wording of the advertisement. He had long been of opinion that such a meeting was desirable, for the purpose of reminding ratepayers of their own interests, and also of affording some information as to the present position of the Council. On principle, he held that the ratepayers had a right to the fullest information as to the Council's position, powers, and intentions. He felt bound, after the very virulent attack of Captain Charles, to offer some information in reference to and in defence of not only his own position, but of the Council over which he had the honor to preside. It is conceded by all our ablest and best politicians, that decentralization, or local self-government, is in this Colony a necessity that is every day becoming more apparent. He would, by permission of the meeting, just read the views of Mr. Smith on the subject, as quoted by Mr. Sutherland in the Assembly, when speaking on the second reading of the Municipalities Amendment Act, and reprinted in a leader of the *S. M. Herald*:—

“Local self-government makes men everywhere the maintainers of their own rights, liberties, independence, and well-being; it breeds self-respect and moral dignity. Centralization undermines, everywhere, all those rights, liberties, independence, and well-being, under pretence of setting hired functionaries to guard them; it breeds subservient sycophancy and moral degradation. Local self-government cherishes and develops every moral and intellectual faculty, and kindles every kindly charity. Centralization crushes and deadens every moral and intellectual faculty, and sets up, in their stead, the presumptuous pedantries of hired functionaries, by which life shall be regulated and action shall be guided; it brutalizes and debases, and begets and fosters a grovelling material selfishness alone. Centralization seeks to obliterate all sense of the rights, duties, and responsibilities of freemen, to throw every obstacle in the way of the discharge of all of these, and to make representative bodies, whether local or general, but practical falsehoods—kept only as forms, under the mask of which, the work of despotism may be the more effectively carried on, and all reality of free institutions the more easily blotted out. Local self-government does all its work in open day, before the face of day, before the face of men. Centralization shuns the light of day; works secretly, stealthily and by indirect and tortuous courses, behind the backs of men.”

It was unnecessary for him to say more on the beneficial effects of municipal institutions. It had been said by Captain Charles they were expensive institutions, and cost 17½ per cent. of their entire revenue for their working expenses; but he was quite sure that Captain Charles had sufficient intelligence to convince him that that rate by no means applied to Kiama. Captain Charles had said a demand for rates had been made by Thomas Boyce, apparently on his own responsibility; but he knew well that Thomas Boyce was a servant of the Council, and acting strictly in accordance with its instructions. Another assertion made by Captain Charles was, that he (Mr. Black) had acted as deputy returning officer without the written authority of the principal. Now, Captain Charles had to perfection the unhappy knack of making assertions he had no means of proving. For his information, he would say that he held a written authority from Mr. Owen to act in his stead; and as Mr. Owen was in the meeting, let him deny it if he could. (Cheers.)

Mr. Owen explained that he gave Mr. Black written authority to call a meeting, intending afterwards to supply the requisite authority for him to act as returning officer; but he was under the impression that inadvertently, and not from obstructive motives, the second authority was not given.

Mr. Black, in reply, said he had unfortunately left the paper at home, but he was certain the two authorities were in one. However, he would produce it.

Mr. Pike begged to corroborate the statement of Mr. Black, for he had seen and read the document.

Mr. Black proceeded, and said: Mr. Charles malignantly asserted that he had crept into his present position like a sneaking dog, but he would inform that gentleman that he went into the Council on the suffrages of the people, and that every subsequent action of his in connection therewith would bear the strictest scrutiny. (Cheers.) Mr. Charles' characteristic disregard of truth in his assertions before the meeting would be strikingly exemplified by the reading of a document he held in his hand. It would be remembered that Mr. Charles confidently asserted that the Council violated a clause in the Act, by borrowing money without the Governor's sanction; and when informed he was in error, he went further, and even defied contradiction. It was particularly fortunate that documentary evidence was at hand which would entirely refute this assertion, and enable the meeting properly to estimate the value of the rest. The document, leaving out the preamble, reads as follows:—

“Whereas application has been made by the Municipal Council of Kiama for permission to borrow the sum of £3,000 to enable them to make carry on and complete certain permanent improvements of the said Municipality: And whereas it is represented that the said sum of £3,000 does not exceed the estimated

estimated revenue of the Municipality for three years: Now therefore I Sir William Thomas Denison as such Governor aforesaid do hereby with the advice of the Executive Council authorize the Municipal Council of Kiama to borrow on the securities of the Corporation as aforesaid the sum of £3,000 to be expended upon permanent improvement of the municipality.—Given under my hand, &c. W. DENISON."

Mr. Charles: What's the date?

Mr. Black: It is dated before the money was borrowed.

Mr. Charles: But it's been patched up, for the money was borrowed on the personal security of the councillors.

Mr. Black: Assertions so utterly void of truth sometimes recoil on the heads of those who utter them. The Bank, probably knowing the obstructive characters the Council had to deal with, did object to advance the money except on the personal security of the aldermen; but that was no proof the Governor's sanction was not obtained, or that the document he had just read was patched up. Mr. Charles was consistent only in inconsistency, for at a meeting held by that gentleman and his satellites at Crozier's, some time ago, he said publicly, in his (Mr. Black's) hearing, that he opposed the Council on the ground that the incorporation of a rural district with a town was illegal. The decision of the Privy Council having set that subject at rest, he changes his ground, and now complains of the illegality of elections, &c. Now there was a clause in the Act—the 86th—which Mr. Charles omitted to read. Possibly it is not in his edition; if it is, it did not suit his purpose. It reads as follows:—

"86. Every application to the Supreme Court for the purpose of calling upon any person to show by what warrant he claims to exercise the office of Chairman or councillor under this Act shall be made before the end of three calendar months after the election or the time when the person against whom such application shall become disqualified and not at any subsequent time."

From which it is plain that, whatever weight might originally be attached to these objections, they were invalid now by lapse of time. The Council being aware of the existence of a malevolent opposition, obtained, at their own expense, the opinion of one of the most distinguished and learned members of the colonial bar, Sir W. Manning, on the very points, with others, raised by Mr. Charles. [Mr. Black then read the opinion of Sir W. Manning on the various points, which were altogether favourable to the Council.] He (Mr. Black) felt satisfied that this movement was traceable, not to the inability of the aldermen or the illegality of the Council's constitution and proceedings, but to that innate spirit of opposition and obstruction by which some people are actuated. He was amused at the association of names appended to the advertisement calling this meeting. He had known the district a good many years, during which time he would venture to say that no retrograde movement had ever been started but those gentlemen were the head and front of it. Is it not remarkable that those same gentlemen, on a late public occasion, did their utmost to return a gentleman to Parliament who would not only have misrepresented us, but brought lasting disgrace on the electorate? It is also worthy of notice that two of those gentlemen were defeated candidates for parliamentary honors, at which time they professed to be influenced only by a desire to benefit the district. Two of the same party had also been candidates for a seat in this much-abused Municipal Council, professing the same desire to advance the interests of Kiama. Let the meeting contrast these professions with the present movement and the speech of Captain Charles, and he should confidently leave the verdict in their hands. He would now move the following amendment:—

"That, in the opinion of this meeting, the present demand of the Council is reasonable, and the said Council is legally constituted."

Before sitting down, he would just say that, if any ratepayer required any further information, he should be most happy to furnish it. (Applause.)

James Colley, Esq., J.P., then rose to second Mr. Black's amendment; and, whilst so doing, observed it was natural there should exist in the minds of some persons, considering the rough current of the Council's existence, some doubts as to the legality of their proceedings; but morally, no conscientious person could deny that there was an absolute necessity for bringing the matter to a conclusion, by unanimously recording their desire to pay their rates. It was plain, from the discussion on the new Municipalities Bill in Parliament, and its consequent second reading, that the Legislature recognized its immediate want; and, although a minority were throwing a few obstacles in the way, there was no doubt but that the Bill would soon pass, and finally close such proceedings as have disgraced Kiama in connection with it. In his opinion, the Council and its present acts were on as legal a footing as though 500 electors had, with one voice, placed the aldermen in office, and complied with everything in the usual course. The ridiculous arguments used by some of our sage legislators on the subject, could be very easily confuted by the testimony of any ratepayer in a thriving municipality; and the highest authorities on political economy and advancement are unanimous in regard to the usefulness of municipal institutions. The system of dividing large municipalities into wards was a most judicious one,—quite throwing aside the suggestion of some persons in the community that the money would be unequally expended, as the aldermen were elected in accordance with such division, and the proceeds of rates equally expended, thus preserving a good feeling and equality throughout. In a community like this, each section or ward was dependent upon the others; and conduct like that of the initiators of the present proceedings had acted with a contrary effect on the public than was desirable. The roads were each week becoming worse; and it would be a hard case if, through the obduracy of a few, the whole of the settlers within the municipal boundaries should be so greatly inconvenienced, which certainly would be the case if the roads were not speedily looked to. If we had no particular wish for the repair of roads, or used them very little, it was no reason for excusing ourselves from repairing them for the use of our neighbours. He again reiterated his belief in the legality of the Council and its present doings, and advised the meeting to pay their rates, and act like reasonable beings and good members of society; and not to remain, as at present, under the central Government, which, in fact, cost, on the whole, infinitely more than the municipal form of self-government.

R. H. Owen, Esq., said a few words, the purport of which acknowledged his full concurrence with the Council's serving of the ratepapers, and explained the circumstances connected with the transfer of his authority as Mayor to Mr. J. Black, on the occasion of the election which has been so often argued upon.

Mr. J. Pike confirmed Mr. Black's statement in regard to the same documentary transfer of power.

John Marks, Esq., J.P., then rose, and said something had been said of the ignorance of some of the parliamentary debaters on the municipal question; and he could not but think that the great majority of the parties agitating the question of the legality or illegality of the Kiama Municipal Council ought to plead guilty to the same failing on the point at issue. He considered that the object of such a meeting should not be to test certain legal constructions, which required more skilled and experienced heads, but that it should be for the purpose of taking the public voice,—having an expression of public opinion in regard to the proper course to pursue in the difficulty which had been raised by the conveners of the meeting. As the best means to attain such an end, he would propose a further amendment to the resolution which had been read, and spoken on, to the meeting. It ran thus:—

"That this meeting declines to offer any opinion as to the legality or otherwise of the Kiama Municipality, but earnestly desires that no obstacles may be raised to prevent its legal and efficient working."

Though

Though others, perhaps, thought differently from him, he was decidedly favourable to the firm establishment of the Council; and such desire was no transitory feeling, but a decided impression founded on experience. It would be the wisest and most honorable course to withdraw all present objections, and, as the principle of the Council's institution was undoubtedly for the advancement of the district, wait till the new Bill should pass the Assembly; meantime, striving all in our power to eradicate the growing evils which have multiplied upon us since the stoppage of its functions. The grant of money was a matter on which there were various opinions, but he (Mr. M.) when in Sydney, had, in company with our Member, Mr. Parkes, and the Mayor, waited on the Colonial Secretary, and ascertained that the surplus of the grant had, on account of lapse of time, been appropriated to other various trusts. It may be said that a good deal of money has been laid out by private subscriptions, and that some individuals were always ready to contribute to improvements far more than their rates amounted to. That is very laudable individually; but the principle, socially speaking, is not a right one; for when it is seen that the public derive equal benefit from works performed by private persons, then it is plain that it would be encouraging apathy in the people, if they were not *compelled* to give their quota to all works beneficial to the mass. His friend Mr. Charles had suggested that road trusts were preferable to Municipal Councils, but he (Mr. M.) could see no difference. The aldermen hold honorary offices; they were placed in a position of trust without compensation; and had a very thankless task to perform in return—as would appear from the present demonstration. A Road Trust would have to engage the services of a paid clerk for the same purpose as the Council; and it is only fair that the aldermen, placed as they are by the people, should have our unbounded sympathy in the present state of affairs. If there is any blame attachable to any one, it is to the electors who placed the aldermen in the position they at present occupy; and it is the duty of the electors to support them in their just demands upon the general public. It would seem by the conduct of some, that the aldermen were reaping great benefits from their office, and they were accordingly catechizing them like paid officials. He again adverted to the absurdity of the meeting discussing upon legal technicalities, and advised the Council to bring all defaulters in ratepaying to the proper tribunal for the adjudication of the matter, at which time objectors would then have ample opportunity for proving their position—legal or otherwise. The Council had behaved with most exemplary moderation, and had taken a clear consideration of the circumstances of the case and time, by only claiming arrears of rates for a very short time—which act alone should speak well for their future conduct in office. If there was one reason more than another why the public should be unanimous in a wish for the re-establishment of the Council, it was sympathy and consideration for those who were virtually held as securities for the cash credit: and this consideration, coupled with the conviction that cannot but force itself on our minds that their act was for the benefit of the public, that otherwise they were disinterested, should induce the inhabitants of the district to strenuously exert themselves for expediting the smooth working of the Council, instead of striving to cast a stumbling-block in the way. The greatest crime in political life is repudiation, and it would be an enduring disgrace to us to have that foul charge laid at our doors, and that too with truth. Placed as we are, therefore, it behoves us to look at all things connected with the Council in a moral, and not in a legal sense; and although some little mismanagement may have been displayed during the youth of the Council, yet, when we view all in a calm and common-sense aspect, we cannot but express our unfeigned sympathy with the securities—our wish, for the public weal, that the Council should go on, and that no more contention should take place on the subject. He concluded by again adjuring all electors to pay their rates, and by so doing, fully concur in the amendment to the resolution, which he had just read. (Applause.)

J. Robb, Esq., J.P., briefly seconded Mr. Marks' amendment.

Messrs. Black and Colley, the mover and seconder of the first amendment, withdrew it in favour of the one submitted by Mr. Marks. This amendment, on being put to the meeting by the Chairman, was carried by an overwhelming majority, amid great applause, only the following six gentlemen voting for the original motion—Messrs. S. Charles, J. Emery, G. Grey, C. Graham, R. Gilroy, and T. Collins.

Captain Charles, while proposing a vote of thanks to the Chairman, took occasion to say that, after the emphatic expression of the meeting, it now remained for those who were aggrieved, or who felt strongly on the subject, to take the matter, on their own responsibility, to the Supreme Court.

## A 5.

### *Case of the Mayor versus Charles, for non-payment of rates.*

Kiama Court of Requests.—Tuesday, January 2, 1866.

It having been thought desirable that the largest possible number of Magistrates should be in attendance for the purpose of hearing the municipal cases, which were expected to come on at this sitting of the Court, circulars had been despatched to all the Magistrates, requesting attendance on the occasion. A very full muster accordingly appeared; but some of the gentlemen on the Commission having special objection to adjudicate on matters connected with the Corporation, left their seats; those remaining on the Bench to take the case in question being Messrs. Marks, Fry, Colley, Robb, Moles, and Emery. A large number of persons assembled in the Court House, being naturally desirous to see what success would attend the Corporation, in their attempt to enforce the payment of municipal rates against the most prominent of the recalcitrants. The first case called was that of

#### THE MAYOR v. S. CHARLES.

Mr. Owen, who appeared for the defendant, first requested to be allowed to make a few preliminary observations, as it might eventually save the Court much time. He said he felt it his duty, not merely on behalf of his client, but of the character of the Court, to represent that the case now called, as well as the others which had been brought on from the previous week, could not be heard, as they had, in fact, lapsed, in consequence of the neglect of a formal opening of the Court on that occasion. He argued that, as the Court had not been opened, it could not have been adjourned, and urged that the omission of the proclamation by the bailiff, giving notice of the opening, was proof that there had been no Court.

The bailiff, C. Leggatt, was put into the witness box and sworn, but did not distinctly remember whether he had or not, on the occasion in question, gone through the form of proclaiming at the Court House door that the Court was open.

Mr. Charles was also sworn, and said that he was in the body of the Court House on the preceding Tuesday, waiting for the opening of the business, but did not hear the proclamation. He had also been told by Mr. Colley, one of the Magistrates then in attendance, that the Court was not opened.

Much time was consumed in the discussion of this point. Mr. Owen produced no authority in support of his allegation; but contended that the matter was too well established to require such support. It was held, however, that the presence of the Magistrates and suitors, and the actual transaction of some formal business, was sufficient to constitute a Court, without the formality of a proclamation. The Magistrates therefore decided to go on with the business.

The action was for the recovery of £4 10s. 4d., being the amount of six months' municipal rates alleged to be due to the Corporation, for the half-year ending September 30th, 1865.

Mr.

Mr. Owen then endeavoured to show that the question was beyond the jurisdiction of the Court, as affecting "general rights" and "future rights," &c. But this objection was overruled. It was then endeavoured to show that the Corporation, in bringing its action for the recovery of the amount sued for, was splitting a larger amount for which it might sue with equal right, as the sum of £15 had been previously demanded, viz., in December, 1863. It was, however, shown that the Council had formally decided on relinquishing all claim to arrears due before March, 1865, and it was decided that the relinquishment was, not a "split." Mr. Owen then urged that the summons had not been so served on the defendant as to allow him the time required by law; and it being found that the interval had been two or three hours less than it should have been (the bailiff being put into the witness-box to prove the time of service), the objection was held to be fatal, and the plaintiff declared nonsuited.

## A 6.

*Case of the Mayor versus Charles, for arrears of rates.*

Kiama Court of Requests.—Tuesday, January 30, 1866.

(Before Messrs. Colley, Moles, and Robb.)

MUNICIPALITY, per John Black, Mayor, v. S. Charles, for arrears of rates, £4 10s. Mr. Charles applied for a postponement, on the ground that all the papers connected with the case were in the hands of Mr. Owen, who had been retained for the defence. A letter from Mr. Owen was also handed in, making the same request, on account of his being unwell, and unavoidably detained in Sydney. The postponement was objected to by Mr. Richards, who had come from Shoalhaven specially to appear on behalf of the municipality. Their Worships decided to go on with the case.

J. Black, Mayor, on being sworn, produced the *Government Gazette* containing the proclamation of the municipality, and also the minute book of the Council, from which were read the records of Mr. Black's unanimous election as Mayor, the adoption of an estimate of the probable revenue and expenditure for the current year within three months of such election, and his authority from the Council for proceeding in the present and similar cases.

*Cross-examined by Mr. Charles*: I decline to say further than that I cannot remember at what time I paid my rates previous to my last election; I was elected Mayor on the 15th February, 1865; the estimate was made on the 3rd of May; the minute passed by the Council cancelling all arrears of rates up to March is dated 24th October.

The town clerk, Mr. T. Boyce, proved the service of three ratepapers, one each for three separate properties, amounting in all to £4 10s.

Mr. Charles, in defence, said—he did not recognize the legal existence of the Council at all; the Act was very explicit as to who are electors, aldermen, &c., and the rules to be observed at elections had not been attended to, consequently the Council's existence and claims were legally invalid; and supposing otherwise, the Court of Requests had no jurisdiction in the matter, for if he owed anything at all, he owed a greater amount than could be sued for in that Court; it was unlawful to split an account, as had been done in this case, to bring it within the Court's jurisdiction; he had no objection to municipal institutions if legally organized and properly worked, but the Kiama Council had no authority to collect rates.

Mr. Richards declining to reply, left the case in their Worship's hands. Verdict for the amount claimed.

## A 7.

SUPREME COURT.—Saturday.

(Before their Honors Sir Alfred Stephen, Chief Justice: Mr. Justice Cheeke, and Mr. Justice Fancett. March 31, 1866.

EX PARTE CHARLES—SMALL DEBTS RECOVERY ACT OF 1861, 25 VIC., NO. 4. SEC. 14.

This was an application for prohibition to stay further proceedings in a suit by the Mayor of Kiama, before certain Magistrates sitting as a "Small Debts Court" in that town, against the present applicant for arrears of rates. The sum sued for was under £10, and therefore within the jurisdiction of the Court; but the applicant's case was, that he had been served with the usual notices for other rates, which rates were already due ere the rates now sued for had been imposed; consequently, that the whole amount of this claim for rates had been in excess of £10; and a division of it—so as to bring suit for part only in the Small Debts Court—was a breach of the Small Debts Act, sec. 14. In reply, it was stated that the Municipal Council had abandoned the other rates alluded to, having been advised by counsel that such rates had been illegally imposed. A formal resolution rescinding that, by which the rate had been imposed, had been passed by the Council and entered on the minute book, to which all ratepayers had access. The question was, whether, under these circumstances, the claim for the first rates could be withdrawn, or whether the Council, or Mayor, was not bound to sue for all the rates which had been claimed, leaving the Court before whom the suit was brought to say whether or not the rates alluded to, and abandoned on the advice of counsel, were due or not. No question was raised as to the right of the Mayor to sue.

The Court held that the applicant had wholly failed to show that there had been any improper reduction of claim to bring the case within the jurisdiction of the Small Debts Court. There had not been a mere remission of any part of the rates, but a complete rescission of a rate which the Council had been advised had been illegally imposed. It was unnecessary, at present, to decide the force of this rescission, although it would probably be found, if suit was brought for any part of the rate so rescinded, that the Council would be estopped by the resolution in their own minute book. It was sufficient for present purposes to see that there had been no division of a bona fide claim to bring the case within the jurisdiction of the Small Debts Court. The application was, therefore, dismissed, with costs to the Mayor, but not to the Magistrates.

Mr. Stephen and Mr. Darley, instructed by Mr. R. Forster, appeared in support of the application, and the Attorney General and Sir William Manning, Q.C., in support of the order of the Small Debts Court.—*Herald*.

## A 8.

*Municipality of Kiama versus Smith and King, for arrears of rates.*

Kiama Court of Requests.—Tuesday, May 29, 1866.

(Before Mr. Charles, Mr. Emery, and Mr. Robb.)

Municipality of Kiama v. D. Smith, for rates, £7 7s. 6d. Mr. Moles, being a member of the Shellharbour Municipal Council, felt some delicacy in sitting on this case, and left his seat on the Bench. The Council was represented by Mr. Black, the Mayor, who asked to be allowed to amend the plaint by reducing the amount one-half—an error in making out the ratepaper having been made by the town clerk.

Defendant

Defendant stated that he was not in occupation of the property assessed, and consequently had no right to be sued, but consented to pay the reduced amount without costs. The town clerk offering to pay the costs, on account of his mistake, the matter was thus amicably arranged.

*Same v. Joseph King*; rates, £2 5s. 9d. The defendant did not appear. On the case being called, Mr. Owen rose, and by permission of the Bench, pointed out that, by the wording of the summons—which was dated 19th May, and read thus: "You are hereby summoned to appear before the Court on Tuesday, the 29th of May next"—the defendant was not bound to appear before the 29th May, 1867, and he (Mr. Owen) submitted that was the proper construction of the words used. Mr. Conuell explained that the same form was used, both for District Courts and Courts of Request, throughout the Colony; that the Court of Requests Act distinctly says the annexed form of summons *shall* be used, and quoted an Act of Parliament, 22 Vic., No. 12, which says in effect that wherever the word "shall" is used as applying to the powers, &c., of Magistrates, it shall be understood as being imperative; from which it would appear to be absolutely illegal to use any other form. Mr. Black remonstrated against such an absurd objection being entertained. Mr. Robb, from the Bench, inquired if Mr. Owen was retained by defendant. On being answered in the negative, Mr. Robb observed that, seeing Mr. Owen had just conducted a case under the same form of summons, was not retained by either party, and the identical form was in use in all similar Courts in the Colony, he was somewhat out of order in raising such a question. Mr. Owen replied that Mr. Robb knew very little of the practice of Courts of Justice to say that; upon which, and seeing the objection was entertained by his brother Magistrates, left the Bench, leaving only Mr. Charles and Mr. Emery, who nonsuited the case.

*Same v. James Moffitt*; rates, £2 19s. 1d. Mr. Black, in opening the case, observed that, in accordance with a rule, which had the sanction of the Judges of the Supreme Court, all the Council had to do in establishing their claim in such cases was, to prove the constitution of the Council, the property assessed, the rate notice served, and the money not paid within the prescribed time. The *Government Gazette* containing the proclamation was handed in, and the other points proved on the evidence of the town clerk. Mr. Black submitted that, according to a rule of the Court, the Council were entitled to a verdict, from the fact of defendant having filed no plea. Case dismissed.

Mr. Black remonstrated against dismissal, as exceeding, in his opinion, the jurisdiction of the Bench. Mr. Charles said he was conscientiously of opinion that the Council was a self-appointed body, and had no legal existence, and he would never be a party to any proceeding that was unlawful. Mr. Black pointed out that the legality of the question could not be entertained by the Bench, and dismissal, as far as the Bench was concerned, actually disposed of it, and was a bar to further proceedings in any Court. Mr. Charles said that was just as it should be.

## B.

(*Letter from Mr. Samuel Charles, respecting evidence of Messrs. Weston and Poulton.*)

Eureka, 10 March, 1869.

Sir,

Having heard that Mr. Poulton has given evidence before your Committee, reflecting on my conduct as a Magistrate; and quoting a case in which Mr. Graham, Chairman of the Shellharbour Municipality, protested against my conduct,—I find, on reference to the records of the Kiama Court, that this case was heard on 24th July, 1864, after Poulton had left the place. I also distinctly recollect Mr. Fry, one of the presiding Justices, threaten Mr. Graham with punishment for contempt of Court, and that I only smiled at Graham's insolence; in fact, I only sat on one police case before Poulton's leaving the district. His dislike to me is in consequence of my questioning the propriety of keeping him in the office of Town Clerk, at a salary of three times the amount now paid, and at a time when the operations of the Council were suspended. He has written virulent and libellous letters against me.

Mr. Weston cannot be considered an impartial witness, from the fact of his collecting and exhibiting all the scraps written by my avowed enemy. Those reports exhibited I have complained of, and often contradicted. Mr. Weston has boasted that he would go up and settle me with the Committee. I have no remedy against those men of straw. My desire is that you should know the above facts, to enable the Committee to weigh the evidence of those prejudiced men with the evidence given by all the previous witnesses.

Those men are the only persons (with the exception of Mr. Weston's editor) that I recollect writing against me.

Your most obedient servant,

Thomas Garrett, Esq.,  
Chairman of Committee on Dismissal of Samuel Charles.

SAMUEL CHARLES.



1868-9.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CORRESPONDENCE, &c., WITH REFERENCE TO THE CASE OF G. LINDSAY.)

Ordered by the Legislative Assembly to be Printed, 12 March, 1869.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 23 February, 1869, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) Copies of the Depositions and all other Documents connected with the case of G. Lindsay, who was committed to Darlinghurst Gaol on or about the 13th October, and transferred to Parramatta Lunatic Asylum on the 28th December, 1868.
- “ (2.) Copies of all Reports and Minutes of the Gaol and Asylum authorities in reference to the conduct and mental condition of the said G. Lindsay.”

(Mr. Burns.)

SCHEDULE.

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ADMINISTRATION OF JUSTICE.

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No. 1.

THE SHERIFF to THE PRINCIPAL UNDER SECRETARY.

Sheriff's Office, Prison Branch,  
Sydney, 4 November, 1868.

SIR,

Patrick Giltinan  
and  
George Lindsay.

I have the honor to submit correspondence respecting the two prisoners named in the margin, who are at present confined in Darlinghurst Gaol, and as to whose sanity a difference of opinion exists between the authorities of the Gaol and the Visiting Surgeon and Dr. Alleyne.

I would suggest that, as in previous similar cases, a medical board be appointed to examine the prisoners, and report on their mental state.

In consequence of the urgency of the cases, I have not delayed longer for a final report from the medical gentlemen, which I requested on 27th ultimo and will forward as soon as received.

I have, &c.,  
HAROLD MACLEAN,  
Sheriff.

(By JOHN PHELAN, Under Sheriff).

[Enclosure in No 1.]

The Police Magistrate, Sydney, to The Under Sheriff.

Central Police Office,  
Sydney, 29 October, 1868.

Sir,

In attention to the request contained in your letter of the 27th October instant, asking for information in respect of the antecedents of George Lindsay,—I have the honor to append a memo. of the charges brought against Lindsay at this office; and to state that, from the course of conduct pursued by Lindsay, towards his wife in particular, and his proceedings generally, I have for some time had strong doubts of his sanity.

I have, &c.,  
D. C. F. SCOTT, P.M.

*Memo. of Charges against George Lindsay.*

1867.  
February 11. Assault; no parties.  
March 27. Assault; fined £6, and bound to peace for six months.  
October 13. Assault; fined £5 6s. 6d., and bound to peace for six months.  
1868.  
September 21. Obscene language; fined 10s., or three days' gaol.  
September 5. As being of unsound mind; discharged.  
August 24. ditto ditto.

D. C. F. S., P.M.

*Extract.*

The Principal Gaoler, Darlinghurst, to The Acting Inspector of Prisons.

Darlinghurst Gaol,  
Sydney, 26 October, 1868.

Sir,

Patrick Giltinan  
and  
George Lindsay.

I do myself the honor to enclose extracts from the Punishment Book and other papers in the cases of the men named in the margin, whom the Visiting Magistrate declines to have brought before him for punishment, and the Visiting Surgeon with Dr. Alleyne decline to certify insane. These conflicting opinions leave me in such a perplexing dilemma, that I am compelled to refer the case to you for instructions.

Since the examination, taken on the 23rd instant, Mrs. Lindsay, the wife of one of the prisoners, came to the Gaol to inquire after her husband; and she has informed me that Lindsay has been receiving medical treatment, and has been in a deranged state of mind, for the last eighteen months. She referred to three medical gentlemen whose certificates are annexed. I sent an officer with her to make inquiry.

If the prisoners are malingering, I quite agree with Dr. Aaron's remark that they deserve flogging (if it were legal); but as there have been grave mistakes in precisely similar cases, I have no other course than to submit the whole matter for your consideration and direction.

Lindsay was committed by Captain Scott, on the 13th instant, for an aggravated assault on his wife, and ordered to be imprisoned one month and find sureties for his future good behaviour.

Giltinan \* \* \* \* \*

I have, &c.,  
JNO. C. READ,  
Principal Gaoler.

*Medical*

## ADMINISTRATION OF JUSTICE.

3

*Medical Certificates.*

I CERTIFY that I attended George Lindsay in April last; he was then suffering from softening of the brain.

Sydney, 23rd Oct., 1868.

J. C. GILHOOLEY,  
Surgeon.

Fig-tree Cottage, Liverpool Street,  
Hyde Park, Sydney.

I CERTIFY that, in March, 1868, I was in attendance on George Lindsay, of King and Kent Streets, and that the said George Lindsay was then ill with congestion of the brain—such leading to and establishing an unsoundness of mind. He was at that time unable to attend to his business, or to express himself in an intelligible manner, and was likely to do injury to himself or others if not watched or restrained. I then considered that his disease would be progressive and permanent.

Oct. 24th, 1868.

WALTER J. CARROLL,  
Surgeon.

THIS is to certify that, in the months of January and February last, I have professionally attended Mr. George Lindsay, corner of King and Kent Streets. He was then suffering from an incipient disease of the brain—passive congestion, preceding softening of the brain.

162 Phillip-street,  
26th of October, 1868.

CHARLES MULLER,  
Physician, Surgeon, &c.

*Extract from Punishment Book.*

Pat. Giltinan \* \* \* \*

Geo. Lindsay, threatening to commit suicide, and feigning insanity.

MEMO.—Although believing Giltinan and Lindsay to be insane, I have entered the above charges for the purpose of bringing their cases before the Magistrate, as the Visiting Surgeon refuses to treat these prisoners as lunatics, having recommended flogging, &c.

J. C. READ,  
Principal Gaoler.

16th Oct., 1868.

To be put into the insane ward for one week, for observation.

W. CHATFIELD.

From representations made to me by Mr. Read and others, I decline having Giltinan and Lindsay brought before me for punishment.—W.C., V.M.—23/10/68.

Warder Carroll to The Principal Gaoler, Darlinghurst.

Darlinghurst Gaol,  
16 October, 1868.

Prisoner George Lindsay, confinee, was locked up yesterday, at 8:30 a.m., for disorderly conduct in the yard. From his actions and general demeanour, which were those of an insane person, the Principal Gaoler directed that the door of the cell should be left open, with a prisoner to watch him. The Visiting Surgeon saw him, but would not alter his position. In the evening the doctor was asked if the prisoner was to sleep in a single cell, and he said "Yes!" But on reference to Mr. Read he directed that he should sleep in a cell, with other prisoners to look after him. This morning, on being placed in the cell, he became very violent, when Mr. Read directed that he should be placed in charge of two lunatic keepers, pending the arrival of the Magistrate.

JOHN CARROLL,  
Warder.

Shown to me on the 23rd Oct., 1868.—W.C., V.J.  
Acknowledged by Warder Carroll, 23rd Oct., 1868.—W.C., V.J.

*Extract.*

*Re Giltinan and Lindsay.*

\* \* \* \* \*  
With respect to Lindsay, his conduct is not that of a sane man. Frequently he refuses to put on his hat while in a hot sun. I have heard him say that he would kill Warder Donovan the first opportunity he could catch him. Lindsay has no memory.

ANTHONY KEOGH,  
Warder.

Statement made before W. Chatfield, V.M.—23rd Oct., 1868.

*Memo. for the Principal Gaoler.*

In reference to the two prisoners, Giltinan and Lindsay, who were remanded by the Visiting Justice, and put under "observation," I have paid particular attention to their actions since they have been in the insane ward, and most decidedly think it would be unsafe for themselves and the officers of the establishment if not kept under strict control, more particularly the latter.

Darlinghurst Gaol, 23/10/68.

F. R. BERNARD,  
Chief Warder.

## ADMINISTRATION OF JUSTICE.

## No. 2.

## MINUTE OF THE COLONIAL SECRETARY.

A BOARD, composed of Drs. Bedford and Cox, may, perhaps, be appointed.

JOHN R.,  
5 Nov., 1868.

Dr. Bedford.—B.C., 5th Nov., 1868.—H. H.

## No. 3.

## THE PRINCIPAL UNDER SECRETARY to DR. COX.

Colonial Secretary's Office,  
Sydney, 5 November, 1868.

SIR,

Patrick Gillinan  
and  
George Lindsay.

I am directed by the Colonial Secretary, to request that you will have the goodness to meet Dr. Bedford, at such time as may be arranged to be convenient, for the purpose of examining the two men named in the margin, who are confined in Darlinghurst Gaol, and reporting as to their mental state.

I have, &c.,  
HENRY HALLORAN.

## No. 4.

## THE PRINCIPAL UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,  
Sydney, 5 November, 1868.

SIR,

Patrick Gillinan  
and  
George Lindsay.

In acknowledging the receipt of your letter of yesterday's date, reporting that a difference of opinion exists between the authorities of Darlinghurst Gaol and the Visiting Surgeon and Dr. Alleyne as to the state of mind of the two prisoners named in the margin, I am directed by the Colonial Secretary to inform you that, as suggested, a special medical board, composed of Drs. Bedford and Cox, has been appointed to examine these men and report as to their mental state.

I have, &c.,  
HENRY HALLORAN.

## No. 5.

## THE UNDER SHERIFF to THE PRINCIPAL UNDER SECRETARY.

FORWARDED to the Principal Under Secretary, in reference to the inquiry about to be held by Drs. Bedford and Cox.

B.C., 6 Nov., 1868.

W. GORE BEVERLEY,  
In absence of Under Sheriff.

[Enclosure in No. 5.]

Drs. Aaron and Alleyne to The Sheriff.

November 5th, 1868.

We carefully examined George Lindsay on the 22nd October, and again on the 28th of same, with the view of giving an opinion as to the state of his mind.

We do not discover that he is the subject of any delusions, or that there is any aberration of the intellect.

But his manner and mode of conversation during our examinations of him, as well as the reports relating to his conduct when in his cell, which we have received from the warder in charge of him, lead us to suspect that he is suffering from some cerebral affection—probably the effect of long continued habits of intemperance.

We are not, however, at present prepared to say whether the infirmity under which he appears to labour is likely to be permanent, or is of such a nature as would justify us in giving a certificate that he is "insane."

ISAAC AARON,  
Visiting Surgeon.  
H. G. ALLEYNE, M.D.

## No. 6.

## THE PRINCIPAL UNDER SECRETARY to DR. BEDFORD.

FORWARDED to Dr. Bedford, with reference to previous papers.  
B.C., 6 Nov., '68.

H.H.

No. 7.

No. 7.

DRS. BEDFORD AND COX to THE PRINCIPAL UNDER SECRETARY.

9 November, 1868.

SIR,

In accordance with the instructions conveyed to us, we proceeded to the gaol and inquired into the mental condition of the prisoners named in the margin. Patrick Giltinan and George Lindsay.

Having read the documents forwarded in your communication, and the opinions of the Visiting Surgeon and Dr. Alleyne subsequently forwarded, we inquired of Mr. Read the Governor of the Gaol, and proceeded to see the men named. We afterwards examined some warders, particularly those in present charge of them.

We find in both men a weakness of mind—in Lindsay's case connected with long habits of intemperance.

We do not consider that their present state justifies a removal from gaol to a lunatic asylum; but we recommend that they may be kept under observation, and reported upon at some future date.

We have, &c.,  
E. S. P. BEDFORD,  
Medical Adviser.  
JAMES C. COX, M.D.

No. 8.

DRS. AARON AND ALLEYNE to THE PRINCIPAL UNDER SECRETARY.

Sydney, 11 November, 1868.

SIR,

In reference to your letter, of date 6th instant, acknowledging the receipt of a letter from the Sheriff, "reporting that a difference of opinion exists between the authorities of Darlinghurst Gaol and the Visiting Surgeon and Dr. Alleyne, as to the state of mind of the two prisoners named in the margin," which has been forwarded to the Visiting Surgeon for his perusal,— Patrick Giltinan and George Lindsay.

We do ourselves the honor to remark:

- 1st. That until the perusal of your letter we were not aware that any difference of opinion existed between ourselves and any other persons on the subject to which it refers; neither had we been furnished with any information as to the grounds on which other persons had come to a conclusion as to the state of mental health of Patrick Giltinan and George Lindsay.
- 2nd. Our reports on the cases of these men, of date November 5, give the result of two examinations, and state that at the time of making the reports we had not been able to come to a conclusion, either from anything we had up to the time ourselves observed, or from any information we had been able to get from others, which could then justify us in signing a certificate that they were insane.
- 3rd. The cases are such as present peculiar difficulties, and concerning which we considered it improper to come to a hasty decision; but we hoped that longer observation of them would have enabled us to arrive at a just estimate of their nature.
- 4th. In the case of George Lindsay, it was more especially necessary that we should for a time suspend our judgment, as he had not at the time of our examination of him recovered from the effects of recent intoxication; and it was impossible then to say how far his symptoms may have been the effects of drinking and probably temporary, or whether they were altogether the result of disease of the brain and likely to be permanent.

In conclusion, we beg most respectfully to bring under your consideration the unusual circumstance of our having been superseded in the performance of a duty for which we have always shown ourselves fully competent, and the faithful discharge of which requires much time and anxious consideration—not that we were negligent, but on the sole ground that in our reports we did not concur in an opinion of the very nature of which we are to this day kept in ignorance.

We have, &c.,  
ISAAC AARON,  
Visiting Surgeon.  
H. G. ALLEYNE.

No. 9.

THE PRINCIPAL UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,  
Sydney, 25 November, 1868.

SIR,

With reference to my letter of the 5th instant, I am now directed by the Colonial Secretary to forward for your guidance copy of a report furnished by Drs. Bedford and Cox, on the mental condition of the prisoners named in the margin, on which subject a difference of opinion has existed between the authorities of Darlinghurst Gaol on the one hand, and the Visiting Surgeon and Dr. Alleyne on the other. Patrick Giltinan and George Lindsay.

I have, &c.,  
HENRY HALLORAN.

No. 10.

## . No. 10.

THE PRINCIPAL UNDER SECRETARY to DRS. AARON AND ALLEYNE.

Colonial Secretary's Office,  
Sydney, 25 November, 1868.

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 11th instant, relative to the action taken by him in calling for an independent medical report on the mental condition of two prisoners in Darlinghurst Gaol, with regard to whose sanity a difference of opinion existed between the gaol authorities and yourselves, and to state, in reply, that the course taken in this matter is one for which there are several precedents; but that, even if there had not been such, it was a course which the Colonial Secretary would have felt it his duty to follow. I am to say also, that neither your ability as professional men, nor your high character in other respects, was questioned or intended to be questioned. Mr. Robertson's sole object was to ensure that the greatest possible caution should be practised in cases of insanity or imputed insanity.

I have, &c.,  
HENRY HALLORAN.

## No. 11.

THE SHERIFF to THE PRINCIPAL UNDER SECRETARY.

H.M. Gaol, Darlinghurst,  
23 December, 1868.

SIR,

I do myself the honor to enclose a copy of the warrant under which the person named in the margin is now confined in this gaol; also, a medical certificate of his insanity; and I request that you will be pleased to furnish me with the necessary warrant for his removal to the Lunatic Asylum at Tarban Creek, or Parramatta, in accordance with the 2nd section of the Act of Council 7 Victoria No. 14, which section does not require the sanction of a Judge.

I have, &c.,  
HAROLD MACLEAN,  
Sheriff.

## [Enclosures in No. 11.]

18 VICT. No. 9.—*Aggravated Assault.*

To the Inspector and a Constable of the Police Force of the city of Sydney, in the Colony of New South Wales, and to all other Constables in the said Police Force, and to the Keeper of Her Majesty's Gaol at Darlinghurst, in the said city and Colony:

WHEREAS George Lindsay, of Sydney aforesaid, was this day duly convicted before D. C. F. Scott and Thomas Spence, Esquires, two of Her Majesty's Justices of the Peace in and for the said city and Colony of New South Wales, for that he did, on the tenth day of October instant, at Sydney aforesaid, commit an assault of an aggravated nature on Mary Lindsay; and it was thereby adjudged that the said George Lindsay, for his said offence, should forfeit and pay the sum of five pounds; and should pay to the said Mary Lindsay the sum of six shillings and sixpence for her costs in that behalf; and it was further adjudged that, if the said several sums should not be paid forthwith, the said George Lindsay should be imprisoned in the Gaol at Darlinghurst, in the said city, for the space of one calendar month; and at the expiration of that period should find two sufficient sureties, in the sum of twenty pounds each, to keep the peace towards the said Mary Lindsay, for the term of six calendar months; and in default of finding such sureties as aforesaid it was ordered and adjudged that the said George Lindsay should be further imprisoned in the said Gaol for the space of six calendar months from the expiration of the term of one calendar month first above mentioned.

These are, therefore, to command you, and each of you, to take the said George Lindsay, and him safely to convey to the Gaol at Darlinghurst, Sydney, aforesaid, and there to deliver him to the Keeper thereof, together with this precept; and I do hereby command you, the said Keeper, to receive the said George Lindsay into your custody in the said Gaol, there to imprison him for the space of one calendar month; and if, at the expiration of the said one calendar month, he neglects or refuses to find such sureties as above mentioned, I do hereby command you, the said Keeper, to further imprison the said George Lindsay for the space of six calendar months from the expiration of the term of one calendar month first above mentioned, and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this thirteenth day of October, in the year of Our Lord one thousand eight hundred and sixty-eight.

(L.S.) D. C. F. SCOTT, P.M.

A true copy.—J. C. READ, Principal Gaoler.

*Medical Certificate.*

We, the undersigned, being legally qualified medical practitioners, do hereby certify that we have examined George Lindsay, at present confined in this gaol, and we find him to be of unsound mind, and a fit and proper object for reception into the Lunatic Asylum; and we further certify that, in our opinion, the said George Lindsay would be benefited by treatment in such an asylum.

Her Majesty's Gaol,  
21 December, 1868.ISAAC AARON,  
H. G. ALLEYNE, M.D.

## ADMINISTRATION OF JUSTICE.

7

(7 Vic., No. 14, s. 11, and 13 Vic., No. 3, s. 2.)

*Separate Medical Certificate.*

I, ISAAC AARON, do hereby certify, that I, separately and apart from any other medical practitioner, personally examined George Lindsay (to whom the certificate jointly signed by Dr. Alleyne and myself relates), and that I form my opinion of the said George Lindsay's unsoundness of mind on the following grounds:—

1. From the facts next mentioned, indicating insanity, observed by myself:—  
Uncontrollable irritability of temper, violent and abusive language, without cause; threatened to do me some injury, if he got me outside; threatening the keepers; long-continued habits of intemperance have evidently impaired his mind.
2. From the facts next mentioned, indicating insanity, communicated to me by other persons:—  
That he threatens mischief to warder and keepers, without cause; restless irritability of manner and conduct; has been obliged to be put under restraint.

21 Dec., 1868.

ISAAC AARON,  
Visiting Surgeon.

(7 Vic., No. 14, s. 11, and 13 Vic., No. 3, s. 2.)

*Separate Medical Certificate.*

I, HAYNES GIBBES ALLEYNE, do hereby certify, that I, separately and apart from any other medical practitioner, personally examined George Lindsay (to whom the certificate jointly signed by Mr. Aaron and myself relates), and that I form my opinion of the said George Lindsay's unsoundness of mind on the following grounds:—

1. From the facts next mentioned, indicating insanity, observed by myself:—  
Extreme violence of conduct, rendering it necessary at times to restrain him by the use of a strait-jacket, in order to prevent him from doing injury to himself and to others. I have had opportunities of observing him from time to time during many weeks past; and as the outbreaks of violence become more frequent and more uncontrollable, I believe that they are symptoms of disease of the brain.
2. From the facts next mentioned, indicating insanity, communicated to me by other persons:—  
That his general conduct is marked by great irritability; and that he suddenly, and without any apparent motive, becomes so violent as to render him dangerous to himself and to the wardsmen in charge of him.

21 Dec., 1868.

H. G. ALLEYNE, M.D.

## No. 12.

## WARRANT.

*Warrant under the 2nd Section of the Act 7 Victoria No. 14.*

By 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.

To the Sheriff and the Superintendent of the Lunatic Asylum, Parramatta:—

It having been certified to me by two legally qualified medical practitioners, that George Lindsay, who is at present serving a sentence of imprisonment in Darlinghurst Gaol, is insane, I hereby order that the said George Lindsay shall be removed to the Asylum at Parramatta, there to remain until it shall be duly certified to me that the said George Lindsay shall have become of sound mind, or until he shall be discharged by due course of law. And I hereby order and require the said George Lindsay to be received into the Asylum accordingly.

Given under my Hand, at Government House, Sydney,  
this 24th day of December, 1869.

BELMORE.

By His Excellency's Command,  
JOHN ROBERTSON.

## No. 13.

MR. J. ROBERTSON to THE COLONIAL SECRETARY.

Sydney, 10 February, 1869.

SIR,

Having been to Parramatta Lunatic Asylum yesterday, to visit a particular friend, named George Lindsay, now confined in the abovenamed asylum. According to my and several others' opinion, I consider him quite well and no appearance of insanity about him. Trusting you will do your utmost to release the said George Lindsay from his present position, you will confer a great favour on your humble petitioner.

JOHN ROBERTSON,  
"Dundee Arms," Sussex-street,  
Sydney.

No. 14.

## No. 14.

## MINUTE OF THE PRINCIPAL UNDER SECRETARY.

REFERRED for the report of the Superintendent of the Asylum at Parramatta.—H. H.—  
11 Feb., 1869.—B.C.

## No. 15.

THE ACTING SUPERINTENDENT, LUNATIC ASYLUM, PARRAMATTA, to THE PRINCIPAL  
UNDER SECRETARY.

Lunatic Asylum,  
Parramatta, 13 February, 1869.

SIR,

In reply to a memorandum on a letter signed John Robertson, and dated 10th February, 1869, I have the honor to report on the case of George Lindsay, at present confined in this asylum, as follows,—

On admission he appeared a person of an excitable temperament, and one easily roused to violence.

Since admission, he has been well-behaved, with the exception of one day, when he was violent and excited, though not without some slight cause.

His account of himself was, that he had been drinking, and that his insanity (which he admitted) arose from excessive drinking; but that he felt, after a short time, to have recovered.

He certainly is much improved, and will, should he continue as at present, be brought before the board for discharge in a reasonably short time.

In conclusion, I have to point out that neither the Superintendent nor myself could recommend a man to be discharged in less than two months, who came to this asylum with such an unfavourable opinion having been passed upon his case as that given by Dr. Alleyne.

I have, &c.,  
WALTER BROWN,  
Acting Superintendent.

## No. 16.

THE PRINCIPAL UNDER SECRETARY to MR. ROBERTSON.

Colonial Secretary's Office,  
Sydney, 25 February, 1869.

SIR,

In reply to your letter of the 10th instant, applying for the release of George Lindsay from the Lunatic Asylum, at Parramatta, I am directed by the Colonial Secretary to inform you, that a report on the subject has been procured from the Superintendent of that institution, who states that Lindsay is much improved, and will, should he continue as at present, be brought before the board for discharge in a reasonably short time.

I have, &c.,  
HENRY HALLORAN.

## No. 17.

THE PRINCIPAL UNDER SECRETARY to THE POLICE MAGISTRATE, SYDNEY.

Colonial Secretary's Office,  
Sydney, 26 February, 1869.

SIR,

I am directed by the Colonial Secretary to request that you will be good enough to furnish, for the purpose of being laid before the Legislative Assembly, a copy of the depositions in the case of George Lindsay, who was committed by you to Darlinghurst Gaol, on the 13th October last, in default of bail to keep the peace.

I have, &c.,  
HENRY HALLORAN.

No. 18.

No. 18.

THE POLICE MAGISTRATE, SYDNEY, to THE PRINCIPAL UNDER SECRETARY.

Central Police Office,  
Sydney, 2 March, 1869.

SIR,

I have the honor to forward herewith a copy of the depositions in the case of George Lindsay, who was committed at this Court on the 13th October last, in default of finding sureties to keep the peace, asked for in your letter of the 26th February.

I have, &c.,  
D. C. F. SCOTT.

[Enclosures in No. 18.]

Complaint on 9 Geo. 4, c. 31, for an Assault and Battery.

New South Wales, }  
to wit. }

BE it remembered, that on the 12th day of October, in the year of Our Lord one thousand eight hundred and sixty-eight, at Sydney, in the Colony of New South Wales, Mary Lindsay, of the city of Sydney, 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 her oath complaineth to and informeth me that one George Lindsay, of the said city, in the Colony aforesaid, did on the 10th day of October, in the year of Our Lord one thousand eight hundred and sixty-eight, at Sydney, 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.

1 S.....	2	6
1 I.....	1	0
3 Fb.....	2	0
1 A.....	1	0
Received .....		6 6
WM. JOHN HALLORAN.		

Sworn before me, at Sydney aforesaid, on the }  
day and year first above written,— }

her  
MARY x LINDSAY.  
mark.

(C. 11 & 12 Vic., Cap. 43.)  
Warrant in the first instance.

To the Inspector and a Constable in the Police Force for the Colony of New South Wales, and to all other Constables in the said Force :—

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales, for that one George Lindsay did, at Sydney, in the Colony aforesaid, on the 10th day of October, in the year of Our Lord one thousand eight hundred and sixty-eight, unlawfully assault and beat one Mary Lindsay, and oath being now made before me, substantiating the matter of the said information. These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said George Lindsay, and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the Colony aforesaid, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this 12th day of October, in the year of Our Lord one thousand eight hundred and sixty-eight, at Sydney, in the Colony aforesaid.

(L.S.) D. C. F. SCOTT, P.M.

GEORGE LINDSAY.  
Assault.

Senior Constable Michael Costelloe, on oath, states :—Between 2 and 3 o'clock yesterday afternoon I arrested the defendant, by virtue of the warrant which I now produce, wherein he is charged with assaulting and beating one Mary Lindsay ; he said the charge was false.

MICHL. COSTELLOE.

Sworn at Sydney, 13th October, 1868, before—  
THOMAS SPENCE, J.P.

Information read.—Defendant pleads "Not guilty."

Mary Lindsay, on oath, states :—On the 10th instant defendant caught hold of me by the hair of my head and dragged me about the house ; he took a knife and attempted to stab me with it ; I gave him no cause ; he is not right in his mind ; I am afraid he will do me some grievous bodily harm if he is not bound to keep the peace ; I bear him no malice.

her  
MARY x LINDSAY.  
mark.

Witness to mark—C. DELOHERY.

Sworn at Sydney, this 13th October, 1868, before—  
THOMAS SPENCE, J.P.

Aggravated Assault.

Defendant fined £5, costs 6s. 6d., or one month's gaol.  
Defendant further ordered, at the expiration of that time, to be bound over to keep the peace for six months in two sureties of £20 each ; in default, gaol for period bound.

THOMAS SPENCE, J.P.

13th October, 1868.

## No. 19.

THE PRINCIPAL UNDER SECRETARY to THE SUPERINTENDENT, LUNATIC ASYLUM,  
PARRAMATTA.

Colonial Secretary's Office,  
Sydney, 26 February, 1869.

SIR,

I am directed by the Colonial Secretary to request that, for the purpose of being laid before the Legislative Assembly, you will be good enough to furnish copies of all reports and minutes in reference to the conduct and mental condition of George Lindsay, since his admission into the Parramatta Lunatic Asylum.

I have, &c.,

HENRY HALLORAN.

## No. 20.

THE SUPERINTENDENT, LUNATIC ASYLUM, PARRAMATTA, to THE PRINCIPAL UNDER  
SECRETARY.

Lunatic Asylum,  
Parramatta, 1 March, 1869.

SIR,

Referring to your letter of the 26th ultimo, stating the desire of the Honorable the Colonial Secretary that I should furnish copies of all reports and minutes in reference to the conduct and mental condition of George Lindsay, since his admission into this asylum, for the purpose of being laid before the Legislative Assembly, I do myself the honor to forward them in compliance with his request.

I have, &c.,

E. WARDLEY,  
Superintendent.

## [Enclosures in No. 20.]

## REPORT RECEIVED FROM DARLINGHURST GAOL.

STATEMENT respecting Criminal Lunatics, to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic.

Name .....	George Lindsay.
Age .....	
Date of admission .....	13 October, 1868.
Former occupation .....	Dealer.
From whence brought .....	Sydney.
Married, single, or widowed .....	Married.
How many children .....	
Age of youngest .....	
Whether first attack .....	Not known.
When any previous attack occurred .....	
Duration of existing attack .....	
State of bodily health .....	Good.
Whether suicidal or dangerous to others .....	Dangerous to others.
Supposed cause .....	Drink.
Chief delusions or indications of insanity .....	Uncontrollable fits of passion, violent and abusive and threatening language, &c.
Whether subject to epilepsy .....	No.
Whether of temperate habits .....	No.
Degree of education .....	Read and write.
Religious persuasion .....	
Crime or offence .....	Aggravated assault.
When and where tried .....	C. P. Office, Sydney, 13th October, 1868.
Verdict of jury .....	
Sentence .....	One month's imprisonment; and, further, six months in default of finding sureties for his good behaviour.

ISAAC AARON,  
Visiting Surgeon,  
23rd December, 1868.

Darlinghurst Gaol,  
Sydney, 28 December, 1868.  
True copy—E. WARDLEY.

ADMISSION

## ADMISSION ENTRY.

GEORGE LINDSAY, admitted 28th December, 1868.

No. in order of admission .....	708.
Name of the patient's escort .....	Patrick M'Cann.
Authority of admission .....	Government Warrant, 24/12/68.
By whom is the medical certificate signed .....	Mr. I. Aaron.
What is his age .....	42.
Religion .....	Protestant.
Native place .....	Scotland.
Late residence .....	Sydney.
Previous occupation .....	Bookbinder and general dealer.
Condition .....	Colonial lunatic.
Is he single, married, or widowed .....	Married.
The number of children .....	3, and 5 dead.
Age of the youngest child .....	4 years (living).
What is the form of the mental disorder .....	Uncontrollable fits of passion; violent and abusive language.
What is the supposed cause .....	Drink and anxiety of business.
How long has it existed.....	From April, 1867, from which time he drank very hard.
Has its approach been sudden or slow .....	Slow.
Has any personal restraint been employed.....	} Not known.
Has the patient been insane before.....	
State the number of attacks, and the distance of time between each.	
Have there been any lucid intervals; if so, how long in duration.	
Is the disease hereditary, constitutional, or casual	} He was always very irritable in temper.
State what peculiarity you have observed in his habits lately.	
Has he shown any disposition to refuse food .....	} Assaulted his wife.
Is he disposed to injure himself or others. ....	
In what way or by what means .....	} Unknown.
Have any medical means been employed .....	
Has he ever been in any Asylum for lunatics; if so, where.	
Is the patient's bodily health good; if not, describe the particulars of the disease .....	Good.
Has he ever had palsy or convulsions of any kind, gout, rheumatism, disease of the heart, or syphilis.	No.
Crime or offence .....	Aggravated assault.
When and where tried .....	C. P. Office, Sydney, 13th October, 1868.
Verdict of the jury.....	} One months' imprisonment for the assault, and a further six months in default of finding sureties for his good behaviour.
Sentence .....	
What property has he with him .....	Some old clothes.
Give the address of the patient's friends.....	Mrs. Lindsay, corner of Kent and King Streets.

True copy—E. WARDLEY.

## EXTRACTS FROM THE PARRAMATTA LUNATIC ASYLUM MEDICAL REGISTER.

GEORGE LINDSAY, aged 42; admitted 28th December, 1868.

*December 31st.*—He is a native of Scotland, a Protestant; lately resident in Sydney, where he carried on the business of a bookbinder and general dealer; he is married, and has eight children, three of whom only survive; he is of middle height, and active sinewy conformation, of medium complexion, and nervous temperament. He was committed to Darlinghurst Gaol for one month, for an aggravated assault, and a further period of six months in default of finding sureties for his future good behaviour. He is stated to be subject to uncontrollable fits of passion, so violent at times as to become aggressive. The causes assigned for the present attack are drink, a dispute in which abusive language abounded, and anxieties of business—the effects of which combined to produce the irritation which temporarily overpowered his reason. As, however, the culmination did not take place until some degree of the injurious effects of intemperance had been visible for months, this seemingly immediate exciting cause was only the secondary stage of his disordered intellect. He is, doubtless, insane, as indicated by extreme restlessness, and morbid activity of idea, which, however, does not render him incoherent, but very unnecessarily demonstrative and energetic. He has lucid intervals, in which he is quite rational, civil, and docile. He takes his food, and rests quietly at night. It appears that he drank very hard from April, 1867, to the time of his committal.

*January 15th, 1869.*—There seems to be very little mentally wrong with him, but he is evidently a very nervous man, and of an excitable temper. Nothing that can be called delusion is present.

*January 28th.*—He was a good deal excited this morning, and used some strong language. This, however, was not without provocation, as it arose from some mistake about his clothes, which got into the wrong room, and was the cause of delay to him and altercation with another inmate. He showed no disposition to be aggressive.

*February 15th.*—Made some voluntary remarks on Dr. Aaron and Darlinghurst Gaol—said he had not been badly treated there—"he deserved what he got, as he had behaved badly and spit in somebody's face."

*February 20th.*—This man has gone on so favourably, and conducts himself so generally well, that a short probation longer will justify his being brought before the board. He will, however, inevitably get into trouble again, unless he abandons his intemperate habits.

*February 26th.*—Continues satisfactory.

True copy—E. WARDLEY.

Mr.

Mr. J. R. Firth to The Crown Solicitor.

Lunatic Asylum, Parramatta,  
1 February, 1869.

Sir,

In reply to your letter of the 30th ultimo, I do myself the honor, by direction of the Superintendent, to inform you that the man named in the margin is still an inmate of this Asylum. At present he is decidedly insane, and although he has occasional short lucid intervals, it is impossible at this time to say whether he would be in a fit state to give evidence at the Criminal Court on the 22nd instant.

I have, &c.,

True copy—E. WARDLEY.

JAMES ROBT. FIRTH.

No. 21.

THE PRINCIPAL UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,  
Sydney, 26 February, 1869.

SIR,

Referring to previous correspondence, respecting the case of the lunatic named in the margin, I am directed by the Colonial Secretary to enclose a copy of an Address from the Legislative Assembly, applying for copies of all the papers relating to the matter, and to request that you will furnish, at your earliest convenience, copies of any correspondence, reports, and minutes of the authorities of Darlinghurst Gaol, in reference to the conduct and mental condition of Lindsay, which have not already been transmitted to this office.

I have, &c.,

HENRY HALLORAN.

No. 22.

THE SHERIFF to THE PRINCIPAL UNDER SECRETARY.

Sheriff's Office, Prison Branch,  
Sydney, 9 March, 1869.

SIR,

As requested by your letter of 26th ultimo, I have the honor to transmit herewith copies of all correspondence, in the case of the prisoner named in the margin, which has not been already forwarded to you.

I have, &c.,

HAROLD MACLEAN,  
Sheriff.

[Enclosures in No. 22.]

EXTRACTS FROM PRINCIPAL GAOLER'S JOURNAL, RESPECTING GEORGE LINDSAY.

17th October, 1868.—Yesterday the prisoners Patrick Giltinan and George Lindsay were brought before the Magistrate charged with feigning insanity, with a note from me, written in the Punishment Book, stating that I believed them to be insane, but had no alternative, as the Surgeon refused to treat them as lunatics, having recommended a flogging. The Magistrate has remanded them for one week to the insane ward. There can be no doubt about their being lunatics—Lindsay outrageously so, and no doubt would have committed suicide, if the Surgeon's instructions had been carried out, to keep him in a solitary cell. \* \* \* (The remainder of entry refers to Giltinan.)

9th November, 1868.—With reference to entry in this journal of 17th ultimo, the Government have directed a medical board, consisting of Drs. Bedford and Cox, to report upon the case. The doctors examined the prisoners and some of the witnesses to-day.

28th November, 1868.—With reference to the case of these prisoners (Patk. Giltinan and Geo. Lindsay), in which a medical board has been held, the report of Drs. Bedford and Cox came up last night; the substance of which is, that the medical men do not consider these men to be sufficiently insane to be sent to the lunatic asylum, but that they are very weak-minded and unfit to be trusted with the other prisoners, from whom they should be kept apart. The Inspector of Prisons directs them to be kept in the lunatic ward under special observation, and their case to be reported on in a fortnight's time.

1st December, 1868.—The Surgeon recommends that Lindsay and Giltinan be separated, as one incites the other to acts of excitement, &c., &c. Lindsay has been sent to the trial wing in charge of a lunatic keeper.

4th December, 1868.—The prisoner Geo. Lindsay, on receiving a visit from his wife to-day, became very violent and outrageous both in conversation and behaviour. He attempted to get at her to commit violence, and when restrained by Warders Lovett and Donovan and the prisoner keepers, he threw his hat at her when he could get no other missile. \* \* \* (Remainder of entry has reference to Giltinan.)

10th December, 1868.—The prisoner Lindsay has been very noisy—shouting, singing, and whistling—for some days past. He imagines that a large fat man is to be hanged, and wants to have him well fed first. When the matter was reported to the surgeon, Lindsay forgot all about it. He did keep himself; but since he attempted violence to his wife he only gets the gaol allowance.

11th December, 1868.—On the recommendation of the surgeon, those prisoners (Lindsay and Giltinan) were changed. Lindsay was sent from the Trial to the Sane Wing, and Giltinan to the Trial Wing.

12th December, 1868.—The Warders report that on the order of the Visiting Surgeon, the strait-jacket was put on this prisoner (Lindsay) to-day.

17th December, 1868.—The strait-jacket has been on this prisoner (Lindsay) since the 12th instant, by order of the surgeon.

18th

18th December, 1868.—Drs. Aaron and Alleyne have certified that this man (Geo. Lindsay) is insane. See remark of 17th October last, and several others since. This is one of the men whom the Surgeon recommended for a flogging. Lindsay has been specially examined by a medical board. He has been in a strait-jacket since the 12th instant, by Dr. Aaron's direction.

22nd December, 1868.—The strait-jacket was taken off Lindsay yesterday, on the recommendation of the surgeon.

28th December, 1868.—Geo. Lindsay sent to Parramatta Lunatic Asylum.

Correct extracts.—J. C. READ, Principal Gaoler.  
3 March, 1869.

Warder Carroll to The Principal Gaoler, Darlinghurst.

15 October, 1868.

THE prisoner George Lindsay was locked up, for disorderly conduct, in the confine yard. The doctor saw him in the cell same morning, but would not alter his position. He was very excited and boisterous all day; had the cell door open; doctor would not take him into insane ward; was to be left in a single cell. Principal Gaoler removed him to a double cell at night, to be with other prisoners; next morning, 16th, Lindsay placed in single cell; in morning became very violent; had to be given in charge of two lunatic keepers; brought before the Magistrate at 9 a.m., and removed to insane ward for observation.

JOHN CARROLL.

(Report sent by Principal Gaoler to Acting Inspector of Prisons, on 26th October; and thence, with letter, to Principal Under Secretary, on 4th November.)

The Under Sheriff to The Visiting Surgeon, Darlinghurst Gaol.

Sheriff's Office,  
Prison Branch,  
Sydney, 27 October, 1868.

Sir,

The Visiting Justice of Darlinghurst Gaol having declined to punish the prisoners named in the margin, for misconduct, under the impression that they are not responsible for their actions; while, at the same time, Dr. Alleyne and yourself do not certify them to be insane,—I have the honor to request that you will be good enough, in conjunction with that gentleman, to make a final examination of these men, and favour me with a joint report as early as convenient, in order that, if necessary, the whole matter may be referred to the Government, as has been usual in previous similar cases.

I have, &c.,

HAROLD MACLEAN,

By JOHN PHIBLAN, Under Sheriff.

The Under Sheriff to The Police Magistrate, Sydney.

Sheriff's Office,  
Prison Branch,  
Sydney, 27 October, 1868.

Sir,

An inquiry having been instituted into the state of mind of the man named in the margin, I have the honor to request that you will favour me with any information in your possession respecting his antecedents.

I have, &c.,

For the Sheriff,

JOHN PHIBLAN,

Under Sheriff.

Mr. W. Gore Beverley to The Visiting Surgeon, Darlinghurst Gaol.

Sheriff's Office,  
Prison Branch,  
Sydney, 4 November, 1868.

Sir,

I have the honor to call attention to my letter of 27th ultimo, respecting the prisoners named in the margin, and to request that the report asked may be furnished with as little delay as possible.

I have, &c.,

W. GORE BEVERLEY,

For A. I. P.

On the 6th November, letter received from Principal Under Secretary, dated 5th November, notifying appointment of board; sent to Principal Gaoler, 6th November.

The Principal Gaoler, Darlinghurst, to The Acting Inspector of Prisons.

Darlinghurst Gaol,  
Sydney, 18 November, 1868.

Sir,

I do myself the honor to report that the prisoner named in the margin, whose case is now under consideration, this morning made a furious attack, with a water bucket, on a prisoner named Andrews, who never gave him the slightest provocation, nor in fact had anything to do with him. From the ravings of Lindsay, he is evidently labouring under some hallucination with regard to Andrews.

As

Drs. Bedford and  
Cox—Col. Sec.'s  
letter, 5th Oct.

As the Visiting Surgeon refuses to treat Lindsay as a lunatic, or to recognize him as a patient, and pending the report of the Medical Board, I beg to be instructed as to whether I shall be justified in restraining Lindsay during his paroxysms, either by means of the strait-jacket or use of the padded cell.

I have, &c.,

J. C. READ,  
Principal Gaoler.

The Principal Gaoler will of course take such measures for restraining the prisoner as he may think needful, but these measures must have the concurrence of the Visiting Surgeon. There is nothing in the circumstance of a board having been appointed, to prevent the surgeon exercising his functions in the manner indicated, or treating the prisoner medically in any manner that he may think necessary.

Principal Gaoler, B.C., 18 Nov., 1868.

H. M'L.

THE Visiting Surgeon refuses to have anything to do with the prisoner Lindsay, or I should not have troubled you with this letter.

This morning by my directions the Acting Chief Warder applied to the Visiting Surgeon for instructions how to deal with the cases; but Dr. Aaron says I have taken the matter out of his hands, and I must exercise my own judgment in the cases. He further says, until the receipt of instructions from you, he declines acting in the matter.

Both Lindsay and Giltinan have continued violent since my last report (with intermissions).

J. C. READ,  
Principal Gaoler.

19 November, 1868.

[IMMEDIATE.]—THE Board has been appointed to report upon the cases of these prisoners, and not to take medical charge of them, or in any way to treat them medically. The medical charge remains with the Visiting Surgeon, and it is his duty to attend to the men. The Principal Gaoler having applied for authority to use measures of restraint, he, by my minute of yesterday, was directed to act in the respect as he might consider necessary, but (with reference to the circumstance of the prisoners being of doubtful sanity) to obtain the concurrence of the surgeon to his proceedings. My minute also pointed out that there was nothing in the appointment of the board to prevent the surgeon exercising his usual functions in relation to these prisoners.

I conclude that my minute was communicated to the Visiting Surgeon, and am at a loss to understand how this further difficulty can have arisen.

I have to instruct the surgeon to resume the medical charge of the prisoners, and the Principal Gaoler to abate any measure of restraint to which the surgeon may object.

The Principal Gaoler—to lay before the surgeon, and return with report of what has been done.

H. M'L.

Dr. Aaron.—19 November.—Urgent.

Darlinghurst Gaol,  
19 November, 1868.

\*Foregoing.

THE accompanying paper\* was put into my hands at my afternoon visit about 4 p.m. this day. I neither saw nor heard of it before that time. I had Lindsay brought over, and the account he gives of the affair referred to is, that the prisoner Andrews made some offensive remark about country which excited his temper, and that he "throw a bucket of water over him."

The Principal Gaoler's statement as to the continued violence of Lindsay and Giltinan is not borne out by the account I have repeatedly had from Donovan, the warder in charge of the insane, who has all along told me that they were quite quiet.

As I have seen nothing in the conduct of either of them to make me alter the opinion expressed by Dr. Alleyne and myself in the special report we were called upon to make, I am at a loss to understand why I should be expected to act in opposition thereto by treating them as insane, which I should be doing were I to sanction the use of means of restraint appropriate for such cases only, *which was what I was asked to do.*

To Principal  
Under Secretary,  
6 Nov., 1868.

ISAAC AARON,  
Visiting Surgeon.

The Acting Inspector of Prisons.

P.S.—As Lindsay has not been reported to me as *bodily sick*, I do not understand the assertion of the Principal Gaoler that I have "refused to recognize him as a patient."

MEMO :—THE papers in the case of George Lindsay, with Dr. Aaron's further memorandum, are herewith returned. Your first minute, on my report of the 18th, was not submitted to the Visiting Surgeon; but the substance was communicated to him by the Chief Warder. Dr. Aaron had so frequently refused to treat Lindsay as a lunatic, that I did not think it necessary to show him your minute. It was only that afternoon Dr. Aaron refused to look at a visiting order from your office authorizing Lindsay's wife to visit the prisoner.

There is evidently some great mistake between Dr. Aaron and Warder Donovan, as the warder assures me he has frequently mentioned the violent conduct of Lindsay and Giltinan to the Visiting Surgeon. I cannot see why he should do otherwise.

With regard to Dr. Aaron's P.S., I must say I look upon all persons of unsound mind as patients and should be under treatment and under the care of the Medical Officer.

J. C. READ,  
Principal Gaoler

20 November, 1868.

My minute of the 18th was intended chiefly for the surgeon, and should have prevented, had it been communicated to him, any further correspondence or difficulty.

Apart from the question of the sanity of the prisoners, there can be no doubt but that the circumstances of their cases required them to be kept in close medical observation. The surgeon is not required to adopt any particular mode of "treatment," that being a subject for the exercise of his own professional judgment, but to regard the men as being under his immediate medical observation.

Nor is the surgeon required to sanction means of restraint that he may think to be inappropriate, but, on the contrary, to see that no means of restraint are used which he will take the responsibility of objecting to.

I have seen the prisoners myself, and have interrogated all the officers concerned, whose unanimous testimony is, that they are dangerous to themselves and others, and I am satisfied that they require the watchful care of the officers, and close observation by the surgeon. They are very properly placed in the insane ward, under the surgeon's care.

The

The wife of Lindsay has applied for permission to see him, which has been granted by me, if the surgeon sees no objection. I must request the surgeon to say whether he sees, or does not see, any such objection.

I must further express the opinion that there has been no sufficient occasion for this correspondence.

The Principal Gaoler—to lay, with the other papers, before the Visiting Surgeon.

B.C., 20 Nov., 1868.—H. M'L.—To be returned.

To Dr. Aaron.—20 Nov., 1868.

Returned to acting Inspector of Prisons.—J. C. R., P.G.—21 Nov., /68.

Darlinghurst Gaol,  
20 Nov., 1868.

I have no objection to prisoner Lindsay's wife seeing him.

ISAAC AARON,  
Visiting Surgeon.

Mrs. Lindsay has seen her husband, in accordance with the order.

J. C. R.,  
21/11/68.

Bring forward in any future reference to the case.

H. M'L.,  
23 Nov.

The Principal Under Secretary to The Sheriff.

Colonial Secretary's Office,  
Sydney, 25 Nov., 1868.

Sir,

With reference to my letter of the 5th instant, I am now directed by the Colonial Secretary to forward, for your guidance, copy of a report, furnished by Esqs. Bedford and Cox, on the mental condition of the prisoners named in the margin, on which subject a difference has existed between the authorities of Darlinghurst Gaol on the one hand and the Visiting Surgeon and Dr. Alleyne on the other.

I have, &c.,

HENRY HALLORAN.

For the information of the Principal Gaoler and the Visiting Surgeon:—

I see no difficulty whatever in persons in the condition of these prisoners being kept under strict medical observation in the lunatic ward until their cases may be fully developed; and while so placed, they may be restrained, but there is no occasion to bring them before the Visiting Justice for punishment.

The Visiting Surgeon will be good enough to report specially on these cases in a fortnight's time, or earlier, if there be any distinct change suggesting an alteration as to mode of treatment.

H. M'L.

Principal Gaoler, B.C., 26 Nov., 1868.

To be returned.

Drs. Bedford and Cox to The Principal Under Secretary.

9 Nov., 1868.

Sir,

In accordance with the instructions conveyed to us, we proceeded to the Gaol, and inquired into the mental condition of the prisoners named in the margin.

Having read the documents forwarded in your communication, and the opinions of the Visiting Surgeon and Dr. Alleyne, we inquired of Mr. Read, Governor of the Gaol, and proceeded to see the men named. We afterwards examined some warders, particularly those in present charge of them.

We find in both men a weakness of mind—in Lindsay's case, connected with long habits of intemperance.

We do not consider that their present state justifies a removal from gaol to a criminal asylum; but we recommend that they be kept under observation, and reported upon at some future date.

We have, &c.,

E. S. R. BEDFORD,  
Medical Adviser.  
J. C. COX, M.D.

The Visiting Surgeon, Darlinghurst Gaol, to The Acting Inspector of Prisons.

Darlinghurst Gaol,  
30 November, 1868.

MEMO:—FROM the information given me by Warder Donovan, respecting the prisoners Giltinan and Lindsay, I am of opinion they ought, if possible, to be kept apart, as they by their conduct mutually excite each other, when they become argumentative and abusive.

ISAAC AARON,  
Visiting Surgeon.

The surgeon's request has been complied with—Lindsay has been moved to the trial wing in charge of a lunatic keeper.

J.C.R., P.G.—1/12/68.

Approved.—H. M'L.—1 Dec.

Darlinghurst Gaol,  
Sydney, 15 December, 1868.

Sir,

With reference to the case of prisoner Lindsay, whose case in connection with Giltinan's has given so much trouble and correspondence, and to your minute of 26th ultimo directing that the Visiting Surgeon is to report specially on those cases in fourteen days from that date, I do myself the honor to state that, as the time fixed by you has more than expired, I have directed that Dr. Aaron's attention be called to your minute.

I have also to report that Lindsay has been under restraint in the strait-jacket, since the 12th instant, by the surgeon's order.

I have, &c.,

J. C. READ,  
Principal Gaoler.

Call attention of the surgeon to the minute requiring his report.

H. M'L.—18 Dec.

(Not acted on.)

The

The Visiting Surgeon, Darlinghurst Gaol, to The Sheriff.

Sydney, 17 December, 1868.

Sir,

George Lindsay  
and  
Patrick Giltinan,

We do ourselves the honor to report to you that, we have this day again examined the prisoners named in the margin, with the view of ascertaining the state of their mental health.

In our report of the case of George Lindsay, of 5th October, we stated that he then exhibited symptoms which led us to "suspect he was suffering from some cerebral disease," but as he was all that time under the influence of intoxicating liquors, we could not determine in what degree his symptoms were the result of drunkenness or of disease. But we are now able to come to the conclusion that he is of unsound mind.

In reference to Patrick Giltinan, we have to state that we cannot as yet discover, either from our own observations or from the reports that we have received from the warder in charge of him, decided evidence of his insanity.

We have, &c.,  
ISAAC AARON,  
Visiting Surgeon.  
H. G. ALLEYNE, M.D.

I CONCLUDE that the usual certificate of insanity as regards Lindsay has been or is in course of being given. Giltinan will of course, until his real condition becomes developed, remain in the insane ward under medical observation.

H. M'L.

Principal Gaoler.—B.C., 21 Dec., 1868.—To be returned.

The usual certificates are in preparation, and will be forwarded in due course.

A. I. Prisons, 22 Dec., /68.

I.A., Visiting Surgeon.—21/12/68.

Scen.—H. M'L.—23 Dec.

Papers of Lindsay certified as a lunatic, forwarded to Principal Under Secretary on 25th December, 1868.

Warrant received, and Lindsay sent to Lunatic Asylum on 28th December, 1868.

The Visiting Surgeon, Darlinghurst Gaol, to the Sheriff.

Darlinghurst Gaol,  
30 Dec., 1868.

Sir,

I beg leave to bring under your notice an article (enclosed) taken from the *Empire* of the 24th instant, which, as it appears to Dr. Alleyne and myself, reflects injuriously, not only on the character of the "medical authorities," but on that also of the establishment itself.

Having good reason to fix the authorship of the article on the Rev. W. Ridley, one of the reporting staff of the paper, I addressed a note to him, asking him to favor me with his authority for the statements therein contained. In reply, I received the enclosed, in which, without denying his authorship, he shields himself under an alleged "rule with journalists."

Under these circumstances, as we are debarred from taking public notice of the matter, Dr. Alleyne unites with me in the propriety of requesting that you will take such steps as you may consider necessary, not only to vindicate the credit of us and of the establishment, but also to endeavour to trace the origin of the assertions referred to.

I have &c.,  
ISAAC AARON,  
Visiting Surgeon.

*Enclosure.*

THE Receiving-house for Lunatics at Darlinghurst has now been open five months. During that time no less than forty-six patients have been received; two only remain there at present, some of the others having been discharged after a short custody, and the rest transferred to the Asylum at Tarban Creek. The provision made for the safety, restraint, and comfort of the unhappy patients is very complete. The day-rooms and dormitories for the quiet patients and the padded-rooms for the violent, the bath-rooms, the easy communication between the superintendent's room in the centre and all the apartments, the cleanliness and order of the whole establishment, combine to impress the visitor with the confidence that the affliction of the patients taken there is alleviated as much as possible.

It is to be regretted that many unfortunate persons who would more properly be sent to this receiving-house are confined in the gaol. Even when persons are brought before Magistrates, and certified to be of unsound mind, it appears that the Magistrates in many cases send them to gaol; and in other cases, through the failure of those who invoke the aid of the Magistrates to procure the requisite certificates of their insanity, the unhappy victims of mental disease are treated as prisoners—a proceeding calculated to aggravate their complaint. Now that there is provided, at the expense of the public, so commodious a temporary refuge for the insane, it is much to be regretted that any who are afflicted with mental derangement should be still subjected to the hardship of being sent as prisoners to the penal establishment.

*We are informed, that in several instances patients sent as prisoners to the gaol, have been suspected by the medical authorities of that establishment of shamming, and punished; though, on fuller investigation, they were found to be really insane. The vagaries of real madness have been punished by sentence to bread and water diet; and in one instance a recommendation was forwarded to the Visiting Magistrate to inflict a flogging on an insane man who was thought to be shamming.*

Notwithstanding the liberal provision made for the humane treatment of lunatics, it is therefore evident that there is still need of greater attention on the part of committing Magistrates and others concerned, in order to prevent the needless infliction of barbarous cruelty upon these unfortunate persons.

South Head Road, Paddington,  
26 December, 1868.

Dear Sir,

In answer to your note received this morning,—it is a rule with journalists, that members of the staff should not disclose the authorship of articles published in the paper with which they are connected. All I can say, therefore, is that all remarks in the columns of the *Empire* are, I believe, founded on reliable information.

Isaac Aaron, Esq.,  
Premier Terrace.

I remain, &c.,  
WM. RIDLEY.

It would seem from the attached paragraph, that information has been given from the gaol contrary to the regulations. Referred to the Principal Gaoler for inquiry and report. The Visiting Surgeon has, however, not followed the proper course in applying to the newspaper staff in the first instance; he should have drawn my attention to the paragraph.

H. M'L.

Principal Gaoler, B.C., 11th January, 1869.—*To be returned.*

Darlinghurst Gaol,  
13 January, 1869.

Sir,

I do myself the honor to state, with reference to the annexed report from the Visiting Surgeon, that the Rev. Mr. Ridley called here on the 21st ultimo, with an order from your office, to see a lunatic prisoner named George Lindsay. This was allowed after reference to Doctor Aaron for his consent. Mr. Ridley said that he knew Lindsay and his family for some time, and took a very great interest in him. Mr. Ridley also said that he was about visiting the Receiving-house and collecting information, and in answer to many inquiries he was referred to your office where I believe he subsequently went.

The last paragraph of Dr. Aaron's report I am at a loss to conceive, as it is a fact that he accused Giltinan and Lindsay of feigning insanity, and said that he would recommend a flogging. This caused me to enter the charge in the Punishment Book. And it also appears that Dr. Aaron saw the Visiting Magistrate outside the gaol before the case was called on, and tried to impress on Mr. Chatfield the necessity of flogging.

The case of Giltinan and Lindsay is entered on the 14th and 15th of October last, and Lindsay was only forwarded to the Lunatic Asylum on the 28th ultimo. Giltinan is still here in the lunatic ward.

A medical board was appointed, several witnesses were examined, and a long correspondence ensued, which no doubt you will recollect.

The various unpleasant differences I have had with the surgeon about those sort of cases I trust will not be mistaken for a personal matter, but as purely one of duty in which I have never been mistaken in the opinion I have formed; and I have no hesitation in saying, that if I had acted on Dr. Aaron's recommendation in Lindsay's case, the prisoner would have destroyed himself—(see the warder's report attached to the proceedings).

Mrs. Lindsay, who keeps a store I believe in Sussex-street, will if asked probably tell why she got Mr. Ridley to come here and see her husband, and what information she gave.

I have, &c.,  
J. C. READ,  
Principal Gaoler.

THIS report does not answer the reference, which was to ascertain by whom was given information for a newspaper respecting occurrences in the internal administration of the prison; namely, the nature of reports and recommendation, by the medical authorities in cases under adjudication, especially the recommendation as to flogging recorded in the Journal of the Principal Gaoler, or in the Punishment Book.

That information was not given at this office, and as the Rev. Mr. Ridley could only have spoken at the gaol to a few officers, there surely can be no difficulty in ascertaining by whom it was afforded.

H. M'L.

Principal Gaoler, B.C., 18th January, 1867.—*To be returned.*

With reference to your last minute,—In obedience to orders, further inquiries have been instituted, and it does not appear that any of the officers gave the information to the Rev. Mr. Ridley referred to in annexed papers; and it also appears that Mr. Ridley knew of it before he saw any of the officers, as he told me it was that that brought him here.

It does not necessarily follow that the information came from an officer of the establishment—the facts reported were known to prisoners, about one thousand of whom were discharged from here since the date of Giltinan and Lindsay being charged with feigning insanity—both those prisoners were told the charge and evidence against them. No doubt they told it to the prisoner keepers, who repeated it to others; and by means of discharged prisoners gaol matters are frequently the subject of conversation in public-houses in the neighbourhood.

J. C. READ,  
Principal Gaoler, Darlinghurst.

21st January, 1869.

Referred to the Visiting Surgeon for any remarks that he may desire to offer.

B.C., 29th January, 1869.

H. M'L.

The Visiting Surgeon to The Sheriff.

Darlinghurst Gaol,  
5 February, 1869.

Sir,

I must acknowledge my indiscretion in writing to Mr. Ridley, but I did so on the impulse of the moment, being, from what I had heard, morally certain that he was the writer of the article; and I had not then seen Dr. Alleyne, and had not then thought of the necessity of referring the matter to you.

With regard to the matter itself, I need not point out how entirely beside the question much of the Principal Gaoler's explanation is.

I will only remark that Mr. Ridley claims to found his statements on "reliable" authority—that he did not consider what he had heard outside such, or why come here for information?

It is unnecessary to insist on the libellous character of Mr. Ridley's statements, for which, it seems to me evident that he must have had other authority than mere outside rumour, or the tap-room talk of discharged prisoners.

I now leave the matter in your hands to act according to your pleasure.

I have, &c.,  
ISAAC AARON,  
Visiting Surgeon.

It being denied, on the authority of the Principal Gaoler, that the information was furnished at the gaol, I do not see in what way the matter can be further pursued by myself.

Put away. The papers may, however, be wanted for the Correspondence in Lindsay's case asked for in Parliament.

H. M'L.

9th February, 1869.

Jan